

Kaunihera | Council

Mēneti Wātea | Open Minutes



Minutes of an ordinary meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 22 November 2023 at 9.00am.

Ngā Mema | Membership

Manuhuia | Mayor

Adrienne Wilcock, JP (Chair)

Koromatua Tautoko | Deputy Mayor

James Thomas

Kaunihera ā-Rohe | District Councillors

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

Ngā whakapāha | Apologies

Kaimahi i reira | Staff Present

Name	Title	Item No.
Don McLeod	Chief Executive Officer	8.2
Stephanie Hutchins	Governance Support Officer	
Kuljeet Kaur	Governance Support Officer	
Beau Timberland	Community Advisor	6
Sandra Harris	Placemaking and Governance Team Leader	7.1
Graham Shortland	Project Manager - Te Aroha Spa Development	7.2
Manaia Te Wiata	Group Manager Business Support	7.3
Mark Naudé	Parks and Facilities Planning Team Leader	7.4
Louisa Palmer	Solid Waste Lead	7.4
Susanne Kampshof	Asset Manager Strategy and Policy	7.4, 7.5
Laura Hopkins	Policy Advisor	7.6
Ellie Mackintosh	Legal Counsel	7.7, 8.1

I reira | In Attendance

Name	Position/Organisation	Item	Time In	Time Out
Robyn DeMasi	Matamata Lions	6	9.00am	9.10am
Emma Wright McHardie	Principal Consultant, GMD Consultants	7.1	9.00am	9.33am
Tish Dixon	Intermediate Consultant, GMD Consultants	7.1	9.00am	9.33am

1 Whakatūwheratanga o te hui | Meeting Opening

Mayor Adrienne Wilcock welcomed members, staff and the public and declared the meeting open at 9.00am.

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

There were no apologies and no leave of absence was requested.

Cr Kevin Tappin attended the meeting through Microsoft Teams.

3 Pānui i Ngā Take Ohorere 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

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That the minutes of the meeting of the ordinary meeting of Matamata-Piako District Council held on Wednesday, 8 November 2023, be confirmed as a true and correct record of the meeting.

Resolution number CO/2023/00001

Moved by: Cr C Ansell
Seconded by: Cr S Whiting

KUA MANA | CARRIED

6 Take i puta mai | Public Forum

Name	Position/Organisation	Topic
Robyn DeMasi	Matamata Lions	<ul style="list-style-type: none"> Request to update the section of Council land on the corner of Arawa and Tainui Streets in Matamata

Summary

Robyn DeMasi of Matamata Lions in attendance to seek Council permission to beautify the corner of Arawa and Tainui Street in Matamata.

The Lions aim to create a functional aesthetically pleasing space (incorporating the piece of land that was purchased by Arthur Crode from Council). They acknowledge the protected kauri tree and would retain the Lions bench. Matamata Lions will liaise with Cooper Aitken who are the current owners of the piece of land that would be incorporated into the project.

Robyn circulated an artist's impression of the site and identified the various parts that would be incorporated into the area, including a pergola, removing the current pathway of bricks/paving and ensuring a serviceable community space. All current gardens will be taken out – the group want to work with council to densely plant natives in the area.

Robyn identified that the Matamata Lions would fund the project themselves and would work with the Matamata Menz Shed and other clubs collaboratively.

Mayor Adrienne Wilcock asked the Matamata Lions what their timeframe for planting seasons would be and Robyn responded that they would work with Council and clarified that the group would maintain the area.

Mayor Adrienne Wilcock thanked Robyn and the Matamata Lions for presentation and said that Council will get staff to see where this project heads.

ATTACHMENTS

A Artist's Impression - Council Land on Corner of Arawa and Tainui Street - Matamata

7 Pūrongo me whakatau | Decision Reports

7.1	Freedom Camping Bylaw 2023 and Amendments to Reserve Management Plans - Deliberations and Adoption	6
7.2	Te Aroha Spa Project	41
7.3	Te Whare Whakapakari - Matamata Indoor Stadium - Progress Report	45
7.4	Long Term Plan (Non-Financial) Performance Measures for Infrastructure Assets	53

7.5	2024 Infrastructure Strategy Key Issues and Responses	63
7.6	Long Term Plan Groups of Activities	73
7.7	Review of Delegation Policy and Delegation Register 2023	78
8	Ngā Pūrongo Whakamārama Information Reports	
8.1	Legislative Compliance Framework 2022/23	81
8.2	Chief Executive Officer's Report	85

7 Pūrongo me whakatau | Decision Reports

7.1 Freedom Camping Bylaw 2023 and Amendments to Reserve Management Plans - Deliberations and Adoption

CM No.: 2791310

Te Kaupapa | Purpose

The purpose of this report is to:

- Provide a summary and analysis of submissions received on the proposed Freedom Camping Bylaw.
- Allow Council to deliberate any changes required to the final Freedom Camping Bylaw from submissions.
- Enable Council adoption of a final Freedom Camping Bylaw and the consequential amendments to Reserve Management Plans.

Rāpopotonga Matua | Executive Summary

Council conducted pre-consultation with Iwi and various special interest/community groups in the development of the proposed Freedom Camping Bylaw. Council approved the proposed Freedom Camping Bylaw for consultation on 23 August 2023. Council received 74 submissions during consultation which Council considered on 8 November 2023 at a Hearing. Council are now requested to consider and adopt a final Freedom Camping Bylaw and the consequential amendments to Reserve Management Plans.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

- 1. The information is received.**
- 2. Council confirms it is satisfied that the Freedom Camping Bylaw 2023:**
 - a. is necessary to protect the areas covered by the Bylaw, the health and safety of people who may visit those areas, and/or to protect access to those areas**
 - b. is the most appropriate and proportionate way of addressing the perceived problems associated with freedom camping in those areas covered by the bylaw**
 - c. is the most appropriate form of the bylaw**
 - d. is not inconsistent with the Freedom Camping Act 2011 or the New Zealand Bill of Rights Act 1990.**
- 3. Council adopts the Freedom Camping Bylaw 2023 in Attachment A, with effect from 20 December 2023.**
- 4. Council resolves to make amendments to the Passive Reserve Management Plan 2009 and the Active Reserve Management Plan 2009 to allow freedom camping to occur on the following reserves subject to the restrictions within the Freedom Camping Bylaw 2023:**
 - a. Hetana Street Reserve, Matamata**
 - b. Waitoa Railway Reserve**
 - c. Herries Memorial Park, Te Aroha**
 - d. Waihou Recreation Reserve**
- 5. Council resolves to make an amendment to Appendix E of the Active Reserve Management Plan to remove Te Aroha Domain from the list of reserves which could be appropriate for camping.**
- 6. Council resolves to make minor amendments to the General Policies Reserve Management Plan, being to:**
 - a. Update the definition of certified self-contained within section 5.2 Defined Terms to ensure alignment with the definition of self-contained within the Freedom Camping Act 2011.**
 - b. Update the introductory section under 8.4 Camping to include reference to having a Freedom Camping Bylaw.**
- 7. Council authorises staff to undertake minor editorial changes to the Bylaw in Attachment A if required to correct errors or omissions.**
- 8. Under section 32 of the Freedom Camping Act 2011, Council delegates to relevant**

staff the power of enforcement.

Resolution number CO/2023/00002

Moved by: Cr S-J Bourne
Seconded by: Cr J Sainsbury

KUA MANA | CARRIED

Horopaki | Background

Freedom camping legislation

The Freedom Camping Act 2011 (the Act) is the national legislation regulating freedom camping. The Act is permissive by default, which means its starting point is to allow freedom camping on all public land. The Act does recognise that some areas may not be suitable for freedom camping. Freedom camping bylaws can identify areas where freedom camping is prohibited and restricted to manage how and where freedom camping can occur.

The Act defines freedom camping as camping within 200 m of an area accessible by motor vehicle or within 200 m of the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using either or both of the following:

- (a) a tent or other temporary structure:
- (b) a motor vehicle

It does not include staying at a camping ground, temporary or short-term parking of a motor vehicle, day trips, resting or sleeping at the roadside to avoid driver fatigue, or people who are homeless and as a result need to sleep in their vehicle.

Recent changes to the legislation

The [Self-contained Motor Vehicles Legislation Act 2023](#) came into force in June 2023. This legislation makes several amendments to the Freedom Camping Act 2011. The changes include:

- the requirement for vehicle-based freedom campers to use a certified self-contained vehicle when they stay on council land, unless a council designates the site as suitable for non-self-contained vehicles
- a new regulated system for the certification and registration of self-contained vehicles
- the requirement for vehicles to have a fixed toilet to be certified as self-contained
- strengthening of the infringement system with the introduction of a new tiered penalty system which entered into force in July 2023

The Ministry of Business, Innovation and Employment (MBIE) keeps their freedom camping website up to date with the most recent developments: <https://www.mbie.govt.nz/freedomcamping>.

Freedom Camping in Matamata-Piako

During the 2019 calendar year, 18,000 responsible camping nights were recorded by MBIE in the Matamata-Piako District. The Council website promotes self-contained motorhome camping in a number of locations within the District and Matamata, Te Aroha and Morrinsville are also promoted as 'motorhome-friendly-towns' by the New Zealand Motor Caravan Association Inc.

Complaints made to Council related to freedom camping in the District mostly involve people in non-self-contained vehicles disposing of waste at parks. Over the past four financial years, 2020/21 - 2023/24 (to date) Council have received 10 complaints or less per year.

Council workshop

At its 2 August workshop Council provided feedback on the overall direction of the proposed Bylaw. This included providing feedback on the draft area assessments undertaken as well as discussing their preference regarding District-wide regulations. Elected Members also discussed whether or not any areas would be appropriate for vehicles that are not self-contained to freedom camp on local authority areas.

Pre consultation

Information was presented to Te Manawhenua Forum at their March and May meetings. Specific guidance was received regarding preferred engagement with Iwi and Māori and feedback was received on key areas in the District where freedom camping should be prohibited or restricted. Key stakeholders were contacted seeking any additional feedback in relation to freedom camping within the District, as well as local interest groups associated with specific areas.

This information collected through pre consultation has been considered and incorporated where appropriate into the proposed Bylaw.

Proposal

The intent of the proposed Bylaw is to enable Council to regulate and enforce how and where freedom camping occurs in local authority areas within the District. Camping as an activity is managed through a range of other plans, bylaws and legislation. Council does not currently have a freedom camping bylaw, and as a result, cannot effectively regulate or enforce rules relating to freedom camping at any parks or other Council land that is not gazetted reserve.

When considering a bylaw to address freedom camping, the Act requires the Council:

- not to ban (or effectively ban) freedom camping on all council owned or managed land (known as a blanket ban).
- to be satisfied that any prohibitions or restrictions are the most appropriate and proportionate response to freedom camping demand in the area, and the problems it would cause if allowed.
- to make a bylaw that is consistent with the New Zealand Bill of Rights Act 1990.
- to have considered other ways to manage the problem, other than through a bylaw.
- to map or clearly describe each area covered by prohibitions or restrictions, so freedom campers have certainty about what rules apply.

A freedom camping bylaw generally does not duplicate rules that are relevant to freedom camping if they are already set out in other laws or bylaws.

The Act states that councils can only prohibit or restrict freedom camping in an area using a bylaw if it is necessary to:

1. protect the area e.g. to protect areas that are: environmentally or culturally sensitive.
2. protect health and safety to keep freedom campers and other visitors to an area safe.
3. protect access to the area where the presence of freedom campers would block access or could damage infrastructure.

An assessment tool was used to evaluate sites against the three criteria specified in the Act. This tool is considered best practice by the sector and has been used by many New Zealand councils

for the same purpose. The assessment tool applies the criteria in a transparent and standardised manner to ensure the proposed prohibitions and restrictions are consistent with the Act.

The proposed Bylaw was out for consultation from 18 September to 18 October 2023. Council proposed a number of district wide restrictions to restrict freedom camping to people in self-contained motor vehicles for a maximum of 4 nights in a specific location.

The proposed Bylaw identified restricted and prohibited areas across the district that have been assessed against the criteria in the Freedom Camping Act. Details of these prohibitions and restrictions are provided throughout the report to provide context for the submissions.

The Bylaw proposed to include reference to the NZ Standard 5465:2001 for self-contained freedom camping vehicles.

As a result of Council proposing some reserves to be allowed as restricted sites for some freedom camping the Reserve Management Plans (RMPs) also need to be amended. Council sought public feedback concurrently on those RMP's to be consistent with the proposed Bylaw as below.

Council proposed that the Active Reserves Management Plan be amended to allow for some restricted camping at Herries Memorial Park and Waihou Recreation Reserve. Council also proposed was that the Passive Reserve Management Plan be amended to allow for some restricted freedom camping at Hetana Street Reserve and Waitoa Railway Reserve.

In addition, Council proposed an amendment to Appendix E of the Active RMP to remove reference to Te Aroha Domain as a potential site for freedom camping, to make the RMP consistent with the proposed prohibition of this area.

This such amendment is provided for within the General Policies RMP in section 8.4.2.4 as follows:

8.4.2 Self-contained campervans

4. If Council wishes to alter or remove an area set aside for camping by certified self-contained campervans the following process shall be followed:

- a. A Council Decision is made to potentially remove or alter an area set aside for camping in self-contained campervans.*
- b. Notice is placed on Council's website and in a newspaper circulating in the town or District where the reserve is located. The notice should:*
 - 1) identify the reserve or part of the reserve by name;*
 - 2) describe the proposed removal or alteration of the area set aside for camping in self-contained campervans; and*
 - 3) specify a reasonable period in which Council shall receive and consider public submissions.*
- c. A Council Decision is made to retain, remove or alter the area set aside for camping in self-contained campervans having given consideration to the submissions received.*
- d. Relevant reserve management plans are updated to reflect any changes as a result of this process.*

This process is consistent with the requirements in the Reserves Act 1977. Section 44 (9) allows Councils to make changes that does not involve a comprehensive review of a Reserve Management Plan without following a complete formal review under section 44 (5) and 44 (6) of the Reserves Act 1977, if it thinks fit.

Ngā Take/Kōrerorero | Issues/Discussion

Council received 74 submissions on the proposed Bylaw. The submissions have been summarised into themes for analysis and deliberation. Copies of the full submissions were provided to Council on 8 November 2023 at the Hearing and are available on Council's website.

General Comments

The following general comments were received on the proposed Bylaw, rather than in response to a specific proposal. These comments relate to general support of or opposition to the bylaw, size of allocated freedom camping parking, the cost of camping in New Zealand, enforcement of the bylaw, the provision of more or different facilities including signage, that the bylaw is restrictive (or not restrictive enough), the importance of tourism, homelessness, requests for areas for freedom camping in vehicles that are not self-contained and, implementing a fee for camping.

