

Kaunihera | Council

Kaupapataka Wātea | Open Agenda



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

Ko te rā | Date: Wednesday 3 July 2024
Wā | Time: 9:00
Wāhi | Venue: Council Chambers
35 Kenrick Street
TE AROHA

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

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1 Whakatūwheratanga o te hui | Meeting Opening

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

At the close of the agenda no apologies had been received.

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

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

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

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

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

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

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

4 Whākī pānga | Declaration of Interest

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

5 Whakaaetanga mēneti | Confirmation of Minutes

Minutes, as circulated, of the ordinary meeting of Matamata-Piako District Council, held on 22 May 2024

6 Papa ā-iwi whānui | Public Forum

At the close of the agenda there were no speakers scheduled to the public forum.

7 Pūrongo me whakatau | Decision Reports

7.1 Risk and Assurance Committee Report of 2 July 2024

CM No.: 2820518

Te Kaupapa | Purpose

The purpose of this report is to provide Council with an update from the Risk and Assurance Committee following its 2 July 2024 meeting.

Rāpopotonga Matua | Executive Summary

Risk and Assurance Committee Chairperson, Jaydene Kana, in attendance to update Council on the committee business, provide an overview of the minutes and any recommendations from the Risk and Assurance Committee meeting held on 2 July 2024.

Tūtohunga | Recommendation

That:

1. The information be received.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
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Approved by	Sandra Harris Strategic Partnerships and Governance Manager	
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7 Pūrongo me whakatau | Decision Reports

7.2 Adoption of Development Contributions Policy 2024-2034

CM No.: 2870286

Te Kaupapa | Purpose

The purpose of this report is to present the Development Contributions Policy 2024-2034 to Council for adoption.

Rāpopotonga Matua | Executive Summary

The Development Contributions Policy 2024-2034 (Policy) sets out how Council will recover the capital costs of development from development activity in the district, such as subdivisions, which place extra demand on the network.

The Development Contributions Policy was reviewed and consulted on alongside the Long Term Plan 2024-34. Following adoption, the Policy will come into force on 4 July 2024.

One change made to the Policy since this was consulted on is the update of the interest rate from 2% to 5% to ensure it is brought in line with our interest assumptions for the Long Term Plan 2024-34. This has resulted in a slight increase to the respective Development Contribution Fees for 2024/25.

The Policy is attached.

Tūtohunga | Recommendation

That:

1. Council receives the report.
2. Council adopts the Development Contributions Policy 2024-2034

Horopaki | Background

As new development occurs throughout the Matamata-Piako District it places demands on Council to provide a range of new and upgraded infrastructure. It is important to ensure that the potentially high costs of providing new assets for development are adequately and sustainably accounted for.

Councils are required by law to provide details about how they will fund capital expenditure – the costs of providing new assets or increasing their capacity. As the cost of growth is driven by development, we consider that it is equitable that a development should meet its share of the resulting costs.

Development Contributions are the funds received from people or organisations when they develop property. They are used to fund capital works that are driven by the need to provide services to our growing communities.

We are required under legislation to review our existing policy every three years and to consult with the community on any changes we have proposed. This consultation took place alongside the Long Term Plan 2024-2034 consultation, which ran from 21 March 2024 to 21 April 2024.

Ngā Take/Kōrerorero | Issues/Discussion

Council reviews its growth projections and the Development Contributions Policy every three years.

The Policy has been developed taking into account the following key principles:

- development contributions should only be required if the effects or cumulative effects of developments will create or have created a requirement for Council to provide or to have provided new or additional assets or assets of increased capacity;
- development contributions should be determined in a manner that is generally consistent with the capacity life of the assets for which they are intended to be used and in a way that avoids over-recovery of costs allocated to development contribution funding;
- cost allocations used to establish development contributions should be determined according to, and be proportional to, the persons who will benefit from the assets to be provided (including the community as a whole) as well as those who create the need for those assets;
- development contributions must be used: for or towards the purpose of the activity or the group of activities for which the contributions were required; and for the benefit of the district or the part of the district that is identified in our Policy in which the development contributions were required;
- we should make sufficient information available to demonstrate what development contributions are being used for and why they are being used;
- development contributions should be predictable and be consistent with the methodology and schedules of our Policy.

Main changes to the policy

Changes to the 2021 Policy include updating the project schedule in section 6 to reflect what is included in the Long Term Plan 2024-34 and the update of the growth projections based on the Te Ngira figures that Council has adopted.

Consultation feedback received

The draft Policy was presented for consultation alongside the Long Term Plan.

Submitters could choose from the options a) Yes I agree, b) No I disagree, c) I have no opinion on this topic, and could add additional comments if they wished.

Council received 21 submissions on this topic with 58% of submitters selecting the option 'yes I agree'. Submitters advocated for relying exclusively on Development Contributions for funding growth-related infrastructure. It was noted that developers, especially those involved in large-scale residential developments, should bear a more significant share of the costs for community infrastructure and developers should be responsible for including essential community amenities in their plans.

Final Amendments to the Policy

As a result of the quality checks on our budgets and financial impact statements, it was noted that the interest rate used in the calculations needed to be updated to 5%, the first draft of the policy had used 2%. The 5% brings it in line with our Long Term Plan 2024-34 interest rate assumptions.

As the Policy looks at a ten year timeframe, this has resulted in some increases to the final Development Contribution figures that are included in the policy.

The following is a summary of the changes (including GST):

	2023/24 fees	Draft 2024 Policy	Final 2024 Policy
Matamata Ward	\$27,540.37	\$12,499	\$13,870
Morrinsville Ward	\$18,366.58	\$16,462	\$16,615
Te Aroha Ward	\$2,869.53	\$504	\$528

Council decision

It is requested that council adopt the latest policy with the changes to the interest rate which have been made.

The final development contribution fees are as following:

Development contributions per HEU for 2024/25 (including GST at the current rate of 15%)

Area	Roading \$	Stormwater \$	Wastewater \$	Water \$	Total per HEU \$
Matamata Ward	\$1,894.79	\$0	\$11,620.24	\$355.74	\$13,870.78
Morrinsville Ward	\$1,099.17	\$0	\$13,258.19	\$2,258.37	\$16,615.74
Te Aroha Ward	\$57.55	\$0	\$115.09	\$355.74	\$528.38

Mōrearea | Risk

Our assumption, using growth projections as a basis, is that income from development contributions will occur at a steady rate over the life of the Long Term Plan and that the capital costs of development will be recovered as per our Development Contributions Policy.

Another assumption is that we will be delivering on the project list as per the schedule in the Policy.

Revenue from development contributions over the ten year period is budgeted at \$19.6 million. If growth does not occur as predicted, revenue from development contributions will drop and we may have to borrow additional funds or reconsider the growth related projects.

Also, if we are not able to deliver the projects that are planned, there is also a risk that development contributions are collected but the funding is not spent.

Ngā Whiringa | Options

There are two principle options available to Council.

Option One – Adopt the Development Contributions Policy 2024-2034

Advantages	Disadvantages
Allows policy to come into effect at the same time as the Long Term Plan 2024-2034 - on 4 July 2024	Doesn't allow for any additional changes to the policy before consultation

Option Two – Make further changes to the Policy before adopting it

Make further changes to the draft Policy	
Advantages	Disadvantages
Allows for further amendments to be made prior to consultation	Will potentially delay the adoption of the Policy

Recommended option

Option 1 is the recommended option.

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

The Development Contributions Policy has been reviewed and consulted on in accordance with Section 102 and Section 106 of the Local Government Act 2002.

Council reviews and consults on the Development Contributions Policy every three years and align this with the Long Term Plan process.

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 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 views of Interested/affected people	The policy has been through a period of public consultation
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This issue is assessed as having a low level of significance.
Section 82 – this sets out principles of	The policy has been through a period of

consultation.	one month of public consultation
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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

The consultation on the draft Policy took place as part of the public consultation on the draft Long Term Plan 2024-2034





Timeline

Risk and Assurance Review of the Policy	19 March 2024
Council approval of policy for community consultation	20 March 2024
Submission period	21 March – 21 April 2024
Council hearing	8 – 9 May 2024
Council deliberations	22 May 2024
Policy adopted by Council	3 July 2024
Policy in force	4 July 2024

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

Matamata Piako District Council’s Community Outcomes are set out below:

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO OUR PLACE	MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI STRATEGIC DIRECTION
<p>TŌ MĀTOU WHAKAKITENGA OUR VISION</p> <p>Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.</p>	
<p>TŌ MĀTOU WHĀINGA MATUA OUR PRIORITIES (COMMUNITY OUTCOMES)</p>	

			
He wāhi kaingākau ki te manawa A place with people at its heart	He wāhi puawaitanga A place to thrive	He wāhi e poipoi ai tō tātou taiao A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga A place to belong and create


The community outcomes relevant to this report are as follows:

- A place with people at its heart
- A place to thrive

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

All costs associated with the production of the Long Term Plan, including the Development Contributions Policy and community engagement can be met within existing budgets.

Ngā Tāpiritanga | Attachments

A.  Development Contributions Policy 2024-34 For Council Adoption (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Susanne Kampshof Asset Manager Strategy and Policy	
	Niall Baker Policy Team Leader	

Approved by	Sandra Harris Strategic Partnerships and Governance Manager	
	Manaia Te Wiata Group Manager Business Support	

7 Pūrongo me whakatau | Decision Reports

7.3 Adoption of Rates Remission and Postponement Policy 2024-2034

CM No.: 2870285

Te Kaupapa | Purpose

The purpose of this report is to present the Rates Remission and Postponement Policy 2024-2034 to Council for adoption.

Rāpopotonga Matua | Executive Summary

Council's Rates Remission and Postponement Policy (Policy) sets out how and when Council can remit or postpone payment on rates. Council can only remit rates if they have adopted a rates remission policy under section 85 of the Local Government (Rating) Act 2002.

Remission of rates involves reducing the amount owing, or waiving collection of rates altogether. Postponement of rates means that the payment of rates is not waived in the first instance but delayed for a certain time, or until certain events occur. The overall objective being to provide rates relief in situations to support both the fairness and equity of the rating system, and the overall wellbeing of the community.

Following minor amendments and a period of community consultation, it is now recommended that Council adopt the Rates Remission and Postponement Policy 2024-2034, to come into force on 4 July 2024.

Tūtohunga | Recommendation

That:

1. **The information be received.**
2. **Council adopts the Rates Remission and Postponement Policy 2024-2034.**
3. **The Policy is to apply from 4 July 2024.**

Horopaki | Background

Council's Rates Remission and Postponement Policy (Policy) sets out how and when Council can remit or postpone payment on rates. Council can only remit rates if they have adopted a rates remission policy under section 85 of the Local Government (Rating) Act 2002.

Remission of rates involves reducing the amount owing or waiving collection of rates altogether. Postponement of rates means that the payment of rates is not waived in the first instance but delayed for a certain time, or until certain events occur. The overall objective of remissions is to provide rates relief in situations to support both the fairness and equity of the rating system, and the overall wellbeing of the community.

In general, all ratepayers are expected to pay rates. However, rates postponement and remission policies allow Council to recognise financial or other special circumstances where ratepayers may require support to manage their rates payments. While there are some exceptions outlined in legislation, in general, all land is rateable. However, there may be circumstances where ratepayers need support to manage their rates. Councils can choose to provide for rates

postponement or remit rates through policies stating the objectives and criteria for postponement or remission.

In setting and granting remissions, it is important to remember that any amount remitted then needs to be recovered from, or shared across other ratepayers.

In order to allow rates relief where it is considered fair and reasonable to do so, Council is required to adopt policies specifying the circumstances under which rates will be considered for remission. There are various types of remission, and the circumstances under which a remission will be considered for each type may be different. The conditions and criteria relating to each type of remission are set out in the various remissions policies.

Ngā Take/Kōrerorero | Issues/Discussion

Policy Content

1. Part 1 – Remission of rates on land protected for conservation purposes
2. Part 2 – Remission of penalties on unpaid rates
3. Part 3 – Remission of rates – other categories
4. Part 4 – Remission of small rates balances
5. Part 5 – Remission of rates on Māori freehold land
6. Part 6 – Postponement of rates on Māori freehold land
7. Part 7 – Remission of metered water leaks
8. Part 8 – Remission of pan charge targeted rates based on water use
9. Part 9 – Remission of pan charge targeted rates for educational establishments
10. Part 10 – Remission of rates on abandoned land
11. Part 11 – Remission and postponement of rates for natural disasters and emergencies
12. Part 12 – Delegations

Policy Review

Policies on the Remission and Postponement of Rates must be reviewed at least every six years. Council can only remit rates if they have adopted a rates remission policy under section 85 of the Local Government (Rating) Act 2002.

Council last reviewed its Policy in 2023, and some changes were made to align with Council's kerbside collection service. Further minor amendments aligned the Policy with other Council documents in respect to deemed average household water consumption, and some further changes of a housekeeping nature.

In adopting the 2024-34 Long Term Plan, Council staff have completed a further review of Council policies on the remission and postponement of rates. And the draft policy has been presented for public consultation.

Council have not made any major changes to the Policy apart from the removal of the policy on the remission of 2023/2024 targeted rates for kerbside collection. The objective of this policy was to ensure that the targeted rate for the 2023/2024 year was (in effect) charged to the rating units for the period that the service is available to them. This policy is no longer required and has been removed.

Additionally, minor amendments have been made to assist in clarity.

Consultation feedback

The Policy was presented for public consultation alongside the Long Term Plan, 21 March to 21 April 2024.

The statement that was asked in the consultation was:

Council's Rates Remissions and Postponement Policy sets out how and when Council can remit or postpone payment on rates. Council did not propose any major changes to the Policy apart from the removal of the policy on the remission of 2023/2024 targeted rates for kerbside collection

Submitters could choose from the options a) Yes I agree, b) No I disagree, c) I have no opinion on this topic, and could add additional comments if they wished.

Council received 16 submissions on this topic with submission fairly evenly split on this topic between 'yes I agree' and those who didn't have an opinion on this topic. One submitter noted that kerbside collection ratepayers should have the option to decline the kerbside collection (or parts of it); for example, to undertake home composting. Other submissions noted Council needs to dramatically reduce spending, e.g. look at office costs and staffing levels.

Council decision at Deliberations

Following consultation, Council Deliberations were held on 22 May 2024 at which Council resolved to adopt the policy as consulted on. The reasons for adopting the policy with no amendments include that:

- The Policies were developed using a robust process and as such Council has confidence that they are fit for purpose

Mōrearea | Risk

No specific risks have been identified relating to the recommendations contained in this report.

Ngā Whiringa | Options

In order to be able to provide for the remission and/or postponement of rates, Council must adopt a policy under section 85 of the Local Government (Rating) Act 2002.

The following options are available to Council:

Option One – Adopt the Policy as proposed	
Advantages	Disadvantages
The Policy can be adopted and come into effect alongside the Long Term Plan 2024-2034	No further opportunity to make changes to the Policy
Option Two – Make further changes to the Policy before adoption	
Advantages	Disadvantages
Further opportunities to make changes to the Policy	Potential delay in adopting the updated Policy

Recommended option

Option one is the recommended option

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

Council can only remit rates if they have adopted a rates remission policy under section 85 of the Local Government (Rating) Act 2002. Other legislation that applies is:

- Policy on the remission of rates: other categories - *Section 20 of the Local Government (Rating) Act 2002 states that Council must treat two or more rating units as one if they are owned by the same person(s), used as one unit, are contiguous or separated only by road, rail, drain, water race, river, or stream.*
- Policy on the remission of rates on Maori freehold land - *Statutory requirement under section 114 of the Local Government (Rating) Act 2002.*
- Policy on the postponement of rates on Maori freehold land - *Statutory requirement under section 115 of the Local Government (Rating) Act 2002.*

The Local Government (Rating of Whenua Māori) Amendment Act 2021

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

- a) expanded the purpose of the Local Government (Rating) Act 2002 to include facilitating the administration of rates in a manner that supports the principles set out in the Preamble to Te Ture Whenua Māori Act 1993;
- b) expanded non-rateability to unused rating units of Māori freehold land;
- c) introduced a statutory remission for Māori freehold land under development;
- d) requires a council's policy on the remission and postponement of rates on Māori freehold land to support the principles set out in the Preamble to Te Ture Whenua Māori Act 1993, by 1 July 2022.

The principles in the preamble are wide ranging. The most relevant to local government are: *“And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapu”.*

The inclusion of a policy on the remission and postponement of rates on Māori freehold land was included in Council's Rates Remission and Postponement Policy following consultation undertaken in May 2023.

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

Having regard to the decision making provisions in the Local Government Act 2002 and Councils Significance and Engagement Policy, a decision in accordance with the recommendations is assessed as having a medium-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 Local Government Act 2002. This includes any decision not to take any action.

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 Timeframes

The below table sets out the key dates of the review and consultation process on the Policy:

Key Task	Dates
Draft Policy and Statement of Proposal approved for consultation - Council meeting	20 March 2024
Public consultation/engagement period	21 March to 21 April 2024
Hearings of submitters - Council meeting	8 May 2024 9 May 2024
Deliberations/decision making - Council meeting	22 May 2024
Adoption of Policy - Council meeting	3 July 2024
New Policy applicable	4 July 2024

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

Matamata Piako District Council's Community Outcomes are set out below:

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO OUR PLACE		MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI STRATEGIC DIRECTION	
TŌ MĀTOU WHAKAKITENGA OUR VISION			
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. 'The heart of our community is our people, and the people are the heart of our community.'			
TŌ MĀTOU WHĀINGA MATUA OUR PRIORITIES (COMMUNITY OUTCOMES)			
			
He wāhi kaingākau ki te manawa A place with people at its heart	He wāhi puawaitanga A place to thrive	He wāhi e poipoi ai tō tātou taiao A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga A place to belong and create

The community outcome relevant to this report are as follows:

- He wāhi puawaitanga | A place to thrive

The Policy supports economic wellbeing of communities by providing opportunities for rates remissions and postponement in certain circumstances. The overall objective is to provide rates relief in situations to support both the fairness and equity of the rating system, and the overall wellbeing of the community.

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

Costs associated with this Policy review are covered within the budget for the Long Term Plan.

Ngā Tāpiritanga | Attachments

[A↓](#). Rates Remission and Postponement Policy 2024-2034 For Council Adoption



Ngā waitohu | Signatories

Author(s)	Laura Hopkins Policy Advisor	
	Anne Gummer Policy Advisor	

Approved by	Niall Baker Policy Team Leader	
	Sandra Harris Strategic Partnerships and Governance Manager	
	Larnia Rushbrooke Finance and Business Services Manager	
	Manaia Te Wiata Group Manager Business Support	



Rates Remission and Postponement Policy 2024-2034

Department	Strategic Partnerships and Governance
Policy Type	External
CM Reference	
Council Resolution Date	3 July 2024
Policy Effective From	4 July 2024
Engagement Required	Section 82 (Local Government Act 2002)
Policy Supersedes	Policies on the Remission and Postponement of Rates 2023-2031
Review Frequency	Every six years
Next Review Date	2030



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1. **Part 1 – Remission of rates on land protected for conservation purposes**

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

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

Objectives

The objectives are to:

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

Criteria and conditions

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

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

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

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

2. Part 2 – Remission of penalties on unpaid rates

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

Objectives

The objectives are to provide an efficient, transparent and fair framework for the remission of penalties, taking account of:

- the specific circumstances of the individual; and
- the interests of all ratepayers.

Criteria and conditions

Penalties on unpaid rates may be remitted where:

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

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

All applications for remission must be made in writing.

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



3. Part 3 – Remission of rates – other categories

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

Objectives

The objectives are to provide Council with the ability to grant rates relief for land (except service charges) that qualifies for:

- a statutory rates remission;
- has a capital value of less than \$3,000 (inclusive of GST if applicable); or
- has a land value of greater than \$1 and less than \$500 (inclusive of GST if applicable); or
- is a cemetery that exceeds two hectares (cemeteries less than two hectares are non-rateable).

Criteria and conditions

Service Charges

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

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

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

Properties that are eligible for a full remission of rates

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

4. Part 4 – Remission of small rates balances

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

Objectives

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

Criteria and conditions

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

Process

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

5. Part 5 – Remission of rates on Māori freehold land

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

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

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

Objectives

The objectives are:

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

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

Principles

The principles used in establishing this part of the policy are:

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

Conditions and criteria

We will maintain a register called the 'Māori freehold land rates relief register' (the register). This will record properties that have had rates remitted under this part of the policy. Applications for land to be added to the register should be made in writing prior to commencement of the next rating year. Applications made after commencement of the rating year may be accepted at our discretion.

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

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

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

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

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

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

- water supply
- wastewater
- stormwater
- kerbside collection or
- rural halls.

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



6. Part 6 – Postponement of rates on Māori freehold land

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

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

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

Objectives

The objectives are:

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

Principles

The principles used in establishing this part of the policy are:

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

Conditions and criteria

Applications for postponement of rates should be made in writing prior to commencement of the next rating year. Applications made after commencement of the rating year may be accepted at our discretion.

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

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

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

No postponement will be granted on targeted rates for:

- water supply
- wastewater
- stormwater
- kerbside collection or
- rural halls.

7. Part 7 – Remission of metered water leaks

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

Objectives

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

Principles

The principles used in establishing this part of the policy are:

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

Conditions and criteria

We may consider granting relief where:

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

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

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

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

8. Part 8 – Remission of pan charge targeted rates based on water use

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

Objectives

The objective is to provide a transparent, fair and more effective user pays targeted rate for wastewater, taking account of:

- the specific circumstances of the rateable property; and
- the interests of all ratepayers.

Principles

The principles used in establishing this part of the policy are:

- a. we have applied a targeted rate to all rateable properties connected to the wastewater supply based on the number of pans in each rating unit
- b. pursuant to clause 12, schedule 3, of the Local Government (Rating) Act 2002 all single residential rateable properties can only be charged for one pan
- c. we recognise the number of pans may not necessarily equate to the volume of discharge to the wastewater network
- d. we recognise a correlation between the consumption of water and volume of wastewater discharged
- e. currently the average water consumption per single residential rateable property is deemed to be 252 cubic metres of water per annum. This is a Household Equivalent Unit (HEU)
- f. the most accurate way to measure water consumption is by a water meter, however not all properties currently have a meter installed
- g. despite the number of pans, some properties are considered to have a low-impact on the wastewater network. To avoid the unnecessary expense of installing a water meter to these ratepayers, we will assess the number of HEUs applicable per rating unit by comparing them to similar properties that have a water meter
- h. in assessing the number of HEUs, the number will be rounded up to the next whole unit
- i. the HEU may be periodically reviewed
- j. this remission does not apply to schools or educational establishments. See the separate policy on remissions of pan charge targeted rates for educational establishments that follows.

Conditions and criteria

Properties with an existing water meter

- a. The rateable property must have six months (or more) of historical water consumption information to enable assessment of HEUs.
- b. The remission will be the difference between the actual number of pans and the number of HEUs based on historical water consumption

- c. The HEU will be reassessed annually based on the consumption for the year and an adjusted remission will be applied from 1 July one calendar year later.

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

Properties without an existing water meter

- a. We will assess the number of HEUs applicable per rateable property by comparing the current use of this property with a metered property of similar use.
- b. The remission will be the difference between the actual number of pans and the assessed HEU.
- c. Alternatively, to a and b above, the ratepayer can apply to have a water meter installed. Installation must be completed before 1 October in any rating year, so as to allow six months of consumption data to reassess the remission during the final quarter. The cost of the water meter and its installation will be at the applicant's expense.
- d. Any amended remission as a result of the water meter data will be processed during the final quarter of the rating year.

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

9. Part 9 – Remission of pan charge targeted rates for educational establishments

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

Objectives

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

Principles

The principles used in establishing this part of the policy are:

- This policy applies to schools and educational establishments as defined in Schedule 1, Part 1, clause 6(b) of the Local Government (Rating) Act 2002. It specifically excludes schools and early childhood centres that operate for profit.
- We consider the nationally used ‘Donnelly Formula’ (one pan per twenty students/staff) as a fair basis for providing remission to educational establishments.
- We have applied a targeted rate to all educational establishments connected to the wastewater supply based on the number of pans calculated using the ‘Donnelly Formula’.
- We recognise the number of pans may not necessarily equate to the volume of discharge to the wastewater network.
- We recognise a correlation between the consumption of water and volume of wastewater discharged.
- Currently the average water consumption per single residential rateable property is deemed to be 252 cubic metres of water per annum. This is a Household Equivalent Unit (HEU).
- The most accurate way to measure water consumption is by a water meter, however not all educational establishments currently have a meter installed.
- Despite the number of pans calculated using the ‘Donnelly Formula’, some educational establishments are considered to have a low impact on the wastewater network. To avoid the unnecessary expense of installing a water meter to these, we will assess the number of HEUs applicable per rateable property by comparing them to other educational establishments with a similar roll/staff numbers.
- The school roll used to calculate the ‘Donnelly Formula’ will be as advised annually by the Ministry of Education and will be applied from the following 1 July.
- In assessing the number of HEUs, the number will be rounded up to the next whole unit.
- The HEU may be periodically reviewed.

Conditions and criteria

Educational establishments with an existing water meter

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

Educational establishments without an existing water meter

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

10. Part 10 – Remission of rates on abandoned land

Objectives

The objective is to enable administration costs to be avoided where it is unlikely that rates assessed on an abandoned rating unit will ever be collected.

Conditions and criteria

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



11. **Part 11 – Remission and postponement of rates for natural disasters and emergencies**

Objectives

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

Conditions and criteria

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

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

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

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

12. Part 12 – Delegations

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

Item 7.3

Attachment A

7 Pūrongo me whakatau | Decision Reports

7.4 Adoption of amended Fees and Charges 2024/25

CM No.: 2870590

Te Kaupapa | Purpose

The purpose of this report is to present Council some fees that require minor amendments for the Parks and Open Spaces, Community Venues and Swimming Pools activities for 2024/25. The Development Contribution fees and charges for 2024/25 are also being presented to Council for adoption.

Rāpopotonga Matua | Executive Summary

Following the adoption of the Fees and Charges 2024/25 on May 9 2024, staff advised some further minor changes were required for the Parks and Open Spaces, Community Venues and Swimming Pools fees as listed in the attachment to this report.

The Development Contribution fees for 2024/25 were made available to staff after the May 9 meeting, and are included for adoption.

Tūtohunga | Recommendation

That:

1. **Information is received.**
2. **Council approves the amended Parks and Open Spaces, Community Venues and Swimming Pools fees and Development Contribution fees to come into effect from 4 July 2024.**

Horopaki | Background

Fees and Charges are set by Council annually and determine how much the user of a service should pay or how much of a service should be covered by rates.

Council consulted on the draft Fees and Charges for 2024/25 with the community from 21 March to 21 April 2024 and received submissions alongside the draft Long Term Plan 2024-34 and draft Revenue and Financing Policy. Following the public hearing on 8 and 9 May, Council deliberated and adopted the draft Fees and Charges 2024/25 with some minor amendments to come into effect from 1 July 2024.

Ngā Take/Kōrerorero | Issues/Discussion

Following the adoption of the Fees and Charges 2024/25 on 9 May 2024, staff advised some further minor changes were required and are listed below:

Parks and Open Spaces: propose the 'Gate locking/unlocking' is amended to remove '(if required after hours/weekends)' note. We are required to lock and unlock gates any time of the day as part of our security contract.

Community Venues: propose the full venue hire of the Morrinsville Event Centre cost aligns with the Silver Fern Farm Event Centre full venue hire cost.

Swimming Pools: propose some concession, membership and SwimZone Te Aroha No.2 Bath House fees are adjusted to ensure customers get the correct discounts.

Development Contribution fees: presented to Council for adoption.

Section 106 of the Local Government Act 2002 allows for Council to increase in the Development Contribution fees annually using the Producer’s Price Index (PPI), which is prepared by Statistics New Zealand. The PPI should only be applied though, to the capital portion of the Development Contribution fee – not the portion of the fee that relates to interest and financing costs.

The updated fees in the attachment to this report will come into effect from 4 July 2024. All other fees and charges previously adopted on 9 May 2024 come into effect from 1 July 2024.

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

From Local Government Act 2002, Section 106:

(2B) Subject to subsection (2C), a development contribution provided for in a development contributions policy may be increased under the authority of this subsection without consultation, formality, or a review of the development contributions policy.

(2C) A development contribution may be increased under subsection (2B) only if—

(a) the increase does not exceed the result of multiplying together—

- (i) the rate of increase (if any), in the PPI since the development contribution was last set or increased; and
- (ii) the proportion of the total costs of capital expenditure to which the development contribution will be applied that does not relate to interest and other financing costs; and

(b) before any increase takes effect, the territorial authority makes publicly available information setting out—

- (i) the amount of the newly adjusted development contribution; and
- (ii) how the increase complies with the requirements of paragraph (a).

Council is not legally required to formally adopt changes to the Development Contribution fees each year, however it has been this Council’s practice to adopt the fees included in the Fees and Charges document annually.

The changes to the Development Contribution fees are calculated in line with Section 106(2B) of the Local Government Act 2002.

We will make the Development Contribution fees publically available, as per the requirements of 2C (b)(ii).

Timeframes

Key Task	Dates
Fees and Charges 2024/25 adopted by Council with minor amendments and apply from 1 July 2024	9 May 2024

<p>Minor amendments to Parks and Open Spaces, Community Venues and Swimming Pools fees are presented to Council for adoption and apply from 4 July 2024.</p> <p>Development Contribution fees are presented to Council for adoption and apply from 4 July 2024.</p>	<p>3 July 2024</p>
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Ngā Tāpiritanga | Attachments

[A↓](#). Amended fees 2024/25 for approval



Ngā waitohu | Signatories

Author(s)	Olivia Picard Graduate Policy Advisor	
Approved by	Niall Baker Policy Team Leader	
	Sandra Harris Strategic Partnerships and Governance Manager	

4. Parks and Open Spaces		2024/25	Changes
Please note: There is no GST on bonds for parks. If cancellation notice is received within 7 days prior to the event - no refund. Definition of Community Group, Sports Park, Casual Hirer, Alcohol Served, Commercial see notes at the end of the document			
Standard charges - all parks			
Booking fee - required per booking or group of bookings if made at one time		\$20.00	
Daily charge - <i>Sports Parks</i>	Note: These do not apply to <i>Community Groups</i>	\$60.00	
Daily charge - this is for all other parks and reserves that are not listed as <i>Sports Parks</i> e.g. Railside by the Green Reserve, Howie Park, Te Aroha Domain.		\$25.00	
Bond for casual hirers	Per day	\$268.00	
Key bond (where applicable)	Per set of keys	\$25.00	
Optional extras - all parks (all users, including community groups)			
Charge per vehicle per night for booked groups on Council parks and reserves	Per vehicle per night	\$10.00	
Rubbish bins, above what is normally provided in the park	Per additional bin	\$20.00	
Wedding/event site preparation (e.g. additional mowing prior to event)		\$100.00	
Power service charge (if available)	Per day	\$75.00	
Gate locking/unlocking (if required after hours/weekends)	Per locking/unlocking	\$75.00	Remove note
Commercial activities - all parks			
Hire	Per day	\$700.00	
Building/facilities			
Note: for facilities such as event centres, sports stadiums please see Community Venues section			
AR Johns Building - Boyd Park, Te Aroha			
Daily charge (daily charge rates will be pro-rated on an hourly basis for regular bookings that cover one school term or a period of three months or more)	Per 1/2 day (up to 6 hours)	\$90.00	
	Per day	\$140.00	
Bond for casual hirers (no alcohol served)	Per day	\$51.00	
Bond for casual hirers (alcohol served)	Per day	\$268.00	
Domain House - Te Aroha Domain			
All hirers (lower rates for use of Domain House for three days or more may be negotiated).	Per day	\$51.00	
Bond for casual hirers (no alcohol served)	Per day	\$51.00	
Bond for casual hirers (alcohol served)	Per day	\$268.00	
Domain Pavilion - Te Aroha Domain			
Hire	Per hour	\$15.00 <i>Community Group</i>	
		\$30.00 <i>Commercial</i>	
Bond for casual hirers (no alcohol served)	Per day	\$51.00	

4. Parks and Open Spaces		2024/25	Changes
Bond for casual hirers (alcohol served)	Per day	\$268.00	
Billboard Sign - Skidmore Reserve, Te Aroha			
Billboard events sign boards (includes sign and installation)		\$80.00	

5. Community Venues		2024/25	Changes
Definition of Casual / Regular Hirer, Alcohol Served, Commercial, Non Commercial see Notes p28 Information about Event Facilitator Assistance see Notes p27 Per hour rate is minimum of 2 hours. Non Commercial – 20% discount for bookings 4 hours or longer Commercial – 15% discount for bookings 8 hours or longer			
MPDC Event Centres:			
Matamata Civic and Memorial Centre (MMCC)			
Silver Fern Farms Event Centre (SFFEC)			
Morrinsville Event Centre (MEC)			
Headon Event Centre (HEC)			
Matamata-Piako Civic and Memorial Centre			
Note: Bond waived if making 10 or more bookings per year. These bookings/payments must be made in a single transaction.			
Bond			
No alcohol served		\$200-\$1,000	
Alcohol served			
Court access			
SFFEC – Number of courts x2			
MEC – Number of courts x2			
HEC – Number of courts x2			
Opening time until 6pm	Per court per hour	\$20.00	
6pm until closing time	Per court per hour	\$30.00	
Changing rooms (if required in addition to toilets)	Per changing room	\$40.00	
Small			
MMCC – Pete Peterson Room, Te Taiuhu Room			
SFFEC – Front Office			
MEC – Committee Room, Meeting Room			
Non-commercial	Per room per hour	\$10.00	
Commercial	Per room per hour	\$20.00	
Medium			
MMCC – Tainui 1 Room			
SFFEC – Seales Winslow Room, Balance Room			
MEC – Motumaoho Room			
Headon – Rose Yorke Room			
Non-commercial	Per room per hour	\$15.00	
Commercial	Per room per hour	\$40.00	
Large			
MMCC – Te Takere Room (1/3 of Hall)			

5. Community Venues		2024/25	Changes
SF FEC – Seales Winslow Room and Ballance Room combined			
Non-commercial	Per room per hour	\$20.00	
Commercial	Per room per hour	\$50.00	
Extra Large MMCC – Te Taurapa Room (2/3 of Hall)			
Non-commercial	Per room per hour	\$25.00	
Commercial	Per room per hour	\$75.00	
MMCC – Memorial Hall (Te Takere and Te Taurapa Rooms, including kitchen)			
Non-commercial	Per room per hour	\$40.00	
Commercial	Per room per hour	\$150.00	
Whole Facility			
MMCC			
Non-Commercial	Hourly rate	\$65.00	
Commercial	Hourly rate	\$220.00	
SF FEC			
Non-Commercial	Hourly rate	\$85.00	
Commercial	Hourly rate	\$115.00	
Headon			
Non-Commercial	Hourly rate	\$60.00	
Commercial	Hourly rate	\$85.00	
MEC			
Non-Commercial	Hourly rate	\$100.00	\$85
Commercial	Hourly rate	\$185.00	\$115

19. Development and financial contributions		2023/24	2024/25
Matamata			
2024 to 2027 – LTP 2024-27 Policy	Parks/reserves		\$1,688.61
	Roading		\$1,894.79
	Stormwater		\$0.00
	Wastewater		\$11,620.24
	Water		\$355.74
2021 to 2024 – LTP 2021-31 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$7,534.17	\$7,708.30
	Stormwater	\$755.42	\$771.70
	Wastewater	\$12,844.12	\$13,136.17
	Water	\$6,406.66	\$6,556.76
2018 to 2021 - LTP 2018-28 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$5,208.02	\$5,302.76
	Stormwater	\$595.35	\$605.25
	Wastewater	\$9,453.84	\$9,640.71
	Water	\$5,041.33	\$5,150.63
2015 to 2018 - LTP 2015-25 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$2,653.47	\$2,698.86
	Stormwater	\$3,010.73	\$3,067.27
	Wastewater	\$6,238.06	\$6,358.23
	Water	\$4,500.27	\$4,583.85
2012 to 2015 - LTP 2012-22 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$2,746.18	\$2,793.16
	Stormwater	\$2,742.25	\$2,793.75
	Wastewater	\$5,418.75	\$5,523.13
	Water	\$4,378.56	\$4,459.88
Morrinsville			
2024 to 2027 – LTP 2024-27 Policy	Parks/reserves		\$1,688.61
	Roading		\$1,099.17
	Stormwater		\$0.00
	Wastewater		\$13,258.19
	Water		\$2,258.37
2021 to 2024 – LTP 2021-31 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$2,574.69	\$2,637.28
	Stormwater	\$0.00	\$0.00
	Wastewater	\$8,903.93	\$9,102.87
	Water	\$6,887.96	\$7,040.45
2018 to 2021 - LTP 2018-28 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$2,250.53	\$2,293.37
	Stormwater	\$0.00	\$0.00
	Wastewater	\$7,584.93	\$7,738.64
	Water	\$4,790.59	\$4,886.84
2015 to 2018 - LTP 2015-25 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$3,428.39	\$3,499.30
	Stormwater	\$416.78	\$424.46