Submission Summary	Staff Response
Five submitters expressed general support of the proposed bylaw as a whole. One of these stated the needs of the wider community will be served and it is good to see the proposal is not too restrictive.	The proposed Bylaw aims to balance the needs of campers with protecting areas as per the criteria within section 11 of the Act.
One submitter opposed the proposed bylaw and questions why it is needed. Another submitter asked why self-contained camping is restricted in car parks if the car parks generally aren't used at night.	<p>Areas that have been made prohibited or restricted under the proposed Bylaw have undergone a site assessment based on the criteria in section 11 of the Freedom Camping Act. These criteria are to protect the area (e.g. where there are environmentally or culturally sensitive areas which require protection), protect the health and safety of users of the area (e.g. prohibiting camping at sites that are known to flood regularly), and to protect access to the area (e.g. restricting freedom camping to not impact the access of other users of the area such as people accessing a sports club).</p> <p>It is expected that freedom campers using areas set aside as restricted areas will use these areas for days at a time (up to the maximum number of 4 nights) rather than just at night.</p>
One submitter believes freedom camping should not be happening as it destroys the whenua.	Under the Freedom Camping Act 2011, freedom camping is permissive by default. Council is unable to put a blanket ban of freedom camping and must apply the specific criteria under section 11 of the Act before proposing to prohibit or restrict an area.
Three submitters stated that the car parks	The majority of car parking areas identified

Submission Summary	Staff Response
<p>allocated for Freedom Camping are often too small for larger campers. One of these stated they have a 9-metre long bus and find it difficult to fit into allocated parking areas.</p>	<p>in the Bylaw cannot easily be retrofitted to accommodate longer vehicles. Council can consider providing additional longer spaces at new carparks and where practicable when older carparks are upgraded; however, this will not always be practicable given site constraints. There are also NZMCA camps and private campgrounds in the district that can accommodate larger vehicles. Longer vehicles can also park in appropriate parking spaces on the roadside of district roads if manoeuvrability of a large vehicle is an issue within car parking areas.</p>
<p>Two submitters expressed concern that the cost of camping in New Zealand is too high</p>	<p>The district has a number of DOC, Council and privately owned campgrounds that can be booked for a small fee. These campgrounds provide powered and non-powered sites, some suitable for vehicles and tents.</p> <p>Council is aware the cost of travelling in New Zealand has increased in recent years and seeks to provide affordable camping options in the district while balancing the need to apply protections to certain areas.</p>
<p>13 submitters made general comments on how Council intends to monitor and enforce the Bylaw. Of these, six submitters were concerned Council does not have the staffing or resourcing levels to monitor and enforce the rules, two submitters stated Council staff need education and training to undertake the monitoring and enforcement role, and one submitter requested Council obtains feedback on vehicle numbers from Community Patrol.</p> <p>One submitter expressed the sites need to be checked daily.</p> <p>One submitter expressed concern that Thames-Coromandel District Council have been handing out fines of \$400 to tourists who have only been there a couple of days and asked if MPDC will do this as well.</p>	<p>The enforcement strategy for this bylaw is in line with other similar bylaws, in that Council staff intend to take a reactionary approach rather than active monitoring and enforcement, which allows the bylaw to be enforced within existing resources. Council does not have the resources to monitor the prohibited and restricted areas daily.</p> <p>Enforcement action in these scenarios are usually in response to complaints which are responded to within working hours, and enforcement action is only taken following an educational approach.</p> <p>It is intended that signage will be installed at all prohibited and restricted locations as part of the implementation of the Bylaw. Having restrictions in place and providing signage is an enforcement mechanism in its own right and will help mitigate potential issues.</p> <p>Council staff have already engaged with Community Patrol about certain areas and will continue engagement following the adoption of the bylaw.</p>
<p>Eight submitters made comments on needing more public facilities, three</p>	<p>Council is currently developing their 2024-34 Long Term Plan. The provision of toilets</p>

Submission Summary	Staff Response
<p>submitters expressed the need for toilet facilities to be installed to provide for non-self-contained vehicles. One submitter highlighted the importance of dump stations and water at the sites. One submitter suggested increasing rates to pay for more public toilets.</p> <p>One submitter suggested a coin in the slot system for users to pay for more public facilities.</p>	<p>and other facilities will be considered during this process. Toilets are located at strategic locations in each town and at parks with high visitor numbers. Toilets are expensive to build and maintain and these costs are ultimately borne by ratepayers. It is unlikely that any new toilets will be added in the short term to cater specifically for campers.</p> <p>There are three dump stations in the district, one in each town. These are located at the Boat Ramp in Te Aroha, Recreation Ground in Morrinsville and at Rockford Street in Matamata.</p>
<p>Four submitters requested Council install signage and clear markings to show where freedom campers can park to avoid confusion and encourage visitors to the district.</p>	<p>Signage is planned to be installed for prohibited and restricted areas as provided for within the Bylaw, and information will be provided on the website once the Bylaw is in place. Council also plans on providing clear marking within restricted areas.</p>
<p>Six submitters felt the bylaw was too restrictive. Of these, one submitter asked why there is a sudden need to create considerable restrictions. The submitter asked how Council will manage the new legislation and if the bylaw will be compatible.</p> <p>One submitter suggested better systems need to be put in place and that Council charge for upkeep to make traveling more financially accessible.</p> <p>One submitter suggested setting a charge for camping to discourage it instead of creating a bylaw, submitter stated making a bylaw makes people reluctant to stay in the area and spend money locally.</p> <p>One submitter questioned why Council are limiting those who want to stay in motorhome friendly towns.</p>	<p>The Freedom Camping Act is permissive by default. Any Council owned or managed land is available for Freedom Camping unless prohibited by another policy, plan or legislation (such as the Reserve Act 1977). The Bylaw has also identified restricted areas in each town. Having a Bylaw in place provides clarity on prohibited and restricted sites and allows for enforcement tools to be used if required.</p> <p>Freedom camping is required to be 'free'. Charging for camping makes it no longer freedom camping and would be out of the scope of the bylaw.</p>
<p>Six submitters expressed the importance of freedom camping for tourism and local economy. Of these, four submitters made general comments emphasising the importance, and one submitter noted NZMCA has grown from 36,000 members to over 117,000 in 14 years and freedom campers spend a lot of money. The submitter noted that if Council do not want to miss out on this money it needs to provide sites, and these sites need to be</p>	<p>Freedom camping is indeed significant for tourism and the local economy; and the district's motorhome-friendly status helps promote the district to campers.</p> <p>The Act is permissive by default. Any Council owned or managed land ("local authority land" under the Act) is available for Freedom Camping unless prohibited by another policy, plan or legislation (such as the Reserves Act 1977). The Bylaw has</p>

Submission Summary	Staff Response
accessible to town.	also identified restricted areas in each town. In doing so, the Bylaw makes spaces available for some freedom camping that were previously prohibited. Many of the restricted areas are on reserves, on which camping would otherwise be prohibited under the Reserves Act.
Three submitters made comments on how Council intends to identify and manage homelessness.	Homelessness is not covered by the definition of Freedom Camping in the Freedom Camping Act 2011. Those living in their vehicles due to homelessness are exempt from the Bylaw. As part of implementation, Council is developing resources to guide an appropriate response, and to ensure people are aware of the appropriate agencies, which is consistent with an educational approach in the first instance. Other regulations, plans and policies may also be applicable in these scenarios such as Council's Dog Control Bylaw, or Public Safety Bylaw or Public Amenities Bylaw.
One submitter stated they are currently living in a self-contained vehicle due to being out of work and the restriction will impact their living situation. Submitter asked if Council would allow leniency for people in their situation.	Council staff are available to work alongside community who are in a range of situations. Once the Bylaw is in force staff can provide advice and work through individual situations on a case-by-case basis.
One submitter agrees it is good to have restrictions but notes there should be freedom camping spots available in each town.	The proposed Bylaw provides for restricted camping spots in each of the three main towns in the district. Freedom camping is permissive under the Act and freedom camping in certified self-contained vehicles is allowed on all Council controlled or managed land ("local authority land" under the Act) unless prohibited under the bylaw or any other enactment.
One submitter stated they are aware of two blocks of land owned by Council and leased to farmers. Submitter asked how this is covered by the bylaw.	The Bylaw includes land that is Council managed or controlled. Leased Council land is out of the scope of the bylaw. If the land was to revert to Council management in the future it would be within the scope of the bylaw and would be considered at this time.
One submitter would like Council to consider supporting local freedom camping ambassadors. Submitter has previously encountered ambassadors and were provided small gifts (hand sanitiser, lip balm, sun screen and insect repellent) for	Council will ensure appropriate signage and markings and easy to follow information on our website. Council will focus on education before any kind of enforcement.

Submission Summary	Staff Response
camping responsibly.	
<p>One submitter requested that any decisions are proportionate to any real issues and questioned how many environmental issues and complaints Council were dealing with that caused concern.</p>	<p>The district generally has a low number of complaints each year. During 2020/2021 Council received a total of 6 complaints, in 2021/2022 – a total of 10 complaints and 2022/2023 – a total of 9 complaints.</p> <p>So far, there have been 4 complaints in the current financial year (2023/2024).</p> <p>Areas that have been made prohibited or restricted under the proposed bylaw have undergone a site assessment based on the criteria in section 11 of the Freedom Camping Act. These criteria are to protect the area (e.g. where there are environmentally or culturally sensitive areas which require protection), protect the health and safety of users of the area (e.g. prohibiting camping at sites that are known to flood regularly), and to protect access to the area (e.g. restricting freedom camping to not impact the access of other users of the area such as people accessing a sports club).</p>
<p>One submitter (LINZ) thanked Council for the opportunity to comment and stated for LINZ administered land to be used for Freedom Camping it must be gazetted. No sites within MPDC are gazetted.</p>	<p>As noted by the submitter, no LINZ land has been proposed for inclusion within the Bylaw, and freedom camping on all LINZ administered land within the district remains prohibited as per the Act. Council's scope for enforcement is limited to the areas covered by the Bylaw.</p>
<p>One submitter states it is sad to restrict, as they are responsible freedom campers, and some are messing it up for others. Submitter states it would be fantastic if Council could supply a sticker to allow good campers to stay and they would be happy to pay a small yearly fee for the privilege of staying at them.</p>	<p>The cost of establishing and maintaining a district-specific parallel permit scheme would be significant and outside of the resources available for the administration and enforcement of the Bylaw.</p> <p>Most freedom campers travel across multiple districts, so referencing and enforcing the national standard is more helpful and consistent for those travellers, and more manageable for Council. The Bylaw gives Council a tool to address those issues created by the minority who, as the submitter suggests, "mess it up for others", as well as protecting areas, health and safety, and access within certain areas as per the criteria in the Act.</p>
<p>One submitter expressed concern that very limited RV parking spaces are occupied during the day or early evening by cars so</p>	<p>As well as the areas identified in the Bylaw as restricted freedom camping areas, freedom camping in certified self-contained</p>

Submission Summary	Staff Response
there is little opportunity to park in the allocated space.	vehicles is allowed on all Council controlled or managed land ("local authority land" under the Act) unless prohibited under the bylaw or any other enactment.

Recommended changes

No amendments to the proposed Bylaw are recommended in response to these submission points.

Comments related to Clause 1.2 of the Bylaw – enabling enactment

This clause within the proposed Bylaw explicitly states the legislative instrument Council will use to make the Bylaw.

Submission Summary	Staff Response
One submitter noted that clause 1.2 of the bylaw should refer to sections 11 <u>and</u> 11A of the Freedom Camping Act if the intention is to include Schedule 3 in the bylaw on the basis that sites will be added to it in the future.	An amendment to the proposed Bylaw is recommended in response to this submission point.

Recommendation

An amendment to the proposed Bylaw is recommended in response to this submission point. The amendment is to reflect the intention to include the ability to add areas which provide for freedom camping in vehicles which are not self-contained. Council can make a bylaw to this effect under section 11A of the Act.

In addition, it is also recommended that Council amend clause 1.2 to also refer to section 10A of the Act; as well as add a new Clause 3 and accompanying information box to enable the declaration of Waka Kotahi - New Zealand Transport Agency (NZTA) land as local authority land under the Bylaw under that section.

During consultation, two areas (Murray Oaks, Morrinsville and Bruce Clothier/Waharoa Rest Area, Waharo) were identified as prohibited areas. These areas are adjacent to State Highways, and portions of the areas are within the State Highway road reserve, including in the case of Bruce Clothier/Waharoa Rest Area, a section of the car park. To make it easier for this prohibited area to be enforced by Council, a request was submitted to Waka Kotahi for this land to be included in Council's final bylaw. This was made possible by the recent amendments to the Act. The new section 10A of the Act enables Council to make a bylaw that declares areas of NZTA land as local authority land, for freedom camping related matters as managed by the Act and the Bylaw.

As required by section 10A, On 10 November 2023 Council received a letter from Waka Kotahi which provided written consent from the chief executive of the NZTA for these two areas to be included in the Bylaw. The areas are discussed in further detail in the relevant ward areas in the report, below.

These amendments have been made within the Bylaw in Attachment A for Council approval.

Comments related to inclusion of the NZ Standard for self-containment (Clause 1.6 of the Bylaw – Definitions and interpretation)

The proposed Bylaw incorporates a reference to the NZ Standard 5465:2001 to support and provide further information to the definition of 'self contained'. This is because the definition of self-contained in the Freedom Camping Act refers to this standard, and by including the Standard by reference within the Bylaw ensures the information is accessible.

Submission Summary	Staff Response
27 submitters generally supported the implementation of the NZ Standard. One of these expressed they supported the Standard as it discourages inappropriate use of areas without facilities, including rubbish bins. Other submitters described the Standard as 'essential', 'brilliant' and an 'excellent idea'.	The NZ Standard 5465:2001 is required to be followed at a national level as per the Act, and freedom campers would need to follow it regardless of whether Council incorporates it into the Bylaw. Incorporating the NZ Standard into the bylaw and making it publicly available will enable people to find and obtain copies of it with reasonable ease.
25 submitters expressed they were concerned with how Council intends to manage and enforce the new NZ Standard of self-containment rules. One of these suggested additional resource needs to be hired specifically to do this role. Another stated people display false documentation so there is no guarantee that a vehicle is displaying the correct documentation.	The enforcement strategy for this Bylaw is in line with other similar bylaws, in that Council Staff intend to take a reactionary approach rather than active monitoring and enforcement, which allows the Bylaw to be enforced within existing resources. Council does not have the resources to monitor the prohibited and restricted areas daily. Council staff will develop appropriate resources to ensure issues such as false documentation can be worked through.
Four submitters oppose the incorporation of the standard. One of these stated they have a self-contained toilet but never use it. One submitter stated the laws and regulations for self-containment have just changed nationally and the standard in legislation is about to be defunct and will not be valid anymore. Two submitters said the NZ Standard is too restrictive.	The NZ Standard 5465:2001 is required to be followed at a national level as per the Act, and freedom campers would need to follow it regardless of whether Council incorporates it into the Bylaw. However, incorporating the NZ Standard into the bylaw and making it publicly available will enable people to find and obtain copies of it with reasonable ease. The two-year transition period allows for those who are currently certified as self-contained time to become certified under the new standard.
Three submitters believe the standard should include vehicles that have porta potty's and not just fixed toilets. One of these stated the rule will cost many people thousands, their toilet even uses the same cassette as fixed ones. Submitter requests Council amend the rules to allow	To be certified self-contained, freedom camping vehicles must align with the NZ Standard 5465:2001 as required by the Act. Due to the legislation, it would be difficult to allow camping in vehicles with non-fixed toilets without also allowing full non-self-contained vehicles to camp. Council is unable to consider portable toilets to be

Submission Summary	Staff Response
porta pottys.	self-contained. To allow vehicles with non-fixed toilets to camp Council would have to allow to non-self-contained camping.
One submitter was happy to see a freedom camping standard introduced. They stated it is not the blue sticker on the back but the blue identification tag on the windscreen that identifies it as truly self-contained. Submitter noted the stickers also have an expiry date and are inspected regularly to ensure compliance.	To be certified self-contained, freedom camping vehicles must align with the NZ Standard 5465:2001 as required by the Act. Vehicles will be certified under the old standard until early December 2023. Following this the standard will be updated and the changes in legislation provide for a two-year transition period.
One submitter stated the NZ Standard is a good idea in theory but asked who will take time to go online to find it? The submitter noted they went online and could not download the standard	To confirm the standard is accessible, staff have checked the link within the Bylaw on several devices and the standard was able to be downloaded once free of charge, as per the terms of the sponsored standard.
One submitter mentions the responsible camping association and states the strict protocol they have to undertake responsible camping. Submitter believes the RACi accreditation program should be allowed alongside the current regulation. Submitter provided a link to their website.	The cost of maintaining and enforcing a parallel accreditation standard is outside of the resources available for the administration and enforcement of the Bylaw. The district has a number of campgrounds in the district that people in non-self-contained vehicles can camp at for a fee. These campgrounds provide the necessary facilities for non-self-contained camping including toilets, fresh water, and hygiene facilities.
One submitter stated the new legislation does not recognise portable toilets as self-contained even though they are, under the standard. Submitter notes Council should also be considering the new Plumbers, Gasfitters and Drainlayers (Self-Contained Vehicles) Regulations 2023.	Vehicles will be certified under the old standard until early December 2023. Following this, the standard will be updated and the changes in legislation provide for a two-year transition period.
One submitter noted that self-contained certification does not provide any education about responsible camping. Education and signage are more beneficial.	As part of the implementation of the new Bylaw, Council plans to provide clearly marked spaces with signage in restricted areas. Council will also update the website with very clear information and provide maps.
One submitter expressed concern that local residents with trailer campers or retro caravans with portable toilets are no longer self-contained.	There are a number of campgrounds in the district that people in non-self-contained vehicles can camp at for a fee. These campgrounds provide the necessary facilities for non-self-contained camping including toilets, fresh water, and hygiene

Submission Summary	Staff Response
	facilities.

Recommended changes

There are no recommended amendments to the proposed Bylaw in response to these submissions.

Comments related to Clause 2.2.2 - District Wide Restrictions

The restrictions that are proposed to apply to freedom camping district wide are:

- A certified self-contained vehicle must be used to camp.
- A vehicle must not stay in any one area for more than four consecutive nights in any one-month period.
- A vehicle must not freedom camp within 500 metres of an area in which it has already been freedom camping for up to four consecutive nights in any one-month period.