19. Development and financial contributions		2023/24	2024/25
	Wastewater	\$4,154.94	\$4,233.05
	Water	\$3,521.97	\$3,585.54
2012 to 2015 - LTP 2012-22 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$2,879.43	\$2,938.99
	Stormwater	\$1,958.93	\$1,995.00
	Wastewater	\$8,481.70	\$8,641.15
	Water	\$2,003.66	\$2,039.82
Te Aroha			
2024 to 2027 – LTP 2024-27 Policy	Parks/reserves		\$1,688.61
	Roading		\$57.55
	Stormwater		\$0.00
	Wastewater		\$115.09
	Water		\$355.74
2021 to 2024 – LTP 2021-31 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$1,235.53	\$1,267.13
	Stormwater	\$0.00	\$0.00
	Wastewater	\$1,603.74	\$1,643.48
	Water	\$30.26	\$31.02
2018-2021 - LTP 2018-2028 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$1,100.99	\$1,122.63
	Stormwater	\$0.00	\$0.00
	Wastewater	\$3,688.75	\$3,775.03
	Water	\$37.16	\$37.96
2015 to 2018 - LTP 2015-25 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$801.73	\$817.52
	Stormwater	\$2,488.52	\$2,534.64
	Wastewater	\$4,711.16	\$4,797.25
	Water	\$2,665.57	\$2,716.11
2012 to 2015 - LTP 2012-22 Policy	Parks/reserves	\$1,636.37	\$1,688.61
	Roading	\$2,841.24	\$2,897.19
	Stormwater	\$4,541.00	\$4,625.17
	Wastewater	\$7,417.71	\$7,553.26
	Water	\$3,662.58	\$3,732.01

21. Swimming pools		2024/25	Changes
Swim Zone Matamata, Morrinsville and Te Aroha			
Single entry			
Child (under 16 years)	Single swim	\$5.00	
Adult (16 years +)		\$8.00	
Senior (65 years +)		\$7.00	
Family pass 2 adults or seniors and up to 3 children		\$25.00	
Shower only		\$5.00	
Spa (where facilities are available)	In addition to entry fee	\$3.00	
Concession cards (pool entry)			
Child (under 16 years)	10 swims	\$42.50	
	20 swims	\$80.00	
	30 swims	\$112.50	
Adult (16 years +)	10 swims	\$68.00	
	20 swims	\$128.00	
	30 swims	\$180.00	
Senior (65 years +)	10 swims	\$59.50	
	20 swims	\$112.00	
	30 swims	\$157.50	
Concession cards (pool and spa entry)			
Child (under 16 years)	10 swims	\$68.00	
	20 swims	\$128.00	
	30 swims	\$180.00	
Adult (16 years +)	10 swims	\$93.50	
	20 swims	\$176.00	
	30 swims	\$247.50	
Senior (65 years +)	10 swims	\$85.00	
	20 swims	\$160.00	
	30 swims	\$225.00	
Membership (pool entry)			
Child (under 16 years)	3 month	\$117.00	
	6 month	\$182.00	
	12 month	\$286.00	
Adult (16 years +)	3 month	\$187.00	
	6 month	\$291.00	
	12 month	\$456.00	\$458.00
Senior (65 years +)	3 month	\$164.00	
	6 month	\$256.00	\$255.00
	12 month	\$401.00	\$400.00
Membership (pool and spa entry)			
Child (under 16 years)	3 month	\$187.00	
	6 month	\$291.00	
	12 month	\$456.00	\$458.00

21. Swimming pools		2024/25	Changes
Adult (16 years +)	3 month	\$257.00	
	6 month	\$400.00	
	12 month	\$628.00	\$629.00
Senior (65 years +)	3 month	\$234.00	
	6 month	\$364.00	
	12 month	\$572.00	
SZTA No.2 Bath House (public 30 min sessions*)			
Public sessions (minimum 2 people – maximum 10)	Per person	\$8.00	
SZTA No.2 Bath House (public 30 min sessions*) and pool/outdoor spa combo			
Child (under 16 years)		\$13.00	
Adult (16 years +)		\$16.00	
Senior (65 years +) and Active Health		\$15.00	
Family pass 2 adults or seniors and up to 3 children		\$56.00	\$57.00
*Public sessions (minimum 2 – maximum 10 per session)			
SZTA No.2 Bath House (private 30 min sessions)			
Child (under 16 years)		\$11.00	
Adult (16 years +)		\$28.00	
Senior (65 years +) and Active Health		\$21.00	
Family pass 2 adults or seniors and up to 3 children		\$70.00	\$71.00
SZTA No.2 Bath House (private 30 min sessions) and pool/outdoor spa combo			
Child (under 16 years)		\$15.00	\$14.00
Adult (16 years +)		\$32.00	
Senior (65 years +) and Active Health		\$25.00	
Family pass 2 adults or seniors and up to 3 children		\$86.00	\$95.00
School groups			
All schools within the district	Per child/swim	\$3.00	
Out of district schools	Per child/swim	\$4.50	
Amateur swimming clubs			
Squad member (pool entry) – 6 months		\$179.00	
Squad member (pool entry) - 12 months	Valid only during squad training session times	\$245.00	
Hire (bookings essential)			
Lane hire	Per lane per hour	\$20.00	

21. Swimming pools		2024/25	Changes
Inflatable hire for private bookings (Includes additional lifeguard)	Hire per hour where available	\$50.00	
Inflatable	Per person	\$3.00	
Barbeque hire	Per hour	\$20.00	
Full pool hire	Per hour per pool (includes one lifeguard) additional lifeguard charges may apply depending on ratio numbers	\$100.00	
Customer & lifeguard numbers will be calculated by the level of risk and approved by Swim Zone management. Lifeguard ratios are 1:40. An additional lifeguard is required if ratios are exceeded.	Over the 1:40 ratio additional lifeguard per hour	\$35.00	
Aqua Group Fitness (where available, minimum of 5 people per class)			
Per session		\$8.50	
Concession card	10 sessions	\$85.00	\$72.00
	20 sessions	\$160.00	\$136.00
	30 sessions	\$225.00	\$191.00
Active Health club rehabilitation (access to exercise equipment and staff assistance)			
Child (under 16 years) Includes spa	Restricted hours of use and current medical certificate apply	\$4.00	
Adult (16 years +) Includes spa		\$7.00	
Senior (65 years +) Includes spa		\$6.00	
Summer Swim Card (school aged children)	6 weeks of summer school holiday	\$65.00	
Little Swimmer sessions	Children under 5 years.	Child general admission rate Adult swims free	Child general admission rate (\$5 per child) Adult swims free

7 Pūrongo me whakatau | Decision Reports

7.5 Adoption of Long Term Plan 2024-2034

CM No.: 2870283

Te Kaupapa | Purpose

To present to Council for consideration and adoption:

1. Council's resolution to set an unbalanced budget for the Long Term Plan 2024-34 (LTP) period and the reasons why this decision is considered prudent.
2. The list of capex projects for the LTP period (circulated separately).
3. The LTP (circulated separately).

To present to Council for consideration and to receive:

4. The audit opinion for the LTP and audit letter of representation (circulated separately).

Rāpopotonga Matua | Executive Summary

The Long Term Plan (LTP)

The Local Government Act 2002 (LGA) requires local authorities to adopt a LTP every three years. Council's current Long Term Plan was adopted in June 2021 and the next LTP covering the period 2024-2034 is now presented for adoption.

Resolving to set an unbalanced budget

Council is proposing to set an unbalanced budget for all years of the LTP. The reasons and implications of this decision and the consideration of prudence is outlined in this report. And a resolution pertaining to the unbalanced budget included.

Capex Projects

A full list of the capex projects for the LTP period are attached, and a resolution for their approval included in this report.

Audit of the LTP

An audit of the final LTP has been undertaken. The Auditor-General (through Audit NZ) will report on the quality of the information and the assumptions underlying the forecast information, and whether the LTP gives effect to the purpose set out in s 93B LGA 2002.

Audit Director, René van Zyl in attendance (online) to present the audit opinion to Council. A copy of the audit opinion and letter of representation circulated separately to this report.

LTP in force

Section 93(3) LGA 2002, stipulates that a LTP must be adopted before the commencement of the first year in which it relates. However, due to changes to Three Waters legislation and the uncertainty this created, the government included a provision in the Water Services Acts Repeal Act which allowed an extension of the deadline to 30 September 2024. The LTP will become operative on 4 July 2024. In accordance with Section 93(10) LGA 2002, the LTP will be made publicly available within one month of adoption, by being published on the MPDC website.

Structure of this report

This report is organised in four parts as below:

Part One: Council's resolution to set an unbalanced budget for the LTP period and outline of the reasons why Council considers this decision is prudent

Part Two: List of capex projects for LTP period for approval

Part Three: Audit opinion and letter of representation

Part Four: Adoption of the LTP

Tūtohunga | Recommendation

Part One: Resolution on unbalanced budget

That:

- 1) In accordance with Section 100(2) of the Local Government Act 2002, Council resolves that projected operating revenue will not meet operating expenses in all years of the Long Term Plan 2024-2034, and that therefore Council will have an unbalanced budget.**
- 2) In accordance with Section 100(2) of the Local Government Act 2002, Council resolves that this decision is prudent considering:**
 - (a) That it is expected that levels of service will be maintained over the ten years.**
 - (b) Projected funding for these services is deemed appropriate and prudent.**
 - (c) Intergenerational equity is achieved by ensuring that a) the current generation does not fund replacement of assets significantly in advance of when their replacement will occur, and that are not considered essential to desired levels of service and, b) that the groups using these assets will fund upgrades or replacement if and when they may consider it is necessary.**
 - (d) The approach is consistent with the Revenue and Financing Policy.**
- 3) In accordance with Schedule 10(14) of the Local Government Act 2002, Council resolves that the reasons for and implications of the decision are:**
 - (a) We will manage the level of rates increases over the next ten years by keeping them affordable and avoiding significant fluctuations. This will mean we focus on compliance related projects and limit discretionary projects.**
 - (b) We will remove wastewater bio solids (sludge) from Morrinsville and Te Aroha over a five year period, but fund this work by borrowing upfront and repaying the borrowing over a 15 year period from rates. This will mean we can smooth the impact on ratepayers of work that will have benefits for many years to come.**
 - (c) We will not fund the total asset depreciation expense each year. This will mean that we will not collect rates to fully fund depreciation for assets within the community facilities, roading and stormwater activities.**

Part Two: Approval of Capex Projects

That:

- 4) Council approves the list of capex projects for the Long Term Plan 2024-2034 period as circulated.**

Part Three: Receipt of audit opinion and letter of representation

That:

- 5) Council receives the audit opinion from Audit New Zealand, on behalf of the Auditor-General.**
- 6) Council approves the Letter of Representation to be provided to Audit New Zealand, on behalf of the Auditor-General, on the audit of the Long Term Plan 2024-2034 as circulated.**

Part Four: Adoption of the Long Term Plan 2024-2034

That:

- 7) Council receives the report.**
- 8) Council adopts the Long Term Plan 2024-2034 in accordance with Section 93 of the Local Government Act 2002, which includes a Financial Strategy, Infrastructure Strategy and Revenue and Financing Policy.**
- 9) Council authorises staff to make any further minor amendments as needed for accuracy, clarity or consistency prior to publication.**
- 10) The Long Term Plan 2024-2034 applies from 4 July 2024.**

Part One – Resolution on unbalanced budget

Horopaki | Background

LGA Requirement – Balanced budget

Under the Local Government Act 2002, Council must ensure each year's projected operating revenue meets each year's projected operating expenses. [Section 100(1) of the LGA 2002]

However, Council may set projected operating revenue at a different level if it resolves that it is financially prudent to do so having regard to:

- The estimated expenses of achieving and maintaining predicted levels of service, including maintaining service capacity and integrity of assets throughout their useful life.
- The projected revenue available to maintain service capacity and integrity of assets throughout their useful life.
- The equitable allocation of responsibility for funding assets and facilities throughout their useful life.
- Council's funding and financial policies

[Section 100(2) of the LGA 2002]

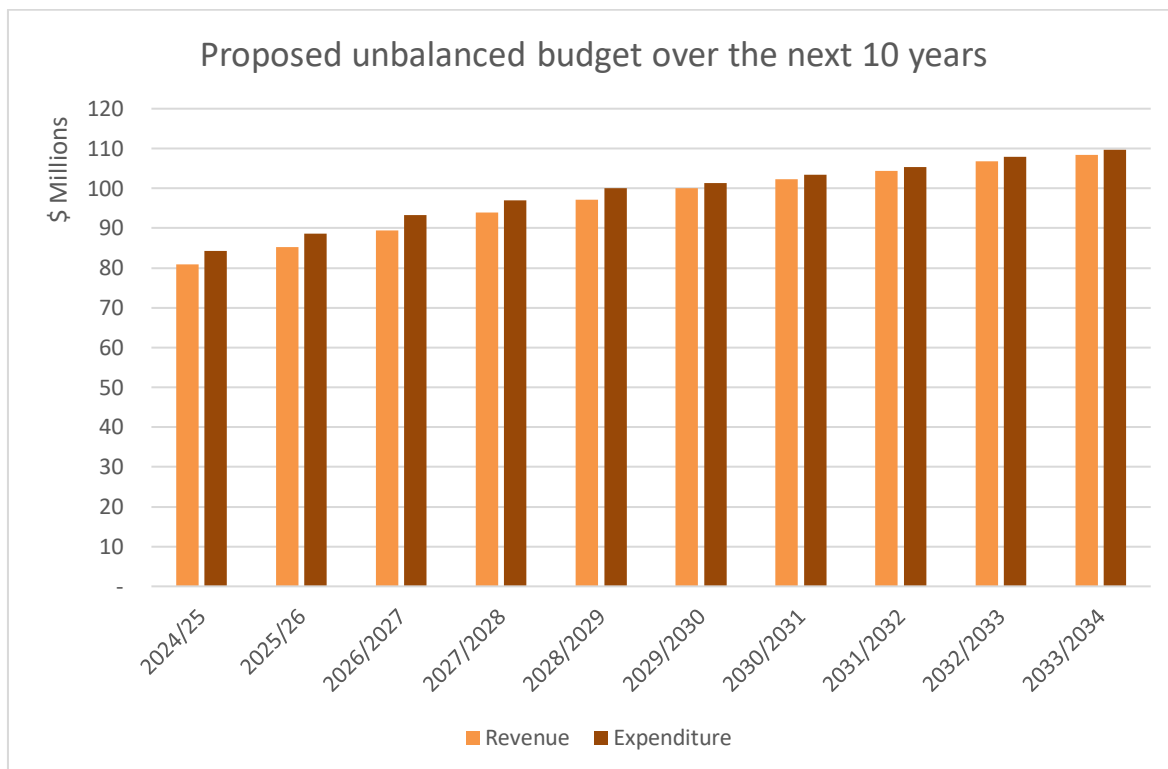
And if Council has resolved not to balance its operating budget in any year of the LTP then the LTP must include:

- A statement of the reasons for the resolution and any other matters taken into account and
- A statement of the implications of the decision

[Schedule 10(14) of the LGA 2002]

Ngā Take/Kōrerorero | Issues/Discussion

As outlined above, under the Local Government Act 2002, local authorities are required to set balanced budgets, where operating revenue is equal to expenditure. Council may operate an unbalanced budget only where this can be shown to be financially prudent. We're planning to have an 'unbalanced budget' in all ten years of this plan. This means that the revenue received each year will be less than the expenses for that year.



There are three reasons for this:

- To manage the level of rate increases (affordability) over the next ten years
- We are not planning to fund the total depreciation expense each year
- We are planning to remove wastewater biosolids (sludge) for Morrinsville and Te Aroha over a five year period. We are going to fund this work over a 15 year period.

Below is a summary of the considerations of prudence and the reasons and implications of the decision to set an unbalanced budget. For a full discussion please see the LTP Section 3 Financial Strategy and Section 6 Financials.

Prudence

In making sure this decision is prudent over the term of the LTP, Council have considered the risks and what affect they may have on the level of service we can provide, funding of the service and how it may impact both current and future ratepayers, and whether it complies with our funding and financial policies. These considerations are outlined below.

Reasons and Implications

1. Affordability

We have a goal to manage the level of rates increases over the next ten years by keeping them affordable and avoiding significant fluctuations. Our capital programme is heavily dominated by infrastructure projects. This is influenced by regulation, particularly around three-waters, Government funding for roading and maintaining critical assets. Non-infrastructure activities are where we have more discretion and this is where we are planning the biggest trade-off with our improvement programme to keep rates as low as possible. We are limiting our discretionary

projects to those that have already been committed to. This means that we cannot progress as many improvements as we would like.

2. Depreciation

Depreciation is an accounting entry not an actual cash expense.

Annual depreciation, which is reflected as an expense in each year, provides a guide on the amount of money that should be collected each year to fund the replacement of assets at the end of their life. Asset replacements are funded directly from rates. Asset lives are based on estimates and in general there is a low level of uncertainty. However, there is greater uncertainty related to the asset lives of stormwater assets. We don't believe it is necessary to collect the total depreciation expense each year for assets as outlined below:

- a) **Community Facilities** - There are a number of buildings on Council land that are not owned by Council or are not essential to Council operations (including Community halls, Firth Tower museum buildings, etc.). Council has decided that it will not make provision to fund the replacement or refurbishment of these buildings, amounting to an average of \$140,000 per year that would otherwise have to be recovered from rates or from users (or a mixture of both).

Council's approach places the responsibility for building refurbishment and replacement on the users or owners of the buildings. The risk is that the different groups will not be able to raise the necessary funds to undertake this work. There may then be an expectation that Council will fund the work.

However, Council has determined that this approach is prudent as the buildings in this category are not essential. Non replacement or non-refurbishment of the buildings is a valid option. This does not prevent owners or users of the buildings from funding the work required.

- b) **Roading** - The renewal or replacement of roading assets is almost jointly funded by Council and Waka Kotahi/New Zealand Transport agency (NZTA).

We have ensured that we rate for Council's share and have assumed the agency will continue to meet its obligations. This amounts to an average of \$3 million per year which we would otherwise have to include in the rates.

As Council is funding a sufficient amount to meet its share of the planned physical works, there is not considered to be any financial risk over the term of the ten year plan. A fundamental assumption in this approach is that NZTA will continue to fund its share of the programme.

On that basis Council is comfortable that the approach is prudent.

- c) **Stormwater** - The amount of depreciation expense over the ten years is \$12.1 million. In that period we are expecting to undertake \$4.8 million of capital work.

The 30-year projection in the infrastructure strategy shows that the major portion of our asset replacement or renewals occurs in the 20-year period after this plan.

So instead of using depreciation as a guide, we have looked at how much we would have to invest each year to ensure we have sufficient funds to undertake the work. This has reduced our annual provision by an average of \$908,000 per year. Alternatively, we would need to fund this amount through annual rates.

This is considered to be a low risk strategy as there will be a number of LTPs to review the calculations before the renewals programme escalates. Council considers it is prudent as the

strategy is to ensure sufficient funding is available to meet the renewals programme. This strategy meets that test for the ten year and 30 year planning periods.

3. Desludging

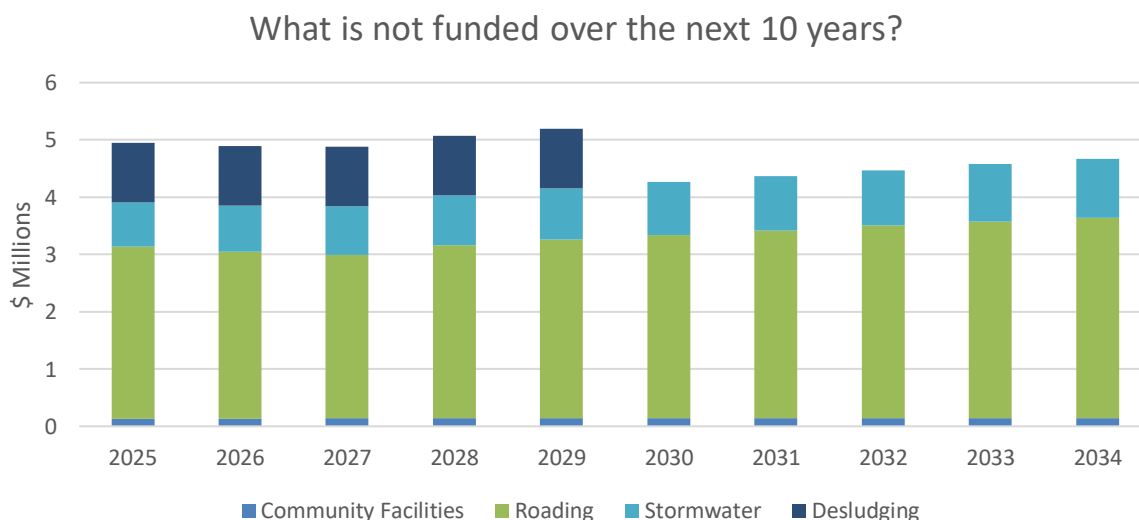
Council is planning to remove biosolids (sludge) in ponds in the Morrinsville and Te Aroha wastewater treatment plants. This is estimated to cost \$8.5m and the work will be undertaken over five years. The sludge has built up over many decades.

Council decided that it would be unfair, particularly in the current environment, to load all of that cost on ratepayers over a five year period. Instead the cost will be borrowed upfront and funded from rates over 15 years, resulting in an average of \$1.02 million less funding from rates per year for the first five years.

This is considered to be a low risk strategy as Council can continue to manage within its prudent debt limits over the term of the LTP. Also funding the work from rates over five years would have increased the risk of making rates less affordable. Council considers this strategy is prudent as it ensures the work is funded from the appropriate sources, over an extended period, and the desludging work will also provide the benefit of increased capacity over an extended period.

Overall impact of the unbalanced budget

Together, these alternative funding decisions result in a funding gap between revenue and expenses over the ten year plan as follows:



We are not planning to take steps to achieve a balanced budget during this ten year period. With each LTP cycle we will re-assess our financial position. We foresee that an unbalanced budget will likely continue past the ten year period due to similar reasons as stated above for this cycle.

Except for the wastewater sludge removal projects, there is not expected to be any impact on our borrowing as a result of the unbalanced budget beyond this ten year period. The proposed budget is based on a number of assumptions, with the risk of uncertainty and impact of which in some cases is high. A full understanding of these assumptions and risks is presented in the LTP document.

These funding decisions are consistent with the Revenue and Financing Policy.

Mōrearea | Risk

As outlined above, Council acknowledges these alternative funding decisions are not without risk, but considers them to be prudent considering that projected funding will ensure levels of service will be maintained and that intergenerational equity will be achieved by ensuring that the current generation does not fund replacement of assets significantly in advance of when their replacement will occur, or fund assets that are not considered essential to the desired levels of service. Council have noted that it will need to closely monitor and review risks related to the unbalanced budget throughout the period.

New Zealand Local Government Funding Agency (LGFA), Councils main lender, has let us know that they intend to meet with Council post adoption of the LTP to discuss their general concerns around borrowing for operating purposes over a long period of time (as Council have planned to do in respect of the desludging work outlined previously in this report). LGFA has a responsibility to monitor the financial performance of the sector on behalf of all the Councils that are guarantors of LGFA. They do not have any concerns that our Council will breach our financial covenants, noting that Council’s starting financial position is strong, which would allow us to borrow for operating purposes for a long period of time. However, they would prefer to see an improving picture over our ten year period. This could mean looking to repay the desludging costs over a shorter period than the 15 years currently budgeted.

As noted above, Council considers our current strategy for the funding of the desludging is prudent as it ensures the work is funded from the appropriate sources, over an extended period, and the desludging work will also provide the benefit of increased capacity over an extended period. Council will closely monitor and review risks related to the unbalanced budget, and may opt to re-address this strategy in future reviews.

Ngā Whiringa | Options

There are two options for consideration:

Option 1: Council resolves to run an unbalanced operating budget for the period of the LTP 2024-34	
Advantages	Disadvantages
<ul style="list-style-type: none"> • It means we can reduce the rates required by \$4.55 million on average for each year of the LTP without affecting levels of service. • It will help achieve intergenerational equity (in that today’s ratepayers will not be funding tomorrow’s ratepayer’s share of the costs). • Except for the desludging project, there is not expected to be any further need for borrowing to cover the unbalanced budget 	<ul style="list-style-type: none"> • There are additional risks around funding, e.g. if subsequent councils changed their mind around the future of some community facility buildings, if required renewals of stormwater or roading assets happen at different timing to what we expect – however we do have the ability to review this position on an annual basis.
Recommended?	Yes

Option 2: Rates are increased to ensure that projected revenues equal projected expenses (ie to achieve a balanced budget)	
Advantages	Disadvantages
<ul style="list-style-type: none"> We would meet the expectation under the Local Government Act to balance the budget. We would be able to repay loans sooner than currently budgeted, saving interest costs (although not meeting another aspect of the Act which requires council to consider intergenerational equity). 	<ul style="list-style-type: none"> Rates would need to increase by \$4.55 million on average for each year of the LTP to achieve a balanced budget. We do not believe this is affordable in this current environment or prudent. If we were to fully fund the depreciation expense, because the funding is not required for renewals, it would result in loans being repaid sooner, which effectively means that today's generation will be paying the next generation's share of the costs. For stormwater, because there are no loans, it would result in cash surpluses being built up over time.
Recommended?	No

Recommended option Option 1 is the recommended option.

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

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

As set out above, the LGA requirements in respect to an unbalanced budget are the following:

Under the Local Government Act 2002, Council must ensure each year's projected operating revenue meets each year's projected operating expenses. [Section 100(1) of the LGA 2002]
However, Council may set projected operating revenue at a different level if it resolves that it is financially prudent to do so having regard to:

- The estimated expenses of achieving and maintaining levels of service, including maintaining service capacity and assets
- The projected revenue available to maintain service capacity and assets
- The equitable allocation of responsibility for funding assets and facilities
- Council's funding and financial policies

[Section 100(2) of the LGA 2002]

And if Council has resolved not to balance its operating budget in any year of the LTP then the LTP must include:

- A statement of the reasons for the resolution and any other matters taken into account and
- A statement of the implications of the decision

[Schedule 10(14) of the LGA 2002]

Part Two – Approval of capex projects list for LTP

Horopaki | Background

In order to make the document a little more concise, it was decided to only detail the major capital projects in Section 5 of the LTP. A full list of all capital projects is circulated separately for approval alongside the LTP.

Capital expenditure	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
—to meet additional demand	11,321	8,306	8,304	2,172	1,219	1,833	1,504	1,241	75	15,529
—to improve the level of service	26,911	20,957	15,043	13,562	8,401	5,831	6,747	6,576	1,618	5,509
—to replace existing assets	22,529	21,772	21,906	22,026	15,775	17,427	18,766	19,771	14,934	13,967
Total	60,761	51,035	45,253	37,760	25,395	25,091	27,017	27,588	16,627	35,005

The above forecast includes inflation.

A schedule of the forecast capital projects included in the LTP (excluding inflation) to be circulated separately.

Part Three – Receipt of Audit Opinion and Letter of Representation

Horopaki | Background

Audit process

The Consultation Document and the draft LTP (as supporting information) were subject to an audit process prior to their adoption for consultation in March 2024. The audit opinion on the Consultation Document contained two emphasis of matter, pertaining to the unbalanced budget and Council's ability to deliver on its capital works programme.

Following consultation, hearings and deliberations, final changes have been made to the LTP and it has been subject to a final audit by Audit NZ.

Once Council adopts the LTP and receives the audit opinion it will be inserted into the LTP in Section 9.

Audit opinion

When Audit issue their audit opinion there are several options as to how this can be framed. There is potential for Council to receive an audit opinion including an “emphasis of matter” if the auditor wishes to draw reader/community attention to the risks in a particular area or a “qualified audit opinion” if they disagree with the assumption in an area (or any other aspect).

This website provides an overview of the language used in audit opinions:

[Explainer: The language of audit opinions — Audit New Zealand \(auditnz.parliament.nz\)](https://www.auditnz.parliament.nz/explainer-the-language-of-audit-opinions)

Audit opinion circulated separately.

Audit in attendance to present the audit opinion.

Letter of representation

A letter of representation is required to be signed by the Mayor and Chief Executive to confirm all requirements have been met in the preparation of the LTP.

The Letter of Representation circulated separately.

Part Four – Adoption of Long Term Plan 2024-2034

Horopaki | Background The Long Term Plan (LTP)

A LTP is prepared every three years, covers ten years (and includes an Infrastructure Strategy for a 30-year period), must include specific information as prescribed in the Local Government Act 2002 (LGA), must be audited, and can only be adopted after a period of public consultation. Council's current LTPn was adopted in June 2021 and the next LTP covering the period 2024-2034 is now presented for adoption.

Section 96 of the LGA, explains that the LTP is Council's formal, public statement of its intentions in relation to the matters covered in the Plan. A resolution to adopt a LTP does not constitute a decision to act on any specific matter included in the Plan, and no person is entitled to require a local authority to implement the provisions in the Plan.

Timeline of the development of the LTP

Development of Draft LTP and Consultation Document through series of Council Workshops	February 2023 – March 2024
External Quality Review on early draft LTP	January 2024
Audit of Consultation Document and Supporting Information (Draft LTP)	February – March 2024
Risk and Assurance Committee review	March 2024
Council Adoption of Consultation Document and Supporting Information for Consultation	20 March 2024
Public Consultation	21 March – 21 April 2024
Public Hearing	8 – 9 May 2024
Council Deliberations	22 May 2024
Preparation of final LTP	May – June 2024
Final Audit	June 2024
Risk and Assurance Committee reiew	2 July 2024
Final LTP presented for adoption	3 July 2024
LTP in force	4 July 2024

Ngā Take/Kōrerorero | Issues/Discussion

Overview of the sections of the LTP 2024-2034

The LTP consists of nine sections. A discussion of the key content of each of the sections is below.

Section 1: Introduction and Overview

This section contains the Mayor’s Forward, the function of the LTP, Council’s planning cycle, Council’s strategic planning and implementation framework. It then outlines the feedback received during the consultation plan and the decisions that Council made at the Deliberations. Next it gives a snapshot of our District now and in thirty years’ time, details the Councillors, Council’s governance structure and Māori engagement in decision making, and Council’s purpose, vision and community outcomes. It highlights the four key drivers / challenges which are referred to throughout the LTP – Affordability, Growth and demand, Compliance, and Climate change and resilience, and how Council will respond to these. Finally, it outlines an additional challenge faced by Council – legislative change.

Section 2: Key assumptions

The Key Assumptions represent the important trends and projections expected to affect the Council and the district over the next ten years, and are one of the essential building blocks in the development of the LTP, and a key focus for Audit. The key assumptions are used to provide a common set of data and direction for the organisation to use in its planning, to be used in conjunction with a wider set of corporate level assumptions and activity-specific assumptions. These assumptions have been fully revised since the last LTP and workshopped with elected members, a new structure included to improve readability, and the assumptions grouped and aligned (where applicable) with the four key drivers / challenges. The groups of assumptions are as follows: Significant assets, Policy landscape, Growth and demand, Climate change and resilience, Compliance, Affordability and Council services.

Section 3: Financial strategy

The purpose of a Financial Strategy is to a) facilitate prudent financial management by Council and b) provide a context for consultation on Council’s proposals for funding and expenditure by making transparent the overall effects of those proposals on Council’s services, rates, debt, and investments.

The draft Financial Strategy outlines our key drivers and responses, our goals and how we will achieve them: 1) to maintain current levels of service 2) to improve some levels of service where this complements our vision 3) to set prudent limits on rates and rates increases 4) to set prudent limits on debt, the risks, and other financial matters as required under the LGA.

More information on our rates and debt

Goal 3: To set prudent limits on rates and rate increases

Rates set for the next ten years

	Annual Plan 2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
Total rates	51,129	58,856	62,241	65,416	68,745	71,386	73,618	75,266	76,807	78,777	79,925

	Annual Plan 2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
revenue* \$000											
Increase in total rates revenue*	14.4%	15.1%	5.8%	5.1%	5.1%	3.8%	3.1%	2.2%	2.0%	2.6%	1.5%

*Total rates revenue includes targeted rates from metered water that is charged to large industries and extra-ordinary water users.

Increases in three waters operating expenses, capital budgets and debt have a significant impact on Council finances in the early years of this plan.

The changes are driven by the need:

- to comply with tougher regulations - particularly for drinking water and sewerage treatment.
- to have more robust systems to deliver the services we provide to the standards expected.

Regulators can have a major influence on the focus and timing of investments Council has to make. Council has more choice/discretion in non-three waters activities. For this reason, Council has decided to set two rating limits for the ten year period:

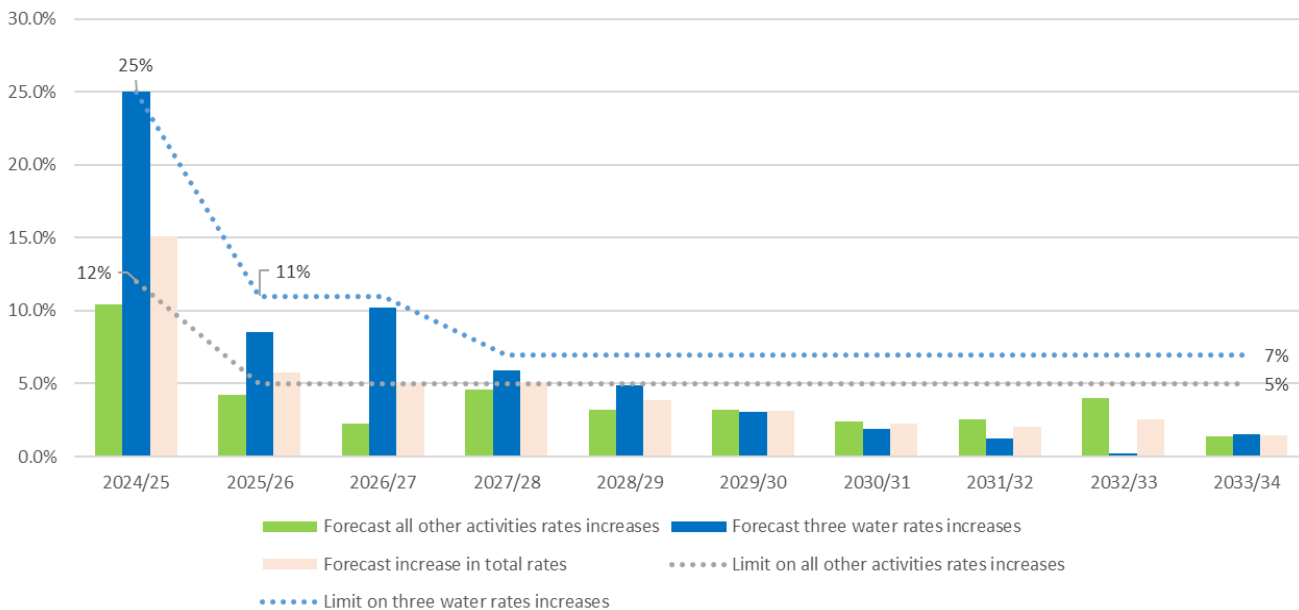
Three waters activities

Rates for the three water services will not increase by more than 25% in 2024/2025, 11% in 2025/2026 and 2026/2027, and will not increase by more than 7% over the remainder of the ten year period.

All other activities

Rates for all other rates funded activities will not increase by more than 12% in 2024/2025, and will not increase by more than 5% over the remainder of the ten year period.

Forecast rate increases and limits showing three water related rates, rates for all other activities and total rates



Goal 4: To set prudent limits on debt

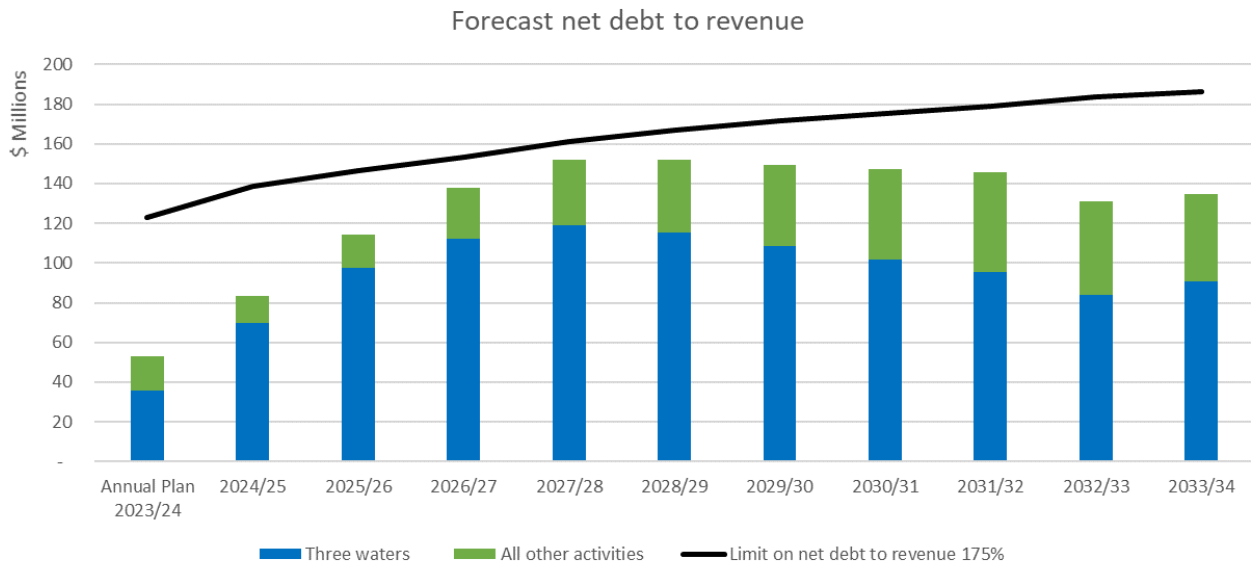
We currently borrow money to pay for new assets – for water, wastewater, roads and community buildings and facilities that will service the community over a long period of time.

Using loans to pay for these kinds of assets means we can recover the costs over time, so that both current and future ratepayers pay their fair share.

It also means that increases in rates are usually more stable/steady, as the cost of the asset is spread out over a longer period. While having a certain level of debt makes sense, it can also make us feel uncomfortable – we shouldn't borrow any more than we can comfortably afford to pay interest on, or eventually repay.

The New Zealand Local Government Funding Agency (LGFA) are one of the main lenders to New Zealand Councils. As our key lender, LGFA have set a limit on how much they believe our Council can comfortably borrow, based on our net debt compared to revenue – which is set at a ratio of 175%. (Net debt is external borrowing less cash and investments).

Up until now, Council have set our own internal limit at a more conservative level of 150%. We have only before reached as high as 47%, and have felt comforted by the extra buffer within our debt limits, which provides opportunity to the district if new things come up, and security if the worst happens.



To fund the MUST DO capital work required for our three waters activities, we’re proposing to increase our debt significantly over the first 3-4 years of this plan. This would push our debt over 150%, peaking at \$151 million or 164%, meaning we would exceed our current limit and have very little-to-no headroom for much of the next ten years. These pressures mean that we feel there is little option but to increase our limit to 175% - however this is not a target. Any borrowing adds additional interest costs to ratepayers, so all projects will continue to be carefully considered with that tension in mind.

How our actual debt tracks against this forecast will depend significantly on how well we progress with our planned capital programme. We expect our debt to be, on average, around 141% of our revenue over the next ten years.

Risk management strategies for debt are outlined in Council’s Liability Management Policy, including strategies to manage interest rate risk, limits to manage liquidity and funding exposure, counterparty credit exposure, debt repayment, borrowing limits, maintaining financial covenants and security arrangements. The full Policy can be found on the Council website. Council has an opportunity to review the impact of interest rates on its overall costs and rates with the Community at each Annual Planning round, and can look to slow and spread capital work programmes and/or levels of service accordingly and where this is acceptable to our regulators. However, should a significant event occur there is uncertainty as to whether the headroom will be sufficient. Included within the headroom, we have a \$5.4m investment fund for emergencies and a \$6m credit facility for urgent cashflow requirements.

Section 4: Infrastructure strategy

The purpose of an Infrastructure Strategy is to a) Identify significant infrastructure issues facing Council over the period of the strategy and b) Identify the principal options for managing those issues and the implications of those options.

The groups of activity included in the strategy are Water, Wastewater, Stormwater, Roothing, Rubbish and recycling, Parks and open spaces and Community facilities and property. The Strategy sets out Council’s key principles for managing its assets, namely: looking after what we have, focusing on the must dos i.e. complying with legislative requirements, including only a few should dos, smoothing renewals and reducing some roading renewals. The Strategy provides a snapshot of our District and Council’s assets, outlines the method used to prioritise capital projects and asset renewals, and discusses Council’s approach to risk management. It sets out the most likely scenario for our District in 2054 and how Council will respond. The Strategy discusses the

four key drivers / challenges that feature throughout the LTP and how Council will address these in respect of its assets. The Strategy discusses 6 key areas of work:

- 1) investment in roading renewal,
- 2) meeting water demand,
- 3) prioritising capital projects,
- 4) responding to climate change,
- 5) servicing growth,
- 6) meeting our waste minimisation targets.

For each it outlines a range of options, associated costs and the preferred option. It then discusses each group of activity in more detail. The Strategy concludes with a Financial Summary.

Section 5: What we do

This section details Council's eight groups of activity – Community Facilities and Property, Strategy and Engagement, Roothing, Rubbish and Recycling, Stormwater, Wastewater, Water, Consents and Licensing. For each group of activity, we identify how the group contributes to our vision and community outcomes, how the key drivers / challenges impact on the group and how Council will respond, our goal in respect to levels of service for that activity, any negative impacts it may have, key legislation etc that guide the planning and operation, the funding source, our projects over the next ten years, the performance measures and targets we will report on and the funding impact statement.

Section 6: Financials

The information in this section underpins the summary financial information including rate and debt limits presented in the consultation document. The underlying financials include: a) Statement of comprehensive revenue and expense, b) Statement of changes in equity, c) Statement of financial position, d) Statement of cash flows e) Statement of accounting policies and f) other legislative disclosures including a discussion on the decision to have an unbalanced budget, Self-funding activities, Non funded depreciation, Depreciation and amortisation expense by group of activity, Reserve funds, Funding impact statement for whole of Council, Calculation of rates, Financial prudence disclosures.

Section 7: Policies

The Policies section of the draft LTP includes a) Draft Revenue and Financing Policy in full and b) Significance and Engagement Policy in summary.

Section 8: Council controlled organisations

This section outlines the Council Controlled Organisations we are part of, namely: Waikato Regional Airport Ltd (WRAL), Waikato Local Authority Shared Services Limited (WLASS) - trading as Co-Lab, and the Hauraki Rail Trail Charitable Trust. For each we have provided detail on their ownership structure, the nature and scope of their activities and their key performance targets. Council has provided a reporting exemption for the Hauraki Rail Trail Charitable Trust and because of this it is more correctly characterised as a Council Organisation under LGA definitions.

Section 9: Placeholder for audit opinion

Currently contains a short explanation of the audit process, to be replaced by the audit opinion on the final LTP in due course.

Mōrearea | Risk

Three of the key risks are:

Capital programme delivery

There is a risk of Council not being able to deliver on 10-25% of its capital programme.

The implications of this are that a) Council would need to extend its programme and costs would likely increase, b) borrowing could be less over the ten year period, c) work programme would be reprioritised to respond to any asset failures, d) planned improvements would not be undertaken, e) there would be impacts on levels of service, f) improvements would not be achieved.

Unbalanced budget

Council have forecast to have an unbalanced budget. Council have noted that it will need to closely monitor and review related risks throughout the period.

Managing debt

Council has increased its debt limit to 175%. Any borrowing adds additional interest costs to ratepayers, so all projects will continue to be carefully considered with that tension in mind. Risk management strategies for debt are outlined in Council’s Liability Management Policy. If a significant event occurs, there is uncertainty as to whether the available emergency funds would be sufficient.

Key Assumptions

Section 2 Key Assumptions sets out a range of risks, the level of uncertainty and implications of the risks including:

- Capital programme delivery
- Borrowing/interest rates
- Revenue from development contributions
- Return on investments
- Inflation
- Waka Kotahi funding
- Rating unit growth

Ngā Whiringa | Options

There are two options for consideration

Option One – Council approves the Long Term Plan 2024-2034	
Advantages	Disadvantages
Keeps within current timeframes	Potential opportunities for amendments to LTP may not have been considered.

Option Two – Council recommends further changes be made to Long Term Plan before approval	
Advantages	Disadvantages
Potential opportunities for LTP to be amended and reconsidered.	May trigger a further Audit process.

Recommended option

Option 1 is the recommended option

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

The Local Government Act 2002, the Local Government (Financial Reporting and Prudence) Regulations 2014 and the Local Government Rating Act 2002 are the key legislative documents pertaining to the LTP. The key legislative requirements are set out below.

Local Government Act 2002

Section 93 of the LGA sets out the key requirements for a LTP and the purpose namely to:

- a) describe the activities of the local authority; and
- b) describe the community outcomes of the local authority's district or region; and
- c) provide integrated decision-making and co-ordination of the resources of the local authority; and
- d) provide a long-term focus for the decisions and activities of the local authority; and
- e) provide a basis for accountability of the local authority to the community.

Part 1 of Schedule 10 of the LGA sets out what information must be included namely:

- 1) Community outcomes
- 2) Groups of activities
- 3) Capital expenditure for groups of activities
- 4) Statement of service provision
- 5) Funding impact statements for groups of activities
- 6) Variation between Council's LTP and assessment of water and sanitary services and waste management plans
- 7) Council controlled organisations
- 8) Development of Māori capacity to contribute to decision-making processes
- 9) Financial Strategy and Infrastructure Strategy
- 10) Revenue and Financing Policy
- 11) Significance and Engagement Policy
- 12) Forecast financial statements
- 13) Financial statements for previous year
- 14) Statement concerning balancing of budget
- 15) Funding impact statement
- 16) Rating base information
- 17) Reserve funds
- 18) Significant forecasting assumptions

Section 96 of the LGA states that when a council adopts a LTP it is providing a formal and public statement of the council's intentions; but a resolution to adopt a LTP does not constitute a decision to act on any specific matter included within the plan. There are statutory restrictions if Council wants to deviate from the direction established in the adopted LTP.

Staff have completed detailed assessments of the draft LTP's compliance with the legislative requirements in order to ensure we have met all requirements.

Section 93(3) LGA 2002, stipulates that a LTP must be adopted before the commencement of the first year in which it relates. However, due to changes to Three Waters legislation and the uncertainty this created, the government included a provision in the Water Services Acts Repeal Act which allowed an extension of the deadline to 30 September 2024.

The LTP will become operative on 4 July 2024.

In accordance with Section 93(10) LGA 2002, the LTP will be made publicly available within one month of adoption, by being published on the MPDC website.

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

Significance

The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council’s Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.

In making this assessment, consideration has been given to the likely impact, and likely consequences for:

- a) the current and future social, economic, environmental, or cultural well-being of the district or region
- b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter
- c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

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.

Development of the LTP is a matter of high significance. For this reason the LGA 2002 requires the Council to use the special consultative procedure when consulting with its community on adoption of the Plan (s 93(2) LGA 2002).

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	Public consultation took place in accordance with the prescribed special consultative procedure.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This issue is assessed as having a high level of significance.
Section 82 – this sets out principles of consultation.	Public consultation occurred in line with LGA requirements

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.

Included in the draft LTP is identification of variations from our Waste Management and Minimisation Plans and assessment of public toilets and sanitary services, as required by legislation. We have identified no significant variations.

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

In May 2023, after a period of development, Council adopted its new Strategic Direction setting out its vision and community outcomes for the district. The draft LTP 2024-2034 uses this new strategic direction as its foundation.





Council’s vision is:

Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.

Council’s community outcomes are:

- He wāhi kaingākau ki te manawa | a place with people at its heart
- He wāhi puawaitanga | a place to thrive
- He wāhi e poipoi ai tō tātou taiao | a place that embraces our environment
- He wāhi whakapapa, he wāhi hangahanga | a place to belong and create

The LTP contributes to all outcomes by setting the funding and activity framework for delivery of Council services and activities.

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO OUR PLACE		MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI STRATEGIC DIRECTION	
TŌ MĀTOU WHAKAKITENGA OUR VISION Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.			
TŌ MĀTOU WHĀINGA MATUA OUR PRIORITIES (COMMUNITY OUTCOMES)			
			
He wāhi kaingākau ki te manawa A place with people at its heart	He wāhi puawaitanga A place to thrive	He wāhi e poipoi ai tō tātou taiao A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga A place to belong and create

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

The LTP Budget is \$45,000 which is used primarily for external communications in support of the public consultation period. There is a separate budget for LTP Audit Fees.

The Audit engagement letter outlined a base fee of \$103,300. Subsequently Audit have indicated that the expected final cost is likely to be higher due to additional time being spent on the audit of the Consultation Document and final LTP.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Anne Gummer Policy Advisor	
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Approved by	Niall Baker Policy Team Leader	
	Sandra Harris Strategic Partnerships and Governance Manager	
	Kelly Reith Group Manager People, Governance & Relationships	
	Manaia Te Wiata Group Manager Business Support	

7 Pūrongo me whakatau | Decision Reports

Setting of Rates 2024/25

CM No.: 2861643

Te Kaupapa | Purpose

The purpose of the report is to formally set the rates for the 2024/25 year.

Rāpopotonga Matua | Executive Summary

Council is scheduled to adopt its Long Term Plan 2024-2034, and having done so, in accordance with Section 23 of the Local Government (Rating) Act 2002, can set the rates for the 2024/25 financial year.

Tūtohunga | Recommendation

That:

1. The report be received;
2. The Matamata-Piako District Council hereby resolves to set the following rates in this report, under the Local Government (Rating) Act 2002, on rating units in the district for the financial year commencing 1 July 2024 and ending on 30 June 2025, and to state the due dates and authorise penalties on unpaid rates (under section 24 and 57 and 58 respectively of the Local Government (Rating) Act 2002); and
3. The rates shown below are inclusive of fifteen percent (15%) Goods and Services Tax.

Horopaki | Background

Council has adopted the Long Term Plan 2024-2034 and is required under the Local Government (Rating) Act 2002 to pass a separate resolution to set the rates for the 2024/25 financial year.

Ngā Take/Kōrerorero | Issues/Discussion

The rates to be set are as follows:

Rate	
(A)	General rate A general rate set under Section 13 of the Local Government (Rating) Act 2002 and made on all rateable land in the Matamata-Piako District, at 0.00135991 per dollar of capital value, for the purposes of funding activities as identified in Council's Long Term Plan.
(B)	Uniform annual general charge A uniform annual general charge set under Section 15 of the Local Government (Rating) Act 2002 and made on all rateable land in the Matamata-Piako District, being \$930.35 per rating unit, for the purposes of funding activities as identified in Council's Long Term Plan.
(C)	Stormwater targeted rate A targeted rate for stormwater drainage disposal under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on stormwater disposal activities as identified in Council's Long Term Plan:
(i)	A uniform charge of \$100.93 per rating unit within the townships of Matamata, Morrinsville, Te Aroha and Waharoa.

(D)	Kerbside collection targeted rate	A targeted rate for kerbside collection under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on kerbside collection services as identified in Council's Long Term Plan:
	(i)	A uniform charge of \$284.47 per separately used or inhabited part of a rating unit to which the service is available.
(E)	Wastewater targeted rate	Differential targeted rate for wastewater disposal under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on wastewater disposal activities as identified in Council's Long Term Plan:
	(i)	A uniform charge of \$789.69 per rating unit in respect of each single residential house connected to the service.
	(ii)	The following scale of charges will apply for non-single residential and non-residential properties connected to the service: A uniform charge per rating unit for the first pan on all connected properties of \$789.69, and An additional uniform charge per pan (excluding the first pan) of \$789.69, for properties with up to 4 pans, or An additional uniform charge per pan (excluding the first pan) of \$671.24, for properties with up to 10 pans, or An additional uniform charge per pan (excluding the first pan) of \$631.76, for properties with up to 15 pans, or An additional uniform charge per pan (excluding the first pan) of \$592.27, for properties with up to 20 pans, or An additional uniform charge per pan (excluding the first pan) of \$552.79, for properties with more than 20 pans.
	(iii)	A uniform charge for properties within 30 metres of Council's wastewater reticulation network of \$394.85 per rating unit to which the service is available (but not connected).
	(iv)	A uniform charge per specified rating unit, being 18 Allen Street Morrinsville, of \$600,789.35, in respect of the proprietor's contribution to the Morrinsville wastewater treatment plant upgrade.
	(v)	A uniform charge per specified rating unit, being 38 Pickett Place Morrinsville, of \$190,660.20, in respect of the proprietor's contribution to the Morrinsville wastewater treatment plant upgrade.
(F)	Water supply targeted rate	Differential targeted rate for water supply under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on water activities as identified in Council's Long Term Plan:
	(i)	A uniform charge of \$688.07 per separately used or inhabited part of a rating unit to which the service is connected and provided.
	(ii)	A uniform charge for properties within 100 metres of Council's water reticulation network of \$344.03 per separately used or inhabited part of a rating unit to which the service is available (but not connected).
(G)	Water supply targeted rates (metered)	In addition to a uniform charge per separately used or inhabited part of a rating unit to which the service is connected and provided, targeted rates for water supply under Section 19 of the Local Government (Rating) Act 2002 to fund expenditure on water activities as identified in Council's Long Term Plan, as follows:
	(i)	A targeted rate for metered water supply of \$2.97 per cubic metre of water

	consumed (as measured by meter) over and above the first 63 cubic metres of water consumed per quarter, or the first 21 cubic metres consumed per month (excluding the water supplied as outlined in (ii) – (iv) following).
(ii)	A targeted rate for metered water supply of \$2.17 per cubic metre of water consumed (as measured by meter) over and above the first 63 cubic metres of water consumed per quarter, or the first 21 cubic metres consumed per month from the Pohomihi water line.
(iii)	A targeted rate for metered water supply of \$1.59 per cubic metre of water consumed (as measured by meter) over and above the first 63 cubic metres of water consumed per quarter, or the first 21 cubic metres consumed per month, for Braeside Aquaria.
(iv)	A targeted rate for metered water supply of \$2.97 per cubic metre of water consumed (as measured by meter) over and above the first 63 cubic metres of water consumed per quarter, or the first 21 cubic metres consumed per month, for Matamata farm properties that contain the Matamata trunk main from Tills Road. A 50% discount will be applied to this rate if the invoice is paid by the due date.
(H)	Rural hall targeted rates Targeted rates for rural halls under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on rural halls as identified in Council's Long Term Plan, as follows:
(i)	Tauhei Hall: a targeted rate of \$0.00012560 per dollar of land value of all rating units within the Tauhei Hall rating area.
(ii)	Hoe-O-Tainui Hall: a targeted rate of \$0.00002790 per dollar of land value of all rating units within the Hoe-O-Tainui Hall rating area.
(iii)	Springdale Hall: a targeted rate of \$0.00001541 per dollar of land value of all rating units within the Springdale Hall rating area.
(iv)	Kiwitahi Hall: a targeted rate of \$0.00002030 per dollar of land value of all rating units within the Kiwitahi Hall rating area.
(v)	Patetonga Hall: a targeted rate of \$0.00003260 per dollar of land value of all rating units within the Patetonga Hall rating area.
(vi)	Wardville Hall: a targeted rate of \$0.00003022 per dollar of land value of all rating units within the Wardville Hall rating area.
(vii)	Tahuna Hall: a targeted rate of \$43.71 per rating unit on all land within the Tahuna Hall rating area
(viii)	Mangateparu Hall: a targeted rate of \$39.82 per rating unit on all land within the Mangateparu Hall rating area.
(ix)	Kereone Hall: a targeted rate of \$44.43 per rating unit on all land within the Kereone Hall rating area.
(x)	Tatuanui Hall: a targeted rate of \$66.16 per rating unit on all land within the Tatuanui Hall rating area.
(xi)	Walton Hall: a targeted rate of \$32.11 per rating unit on all land within the Walton Hall rating area.
(xii)	Okauia Hall: a targeted rate of \$0.00001773 per dollar of the capital value of all land within the Okauia Hall rating area.
(xiii)	Hinuera Hall: a targeted rate of \$0.00001457 per dollar of the capital value of all land within the Hinuera Hall rating area.
(xiv)	Mangaiti Hall: a targeted rate of \$13.54 per separately used or inhabited part of a rating unit within the Mangaiti Hall rating area.
(xv)	Waihou Hall: a targeted rate of \$29.97 per separately used or inhabited part of a rating unit within the Waihou Hall rating area.
(xvi)	Elstow Hall: a targeted rate of \$23.13 per separately used or inhabited part of a rating unit within the Elstow Hall rating area.

	(xvii)	Manawaru Hall: a targeted rate of \$35.25 per separately used or inhabited part of a rating unit within the Manawaru Hall rating area.	
(I)	Due dates for payment of rates		
	That all rates, except metered water supply targeted rates, will be payable in four instalments on the following dates:		
	(i)	First instalment 26 August 2024	
	(ii)	Second instalment 25 November 2024	
	(iii)	Third instalment 25 February 2025	
	(iv)	Fourth instalment 26 May 2025	
	That metered water supply targeted rates will be payable on the following dates:		
	(i)	Ratepayers on quarterly invoicing cycle:	
		Quarter ending 30 September 2024	20 November 2024
		Quarter ending 31 December 2024	20 February 2025
		Quarter ending 31 March 2025	20 May 2025
	(ii)	Ratepayers on monthly invoicing cycle:	
		Month ending 31 July 2024	26 August 2024
		Month ending 31 August 2024	25 September 2024
		Month ending 30 September 2024	25 October 2024
		Month ending 31 October 2024	25 November 2024
Month ending 30 November 2024		27 December 2024	
Month ending 31 December 2024		28 January 2025	
Month ending 31 January 2025		25 February 2025	
Month ending 28 February 2025		25 March 2025	
Month ending 31 March 2025		28 April 2025	
Month ending 30 April 2025		26 May 2025	
Month ending 31 May 2025		25 June 2025	
Month ending 30 June 2025	25 July 2025		
(J)	Penalties (applicable to all rates, except metered water supply targeted rates)		
	That a ten percent (10%) penalty pursuant to Sections 57 and 58 of the Local Government (Rating) Act 2002 be added to any amount of rates instalment unpaid by the due date above on the following dates:		
	(i)	First instalment 27 August 2024	
	(ii)	Second instalment 26 November 2024	
	(iii)	Third instalment 26 February 2025	
	(iv)	Fourth instalment 27 May 2025	
and that the Group Manager Business Support and the Finance and Business Services Manager be delegated authority to apply the penalty.			

Mōrearea | Risk

Council's exposure to risk with this decision is that due legal process has not been followed, thereby invalidating the rates. The process to set the Long Term Plan budgets and associated rates have followed legislated process. At the time of writing this report, an independent legal review is being undertaken over the Revenue and Financing Policy, the Rates Calculation in the Funding Impact Statement of the Long Term Plan and the Rates Resolution. Any significant findings from this review or changes required as a result, will be tabled at this meeting. This year there has been no significant changes to the Rating Legislation or Local Government Act (as they pertain to the process of setting the rates). Nor has there been any change to these documents or the rates set (other than the amount), so as the risk is considered minimal.

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

Council is usually required to adopt Long term Plan and set its rates prior to 1 July under the Local Government Act 2002 and Local Government (Rating) Act 2002, however there are transitional provisions in place this year that allow for adoption of the LTP after 1 July.

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 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 views of Interested/affected people	Consultation has been undertaken as part of the LTP process.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This issue is assessed as having a low level of significance.
Section 82 – this sets out principles of consultation.	Consultation has been undertaken as part of the LTP process.

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

Council undertook public consultation on the 2024-2034 Draft Long Term Plan, including the proposed rates. Following consultation, and during the hearing process, changes were made to the budget so that the total rates to be collected moved from 15.7% to 15.1%, with some shifts in how the rate increase affects various properties depending on the services that they received.

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

The setting of the rates allows Council to collect revenue as specified for year one of the 2024-2034 Long Term Plan.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Larnia Rushbrooke Finance and Business Services Manager	
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Approved by	Manaia Te Wiata Group Manager Business Support	
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7 Pūrongo me whakatau | Decision Reports

7.7 Public Amenities Bylaw Review

CM No.: 2872784

Te Kaupapa | Purpose

The purpose of this report is for Council to agree to review the Public Amenities Bylaw.

Pursuant to section 155 of the Local Government Act 2002, Council must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.

If Council determines that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw:

- a) is the most appropriate form of bylaw; and
- b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.

This report addresses the legislative requirements for review of Council's Public Amenities Bylaw within the required timeframe.

Rāpopotonga Matua | Executive Summary

Under sections 158 to 160 of the Local Government Act 2002 (LGA), Council is required to review all bylaws within five years of adoption and every ten years thereafter.

Council's Public Amenities Bylaw (Bylaw) was last reviewed on 9 July 2014. This Bylaw enables the Council to control and set standards for the operation of its public amenities and covers vehicles, vegetation, conduct, animals in public amenities, and exclusion from public amenities.

Public amenity includes any cemetery, public library, swimming pool, aquatic centre, park, reserve, recreational, cultural or community centre, museum, or hall under the ownership or control of Council.

The Bylaw is due for review on 9 July 2024 being ten years since its last review. Council is asked to progress a review of the Bylaw by making the required determinations under section 155 of the LGA. This will allow Council to continue to have the Bylaw in place, and to review the Bylaw within the required timeframe.

Tūtohunga | Recommendation

That:

1. The report be received.
2. Pursuant to section 155 of the Local Government Act 2002, Council determines that the current Public Amenities Bylaw is the most appropriate way of addressing the perceived problems.
3. Pursuant to section 155 of the Local Government Act 2002, Council determines that the current Public Amenities Bylaw -
 - a) is not the most appropriate form of bylaw; and
 - a) does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
4. The above determinations shall be reconsidered when Council decides what further action to take, e.g. updating the content of the Public Amenities Bylaw, replacing it, or combining with another bylaw.
5. Given the Public Amenities Bylaw is not the most appropriate form of bylaw at present, Council staff to report back with recommendations to address the shortcomings identified in this report and any other issues.
6. Council staff report back on opportunities to align the review of the Public Amenities Bylaw alongside the Public Safety Bylaw.
7. The Public Amenities Bylaw remains in force until further decisions are made by Council.

Horopaki | Background

Under the Local Government Act 2002 (LGA), the Council may make bylaws for all or any of the following purposes:

- Protecting the public from nuisance;
- Protecting, promoting and maintaining public health and safety;
- Minimising the potential for offensive behaviour in public places;
- Regulating waste management, trade wastes, and solid wastes;
- Managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of the land, structures or infrastructure associated with water races, water supply, wastewater, drainage and sanitation, land drainage, or land under the control of Council.

Current Bylaws

Council currently has the following bylaws:

- Consolidated Bylaw:
 - Introductory Bylaw
 - Land Transport Bylaw

- Public Amenities Bylaw
 - Public Safety Bylaw
 - Wastewater Bylaw
 - Water Supply Bylaw
 - Stormwater Bylaw
 - Tradewaste Bylaw
 - Dog Control Bylaw
- Standalone Bylaws:
 - Solid Waste Management and Minimisation Bylaw
 - Freedom Camping Bylaw

A rolling programme of review for the above bylaws is currently in development, noting that the Public Amenities Bylaw is due for review on 9 July 2024.

Bylaw Reviews

Under sections 158 to 160 of the LGA, Council is required to review all bylaws within five years of their adoption and every ten years thereafter. Any bylaw not reviewed within two years of this statutory timeframe is automatically revoked.

The LGA specifies the bylaw review and development process, with section 160 outlining the procedure for, and nature of, a bylaw review.

Section 155 Determinations

The first step in undertaking a review of a bylaw is for Council to consider the requirements of section 155 of the LGA. Before commencing the process for making a bylaw, Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem.

Once Council has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw:

- a) is the most appropriate form of bylaw; and
- b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council's Public Amenities Bylaw (Bylaw) was last reviewed 9 July 2014 and must be reviewed by 9 July 2024 to remain in force. Therefore, Council is advised to formally consider the determinations as set out in section 155 of the LGA prior to 9 July 2024 to ensure the Bylaw remains in place and statutory timeframes are met. The determinations are set out in the recommendations within this report.

Once the review has been completed, Council has four options:

1. Amend the bylaw;
2. Revoke the bylaw;
3. Revoke the bylaw and replace it with a new bylaw;
4. Keep the bylaw as is without any amendments.

For each option, the LGA requires Council to consult with the community, either using the special consultative procedure or in accordance with section 82 (principles of consultation).

In essence, the determinations under section 155 are the key to satisfying the review requirement within the LGA. If the determinations are not made within the 10 year review period (which for the Public Amenities Bylaw expires 9 July 2024), then a new bylaw must be made.

What is commonly or colloquially described as a “bylaw review” is not the re-drafting process. The procedure for review involves making the determinations required by Section 155. Once Council has made those determinations (i.e. deciding that a bylaw is the most appropriate way of addressing the perceived problem etc.), the review is officially complete.

The process essentially involves two steps –

1. In order to meet the review deadline Council is required to make the determinations (i.e. under Section 155) by the above date.
2. Council can then decide on the four options above (i.e. revoke, replace, amend the bylaw etc.). The LGA gives an unspecified amount of time to do this (for instance, draft a replacement bylaw).

If Council does not review the Public Amenities Bylaw by 9 July 2024 (i.e. make the determinations required by Section 155), then there is a two year ‘grace period’ to take action before the bylaw is automatically revoked. At this point, the option to review/continue the existing Bylaw would be gone and it would be a case of creating a new bylaw to replace what that is about to be automatically revoked.

The main difference is that because this would be a new bylaw, the clock resets and Council will have to review that (new) bylaw again in five years’ time.

Ngā Take/Kōrerorero | Issues/Discussion

Public Amenities Bylaw

This Bylaw enables the Council to control and set standards for the operation of public amenities and covers vehicles, vegetation, conduct, animals in public amenities, and exclusion from public amenities. Public amenity includes any cemetery, public library, swimming pool, aquatic centre, park, reserve, recreational, cultural or community centre, museum, or hall under the ownership or control of Council.

The Public Amenities Bylaw (Bylaw) is made pursuant and subject to several acts as below:

- a) Local Government Act 2002; and
- b) Burial and Cremation Act 1964; and
- c) Airport Authorities Act 1996; and
- d) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967; and
- e) Health (Burial) Regulations 1946.

The purpose of the bylaw is to ‘...enable the Council to control and set standards for the operation or public amenities and cemeteries under the ownership or control of the Council’.

What is the perceived problem?

The bylaw addresses problems that may occur in our communities including:

Issue Identified	Bylaw content
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Issue Identified	Bylaw content
Vehicles	<p>The clauses in the current bylaw include provisions to protect the public from careless/dangerous driving in a Public Amenity (e.g. parks and reserves).</p> <p><u>Reason for inclusion</u> Use of vehicles can cause a nuisance, pose health and safety risks, and potentially lead to confrontation and offensive behaviour. Common issues include obstructions, injuries to others using the space, intimidation and damage to property including areas such as grassed parks/reserves.</p>
Damage to vegetation	<p>Council has rules in place to prevent the removal/picking of plants. Council does not allow a tree or shrub to be planted in any part of a public amenity without prior consent of the Council.</p> <p><u>Reason for inclusion</u> Feedback received from the public has been positive in relation to our public parks and gardens. The clauses are included in order to protect these amenities and allow for the enjoyment of all.</p>
Conduct	<p>The bylaw contains several clauses to protect and promote public safety and the enjoyment of its public amenities. Accordingly, no person shall:</p> <ul style="list-style-type: none"> a) interfere with, interrupt or delay the carrying out of any activity, service or ceremony; or b) obstruct, hinder or interfere with any person acting in the execution of his duty in relation to any public amenity; or c) bring into or exhibit any article that is a nuisance or is offensive to any other person; or d) behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or offensive to any other person; or e) consume, inject or inhale any proscribed substances or offer or sell such substances to any person; or f) be intoxicated and fail forthwith to leave any public amenity when directed to do so by an authorised officer; or g) use profane or obscene language or gestures within the hearing or sight of any person in that public amenity; or h) climb, or attempt to climb any wall, fence, barrier, railing or post; or i) wilfully give a false fire or ambulance alarm. <p>The bylaw does not allow camping, lighting of fires, or removal/disturbance of soil or any naturally occurring material.</p> <p><u>Reason for inclusion</u> Anti-social behaviour of people can cause a nuisance for others enjoying the public amenities and may involve being</p>

Issue Identified	Bylaw content
	inconsiderate of, or threatening to, others nearby. This may affect the enjoyment of Council's public amenities.
Litter	<p>The bylaw contains a clause prohibiting any person from throwing or leaving litter or any substance which is likely to be hazardous or injurious to any person, or likely to be offensive or create a nuisance.</p> <p><u>Reason for inclusion</u> This protects the public from harm and is included to protect the environment.</p>
Animals	<p>Animals are only allowed in a public amenity with the prior consent of Council and any animal must be kept under proper control.</p> <p><u>Reason for inclusion</u> Proper control of animals limits the potential for damage to public amenities to occur, and there is protection in place, reducing health and safety risks to the public.</p>
Expulsion of Offenders/Exclusion Public Amenity	<p>Council may require anyone who contravenes the provisions in the Bylaw to leave the public amenity. Any refusal to do so constitutes an offence against the Bylaw. Council may also exclude people from a public amenity if any person has contravened the provisions of the Bylaw or has otherwise acted in an unlawful manner in a public amenity.</p> <p><u>Reason for inclusion</u> These clauses are included to provide an avenue for enforcement officers for expulsion/exclusion of offenders to protect health and safety.</p>
Cemeteries	<p>Provisions include:</p> <ul style="list-style-type: none"> • Burial plots • Erection and maintenance of monuments • Digging of graves and scattering of ashes • Burial warrants • Services • Hours of operation • Work practices • Vehicles in cemeteries • Soliciting of orders • Burial of poor persons • Interments Code of Practice. <p><u>Reason for inclusion</u> Including cemetery provisions ensures the respectful and efficient management of cemeteries, addressing public health, safety and community concerns.</p>

Staff have carried out an initial review of Council's Customer Request System for complaints/enquires received from the public.

Due to the range of issues covered by the bylaw, it is not possible to capture all issues of relevance to the Bylaw. The below provides an indication of issues raised and is not necessarily a complete list, however provides a high level indication of concerns raised.

Subject	Concerns/Issues Raised from 1 January 2020 – 19 June 2024
Cemeteries	29 complaints/enquiries received regarding cemeteries. Complaints include flowers that have been planted (by the public) repeatedly sprayed, and requests for maintenance.
Animals	There have been 16 complaints made about dogs not on a lead in parks and reserves. Concerns raised include safety, fouling and verbal abuse from owners.
Vehicles	14 complaints have been made about vehicles abandoned on Council's parks and reserves.
Camping	41 enquiries/complaints received about camping in public places (not necessarily to do with public amenities).

Comment has been sought from relevant staff as to the issues noted from an operational perspective. These include:

- Consider a standalone bylaw for some issues, e.g. cemeteries, Waharoa (Matamata) Aerodrome, Parks and Reserves etc.
- May be able to absorb some of the issues into a new public places bylaw (or the existing Public Safety Bylaw).
- Consider if there are any issues that are duplicated elsewhere and therefore no longer required, e.g. camping provisions are now covered under Council's Freedom Camping Bylaw.