Submission Summary	Staff Response
<p>Three submitters discussed tenting in the district. Of these:</p> <p>One submitter asked if a resident wants to take their family camping in a tent or older caravan, where can they go in the district.</p> <p>Two submitters stated tenting is an important activity for people on a budget. One of these stated prohibiting tenting is taking away that experience from young families.</p>	<p>For tenting, the district has a number of DOC, Council and privately owned campgrounds that families can tent at for a small fee. These campgrounds provide the necessary facilities including toilets, freshwater and hygiene facilities.</p> <p>The district wide restriction which limits freedom camping to self-contained vehicles is appropriate as it ensures all campers will have adequate hygiene and toilet facilities.</p>
<p>20 submitters expressed general support for the district wide rules. One submitter stated they provide a good balance between encouraging visitors to stay in the area without paying for a campsite and protecting the environment.</p> <p>Two submitters support the district wide restriction of only allowing self-contained vehicles to freedom camp.</p> <p>One submitter stated they have a self-contained RV and loved freedom camping, another submitter stated they will follow the rules, but it is sad that restrictions are necessary.</p> <p>One submitter stated they are pleased with the research carried out and consideration given to protecting amenities while also allowing freedom camping.</p>	<p>The proposed Bylaw including District wide restrictions aims to balance the needs of campers with protecting areas as per the criteria within section 11 of the Act.</p>
<p>Eight submitters commented on the four-</p>	<p>The four-night maximum as proposed is</p>

Submission Summary	Staff Response
<p>night maximum rule. Of these:</p> <ul style="list-style-type: none"> - Three submitters suggested reducing the number of nights. One of these stated 2 nights is less inviting, a lot of campers have one or more pets and take up more than one park - Three submitters stated they agree with the restriction. - One submitter stated four days is not long enough to visit all the district has to offer. - One submitter thought that it is not appropriate as there is no intention to enforce it. - One submitter questioned why the specific one month ban is necessary. - One submitter requested the timeframe be changed from 4 nights to 2 weeks. - One submitter requests vehicles that are certified self-contained should be welcomed and encouraged to stay for longer than 4 days. <p>Three submitters commented on the 500m rule.</p> <ul style="list-style-type: none"> - One submitter stated the rule is not clear and logical. - One submitter stated the 500m rule is not appropriate as there is no intention to enforce it. 	<p>consistent with the approach already taken on reserves which provide for Freedom Camping as detailed in the General Policies Reserve Management Plan, adopted by Council in 2019. This maximum ensures short stays that will not adversely impact on any one location within the district and provides for turn-over at highly sought after freedom camping areas. Four days provides for enough time for freedom campers to enjoy an area over a long weekend without having to move on too quickly.</p> <p>The 500 metre distance is intended to mitigate negative impacts of freedom campers and stop anyone from simply moving to the next parking spot when the four days is up. The rule encourages freedom campers to move on which will allow others to come and enjoy sought-after areas.</p> <p>Alongside the 500 metre restriction, the proposed Bylaw imposed a restriction that freedom campers may not return to a location for one month. This restriction is intended to encourage freedom campers to move on to other areas, limiting the impact any one group of campers will have on an area, while allowing others to come and enjoy the area. A one-month stand down period in between visits makes the rules easy to understand and enforce.</p> <p>Enforcement is proposed to be managed using current resources on a complaint's basis rather than active monitoring and enforcement.</p> <p>Anyone travelling with pets will still be required to comply with relevant regulations, for example within the Dog Control Bylaw, Dog Control Policy and in the Dog Control Act 1996, and the Public Safety Bylaw.</p>
<p>Four submitters expressed that the rules are too restrictive. Three of these said it is out of reach for those who cannot afford a fully self-contained vehicle. One of these stated they were previously self-contained but will no longer be under the new rules and it is too expensive to stay at campsites.</p> <p>One submitter requests Council to accept all NZMCA members, there are</p>	<p>The Freedom Camping Act is permissive by default. Any Council owned or managed land is available for Freedom Camping unless prohibited by a bylaw, or legislation. The bylaw has also identified restricted areas in each town.</p> <p>When approving the proposed Bylaw for consultation Council considered proposing areas within the district to be available for</p>

Submission Summary	Staff Response
<p>approximately 500 members who have a porta potty and will no longer be considered self-contained.</p> <p>One submitter believes portable toilets should be considered self-contained.</p> <p>One submitter requests Council remove the need to be certified self contained from the bylaw.</p>	<p>freedom camping in non self-contained motor vehicles however after assessment resolved that there were no suitable areas. Non self-contained areas are considered in full later on in this report, within Schedule 3.</p> <p>To be certified self-contained, freedom camping vehicles must align with the NZ Standard 5465:2001 as required by the Freedom Camping Act.</p>
<p>Three submitters opposed the district wide rules. Two of these did not think restrictions are necessary, one asked if MPDC had ever had problems with people camping in the district.</p>	<p>The district generally has a low number of complaints each year. During 2020/2021 Council received a total of 6 complaints, in 2021/2022 – a total of 10 complaints and, in 2022/2023 – a total of 9 complaints.</p> <p>So far, there have been 4 complaints in the current financial year (2023/2024).</p> <p>Having a Bylaw in place provides clarity on prohibited and restricted sites and allows for enforcement tools to be used if required.</p>

Recommended changes

No amendments to the proposed Bylaw are recommended in response to these submission points.

Comments related to Schedules 1 and 2 of the Bylaw

Schedule 1 outlines where Freedom Camping is prohibited, for the full list please refer to Attachment A, a summary is below for convenience:

- All cemeteries and their associated car parks
- Matamata Ward – Banks Road Reserve, Centennial Drive Reserve, Tom Grant Drive, Hawes Bush, Waharoa (Matamata) Aerodrome, Matamata Domain, Rapurapu Reserve, Swap Park, Bruce Clothier Reserve/Waharoa Rest Area
- Morrinsville Ward – Davies Park, Holmwood Park, Murray Oaks Scenic Reserve, Thomas Park
- Te Aroha Ward – Boat Ramp, Council Office Carpark (see below for further information), Seddon Street Reserve, Skidmore Reserve, Te Aroha Domain,

Schedule 2 outlines where Freedom Camping is restricted, for the full list please refer to Attachment A, a summary is below for convenience:

- Matamata Ward – Hetana Street Reserve (6 vehicles), Pohlen Park (3 vehicles), Wairere Falls (11 vehicles)
- Morrinsville Ward – Recreation Ground (6 vehicles), Waterworks Road Reserve (2 vehicles)
- Te Aroha Ward – Boyd Park (6 vehicles), Herries Memorial Park – gravel section of Council office carpark (6 vehicles), Waihou Recreation Reserve (3 vehicles), Waitoa Railway Reserve (2 vehicles), Waiorongomai Carpark (4 vehicles)

General comments

The following submission points were received which relate to prohibited and restricted sites generally.

Submission Summary	Staff Response
One submitter requested for Council to justify the restrictions and prohibitions referring to section 11 of the Act.	<p>Areas that have been made prohibited or restricted under the proposed bylaw have undergone a site assessment based on the criteria in the s11 of the Freedom Camping Act.</p> <p>A summary of the site assessments was received by Council at its meeting on 23 August 2023 and is available on the Council website. The assessment tool Council used to complete these assessments consistent with the criteria in section 11 of the Act is included within this summary document.</p>
One submitter generally supports the site assessment tool. However, the submitter believes a score of 12 (rather than 9) is a more appropriate threshold for prohibition. Submitter states the requirement for vehicles to be self-contained alleviates many health and safety concerns that would influence site assessments.	Council used the site assessment tool which had been used by other Councils; for a consistent approach across and considers it a transparent and proportionate mechanism to apply the Act locally. This includes use of the score of 9/15 as a threshold for restriction or prohibition.
One submitter expressed that no one generally uses cemeteries overnight and asked why camping needs to be restricted.	Cemeteries are sensitive sites for a wide range of cultures and religions. Vandalism has been a recent issue at cemeteries in

Submission Summary	Staff Response
	<p>the district.</p> <p>Freedom camping is already prohibited within cemeteries classified as reserves, as per section 44(1) of the Reserves Act 1977. The inclusion of cemeteries and their associated car parks as prohibited areas within the bylaw enables a consistent approach to freedom camping regulation within both cemeteries and their car parks. Inclusion of cemeteries within a freedom camping bylaw in addition to them also being prohibited under the Reserves Act also provides a ‘one-stop-shop’ for people wishing to understand Council’s rules for freedom camping in the district, including both freedom campers and Council’s regulatory staff.</p>
<p>One submitter expressed that it would be good to clarify what constitutes parking at the Te Aroha Cemetery, which does not have sealed parking, with the grass area out the front being used for parking. Submitter thinks freedom camping should be prohibited in this area, and by the cemeteries in Matamata and Morrinsville, for practical and sensitivity issues (no camping in an area where mourners are coming to pay their last respects).</p>	<p>It is appropriate for Council to consider an amendment to the proposed bylaw to include the adjacent roadside of cemeteries in the district. Te Aroha Cemetery has limited roadside parking and is located on a 100km road.</p> <p>This amendment is consistent with the existing cemetery assessment against section 11 of the Act; as ensuring roadside parking directly outside the cemetery is available for mourners is protecting their health and safety as well as providing access to the area.</p>

Recommended changes

It is recommended that the description of Cemeteries in the Bylaw be amended to include “and adjacent roadsides”.

These amendments have been made within the Bylaw in Attachment A for Council approval.

Matamata

Council proposed the following prohibited and restricted areas within the Matamata Ward.

Prohibited	Restricted
Banks Road Reserve and adjacent roadside	Pohlen Park - restricted to 3 vehicles in the south east corner of the car park.
Centennial Drive Reserve	
Tom Grant Drive	Wairere Falls Car Park -restricted to 11 vehicles within the 11 large car parking spaces at the far south side of the car park
Hawes Bush	
Waharoa (Matamata) Aerodrome	Hetana Street Reserve - restricted to 6 vehicles within the 6 "back-in" car parking spaces
Matamata Domain	
Rapurapu Reserve	
Swap Park	
Bruce Clothier Memorial Reserve and Waharoa Rest Area	

Council received the following submission points regarding these areas:

Themes/Submission Summary	Staff Response
Seven submitters supported the proposed restricted and prohibited areas in Matamata. One of these stated it is great Matamata is a motorhome friendly town.	Previously Council have been managing freedom camping through other plans and legislation. Most of the districts reserves were prohibited under the reserves act. The proposed Bylaw and amendments to the RMP's open up more areas that allow for self contained freedom camping.
Four submitters were concerned that the proposal for Matamata is too restrictive. One submitter did not think banning or restricting the proposed places is necessary. Another submitter is unhappy a maximum of 20 vehicles are allowed to stay in Matamata at any one time. It is limiting their spending. Two submitters stated the disagree with camping within the Matamata Ward.	Under the Freedom Camping Act 2011, freedom camping is permissive by default. Whilst there are 20 restricted parks available in Matamata, self-contained vehicles are allowed to park in other locations that are not prohibited by the Bylaw or other instrument.
Two submitters expressed concern around monitoring and enforcement at Hetana Street. One submitter stated they were surprised to learn camping is not currently allowed.	Council is aware that Hetana Street is used for Freedom Camping. Although technically prohibited under the RMP, Council have provided signage allowing Freedom Camping. The RMP is proposed to be amended to align with the use of this site.
One submitter was concerned about antisocial behaviour at Hetana Street and referred to people raiding the community fridge.	Criminal activity and anti-social behaviour are police issues. If this activity is being witnessed, the police should be contacted.
One submitter suggested Council reconsider its position on non-self-contained	Non self-contained areas are considered in full later on in this report, within Schedule 3.

vehicles camping at Hetana Street. Submitter stated that with toilets nearby they will be unlikely to create any concerns.	
<p>One submitter expressed many people in the community are opposed to Hetana Street for Freedom Camping and Suggested the Burwood roadside next to Swap Park as an alternative.</p> <p>One submitter believes Hetana Street should be for day parking only to allow Freedom Campers to shop.</p>	<p>Freedom camping is permitted on Council roadside in the Act unless restricted or prohibited by the Bylaw or other enactment.</p> <p>Hetana Street has been assessed by Council during the assessment of sites for the proposed Bylaw and alongside other activities such as master planning, the area contains existing parks specifically sized to accommodate larger vehicles like campervans.</p>
<p>Two submitters opposed freedom camping at Pohlen Park. One of these stated it is due to being a residential area, the other submitter stated it is a recreational park.</p> <p>One submitter stated the residents need to be consulted about Pohlen Park.</p> <p>One submitter suggested increasing the restricted number of vehicles at Pohlen Park to six.</p>	<p>The current Pohlen Park car park has just under 70 carparks, 3 of which are disability parks.</p> <p>All residents bordering any proposed prohibited or restricted sites were sent letters at the start of the consultation period inviting submissions.</p> <p>An assessment of this site has been conducted and it reaches the threshold for restriction but not prohibition, reasons for prohibition need to be consistent with the Act.</p>
<p>Two submitters support the prohibition of Rapurapu Reserve.</p> <p>One submitter states a bush gate is needed at the entrance of Rapurapu Reserve.</p>	<p>Council is currently developing their Long-Term Plan 2024-34 - however it is unlikely that any new infrastructure will be included for Rapurapu Reserve</p> <p>Council may consider a gate in the future however; the main cost would be getting someone to close and open it every day. This consideration is outside the scope of the Bylaw.</p>

Recommended changes

On 10 November 2023 Council received a letter from Waka Kotahi – NZ Transport Agency (NZTA) providing written consent under section 10A of the Act for Council to make a Bylaw declaring the below land as local authority land for the purpose of the Act.

It is recommended that Council amend the final Bylaw to declare the State Highway area at Bruce Clothier Memorial Reserve and Waharoa Rest Area as land under section 10A as local authority land for the purposes of this Act.



*Red area is indicative of State Highway area

These amendments have been made within the Bylaw in Attachment A for Council approval.

Morrinsville

Council proposed the following prohibited and restricted areas within the Morrinsville Ward:

Prohibited	Restricted
Davies Park	Morrinsville Recreation Ground – restricted to 6 vehicles within the formed car park area accessed from Cureton Street
Holmwood Park and adjacent roadside	
Murray Oaks Scenic Reserve	Waterworks Road Reserve (Te Miro Forest) -restricted to 2 vehicles on the southern edge of the main car park
Thomas Park and adjacent roadside	

Council received the following submission points regarding these areas:

Submission Summary	Staff Response
One submitter was opposed to all Freedom Camping in Morrinsville.	The freedom camping legislation allows camping on all Council land and roads, unless the Council prohibits it through other methods (like a Bylaw or Reserve Management Plan). Council cannot impose a blanket ban on all

Submission Summary	Staff Response
	freedom camping.
Seven submitters stated they support the proposal for the Morrinsville Ward.	Support for the proposal acknowledged.
Two submitters requested more spaces be made available in Morrinsville.	Under the Act, freedom camping is permitted on local authority areas by default. Whilst there are limited restricted parks available in Morrinsville, self-contained vehicles are allowed to park in other local authority areas such as in car parking on the side of district roads and other Council controlled and managed land not prohibited by the Bylaw or other enactment. The Bylaw does not affect camping in paid camp grounds or on private land.
One submitter stated it is good to have places available in Morrinsville as it encourages travellers to stop and spend money	Council is proud of having its three main towns being known as motorhome friendly towns. Freedom camping encourages tourism and allows visitors to enjoy the area while also contributing to the local economy.
One submitter questioned how Council will monitor and enforce the number of vehicles at the Recreation Ground and Waterworks Road Reserve (Te Miro).	<p>The enforcement strategy for this bylaw is in line with other similar bylaws, in that Council Staff intend to take a reactionary approach rather than active monitoring and enforcement, which allows the bylaw to be enforced within existing resources. Council does not currently have the resources to monitor the prohibited and restricted areas daily.</p> <p>It is intended that signage will be installed at all prohibited and restricted locations as part of the implementation of the Bylaw. Having restrictions in place and providing signage is an enforcement mechanism in its own right and will help mitigate potential issues.</p>
Two submitters supported the prohibition of Holmwood Park.	The prohibition of Holmwood Park and adjacent roadside aligns with the site assessment undertaken for the area. As the park area is a reserve, freedom camping is also prohibited on the reserve area under section 44 of the Reserves Act 1977.
One submitter requested the Morrinsville Golf Club Road and Car park be prohibited. One of these stated campervans often park on the road looking directly into their house which they feel is a breach of privacy.	<p>Council has assessed the Golf Club Road and car park. The site assessment resulted in a score of 5 out of 12 due to the following reasons:</p> <p>The site has no known cultural, historical or environmental significance. The car park is used by the golf club and can become busy</p>