The current bylaw addresses multiple problems, including issues relating to public safety.

Is a bylaw the most appropriate way of addressing the perceived problem?

It is important to be able to effectively manage use of Council's public amenities to minimise the likelihood of problems occurring and to ensure all members of our community can use and enjoy these spaces safely.

The Bylaw addresses the three key areas of section 145 of the LGA:

- a) Protecting the public from nuisance;
- b) Protecting, promoting and maintaining public health and safety;
- c) Minimising the potential for offensive behaviour in public places.

A bylaw is an appropriate way to regulate public amenities as it states the rules the public should follow to contribute to safe and healthy communities and spaces for the community to enjoy. These rules have several benefits:

- To provide clarity regarding what is expected of the public and Council;
- To provide guidance and help avoid ad hoc decisions;
- To help resolve any issues or disputes;
- Is applicable to all users of public amenities;
- The rules are legally binding;
- The enforcement provisions help ensure compliance.

The Bylaw seeks to balance the rights and freedoms of individual behaviours with the benefits to the community of some rules and regulations to improve the amenity of our communities.

In general, the Bylaw has provisions which deal with the identified problems. It is noted that many of the provisions are in respect to Council's parks and reserves. For these issues, it is noted that a Reserve Management Plan (RMP) is not enforceable on anyone other than the Administering Body of the Reserve. Therefore, a bylaw and/or the infringement provisions of the Reserves Act 1977 are more appropriate mechanisms to regulate behaviour/enforce rules rather than an RMP. Some other benefits to the use of a bylaws rather than an RMP includes the following:

- It is easier to make an amendment to a bylaw;
- The Infringement Provisions of the Reserves Act 1977 are fairly new and while some are appealing because the law sets the fines and they are infringement offences, there are some issues with using these in lieu of a bylaw. The most significant being that Council can only enforce the Reserves Act over a gazetted reserve. Like most councils, we have a diverse land portfolio of 'parks & reserves' which have not all been formally gazetted as Reserves under the Reserves Act 1977. A bylaw can apply to anywhere, and therefore the issue of "is it a legal reserve or not"? can be resolved easily prior to enforcement.

Staff have identified some shortcomings in the content of the Bylaw which should be addressed including potential duplication. An initial assessment of complaints/queries has been undertaken however staff will complete further, detailed work to understand the problems and how these may be addressed effectively, through a bylaw or through another approach (e.g. policy, Strategy/Plan etc.).

Is the bylaw the most appropriate form of bylaw?

The most appropriate form of Bylaw is one that:

- deals with the identified problems;
- meets the objectives it is intended to achieve;
- is clear and easy to understand;
- meets the Council's obligations under the LGA or other legislation as appropriate;
- helps achieve the Council's Community Outcomes (refer to heading 'Contribution to Community Outcomes' below);
- considers the relationship of Māori to land, water, sites, wāhi tapu, valued flora and fauna and other taonga;
- is not inconsistent with other Council bylaws;
- allows for exceptions and special circumstances;
- is enforceable and able to be implemented and administered efficiently and effectively;
- is within the legal power of the Council to make bylaws under section 145 of the LGA and complies with all relevant laws and legislation.

The current Bylaw is inconsistent with other Bylaws and legislation including but not limited to:

- Solid Waste Bylaw
- Freedom Camping Act 2011 and Freedom Camping Bylaw 2023
- Dog Control Bylaw.

The Bylaw should be amended to ensure ease of understanding and to provide clarity. Therefore, staff consider that **the existing Bylaw is not the most appropriate form of bylaw and should be amended.**

The costs and benefits of a bylaw also need to be considered and the form of a bylaw will be appropriate if the benefits outweigh the costs.

Does the bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990?

The Council is required to consider whether or not the Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBoRA). Section 155(3) of the Act states that no bylaw may be made which is inconsistent with the NZBoRA.

The NZBoRA specifically identifies four types of rights, these are:

- life and security of the person;
- democratic and civil rights;
- non-discrimination and minority rights;
- search, arrest and detention.

However, NZBoRA specifically authorises reasonable limits on rights that can be demonstrably justified in a free and democratic society.

A full assessment of NZBoRA implications is not possible, because if Council decides that an amended Bylaw should be developed, the Bylaw is not in its final amended form. If Council decides this, further analysis will be conducted.

Based on the current Bylaw provisions, **it is considered they are within the scope of the powers the Council has, and are within reasonable limits on the rights and freedoms set out in the NZBoRA.**

Limitations on these rights must be no more than is reasonably necessary to achieve the purpose of the Bylaw. The Bylaw limits these rights only to the extent that they create a danger to health and safety or a nuisance to others, or the public generally. Therefore, the Bylaw does not raise any implications under, and is not inconsistent with the NZBoRA because any limitations of rights are justified.

Mōrearea | Risk

The following risks have been identified in the event that Council's Public Amenities Bylaw is not reviewed within the statutory timeframe. These have been mitigated by the recommendations contained in this report to consider the determinations under section 155 of the LGA.

- If bylaws are not reviewed within the statutory timeframes, after two years they are automatically revoked, leaving Council without the necessary tools to manage specific issues.
- Outdated/lapsed bylaws may be challenged through court proceedings, leading to potential legal disputes and associated costs.
- Bylaws that are not regularly reviewed may fail to address current community needs, emerging issues, and updated legislation, potentially compromising the effectiveness of the bylaw and public safety and welfare.
- Failure to review bylaws within expected timeframes may erode public trust and Council may sustain reputational damage, which may affect future community engagement.

Ngā Whiringa | Options

The following options have been identified for Council's consideration:

Option One – Complete bylaw review

Complete bylaw review (section 155 determinations) before 9 July 2024

<p>A review of Council’s Public Amenities Bylaw is due by 9 July 2024. Council may pass the recommendations as stated in this report in consideration of the determinations of section 155 (LGA). This means that the review would be progressed within the legislative timeframe. The two year extension as allowable in the LGA would not be required.</p>	
Advantages	Disadvantages
This would allow for review of the Bylaw to ensure that the Bylaw remains relevant.	No disadvantages identified.
The review would be completed within statutory timeframes.	
<p>Following further investigation of the issues, Council can decide at a later date whether to:</p> <ul style="list-style-type: none"> • Amend the Bylaw; • Revoke the Bylaw; • Revoke the Bylaw and replace it with a new bylaw; • Keep the Bylaw as is without any amendments. 	

Option Two – Bylaw not reviewed within specified timeframe	
Bylaw not reviewed within specified timeframe	
<p>Section 160A of the LGA allows Council to extend the timeframe for review by two years if a bylaw is not reviewed on time. If Council does not make the determinations as recommended in this report, the bylaw will remain in place until it is automatically revoked in two years’ time.</p>	
Advantages	Disadvantages
No advantages identified.	Allowing the statutory timeframe for review of the Bylaw to lapse, means our statutory responsibilities to review the Bylaw within a specific timeframe have not been upheld.

Recommended option

Option 1 is the preferred option. This means that the statutory timeframe for review of the Public Amenities Bylaw will be upheld and a two year extension will not be required.

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

Pursuant to sections 158 to 160 of the LGA, Council is required to review all bylaws within five years of adoption and ten years thereafter. Discussion of the bylaw review requirements and section 155 determinations are considered within this report.

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

The LGA requires Council to promote its purpose *to enable democratic local decision-making and action by, and on behalf of communities and; to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future’* within a framework of accountability and prudent financial management.

Council must, in the course of the decision-making process:

- seek to identify all reasonably practicable options for the achievement of the objective of a decision;
- assess those options by considering:
 - the benefits and costs of each option in terms of the present and future interests of the district;
 - the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option;
 - the impact of each option on Council's capacity to meet present and future needs in relation to any statutory responsibility;
 - any other matters that, in the opinion of the Council, are relevant; and
 - give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

Section 156(1) of the LGA requires that when making, amending or revoking a bylaw made under this Act, Council must use the special consultative procedure:

- if the bylaw concerns a matter identified in the Council's Significance and Engagement Policy as being of significant interest to the public; or
- the Council considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw.

If none of the above applies, Council is obliged to consult in a manner that gives effect to the requirements of section 82 of the LGA (principles of consultation).

Having regard to the decision making provisions as outlined above, and Council's Significance and Engagement Policy, a decision in accordance with the recommendations of this report is assessed as having a low level of significance. A further assessment will be undertaken following Council's consideration of the determinations within section 155 of the LGA and recommendation to take further action, e.g. to amend the Public Amenities Bylaw.

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. 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	An initial review of Council's Customer Request System indicates some of the issues addressed by the Public Amenities Bylaw are of interest to the public. Council will consider the views of interested/affected people in detail when considering what further action to take.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This issue is assessed as having a low level of significance.
Section 82 – this sets out principles of consultation.	This is addressed above.

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 LGA or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

Pre-consultation with internal and external stakeholders is planned to address any relevant issues, for example local Police. Following this, a report will be provided to Council with a recommendation as to the next steps, e.g. to determine if the Public Amenities Bylaw requires amendment, to be revoked, or to remain as is.





If either of the following is identified, Council will undertake consultation using the Special Consultative Procedure outlined in the LGA:

- if the bylaw concerns a matter identified in the Council’s Significance and Engagement Policy as being of significant interest to the public; or
- the Council considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw.

Public consultation is likely to occur March/April 2025 to coincide with the Annual Plan (if required).

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

Matamata Piako District Council’s Community Outcomes are set out below:

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO OUR PLACE		MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI STRATEGIC DIRECTION	
TŌ MĀTOU WHAKAKITENGA OUR VISION			
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.’			
TŌ MĀTOU WHĀINGA MATUA OUR PRIORITIES (COMMUNITY OUTCOMES)			
			
He wāhi kaingākau ki te manawa A place with people at its heart	He wāhi puawaitanga A place to thrive	He wāhi e poipoi ai tō tātou taiao A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga A place to belong and create

Council’s bylaws support the achievement of all of Council’s community outcomes.

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

The cost to review Council's policies and bylaws is included within existing budgets for the Strategies and Plans activity.

Ngā Tāpiritanga | Attachments

[A↓](#). Public Amenities Bylaw 2014



Ngā waitohu | Signatories

Author(s)	Laura Hopkins Policy Advisor	
Approved by	Niall Baker Policy Team Leader	
	Sandra Harris Strategic Partnerships and Governance Manager	

Public Amenities Bylaw 2014

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1. INTRODUCTION

1.1 Scope

The purpose of this Bylaw is to enable the Council to control and set standards for the operation of public amenities and cemeteries under the ownership or control of the Council.

1.2 Title of this Bylaw

This Bylaw shall be known and cited as Matamata-Piako District Council Public Amenities Bylaw 2014 and shall come into operation on 9 July 2014. For expediency this Bylaw may be referred to as the Public Amenities Bylaw 2014.

1.3 Enabling Enactments

This Bylaw is made pursuant and subject to the:

- a) Local Government Act 2002; and
- b) Burial and Cremation Act 1964; and
- c) Airport Authorities Act 1996; and
- d) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967; and
- e) Health (Burial) Regulations 1946.

1.4 List of schedules

Schedule 1 Interments Code of Practice

1.5 Adoption, amendment and revocation of schedules

The Council may from time to time adopt, amend or revoke by resolution Publicly Notified, schedules of this Bylaw listed in clause 1.4.

2. DEFINITIONS AND INTERPRETATION

2.1

The provisions of the Matamata-Piako District Council Introductory Bylaw 2008 shall apply to this Bylaw.

2.2

For the purposes of this Bylaw the following definitions shall apply:

Cemetery means any Cemetery vested in or under the control of the Council from time to time.

Cemetery Manager means any Person appointed by the Council to manage the operation of any Cemetery.

Monument means the same as in section 2(1) of the Burial and Cremation Act 1964.

Public Amenity includes any Cemetery, public library, swimming pool, aquatic centre, Park, Reserve, recreational, cultural or community centre, museum, or hall under the Ownership or control of Council.

Tablet includes a plaque.

Working Hours means the hours specified by the Council during any Working Day when its offices shall be open to the public.

3. GENERAL RESTRICTIONS ON CONDUCT IN PUBLIC AMENITIES

3.1 Vehicles

3.1.1

No Person shall in any Public Amenity:

- a) drive or Park any Vehicle carelessly, negligently or dangerously or without due consideration for Persons using the Public Amenity; or
- b) fail to comply with any direction for the regulation of Vehicles given by an Authorised Officer, a member of the police or a traffic sign; or
- c) fail, after the Vehicle has been involved in an accident within any Public Amenity to give their name and address and the name and address of the Owner of the Vehicle to any Person having reasonable grounds for requiring them; or
- d) fail forthwith to report to an Authorised Officer any accident in which the Vehicle has been involved within any Public Amenity.

3.1.2

Except with the prior permission of the Council, no Person shall bring any Vehicle into the Public Amenity where this is prohibited by a notice exhibited at the entrance or in some other conspicuous position.

3.1.3

Vehicles may only be driven in public amenities on access ways which are open to vehicular traffic and Park only in designated Parking areas.

3.1.4

- a) No Vehicle shall be driven at a greater speed than indicated on any road within the Public Amenity, and in any other direction other than indicated by traffic notices.
- b) In the absence of speed limit signs, no Vehicle may be driven at a speed greater than 30 kilometres an hour in any Public Amenity.
- c) This provision will not apply to a Vehicle used at the time to save or protect life or health, or prevent injury or serious damage to property.

3.2 Vegetation

3.2.1

No tree or shrub shall be planted in any part of any Public Amenity without the prior consent of the Council.

3.2.2

No Person shall disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any Public Amenity without the consent of the Council.

3.3 Restricted conduct in public amenities

3.3.1

No Person shall in a Public Amenity:

- a) interfere with, interrupt or delay the carrying out of any activity, service or ceremony; or
- b) obstruct, hinder or interfere with any Person acting in the execution of his duty in relation to any Public Amenity; or
- c) bring into or exhibit any article that is a Nuisance or is offensive to any other Person; or
- d) behave in a manner that creates a Nuisance or is offensive or is likely to create a Nuisance or Offensive to any other Person; or
- e) consume, inject or inhale any proscribed substances or offer or sell such substances to any Person; or
- f) be intoxicated and fail forthwith to leave any Public Amenity when directed to do so by an Authorised Officer; or
- g) use profane or obscene language or gestures within the hearing or sight of any Person in that Public Amenity; or
- h) climb, or attempt to climb any wall, fence, barrier, railing or post; or
- i) wilfully give a false fire or ambulance alarm.

3.3.2

Except with the prior permission of the Council, no Person shall in a Public Amenity:

- a) camp in an area not set aside for that purpose. In this context, camping shall include the use of any Vehicle for sleeping in, whether or not it is specially equipped for sleeping; or
- b) light a fire, except at fireplaces specially provided or in an appliance designed for outdoor cooking, and in accordance with any restriction imposed by Council on the lighting of fires; or
- c) open a drain or sewer on, or disturb or remove the surface of, any Public Amenity; or
- d) remove any sand, soil or other naturally occurring material found in a Public Place.

3.3.3

No Person shall in a Public Amenity, throw or leave litter or any material or thing or substance which is likely to be hazardous or injurious to any person, or likely to be Offensive or create a Nuisance. Litter may be deposited in public litter receptacles where these are provided.

3.4 Animals in public amenities

3.4.1

Animals will only be allowed in Public Amenity with the prior consent of the Council.

3.4.2

A person in control of an Animal in any Public Amenity shall ensure that the Animal is kept under proper control, with consideration for other persons using the Public Amenity.

3.4.3

A person in control of an Animal in any Public Amenity shall ensure that the Animal is kept under proper control to ensure that no damage is caused to the Public Amenity, any part thereof or to any object thereon.

3.4.4

A person in control of an Animal in any Public Amenity shall immediately remove any faeces deposited by that Animal and dispose thereof in a sanitary manner.

3.4.5

No person shall in a Public Amenity, without the prior Written Approval of the Council tether or otherwise put or place any Animal for the purpose of depasturing or grazing.

3.4.6

If any Animal is found on any Public Amenity, or on any land not separated from any Public Amenity by a fence considered by the Council to be sufficient to prevent that Animal from accessing or damaging such a Public Amenity, without any person having charge thereof, the Owner shall be guilty of an Offence against this Bylaw, and the Animal may be impounded.

3.5 Expulsion of offenders

The Council may require any person who contravenes any of the provisions of this Bylaw or any rules made by the Council relating to the use of a Public Amenity under this Bylaw, or has otherwise acted in an unlawful manner in a Public Amenity or any person who is not bona fide using the Public Amenity for the purpose for which it is intended, to leave that Public Amenity, and any refusal on the part of the person to do so will constitute an Offence against this Bylaw.

3.6 Exclusion from Public Amenity

Where in the opinion of the Council, any Person has contravened any of the provisions of this Bylaw or any rules made by the Council relating to the use of a Public Amenity under this Bylaw, or has otherwise acted in an unlawful manner in a Public Amenity, the Council may exclude that Person from the Public Amenity, until notice is given for the Person to return.

4. CEMETERIES

4.1 Burial and purchase of exclusive rights of burial

4.1.1

Burials plots sold by the Council shall be sold upon the terms and conditions as decided by the Council and the exclusive right of burial may be granted for such limited period as the Council decides.

4.1.2

When reserving a plot in advance the exclusive right of burial shall be granted to the purchaser of a plot once the Council has received payment of the prescribed fees for the exclusive right of burial. Where Council requirements for the granting of the exclusive right of burial have been met it shall issue a Plot Reservation Certificate to the applicant.

4.1.3

Burials shall take place in such plots as the Council shall determine and no Monument shall be erected on the plot unless the exclusive right of burial has been granted and all the prescribed fees relating to the burial have been paid in full.

4.1.4

No Person other than the Cemetery Manager or his assistants or any other Person duly authorised by the Council shall dig any grave in, or open the ground for burial in, any part of the Cemetery. The minimum depth of cover shall be 1 metre.

4.1.5

Upon application and payment of the prescribed fees, the receptacle or urn containing the ashes of any deceased Person may be buried in the appropriate portion of the Cemetery set aside for that purpose or in any plot subject to an exclusive right of burial having been first had and or purchased. The minimum depth of cover for any ashes container shall not be less than 400 millimetres.

4.1.6

The scattering of ashes shall only be allowed in designated areas as determined by the Council.

4.2 Burial warrants

4.2.1

No burial shall be made in any Cemetery without a burial warrant for that purpose, obtained by the funeral director or Person having the management or control of the burial from the Council and presented to the Cemetery Manager as authority for burial.

4.2.2

The application for a burial warrant shall be delivered to the Council at least nine Working Hours before the burial. Provided that where a funeral is to be held on a weekend or public holiday an application for a burial warrant shall be delivered to the Council no later than 12 Working Hours preceding the date of the intended burial. Any exceptions to this must be Approved by the Authorised Officer.

4.3 Services and burials

4.3.1

The Council may from time to time specify by resolution Publicly Notified in schedule 1 of this Bylaw a code of practice and rules for burials and services in cemeteries.

4.3.2

The hours of operation for all cemeteries within the District are set out in schedule 1 of this Bylaw.

4.3.3

Burial times will be subject to the Council's Approval.

4.4 Erection and maintenance of Monuments

4.4.1

All Monuments shall be installed to New Zealand Standard for Headstones and Cemetery Monuments NZS 4242 and kept in good order or repair by the purchasers of the plots or their Agents. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulation 1967, the Council may remove any installation of any kind that shall fall into a state of disrepair. A photographic record of the memorial shall be taken prior to removal and retained in Cemetery records.

4.4.2

The Council may carry out regular audits of Monuments to ensure their safety.

4.4.3

No Person shall without the Written permission of the Council remove any Monument or Tablet from any Cemetery or grave.

4.4.4

Except with the prior Approval by the Council of an application for installation, no Monument or Tablet shall be erected in any Cemetery. Any Monument or Tablet must comply with the requirements of the Council.

4.4.5

All vases and containers for flowers in cemeteries shall be placed in such a manner as Approved by the Council.

4.4.6

No adornments or ornaments shall be constructed, erected, or placed or trees or shrubs planted on any grave or in any part of any Cemetery by any Person without the consent of the Council being first obtained.

4.4.7

Shrubs planted in any portion of a Cemetery may at any time be trimmed, removed or cut down by order of the local authority.

4.4.8

Any Tablet in a lawn Cemetery must consist of permanent material, be of an Approved size and set in an appropriate position with all the inscriptions relating to the Persons buried in each plot to be on the one Tablet.

4.4.9

The installation of Monuments and Tablets or repairs and installation of concrete ground Berms or bases shall be carried out to the satisfaction of the Council.

4.4.10

No Person shall, without the authority of the Cemetery Manager, remove or take from any grave, any vase, wreath, plant, flower or other object, except where the Council may have cause to remove any neglected or broken material of this nature.

4.5 **Work practices**

4.5.1

No Person erecting or repairing any Cemetery memorial or carrying out other work in any Cemetery shall use any Footpaths or other part of the Cemetery for placing or depositing there, any tools, planks or materials for a longer time than is reasonably necessary to complete the work.

4.5.2

Any Person installing or attending a Cemetery memorial or carrying out any other work in a Cemetery shall withdraw for the duration of an adjoining funeral service. Such Person shall also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of said service.

4.5.3

Any rubble and earth not required in the filling in of the grave or in connection with the levelling will immediately be removed either from the Cemetery or to a place within the Cemetery Approved by the Cemetery Manager.

4.6 **Vehicles in cemeteries**

4.6.1

Unless authorised by the Council, no Person shall take any Vehicle of any kind into any Cemetery except during the hours of daylight.

4.6.2

Every Person driving or in charge of any Vehicle in any Cemetery shall stop or move such Vehicle as directed by the Cemetery Manager or other Authorised Officer.

4.6.3

All Vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

4.7 **Soliciting of orders**

4.7.1

No Person shall, within any Cemetery advertise or solicit any order from any other Person for any work in connection with a Cemetery or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in any Cemetery.

4.7.2

Except at the specific request of the purchaser of a plot or their Agent, no Person shall, in any Cemetery accept or take any order of custom as aforesaid.

4.7.3

No Person shall without the consent of the funeral director or other Person responsible for the funeral take any photographs or moving images at a funeral.

4.8 **Burial of poor Persons**

Where application is made to the Council for the interment of a deceased poor Person, the applicant shall provide a declaration signed by a Justice of the Peace, certifying that:

- a) such deceased Person has not left sufficient means to the pay the prescribed fee; and
- b) the cost of burial is not covered by an Accident Compensation or Government entitlement or subsidy; and
- c) the deceased Person's relatives and friends are unable or unwilling to pay the same.

4.9 **Safety**

No Person, other than the Cemetery Manager or his assistants or any other Person duly authorised by the Cemetery Manager shall fill in any grave.

5. **FEES**

The Council may from time to time determine and recover fees in accordance with sections 150 and 151 of the Act.

In compliance with the provisions of the Local Government Act 2002 and the Bylaws Act 1910, this Part of the Bylaw is passed by the Matamata-Piako District Council on 11th June 2008 and confirmed by the Council on 11th June 2008.

The common seal of the Matamata-Piako District Council was affixed on this 17th day of June 2008 in the presence of



Mayor



Chief Executive

SCHEDULE 1 INTERMENTS CODE OF PRACTICE

The Council has determined the following Code of Practice for the following cemeteries:

- Te Aroha Cemetery
- Piako Cemetery (Morrinsville)
- Maukoro Cemetery (Tahuna)
- Matamata Cemetery
- Morrinsville Cemetery

Hours of Operation for all Cemeteries (for burials)

- Summer Period - October 1 to 31 March.
- 10.00am to 4:00pm Monday to Friday
- 10.00am to 3:00pm Saturday
- Other Periods
- 10.00am to 2:00pm Monday to Friday
- 10.00am to 3:00pm Saturday

Sunday interments, between the hours of 10.00am to 1.00pm shall be permitted, providing the timing has been negotiated and Approved by the Contractor. Any hours requested outside of these times shall be at the discretion of Matamata-Piako District Council.

The forms and procedures used for interments are controlled under Promapp and when they are updated all previous issues of forms and procedures shall be destroyed.

Notification of any changes will be made by the quality management expert. Any suggestions for improvement can be made through our quality management system.

Application to Inter

An Application to Inter in the form prescribed by Council shall be filled out by the Funeral Director (preferably) and faxed or handed in to a Matamata-Piako District Council office at least nine Working Hours before the burial is to take place. Where a funeral is to be held on a weekend notification shall be no later than 4pm the preceding Thursday.

Working Hours for Matamata-Piako District Council offices are defined as those hours between 8am to 5pm, Monday to Friday, exclusive of Public Holidays.

An Authorised Officer shall check all details, assign the plot and confirm with the Funeral Director if any details need clarification.

Where the application is made by a Funeral Director, the Funeral Director shall be sent the account following normal sundry debtor procedures. Where a Person other than a funeral director makes an application then payment shall be required at the time of the application.

Should an application be made on behalf of a poor Person or in an instance of proven hardship then the Matamata-Piako District Council prescribed forms shall be completed and they shall form part of the application to inter process.

Where information leads to the need to apply for deferment of fees after the interment has been completed, the Matamata-Piako District Council prescribed form shall be completed no later than 20 workings days after committal.

Warrant to Inter

A Warrant to Inter in the form prescribed by Matamata-Piako District Council shall be completed using the details provided on the prescribed form, including the correct identification of Cemetery, plot details, time of arrival at Cemetery and any variations e.g. in casket size, in burial details, and be faxed to the contractor. An Authorised Officer shall email the prescribed form to the contractor at least eight Working Hours prior to the time of burial.

The original of the prescribed form shall be sent to the contractor through the internal mail system. Part 2 of the original shall be signed off at the completion of the burial and returned to the appropriate Matamata-Piako District Council office.

The contractor Shall acknowledge receipt of the warrant and send an acceptance back to the appropriate Matamata-Piako District Council office.

The contractor shall arrange for the digging of the grave and if required, the grave shall be made secure (i.e. that a cover is in place) until the time of the burial.

The contractor shall ensure that the grave is prepared at least two hours before the burial and that the site is tidy, the mats are out and all grave digging standards, including such requirements as outlined under OSH legislation, are met.

The Funeral Director shall be responsible for removal of the grave cover, the timely setting up and safe operation of the lowering gear.

Should the Funeral Director require additional time for the setting up of the lowering gear, he or she shall negotiate this time with the contractor.

The Authorised Officer shall be present whilst the funeral party are at the grave site. The contractor shall, at the appropriate time, remove and store the mats and lowering gear and commence back filling the grave. Back filling shall be undertaken in a safe manner observing OSH legislation and current standards.

Once the grave is back filled and the burial completed, the Authorised Officer shall forward the completed and signed prescribed form to the appropriate Matamata-Piako District Council office.

Specifically the lowering gear is not the responsibility of the Matamata-Piako District Council Contractor. The setting up and maintenance of this gear is the responsibility of the Funeral Director.

Returned Service Association Funerals

Returned Service Association requirements, such as flags etc are to be provided for by the RSA in each area of the District. Any variation from this situation shall be made clear at the time of making the application to inter on the prescribed form. The variation shall then be noted on the Warrant to Inter form as a variation.



7 Pūrongo me whakatau | Decision Reports

7.8 Acknowledgement of Award: Water Treatment Plant Operator of the Year

CM No.: 2874114

Te Kaupapa | Purpose

The purpose of this report is to recognise James Simmons, Water and Wastewater Operator, for his recent award as Water Industry Operations Group NZ (WAIOG) Water Treatment Plant Operator of the Year. James was nominated by Water and Wastewater Operations Manager, Chris Gledhill.

Rāpopotonga Matua | Executive Summary

James Simmons in attendance to be recognised for his award of Water Treatment Plant Operator of the Year.

Tūtohunga | Recommendation

That:

1. The information be received.

Ngā Tāpiritanga | Attachments

[A↓](#). Nomination James Simmons



Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
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Approved by	Karl Pavlovich Water & Wastewater Manager	
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Nomination James Simmons

Matamata Piako District Council

18/03/2024

Water Team

I took over as James Manager in late 2022 Here we go another Englishman ... some lame dad jokes and bad taste in Beer ... Boy was I wrong

James as one of our trainee operators has never failed to impress and has been a shining star in the last 16 months in our Water Treatment Team, it has been an absolutely privilege to be James Manager he is the kind of employee every team needs

Over the last 16 months, James has continues to shine, Taking every opportunity to learn and develop his skills coming from a background where he installed pipes on big projects to treating water. James has completed his level 4 certificate in water and just started his diploma. James not only carries out all tasks to a high standard he is constantly looking for ways we can improve our processes and assets whether it be suggestions on how to maximise team productivity by changing our roster to reduce travel time or making a new jar testing procedure to align with our process.

James has learnt all of our treatment plants inside and out and how to operate them, from surface supplies to bores resource consents to the water quality assurance act. Every time something goes wrong you can guarantee he is going to be there to learn from pulling lime pumps apart to cleaning uvi sensors, I've even caught him on the occasion testing algae and making new suggestions into our cyanobacteria toxin management plan.

During his short time in the industry, James has taken it upon himself to mentor and train our new and old staff showing the older guys how to work technology and the younger members that there is more to treatment than looking at a screen. I have seen James without being asked training staff how to run Treatment plants, showing the team how to carry out day-to-day tasks such as jar testing, sucking out clarifies entering water reports and much more James Passion for the industry and willingness to share information and help his co-worker is always outstanding. He is always available day and night to help the team we have watched more sunrises together than I would like to admit. While James has been with us, he has finished his certificate in water and 3 weeks after being signed up for his diploma he was already 15% of the way through with no need to ride or push him to get through it. He is always pushing his co-workers towards studies and helping out when they get stuck

The entire team holds James in high respects due to his enthusiasm for water treatment and willingness to help his co-worker's, whether its 2pm in the afternoon or 3 am in the morning James is always willing to help. He is generally the first to get to work and the last to leave he is respected and has members of our wider team constantly coming to him for advice and help, From our project delivery team to our Compliance Team and much more .

James had one of the worst first weeks on call that I have ever seen and even that did not phase him, while extremely tiered he continued to make the right decisions and band together extremely well with the team pulling everyone together and getting them on the same page.

It's an absolute privilege to have James as part of our team and to be his manager and everyone at MPDC is behind me in putting him forward for this award

Yours Sincerely

Chris Gledhill

7 Pūrongo me whakatau | Decision Reports

7.9 Remuneration for Hauraki Rail Trail Trustees

CM No.: 2866567

Te Kaupapa | Purpose

To formally approve the proposed remuneration for Hauraki Rail Trust Charitable Trustees.

Rāpopotonga Matua | Executive Summary

The Hauraki Rail Trail Charitable Trust have sought an increase to the Trustee remuneration and the Settlers (Matamata-Piako, Hauraki and Thames-Coromandel District Councils) are required to all agree on this remuneration.

Tūtohunga | Recommendation

That:

1. The information be received.
2. The proposed remuneration settings for Hauraki Rail Trail Trust appointments be approved as below:

Role	Current Remuneration	Proposed remuneration
Chairperson (Trustee)	\$3,000 honorarium Plus \$500 fee per meeting (quarterly)	\$3,620 honorarium Plus \$603 fee per meeting (quarterly)
Trustee	\$300 fee per meeting (quarterly)	\$362 fee per meeting (quarterly)

Horopaki | Background

The Hauraki Rail Trail Charitable Trust (Trust) is the governance entity for the cycleway known as the Hauraki Rail Trail (HRT). Currently the Trust is responsible for developing, managing and promoting the HRT, which is part of the New Zealand wide network of cycleways branded as Ngā Haerenga; Great Rides of New Zealand.

Nature and Scope of Activities of the Trust

The nature and scope of the Trust's activities are set out in its Trust Deed. Section 5.1 of the Trust Deed states that *'the Board shall hold the Trust Fund on Trust for the charitable purpose of providing benefits to the communities within the Region by operating, maintaining, repairing, developing and facilitating the use and enjoyment of the Cycleway'*.

This includes:

- leasing and/or licensing land from any of the Settlers or any other party for use by the Cycleway;
- developing and constructing extensions and additions to the Cycleway including, without limitation; an extension to the Cycleway from Kaiaua to Kopu; and additions and detours from the Cycleway to sites of interest close to the Cycleway;
- maintaining all of the Cycleway;
- ensuring that the Cycleway is developed and maintained to the standard required for it to be included in the Nga Haerenga/National Cycleway network;
- raising funds to carry out and complete any of these charitable purposes.

Trustee appointment and remuneration

Following the 2022 Local Government election, a number of Council non-elected member appointments were made. One of those roles was an appointment of the Hauraki Rail Trust Charitable Trustee. Shaun O’Neill was re-appointed as Trustee.

The Hauraki Rail Trail Charitable Trust has sought an increase to the Trustee remuneration and the Settlers (Matamata-Piako, Hauraki and Thames-Coromandel District Councils) are required to all agree on this remuneration.

It is the role of settlers to set the remuneration. Applicable clause from the Trust Deed is below:

21. Remuneration of Trustees and Payments of Expenses

21.1 Subject to clause 21.3, each Trustee may be paid such remuneration for their services as a Trustee, as determined by the unanimous agreement of the Settlers, as may be reasonable having regard to their duties and responsibilities as Trustees provided that such remuneration must be determined on the basis of the current market rate for that type of work

As above, the Trust deed allows for the Trustees to be remunerated at “the current market rate” and the Settlers are required to all agree on this remuneration.

The Deed is silent on who is responsible for determining the current market rate. The Trust could do this and make application to the Settlers for approval or the Settlers could take the lead on this. It is understood the Settlers have taken the lead on this in the past.

Ngā Take/Kōrerorero | Issues/Discussion

Trustee remuneration

Appointment Body	Role	Current Remuneration	Proposed remuneration	Reasoning
Hauraki Rail Trail Trust Hauraki	Chairperson (Trustee)	\$3,000 honorarium Plus \$500 fee per meeting (quarterly)	\$3,620 honorarium Plus \$603 fee per meeting (quarterly)	19.1% LGCI adjustment (since 2017) Note the proposed remuneration will need to be endorsed/supported by the other two settlers (noting HDC have accepted the increase).
	Trustee	\$300 fee per meeting (quarterly)	\$362 fee per meeting (quarterly)	19.1% LGCI adjustment (since 2017) Not the proposed remuneration will need to be endorsed/supported

				by the other two settlers (noting HDC have accepted the increase).
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Hauraki District Council (HDC) considered this issue at their meeting on 14 December 2022 where their Council resolved “*Council revisits the Hauraki Rail Trail Charitable Trust’s request for additional meeting fees*”.

A copy of the HDC report is attached.

Staff have been advised that since then the approach HDC has taken is to accept the honorarium increases which are part of the overall LTP budget. Their LTP budget will be going for approval at HDC’s June Council meeting. They are not preparing a separate report for Council.

The HRT General Manager is working with Thames-Coromandel District Council to obtain their approvals but has indicated this should not be an issue.

A comparison in remuneration can be made with external members appointed to MPDC Council Committees or other groups:

External members on Committees and other groups	Role	Remuneration	Comments
Risk and Assurance Committee Risk and Assurance Committee	Chairperson	\$2,500 per meeting plus mileage. (Also covers all related work by Chairperson)	Contract for service in place
	Independent member	\$250 per meeting plus mileage.	Contract for service in place
Te Mana Whenua Forum	Chairperson and members	\$250 per meeting Plus mileage.	Members appointed by Iwi. Committee operates under Heads of Agreement.
District Licensing Committee	Chairperson (elected member)	\$624 per day (\$78 per hour for part days).	As determined by the Minister of Justice in accordance with the Cabinet fees framework.
	List members (community appointees)	\$408 per day (\$51 per hour for part days)	
Te Aroha Spa Project Governance Group	Co-chairperson	\$2,000 per meeting \$833.33 monthly retainer. (<i>retainer amount ceased late 2023</i>) \$250 p/h for work outside meetings. Plus mileage.	Contract for service in place
	Independent Members	\$500 per meeting \$833.33 monthly	Contract for service in place

External members on Committees and other groups	Role	Remuneration	Comments
		retainer. (<i>retainer amount ceased in late 2023</i>) \$200 p/h for work outside meetings. Plus mileage.	
Morrinsville Recreation Ground working party	Community members	\$250 per meeting Reimbursement for reasonable travel expenses.	Terms of Reference agreed
Waikato Regional Airport Limited (WRAL)	Directors	Chairman \$60,000 Directors \$33,000	Remuneration set a couple of years ago via an independent Earnest Young fees assessment.

Additional costs

While not part of this report or recommendation it is noted the HRT has also made a request for an additional \$27,000 of funding to meet their strategic overhead shortfalls over the past five years.

This has been addressed by staff and included within Council's LTP budget.

The Trust LTP submission to Council attached provides further details on their budget and requests.

An approach Council could take is agree to the additional meeting fees but make it clear to the Trust that the total funding for the Trail has not increased.

CCO status

Section 6 of the LGA defines a CCO as an entity in respect of which one or more local authorities have, whether or not jointly with other local authorities or persons:

- control, directly or indirectly of 50% or more of the votes at any meeting of the members or controlling body of the entity; or
- the right, directly or indirectly to appoint 50% or more of the trustees, directors, or managers (however described) of the entity.

The Hauraki, Matamata-Piako and Thames-Coromandel District Councils are settlors to the Trust Deed and the Trust fits the legal definition of a CCO as defined in the LGA because the councils indirectly control 50% of the votes at the Trust meetings. In accordance with the Trust Deed there must be between three and six Trustees on the Board of the Trust. Each Council has appointed a Trustee and local Iwi have appointed three, where those Iwi have mana whenua status over the path of the HRT.

Council granted the Trust an exemption from the CCO reporting requirements of the LGA most recently on 27 September 2023. **Under section 6(4)(i) of the LGA this means that the Trust is currently operating as a Council Organisation (CO), not a CCO.**

Mōrearea | Risk

There are no risks identified in relation to these activities.

Ngā Whiringa | Options

Council has options to approve or decline the requested Trustee remuneration request.

Council could also seek updated market remuneration data to inform the appropriate level of Trustee remuneration. This will come at a cost however.

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

Council has drafted a Council Organisation Board Appointment and Remuneration Policy which will apply to Hauraki Rail Trail Trust, if approved.

The Policy was discussed with elected members in May 2024. The relevant section of the draft Policy is below:

4. Remuneration

- a) *COs should have a transparent, documented process for the setting of Director remuneration which takes into consideration the points in 4.c), d), e) and includes regular remuneration review.*
- b) *Board fee bands shall be set by Council once a triennium based on a recommendation from the CO, notwithstanding any existing CO remuneration provisions.*
- c) *Director fees should take into account the element of public service in serving on the board of a CO and should accordingly be set at or below the average for comparable roles, taking into consideration:*
 - (i) *The size and scale of the CO;*
 - (ii) *The complexity and scope of operations;*
 - (iii) *The skillset, expertise, and specialisation needed.*
- d) *As part of the process of recommending remuneration fee bands to Council, a CO should review comparative market data such as The Institute of Directors remuneration survey results.*
- e) *The remuneration of appointees is a matter of public interest and should be approved by resolution at the COs Annual General Meeting.*
- f) *It is not expected that an elected member or Council staff member will be appointed to a board, but in the circumstance that the appointment is a requirement of the CO, the elected member or Council staff member shall not be entitled to any remuneration offered by the CO, while in a Council position.*

Draft Council Organisation Board Appointment and Remuneration Policy

Alignment of Hauraki Rail Trail remuneration process with draft Council Organisation Board Appointment and Remuneration Policy

	MPDC Draft Council Organisation Board Appointment and Remuneration Policy	Hauraki Rail Trail Trust Deed	Hauraki Rail Trail Process
a)	COs should have transparent, documented process with regular review	Trust Deed sets out process – unanimous agreement of Settlers	Likely to be approved by other Settlers
b)	Board fee bands shall be set by Council based on a recommendation from the CO,	Trust Deed – have regard to duties and responsibilities of Trustee and current market rate	No evidence of current market rate provided
c)	Fees should be set/below average comparable role and be proportionate to scale etc. of CO and role	Trust Deed – have regard to duties and responsibilities of Trustee and current market rate	Fee for Chairperson set at higher level than fee for other Board members.
c)	Review market data	Trust Deed – must be determined on basis of current market rate	No evidence of current market rate provided
d)	Approval at AGM	-	TBC
e)	Elected member / staff	n/a	n/a

As above, the Trust deed allows for the Trustees to be remunerated at “the current market rate” and the Settlers are required to all agree on this remuneration.

There is no current assessment of market rate. This can be difficult as generally market data is readily available for directors/trustees of “commercial” enterprises but less available where there is a high degree of community service in the director/trustees roles.

Discussions between Hauraki District Council and HRT staff have indicated market remuneration assessment was done in 2017 when the fees were originally set but it has not been updated. The information from this earlier assessment has not been located.

There is typically a cost to obtain market remuneration data for Boards and it is considered the relatively modest increases sought by the HRT would not justify the expense of undertaking/repeating this exercise.

The approach taken is to adjust the meetings fees and honorarium by the LCI since 2017 when the fees were originally set.

The HDC report includes a list of the remuneration for their non-elected member appointments which provides some comparative information when considering an appropriate remuneration level.

Comparison can also be drawn from the remuneration from Council’s own external appointments on Committees and other groups, as per the above table.

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 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 views of Interested/affected people	The community are not impacted. The impact is limited to the Trust and Trustees.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This issue is assessed as having a low level of significance.
Section 82 – this sets out principles of consultation.	Consultation is not considered appropriate for a decision of this nature.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

There is no community engagement required in relation to these activities.

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

Discussed above in this report.

Ngā Tāpiritanga | Attachments

[A↓](#). Diane Drummond_Hauraki Rail Trail Charitable Trust_LTP_Smokefree



[B↓](#). HDC Council Agenda - 14-12-22 - Remuneration of Rail Trail Trustees



Ngā waitohu | Signatories

Author(s)	Niall Baker Policy Team Leader	
Approved by	Sandra Harris Strategic Partnerships and Governance Manager	
	Manaia Te Wiata Group Manager Business Support	



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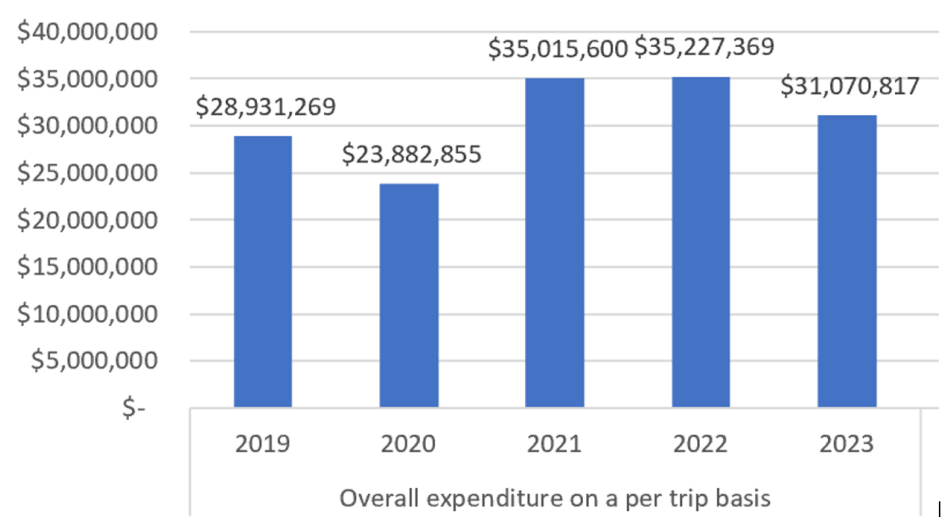


Hauraki Rail Trail Charitable Trust Submission to Matamata-Piako District Council’s Long-Term-Plan 2024-2034

The Hauraki Rail Trail Charitable Trust appreciates the opportunity to provide input into the Matamata-Piako District Council’s Long-Term-Plan. Firstly my apologies that I won’t be available to attend in person to talk to this submission, however, pending their availability, our Chair and/or Deputy Chair, Wati Ngamane, and Basil Morrison may be available to attend on my behalf.

The Hauraki Rail Trail Charitable Trust’s kaupapa is to provide benefits to the communities within the Region by operating, maintaining, repairing, developing and facilitating the use and enjoyment of the Cycleway, branded as the Hauraki Rail Trail. The Hauraki Rail Trail is one of 23 Great Rides in the Nga Haerenga Great Rides of New Zealand Network. The 160km long trail traverses from Kaiaua in the north to Matamata in the south.

The Hauraki Rail Trail delivers economic benefit to the Regions of Hauraki/Thames-Coromandel and Matamata-Piako valued at over \$30 million per annum (see chart below - data extracted from GetSmart Survey analysis, and trip evaluation numbers by Jonathan Kennett/Marilyn Northcotte). In addition, MartinJenkins has evaluated the Trail to provide \$4million in health-related benefits each year. These figures are based on Trail users, and do not include the extensive investment made by businesses alongside the Trail, or providers that supply maintenance services and/or other such as accommodation and restaurants. Nor does it provide for the additional investment made by Rate and Tax Payers, or other grant mechanisms employed by the Trust from time to time.





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The economic benefits have been able to be assessed, taking into account users that may pass more than one counter, and others that have no spend. An example being the Totara Counter, where only 60% of counters numbers are used in the final analysis, so that expenditure is not over reported. This represents a significant return on investment of \$20:\$1 for each ratepayer dollar spend, based on the combined Settlor Council contribution to the Trust for the strategic and proportional overheads.

As per the funding agreement signed in April 2018, Strategic Overheads, such as staff salaries, marketing, auditing, etc, are divided on a one-third share between each Settlor Council. Proportional overheads (i.e. maintenance) are split on a per km basis. Within this LTP process, we have asked for funding to support our existing overheads. We have not asked for additional resourcing, i.e. an extra staff member.

With regards to Proportional Overheads, there is a step-change occurring in FY2025 when the extensions from Te Aroha to Matamata, and also from Pūkorokoro-Miranda to Kaiaua come under Trust management.

The management of the two extensions will pass to the Trust in FY2025 once Central Government has accepted these as part of the Great Ride Network. This will change the current ratios of HDC74% to HDC 56%, as MPDC will increase from MPDC11% to MPDC31% due to the 37km addition. To manage the additional kilometres, additional funding is required from both HDC and MPDC to cover the additional maintenance required.

Proportional Overhead Split	2024	2025	%
Thames-Coromandel District Council	18%	21 km	13%
Hauraki District Council	71%	90 km	56%
Matamata-Piako District Council	11%	50 km	31%
Total	100%	161km	100%



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Hauraki Rail Trail Charitable Trust – LTP Budgets FY2025-FY2035

Strategic Overheads	FY2023	FY2024	Forecast	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
HDC	134,901	134,901	134,901	179,667	184,833	197,000	195,667	201,333	213,833	212,667	216,167	226,667	230,333	234,000
MDPC	134,901	134,901	134,901	179,667	184,833	197,000	195,667	201,333	213,833	212,667	216,167	226,667	230,333	234,000
TCDC	134,901	134,901	134,901	179,667	184,833	197,000	195,667	201,333	213,833	212,667	216,167	226,667	230,333	234,000
	404,704	404,704	404,704	539,000	554,500	591,000	587,000	604,000	641,500	638,000	648,500	680,000	691,000	702,000
Proportional Overheads	FY2023	FY2024	Forecast	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
HDC	163,084	162,590	163,985	219,772	219,772	219,772	219,772	219,772	219,772	219,772	219,772	219,772	219,772	219,772
MPDC	25,267	25,190	25,406	121,660	121,660	121,660	121,660	121,660	121,660	121,660	121,660	121,660	121,660	121,660
TCDC	41,345	41,220	41,574	51,019	51,019	51,019	51,019	51,019	51,019	51,019	51,019	51,019	51,019	51,019
	229,696	229,000	230,965	392,450	392,450	392,450	392,450	392,450	392,450	392,450	392,450	392,450	392,450	392,450
Total Funding per Council	FY2023	FY2024	Forecast	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
HDC	297,985	297,491	298,886	399,439	404,605	416,772	415,439	421,105	433,605	432,439	435,939	446,439	450,105	453,772
MPDC	160,168	160,091	160,307	301,326	306,493	318,660	317,326	322,993	335,493	334,326	337,826	348,326	351,993	355,660
TCDC	176,247	176,121	176,475	230,685	235,852	248,019	246,685	252,352	264,852	263,685	267,185	277,685	281,352	285,019
	634,400	633,704	635,669	931,450	946,950	983,450	979,450	996,450	1,033,950	1,030,450	1,040,950	1,072,450	1,083,450	1,094,450



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Success made by the Trust over the past three years, has included the recruitment and partial funding (\$45K ongoing) of our Business Support Administrator, who has increased our Official Partner Programme to just under 100 businesses, the largest Official Partner Programme of any Great Ride in New Zealand. Our Official Partners' contribute just under \$30,000 dollars per annum.

The Trust secured just over \$2million to undertake the remediation of the damages caused by Cyclone Gabrielle, and to rehabilitate the Trail on the Eastern/Western Foreshore stop-banks, due to the Waikato Regional Council works. This is in addition to the contribution made to these projects by our Settlor Councils of \$1.7m.

We have also been successful in securing the funding and resource to build 16 'train style' shelters across the network valued at \$330,000. Funding has been secured to maintain these structures outside of our existing maintenance commitments. These initiatives sit outside that of Settlor Council funding, and provide an example of the value that the Trust brings to the ratepayers of our Districts.





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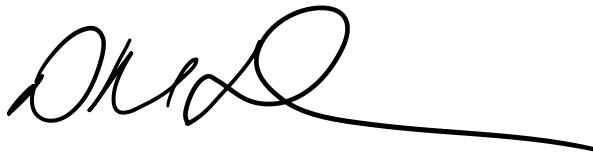


While not included in the figures above, we would also like to open discussion on additional staffing/resource. If we are to grow economic return from \$31m per annum to upwards of \$60m per annum to match Central Government ambition to increase overall economic benefit from the Great Ride Network from its current \$950m per annum to \$2billion within the next ten years.

The addition of another full-time equivalent person within the Trust would allow for deeper engagement with our community, and a higher level of strategic relationship development across all platforms. This has not been fully costed out, but realistically would sit in the vicinity of \$120-\$130,000 per annum, allowing for full associated employment costs. This would add a further \$40-\$45K commitment per council.

We ask that you continue to support the business of the Hauraki Rail Trail Charitable Trust, and walk beside us as we continue to develop and grow this important community asset. We look forward to our combined success that we share by continuing to work closely together on our common goals.

We also support the direction taken by MPDC in making the Hauraki Rail Trail a Smoke-free environment.



Diane Drummond
CEO
Hauraki Rail Trail Charitable Trust.

FOR DECISION MŌ TE WHAKATAUNGA



TO	Mayor and Councillors
AUTHOR	Community Growth Manager Group Manager – Business Support
FILE REFERENCE	Document: 3311791 Appendix A: Proposed Remuneration of non-elected member appointments
MEETING DATE	Wednesday, 14 December 2022
SUBJECT	Proposed Remuneration for Non-elected Appointments

SUMMARY | TE WHAKARĀPOPOTANGA

The report is to update Council and seek the approval of the proposed remuneration for all non-elected member appointments engaged to work with a committee or working party of Council.

The decision is not considered significant.

RECOMMENDATION | TE WHAIKUPU

THAT the report be received.

THAT the proposed remuneration settings for all non-elected member appointments be approved and adopted.

1 PURPOSE | TE ARONGA

To formally approve and adopt proposed remuneration for non-elected member appointments to various committees or organisations.

2 BACKGROUND | TE KŌRERO Ā MUA

Following the 2022 Local Government election, Council confirmed its committee structure on 09 November 2022.

At that time, there were a number of Council non-elected member appointments made, however there was no remuneration set for those roles.

A list of all the proposed remuneration settings related to these roles is attached as Appendix A.

Also note, it was agreed at a previous meeting of Council that the wording 'Iwi representatives' as members on certain committees and working parties be removed until such time as Iwi consultation has been fully undertaken and appointments are confirmed.

The Wharekawa Coast 2120 community panel had confirmed the Iwi representatives appointed as members on the joint working party. Reference to the remuneration for these representatives is included in the attached appendix.

3 THE ISSUES | NGĀ TAKE

There are no issues as regards to these activities.

4 ENGAGING WITH OUR COMMUNITIES | KIA UIA TE HAPORI WHĀNUI

There is no community engagement required in relation to these activities.

5 OUR OPTIONS | NGĀ KŌWHIRINGA A MĀTOU

There are no options to consider.

5.1 ASSESSING THE RISKS

There are no risks identified in relation to these activities.

6 NEXT STEPS | TE ARA KI MUA

Once adopted the approval levels of remuneration for appointments to Council's committees and working parties will be effective from 15 October 2022.

Approval

Prepared by	Carol Black Council Secretary	John McIver Community Growth Manager
Reviewed by	Duncan Peddie Group Manager – Business Support	
Approved by	Langley Cavers Chief Executive	

APPENDIX A: PROPOSED REMUNERATION OF NON-ELECTED MEMBER APPOINTMENTS

Note: All appointees are eligible for mileage allowance (from within the Hauraki District boundary to the meeting location return)

Committee	Position	Current Remuneration	Proposed Remuneration	Reasoning
Audit and Risk	Independent Chairperson – appointed by Council	\$7,200 per annum (\$1,200 per meeting)	\$15,000 per annum (\$2,500 per meeting)	Chairperson fee rate increase: 6 meetings per year @ 5.5 hours per meeting for preparation \$200 x 33hrs = \$6,600. 6 meetings per year @ 4.0 hours per meeting \$200 x 24hrs = \$4,800. 18 hours out of meeting work \$200 x 18hrs = \$3,600. Total Remuneration \$15,000
Regulatory Hearings	Committee Chairperson and members	\$100 per hour – Chair \$80 per hour – other members	\$116 per hour – Chair \$93 per hour – other members	Members to be accredited. Covers preparation for a hearing, site visit and hearing itself. As set by Remuneration Authority under the Resource Management Act 1991 (RMA).
Regulatory Hearings	Commissioners	\$100 per hour – Chair \$80 per hour – other members	\$116 per hour – Chair \$93 per hour – other members	Commissioners to be accredited. Covers preparation for a hearing, site visit and hearing itself. As set by Remuneration Authority under the Resource Management Act 1991 (RMA).
Planning	Committee Chairperson and members	For Hearings only - \$100 per hour – Chair \$80 per hour – other members	For Hearings only - \$116 per hour – Chair \$93 per hour – other members	Members to be accredited. Refer Local Government Members (2022/23) Determination 2022 s5 and s15. Fee covers Hearings related activity as set by Remuneration Authority.
Planning	Commissioners	Hearings process - \$100 per hour – Chair \$80 per hour – other members	\$116 per hour – Chair \$93 per hour – other members	Commissioners to be accredited. Commissioners (only) to receive \$150 per meeting for attendance at meetings and

Committee	Position	Current Remuneration	Proposed Remuneration	Reasoning
				workshops in relation to the development of the District Plan.
District Licensing	Committee Chairperson	*\$78 per hour	*\$78 per hour	As set by Sale and Supply of Alcohol Act 2012 s195
	List members (community appointees)	*\$51 per hour	*\$51 per hour	* Hearings payment : Chairperson: \$624 per day (\$78 per hour for part days) Other members: \$408 per day (\$51 per hour for part days)
Western Plains Drainage District Committee	Committee Chairperson	\$1,000 per annum	\$1,000 per annum	As set by Council
Western Plains Drainage District Committee	Committee Member	\$500 per annum	\$500 per annum	As set by Council
Eastern Plains Drainage District Committee	Committee Chairperson	\$1,000 per annum	\$1,000 per annum	As set by Council
Eastern Plains Drainage District Committee	Committee Member	\$500 per annum	\$500 per annum	As set by Council
Paeroa Rural Drainage District Committee	Committee Chairperson	\$500 per annum	\$500 per annum	As set by Council
Paeroa Rural Drainage District Committee	Committee Member	\$250 per annum	\$250 per annum	As set by Council
Taramaire Drainage District Committee	Committee Chairperson	\$500 per annum	\$500 per annum	As set by Council
Taramaire Drainage District Committee	Committee Member	\$250 per annum	\$250 per annum	As set by Council

Working party / Other Appointments	Position	Current Remuneration	Proposed Remuneration	Reasoning
Wharekawa Coast Joint Working Party	Joint Working Party (consisting of iwi representatives)	\$150 per meeting	\$150 per meeting	As set by Council (Iwi Liaison budget)
Tauwhara Koiora Reserve Co-Governance	Council appointee	\$150 per meeting	\$150 per meeting	As set by Council
Ngati Koi Domain Co-Governance	Council appointee	\$150 per meeting	\$150 per meeting	As set by Council
Hauraki Rail Trail Trust	Chairperson (Trustee)	\$3,000 honorarium per annum Plus \$500 fee per meeting (quarterly)	\$3,620 honorarium per annum Plus \$603 fee per meeting (quarterly)	19.1% LCI ¹ adjustment (since 2017): Note the proposed remuneration may/will need to be endorsed/supported by the other two settlers.
Hauraki Rail Trail Trust	Trustee	\$300 fee per meeting (quarterly)	\$362 fee per meeting (quarterly)	19.1% LCI adjustment (since 2017): Note the proposed remuneration may/will need to be endorsed/supported by the other two settlers.

¹ 2018 3.3%; 2019 3.9%; 2020 2.8%; 2021 3.8%; 2022 5.3% [Labour market statistics: September 2022 quarter | Stats NZ]

7 Pūrongo me whakatau | Decision Reports

7.10 Submissions on Fast-track Approvals Bill and "Sanigar" heritage listing.

CM No.: 2867708

Te Kaupapa | Purpose

The purpose of this report is to gain retrospective endorsement for two submissions recently made by the Council's Policy Team. The first relates to the Fast-track Approvals Bill, while the second involved a proposal by Heritage New Zealand Pouhere Taonga to include a site within the district on the New Zealand Heritage List/Rārangi Kōrero. Nathan Sutherland and Carolyn McAlley will speak to the report and answer any questions.

Rāpopotonga Matua | Executive Summary

The Council's Policy Team recently submitted on two proposals, the Government's Fast-Track Approvals Bill and the proposal by Heritage New Zealand Pouhere Toanga (HNZPT) to include the site known as "Sanigar" on the New Zealand Heritage List/Rārangi Kōrero (the "List"). These two submissions have not yet been formally endorsed by the Council.

The Fast-track Approvals Bill is intended to enable a fast-track decision making process for infrastructure and development projects that are considered to have significant regional or national benefits. In its submission, the Council provided qualified support for the Bill, but ultimately questioned whether it had struck the right balance between providing for infrastructure and development, and protecting the environment.

In March 2024, HNZPT notified the Council that they were assessing Sanigar, 901 Tower Road, Turangaomoana for inclusion on the List. They invited comments from the Council on the proposal. The resulting submission again provided its qualified support for the inclusion, but recommended that the full extent of the site be defined with GPS coordinates. It also suggested that the expected best preservation practices be described in HNZPT's notification report, given that the construction materials themselves contributed to the site's significance.

Tūtohunga | Recommendation

That:

- The Council retrospectively endorse the submission on the Government's Fast-track Approvals Bill and the submission on HNZPT's proposal to include the site known as "Sanigar" on the New Zealand Heritage List/Rārangi Kōrero.**

Horopaki | Background

Fast-track Approvals Bill

At the New Zealand Planning Institute Conference in March 2024, the Government made an announcement regarding their RMA reform work programme. The Minister for RMA Reform, Chris Bishop noted that they intended to unlock development capacity for housing and business growth, enable the delivery of high-quality infrastructure and encourage primary sector growth by reforming the current resource management legislation. This reform would be achieved through three phases.

The first phase saw the repeal of the Natural and Built Environment Act and the Spatial Planning Act. The second phase, currently underway, involves the introduction of a one-stop-shop

consenting and permitting regime for regionally and nationally significant projects. This has been called the Fast-track Approvals Bill and builds on the concepts introduced under the COVID-19 Recovery (Fast-track Consenting) Act 2020. This bill is intended to establish a separate process for several approvals under different legislation including resource consents (Resource Management Act 1991), concessions (Conservation Act 1987), land access (Crown Minerals Act 1991) and aquaculture activity approvals (Fisheries Act 1996).

To access the fast-track approvals process, project owners would need to apply to the joint Ministers. If successful, the project would be referred to an expert panel for assessment. After considering the project, this panel would make a recommendation to the joint Ministers. These Ministers would then decide if the project should be granted or declined. Public submissions on the Bill were called for in the first quarter of 2024, with the submission period closing 19 April 2024.

New Zealand Heritage List/Rārangi Kōrero

The List is a professionally researched and documented record of New Zealand's historical and cultural place-based heritage. It is a diverse and evolving resource. Anyone can nominate a place for the List, with nominations assessed against set criteria and prioritised against other nominations. Each year a select number of successful nominations are chosen for progression onto the List. HNZPT will often request public submissions on places proposed for inclusion.

It is understood that the owners of Sanigar nominated it for inclusion in the List. The site is directly associated with the transformation of New Zealand's rural landscape in the twentieth century and its conversion to intensive wool, meat and dairy production for export. It includes several components that reflect the nature and evolution of large estates into more intensive rural use, including a timber-built woolshed, a cow-shed and corrugated iron whare for workers' accommodation.

HNZPT notified the Council of their intent to include this site on the List at the end of March 2024 and called for submissions until 2 May 2024. This submission period was subsequently extended until 10 May 2024.

Ngā Take/Kōrerorero | Issues/Discussion

The Council's Policy Team made a submission on both the proposed Fast-track Approvals Bill and HNZPT's proposal to incorporate the site known as "Sanigar" on the List. In its submission on the Fast-track Approvals Bill, the Council provided its qualified support for the overall intent of the Bill. The submission acknowledged the tensions between different pieces of "consenting" legislation and the benefits of a "one-stop" consenting regime. It also pointed out that projects of regional or national significance can be large and technically complex, which may be challenging for small rural councils like Matamata-Piako to assess.

The consenting process described under the Bill gives the relevant local authorities opportunities to be involved and enables them to comment on the activity. However, the timeframes to provide comment are very short, in the context of the complexity of the projects going through the process. There is also no ability for local authorities to recover the costs of their involvement and their comments are effectively given the same weight as any other submitter. The submission recommended that the timeframes for involvement be extended, that there is provision for cost recovery and that comments from a local authority be afforded more weight, particularly as they will have to administer, monitor and enforce the resource management aspect of any resulting consent.

Additionally, the submission questioned the appropriateness of the Ministers making the final decision on any project. It noted that under the COVID-19 Recovery (Fast-track Consenting) Act

2020, the expert panel made this decision. It also sought for prohibited activities to be precluded from consideration as is currently the case under the Resource Management Act 1991 (RMA). Lastly, the submission considered that the direction for inviting comments from specified organisations and individuals was too prescriptive, and might not always accurately reflect those that may experience significant adverse effects as a result of an infrastructure and development project.

For the HNZPT proposal, the Council's submission again provided its qualified support for the site's inclusion on the List. The submission assumed that if included on the List, Sanigar would also need to be included in the District Plan's heritage schedule. It noted that although agriculture had been significant in shaping the district, it was not particularly well represented in the schedule and therefore, it would be a positive inclusion.

Given that the site's listing and subsequent inclusion in the District Plan's heritage schedule would limit the activities able to occur in order to protect the identified features, the submission expressed concern that the extent proposed for inclusion appeared to contain some operational aspects of the wider farm. It recommended that these be excluded. It also recommended that for clarity, the site be defined with GPS coordinates and that the final report refer to the expected best preservation practices, given the current state of the buildings and the fact that the construction materials are themselves of significance.

Mōrearea | Risk

The submissions themselves are considered a low risk. The Fast-track Approvals Bill will have implications for the infrastructure and development projects that could establish in the district. As the authority that will be responsible for administering, monitoring and enforcing any granted resource consent or notice of requirement under the Fast-track Approvals, it is important that the Council has as much involvement in the formulation of the Bill and resulting consent process as possible.

Similarly, the inclusion of the Sanigar site on the List is likely to have flow-on effects for the District Plan. Therefore, it is important that the Council identify any issues that may affect it at this early stage. Individuals or local interest groups may disagree with the content or broad intent of the submissions which may translate to brand and reputation impacts. However, this risk is considered low.

Ngā Whiringa | Options

Option 1: Retrospectively endorse the submission on the proposed Fast-track Approvals Bill and the submission on inclusion of the Sanigar site on the New Zealand Heritage List/Rāangi Kōrero.

Option 2: Retrospectively endorse one of the submissions, but do not endorse the other and direct staff to withdraw the submission that has not been endorsed.

Option 3: Do not endorse either of the submissions and direct staff to withdraw them.

Recommended option

Option 1: Retrospectively endorse the submission on the proposed Fast-track Approvals Bill and the submission on inclusion of the Sanigar site on the New Zealand Heritage List/Rāangi Kōrero. In principle, both the Fast-track Approvals Bill and proposal to include the Sanigar site on the List would have positive ramifications for the district. However, it is considered that the delivery of these two projects needs some fine tuning. Therefore, it is important that the Council makes its

opinions and preferences known through the submission process, and ultimately has a hand in shaping the final outcome.

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

Both proposals will have some form of legal and policy impacts on the Council. The Fast-track Approvals Bill will ultimately override the current RMA consenting process for the regionally and nationally significant projects that choose to engage in that fast-track process. Under the proposed legislation, the Council will still be responsible for administering, monitoring and enforcing any granted resource consent or notice of requirement, but it effectively becomes a submitter in the process and there is no requirement for the expert panel or the Ministers to give its comments any particular weight.

For HNZPT's proposal, the inclusion of the Sanigar site on the List would have flow-on effects for the District Plan. Section 74 of the RMA says that preparing and changing a District Plan, a territorial authority must have regard to any relevant entry on the New Zealand Heritage List/Rāangi Kōrero. If included on the List, it is likely that Sanigar would also be included on the District Plan's heritage schedule at the next appropriate plan change.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

Public submissions on the Fast-track Approvals closed on 19 April 2024. The Environment Committee received nearly 27,000 submissions, with many of the submitters requesting to speak to the Committee. It is understood that this process is currently underway, if not completed. No further information is available.

HNZPT acknowledged the Council's submission and noted that all submissions would be presented to the Heritage New Zealand Board during its consideration of the listing proposal. They have advised that the Council will be advised in writing of the Board's decision, but may make contact earlier in relation to any issues raised.

Ngā Tāpiritanga | Attachments

[A↓](#). Fast-track Approvals Bill submission



[B↓](#). MPDC submission to HNZPT Proposed Listing Sanigar



Ngā waitohu | Signatories

Author(s)	Nathan Sutherland Team Leader RMA Policy	
Approved by	Ally van Kuijk District Planner	
	Dennis Bellamy Group Manager Growth & Regulation	



te kaunihera ā-rohe o
matamata-piako
district council

SUBMISSION FROM THE MATAMATA-PIAKO DISTRICT COUNCIL – FAST-TRACK APPROVALS BILL

Background

The Matamata-Piako District Council (MPDC or “the Council”) appreciates the opportunity to provide feedback on the Fast-track Approvals Bill.

Matamata-Piako covers approximately 182,000ha, and sits in central Waikato. Approximately 38,000 people live within the district, with most of these residing in the main three towns of Matamata, Morrinsville and Te Aroha. It is bounded by the Kaimai Ranges to the east and older ranges, such as the Pakarua Range to the west. It encompasses the southern portion of the Hauraki Plains and much of the Thames Valley. This flood plain is bisected by the Piako and Waihou Rivers as they flow through to the Firth of Thames to the north. Much of the district is covered by highly productive land, which promotes an economy dominated by land based primary production. It is particularly renowned for its dairy and thoroughbred racing industries. Cropping is also becoming common, particularly in the southern portion of the district.

Under the COVID-19 Recovery (Fast Track Consenting) Act 2020, the district saw one project approved. This was the Tauhei Solar Farm, which involved the installation of approximately 330,000 monocrystalline solar panels across 182ha of flat farmland. MPDC engaged with the applicant pre-application, liaised with the Environmental Protection Agency (EPA) regarding affected person details, provided written comments on the consent application and provided written comments on the draft conditions.

Qualified Support

MPDC acknowledges that the consenting of major projects can on occasions be time consuming and costly, and can place insufficient value on the economic and social benefits of development relative to other considerations. We also acknowledge that there can be tensions and contradictions between the different pieces of legislation an activity may need approvals under. In addition to this, infrastructure and development projects that have significant regional and national benefits are invariably large and technically complex, which can be challenging for a small rural Council like MPDC to adequately assess given it may not have the expertise in-house.

Therefore, MPDC can see the benefits for the “one-stop-shop” consenting regime, which sits outside the bodies that typically administer the relevant legislation. We consider that this approach will enable the holistic consideration of projects and should result in the production of a cohesive set of conditions in the event “consent” for the project is granted. However, MPDC questions whether the Bill has achieved the appropriate balance between the need to fast track the approvals process for significant projects and the need to protect the environment. This submission highlights some areas of the Bill, which we would like to see the further examination of.

Given that MPDC is a territorial authority and has functions under the Resource Management Act 1991 (RMA), the submission points below, have focused on the relationship between the Fast Track Approvals Bill and the RMA, and MPDC’s role as a consenting authority.

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Local authority involvement

MPDC notes that the Fast Track Approvals Bill provides several points where a local authority could be involved with a project going through the process. This includes the requirement for an applicant to engage with local authorities prior to lodging a referral application (Section 16), the requirement of the joint Ministers to copy the (referral) application to, and invite written comments from the relevant local authorities (Section 19), the requirement for the expert panel to invite comments on an application from the relevant local authorities (Schedule 4, Clause 20) and the requirement for the expert panel to provide a copy of its draft conditions (Schedule 4, Clause 38).

For those projects not already listed for direct referral to the expert panel, MPDC considers that its level of involvement and the opportunities for it to provide comment is appropriate. However, it recommends that the list of projects to either be fast-tracked or referred to be fast-tracked in Schedule 2 of the Bill is released for public consultation during the Select Committee process. This would allow the objective scrutiny of these projects.

MPDC also recommends that the timeframes associated with invitations for written comments be lengthened, even if it is by as little as five (5) working days. The Council has a responsibility to advocate strongly for its communities and their economic, social and community well-being. Given that infrastructure and development projects with significant regional and/or national benefits are invariably large and technically complex, and could potentially involve the input of several disciplines, the Bill does not afford enough time for a local authority to fulfill its responsibilities.

In the consideration of an application or notice of requirement for a listed or referred project, the Bill effectively treats local authorities as a submitter. It appears that any written comments from a local authority would be given no more or less emphasis than an iwi authority, the owners and occupiers of the project land and the adjacent land and a relevant Minister of the Crown. MPDC does not consider this appropriate given that it will eventually be responsible for administering, monitoring and enforcing any granted consent or notice of requirement in its district. In addition to this, local authorities typically form the face of a granted consent, regardless of whether they made the decision or not and will deal with any fallout from the community. Therefore, MPDC recommends that the Bill be amended to direct the expert panel to give more weight to comments from local authorities.

Cost recovery

The Bill provides several opportunities for local authorities to provide comments regarding an application or notice of requirement for a listed or referred project. These projects are likely to be large and technically complex, which can place pressure on local authorities' resources, particularly a smaller rural authority like MPDC. The Bill has limited opportunities for local authorities to recover the cost of their involvement. While it is noted that a local authority's participation in the process is not mandatory, it does have a responsibility to ensure positive outcomes for its community. Similarly, the Council will administer, monitor and enforce any granted consent or notice of requirement and therefore, it is in its best interests to participate. It is recommended that the cost-recovery provisions in the Bill be extended to include all reasonable costs incurred by councils participating in fast-track processes. The costs should also be recovered via the EPA, not the applicant directly.

Decision making powers

Clause 40, Schedule 4 directs the joint Ministers to make the final decision on an application or notice of requirement for a listed or referred project after considering the recommendation

of the panel. MPDC questions the need for the joint Ministers to make this decision, noting that the expert panel made the decision under the previous fast track legislation. If Ministers are to remain the sole decision-makers, the Council recommends that the Bill should at least require the Ministers to prepare disclosure statements and include the Minister for the Environment as a joint Minister.