Submission Summary	Staff Response
	<p>during events and is accessed by pedestrians. The access to the car park is flat and sealed. The car park is accessed off a cul de sac for large vehicles to be able to easily manoeuvre.</p> <p>Therefore, the assessment against the criteria in the Act does not support the restriction or prohibition of this site in a freedom camping bylaw.</p>
<p>Two submitters asked if the original grass camping area at the Recreation Ground can be used for self-contained Camping. One of these stated the Recreation Ground is often full.</p> <p>One submitter stated the recreation ground has such facilities and is locked up. Submitter noted if reopened Council could make some money from this.</p> <p>One submitter suggested the Recreation Ground could have more parks available.</p> <p>Another submitter said the Recreation Ground is not user friendly as there is often antisocial behaviour.</p>	<p>The former campground at Morrinsville Recreation Ground was closed a number of years ago due to antisocial behaviour and campers who did not move on. The closure was given effect to in the Active Reserve Management Plan which was adopted in 2009 following public consultation. Most recently, Council has adopted a framework plan in 2022 to guide future use and development of the Recreation Grounds.</p> <p>The restriction on the number of vehicles in the car park balances the needs, access and health and safety of freedom other users and protecting the area</p>
<p>One submitter believes Murray Oaks could be a good option for a restricted spot. Another submitter stated Murray Oaks is attractive, but they agree with the prohibition.</p>	<p>There is no suitable parking area, and the oaks are all protected trees due to their heritage value. The site is often wet, and we need to avoid damage to the trees.</p> <p>The area is adjacent to the State Highway and has a rail track running through it. There is a significant concern for safety.</p>
<p>One submitter stated they agree with the prohibition at Thomas Park.</p>	<p>The proposed prohibition of Thomas Park and adjacent roadside aligns with the site assessment undertaken for the area.</p>
<p>One submitter stated there is no need for any area to be prohibited for overnight self-contained Freedom Camping. They expressed unless there is a danger to the public or environment there is no reason to restrict Waterworks Road Reserve to 2 vehicles.</p>	<p>The proposed Bylaw aims to balance the needs of campers with protecting areas that need it. Areas that have been made prohibited or restricted under the proposed bylaw have undergone a site assessment based on the criteria in the s11 of the Freedom Camping Act.</p>
<p>One submitter thinks the proposal for Waterworks Road Reserve is realistic during off season (late Autumn to early Spring), but the car park is too busy the rest of the year. Submitter questions whether the spaces will be clearly marked if the</p>	<p>There is a new carpark for Waterworks Road Reserve currently going through the resource consent stage. The carpark proposes to add 39 x 6.5m carparks and 2x 14m carparks = 41 carparks total.</p>

Submission Summary	Staff Response
<p>proposal goes ahead.</p> <p>One submitter asks about the provision of rubbish bins and dog poop bins at Waterworks road reserve.</p> <p>One submitter agrees with the restrictions at Waterworks road reserve.</p>	<p>No provision for additional rubbish bins or collections or dog bins have been allowed for in these areas.</p> <p>The park is open to anyone so someone with a campervan may park there too. Many campervanners have bikes. Camping is a night time activity and demand for parking is likely to be less at night time. Clear signage will be provided at all restricted and prohibited sites.</p>

Recommended changes

In addition, and as above, it is recommended that Council amend the final Bylaw to declare the State Highway at Murray Oaks to declare this land under section 10A as local authority area. It is recommended that the description of this area be updated to include the roadside of the reserve, for the avoidance of doubt that the area between the reserve and the state highway is included within the defined area.



*Red area is indicative of State Highway area

These amendments have been made within the Bylaw in Attachment A for Council approval.

Te Aroha

Council proposed the following prohibited and restricted areas within the Te Aroha Ward.

Prohibited	Restricted
Boat Ramp	Boyd Park - restricted to 6 vehicles in a defined area within the car park
Council office car park (see restricted areas for further information)	Waiorongomai Car Park, Te Aroha - restricted to 4 vehicles within the car park.
Seddon Street Reserve	Herries Memorial Park - restricted to 6 vehicles in a defined area within the car park behind the Council buildings, accessed from Kenrick Street between 7pm and 7am Monday – Friday and any time on weekends and public holidays
Skidmore Reserve	Waihou Recreation Reserve - restricted to 3 vehicles in a defined area within the car park
Te Aroha Domain	Waitoa Railway Reserve - restricted to 2 vehicles within the car park.

Council received the following submission points regarding these areas:

Themes/Submission Summary	Staff Response
Five submitters stated they agree with the proposal for Te Aroha. One of these states the proposal will protect areas that are not suitable for camping whilst providing a reasonable number of parks.	Support for the proposal acknowledged.
Three submitters do not support the proposal for Te Aroha. One of these stated there is no need for Freedom Camping due to the campground and the NZMCA campground.	The Act is permissive and does not permit banning of freedom camping. Not all freedom campers are members of NZMCA e.g. people hiring a campervan cannot be NZMCA members. The bylaw will provide enforcement tools that Council previously did not have access to.
One submitter requested Council increase freedom camping areas or improve existing areas in Te Aroha.	Council can consider additional areas if required but the Act and Bylaw are permissive, allowing freedom camping unless Council restricts or prohibits it.
One submitter thinks the bylaw will decrease the local economy of Te Aroha	Freedom camping under the Freedom Camping Act 2011 is permissive by default. Whilst some restrictions have been proposed to protect certain areas in the district, there are plenty of available areas for tourists to stay and contribute to the local economy.
Two submitters requested that Council reconsider its position on self-contained	Council considered making areas within the district available for those with non-self-

<p>camping at Herries Park.</p> <p>One submitter requested that Herries Park be prohibited due to the children's playground.</p>	<p>contained motor vehicles however at the time decided there were no suitable areas but have left room in the Bylaw for these to be incorporated at a later date should suitable areas become available. Non self-contained areas are considered in full later on in this report, within Schedule 3.</p> <p>The toilet close by Herries Park is open 24 hours a day but is within a fenced off playground area with limited parking.</p>
<p>Two submitters supported the prohibition of Te Aroha Domain.</p> <p>One submitter requested the Domain be restricted to 2 Park. They acknowledge there are a total of 21 parks in Te Aroha however, it will not be enough in holiday times.</p>	<p>The Te Aroha Domain was assessed against the criteria in the Act and Council determined it is appropriate to prohibit freedom camping.</p> <p>The domain is of high cultural and natural significance. It is host to a number of recreation and commercial activities. The multi-use area is popular and there are some concerns in regard to health and safety, especially due to the narrow one way road through the reserve with limited parking.</p>
<p>One submitter opposes allowing Freedom Camping at Waihou Recreation Reserve. Submitter states there is a childcare service across the road and that there is an existing issue with rubbish, faeces and toilet paper being left at the reserve.</p>	<p>The Freedom Camping Act is permissive by default. Council are proposing to restrict the number of vehicles within this area.</p> <p>The proposed designated parks are across the road and slightly further down than the childcare facility. In the past three years Council have only received one complaint in regard to freedom camping at Waihou Recreation Reserve. This complaint came through in 2022.</p> <p>The recent changes that people camping must be in a certified self contained vehicle will mitigate any issues regarding human waste and toilet paper.</p>
<p>One submitter opposes freedom camping at Waiorongomai Car Park as they feel unsafe when tramping due to the people that park there.</p>	<p>People freedom camping at Waiorongomai car park will typically be staying there during the night when people tramping generally aren't around.</p> <p>Freedom camping vehicles parked in the area during the day may also be tramping and exploring the bush walk.</p>
<p>One submitter is concerned about drivers who tear up the grass on the park area at Waitoa Railway Reserve and suggested using wooden bollards to safeguard. The submitter believes Waitoa will work well if it</p>	<p>There are currently no plans for any additional infrastructure in this area.</p> <p>The carpark at Waitoa Railway Reserve is approximately 10 x 12 m in size. The bylaw</p>

<p>is monitored. The submitter recommends larger or additional rubbish bins and more frequent collections at Waitoa.</p> <p>One submitter highlighted there is not enough space at Waitoa for four vehicles for four days at a time coming and going to the dairy and Council should consider restricting the number of vehicles.</p>	<p>is proposing to restrict Waitoa Railway reserve to 2 vehicles.</p>
<p>One submitter is concerned that all the 11 carparks at the Wairere Falls car park will be occupied, with no vacant large carparks left for day trippers. Submitter wants Council to have a plan to address this issue.</p>	<p>There have been no issues raised of this happening previously. Vehicles visiting the site purely to freedom camp are expected to be there overnight. Any vehicles still parked during the day are likely visiting the Falls and will need parking to do so.</p> <p>The car park contains 79 'normal size' car parks, 11 larger car parks, two bus parks and 2 disability parks. There is plenty of parking available for a range of visitors.</p>
<p>One submitter stated they appreciate why Council wants to prohibit freedom camping at their office carpark but, given the proximity to enforcement officers and the size of the car park, it may be feasible to manage a small number of campers from 7pm Friday to 7am Monday.</p>	<p>Council have provided space for 6 vehicles in a restricted area in the gravel car park behind Council. This gravel car park is legally part of the Herries Park Reserve and has been treated as such.</p>

Recommended changes

There are no recommended amendments to the proposed Bylaw in response to these submissions.

Comments relating to Schedule 3 of the Bylaw - Areas where a person can freedom camp in a vehicle that is not self-contained

The proposed Bylaw does not define any areas where a person can freedom camp in a vehicle that is non self-contained on local authority areas within the District, but provides for them by way of the schedule to allow for easy incorporation of such areas into the bylaw in future, if and when appropriate facilities and areas come available.

Submission Summary	Staff Response
<p>Four submitters requested Council open up areas for non-self-contained vehicles to freedom camp. Of these:</p> <p>One submitter stated it will help tourists and locals see the country, the submitter stated they have camped in other countries where it is common to have basic facilities for a fee.</p> <p>One submitter stated that many NZMCA members and non-members are responsible campers that should be accommodated for non-self-contained camping.</p> <p>Two submitters mentioned Freedom Camping in Taranaki and New Plymouth and advised they have designated areas for self-contained and non-self-contained camping with public facilities provided.</p>	<p>Council considered making areas within the district available for those with non-self-contained motor vehicles however at the time decided there were no suitable areas but have left room in the Bylaw for these to be incorporated at a later date should suitable areas become available.</p> <p>The district has a number of campgrounds in the district that people in non-self-contained vehicles can camp at for a fee. These campgrounds provide the necessary facilities for non-self-contained camping including toilets, fresh water, and hygiene facilities.</p> <p>Council currently has no plans for additional infrastructure for freedom camping.</p> <p>Council has 3 public toilets which are open 24hours a day 7 days a week across the district.</p> <ul style="list-style-type: none"> - Hetana Street, Matamata (1 unisex toilet) - Studholme Street carpark, Morrinsville (2 unisex toilets) - Herries Park, Te Aroha (1 unisex toilet) <p>These areas provide basic toilets but no other facilities.</p>

Recommendations

There are no recommended amendments to the proposed Bylaw in response to these submissions. Schedule 3 does not define any areas where a person can freedom camp in a vehicle that is non self-contained on local authority areas within the District, but provides for them by way of the schedule to allow for easy incorporation of such areas into the bylaw in future, if and when appropriate facilities and areas come available.

Council can consider whether or not to include areas where a person can freedom camp in a vehicle that is non self-contained on local authority areas based on submissions if desired, whilst taking into account facilities available, detailed above.

Reserve Management Plans (RMP)

Council proposed an amendment to the RMP for Hetana Street and Waitoa Railway Reserve which are within the Council's Passive RMP, to allow for some restricted freedom camping as consistent with the proposed Bylaw.

Council also proposed an amendment to the RMP for Herries Memorial Park and Waihou Recreation Reserve which are within the Council's Active RMP. This is to allow for some restricted freedom camping as consistent with the proposed Bylaw.

In addition, Council proposed an amendment to Appendix E of the Active RMP to remove reference to Te Aroha Domain as a potential site for freedom camping, to make the RMP consistent with the proposed prohibition of this area.

Council received the following submission points regarding these proposals:

Themes/Submission Summary	Staff Response
One submitter expressed they agree with the amendments to the RMP's for Waihou Recreation Reserve, Waitoa Railway Reserve and schedule E of the Active RMP.	Support for the proposal acknowledged.
One submitter opposes changing the RMP for Waihou Recreation Reserve due to some concerns around allowing camping near the close by childcare facility.	Addressed earlier in this report.
One submitter states it is unclear why Council has a Passive and Active Reserve Management Plan.	The Reserves Act 1977 requires Council to have RMPs for certain classes of reserve. Active and Passive Reserves were two management categories used at the time based on the predominant purpose of the park. The Passive RMP 2009 applies to parks and reserves used for active recreation / organised sports.
One submitter highlighted that for consistency it might be prudent to align the definition of a 'certified self-contained' vehicle under the General Policies RMP with the bylaw. Submitter notes the General Policies RMP only refers to NZS 5465:2001 and it is unclear whether the SOP anticipates this alignment. Submitter refers to sections 10 and 42 of the FC Act and states it might be difficult to enforce an inconsistency between the bylaw and the RMP.	<p>This comment refers to the definition within section 5.2 of the General Policies RMP. The change is appropriate and important for consistency.</p> <p>It is also recommended that Council concurrently update the introductory section under <u>8.4 Camping</u> within the General Policies RMP to update the reference to having a Freedom Camping Bylaw following adoption.</p>

Recommended changes

In addition to the changes proposed to the Active and Passive Reserve Management Plans to ensuring consistency with the prohibited and restricted areas identified in the Bylaw, it is also recommended that Council make minor amendments to the General Policies Reserve Management Plan:

- Update the definition of Certified self-contained within section 5.2 Defined Terms to ensure alignment with the definition of self-contained within the Freedom Camping Act 2011.

- Update the introductory section under 8.4 Camping to include reference to having a Freedom Camping Bylaw.

Out of Scope

Themes/Submission Summary	Staff Response
One submitter states that all vehicles that are used for freedom camping should have a COF, WOF and be registered	These are Land Transport Act/Traffic Policing matters out of scope of the bylaw
One submitter requested a no dogs policy be included. Submitter states they have had several sheep mauled to death by dogs belonging to freedom campers. Submitter mentions the issue in the TA Council office car park stating they had dangerous dogs. The dogs were known to be menacing towards children and they were still allowed to stay at Herries park. Submitter states a risk assessment should be completed about dogs being allowed in freedom camping areas.	Freedom Campers with dogs are still required to comply with the Dog Control Bylaw and Act.
Two submitters raised homelessness within the district in general. One submitter stated that immigration may need to be curbed to limit the number of homeless people forced to camp. One submitter is concerned that people are now sleeping rough in Matamata. Submitter sees this as disappointing and unacceptable.	Homelessness is not covered by the definition of Freedom Camping in the Freedom Camping Act 2011. Those living in their vehicles due to homelessness are exempt from the Bylaw. As part of implementation, Council is developing resources to guide an appropriate response, and to ensure people are aware of the appropriate agencies, which is consistent with an educational approach in the first instance.

Recommended changes

No amendments to the proposed Bylaw are recommended in response to these submission points.

Mōrearea | Risk

Having a Freedom Camping Bylaw helps manage environmental risk to sensitive areas which require protection. It also responds to health and safety concerns in certain areas, whether it be protecting the health and safety of other users of an area, or the health and safety of freedom campers. It gives Council a tool to work with Iwi to protect areas of cultural significance.

Having a bylaw to respond to issues relating to freedom camping reduces the risk of reputational damage as it gives Council an effective tool to respond to problems promptly and appropriately.

Recently, other Freedom Camping Bylaws have been legally challenged (Marlborough District Council was successfully challenged in 2021 and Queenstown Lakes District Council is currently undergoing litigation). Broadly, these challenges were based on the bylaws being outside the

scope of the Act and being overly restrictive. This risk has been mitigated by conducting early consultation with key stakeholders and maintaining a clear line of sight between the criteria in section 11(2) of the Act and any prohibition or restriction, to ensure the bylaw is within the scope of the Act.

Ngā Whiringa | Options

Option 1 (Recommendation) – Council can adopt the Bylaw as attached to this report as well as proposed changes to Reserve Management Plans, proposing minor updates based on submissions, further information received and minor editorials.

Option 2 – Council can adopt the Bylaw as attached to this report as well as proposed changes to Reserve Management Plans with additional amendments if required.

If, based on submissions Council wish to review having non self-contained sites across the District then the below can be inserted in place of resolution 3:

Option 3 – Council adopts the Freedom Camping Bylaw 2023 in Attachment A, with effect from 20 December 2023 subject to the inclusion of _____ within Schedule 3: Areas where a person can Freedom Camp in a vehicle that is not Self-contained.

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

As set out in section 11(2) of the Freedom Camping Act 2011, Council may only make a bylaw under the Act if it is satisfied that:

- (a) the bylaw is necessary for one or more of the following purposes:
 - (i) to protect the area
 - (ii) to protect the health and safety of people who may visit the area
 - (iii) to protect access to the area; and
- (b) the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and
- (c) the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA).

In regard to the above, area assessment summaries were included in the report to Council on 23 August 2023, these show the necessity for freedom camping in some areas to be restricted or prohibited for the purposes set out in a(i) to (iii). The necessity for some district-wide restrictions on freedom camping, to protect all local authority areas, is also addressed. The decisions made at the Council meeting on 23 August 2023 show the Council is satisfied a new bylaw is necessary for the purposes above.