MPDC also recommends that the panel should reflect on non-statutory documents in its consideration of an application or notice of requirement for a listed or referred project. MPDC is currently part of the Future Proof partnership, which is a joint project set up by the partners to consider how the sub-region should develop into the future. The Future Proof Strategy, which stems from this partnership, is a 30-year growth management and implementation plan for the Hamilton, Waipā, Waikato and Matamata-Piako sub-region. The Strategy is essential to managing growth in a staged and co-ordinated way while addressing complex planning issues.

Although the Future Proof Strategy is not a statutory document under the RMA, it can be given weight through its reference in the Waikato Regional Policy Statement (WRPS). This document contains objectives and policies that relate to urban form and development, which specifically direct development within the Future Proof land use pattern. MPDC joined Future Proof in 2021 and given the WRPS dates from 2016, its incorporation into the partnership is not recognised through the current objectives and policies. However, this is likely to be rectified through Plan Change 1, which is currently under appeal.

The Strategy can also be given weight under section 74(2)(b)(i) of the Act, which directs district councils to have regard to management plans and strategies prepared under other Acts to the extent that their content has a bearing on the resource management issues of the district. MPDC acknowledges that an application or notice of requirement for a listed or referred project is not a plan change, but notes that the Future Proof Strategy is a comprehensive growth strategy that should be given substantial regard and weight during the consideration of any matters that may affect it.

Decision making criteria and eligibility of projects

MPDC seeks for clause 17(5) to be deleted and for prohibited activities (in a resource management planning document) to be listed as ineligible activities under clause 18. It notes that considerable time, community consultation and resources contribute to the formulation of a resource management plan and the identification of prohibited activities. The anticipated outcomes of a resource management plan and expectations of community should not be discarded through a fast track process.

Consultation

In the processing of consent applications and notices of requirement, Clause 20 (Schedule 4) says that the panel must not publicly notify or limited notify the relevant application or notice. It then directs the panel to invite comments from specified organisations and individuals. Included among these are the owners and occupiers of the land on which the activity is to be undertaken and the land adjacent to that land. MPDC considers this direction too prescriptive. Large regionally and/or nationally significant projects have the potential to produce wide-ranging effects, both positive and negative. These could extend well beyond the land on which the activity is to be undertaken and the land adjacent to that land.

Instead, the Council recommends that the Bill be amended so that the panel is required to identify persons that will experience adverse effects that are minor or more than minor (but are not less than minor) as a result of the activity, and that it be required to invite written

comments from these persons. MPDC acknowledges that Clause 20 allows the panel to “invite written comments from any other person the panel considers appropriate.” However, it does not consider this discretionary ability to be sufficient in securing appropriate and representative community feedback.

Submission summary

MPDC acknowledges the benefits for the “one-stop-shop” consenting regime, but questions whether the Bill has struck the appropriate balance between the need to fast track the approvals process for significant projects and the need to protect the environment. It has recommended that several amendments be made to alter this balance, including extending the timeframe for written comments, allowing local authorities to recover costs, precluding the consideration of prohibited activities and extending the parties to which the expert panel is required to seek comments from.

MPDC appreciates the ability to participate in this process, so that it can advocate strongly for its communities and their economic, social and community well-being.



Don McLeod
Chief Executive Officer

Date

18/4/2024

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SUBMISSION FROM THE MATAMATA-PIAKO DISTRICT COUNCIL – POTENTIAL AMENDMENTS TO THE HERITAGE NEW ZEALAND POUHERE TAONGA LISTING REPORT RELATED TO THE INCLUSION OF SANIGAR, MATAMATA AT 901 TOWER ROAD, TURANGAOMOANA, IN THE NEW ZEALAND HERITAGE LIST/RĀRANGI KŌRERO AS A CATEGORY 1 HISTORIC PLACE



Background

The Matamata-Piako District Council (MPDC) appreciates the opportunity to provide feedback to the Heritage New Zealand Pouhere Taonga (HNZPT) report that provides "evidence to support the inclusion of Sanigar in the New Zealand Heritage List/Rārangi Kōrero (the List) as a Category 1 historic place"¹.

The proposed listing consists of three buildings, related chattels, a well, and an extent of place. The listing report advises that the proposed listing is found to qualify under the following listing criteria (S66 (3)) of the HNZPTA² to be a listing, and is recommended to be Category 1 item:

- "a. The extent to which the place reflects important or representative aspects of New Zealand history
- b. The association of the place with events, persons, or ideas of importance in New Zealand history
- c. The potential of the place to provide knowledge of New Zealand history
- k. The extent to which the place forms part of a wider historical and cultural area."³

The HNZPT list already contains items located within the MPDC area and those built heritage items are part of Schedule 1 of the District Plan. Scheduling of heritage items in the District Plan provides both recognition and protection for items and ensures retention of heritage values through assessment against District Plan heritage rules at the time of development. The current scheduled heritage sites in the District Plan are a mixture of commercial, religious and public buildings, and private residences. Currently, although agricultural has played a significant part in our District's history it is not particularly well represented in the District Plan.

In order for an item to be part of the District Plan, they have to meet the heritage assessment criteria of the District Plan for inclusion into the schedule and be subject/part of a notified plan change.

At the owner's request, MPDC staff undertook a site visit on the 30/04/2024 and were able to offer advice to the owners with regard their obligations in the event that the proposed listing is approved and becomes part of the MPDC District Plan heritage schedule. We found the

¹ New Zealand Heritage List/Rārangi Kōrero – Report for a Historic Place Sanigar, MATAMATA (List No. 1783, Category 1), Martin Jones and Alexandra Foster DRAFT: Last amended 28 March 2024 Heritage New Zealand Pouhere Taonga, Executive Summary, Page 3

² Heritage New Zealand Pouhere Taonga Act 2014

³ New Zealand Heritage List/Rārangi Kōrero – Report for a Historic Place Sanigar, MATAMATA (List No. 1783, Category 1), Martin Jones and Alexandra Foster DRAFT: Last amended 28 March 2024 Heritage New Zealand Pouhere Taonga, Section 66 (3) (Significance) Assessment

owners to be supportive of the HNZPT recognition; however, they have raised concerns regarding the proposed extent indicated by HNZPT, which includes a portion of their orchard, two water bores and a farm race.



Qualified Support

The HNZPT listing report states that the proposed item “has special significance for the extent to which it can provide knowledge about New Zealand’s twentieth-century farming history” and, “It can also advance knowledge about the experiences and contributions of Māori communities in agricultural work. Its value is enhanced by factors that include the current under-investigation of such matters and the importance of the history involved.”⁴

We recognise the specialist listing expertise of HNZPT and given the significance of the proposed listing, we would support this item becoming part of the New Zealand Heritage List/Rārangi Kōrero and District Plan’s heritage schedule, in the event it is approved subject to the comments below.

Location information has been provided in the listing report through two GPS coordinates, one of which is located in the centre of the cowshed building⁵. The extent of the proposed item is contained in Appendix 1: Visual identification Aids⁶, of the listing report and is described as follows:

“Extent includes part of the land described as Lot 2 DP 430406 (RT 518454), South Auckland Land District, and the buildings known as Sanigar thereon, and the following chattels: grain and fertiliser drill, wool table, wool press, wool scales and bale stencils. The extent excludes modern fencing and concrete electricity pylons.”

We have followed up with HNZPT, who have confirmed that the proposed extent has not been surveyed, and is only partially fenced at the west and south boundaries with some of the individual items fenced with electric fences within the proposed extent.⁷

We are therefore concerned that the proposed extent contains operational elements of the farm and seek that the proposed listing be modified to exclude these elements as far as possible, while still protecting the features. Ideally given the nature of the site and its surroundings any recognition and protection processes should allow for general farming to be allowed to continue, while ensuring that the farm buildings are protected from any damage for example by being fenced. We believe there needs to be clarity for the landowners regarding the ongoing management of this area and what is and is not anticipated to occur, as this will also provide clarity to any future District Plan protection.

⁴ New Zealand Heritage List/Rārangi Kōrero – Report for a Historic Place Sanigar, MATAMATA (List No. 1783, Category 1), Martin Jones and Alexandra Foster DRAFT: Last amended 28 March 2024 Heritage New Zealand Pouhere Taonga, Summary of Significance values, Page 52/53.

⁵ New Zealand Heritage List/Rārangi Kōrero – Report for a Historic Place Sanigar, MATAMATA (List No. 1783, Category 1), Martin Jones and Alexandra Foster DRAFT: Last amended 28 March 2024 Heritage New Zealand Pouhere Taonga, Section 1 Identification, page 5.

⁶ New Zealand Heritage List/Rārangi Kōrero – Report for a Historic Place Sanigar, MATAMATA (List No. 1783, Category 1), Martin Jones and Alexandra Foster DRAFT: Last amended 28 March 2024 Heritage New Zealand Pouhere Taonga, Appendix 1 Visual identification Aids, pages 54-56.

⁷ Telephone Conversation Carolyn McAlley (MPDC) with Martin Jones (HNZPT Senior Listing Advisor), 02/04/2024.

We consider that the extent should be completely defined with GPS coordinate's that will be included into the listing report for the future reference of the those administering the protection of these items including District Plan rules related to the preservation of heritage values. The GPS coordinates could then also be readily transferred over to the MPDC GIS system at the time of the item's inclusion into the District Plan heritage schedule.



Lastly, we consider that the final report should refer to the expected best preservation practices, given that the construction materials themselves are of significance. We believe this would assist the landowners to make informed decisions at the time of works.

Feedback Summary

Overall, we are supportive of the proposed listing report to include "Sanigar" to the New Zealand Heritage List/Rārangī Kōrero. We anticipate that in the event of its inclusion onto the New Zealand Heritage List/Rārangī Kōrero that we will follow up by ensuring its inclusion into the District Plan via the next available relevant Plan Change. In order to ensure a smooth administration for all those concerned, we seek clarity of the extent, management / preservation practices and what is and is not anticipated to occur within the extent. We are also seeking that the extent of the heritage item be fully defined through GPS coordinates.

We would welcome the opportunity to provide assistance should this be required.

Regards,



Don McLeod
Chief Executive Officer

Date 01/05/2024

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7 Pūrongo me whakatau | Decision Reports

7.11 Private Plan Change 57 - Calcutta: Application for an extension of time

CM No.: 2851826

Te Kaupapa | Purpose

The purpose of this report is to seek a decision from Council on whether an extension of time should be sought from the Minister for the Environment for Private Plan Change 57 - Calcutta – Proposed General Industrial Zone (PPC57). If the Council agrees that it should, the report also seeks direction on the length of extension that should be applied for.

Rāpopotonga Matua | Executive Summary

PPC57 is a private plan change seeking to change approximately 40ha of Rural Zone to General Industrial Zone (GIZ) in Matamata on Tauranga Road (SH24) adjacent to Council's transfer station. Following an independent economic assessment of PPC57 in terms of the provisions of the National Policy Statement – Highly Productive Land (NPS-HPL), the applicant requested that the plan change process be placed on hold in late 2023.

The Resource Management Act 1991 (RMA) requires a decision on any plan change to be issued within two years of its notification date. The two year deadline for PPC57 in accordance with these provisions is 11 October 2024. However, under Clause 10A(3) of Schedule 1 of the RMA, there is the ability for the Council (on behalf of the applicant) to apply to the Minister for the Environment (the "Minister") for an extension of time.

Consequently, the applicant for PPC57 has requested that the Council make an application to the Minister for a two year extension of time. The essential premise of the applicant's request is to extend the process such that any beneficial reframing of the national policy statements and/or RMA provisions may be taken into account as part of any hearing and decision. Given that it is unlikely that a hearings process and decision could be completed by 11 October 2024, it is recommended that an application be made to the Minister. Following the consideration of the application's merits, its implications and the feedback from submitters, it is recommended that only a one year extension be applied for. Nathan Sutherland is available to answer any questions.

Tūtohunga | Recommendation

That:

- The Council makes an application to the Minister for the Environment for a one year extension to the PPC57 process in accordance with the draft letter (Attachment B).**

Horopaki | Background

PPC57 is a private plan change to rezone approximately 40ha of rural land to a new General Industrial Zone (GIZ) on the eastern outskirts of Matamata. The plan change area and proposed development area plan is shown in **Figure 1** (over page). The plan change was accepted for processing in September 2022 and was publicly notified on 11 October 2022. A submissions and further submissions process then followed in accordance with the statutory process for plan change applications.

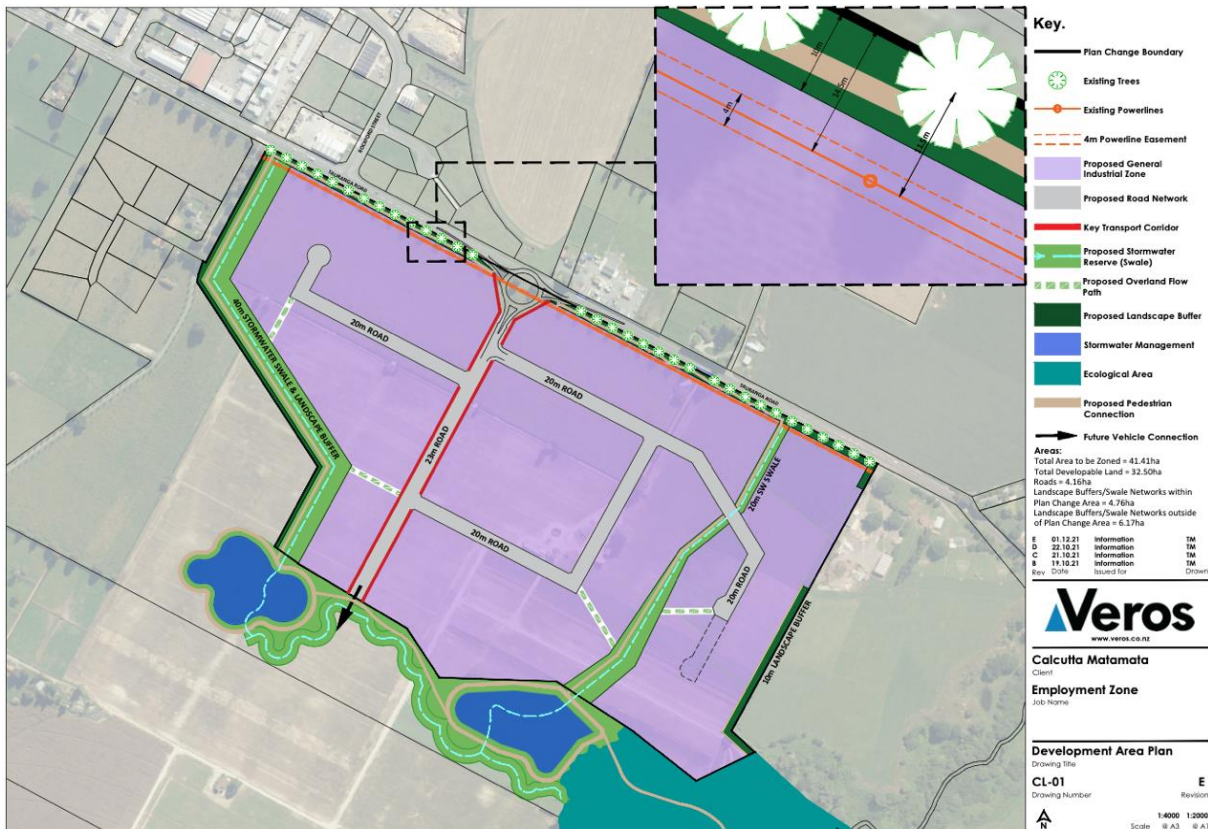


Figure 1: Proposed area of General Industrial Zone and Development Area Plan.

In September 2022, a new National Policy Statement for Highly Productive Land (NPS-HPL) was released with a single objective that states:

Highly productive land is protected for use in land-based primary production, both now and for future generations.

This came into force on 17 October 2022. The NPS-HPL also introduced specific restrictions for any urban rezoning of highly productive land, with territorial authorities that are not Tier 1 or 2 only allowed to rezone highly productive land if it is required to provide sufficient development capacity to meet the expected demand for housing or business land, there are no other reasonably practicable and feasible options for providing the required capacity and environmental, social, cultural and economic benefits of the rezoning outweigh its costs. In addition, territorial authorities must take measures to ensure that the spatial extent of the urban rezoning covering highly productive land is the minimum necessary to provide the required capacity while achieving a well-functioning urban environment.

As part of the processing of the plan change, the applicant prepared an economic and land supply analysis to ascertain whether PPC57 was able to satisfy the NPS-HPL’s criteria for urban rezoning. This was also reviewed by an independent expert engaged by the Council. The findings of the initial analysis and independent peer review indicated that there would be significant challenges for PPC57 to give effect to the NPS-HPL. The applicant then requested that the plan change be placed “on-hold” at the end of 2023, giving them additional time to revisit their economic and land supply assessment.

The deferred status of the plan change remains in effect at this time. This has resulted in process issues around whether the Council can give its decision on the plan change request within the required two-year timeframe as prescribed by Schedule 1 of the RMA. The applicant has now requested that the Council seek a two-year extension from the Minister for the Environment to

complete the plan change process. Clause 10A(3) of Schedule 1 of the RMA sets out the criteria for any extension request

Ngā Take/Kōrerorero | Issues/Discussion

The central issue for the Council is whether there is sufficient merit to endorse the applicant's two-year extension request, considering the matters set out in Clause 10A(3). These matters include:

- (a) *the interests of any person who, in its opinion, may be directly affected by an extension; and*
- (b) *the interests of the community in achieving adequate assessment of the effects of the proposed policy statement or plan or change to a policy statement or plan; and*
- (c) *its duty under [section 21](#) to avoid unreasonable delay.*

The applicant's primary reason for the two year extension request is to allow additional time for the new coalition government to introduce changes to the RMA and/or relevant national policy statements which may provide a more enabling statutory framework for the plan change. It is acknowledged that the interests of the applicant are likely to be served by a two year extension.

In order to further inform the assessment of Clause 10A(3)(a) above, the Council wrote to all the submitters on PPC57 and asked them to provide feedback on the extension of time request. When the plan change was originally notified, several submitters raised concerns regarding the NPS-HPL and the loss of highly productive land, and whether the location and scale of the plan change proposal is appropriate.

Four submitters have provided feedback on the extension request. Two responses from private submitters provided general support/acceptance of an extension. NZTA indicated that it had "no concerns", while the Waikato Regional Council opposed the applicant's two-year extension request. They considered that the grounds submitted by the applicant for an extension did not meet the statutory criteria set out on the RMA.

In terms of Clause 10A(3)(b), the applicant considers that a "pause" to PPC57 would be in the community's best interest, given the uncertainty around the implementation of NPS-HPL. The Waikato Regional Council has a contrary view, noting that MPDC has sufficient information to proceed to a hearing and make a decision on the plan change. They have indicated that it is not in the interests of the community to delay the process any further.

In exercising or carrying out its functions, powers or duties under the RMA, the Council has a duty to avoid unreasonable delay. Where the Council is required to do anything under the RMA that has no time limits prescribed, it must do so as "*promptly as is reasonable in the circumstances.*" There are no qualifiers as to what constitutes as an unreasonable delay, but given that the RMA routinely allows for timeframes associated with various processes to be doubled, it is unlikely that the applicant's two-year request or anything in between would be considered as unreasonable.

The introduction of the NPS-HPL has had major impacts on many land development and plan change projects around New Zealand. However, the new coalition government has indicated that it intends for the provisions of the RMA and associated national policy directions to undergo a fundamental reset during its tenure. It has already initiated this process. At this stage, there is little certainty in terms of what further statutory changes may be proposed and whether any revision of the NPS-HPL will have a direct bearing on the assessment of PPC57.

Mōrearea | Risk

There is limited risk for the Council in terms of any final decision of the Minister. As PPC57 is a private plan change, then the primary risk and costs incurred with the processing and any final decision on the plan change lies with the applicant. It is possible that the applicant could seek a judicial review of the Council's decision to either endorse or dismiss the request to apply for an extension.

Ngā Whiringa | Options

Staff have identified three options that the Council could take regarding the request by the PPC57 applicant. These include not seeking an extension of time from the Minister, seeking a lesser time than that requested by the applicant (one year) or applying for the time extension requested by the applicant. The merits of each option have been discussed below.

Option One – Decline the request from applicant to seek an extension for the plan change process	
Description of option	
If the Council considers there is no merit in seeking an extension to the plan change process, then the request from the applicant could be declined. This is likely to lead to the abandonment of the plan change, given the current proposal's alignment with the expectations of the NPS-HPL.	
Advantages	Disadvantages
Certainty to all parties. If the current process is abandoned, then any new application could be assessed under any new RMA and national policy direction.	The time, cost and reporting invested by the applicant in the process to date will be lost. Council time and resources have also been invested into the processing of the plan change process. This has been on a cost-recoverable basis.
	Any new plan change process would repeat much of the existing process and will require a new process for submitters.
	Despite the current challenges, the applicant may choose to progress the plan change in its current form. It is unlikely that the Council could hold a hearing and issue a decision on the plan change within the two-year timeframe.

Option Two – Make application for an extension to allow the current plan change process to be completed (one year extension)	
Description of option	
This option recognises that there will be administrative and logistical issues with trying to complete the plan change process by 11 October 2024. It would still require an application to and approval by the Minister.	
Advantages	Disadvantages
Allows time for the current plan change process to be completed with any new evidence and reporting to be submitted by the applicant.	Likely to create delays for any other industrial plan changes (private or Council initiated) from being considered.

Is a balance between giving certainty to the submitters / neighbours on the plan change's resolution, while potentially allowing the second tranche of the RMA amendments to be incorporated into the process.	It is difficult to determine the interests of the wider community as there is no public process to engage with the community.
If a new national policy direction is mandated within the one year period, then this may be taken into account.	

Option Three – Make application for a two year extension as requested by the applicant

Description of option

This option would require the Council to determine that a two year extension is appropriate taking into account the request by the applicant and the criteria set out in **Clause 10A(3) of Schedule 1**.

Advantages

Allows ample time for the current plan change process to be completed with any new evidence and reporting to be submitted by the applicant.

Disadvantages

Likely to create delays for any other industrial plan changes (private or Council initiated) from being considered.

Is a balance between giving certainty to the submitters / neighbours on the plan change's resolution, while potentially allowing the second tranche of the RMA amendments to be incorporated into the process.	It is difficult to determine the interests of the wider community as there is no public process to engage with the community.
If a new national policy direction is mandated within the two year period, then this may be taken into account.	

Recommended option

It is unlikely that the current plan change process and decision can be completed within the prescribed two year process period. It is therefore recommended that an application for an extension be made to the Minister. A draft letter is included in **Attachment B** which provides further discussion and context to the application/request. The applicant for PPC57 has requested Council make an application to the Minister for a two year extension, but it is considered that the rationale for the two year extension does not fully accord with the criteria set out in the RMA.

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

The procedure for gaining a time extension is set out in the RMA including the criteria by which the Minister will determine any application for an extension. Any decision by Council and/or the Minister would be subject to judicial review proceedings. There are no policy considerations associated with the request. Any decision on the time extension is a process matter, with any policy implications determined as part of the substantive hearing into the merits of the plan change request.

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 views of Interested/affected people	Consideration has been given to submitters on PPC57. However, no engagement with any other interested parties has been undertaken.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	This issue is assessed as having a low level of significance.
Section 82 – this sets out principles of consultation.	Consultation has been undertaken with the original submitters on the plan change.

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

Staff will need to communicate with the applicant regarding any Council decision on the extension of time request.

Timeframes





Key Task	Dates
If the Council agrees to apply for an extension of time, then staff will need to advise the applicant of the Council's decision and then issue the letter to the Minister. A decision from the Minister needs to be received prior to the plan change timeframe lapsing on 11 October 2024.	A decision by Council needs to be made as soon as possible to enable the request to the Minister to be sent and allow appropriate time for the Minister to consider the request prior to the 11 October 2024.

Ngā take ā-lhinga | Consent issues

There are no consenting issues. The extension request is a process matters associated with a private plan change.

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

Matamata-Piako District Council's Community Outcomes are set out below:

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO OUR PLACE		MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI STRATEGIC DIRECTION	
TŌ MĀTOU WHAKAKITENGA OUR VISION			
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. 'The heart of our community is our people, and the people are the heart of our community.'			
TŌ MĀTOU WHĀINGA MATUA OUR PRIORITIES (COMMUNITY OUTCOMES)			
			
He wāhi kaingākau ki te manawa A place with people at its heart	He wāhi puawaitanga A place to thrive	He wāhi e poipoi ai tō tātou taiao A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga A place to belong and create

The community outcomes relevant to this report are limited as this is a process decision and any substantive decisions on the merits of the private plan change will only be determined through a hearings process.

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

All costs associated with the private plan change are passed on to the applicant.

Ngā Tāpiritanga | Attachments

A↓. [Calcutta extension of time request](#)



B↓. [Draft letter to Minister re extension](#)



Ngā waitohu | Signatories

Author(s)	Nathan Sutherland Team Leader RMA Policy	
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Approved by	Ally van Kuijk District Planner	
	Dennis Bellamy Group Manager Growth & Regulation	



19 April 2024

Matamata-Piako District Council
PO Box 266
Te Aroha 3342

Email: AvanKuijk@mpdc.govt.nz

Dear Ally,

EXTENSION OF TIME FOR GIVING A DECISION UNDER CLAUSE 10A OF SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991

1. INTRODUCTION

- 1.1 On 3 August 2022, Calcutta Farms Limited ("Calcutta") lodged a private plan change application with the Matamata-Piako District Council ("MPDC" or "Council") to rezone approximately 49ha of land located on the southern side of Tauranga Road from rural to a General Industrial Zone ("GIZ") ("PC 57"). Of the 49ha, 32.9ha is developable, with the balance being set aside for roading, landscaping, and stormwater purposes. **Appendix 1** of this letter provides the zoning, and the plans that support the plan change to provide context.
- 1.2 PC 57 was notified for public submissions on 11 October 2022. Under clause 10(4)(a) of Schedule 1 of the Resource Management Act 1991 ("RMA"), the Council is required to give its decision on PC 57 no later than two years after notifying the proposed plan under clause 5 (11 October 2024).¹ For reasons outlined in this letter, including current political and planning circumstances, this timing is unsuitable. Accordingly, Calcutta requests that the Council apply to the Minister of the Environment ("Minister") for an extension of time for giving a decision under clause 10 of Schedule 1 of the RMA in relation to PC 57.

Purpose and scope of the letter

- 1.3 The purpose of this letter is to advocate on behalf of Calcutta that the Council make an application to the Minister for an extension of time under clause 10A(4)(a), and in doing so, we address:
- (a) Background in relation to PC 57 and the application of the National Policy Statement of Highly Productive Land ("NPS-HPL") (Section 2);

1 Resource Management Act 1991, Schedule 1 cl 10A(1).

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- (b) Required considerations by the Council under clause 10A(3) of Schedule 1 of the RMA (Section 3); and
- (c) Calcutta's request for the Council to make an application to the Minister under clause 10A of Schedule 1 of the RMA (Section 4).

1.4 To aid the Council, we are happy for this letter to be attached to any subsequent application to the Minister for an extension of time regarding PC 57.

Minister for the Environments Jurisdiction

1.5 Clause 10A was inserted by s 174(1) of the Resource Legislation Amendment Act 2017 (2017 No 15) on 18 October 2017.

1.6 Under clause 10A(4) of Schedule 1 of the RMA, the Minister may either agree or decline an extension applied for under section 10A² and serve notice of his or her decision on the local authority.³ In addition, the request by the local authority must be in writing and set out:⁴

- (a) The reasons for the request for an extension; and
- (b) The duration of the extension required.

1.7 In addition, clause 10A(3) outlines a number of factors the Council must consider before applying to the Minister for an extension.

2. BACKGROUND AND THE NATIONAL POLICY STATEMENT OF HIGHLY PRODUCTIVE LAND

2.1 On 3 August 2022, Calcutta formally lodged its application regarding PC 57, which the Council accepted for notification on 28 September 2022.⁵

2.2 Following lodgement, but prior to the hearing of PC 57, the National Policy Statement for Highly Productive Land 2022 ("NPS-HPL") came into force. The NPS-HPL was released in September 2022 and commenced on 17 October 2022, with every local authority required to implement it from this date.⁶

2.3 Calcutta engaged Landsystems⁷ to undertake detailed land use classification mapping of the PC 57 site. Through their detailed mapping, Landsystems have identified that the PC 57 site comprises LUC Class 1-3 land, with the majority being Class 2.

2.4 As the PC 57 land is currently not identified for urban development or identified in a published Future Development Strategy or strategic planning document (such as a local or regional growth strategy) the NPS-HPL applies to the PC 57 area.

2 Resource Management Act 1991, Schedule 1 cl 10A(4).

3 Resource Management Act 1991, Schedule 1 cl 10A(5).

4 Resource Management Act 1991, Schedule 1 cl 10A(2).

5 The notification phase opened for submission on 11 October 2022 and closed at 4:30 p.m. on Wednesday, 9 November 2022. The further notification phase for the summary of submissions opened on 7 March 2023 and closed at 4:30 p.m. on Tuesday, 21 March 2023.

6 National Policy Statement for Highly Productive Land 2022, cl 1.2 and 4.1.

7 An independent land resource and GIS consultancy, providing specialist soil mapping, soil sampling and land resource information expertise.

- 2.5 The NPS-HPL sets policy directives to protect highly productive soil, including specific provisions that apply to any plan change or rezoning request affecting highly productive land. There is also a direct relationship between the NPS-HPL and the National Policy Statement on Urban Development 2022 (“NPS-UD”) and the national directive to ensure that all councils provide sufficient development capacity to meet expected demand for housing and for business land over the short, medium (10-year horizon) and long-term (30 years).
- 2.6 The NPS-HPL has a single objective which states:⁸
- “highly productive land is protected for use in land-based primary production, both now and for future generations.”*
- 2.7 Several policies support this objective. Policy 5 is the most relevant to rezoning requests, which directs that urban zoning be avoided except as provided for in the NPS-HPL.⁹ Clauses 3.6(4) and 3.6(5) then set out the relevant provisions that the MPDC (a Tier 3 council under the NPS-HPL) must satisfy.¹⁰
- 2.8 Under clauses 3.6(4) of the NPS-HPL, territorial authorities that are not Tier 1 or 2 (such as the MPDC) may allow urban rezoning of highly productive land (“HPL”) only if:¹¹
- (a) *“The urban zoning is required to provide sufficient development capacity to meet the expected demand for housing or business land in the district; and*
 - (b) *There are no other reasonably practicable and feasible options for providing the required development capacity; and*
 - (c) *The environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.”*
- 2.9 In addition, the NPS-HPL dictates that:¹²
- “Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.”*
- 2.10 While the NPS-HPL does not define “sufficient development capacity,” clause 3.6(4), states that terms defined in the NPS-UD and used in the NPS-HPL have the same meaning unless otherwise specified. “Sufficient development capacity” is defined in Part 3, subpart 1 of the NPS-UD. The intention of this test is that rezoning HPL to an urban zone can only be considered if it is “required” to provide

8 National Policy Statement for Highly Productive Land 2022, cl 2.1.

9 National Policy Statement for Highly Productive Land 2022, cl 2.2.

10 National Policy Statement for Highly Productive Land 2022, cl 3.6(4) and 3.6(5).

11 National Policy Statement for Highly Productive Land 2022, cl 3.6(4).

12 National Policy Statement for Highly Productive Land 2022, cl 3.6(5).

sufficient development capacity to meet the demand for housing and business land.

- 2.11 Although the NPS-HPL does not specify that consideration may only be given to short-term and medium-term demand under clauses 3.6(4) and 3.6(5), the NPS-HPL guide to implementation, published by the Ministry for the Environment (“MfE”), states that:¹³

“The intent is the test could support the rezoning of HPL to an urban zone if needed to provide for short term (within next 3 years) and/or medium term (3–10 years) sufficient development capacity as this is required to be zoned for housing and business land for it to be ‘plan-enabled’ (refer Clause 3.4 of the NPS-UD). Rezoning HPL to an urban zone to provide for long-term development capacity (10–30 years) would not meet this test. This is to avoid the premature loss of HPL to urban rezoning and ensure the maximum amount of HPL remains available for land-based primary production until it is actually needed to be rezoned to provide sufficient development capacity.”

- 2.12 We note, however, that the Environment Court recently determined that it was “not prepared to give any weight to the discussion of the NPS-HPL in the MfE guidelines,” given that they have no statutory basis and, whilst helpful, are not legally binding on the Court.¹⁴
- 2.13 The MPDC, in line with the guide to implementation, has adopted the “short-term and medium-term” demand perspective.

Uncertainty regarding capacity of industrial land in the Matamata-Piako District

- 2.14 As stated above, PC 57 is not located on land which has been identified in the Matamata Town Strategy 2013-2033 as being an option for industrial expansion for Matamata. The Town Strategy identified three options for industrial expansion. Of these three options:
- (a) One is already zoned Industrial;
 - (b) One has been set aside as a Future Residential Policy Area; and
 - (c) The last is located west of SH27, crosses multiple land parcels, and is separated from Matamata's existing industrial offering.
- 2.15 Shortfalls in long-term (and potentially short-medium term) industrial capacity within the Matamata-Piako District, and more specifically, the Matamata area, have been identified, and the Council's ability to meet this demand is currently uncertain.
- 2.16 Needless to say, the community and Calcutta alike have raised concerns about the Council's ability to provide for industrial capacity, which creates a coherent, well-functioning urban environment. This is especially true considering the nature

¹³ National Policy Statement for Highly Productive Land: Guide to implementation (March 2023), at [44]; we note that this statement is mate

¹⁴ *G S Gray and K M Sinclair-Gray v Dunedin City Council* [2023] NZEnvC 45 at [206]. Also see the criticisms levelled at guidance documents from the Ministry in *Federated Farmers of New Zealand v Northland Regional Council* [2022] NZEnvC 16 at [19] – [23].

of industrial land, which requires additional time and resources to support activities such as manufacturing, warehousing, logistics and distribution, research and development, and other similar uses.

- 2.17 Over the past two decades, a number of industrial land trends have also emerged, which have impacted the industrial land market in the Matamata-Piako District. Specifically, these include:
- (a) The rise of e-commerce, which allows customers to directly buy goods and services from a seller over the internet, allowing businesses to confine warehousing and logistic operations to industrial areas.
 - (b) The resurgence of manufacturing in smaller geographically isolated areas such as the Matamata-Piako District, due to globalisation and technological advancement, expanding the scale and potential of some industries while causing others to decline or shift offshore.
 - (c) The clustering of activities to generate co-location economic benefits or agglomeration benefits for businesses in terms of reduced friction and improved costs and efficiencies - further agglomeration of industrial activities in the district requires a sufficient supply of industrially zoned land, preferably in proximity to established industrial activities.
- 2.18 The Draft 2024 Future Proof Strategy is a response to the requirements in the NPS-UD, which requires every Tier 1 and 2 local authority to prepare a Future Development Strategy ("FDS"). While the Matamata-Piako District is not a Tier 1 or 2 local authority and is not required to prepare an FDS, their recent inclusion in the Future Proof Partnership and their consequential inclusion in this update means that the revised Future Proof Strategy will effectively become their FDS, which future development of the Matamata Piako District will be considered against.
- 2.19 The Draft 2024 Future Proof Strategy is currently under review and does not identify any future industrial land within the Matamata-Piako District. Calcutta has made a submission on this. The Draft 2024 Future Proof Strategy examines the industrial/ business needs as part of their future Growth Strategy, which will inform the next update of the Future Proof Strategy in 2025/2026.
- 2.20 To inform this submission and also an assessment under clauses 3.6(4) and 3.6(5) of the NPS-HPL, various economic assessments of the expected demand for business land in the district have been undertaken. This includes the Matamata-Piako business demand and capacity assessments ("BDCA") by Market Economics Ltd (M.E) in 2022 and their more recent October 2023 update of the BDCA. For Calcutta, M.E completed an economic assessment in November 2021, updated this assessment in May 2023, and conducted some further assessments in December 2023.
- 2.21 The Future Proof Partnership has also provided Calcutta with their Business Development Capacity Assessment 2023 ("BDCA"), dated 3 April 2024, and offered an opportunity to respond by 26 April 2024, given their interest in business land in Matamata. While we note that the BDCA is not targeted directly towards the Matamata-Piako District, and the extensions to cover the Matamata-Piako District are proposed to follow, we do note the following:

- (a) In relation to the BDCA, doubts have been raised over the market's acceptance of the leasehold status of the land, which has been identified for industrial capacity.
- (b) Discounted rates have been proposed to account for these issues, which would impact modelling calculations regarding the identification of intensified industrial capacity for the region.
- (c) These changes have the potential to increase the demand for industrial capacity, generally within the Matamata-Piako District, through a waterfall process.