Part 2 of NZBORA sets out rights that are affirmed and protected, that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society. The proposed Freedom Camping Bylaw may give rise to implications for the following rights under NZBORA:

- Right to freedom of peaceful assembly (Section 16 of NZBORA)
- Right to freedom of movement (Section 18 of NZBORA)

Council staff have assessed the possible inconsistencies as follows:

- Section 16 and 18 rights – the Bylaw's provisions are justified because they only limit the rights of individuals to the extent it is reasonable to do so to in order for other people's rights and freedoms to be maintained.

This assessment indicates that the Bylaw and its provisions are justified because they only limit the rights of individuals to the extent it is reasonable to do so for other people's rights and freedoms to be maintained.

Council staff have reviewed the proposed amendments attached to ensure they comply with the Freedom Camping Act 2011, including that they are the most appropriate and proportionate ways of addressing the perceived problems in relation to the various areas. Staff consider that the changes proposed consist of both minor refinements and changes made in response to submissions received via the consultation process are reasonably within the scope of what was consulted on.

Ngā take ā-lhinga | Consent issues

Freedom camping is permitted on reserve land under the District Plan if provided for in a Reserve Management Plan. Therefore, the Bylaw and subsequent proposed changes to the Passive, Active and General Policies Reserve Management Plans does not give rise to any consent issues on reserves.

In addition, the Act provides a permissive approach for freedom camping in local authority areas and explicitly states that Councils must not enforce blanket bans on freedom camping across the district, so the Act would prevail if there was an inconsistency between the Act and the District Plan.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

Milestone	Date
Pre consultation with Iwi and relevant key stakeholders	June - August 2023
Workshop with Elected Members – discussion of proposed Bylaw prior to consultation	2 August 2023
Documents approved by Council to consult including Statement of Proposal and proposed Bylaw	23 August 2023
Consultation Period	18 September – 18 October 2023
Hearing	8 November 2023
Deliberations and adoption of final bylaw	22 November 2023
Bylaw operational	20 December 2023

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The relevant Community Outcomes are set out below:



Economic opportunities	We provide leadership and advocacy is provided to enable our communities to grow.
-------------------------------	---

Healthy communities	We encourage community engagement and provide sound and visionary decision making.
Environmental Sustainability	We engage with our regional and national partners to ensure positive environmental outcomes for our community.
Vibrant Cultural values	<p>We value and encourage strong relationships with Iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.</p> <p>Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.</p>

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

Council has successfully received funding from Ministry of Business, Innovation and Employment for the development of this Bylaw, signage, carpark painting and project management, communications and monitoring and enforcement planning.

Ngā Tāpiritanga | Attachments

- A.  Freedom Camping Bylaw - tracked changes version for adoption 22 November 2023
- B.  Freedom Camping Bylaw - Appendix 1 - Maps - 22 November 2023

Ngā waitohu | Signatories

Author(s)	Sandra Harris Placemaking and Governance Team Leader	
Approved by	Erin Bates Strategic Partnerships and Governance Manager	
	Don McLeod Chief Executive Officer	

7 Pūrongo me whakatau | Decision Reports

7.2 Te Aroha Spa Project

CM No.: 2791367

Te Kaupapa | Purpose

The purpose of this report is to present Deloitte's final report covering the Te Aroha spa project capital raising process along with an update on engagement with potential investors, and to provide a wrap up summary of key milestones getting the project to this point.

Note that the Deloitte report has been appropriately redacted so as to preserve commercially sensitive information.

Rāpopotonga Matua | Executive Summary

Concluding the capital raising process up to and including Deloitte's management of this, was a major project milestone, which was completed on time and to budget. The key deliverable from this process was to have one or more interested party emerge at the conclusion of the market outreach (the final step in the formal process). Two interested potential investor parties emerged from the capital raising process. At the conclusion of Deloitte's involvement in the process, the project effectively ended one phase and then entered a new phase, being engagement with potential investors.

From the foundation project plan, considerable due diligence, investigative work and supporting processes were identified. Given the project has entered a new phase, this report summarises key milestones (attached report) spanning from establishment of the Project Governance Group (PGG) to capital raising.

Entirely unforeseen of course was the Covid pandemic. This buffeted the project and New Zealand/rest of the world, emerged from the pandemic in a somewhat economically dishevelled state, along with many other negative impacts on people's lives. Nevertheless, this project necessarily needs to be viewed in a longer term context and was at its founding vision seen as a catalyst project.

Assuming we get traction with one of the potential investors, there will be a considerable process ahead to bring this to fruition. The aim is to determine as quickly as possible whether or not either interested potential investor is able to bring a proposition that approximates with Council's preferences. If the ownership model that emerges is one where Council is an investor alongside perhaps 2 other parties, it can be noted that Council is not managing any new entity, (if it doesn't wish to and subject to shareholder agreements, etc). Council would be a shareholder who could benefit from an investment in an entity that is established and managed professionally through the experience of another shareholder, being one of the interested potential investors currently being engaged.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. This report be received.
2. The Te Aroha Spa Development Project Manager continues to engage with the two interested investor parties.

Resolution number CO/2023/00003

Moved by: Cr J Sainsbury

Seconded by: Cr C Ansell

KUA MANA | CARRIED

Horopaki | Background

Following the work completed under the Provincial Growth Fund process in 2019 and 2020, which included a Feasibility Study, Business Case and Post Covid-19 Addendum, MPDC pursued a project that contemplates bringing to life a leading hot pool/day spa business situated within the Te Aroha Domain, to replace the existing business' facility. The existing spa and hot pool business has insufficient capacity to meet annual client demand and offers a limited set of experiences compared to others in the market.

A new facility as contemplated in the 2019 Feasibility Study and 2020 Business Case has the potential to be an anchor project for Te Aroha and the wider district/region with the potential to stimulate further economic development, largely through tourism, which could improve social cohesion, economic, cultural and environmental outcomes.

A Project Governance Group was established in April 2021 to provide strategic guidance and oversight for the project. A considerable amount of due diligence and other investigations were completed, and a number of these were pivotal stage gates that provided clarity around underlying potential viability of the project. With the stage gates cleared and other supporting processes completed, Options Assessment work was commissioned so that a development in concept could be identified.

Based on analysis of and recommendations in the Options Assessment report a concept was identified. As the investment required for this option was considerably more than the \$18.9m provided for in the Long Term Plan, Deloitte were engaged to manage a capital raising process. Deloitte's engagement concluded by September 2023 and 2 interested potential investors emerged from the process.

Ngā Take/Kōrerorero | Issues/Discussion

1. Capital raising and project milestones

Having completed the capital raising process managed by Deloitte, the project has entered a new phase. Given the initial phase of the project has concluded, Council's attention is drawn to the project milestones chart attached to this report.

NZTE continue to provide support to the potential investor engagement with this service being provided free of charge.

2. Innovation Programme for Tourism Recovery fund

As part of the capital raising process, we made application to the Innovation Programme for Tourism Recovery fund but were unsuccessful. The application was seen as a long shot but worth an application but our project was too far away from the fund's key criteria.

3. Potential investor process

At the September 2023 Council meeting, given there were two interested potential investors to engage with, a budget of \$40,000 was provided to fund the project in this financial year. The two interested potential investors signalled their interest in visiting Te Aroha to help develop their thinking. As an initial step hosting these parties is seen as important and both visits were completed in early November. Both visits had positive and productive discussions and appear to be leading to a next step. Further engagement with each party will occur mid November or so to understand where their thoughts have evolved to and discuss their thoughts on next steps. Summary of the visits and key takeout's as follows:

Party A (New Zealand based)

- Like the Domain and proposed development location i.e lower bush line
- Begin with relatively modest scale and scale up over time
- Vision for a development to embrace a strong and authentic Maori cultural experience
- Understands the 33 lease and so do their bankers due to their existing property's arrangements
- Preference to have MPDC in as investor/shareholder
- See any process to development as being quite gradual
- Accommodation in the town will need to be developed

Party B (Australian based)

- Like the Domain and proposed development location
- See a staged development over time, perhaps 3 stages. Once stage 1 proven go to stage 2, etc
- Sees outdoor pools, steam and sauna in any stage 1
- Keen to engage with mana whenua
- Has an equity partner that would provide the capital
- Equity partner would want to see a branded hotel developed
- Believes the existing TAMS building could be repurposed, build pools, etc behind

Mōrearea | Risk

The key project risk at this point is not being able to attract an investor.

Ngā Whiringa | Options

1. Continue to engage with the potential investors
2. Disengage with the 2 potential investor parties

Recommended option

The Project Governance Group recommends Option 1 above.

If Council decides to discontinue engagement it is suggested that consideration be given to next steps and public communications.

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

The project is aligned to the LTP as development funding has been provided for in the LTP.

The 2021 – 2031 Long term Plan includes budget provision for the spa development project. Significant departure from the LTP may trigger a consultation process and/or public communications.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

The MPDC communications team monitor the project's progress and provide updates through the usual channels at the appropriate times.

Ngā take ā-lhinga | Consent issues

N/A



Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The project received strong support going into the 2021 LTP process. The potential for economic development, greater social cohesion, improved cultural and environmental outcomes were key themes identified in the original Feasibility Study and Business Case.

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

At the September 2023 Council meeting, Council approved a budget of \$40,000 to fund the project's activities in the current financial year.

Ngā Tāpiritanga | Attachments

- A.  Te Aroha Geothermal Pools Spa - Process report 16.10.2023_REDACTED
- B.  Te Aroha Spa Project Milestones

Ngā waitohu | Signatories

Author(s)	Graham Shortland Project Manager - Te Aroha Spa Development	
Approved by	Graham Shortland Project Manager - Te Aroha Spa Development	

7 Pūrongo me whakatau | Decision Reports

7.3 Te Whare Whakapakari - Matamata Indoor Stadium - Progress Report

CM No.: 2792279

Te Kaupapa | Purpose

To provide a formal update on progress with the project and to obtain Council approval to apply for grants to the New Zealand Community Trust and Lion Foundations for the project.

Rāpopotonga Matua | Executive Summary

Council considered a report on the Matamata Stadium project in March 2023.

Following this report Council has taken over the delivery of the project in collaboration with Matamata Futures, Matamata College, Sports Waikato, Iwi, and the Ministry of Education (MOE).

This report:

- Provides an update on progress with the project including significant risks.
- Requests approval to apply for grants for the project from the New Zealand Community Trust and the Lion Foundation.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council approve the lodgement of a grant application for Te Whare Whakapakari Matamata Indoor Sports and Recreation Hub project with New Zealand Community Trust for \$300,000
2. Council approve the lodgement of a grant application for Te Whare Whakapakari Matamata Indoor Sports and Recreation Hub with Lion Foundation for \$600,000.

Resolution number CO/2023/00004

Moved by: Cr S Whiting

Seconded by: Cr C Ansell

KUA MANA | CARRIED

Horopaki | Background

In March 2023 Council considered the Matamata Sport Stadium project and passed the following resolution:

That:

1. Council receive the peer review report received from the independent advisor for the proposed Matamata Sports Stadium to be located at the Matamata College.
2. Conditional on the MoE providing adequate commitment to capital investment, depreciation costs, and ongoing operating costs, to the satisfaction of the Council, the Council agrees to;

- • A revised location of the Stadium to an area within the school precinct adjacent to the current gymnasium site.
- • An additional \$1,000,000 contribution toward the building project over and above the \$2,000,000 already committed funded by way of capital loan.
- • Designate \$100,000 of this additional funding as operational expenses associated with any further investigations, legal advice etc. prior to funded from either rates or reserves.
- Confirming an under writing commitment to both the construction costs and ongoing operational costs when the facility is operational, consistent with the controls in place within the Memorandum of Understanding.
- Operational management of the facility once the facility is complete.

1. Council considers that the proposal as outlined and quantified in the peer review does not require additional public consultation; as this(sic) have been considered in previous Long Term Plans.

Mayor Adrienne Wilcock declared a conflict of interest and left the room. She did not take part in any discussions or voting of the item.

Resolution number CO/2023/00004

Clause 2 of Council's resolution conditions its approval on the MOE providing adequate commitment to capital investment, depreciation costs, and ongoing operating costs, to the satisfaction of the Council.

At this stage we do not have signed agreements with MOE.

Actions that have been progressed are:

- MOE has received a report from Deloitte's reviewing the project. This was an MOE prerequisite for funding approval.
- MOE has confirmed in principle to a capital contribution of \$2 million and the establishment of a ground lease
- MOE has provided input into the detailed design

MOE is to provide draft legal agreements to formalise all arrangements.

The Project team has engaged Kate Searancke of Tompkins Wake to represent Council in relation to these agreements. Kate Searancke was involved with the Te Kuiti Stadium project.

Project Governance and management

The Project was initially driven by local resident Bruce Magan and the Matamata Futures Trust and then by the Matamata Indoor Sports and Recreation Hub Charitable Trust.

A Project Steering Group (PSG) was established for the project. Representation includes Matamata Futures, Matamata College, Sports Waikato, Iwi, Ministry of Education (MOE) and Council.

Deputy Mayor James Thomas is now the Chair of the PSG.

Council's project personnel are Chris Lee, Sharon Bryant and project management company Frequency. Dylan Workman of Frequency also worked on the Te Kuiti Stadium.

Project Estimated Cost

It was reported to Council in March 2023 that the revised estimate for the project was \$9.5 million.

A quantity surveyor provided an updated estimate of \$10.695 million in June 2023. This had a number of exclusions including demolition costs for existing affected school buildings.

The PSG has determined a project capital budget of \$11 million. A provision of \$440,000 has been allowed for demolition. The total project cost that is being used for funding purposes is \$11.44 million.

The latest review of estimates including items previously excluded by the quantity surveyor indicate that the project could exceed \$12 million.

We are taking the following actions to keep project costs as close as possible to the approved budget:

- The detailed design is being reviewed to identify items/aspects that could be excluded
- Tenders for the build will be called prior to Christmas to avoid further cost escalations.

Competitive tender processes are expected to deliver the lowest feasible build cost.

Funding

The Funding plan is continually revised as contributions are confirmed and is summarised in the table below.

	Amount (\$ million)
Capital costs	\$11.0
Demolition	\$0.44
Project Budget	\$11.44
Confirmed Funding	
MPDC	\$3.0
MOE (verbal confirmation)	\$2.0
Community Funds (\$0.55m in kind)	\$2.9
Trust Waikato	\$0.5
Targeted	
NZ Lottery & other grant organisations	\$1.9
Further Community Funds	\$0.2
School house sales	\$0.44
Naming Rights	\$0.5
Budgeted Project Funding	\$11.44

Design

A Design Steering Group (DSG) is providing assistance to the PSG on the stadium design.

Concept plans appropriate for the resource consent were completed.

Detailed design is progressing to produce documents suitable for the construction tender process. This has included input from the MOE.

Cultural input into the project has commenced.

As noted above, the DSG is to review items to keep project estimates as close as possible to the project budget.

The final design will be submitted to the PSG before it is presented to Council.

Procurement

Construction procurement will involve the issue of two contracts:

1. Civil works including demolition, access and car-park build and ground preparation
2. Stadium build.

The Civil works will be fully designed.

The Stadium build will be design-build although we will have advanced the design to a detailed level.

We expect to tender the stadium build in December.

The Civil works will be procured in early 2024.

Project Milestones

The project manager has a detailed project plan and timetable for the project.

The following is an latest summary of key milestones.

Milestone	Target date
Principal design requirements for the build	November 2023
Legal agreements with MOE in place	December 2023
Stadium tenders open	December 2023
Civil works procurement	Quarter 1 2024
Resource Consent	Quarter 2-3 2024
Contract award	Quarter 1 2024
Construction commences	Quarter 2-3 2024
Practical completion	Quarter 2-3 2025

The main variable in the timetable has been the resource consent.

The consent was lodged with insufficient information on the traffic impacts and frequency and scale of significant events.

This information has now been provided and if it is satisfactory, the formal consent notification process will commence.

In the above milestones we are assuming we will receive objections and will require a hearing.

Ngā Take/Kōrerorero | Issues/Discussion

MOE Agreements

The MOE agreements have not been finalised and as such we have not complied with all aspects of Clause 2 of Council's March 2023 resolution.

We have progressed the project and incurred projects costs on the assumption that agreement will be reached. We estimate that to the end of December we would have incurred or committed approximately \$500,000 in capital costs (eg design, resource consent etc).

Council has formally resolved to underwrite construction and operational costs for the project. Council has the ability to stop the project if it is not satisfied with any aspect of the project.

Funding

A grant application has been lodged for the NZ Lottery Community Facilities Fund. A decision on the grant will be made no later than 15 December 2023. It is a requirement that a resource consent is issued for the project before that decision is made. This will not be achieved.

The Mayor has spoken to Lottery Board staff reinforcing Council's commitment to the project.

It is hoped that the significant benefits that will be derived from the project will result in a favourable grant decision.

Grant applications are to be lodged with the following organisations:

- New Zealand Community Trust - \$300,000
- Lion Foundation - \$600,000

It is a requirement for those grants that Council has passed a resolution authorising the lodgement of the applications.

We are unlikely to receive all the grant funds that are applied for and the short-fall will add to the community target.

The MOE contribution of \$2 million represents Matamata College's portion of the project.

The Matamata College Board of Trustees has signalled a willingness to contribute proceeds from the sale of staff houses to the project. This has been tagged to fund the demolition costs (estimate of \$0.44 million).

The MOE has explained the process that will apply to any proceeds of the sale of houses:

- The disposal process could take 24+ months
- The proceeds of the sale will not go to the MOE and instead Treasury will be the recipient government department
- The MOE incentivises schools to sell school houses. There is a process for the sale proceeds to be applied to the school. The funds must be applied to Priority 1 items (that threaten to close the school) or Priority 2 items (eg infrastructure). If the school has neither of these items then Priority 3 items can be considered. Priority 3 are improvements to the school and the new stadium falls into this category.

- The MOE representatives are unable to give any assurance that the sale proceeds can be applied for this project.

The delay in receiving the sale proceeds will incur an interest cost. The bigger concern is the lack of certainty that the sale proceeds can be applied to the project.

There are in-kind contributions of \$0.55 million. The Project team is reflecting on how these can be realised whilst still maintaining the integrity of procurement processes.

Agreement in principle has been confirmed for a naming rights sponsor for \$0.5 million. The first half of the agreement is to be paid when construction starts. A second payment will be made 4 years later. The naming rights will be assigned for 10 years. The name of the contributor can be released when formal agreement has been confirmed.

It is assumed that Council will require all unpaid community contributions to be either settled or legally secured before a construction contract is issued.

Mōrearea | Risk

The project manager has compiled a detailed project risk register for the project.

A number of risks have been noted below as these could have a significant impact on the project.

- Resource consent – we have assumed that objections will be received and a hearing will be required. We have not allowed for any appeal process in our time-table.
- NZ Lottery Community Facilities Fund –we will not have a resource consent decision before the grant is considered. This increases the risk of not securing a grant from this source.
- Contract award – When the contract is signed Council will be responsible for the total cost of the contract.

In awarding the contract there is a risk that Council is exposed to a contribution in excess of \$3 million either through:

1. A contract price that exceeds the \$11 million budget
2. The funding targets not being achieved by the contract award date

The mitigations for the first risk are to subject the stadium build to a competitive process and to review the detailed design.

The second risk is more difficult to mitigate.

Council may wish to consider the process it might follow and information required if either risks manifest. This might include:

- The significance of any increased funding contribution exposure
- The total expenses incurred for the project by the contract award date. These expenses will be written off if the project ceases at that point.

Ngā Whiringa | Options

Option One – Authorise grant applications	
Description of option	
Authorise grant applications to be made to the New Zealand Community Trust for \$300,000 and the Lion Foundation for \$600,000.	
Advantages	Disadvantages
This will allow Council to get further certainty on the funding plan when grant decisions are made.	
Option Two – Not authorise grant applications	
Description of option	
Not authorise one or both of the applications to be lodged.	
Advantages	Disadvantages
	Any funding short-fall will add to the community sourced target.

Recommended option

Council give approval for grant applications to be made to the New Zealand Community Trust and Lion Foundation.

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

The project is consistent with Council's long term plan although Council will now own and manage the facility.

Local Government Act 2002 (LGA 2002) Decision-making requirements

Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is assessed as having a low level of significance.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the	Community views on the project have been sought through the long term plan process.

views of Interested/affected people	There is also an opportunity for affected residents\party views to be formally expressed through the resource consent process.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	<p>The significance of the matters relevant to this report have most recently been considered in the March 2023 report to Council.</p> <p>The key circumstances as they relate to Council’s decision remain unchanged:</p> <ul style="list-style-type: none"> • Council’s contribution remains at \$3 million • Council will underwrite construction and operational costs for the project
Section 82 – this sets out principles of consultation.	Consultation on this decision is not considered necessary.

Policy Considerations

1. To the best of the writer’s knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

Project communication is currently handled through the Matamata Indoor Sports and Recreation Hub Charitable Trust

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

As outlined in the report background.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Manaia Te Wiata Group Manager Business Support	
Approved by	Manaia Te Wiata Group Manager Business Support	

The meeting adjourned for morning tea at 9.59am and reconvened at 10.23am.

7 Pūrongo me whakatau | Decision Reports

7.4 Long Term Plan (Non-Financial) Performance Measures for Infrastructure Assets

CM No.: 2793685

Te Kaupapa | Purpose

The purpose of this report is to approve the non-financial performance measures for Council's infrastructure assets for inclusion in the draft Long Term Plan 2024-34.

Rāpopotonga Matua | Executive Summary

Every three years Council is required to prepare and adopt a Long Term Plan (LTP) under the Local Government Act 2002 (LGA). As part of this process, Council sets a Performance Framework. This Framework sets out what we plan to do and why (what we are trying to achieve), and how we plan to measure our progress.

Council reviewed the current non-financial performance measures from the previous Long Term Plan (2021-31) at workshops held on 11 and 18 October 2023, also considering what changes were required.

This report summarises earlier workshop discussions, adding revised performance measures for further consideration and approval by Council and inclusion in the draft LTP.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The report is received.
2. Council approves, for inclusion in the draft Long Term Plan 2024-34, the non-financial performance measures outlined in the updated attached document.
3. Council delegates to staff the ability to make changes to the performance framework if required, for all related documents for auditing.

Resolution number CO/2023/00005

Moved by: Cr S-J Bourne

Seconded by: Cr D Horne

KUA MANA | CARRIED

ATTACHMENTS

- A Asset Performance Measure Framework for Council - updated 21 November 2023

Horopaki | Background

Long Term Plan

Council is required to prepare and adopt a Long Term Plan (LTP) under the Local Government Act 2002 (LGA). The LTP sets out the activities, budgets, Financial Strategy and key financial policies of the Council for the next ten years, and the Infrastructure Strategy for the next 30 years. The LTP is updated every three years, with the last LTP approved in 2021 (available online at <https://www.mpdc.govt.nz/plans/long-term-plan>).

Performance Management Framework

As part of the LTP, Council is required to review its performance framework. Performance management is a process of determining objectives, measuring progress against those objectives (Council does this through its Annual Report), and using the results to improve delivery of services to the community.

This is our 'contract' with the community and explains what we plan to do and why, and how we will measure our performance and determine progress towards our goals and objectives. It helps Council to 'tell the story' about what we want to achieve and what we have achieved for our community.

At its meeting held on 25 October 2023, Council approved its non-financial performance measures for non-asset activities. This report describes the proposed non-financial performance measures for its asset activities.

Workshops

At workshops held on 11 and 18 October 2023, Council reviewed its current non-financial performance measures from the LTP 2021-31 for the infrastructure asset activities, and considered whether additions, deletions, or changes are required for the draft LTP 2024-34. The proposed non-financial performance measures are provided in Attachment A to this report for consideration and approval for inclusion in the draft 2024-34.

Ngā Take/Kōrerorero | Issues/Discussion

This section of this report summarises the workshop discussions and identifies the key proposed changes.

Community Facilities & Property Activity Group

Feedback from the workshops indicated that the majority of the existing performance measures are to be retained for this activity group. The following changes to performance measures are however proposed:

Activity	Proposed Change	Reason for Change
Carparks and Street Furniture	Removing the current performance measure, which is based on response times to vandalism and graffiti complaints.	<p>The sample size is typically very small (<5 complaints a year) which can easily skew the results.</p> <p>It is also proposed that Carparks and Street Furniture will no longer be a standalone activity in the next LTP but will, instead, fall under the Parks and Open Spaces Activity. There will thus be no need for a specific measure for the sub-activity.</p>
Recreation and Heritage	Removing the current performance measure, which is based on response times to vandalism and graffiti complaints.	<p>The sample size is typically very small (<5 complaints a year) which can easily skew the results.</p> <p>It is also proposed that Recreation and Heritage will no longer be a</p>

Activity	Proposed Change	Reason for Change
		standalone activity in the next LTP. Event Centres will fall under the new Community Venues category and historic reserves, like Firth Tower, will fall under the Parks and Open Spaces Activity. There will thus be no need for a specific measure for the sub-activity.
Parks and Open Spaces	Adding a performance measure based on external playground audit results	<p>We currently have our playgrounds audited annually by an external play inspector. This provides an independent, qualified, opinion on the level of compliance with playground safety standards. We already record this information but do not report on it in the LTP or Annual Report. We recommend including a performance measure around this to highlight our commitment to safety.</p> <p>Our level of compliance is relatively high at 90% and should continue to improve as older equipment is replaced.</p>
Community Venues	Adding a new measure based on the utilisation of our event centres (i.e. Te Aroha Event Centre, Headon Stadium, Morrinsville Event Centre).	<p>We now have electronic booking systems at all our event centres which makes it easier to reliably report on utilisation. We already record this information but do not currently report on it in the LTP or Annual Report.</p> <p>Utilisation of our event centres is an important measure for supporting community wellbeing.</p> <p>We only have reliable, comparable data from 2022 onwards and therefore propose to benchmark against the 2022-23 booking data and set a target to maintain the number of bookings within 5% of the benchmark.</p>
Libraries	Minor rewording of the performance measure	<p>At the Workshop on 18 October 2023 it was proposed to 'reset' the target for library and pool users based on visitor numbers during the 2022-23 Financial Year and to remove the 'five year average' from the performance measure.</p> <p>At its meeting of 25 October 2023, Council reconsidered this and</p>

Activity	Proposed Change	Reason for Change
		proposed that the current performance measure, including reference to the five-year average, be retained but amending the wording to include virtual visits.
Pools and Spas	Rewording audit-related performance measures for pools and community venues	Rewording the current measure for clarity and to reflect current practice. Reference to the pool water quality standard is included in the revised wording.

At the workshop on 18 October it was proposed to reset the visitor target for pools based on the 2022-23 Financial Year and remove the 'five year average'. A similar measure was proposed for libraries but has since been reconsidered with Council indicating a preference to retain the current measure with the 'five year average'. It is proposed that the current pool visitor measure with 'five year average' also be retained for consistency with the libraries' performance measure.

Infrastructure – Roading

At Council workshops it was discussed that only performance measures (PM) developed earlier by the Department of Internal Affairs (DIA) would be included for Council's local road land transport function.

Although these measures are mandatory, Council may set its own targets as appropriate and relevant for the local community.

Staff recommended changing just two of the PM targets, both of which are highlighted below with the explanation of the reason behind the change.

Performance Measure and Proposed Change	Reason(s) for change
Performance Measure 2: Local road network – sealed road condition Amending the Target to 95%	The average quality of ride measure of Smooth Travel Exposure (STE) was the target promoted for change. Staff explained the current target was set at 97% and based on targets maintained by neighbouring councils' Hauraki and Waikato, and this target could be easily and effectively lowered to 95%. The benefits include taking pressure off the roading team, upholding what is presently a very high smooth travel target by building-in some flexibility for road maintenance and renewals works and offsetting limitations to contractor capacity, potentially impacting work completion.
Performance Measure 5: Responses to service requests from customers Amending the Target to 15 working days	Currently the target is set at 90% for all non-urgent customer requests to be responded to within five (5) working days. Staff suggested this could be lowered to 80% of non-urgent requests responded to within fifteen working days. However, during workshop discussions, the approach of leaving the 90% target in place was

Performance Measure and Proposed Change	Reason(s) for change
	generally preferred by Council. Having considered this, staff are happy to leave the target at 90% with the 15 working days an agreed target adjustment to provide for flexibility.

Infrastructure – Water

Following central government's 3 waters reform programme and in accordance with the new legislative requirements, councils are required to disclose non-financial performance measures only for the first two years of the LTP 2024-34. Therefore, this report includes Water, Wastewater and Stormwater non-financial measures only for the first 2 years of the LTP 2024-34.

The following describes the key changes to the performance measures for the water activity.

Existing Performance Measure/Target	Proposed Change	Reason for Change
The extent to which Council's drinking water supply complies with: - Part 4 of the drinking-water standards (bacteria compliance criteria), and - Part 5 of the drinking-water standards (protozoal compliance criteria).	Number of breaches of the Maximum Acceptable Values (MAV's) in the Drinking Water Standards.	Reflects the new Taumata Arowai drinking water standards.
New measure	Number of Regulatory Actions (measured by the number of: Directions, Compliance Orders, Enforceable Undertakings, Remedial Actions).	Reflects the new Taumata Arowai drinking water standards.
The percentage of real water loss from Council's networked reticulation system (using minimum night flow analysis).	Current Annual Real Loss (CARL), from Council's urban reticulation system (l/conn/day). (Previously used minimum night flow analysis).	As per the Taumata Arowai National Environmental Performance Measures (NEPM's). CARL is a better measure than % of real water loss.
The average consumption of drinking water per day per resident within the District* 500 litres per urban	The average consumption of drinking water per day per resident within the District* Propose the following	Propose to lower the target in line with new requirements.

Existing Performance Measure/Target	Proposed Change	Reason for Change
resident per day.	targets: 2024/25: 500 litres 2025/26: 480 litres	
	Removal of resolution time to faults or interruptions. Propose to only record attendance time.	It is proposed to remove this measure as it is determined that the cost of reporting on this measure outweighs the benefits of. Reporting on this measure is currently very resource intensive.

Infrastructure - Wastewater

One change is proposed to the wastewater performance measures. The performance measure for resolution time when attending to sewage overflows is proposed to be deleted as per the table below:

Existing Performance Measure/Target	Proposed Change	Reason for Change
	Removal of resolution time to faults or interruptions. Propose to only record attendance time.	It is proposed to remove this measure as it is determined that the cost of reporting on this measure outweighs the benefits of. Reporting on this measure is currently very resource intensive.

Stormwater

In the council workshop held on 18 October 2013, staff proposed the non-financial performance measures with targets to include in 2024/34 LTP. Some changes to the existing non-financial performance measures were recommended in the workshop. They are described in the following table:

Existing Performance Measure/target	Proposed Change	Reason for Change
The existing target for measure for the number of complaints received about the performance of council's Stormwater system (Expressed per 1,000 properties) is 4.	This target is proposed to be changed to 10.	With recent experience and changes to the rainfall patterns and frequencies, it will be hard to meet current performance targets.

Rubbish and Recycling

Council has not discussed these at a previous workshop. Staff will be going over the proposed changes at the council meeting. Some changes to the existing non-financial performance

measures are recommended due to changes in legislation and the new kerbside collection contract. The changes are described in the following table:

Existing Performance Measure/target	Proposed Change	Reason for Change
Total quality of kerbside household waste sent to landfill.	Delete this measure	This measure is difficult and subjective to measure. The proportion of total waste diverted measure captures the waste reduction target.
Proportion of waste diverted (recycled or composted) from the transfer station and kerbside recycling collection service	Amend the Targets 40% by 2026 50% by 2029	Reset to meet Legislative requirements
Compliance with our resource consents for closed landfills, (measured by the number of: abatement notices, infringement notices, enforcement orders, and convictions, received in relation to those resource consents).	Proposed new measure	A new measure to align with what we are measuring for the 3 waters.

Mōrearea | Risk

Some general risks related to the setting of a performance framework have been identified:

- Council may not meet the new auditing standards and could face a modified audit opinion.
- Targets set may not be appropriate or realistic and may not reflect the level of service Council are wanting to achieve.
- Performance framework may not accurately reflect Council's Strategic Direction and Community Outcomes.
- The internal visibility of performance reporting information may need strengthening to support an organisational-wide focus on service improvement.

To mitigate the above risks, Council must carefully consider its performance framework, regularly review and adjust the metrics as needed, and ensure transparency and accountability in the reporting process.

Ngā Whiringa | Options

The options are:

1. Status quo
2. Approve the proposed performance measures (Attachment A).

Option One – Status Quo
Description of option

This option would see exactly the same performance measures used as in the 2021-31 LTP.	
Advantages	Disadvantages
No resources required for additional measures	Same issues as with current measures
Council could provide direction to staff for further refinement of performance measures.	Council's performance framework would not reflect its updated Strategic Direction and current/new auditing standards.

Option Two – Approve proposed performance measures	
This option would make some changes to the performance measures as outlined in this report and detailed in Attachment A.	
Advantages	Disadvantages
Some performance measures which were based on a relatively small sample size would be removed.	None identified.
We are already gathering the data for some of the proposed performance measures so reporting on these would be relatively simple and not incur significant costs.	
Some of the proposed measures will help demonstrate the use of assets or improvements to asset networks over time.	