2.22 What is clear from this level of economic assessment is that the question of supply and demand is a constantly moving and subjective target. There are differences in each of the above reports relating to capacity and supply for business land. These differences confirm that there are many variables and assumptions relied upon to inform the projections, and changes in one variable may have a significant influence on the final projections and land supply figures, which in turn affects the conclusion as to whether the Matamata-Piako District has and/or is providing sufficient development capacity for business land.

Suitability of the PC 57 Site for Industrial Capacity

- 2.23 The PC 57 land is superior to options contained within the Matamata Town Strategy 2013-2033 because it is owned by one landowner (and willing developer), directly adjoins SH24, is located near the wastewater treatment plant, and has surplus water allocation that can be transferred to the Council to service the industrial needs.
- 2.24 There are various reasons why the Calcutta site is suitable for development and should be signalled as such in the Council's subsequent growth strategy and Future Proof. These can be summarised as follows:
- (a) The size of the plan change site will ensure that Matamata has sufficient development capacity for business-zoned land in the medium and long term, which is located near Matamata's existing industrial area and its urban fringe, signalled for future residential development. The PC 57 area provides 32.9ha of developable land, which meets the majority of the projected shortfalls.
 - (b) The Calcutta site does not result in an inappropriate dispersal pattern. It is also well connected to the transportation network (with a direct frontage to SH24) and close to the Matamata wastewater treatment plant for transportation and infrastructure efficiencies.
 - (c) The site is owned by one entity, so is not hamstrung by multiple land ownership arrangements that other areas of Matamata would face, challenging delivery of supply.
 - (d) The Infrastructure Assessment for PC 57 has investigated the three water infrastructure options for the site and has confirmed that the development of the site can be supported by appropriate infrastructure to service the needs of future industrial uses in a manner that is cost-neutral to the Council. This is achieved through repurposing an existing on-site water take, managing stormwater on-site, providing a direct connection to the wastewater treatment plant, and timing that connection with the upgrades

that are already programmed. The land release will also be efficient as it is directed by a Development Area Plan ("DAP") and will thereafter be driven by market demand. The infrastructure requirements to deliver the site are cost-neutral to the Council and the wider community.

- (e) There are no specific environmental attributes or constraints on the site (i.e., ecological, landscape, geotechnical, etc).
- (f) In relation to urban environments, the location of the site is such that it concentrates industrial activities near an existing industrial zone, along a key transportation route, and where there is demand for business use. The inclusion of the DAP provides certainty that high-quality urban design will be achieved, which responds to the local context and provides for improved amenities within the development footprint (i.e., multiple-purpose local purpose reserves). The size and scale of the site will also enable it to be responsive to the needs of future industrial land uses and the changing industrial trends that are emerging (i.e., the rise of e-commerce, manufacturing and agglomeration benefits, proximity to Tauranga).
- (g) An assessment of the proposal against the Waikato Regional Policy Statement criteria of APP11 – Development Principles and APP14 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments, completed for the plan change, is attached as **Appendix 2** and confirms that the site meets the APP11 development principles and the responsive planning criteria in APP14.

2.25 Calcutta is a willing developer and has the capacity to efficiently and effectively meet projected future shortfalls in business industrial capacity. The PC 57 proposal represents a solution that is in the best interests of both the Council and the wider Matamata-Piako District community.

3. **REQUIRED CONSIDERATIONS BY THE COUNCIL**

3.1 Prior to applying for an extension, under clause 10A(3) of Schedule 1 of the RMA, the MPDC must also take into account:¹⁵

"(a) the interests of any person who, in its opinion, may be directly affected by an extension; and

(b) the interests of the community in achieving adequate assessment of the effects of the proposed policy statement or plan or change to a policy statement or plan; and

(c) its duty under section 21 to avoid unreasonable delay."

3.2 It is our submission that none of these considerations prevent the Council from applying to the Minister for an extension.

The interests of any person who, in its opinion, may be directly affected by an extension.

3.3 There were 29 submissions as part of the notification process; of these, 17 supported PC 57 and/or supported with amendments. There were two of the submissions in opposition from landowners directly adjacent to the site. One of

15 Resource Management Act 1991, Schedule 1 cl 10A(3).

those landowners has since sold to J Swap Contractors Limited, who provided a further submission in support, and the other party owns industrial land. Further, one owner in opposition owned a section in Java Park, but she has since sold her property.

- 3.4 Many submitters noted that creating industrial land was necessary due to a desperate need for more industrial land and the capability of development to enable the growth of the business sector.
- 3.5 During the summary of submissions phase, further submissions from 12 parties were received.
- 3.6 Calcutta began engaging with some of these submitters in June 2023, sending a number of emails and has endeavoured to ensure that all concerns from submitters, regarding PC 57, have been addressed. From all correspondence with interested parties, the major concern regarding PC 57, which cannot be addressed via the implementation of conditions, is the existence of HPL on the property. The Council has also confirmed that the only outstanding issue for Calcutta regarding PC 57 is the implication of the NPS-HPL.
- 3.7 In any instance, the concerns raised by interested persons are unlikely to be materially affected by the granting of an extension in relation to clause 10A of Schedule 1 of the RMA and, for all intensive purposes, will help to address issues raised by submitters in relation to industrial capacity within the District.

The interests of the community in achieving adequate assessment of the effects of the proposed policy statement or plan or change to a policy statement or plan.

- 3.8 As stated above, it is in the community's best interest, particularly for those who reside in the Matamata-Piako District, to enable cohesive district planning, including regarding the existence of industrial land.
- 3.9 Immense uncertainty has plagued the district due to the implementation of the NPS-HPL and the current planning process for industrial capacity. Urban zoning is required to provide sufficient development capacity to meet the expected demand for housing or business land in the district; however, it is currently unknown to what extent, how, where, and when this will be provided.
- 3.10 During this time of uncertainty, it is submitted that it is in the community's best interest "to hit pause" in relation to PC 57 and wait for more information to materialise in relation to these issues. This would ensure that a decision in relation to PC 57, and specifically its ability to provide for industrial capacity, could be adequately assessed.
- 3.11 Further, the new government has indicated that it has committed to reducing consenting barriers for infrastructure, housing, and primary production as part of its 100-day plan, and it is uncertain how these amendments may affect the NPS-HPL and NPS-UD, Calcutta and PC 57.

MPDC's duty under section 21 to avoid unreasonable delay.

- 3.12 Section 21, "Avoiding unreasonable delay," further states:

"Every person who exercises or carries out functions, powers, or duties, or is required to do anything, under this Act for which

no time limits are prescribed shall do so as promptly as is reasonable in the circumstances."

- 3.13 Calcutta agrees that undue delay should be avoided at all costs and in all circumstances. In consideration of this, the Future Proof Hearing will be held on 21 March and 22 March 2024, with further consultation on the identification of industrial land to occur later in the years 2025 / 2026.
- 3.14 To allow Calcutta and all interested parties adequate time to prepare for a Hearing and a decision on PC 57 by the Council, in consideration of any information to come from the Future Proof Process, it is submitted that an extension of two years to October 2026, would be a reasonable request to the Minister, to avoid any unreasonable delay. This would allow any decisions from the Future Proof process to be taken into account and would allow for any proposed amendments to the NPS-HPL and NPS-UD to have materialised.
- 3.15 Calcutta also submits there may be greater clarity from the government at this point regarding any potential amendments to be made to the NPS-HPL.
4. **REQUEST FOR AN EXTENSION**
- 4.1 We note that the Council, but for the NPS-HPL, has expressed support for PC 57.
- 4.2 From the analysis provided above, it is clear that considerable uncertainty surrounds the provision of industrial capacity within the Matamata-Piako District, which Calcutta could suitably help to provide through the implementation of PC 57.
- 4.3 Calcutta is requesting that the Council seek an extension from the Minister due to the complexities surrounding the provision for industrial capacity and its ability to address the provisions of the NPS-HPL properly. It is submitted that the required considerations under clause 10A(3) of Schedule 1 of the RMA support the Council in making this decision.
- 4.4 It is considered that an extension of 2 years is reasonable in the circumstances.
- 4.5 Thank you for your consideration of this letter.

Yours sincerely

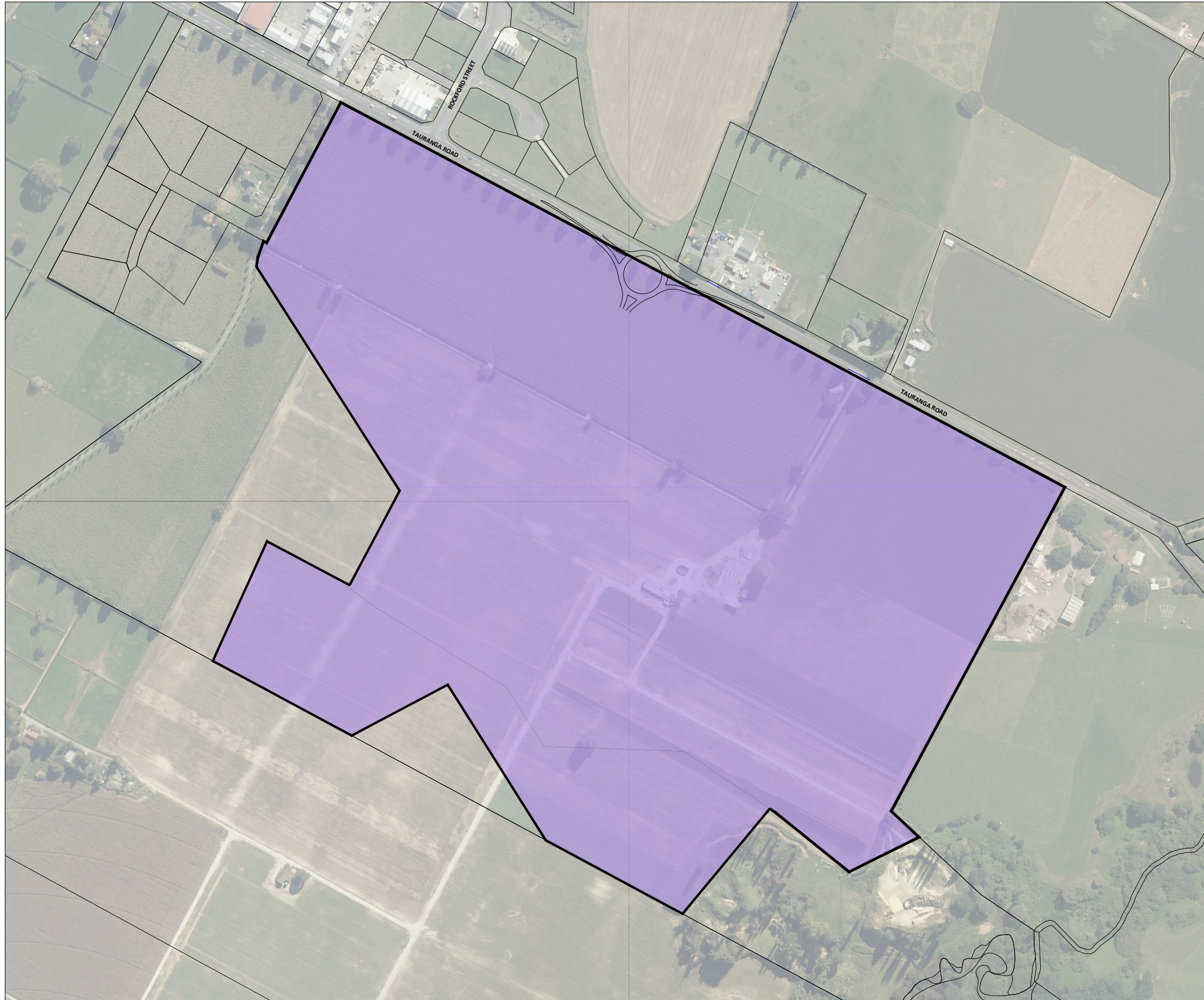


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APPENDIX 1 – CALCUTTA PLAN CHANGE SITE PLANS



Key.

- Plan Change Boundary
- Proposed General Industrial Zone (48.92 Hectares)

Rev	Date	Issued for	Drawn
F	22.05.23	Information	TM
E	01.12.21	Information	TM
D	22.10.21	Information	TM
C	21.10.21	Information	TM
B	19.10.21	Information	TM



Calcutta Matamata
Client

Structure Plan

Drawing Title

CL-02

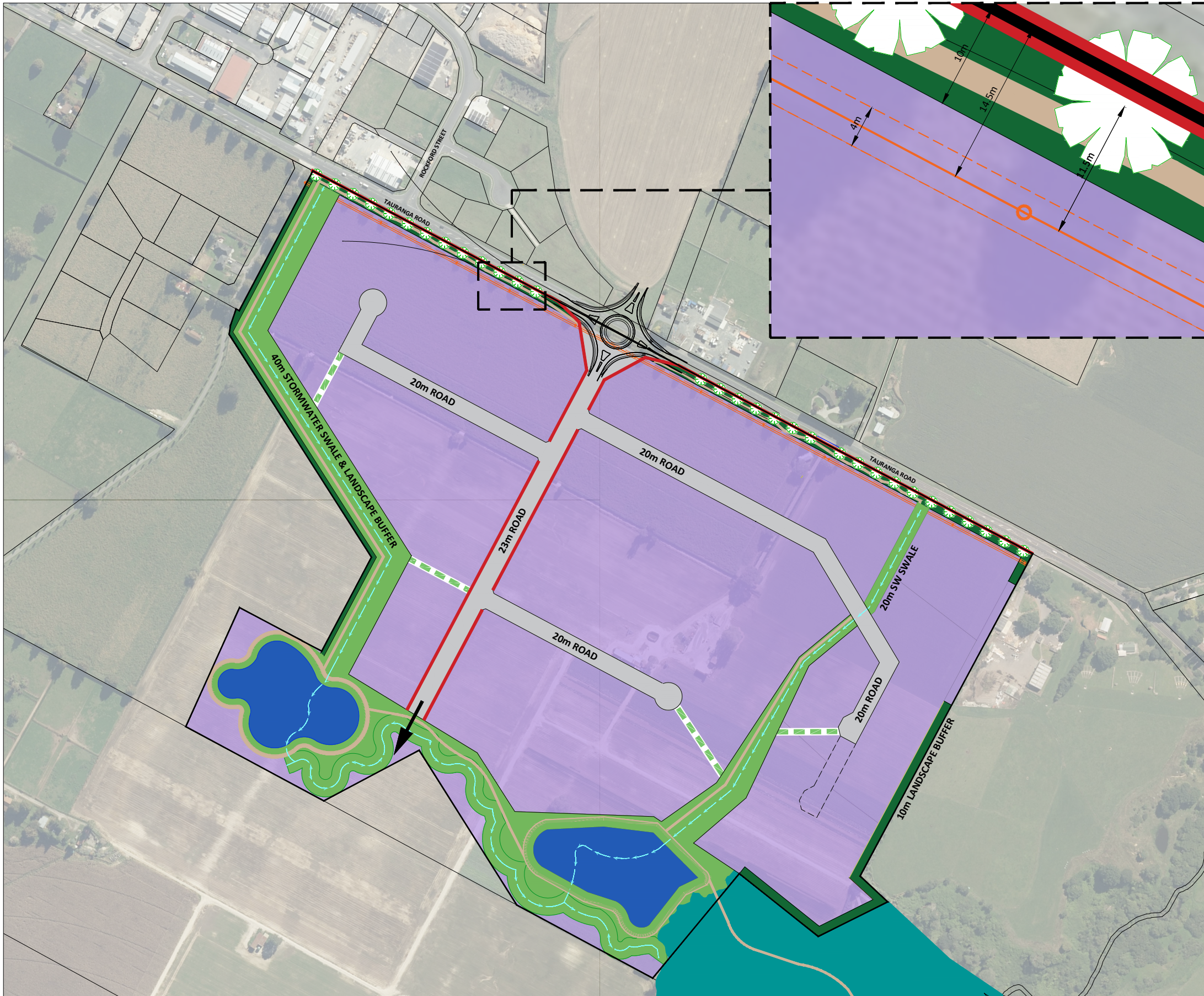
Drawing Number

F

Revision



Scale 1:4000 @ A3 1:2000 @ A1



Key.

- Plan Change Boundary
- Protected Pin Oaks
- Existing Powerlines
- 4m Powerline Easement
- Proposed General Industrial Zone
- Proposed Road Network
- Key Transport Corridor
- Proposed Stormwater Reserve (Swale)
- Proposed Overland Flow Path
- Proposed Landscape Buffer
- Stormwater Management
- Ecological Area
- Proposed Pedestrian Connection
- Future Vehicle Connection

Areas:
 Total Area to be Zoned = 48.92ha
 Total Developable Land = 32.72ha
 Roads = 3.62ha
 Landscape Buffers/Swale
 Networks/SW Retention = 12.58ha

Rev	Date	Issued for	Drawn
G	12.06.23	Information	TM
F	22.05.23	Information	TM
E	01.12.21	Information	TM
D	22.10.21	Information	TM
C	21.10.21	Information	TM



Calcutta Matamata
Client

Employment Zone
Job Name

Development Area Plan
Drawing Title

CL-01
Drawing Number

G
Revision



Scale 1:4000 @ A3 1:2000 @ A1

**APPENDIX 2 – ASSESSMENT OF THE WAIKATO REGIONAL POLICY
STATEMENT CRITERIA**

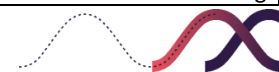
Attachment 2 – Assessment of RPS Criteria

Table 1: APP11 Assessment

APP11 – Development principles	
Relevant Sections	Assessment
Support existing urban areas in preference to creating new ones.	PC57 will support the expansion of the Matamata industrial node, on land directly near the urban fringe and the existing industrial node.
Occur in a manner that provides clear delineation between urban areas and rural areas.	The CDAP and supporting rule framework provides setbacks and landscape buffers along the interface between the PC57 boundary and the adjacent rural or future residential areas. These measures will create a clear delineation between the differing zoning on the sites border.
Make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas.	Expansion of industrial land in Matamata will not occur unless greenfield development is enabled. Intensification and redevelopment is not a viable option for meeting industrial demand.
Not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated	The Infrastructure Assessment submitted as part of the PC57 application confirmed how the site can be serviced by infrastructure and has outlined what network upgrades are required to service the PC57 site. These upgrades are further documented in the rule framework for CDAP area (see Rule 9.5 of the PC57 provisions).
Connect well with existing and planned development and infrastructure.	
Identify water requirements necessary to support development and ensure the availability of the volumes required.	The Infrastructure Assessment has calculated water demand based on the RITS requirements. Using those figures, it is proposed that water supply is sourced from an existing on-site bore with surplus groundwater allocation. The bore will become part of MPDC wider water supply network. Due to the need to ensure sufficient water supply, rules are proposed in PC57 around installation of water meters, wet industry (i.e. being a non-complying activity) and also around water storage. Collectively these measures will help achieve the efficient use and allocation of water within the PC57 footprint.
Be planned and designed to achieve the efficient use of water.	
Be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils.	PC57 is not near any identified areas, other than high class soils. Refer to the assessment of high-class soils within the PC57 footprint within section 2 above.
Promote compact urban form, design and location to: <ul style="list-style-type: none"> i. minimise energy and carbon use; ii. minimise the need for private motor vehicle use; 	The development of the CDAP has provided for active modes of transport, while including a road network and connections to the local roading network that is tailored towards the future landuse. The site's proximity to the existing



<ul style="list-style-type: none"> iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport; iv. encourage walking, cycling and multi-modal transport connections; and v. maximise opportunities for people to live, work and play within their local area. 	<p>urban footprint and residential growth areas means that it is well located to encourage walking, cycling and multi-modal transport connections.</p>
<p>Maintain or enhance landscape values and provide for the protection of historic and cultural heritage.</p>	<p>The CDAP has been designed to provide an appropriate interface with the surrounding landuses, maintain the character of Matamata (protecting the Pin oaks along the sites frontage) and provide for cultural heritage.</p>
<p>Promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged.</p>	<p>Development on the wider Calcutta property is promoting positive indigenous biodiversity outcomes through the covenanting of ecological areas. The stormwater philosophy will enhance and connect with those features, providing for improved ecological corridors from the PC57 site to the adjacent stream. Furthermore, the protection of the Pin oaks will avoid and mitigate effects on Long-Tailed bats from the development outcome.</p>
<p>Maintain and enhance public access to and along the coastal marine area, lakes, and rivers.</p>	<p>The PC57 site does not directly connect to the stream, so no public access is provided for.</p>
<p>Avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD).</p>	<p>Future development of the PC57 site will include stormwater management devices to appropriately manage stormwater on-site (and not exacerbate flooding or stormwater quality effects in the catchment). The reallocation of water from an existing groundwater take, for potable water, also enables the existing hydrological characteristics to be maintained.</p>
<p>Adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate.</p>	<p>It is anticipated that lot layouts will be created that encourage building orientated with north-facing roofs to maximise the ability to use solar power. Stormwater reuse is also provided for in the rule framework.</p>
<p>Not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure.</p>	<p>Landscaping, setbacks, noise controls and building height controls, particularly along the interface between the PC57 boundary and the adjacent rural land are proposed to reduce reverse sensitivity effects between the industrial and rural activities.</p>
<p>Be appropriate with respect to current and projected future effects of climate change and be designed to allow adaptation to these changes and to support reductions in greenhouse gas emissions within urban environments.</p>	<p>PC57 supports reductions in greenhouse gas emissions and will be resilient, in terms of stormwater design, to the likely current and future effects of climate change.</p>
<p>Consider effects on the unique tangata whenua relationships, values, aspirations, roles and</p>	<p>Relationships with tangata whenua are provided for in PC57. The engagement undertaken leading</p>



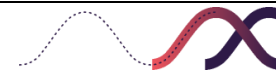
responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tangata whenua connections within an area should be considered.	up to the lodgement of PC57 are documented in section 8.4 of the AEE. This engagement has continued and will continue as recorded in the CVA and supporting MOU.
Support the Vision and Strategy for the Waikato River in the Waikato River catchment.	Not applicable, not within the Waikato River catchment.
Encourage waste minimisation and efficient use of resources (such as through resource efficient design and construction methods).	Waste minimising and efficient use of resources (such as through resource-efficient design and construction methods) can be adopted into future development within the PC57 footprint.
Recognise and maintain or enhance ecosystem services.	Ecosystem services will be maintained where achievable.

Table 2: APP14 Assessment

APP14 – Responsive Planning Criteria – Out-of-Sequence and Unanticipated Developments (non-Future Proof tier 3 local authorities)	
Relevant Sections	Assessment
That the development makes a significant contribution to meeting a demonstrated need or shortfall for housing or business floor space, as identified in a Housing and Business Development Capacity Assessment or in council monitoring.	The updated Economic Assessment (see Appendix 2) and supporting commentary in this report has confirmed that the rezoning will make a significant contribution to meeting a demonstrated need/shortfall of industrial land within Matamata and southern Matamata Piako District within the next decade.
That the development contributes to a well-functioning urban environment. Proposals are considered to contribute to a well-functioning urban environment if they: <ul style="list-style-type: none"> i. have or enable a variety of homes that: meet the needs, in terms of type, price, and location, of different households; and/or enable Māori to express their cultural traditions and norms; and/or have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and ii. support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets. 	A well-functioning urban environment is defined in Policy 1 of the NPS-UD. The PC57 is considered to contribute to a well-functioning environment because: <ul style="list-style-type: none"> • Being a greenfield development can be developed around the needs of industrial users, thereby providing for a variety of sites and site sizes; • It provides an alternative to the 11ha of land that is currently zoned Industrial in Matamata that is held in the ownership of one party to facilitate competition in the market; • It is well connected and located to connect to the transportation and infrastructure networks; • The CDAP provides for active modes of transport to support reductions in greenhouse gas emissions; and • The site suitability assessments submitted in support of PC57 have confirmed there are no hazards or current and future effects of climate change that cannot be provided for.



That the development has good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.	The development of the CDAP has provided for active modes of transport, while including a road network and connections to the local roading network that is tailored towards the future landuse. The sites proximity to the existing urban footprint and residential growth areas means that its well location to encourage walking, cycling and multi-modal transport connections.
Whether it can be demonstrated that there is commitment to and capacity available for delivering the development so that it is completed and available for occupancy within the short to medium term.	Calcutta are invested and committed in delivering the development to enable the capacity to be available to meet short- and medium-term demand. Full development build out is expected to take 15 years.
In cases where the development is proposing to replace a planned land use as set out in a council-approved growth strategy or equivalent council strategies and plans with an unanticipated land use, whether it can be demonstrated that the proposal will not result in a short-, medium- or long-term (as defined in the National Policy Statement on Urban Development 2020) shortfall in residential, commercial or industrial land, with robust data and evidence underpinning this analysis.	The PC57 is not proposing to replace land uses from a council-approved growth strategy. That being said, the Economic Assessment confirms that PC57 is required to meet shortfalls in industrial land for Matamata and the southern district.
That the development protects and provides for human health.	The rezoning will not compromise human health.
That the development would contribute to the affordable housing stock within the district, addressing an identified housing type/tenure/price point need, with robust data and evidence underpinning this analysis.	PC57 is seeking to rezone land from Rural to General Industrial Zone and will have no impact on affordable housing stock within the district.
That the development does not compromise the efficiency, affordability or benefits of existing and/or proposed infrastructure in the district.	The Infrastructure Assessment submitted as part of PC57 has confirmed how the site can be serviced by infrastructure and has outlined what upgrades are required to service the PC57 site. An integrated approach will be adopted towards energy and three waters infrastructure to ensure the land release will not compromise the efficiency, affordability of existing and planned infrastructure. For example connections will be delayed to align with wastewater treatment plant upgrades. A development agreement will also be entered into between Calcutta and Council.
That the development can be serviced without undermining committed infrastructure investments made by local authorities or central government (including NZ Transport Agency).	PC57 can be serviced without undermining committed infrastructure investments made by local authorities or Waka Kotahi.
That the development demonstrates efficient use of local authority and central government financial resources, including prudent local authority debt management. This includes demonstration of the extent to which cost neutrality for public finances can be achieved.	The development of PC57 will not require the financial resources of central government or local authorities (unless identified in the Development Agreement where there is a wider benefit) because it will be funded by Calcutta.



<p>The compatibility of any proposed land use with adjacent land uses including planned land uses.</p>	<p>Proposed setbacks and landscaping (including the provision of an external stormwater network) and a general separation from housing or other sensitive land uses will ensure that the interface between the PC57 site will reduce any reverse sensitivity effects between the industrial and adjoining rural activities. Furthermore, the majority of the land adjoining the site is owned by the proponents of PC57.</p>
<p>That the development would contribute to mode-shift towards public and active transport.</p>	<p>The development provides opportunities to contribute to a mode-shift towards active transport. Public transport opportunities are also not precluded.</p>
<p>That the development would support reductions in greenhouse gas emissions and would be resilient to the likely current and future effects of climate change, with robust evidence underpinning this assessment.</p>	<p>The design of PC57 will support a reduction in greenhouse gas emissions for the reasons set out under IM-O5 above.</p>
<p>That the development avoids areas identified in district plans, regional plans or the Regional Policy Statement as having constraints to development.</p>	<p>The site has no identified constraints.</p>





20 June 2024

By Email: P.Simmonds@ministers.govt.nz

Hon Penny Simmonds
Minister for the Environment

Dear Minister,

**APPLICATION FOR EXTENSION OF TIME FOR DECISION ON PRIVATE PLAN CHANGE 57
TO THE MATAMATA-PIAKO DISTRICT PLAN**

1. The purpose of this letter is to apply pursuant to clause 10A of Schedule 1 of the Resource Management Act 1991 (**RMA**) for an extension of time for the decision of the Matamata-Piako District Council (**Council**) on Private Plan Change 57 (**PPC57** or **Plan Change**) to the Matamata-Piako District Plan (**District Plan**).
2. For the reasons set out in this letter, an extension of one year is sought for the notification of Council's decision on PPC57.
3. This letter now addresses:
 - (a) What PPC57 entails;
 - (b) The council's processing of PPC57;
 - (c) The reasons for the extensions being sought.

PPC57

4. PPC57 is a private plan change requested by Calcutta Farms Limited (Calcutta). It seeks to rezone approximately 40ha of rural land located on the southern side of Tauranga Road at Matamata to a General Industrial Zone (**GIZ**).
5. The GIZ is proposed to have specific provisions that will provide for dry-industry, which will have low impact on water and wastewater services, as well as providing for some activities that are supportive of industrial activities and/or activities that are compatible with the adverse effects generated by industrial activities.
6. In addition to this, PPC57 seeks to introduce the Calcutta Development Area Plan which offers a future development framework. The key features that the CDAP provides for are:

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- (a) An upgrade of the SH24/Tower Road/Burwood Road roundabout to incorporate dual lane approaches and an internal road network with a north-south collector road that connects to the roundabout.
- (b) Integrated public amenity areas that provide for a well-functioning industrial land offering and support a stormwater network. This includes:
 - i. An open space and reserve network that integrates with the future stormwater network.
 - ii. A walking and cycling network that runs through the CDAP and connections to the wider network.
 - iii. A reserve along the CDAP's frontage to SH24 that provides for the protection of the existing Pin Oak trees.

Council's processing to date

- 7. The following chronology of events summarises Council's processing to date:
 - (a) PPC57 lodged on 3 August 2022
 - (b) Presented to Council on 28 September 2022 and accepted for notification.
 - (c) Notified for submissions on 11 October 2022 with submissions closing on 9 November 2022.
 - (d) Further submissions from 7 March 2023 to 21 March 2023.
 - (e) Section 42A recommendations report initiated.
 - (f) On 15 December 2023, Calcutta sought to defer the scheduled hearing date (28-29 February 2024), to which the Council agreed.
- 8. Through the processing of PPC57, issues have been substantially resolved from Council's point of view such that the key outstanding issue is whether the Plan Change 'gives effect to' the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**).

Reasons for the extension being sought

- 9. The NPS-HPL was approved by the Governor-General under section 52(2) of the RMA on 12 September 2022 and came into force on 17 October 2022. This post-dated the design and lodgement of PPC57. The land to which PPC57 is proposed to apply is Land Use Classification (LUC) 1 and 2 such that it meets the transitional definition of Highly Productive Land under the NPS-HPL.
- 10. The requirements of the NPS-HPL have necessitated the preparation of an additional economic analysis regarding industrial land budgets for the district and Matamata. This in turn has resulted in delays and the applicant's request to pause processing.

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11. If the Council were to reactivate the process at this stage, a hearing could potentially occur by November 2024 with a decision potentially by March 2025. As such, an extension of a one year is considered appropriate, and would give both the Council and the PPC57 proponent some additional time should unseen circumstances occur.
12. In addition, the Council has received a letter from Calcutta which asks that the Council seek a two year extension from the Minister. This letter is **annexed** to our letter. In short, the reasons set out by Calcutta relate to potential changes in national policy settings which may provide a more favourable environment for assessment of PPC57.
13. The Council considers that a one year extension is more suitable for the current situation. Ultimately, a longer extension would only be appropriate if the Minister considered that potential changes in national policy settings were likely to have a bearing on decision-making on PPC57.
14. Council is happy to discuss this request with officials if that would assist.

Yours faithfully

7 Pūrongo me whakataurua | Decision Reports

7.12 Road naming Maea Fields - Stage 2, Matamata

CM No.: 2861116

Te Kaupapa | Purpose

Council is asked to consider this report and approve the applicant's new names for Stage 2 of the Maea Fields subdivision in Matamata.

Council is responsible and has the power under sections 319, 319A and 319B of the Local Government Act 1974 to name formed roads, including private roads, that are intended for the use of the public generally and, for the numbering of land and buildings. .

Rāpopotonga Matua | Executive Summary

Tim Kidd, Project Manager for Classic Developments (the Developer/Applicant) is seeking council approval to name three (3) new 'public' roads – all part of Stage 2 of the Maea Fields, Matamata development. These roads can be seen in the plan provided under Background.

In accordance with *Section 4: Application of the policy*, for each road the Developer/Applicant must submit their preferred road name plus two alternative road names. Tim Kidd has as below appropriately submitted the following four *Preferred* (in bold) and first and second alternative names for these public roads.

Road 1

Preferred – Tāmure

Alternate 1a – Kākakriki

Alternate 1b – Kowhai ***

The following statement has been provided by the Developer/Applicant as evidence of the cultural significance of the area to Mana Whenua, relevant to road naming and applicable to the preferred road 1 – Tāmure.

Ngāti Hinerangi refer to Tāmure as the son of Waikato chief Taungakitemarangai and his wife Hinerangimarino of Te Arawa. Tāmure married Kōperu's daughter Tuwaewae and went on to have Tokotoko, Te Rīha and Tangata. They also had their daughters Kura and Whakamaungarangi.

Road 2

Preferred – Tuwhenua

Alternate 3a – Pango

Alternate 3b – Poroporo

Road 3

Preferred – Te Ahuroa

Alternate 4a – Whero

Alternate 4b – Kikorangi

The following statement has been provided by the Applicant as cultural significance of the area to Mana Whenua, relevant to road naming and applicable to the preferred road names 2, 3 and 4.

Ngāti Hauā explain: Our tupuna lived along the Puketutu Block from Hinuera, Buckland Road, Te Tapui, Peria area to Mangapapa (Walton). The names are Te Tiwha, Tuwhenua, and Te Ahuroa.

Te Tiwha, Tuwhenua, Te Ahuroa, and Tāmure are esteemed ancestors of the local iwi. These names symbolize and link whakapapa (genealogy) across the past, present, and future.

The Applicant also informs us that the above Preferred names were earlier selected by Mana Whenua and previously included in the *Cultural Impact Assessment* for Resource Consent.

In covering-off on the *Alternative* road names, each in turn represent colours that are present and significant in the local environment – also earlier provided by Mana Whenua.

In accordance with *Section 6: Naming considerations* of the policy, “A proposal to name or rename a road, or an open space must include evidence that the name(s) reflect one or more of the following:

- a. The identity of the Matamata-Piako District and/or local identity.
- b. The historical significance of particular locations.
- c. The cultural significance of the area to Mana Whenua.**
- d. People important in the history of an area.
- e. Events, people and places significant to a community or communities locally, nationally or internationally.
- f. Flora and Fauna significant or important to the history of an area.”

The above statements provided by the Applicant adequately evidence the cultural significance of the area to Mana Whenua.

Tūtohunga | Recommendation

That:

1. **Council approves the three (3) new Preferred ‘public’ names (Tāmure Street, Tuwhenua Street, and Te Ahuroa Street) as part of Stage 2 of the Maea Fields subdivision.**
2. **Council approves the extension of Tokotoko Parade as part of Stage 2 of the Maea Fields subdivision.**

Horopaki | Background

Road names and property numbers are used extensively by a range of individuals and organisations for accurate and efficient identification. Such forms of identification are not limited to emergency services, postal and courier services, visitors and utility providers (water, power telephone and internet). For these reasons, it is both appropriate and necessary that individual properties have a formalised and unique address from which they can be identified.

Important road naming objectives include:

- Ensuring district-wide consistency for the naming of public roads and private access ways.
- Clarifying the meaning of private access ways and rules for their naming.
- Ensuring roads are named so as to reflect the identity of local areas within the district in addition to the ease of property identification.



The above plan displays the newly requested public roads that the Developer/Applicant seeks Council's approval for, as part of Stage 2 of this development.

Ngā Take/Kōrerorero | Issues/Discussion

Upon council receiving a request for road naming from the Developer/Applicant, Council staff initially checked the suitability of chosen names against Council's street register and road naming policy. Staff then requested a further search from Land Information New Zealand (LINZ) and checks against their database. This quality process ensures that the proposed road names meet with policy criteria; specifically that throughout our district and neighbouring districts road names aren't duplicated or preferably don't sound similar to existing road names.

In terms of the correct consultation procedures with Mana Whenua, staff encourage Developers/Applicants or their Agents to initially refer to Council's road naming policy for guidance, then for:

- *Public road names to be vested in council*, applicants and agents are encouraged to obtain information about the cultural identity of select locations/areas within the district.
- *Private access way names (not vested in Council)*, the process differs in that the same consultative requirements don't apply in terms of Mana Whenua's involvement – developers/applicants aren't required to consult.

In terms of road sign installations and their subsequent maintenance:

- Public road names which are vested in Council become Council's cost.
- Private access ways not vested in Council are a cost on private land owners.

Mōrearea | Risk

The applicant's efforts to select road names present little if any reputational risk to Council. As previously mentioned above, Council's initial street register checks and the subsequent LINZ performed database searches of Preferred and Alternative road names are seen as careful and deliberate risk mitigations.

Ngā Whiringa | Options

Preferred and *Alternative* road names as listed above were direct-sourced through Mana Whenua involvement and their appreciation of the cultural significance of the area.

Stage 2 extends Tokotoko Parade.

Option One – Preferred road names (assessed per Council's policy)	
Description of option	
Tāmure, Tuwhenua, Te Ahuroa and extension of Tokotoko Parade	
Advantages	Disadvantages
Not be duplicated in the Matamata-Piako District.	Not lead with 'The'.
Names share a common theme.	Be single words to avoid cartographic problems.
Preferably, be short (generally not longer than 12 characters).	

Option Two – Alternative road names (assessed per Council's policy)	
Description of option	
Kowhai, Kākakriki, Pango, Poroporo, Whero, Kikorangi	
Advantages	Disadvantages
Names share a common theme.	
Preferably, be short (generally not longer than 12 characters).	

Recommended option

Option One: lists *Preferred* names for each of the four roads to be named. Option Two: lists those *Alternatives* as back-ups should any of the Preferred options be deemed unsuitable.

Consistency of theme and the originality of these names are obvious advantages offsetting any disadvantages highlighted above.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations Local Government Act 2002 (LGA 2002) Decision-making requirements

The Executive Summary referenced that Council is responsible and has the power under sections 319, 319A and 319B of the Local Government Act (LGA) 1974 to name formed roads, including

private roads, that are intended for the use of the public generally and, for the numbering of land and buildings.

Also Council's policy covers both the naming of public roads and the naming of private access ways, to ensure consistency and to comply with The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011.

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 **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 views of Interested/affected people	Views of Mana Whenua are captured as part of the consultative processes. The views of LINZ were captured by way of their review of place names. Affected people i.e. those using final road names are considered when staff initially consider road name suitability.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy has been considered above.
Section 82 – this sets out principles of consultation.	Consultative steps were followed by the Developer/Applicant to support the approval process of Council.

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

As soon as possible after the meeting, Council staff will phone or email the Developer/Applicant or Agent to notify of Council’s resolution, enabling them to progress orders for road signage etc.





Later, upon the release of Council’s minutes, Council staff will prepare the “*Official Group Email Notification of Committee Resolution for New Road Names – Council, June 2024*”, which is a group email to numerous contacts e.g. to LINZ, NZ Post, Core Logic NZ Ltd, internal staff and other relevant parties.

Ngā take ā-Ihinga | Consent issues

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

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

Matamata Piako District Council's Community Outcomes are set out below:

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO OUR PLACE		MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI STRATEGIC DIRECTION	
TŌ MĀTOU WHAKAKITENGA OUR VISION			
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. 'The heart of our community is our people, and the people are the heart of our community.'			
TŌ MĀTOU WHĀINGA MATUA OUR PRIORITIES (COMMUNITY OUTCOMES)			
			
He wāhi kaingākau ki te manawa A place with people at its heart	He wāhi puawaitanga A place to thrive	He wāhi e poipoi ai tō tātou taiao A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga A place to belong and create

The community outcomes relevant to this report are as follows:

- A place to belong and create
- A place to thrive

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

As public road names are vested in Council, road sign installations and their subsequent maintenance become Council's cost.

Ngā Tāpiritanga | Attachments

[A](#) ↓. Stage 2 proposed naming - Maea Fields

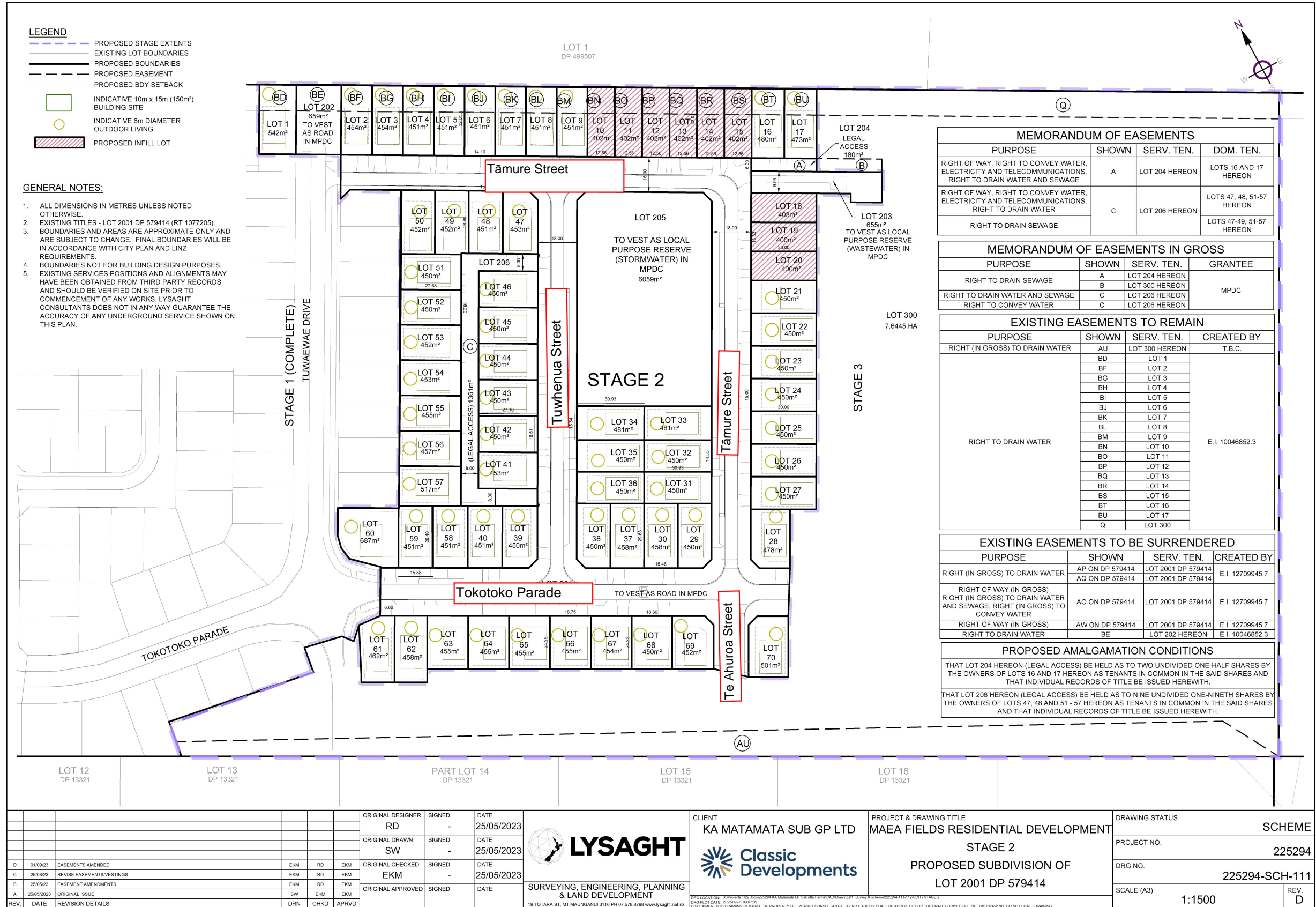


[B](#) ↓. Final Road Naming Policy Adopted 2 October 2019



Ngā waitohu | Signatories

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



Numbering of Properties, Naming of Roads, Access Ways and Open Spaces



Department(s): Assets, Policy and Strategy
Corporate Strategy (Iwi Liaison)
Regulatory Planning

Policy Type: External Policy

Council Resolution Date: 02 October 2019

1. Introduction

The Council is responsible for the naming of roads and numbering of land and buildings, under section 319, 319A and 319B of the Local Government Act 1974.

Road names and property numbers are used by a wide array of users for the accurate and quick identification of properties including; emergency services, postal and delivery services, personal visitors, service deliveries such as power, telephone and water. It is essential that properties have a formal and unique address by which they can be identified.

This policy covers both the naming of access ways and the naming of roads to ensure there is consistency.

2. Objectives

- a. To ensure consistency in naming of roads and access ways in the district.
- b. To clarify the meaning of access ways and to provide clear rules for the naming of these.
- c. To ensure roads are named to reflect the identity of the local areas as well as ensuring ease of identification for the Council, emergency services and others.

3. Definitions

Developer	An individual or entity, which is making an application. This may include Council, a consent holder or the party developing the infrastructure including
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	but not limited to a Developer.
Council	Matamata-Piako District Council.
Culturally significant	Ancestral land, water, wahi tapu, valued flora and fauna, and other taonga significant to Mana Whenua.
Name	The word or name used to identify a road, open space or Council facility. Name excludes the road type (see definition: road types).
Open space	Includes all parks and reserves administered by Council. This includes Reserve As defined under s 2 of the Reserves Act 1977 and land owned by Council with a primary recreation function, not held under the Reserves Act 1977.
Access Ways	A single 'lot', right of way or a series of right-of-ways that will be occupied by a physical driveway, providing vehicle access to a minimum of six lots. This also includes common access lots, retirement village roads and common property within a Unit Development as defined under section 5 of the Unit Titles Act 2010.
Road	Road as defined in section 315 of the Local Government Act 1974, and any square and any public place intended for the use of the public generally.
Road types	Road types in accordance with The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011 (outlined in Schedule 1 below).

4. Application

The developer must submit their preferred name(s) plus two alternatives for each road or access way¹. A plan identifying all roads or access ways and each property number must be included in the proposal. All proposed roads or access ways to be named must be clearly labelled.

Developers must consider property numbers and road/open spaces names at the early stages of their resource consent application to ensure there are no delays to the process.

5. Property numbering

Property numbers for both public roads and access ways must adhere to the relevant New Zealand standards issued by LINZ. In general:

- a. Addresses on the left side of the road should be ordered by number, using odd numbers beginning with "1" at the start of the road/access way.

¹ Proposals must be submitted in writing to Council's Asset Manager – Strategy and Policy.



- b. Addresses on the right side should be ordered by number, using even numbers starting with “2”.
- c. When numbering a cul-de-sac, the same “odd on the left, evens on the right” approach should be used. Incremental numbering around the cul-de-sac should not be used.
- d. Rural numbering is based on the distance down the road. The distance in metres is divided by 10 and rounded to the nearest odd number (left side) or even number (right side).

6. Naming considerations

A proposal to name or rename a road, or an open space must include evidence that the name(s) reflect one or more of the following:

- a. The identity of the Matamata-Piako District and/or local identity.
- b. The historical significance of particular locations.
- c. The cultural significance of the area to Mana Whenua.
- d. People important in the history of an area.
- e. Events, people and places significant to a community or communities locally, nationally or internationally.
- f. Flora and Fauna significant or important to the history of an area.

7. Consultation with Mana Whenua

Prior to submitting a proposal applicants are to request Council staff² provide guidance as to the appropriate Mana Whenua of an area. Applicants are to provide each Mana Whenua group with at least 15 working days to identify if the area has cultural significance and provide feedback to the applicant.

The purpose of the feedback is to provide non-binding advice to the applicant as to how culturally significant an area is to Mana Whenua. The applicant must provide evidence that they have given Mana Whenua an opportunity to provide feedback in accordance with this section.

For the avoidance of doubt consultation requirements with Mana Whenua do not apply to private access ways.

² Council's Corporate Strategy Team in their role as Iwi Liaison will provide the relevant contact details to Developers in consultation with Mana Whenua on request.



8. Criteria for all road and access way names

Any proposed road and access way names will preferably meet the following criteria:

- a. Not be duplicated in the Matamata-Piako District
- b. Preferably, be short (generally not longer than 12 characters).
- c. Be single words to avoid cartographic problems.
- d. Be easy to spell and pronounce.
- e. Not sound similar, or be similar in spelling, to an existing road name.
- f. Not include a preposition, e.g. Avenue of the Allies.
- g. Not be abbreviated or contain an abbreviation excepting that "St" can be used for "saint" and 'Mt' can be used for "mount".
- h. Names must not include a numeral (e.g. 5 Oaks Drive) but can include a number as a word (e.g. Five Oaks Drive).
- i. Not be in poor taste or likely to cause offense.
- j. Not lead with 'The'.
- k. The name 'Lane' cannot be used for a public road. "Lane" is for private access ways only.
- l. If more than one road or access way is being named, consideration must be given to the names sharing a common theme. Where there is an existing theme or grouping of names in an area, consideration should be given to new names having an appropriate association with existing names in the area.
- m. Road types must comply with Schedule 1

9. Renaming of roads

The name of an existing road or access way may only be changed if a clear benefit to the community can be demonstrated. Examples of this are the incorrect spelling of a name, eliminating duplication in spelling or sound, preventing confusion arising from major changes to road layout or to make geographical corrections

10. Private Access Ways

For the naming of an access way, the following rules also apply:

- a. The name chosen for an access way must be a 'Lane' (e.g. Oaks Lane)



- b. If the access way currently services other existing properties then the property owners must be consulted and evidence of this consultation provided to Council.
- c. The private access way must not be vested in Council
- d. The access way must service a minimum of six lots.
- e. The numbering of the street where the access way is created must not be altered with the exception of the lot being subdivided in its entirety.
- f. The numbering of the lots within the subdivision that will be serviced by the access way must follow Council's existing numbering system.
- g. Council is not responsible for any external agencies refusal to acknowledge the access way name.
- h. Council's refuse collection service will only collect from the road (not up the access way).
- i. Signage displaying the name must be within the boundaries of the access way or as agreed on private property created by the subdivision. This signage must be in reverse colours to that used by the public street name system. Supplementary signage must be fixed to the access way name blade stating that the access way is 'Private Access' and 'No Exit'.
- j. Council will not be responsible for any costs associated with the construction and maintenance of the access way or any related signage.

11. Open spaces

For the naming of an open space, the following rules also apply:

- a. Any naming or renaming of open spaces must consider the obligations set out in Part 6 of the Local Government Act 2002.
- b. Reserves must be named or renamed by resolution of Council and in accordance with the Reserves Act 1977.
- c. The Naming of Reserves should also follow the policies as outlined in the General Policies Reserve Management Plan 2019 (see 11.11 of the GPRMP) or any subsequent replacement policies. The naming of open spaces (those that are not reserves) should use the General Policies RMP criteria as a guideline when naming an open space.



12. Decisions on names

Subject to LINZ approval, the final decision on road, access way and open spaces names rests with Council. Council may, at its sole discretion, delegate this decision making function to another body or member of staff.³

13. Relevant Legislation

Matamata-Piako District Council is responsible for the naming of roads under the Local Government Act 1974 Section 319.

Where a reserve is vested in Council, the Minister of Conservation or Council may specify or change the name of a reserve by notice in the Gazette (Section 16(10) Reserves Act 1977).

14. Related Policies, Strategies or Guidelines

This Policy complies with The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011.

15. Audience

- a. Council
- b. Council staff
- c. Developers
- d. Mana Whenua
- e. The community

16. Measurement and Review

This policy will be reviewed yearly by the Asset Manager – Strategy and Policy.

³ Delegations will be made by Council resolution and recorded in Council's delegations register.



Schedule 1

Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Alley	Aly	Usually narrow roadway in a city or towns.	√	√	
Arcade	Arc	Passage having an arched roof or covered walkway with shops along the sides.			√
Avenue	Ave	Broad roadway, usually planted on each side with trees.	√		
Boulevard	Blvd	Wide roadway, well paved, usually ornamented with trees and grass plots.	√		
Circle	Cir	Roadway that generally forms a circle; or a short enclosed roadway bounded by a circle.	√	√	
Close	Cl	Short enclosed roadway.		√	
Court	Crt	Short enclosed roadway, usually surrounded by buildings.		√	
Crescent	Cres	Crescent shaped roadway, especially where both ends join the same thoroughfare.	√		
Drive	Dr	Wide roadway without many cross- streets.	√		
Glade	Gld	Roadway usually in a valley of trees.	√	√	
Green	Grn	Roadway often leading to a grassed public recreation area.		√	
Grove	Grv	Roadway that features a group of trees standing together.		√	
Highway	Hwy	Main thoroughfare between major destinations.	√		
Lane	Lane	Narrow roadway between walls, buildings or a narrow country roadway. (reserved exclusively for non-public roads)	√	√	√
Loop	Loop	Roadway that diverges from and rejoins the main thoroughfare.	√		
Mall	Mall	Wide walkway, usually with shops along the sides	√		
Mews	Mews	Roadway having houses grouped around the end.		√	
Parade	Pde	Public roadway or promenade that has good pedestrian facilities along the side.	√		
Place	Pl	Short, sometimes narrow, enclosed roadway.		√	
Promenade	Prom	Wide flat walkway, usually along the water's edge.			√
Quay	Qy	Roadway alongside or projecting into the water.	√	√	
Rise	Rise	Roadway going to a higher place or position	√	√	
Road	Rd	Open roadway primarily for vehicles. In general rural roads should be called road.	√		
Square	Sq	Roadway which generally forms a square shape, or an area of roadway bounded by four sides.	√	√	
Steps	Stps	Walkway consisting mainly of steps.			√
Street	St	Public roadway in an urban area, especially where paved and with footpaths and buildings along one or both sides.	√		
Terrace	Tce	Roadway on a hilly area that is mainly flat.	√	√	
Track	Trk	√ Walkway in natural setting.			√
View	View	A road with a view	√	√	
Walk	Walk	Thoroughfare for pedestrians			√
Way	Way	Short enclosed roadway. (reserved exclusively for non-public roads)		√	
Wharf	Whrf	A roadway on a wharf or pier.	√	√	√



7 Pūrongo me whakatau | Decision Reports

7.13 Disc Golf at Morrinsville Recreation Ground

CM No.: 2873734

Te Kaupapa | Purpose

The purpose of this report is to approve Waikato Disc Golf Association's proposal to set up a disc golf course at the Morrinsville Recreation Ground.

Rāpopotonga Matua | Executive Summary

The Waikato Disc Golf Association, a community group, has proposed to set up a disc golf course at the Morrinsville Recreation Ground. The Morrinsville Recreation Ground Framework Plan anticipated this activity. The Disc Golf Association has however proposed changing the location from what the framework plan originally anticipated (along the railway line) to the vicinity of the former campground. Waikato Disc Golf Association is seeking Council's approval in principle to enable them to fundraise towards the project.

Tūtohunga | Recommendation

That:

1. **The report is received**
2. **Council approves Waikato Disc Golf Association's proposal in principle to set up a disc golf course at the Morrinsville Recreation Ground.**

Horopaki | Background

The Waikato Disc Golf Association, a community group, has proposed to set up a disc golf course at the Morrinsville Recreation Ground.

The Morrinsville Recreation Ground Framework Plan adopted in September 2022 anticipated this activity to occur near the Lorne Street entrance along the railway line (see Attachment A). In June 2023, the Waikato Disc Golf Association proposed a 9-basket course in the allocated area (see attachment B). A pop up course of the same layout was trialled prior to the construction of the perimeter path and pump track.

The trial indicated that the allocated space was not optimal for the activity. Concerns were raised about the potential for discs to reach the rail corridor and fencing the area would be cost-prohibitive for the group.

Waikato Disc Golf Association have proposed a different location than what was allocated in the Morrinsville Recreation Ground Framework Plan (see Figure 1 below):

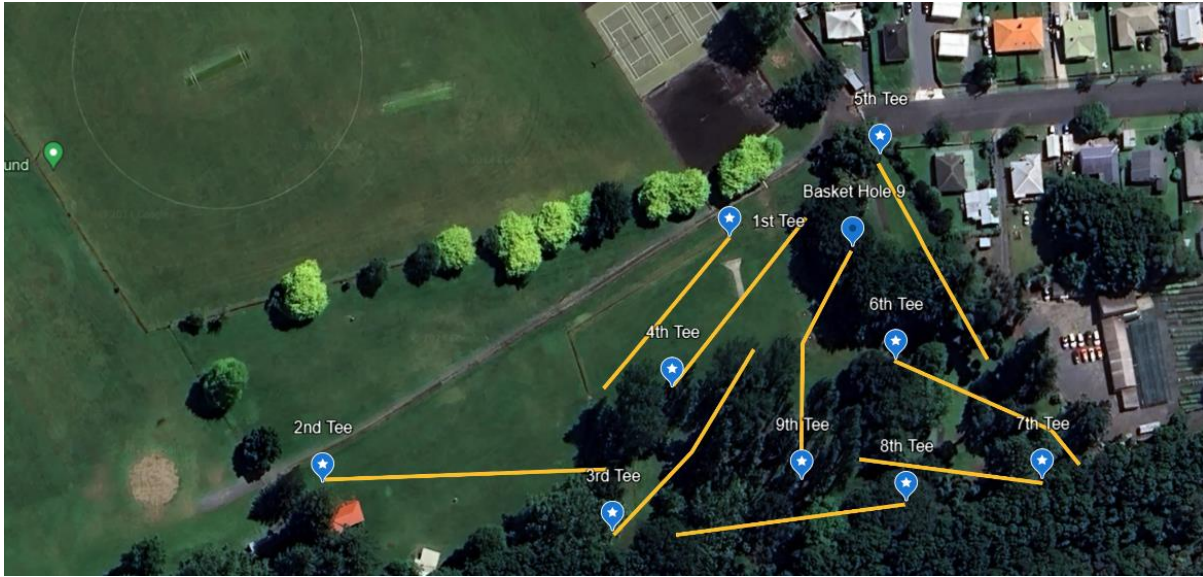


Figure 1: image of new proposed location

Council’s approval is sought to enable the Association to fundraise towards the project

Ngā Take/Kōrerorero | Issues/Discussion Framework Plan

The Framework Plan adopted in 2022 allocated areas for disc gold (shaded light blue in Figure 2) and future use by motorcaravans (grey blue).

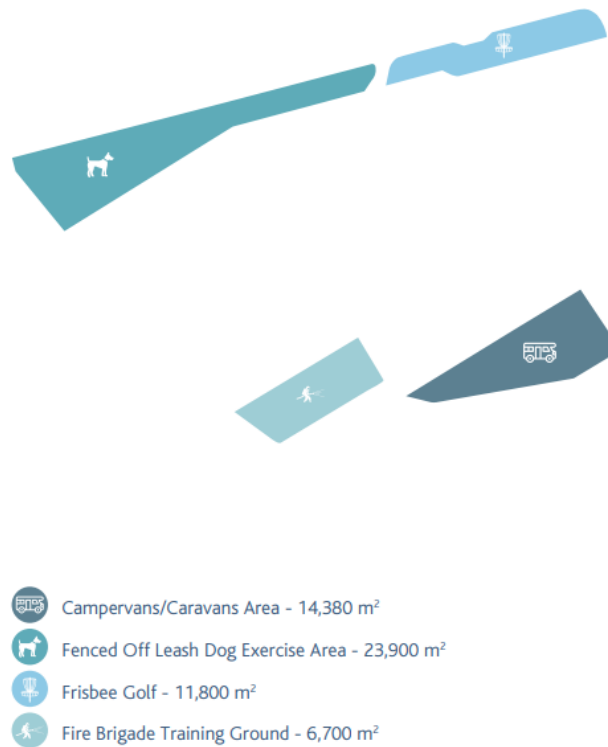


Figure 2: Allocated spaces from Morrinsville Recreation Framework Plan

The New Zealand Motorcaravan Association (NZMCA) recently approached Council with an interest in only leasing part of the area indicated in blue-grey, which would have left the balance available for disc golf. At a stakeholder meeting on 12 June 2024, some Recreation Ground users expressed strong opposition to the NZMCA proposal. The NZMCA proposal would have required public notification, formal consultation and resource consent. NZMCA are now considering alternative locations.

Waikato Disc Golf Association shared the proposed change in location with other users of the recreation ground at the stakeholder meeting on 12 June 2024. Most of the community groups present did not raise concerns over the proposed change in location. Some community groups raised queries about using the space to host their events and expressed concerns about how the equipment might interfere with their plans. The A&P Society asked whether the baskets were removable. The Association reassured them that the tee points (concrete pads) should not interfere with their activities, and the baskets can be removed and easily be removed and reinstalled to accommodate large events that might want to use the space, provided they receive sufficient notice.

Mōrearea | Risk

The risks associated with the proposal tend to be operational and reputational.

Operational risks relate to the use of an area at the Recreation Ground that is seldom used, however the potential for conflict between park users exists. There appears to be tensions between periodic, regular, and casual users of the park. Reputational risks are associated with both options. A party or parties may be unhappy with whatever decision Council makes.

Option specific risks are discussed in the impact assessments below.

Ngā Whiringa | Options

The following options have been identified:

1. Council approves the proposal in principle.

This would allow disc golf to seek funding for the project with the final layout to be approved by Council Staff to ensure the structures do not unreasonably impact on other approved park use activities. Operation and maintenance of the structures can be addressed via a Memorandum of Understanding.

2. Council does not provide approval.

Option One – Council Approves Proposal in Principle	
Impact assessment	
Legal Implications	The proposal involves installing structures for recreation purposes at a sports and recreation park. The decision to approve minor structures is typically delegated to Council staff under the General Policies Reserve Management Plan 2019. This proposal is only being brought to Council as the location deviates from the Framework Plan in terms of location. The Framework Plan is a non-statutory document that is intended to guide future use and development of the park.
Risk	There may be reputational risk for Council if this activity limits their use of

	<p>the ground. This part of the park is however generally only used intensively during occasional events such as the annual A&P show and Fireworks Extravaganza. This risk can be mitigated if there is good communication between users of the recreation ground and if users use the booking system.</p>
Policy Implications / Strategic Links	<p>The Parks and Open Spaces Strategy 2021-51 categorised the Morrinsville Recreation Ground as a 'Sport and Recreation Park'. The proposal is appropriate for this park management category.</p> <p>The General Policies Reserve Management Plan 2019 regulates the installation of structures and recreational activities at parks.</p> <p>The proposal aligns with the Morrinsville Recreation Ground Framework Plan- which anticipates this activity but differs in the location.</p> <p>The Play Active Recreation and Sports Plan 2024 encourages the Co-Location of emerging sports like Disc Golf.</p>
Costs and benefits	<ul style="list-style-type: none"> • Activates the space by increasing foot traffic thereby making rec ground safer (social) • Potentially increase tourism in the district as this would be the only disc golf course in the Waikato outside of Taupō (social, economic)
Financial Implications	<p>No change in maintenance of ground is foreseen, as disc golf does not require additional mowing of grass.</p> <p>The Waikato Disc Golf Association will also maintain the equipment for the course (i.e. Baskets).</p>
Annual Plan / LTP Implications	None.
Community Outcomes	<p>This project contributes to the community outcome- A place to belong and create.</p> <p>It does so by:</p> <ul style="list-style-type: none"> • Supporting a local community group project • Provide locals and visitors with memories and experiences that keep people entertained and wanting more • Providing opportunities for all our people to play and have fun
Community Views	A pop up disc golf challenge was part of the Park Crawl organized for Parks Week in March 2023 that garnered positive feedback.
Customer impact	<p>Can improve customer experience for users as disc golf adds variety for the users of the Morrinsville Recreation Ground.</p> <p>Some existing users of the Recreation Ground may fear that the disc golf course can impede with their current use of the Recreation Ground.</p>

Option Two – Council doesn't approve the proposal	
Impact assessment	
Legal Implications	None.
Risk	Rejecting the Waikato Disc Golf Association's proposal can create a reputational risk to Council as it may create a perception of unfair treatment or lack of responsiveness towards one community group over others especially given that the proposed activity aligns with the park management category and the criteria in the management plan.
Policy Implications / Strategic Links	<p>Declining the proposal (without a valid reason) could be considered to be contrary with current strategies and policies.</p> <p>The Parks and Open Spaces Strategy 2021-51 categorised the Morrinsville Recreation Ground as a 'Sport and Recreation Park'. The proposal is appropriate for this park management category.</p> <p>The General Policies Reserve Management Plan 2019 regulates the installation of structures and recreational activities at parks.</p> <p>The proposal aligns with the Morrinsville Recreation Ground Framework Plan which anticipates this activity but differs in the location.</p> <p>The Play Active Recreation and Sports Plan 2024 encourages the Co-Location of emerging sports like Disc Golf.</p>
Costs and benefits	None.
Financial Implications	None.
Annual Plan / LTP Implications	None.
Community Outcomes	None.
Community Views	<p>Community groups may be less likely to approach Council for similar projects in the future.</p> <p>There may be a perception that some community groups / park user groups are considered to be more important than others.</p>
Customer impact	<p>No disc golf facility in the district.</p> <p>No new tourism through the district.</p>

Recommended option

Option 1- Approve Proposal in Principle. This would allow Waikato Disc Golf Association to seek funding for the project. It also allows for the final layout to be approved by Council Staff and a Memorandum of Understanding to be drawn up between Council and the Association to ensure

the structures do not unreasonably impact on other approved park use activities and provide clarity over operation and maintenance of the structures.

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

The Parks and Open Spaces Strategy 2021-51 categorised the Morrinsville Recreation Ground as a ‘Sport and Recreation Park’. The proposal aligns with the park management category.

The General Policies Reserve Management Plan 2019 regulates the installation of structures and recreational activities at parks and reserves. For structures, the relevant objectives include:

- Ensuring the design and scale is appropriate to the purpose and character of the reserve
- To facilitate public recreation and enjoyment in keeping with the purpose of the reserve.

The policies requires structures to be:

- Appropriate to the purpose of the reserve
- Appropriate to the character of the reserve
- Of an appropriate architectural standard for a public structure.

The proposal is considered to align with the objectives and with the relevant policies above.

The proposal aligns with the Morrinsville Recreation Ground Framework Plan- which anticipates this activity but differs in the location.

The Play Active Recreation and Sports Plan 2024 encourages the Co-Location of emerging sports like Disc Golf.

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 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 views of Interested/affected people	As noted in the report, views of interested and affected parties were sought at a recent stakeholder meeting.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This issue is assessed as having a low level of significance.
Section 82 – this sets out principles of	

consultation.	No further consultation is legally required however Council may choose to consult further if it so desires.
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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





- Council staff met with user groups of the Morrinsville Recreation Ground on 12 June 2024 where proposal was shared with other users. No major concerns were raised.
- This is an approval in principle. If Council approves the proposal, Staff can work with the applicant to minimise impacts on other users and ensure that users of the recreation ground are aware of any developments or changes.

Ngā take ā-Ihinga | Consent issues

No consent required.

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

Matamata Piako District Council’s Community Outcomes are set out below:

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO OUR PLACE		MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI STRATEGIC DIRECTION	
TŌ MĀTOU WHAKAKITENGA OUR VISION			
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.			
TŌ MĀTOU WHĀINGA MATUA OUR PRIORITIES (COMMUNITY OUTCOMES)			
			
He wāhi kaingākau ki te manawa A place with people at its heart	He wāhi puawaitanga A place to thrive	He wāhi e poipoi ai tō tātou taiao A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga A place to belong and create

The community outcomes relevant to this report are as follows:

- A place to belong and create.

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

The Waikato Disc Golf Association does not have any funding for this activity. Council's approval in principle will allow the Waikato Disc Golf Association to start the process to seek funding.

Ngā Tāpiritanga | Attachments

[A↓](#). A. Waikato Disc Golf Association Proposal



[B↓](#). B. Framework Plan pages for Disc Golf



Ngā waitohu | Signatories

Author(s)	Arshia Tayal Parks and Facilities Advisor	
	Mark Naudé Parks and Facilities Planning Team Leader	

Approved by	Mark Naudé Parks and Facilities Planning Team Leader	
	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	

Proposed disc golf course at Morrinsville Rec Grounds

The Waikato Disc Golf Association is proposing the installation of a 9-hole disc golf course at Morrinsville Rec Grounds. Total cost of the project is estimated at \$10,000, which the club wishes to acquire from Matamata-Piako District Council as well as external third-party funding if required. The proposed course design has taken into consideration the multi-use aspect of Morrinsville Rec Grounds and uses the low-traffic outskirts of the park. Holes have been placed so that throwing lanes are safely away from all playing fields and roads. The Waikato Disc Golf Association will continue to work with MPDC to iterate on course design if required.

Proposed course map.



Rationale:

There are now more than 45 permanent Disc Golf courses in Aotearoa, nearly all installed by local councils. (See [reference 1](#) for a list of courses in NZ.) They have found that there are few recreational activities that offer the high benefit-to-cost ratio of disc golf. Disc golf has relatively low capital and maintenance costs compared with other recreational installations, is environmentally sound, is played year-round in all climates and is enjoyed immediately even by beginners of all ages. Disc golf is rapidly growing in New Zealand and is a great way to be physically active for 60-90 minutes.

The installation of a disc golf course would be consistent with the stated goals of the Morrinsville Rec Grounds master plan.

What Is Disc Golf?

Disc Golf is played much like traditional golf. Instead of hitting a ball into a hole, you throw a more streamlined looking Frisbee disc into a supported metal basket. The goal is the same: to complete the course in the fewest number of shots. A golf disc is thrown from a tee area to each basket, which is the "hole." As players progress down the fairway, they must make each consecutive shot from the spot where the previous throw has landed. The trees, shrubs and terrain changes in and around the fairways provide challenging obstacles for the golfer. Finally, the "putt" lands in the basket and the hole is completed.

Who Can Play?

The simple answer is that everyone can. There are an estimated 20,000 recreational disc golfers in Aotearoa (see [reference 2](#)) A disc golf course serves a broader portion of the community than many narrower interest activities with higher cost, skill or fitness levels

required to even begin to play. Men and women, young and old, families with small children - all can play disc golf. Because disc golf is so easy to understand and enjoy, no one is excluded. Players merely match their pace to their capabilities and proceed from there.

How Much Does It Cost To Play?

Many course locations are in city or regional parks where citizens play free. The equipment itself is quite inexpensive – starter packs of 3 discs currently sell at Rebel Sport for \$43, and at a beginner level, just a single disc is enough for a recreational course such as the one proposed.

What Kind of Construction Would Be Planned for Morrinsville Rec Grounds?

The installation of a 9-hole disc golf course at Morrinsville Rec Grounds would include the construction of tees and the installation of signs and baskets. No foliage would need to be planted or removed (Plenty of scope to plant and shape fairways). A few branches may need to be trimmed or removed near a few tees and baskets, especially near eye level range.

Tees: The tees would be made of concrete and would be flush with the ground. On a few of the proposed holes, existing asphalt pathways could be marked with paint and used for tees. On the rest, concrete tees 10cm thick measuring approximately 1.5m x 3.5m would be built flush with the ground. We estimate that a maximum of 9 tees of this size would be required.

Alternate Option is to have turf tee pads on a sand or gravel base (possibility to source some second-hand turf from cricket club)

Baskets: Each playable hole would have a basket mounted on a pipe that slides inside a ground sleeve that gets cemented into a hole measuring approximately 600mm deep (specifications for the installation of tees and baskets can be found in reference 3).



Signs: Tee signs are very important to help first time users find their way through the course. Each hole would have a sign indicating the number, length, recommended flight path and par. In addition, a rules sign and information board should be installed before the first hole. The signs can be constructed with a variety of materials although we believe it would be preferable to construct signs with a natural appearance to fit in with the surrounding area. Commercial signs designed for disc golf are also available from several sources.



What Maintenance Is Required For a Disc Golf Course at Morrinsville Rec Grounds?

After installation, the maintenance needs for a disc golf course are primarily