Recommended option

Option 2 is the recommended option.

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

Council is required to prepare and adopt a Long Term Plan (LTP) under the Local Government Act 2002 (LGA). In preparing a LTP, Part 1(4) requires Council to include a statement of the intended levels of service provision that specifies:

- Performance measures made under section 261B of the LGA (mandatory performance measures);
- The performance measures that Council considers will enable the public to assess the level of service for major aspects of activities for which performance measures have not been specified under a) above;
- The performance targets set by Council for each performance measure; and
- Any intended changes to the level of service that was provided in the year before the first year covered by the plan and the reasons for eh changes; and
- The reason for any material change to the cost of a service.

As part of the preparation of the LTP, Council's performance measures have been reviewed against Council's key strategic and policy documents for strategic fit.

Local Government Act 2002 (LGA 2002) Decision-making requirements

The LTP and the proposals within it are deemed to be of high significance. However, the decisions associated with this report are considered to be of low significance.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options to address NFPMs are considered reasonable and practicable.
Section 78 – requires consideration of the views of Interested/affected people	Council will consult the community on the draft LTP. This provides interested/affected people an opportunity to make submissions on the matter. Improvements to measures and/or targets may help to improve understanding of the measures and what Council is aiming to achieve which can be positive for community/stakeholder relations.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The LTP project is assessed as per Council's Significance and Engagement Policy as having a high level of significance.
Section 82 – this sets out principles of consultation.	Consultation on the draft LTP will be undertaken as per the legislative requirements using the special consultative procedure as prescribed in the LGA.

Policy Considerations

To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

No engagement is required at this time (as the decisions as described in this report have been assessed as having low significance). Once the performance measures are adopted as supporting material alongside the LTP consultation document in December 2023, and following an audit process, it will be consulted on with the community in accordance with section 93A of the LGA (use of the special consultative procedure).

The LTP is subject to a communications and engagement plan and a full consultation process in early 2024.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The relevant Community Outcomes are set out below:

The draft performance measures for non-asset activities reflect Council's updated Strategic Direction and Community Outcomes.

Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds.

- A place with people at its heart
- A place to thrive
- A place that embraces our environment
- A place to belong and create

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

The Performance measures are a measure of delivery of our services to the community and we communicate this through the Annual Plan. Budgets reflect the targets we have set.

Ngā Tāpiritanga | Attachments

A.  Asset Performance Measure Framework for Council

Ngā waitohu | Signatories

Author(s)	Mark Naudé Parks and Facilities Planning Team Leader	
	Barry Reid Roading Asset Engineer	
	Santha Agas Utilities Asset Engineer	
	Susanne Kampshof Asset Manager Strategy and Policy	
	Aaron Toone Utilities Engineer	
	Laura Hopkins Policy Advisor	

Approved by	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	

7 Pūrongo me whakatau | Decision Reports

7.5 2024 Infrastructure Strategy Key Issues and Responses

CM No.: 2791673

Rāpopotonga Matua | Executive Summary

This Infrastructure Strategy is a key part of the Long Term Plan.

Its purpose is to take a strategic approach to the management of council assets. The Infrastructure Strategy identifies:

- Significant infrastructure issues for the local authority over the period covered by the Strategy; and
- Options and associated expenditures for managing these issues over the period covered by the Strategy, considering factors that impact on the nature and cost of infrastructure provision; and
- The key planned projects to deliver the infrastructure to renew or replace existing assets and to enable growth.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council approve the Key Issues and responses for the proposed 2024 Infrastructure Strategy as identified in the report.

Resolution number CO/2023/00006

Moved by: Cr C Ansell

Seconded by: Cr R Smith

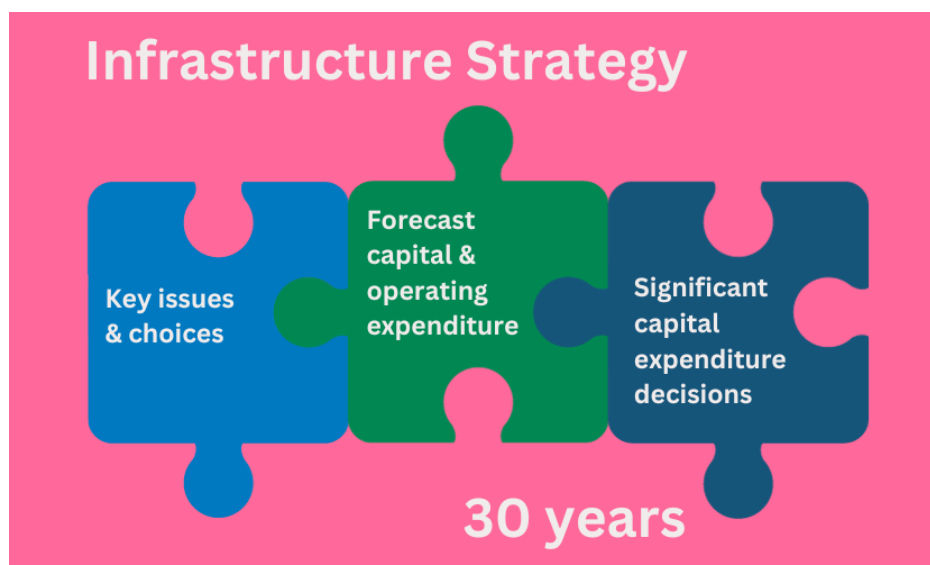
KUA MANA | CARRIED

Horopaki | Background

This Infrastructure Strategy is a key part of the Long Term Plan.

Its purpose is to take a strategic approach to the management of council assets. The Infrastructure Strategy identifies:

- Significant infrastructure issues for the local authority over the period covered by the Strategy; and
- Options and associated expenditures for managing these issues over the period covered by the Strategy, considering factors that impact on the nature and cost of infrastructure provision; and
- The key planned projects to deliver the infrastructure to renew or replace existing assets and to enable growth.



The Long Term Plan process, which includes the Infrastructure Strategy, is one of Council's key opportunities to engage with our communities to find out what their priorities are.

The assets currently managed within the Infrastructure Strategy are:

- Roads and Footpaths [mandatory inclusion in the strategy]
- Parks and Open Spaces
- Community Facilities and Buildings
- Water Supply *
- Stormwater *
- Wastewater Treatment and Disposal *

**Guidance has been given that even with the current 3 waters legislation, 3 waters infrastructure should be included in the 30 year strategy.*

The Infrastructure Strategy is closely tied to other parts of the Long Term Plan, particularly

- the Financial Strategy (Section 2) and
- the Activity Plans, Asset Management Plans contained within What We Do (Section 6)



Like the Long Term Plan, the Infrastructure Strategy is reviewed every three years.

The Long Term Plan covers a 10 year period, the Infrastructure Strategy takes a longer term view and has a 30 year timeframe.

As well as being linked with the Financial Strategy, the Infrastructure Strategy is also based on, and aligned with other elements of the Long Term Plan:

- The Key Assumptions (Section 3)
- The Key Challenges (Section 1)
- The Vision and Community Outcomes / Strategic Direction (Section 1) – see below

Matamata-Piako District is vibrant,
passionate, progressive, where
opportunity abounds



A place with people
at its heart



A place to thrive



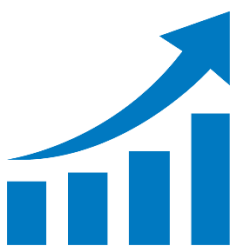
A place that embraces
our environment

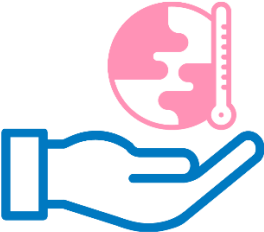

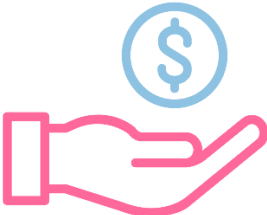


A place to belong
and create

The heart of our community is our people, and
the people are the heart of our community

At a workshop in May Council agreed on its key Strategic Drivers, Most likely scenario and our response.

Driver	Most Likely Scenario For Our District	Impact on Infrastructure	Our Response
 <p>GROWTH AND DEMAND</p>	<p>We are forecasting that our population will increase over time with the majority of this increase happening among the older age groups and within urban areas.</p>	<p>Population growth and land intensification increases demand for infrastructure service in the urban centres. Ageing population increases demand for accessibility and changes the way in which infrastructure assets and services are used. There currently hasn't been the growth in tourism but over the 30 years this is still included in our planning.</p>	<p>We will plan for sustainable growth and manage demand. Investing in infrastructure at the right time and at the right place.</p> <p>Taking some risks and staging some of the projects and investment where we can.</p> <p>We will provide additional capital and operational</p>

Driver	Most Likely Scenario For Our District	Impact on Infrastructure	Our Response
			expenditure over the next 30 years to meet growth
 CLIMATE CHANGE AND RESILIENCE	<p>The global climate change we are currently experiencing means that we have more frequent severe weather events like storms and droughts.</p>	<p>This will impact how we manage our infrastructure to ensure we protect our community by providing them with compliant drinking water, lessen the environmental impact from activities and look to reduce serious and fatal injuries on our roads</p> <p>Planning for resilient infrastructure assets.</p>	<p>Our infrastructure will support or improve public health benefits.</p> <p>Our infrastructure will support or improve environmental outcomes.</p> <p>We will provide for the replacement of critical assets at the end or before the end of their useful lives.</p> <p>We will plan for resilient assets that have capacity and anticipate future needs.</p>
 COMPLIANCE	<p>Increased level of central and regional government direction particularly with changes to the Drinking Water Regulations, the Freshwater Policy and the Road to Zero Strategy.</p>	<p>This will impact how we manage our infrastructure to ensure we protect our community by providing them with compliant drinking water, lessen the environmental impact from activities and look to reduce serious and fatal injuries on our roads</p>	<p>This will impact how we manage our infrastructure to ensure we protect our community by providing them with compliant drinking water, meet our tighter Stormwater and wastewater discharge consents to lessen the environmental impact from activities. We also continue to look to reduce serious and fatal injuries on our roads</p>
 AFFORDABILITY	<p>The median household income for our District is \$32,400 (2018), with around 72.2% of our population holding a formal qualification (2018 census). With the increase in the ageing population, we are also forecasting that the average household size will decrease from 2.5 to 2.3 by 2051, with a higher proportion of single income or fixed income households.</p>	<p>The ageing population, high inflation and interest rates places a cap on the ability of our community to pay for infrastructure assets and services. This is compounded by the increase and high costs associated with compliance for the water, wastewater and Stormwater activities.</p>	<p>We will optimise our investment and apply asset management practices to our planning, taking some risks with some of the investment.</p> <p>We will smooth our costs where possible over time</p> <p>Non-critical assets will be run to failure and only replaced if there is still a demand and requirement for the asset.</p>

Ngā Take/Kōrerorero | Issues/Discussion

The Key drivers identified in the Strategy are :

- Affordability
- Growth and Demand
- Compliance

- Climate change and resilience



Key Issues

Council has at previous workshops discussed that the key issues the Strategy will highlight and focus on the following:

- In the **Short Term** Affordability is more prominent due to rising costs and the community's ability to pay.
 - Priority is looking after what we have.
 - Prioritise our Capital investment. Focusing on the Must do's only.
 - Accepting some Risk with our investment around levels of Service and Resilience of our assets.
- In the **Longer Term** it is about balancing our Drivers.
 - Climate Change – upgrading our assets to be more resilient. Doing the planning to understand the impact on our assets. Then can consider investment over the longer term.
 - Growth – investing in the right infrastructure at the right time. Take some calculated risks where we can. This also includes careful consideration of future zoning for servicing growth to ensure future costs to Council and developers are minimised.

Our Responses

The different choices to address the issues above have been considered and will also be outlined in the strategy.

This results in the following more detailed responses we are planning to make on how to manage the issues:

- Take some risks with our Roothing renewal investment and reducing the increase in budget – Short Term
- Smoothing our renewals over 5 years. Smoothing out the backlog in 3 waters and Building renewals. – over the term of the Strategy
- Not doing some capital and focusing on the Must Do's with only some selected should dos identified as important by our community. – over the term of the Strategy
- Resource Recovery Centre development – Medium term
- Staging some of our compliance and growth projects. – over the term of the Strategy
- Focusing on a reduction in water loss and water demand. – education, leak detection and grey water use in short term, installation of universal household water meters in the medium Term

Mōrearea | Risk

As highlighted above, Council is going to take some risks with the budget, by potentially reducing some of the levels of service. It is proposed to closely monitor the infrastructure assets to ensure the asset condition is not deteriorating and the level of service impacted.

Compliance and meeting legislative requirements is where less risks can be taken.

Ngā Whiringa | Options

The options are:

1. Approve the Key issues and Responses

Option One	
Approve the Key Issues and responses for the 2024 Infrastructure Strategy	
Approve the Key Issues and Responses for the 2024 Infrastructure Strategy	
Advantages	Disadvantages
Meets legislative requirement to update the Infrastructure Strategy for the 2024 Long Term Plan	none

Option Two	
Postpone approval of key issues and responses for the 2024 Infrastructure Strategy	
Postpone approval of key issues and responses for the 2024 Infrastructure Strategy until more information is gathered	

Advantages	Disadvantages
Allows for more time to provide further information on which to base the responses on	Council may not meet Audit timeframe for review of the Infrastructure Strategy 2024
Council could provide direction to staff for further refinement of issues and key responses planned	

Recommended option

Option 1 is the recommended option

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

Council is required to prepare and adopt a Long Term Plan (LTP) under the Local Government Act 2002 (LGA). In preparing a LTP, Part 1(4) requires Council to include an Infrastructure Strategy.

Its purpose is to take a strategic approach to the management of council assets. The Infrastructure Strategy identifies:

- Significant infrastructure issues for the local authority over the period covered by the Strategy; and
- Options and associated expenditures for managing these issues over the period covered by the Strategy, considering factors that impact on the nature and cost of infrastructure provision; and
- The key planned projects to deliver the infrastructure to renew or replace existing assets and to enable growth.

As part of the preparation of the LTP, the Infrastructure Strategy has been reviewed against Council's key strategic and policy documents for strategic fit.

Local Government Act 2002 (LGA 2002) Decision-making requirements

Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is assessed as having a high level of significance.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the views of Interested/affected people	A full consultation process will be undertaken in accordance with the LGA.
Section 79 – how to achieve compliance	The Significance and Engagement Policy is

with sections 77 and 78 is in proportion to the significance of the issue	considered above. This issue is assessed as having a high level of significance.
Section 82 – this sets out principles of consultation.	Consultation will be undertaken as per the legislative requirements using the special consultative procedure as prescribed in the LGA.

Policy Considerations

To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

No engagement is required at this time (as the decisions as described in this report have been assessed as having low significance). Once the 2024 Infrastructure Strategy is adopted as supporting material alongside the LTP consultation document in December 2023, and following an audit process, it will be consulted on with the community in accordance with section 93A of the LGA (use of the special consultative procedure).

The LTP is subject to a communications and engagement plan and a full consultation process in early 2024.

Ngā take ā-lhinga | Consent issues

No consent issues have been identified.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The Infrastructure Strategy reflects Council's updated Strategic Direction and Community Outcomes.

Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds.

- A place with people at its heart
- A place to thrive
- A place that embraces our environment
- A place to belong and create

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

The costs involved in the LTP project are allocated for in existing budgets within the Strategies and Plans activity.

The cost of the options and asset maintenance, renewals and capital improvements are included in the budgets.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Susanne Kampshof Asset Manager Strategy and Policy	
	Anne Gummer Policy Advisor	

Approved by	Manaia Te Wiata Group Manager Business Support	
-------------	--	--

7 Pūrongo me whakatau | Decision Reports

7.6 Long Term Plan Groups of Activities

CM No.: 2793336

Te Kaupapa | Purpose

The purpose of this report is to confirm the activity group structure for the Long Term Plan 2024-34.

Rāpopotonga Matua | Executive Summary

At its meeting on 25 October 2023, Council approved its proposed activity group structure for the Long Term Plan 2024-34. Due to a clerical error, the 'tracks and trails' activity was included in the report as a separate activity under the Community Facilities and Property Group. However this should have been included within the 'Parks and Open Spaces' activity. This is now reflected in the updated activity grouping and has been utilised in development of Council's LTP related documents.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council approves the updated group of activities.

Resolution number CO/2023/00007

Moved by: Cr J Sainsbury

Seconded by: Cr D Horne

KUA MANA | CARRIED

Horopaki | Background

The Local Government Act 2002 requires Council to group together activities when setting out information in its LTP. In relation to each group of activities, Council must:

- a) Identify the activities within the group of activities;
- b) Identify the rationale for delivery of the group of activities (including the community outcomes to which the group of activities primarily contributes);
- c) Outline any significant negative effects that any activity within the group of activities may have on the local community;
- d) A statement of service provision; and,
- e) A funding impact statement for groups of activities.

Ngā Take/Kōrerorero | Issues/Discussion

Activity Group Structure

At its meeting on 25 October 2023, Council approved its draft activity group structure. Due to a clerical error, the 'tracks and trails' activity was included as a separate activity. However it is proposed to include this within the 'parks and open spaces' activity.

Balancing the level of detail disclosed in the LTP is an important consideration. If there is too much aggregation of activities, it may become challenging for our community to understand and key detail may be missing. If aggregation is too low, it may be too overwhelming for the reader

with the sheer amount of information included. Therefore, finding the right balance is critical. To help to achieve this balance, staff recommend to not include 'tracks and trails'; as its own activity and to incorporate it within the 'parks and open spaces' activity. Council are asked approve the revised group structure (with one change as highlighted in the table below).

LTP 2024-34 Group of Activity Structure Approved at 25 October 2023 Council meeting		Revised LTP 2024-34 Group of Activity Structure for approval at 22 November 2023 Council meeting	
Group of Activities	Activities	Group of Activities	Activities
Community Facilities and Property	Cemeteries	Community Facilities and Property	Cemeteries
	Housing and Property		Housing and Property
	Libraries		Libraries
	Parks and Open Spaces		Parks and Open Spaces
	Tracks and Trails		Tracks and Trails
	Pools and Spas		Pools and Spas
	Public Toilets		Public Toilets
	Community Venues		Community Venues
Strategy and Engagement	Emergency Management	Strategy and Engagement	Emergency Management
	Communications and Events		Communications and Events
	Community Leadership		Community Leadership
	Strategies and Plans		Strategies and Plans
Consents and Licensing	Animal Control	Consents and Licensing	Animal Control
	Building Consents and Monitoring		Building Consents and Monitoring
	Licensing and Enforcement		Licensing and Enforcement
	Resource Consents and Monitoring		Resource Consents and Monitoring
Infrastructure - Roading	Infrastructure - Roading	Infrastructure - Roading	Infrastructure - Roading
Infrastructure - Water	Infrastructure - Water	Infrastructure - Water	Infrastructure - Water
Infrastructure - Wastewater	Infrastructure - Wastewater	Infrastructure - Wastewater	Infrastructure - Wastewater
Infrastructure – Storm water	Infrastructure – Storm water	Infrastructure – Storm water	Infrastructure – Storm water
Infrastructure – Rubbish and	Infrastructure – Rubbish and	Infrastructure – Rubbish and	Infrastructure – Rubbish and

Recycling	Recycling	Recycling	Recycling
------------------	-----------	------------------	-----------

The related documents (including the Infrastructure Strategy) have been prepared to include the 'tracks and trails' activity within the 'parks and open spaces' activity, therefore this is a clerical error only and does not affect the drafting of the LTP or affect the timeline.

Mōrearea | Risk

This report is brought to Council for completeness and to satisfy auditing requirements. There are no risks relating to the delivery of Council's LTP.

Ngā Whiringa | Options

Council are asked to review the information and note the error made which this report formally corrects.

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

Legislative Requirement

Schedule 10(2) LGA requires Council to identify the following in its LTP:

- a) the activities within the group of activities;
- b) identify rationale for delivery of the group of activities (including the community outcomes to which the group of activities primarily contributes);
- c) outline any significant negative effects that any activity within the group of activities may have on the local community;
- d) include the information specified in clauses 4 (statement of service provision including levels of service, performance measures and targets) and 5 (funding impact statement) -
 - (i) in detail in relation to each of the first three financial years covered by the plan; and
 - (ii) in outline in relation to each of the subsequent financial years covered by the plan.

Schedule 10(2) also identifies the Groups of Activities that the Council must include as a group of activities:

- (a) water supply;
- (b) sewerage and the treatment and disposal of sewage;
- (c) stormwater drainage;
- (d) flood protection and control works (this is a Regional Council activity);
- (e) the provision of roads and footpaths.

The LGA notes that councils may treat any other Activity as a group of activities.

Local Government Act 2002 (LGA 2002) Decision-making requirements

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	This report corrects an earlier decision made by Council. Options were set out in the report associated with that decision (25 October 2023 Council meeting).
Section 78 – requires consideration of the views of Interested/affected people	A full consultation process will be undertaken in accordance with the LGA.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The LTP project is assessed as per Council's Significance and Engagement Policy as having a high level of significance.
Section 82 – this sets out principles of consultation.	Consultation will be undertaken as per the legislative requirements using the special consultative procedure as prescribed in the LGA.

Policy Considerations

To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

No engagement is required at this time (as the decisions as described in this report have been assessed as having low significance). Following audit, the LTP is subject to a communications and engagement plan and a full consultation process in early 2024.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The LTP project reflects Council's updated Strategic Direction and Community Outcomes.

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

The costs involved in the LTP project are allocated for in existing budgets within the Strategies and Plans activity.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Laura Hopkins Policy Advisor	
-----------	---------------------------------	--

Approved by	Niall Baker	
-------------	-------------	--

	Policy Team Leader	
	Erin Bates Strategic Partnerships and Governance Manager	

7 Pūrongo me whakatau | Decision Reports

7.7 Review of Delegation Policy and Delegation Register 2023

CM No.: 2777963

Te Kaupapa | Purpose

The purpose of this report is to seek Council adoption of the Delegation Policy and Delegation Register 2023.

Rāpopotonga Matua | Executive Summary

Under the Local Government Act 2002, Council may delegate its statutory powers and its functions to Council officers. The Delegation Policy and Delegation Register provide the framework for this.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council accepts the amendments and the new delegations for inclusion in the Delegations Register.
3. Council adopts the Delegations Register as circulated under separate cover.

Resolution number CO/2023/00008

Moved by: Cr S Whiting
Seconded by: Cr S-J Bourne

KUA MANA | CARRIED

Horopaki | Background

The Local Government Act 2002

Section 48 of the Local Government Act 2002 (LGA) provides that delegations must be carried out in accordance with Part 1 of Schedule 7 of the LGA. Clause 32(1) of Part 1 to Schedule 7 of the LGA provides that, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, or member or officer of the local authority any of its responsibilities, duties, or powers excepting the powers specified under paragraphs (a)-(f) of that sub-clause.

These delegated powers fall broadly in to three categories:

- Financial
- Warranted powers
- Statutory

Ngā Take/Kōrerorero | Issues/Discussion

Delegations Policy

The Policy focuses on two policy issues:

- Efficient and effective decision making - good management practice is to encourage delegation of decision making to the lowest competent level.
- Managing risk - Council has identified the 'top five risks' which are to be considered by Council and staff when making a delegation.

The Policy contains information on:

- Powers retained by Council
- Mayoral Powers under the LGA
- Powers delegated to Council committee's under its governance structure
- Powers delegated to Council's hearing commission under its governance structure
- Financial delegations (held by finance)
- Warranted Power appointments
- Statutory delegations (delegations where the highest risk has been initially assessed have been highlighted throughout the delegations document)

Amendments made to Delegations Policy and Register 2023 include:

- Delegation Policy - wording/legislation/replacement updates. Reflect up to staff changes.
- Committee delegations - updated to reflect the change in the Waharoa Aerodrome delegations.
- Financial delegations – (held and managed by the finance department)
- Statutory delegations – reviewed alongside the legislative compliance checklist. The building department had an external audit for their IANZ accreditation and some changes were made to reflect the feedback from that audit.

This item went before the Risk and Assurance Committee on 24 October 2023, they suggested the following amendments which been made to the document accordingly:

- TMF and Risk and Assurance matters be simplified to reflect the content of the charter - so that if one changes it is automatically updated.
- The Districting Licensing Committee membership updated to remove Dennis Taylor and add Alan Sciascia.
- Civil Defence financial delegations – these were clarified to be just for declared events.

Concerns were raised about the ability for civil defence, in an emergency situation, to address matters relating to cash flow without having to go Council. Under the Civil Defence Emergency Management Act 2002 in a declared event the Controller has absolute authority to undertake what actions they consider to be necessary.

Options considered

The Committee has the option of recommending to Council further amendments to the delegations.

Legal and statutory requirements

Details of the legislative framework have been set out above in this report.

Impact on Significance and Engagement Policy

This matter is not considered significant.

Timeframes

There are no timeframes, the delegations are expected to be updated as and when legislation is introduced or amended by central government.

Mōrearea | Risk


This is a high risk activity, due to the fact that if there is a mistake it could mean that duties undertaken by staff are not valid and potentially illegal.

This risk is mitigated through the continuous ongoing review and yearly item to this committee.

Policy Considerations

1. To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Tāpiritanga | Attachments

- A.  Delegation Policy and Delegation Register 2023 (With Tracked Changes) (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh Legal Counsel	
-----------	--	--

Approved by	Erin Bates Strategic Partnerships and Governance Manager	
-------------	--	--

8 Ngā Pūrongo Whakamārama | Information Reports

8.1 Legislative Compliance Framework 2022/23

CM No.: 2777965

Te Kaupapa | Purpose

The purpose of this report is to seek feedback from the Committee on the annual legislative 'warrant of fitness'.

Rāpopotonga Matua | Executive Summary

The legislative compliance 'warrant of fitness' (WOF) is completed annually by staff alongside the Annual Report, for review by the Risk and Assurance Committee. The WOF has been circulated separately.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Information be received.

Resolution number CO/2023/00009

Moved by: Cr S-J Bourne

Seconded by: Cr R Smith

KUA MANA | CARRIED

Horopaki | Background

Committee members should note that all changes from the 2021/22 year to the 2022/23 year have been left tracked in the document (circulated separately). The key points for 2022/23 have been noted below.

What is the legislative compliance framework?

The Council's legislative compliance framework describes how the Council ensures its activities are undertaken within the law. In line with other Council frameworks (e.g. Delegations, Risk Management and Procurement) managers (Legislation Owners) have been assigned responsibilities to ensure Council compliance with relevant New Zealand legislation and associated regulations.

Why do we need a legislative compliance framework?

The Council could face severe penalties for failing to comply with legislation. Consequences can include:

- loss of reputation
- loss of accreditation
- civil and criminal proceedings
- investigation and censure from monitoring bodies
- breaches of banking and other key covenants

Who is a Legislation Owner?

A 'Legislation Owner':

- is usually a member of the Management Team
- is accountable for ensuring that requirements under legislation are met
- reviews changes to legislation and informs staff of any impact of these changes

- is responsible for reporting to Executive Team on an annual basis or when a serious breach is identified
- is someone who ensures that, on a day to day basis, compliance is achieved and has processes in place that enables regular monitoring to occur by, for example,
- providing access to training for key staff
- ensuring that inspections have been conducted and situations assessed as appropriate
- reports of instances of breaches including the outcomes of any such instance, what steps have been taken to prevent further breaches, and where there are on-going compliance issues

The WOF sets out:

- The key Acts and other legal obligations or requirements
- The general elements which have a duty or compliance requirement
- The member of staff responsible for each element, any delegations under legislation.
- What the Promapp process is to make sure Council is in compliance.
- Whether Council complies with the requirements or not and comments on this are provided.

For reporting on compliance, legislation has been grouped per the major functions of the Council. The reference to any Statute includes all relevant amendments.

Every effort has been made to identify the legislation which staff and others are likely to encounter in the normal course of their employment. It is imperative to note the requirements that the Council, its staff, agents and contractors must comply with all New Zealand statute law and common law obligations.

The list of statutes and other obligations set out in this Legislative Compliance policy cannot hope to be exhaustive. If staff and others learn of legislation (including new statutes or regulations) or relevance to their roles within the Council, such legislation should be referred to the Legal Counsel, for review and possible inclusion in this document.

Ngā Take/Kōrerorero | Issues/Discussion

New legislation

Changes to the Resource Management Act 1991 are underway with the recent adoption of the Spatial Planning Act 2023 and Natural and Built Environments Act 2023. There are currently no responsibilities for Council in the policy space.

The Construction Contracts Act 2002 has been added. This act provides additional rules around retentions held by contracts for Contracts. Council is now required check any special conditions regarding the holding of retentions against the act, to ensure it complies. The finance department was required to set up a trust account and process for regular is currently being put in place.

Under Review/Underway

Council is in the process of obtaining compliance or reviewing the process to see if/how it can be better addressed.

- Resource Management Act – The District Plan has been operative since 2005 and Council operates a rolling review of the Plan.
- Hazardous Substances and New Organisms Act 1996 - Some sites are operating under a Provisional Improvement Notice while Location Compliance issues are resolved.
- Health Act 1956, Search and Surveillance Act 2012 and Council Bylaws - Council are currently in the process of developing an enforcement policy which will sit alongside the requirements for these pieces of legislation. A recent update has been circulated to staff for comment.

- Walking Access Act 2008 - There are numerous paper roads within the district. There is currently no enforcement of the compliance in place and council deals with compliance on a one off basis where complaints have been received.

Not Compliant

There are other areas where Council is aware they are:

- (a) not compliant and due to certain situations this may not change, OR
- (b) are majority compliant for the reasons outlined below.

The areas where Council are non-compliant are:

- Public Bodies Leases Act 1969 - as a significant remainder of the land Council owns is not put out for public tender every time a lease ends as section 8 requires. This is mostly due to the costly process that would be involved for each piece of land.
- Biosecurity (National PA Pest Management Plan) Order 2022 – Staff are working on gathering the required data on where there are kauri trees on Council managed land. Once this is completed an action plan will be developed in order to comply.
- Building Act – in 2022/23 832 building consents were processed, 758 (91.10%) were completed within the statutory timeframe.
- Local Government Official Information and Meetings Act 1987 - in the 2022/23 year 95 LGOIMAs were received. 8 LGOIMA were responded to past the 20 day deadline.
- Public Records Act 2005 - Council are working towards complying with this Act by capturing logs on the MPDC website of who made changes, when, and what the change was. Council storage of hardcopy documentation onsite does not comply (this is the situation for most councils across the country). In a step towards compliance there is now an archiving solution that manages our social media and Council website.
- Resource Management Act 1991 –
Resource Consent Applications - Due to the number and complexity of consents and current resources over the 2022/23 financial year a number of consents were processed outside of the statutory timeframe.

Please see the compliance document (circulate separately) detailing the remaining legislative requirements that are either under review or not compliant and the corresponding comments.

Mōrearea | Risk

The key risk is legislative non-compliance which could have an impact(s) of:

- loss of reputation
- loss of accreditation
- civil and criminal proceedings
- investigation and censure from monitoring bodies
- breaches of banking and other key covenants

Ngā Whiringa | Options

The Committee is invited to provide comment on the legislative compliance 'warrant of fitness' for Council.

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

For reporting on compliance, legislation has been grouped per the major functions of the Council. The reference to any statute includes all relevant amendments.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

The framework is updated on an annual basis.

Ngā take ā-lhinga | Consent issues

There are no consent issues.

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

There are no costs, other than staff time.

Ngā Tāpiritanga | Attachments

A.  Legislative Warrant of Fitness Compliance (WOF) 2023 - With Tracked Changes

Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh Legal Counsel	
Approved by	Erin Bates Strategic Partnerships and Governance Manager	

8 Ngā Pūrongo Whakamārama | Information Reports

8.2 Chief Executive Officer's Report

CM No.: 2792622

Te Kaupapa | Purpose

The purpose of this report is to provide Council with the Chief Executive Officer's report from the previous month.

Rāpopotonga Matua | Executive Summary

The Chief Executive Officer's report for the period ending October 2023 is attached to the agenda.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.



Resolution number CO/2023/00010

Moved by: Cr J Sainsbury

Seconded by: Cr S Whiting

KUA MANA | CARRIED

Ngā Tāpiritanga | Attachments

- A.  CEO report for period ending October 2023
- B.  Oct 23 Project Report

Ngā waitohu | Signatories

Author(s)	Debbie Burge Executive Assistant to the Mayor & CEO	
-----------	---	--

Approved by	Don McLeod Chief Executive Officer	
-------------	--	--

9 Take Matatapu | Public Excluded

C1 Chief Executive Performance Committee Update 2022/23

10.52am The public were excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not public available.

10 Mōtini hei aukati i te iwi whānui | Procedural motion to exclude the public

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

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 Performance Committee Update 2022/23

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.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

Resolution number CO/2023/00011

Moved by: Cr S-J Bourne

Seconded by: Cr S Dean

KUA MANA | CARRIED

11 Public Included

10.57am The public were included.

Resolution number CO/2023/00012

Moved by: Cr C Ansell

Seconded by: Cr D Horne

KUA MANA | CARRIED

10.53 am

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
OF THE MEETING OF KAUNIHERA | COUNCIL
HELD ON 22 NOVEMBER 2023.

KO TE RĀ | DATE:

TIAMANA | CHAIRPERSON: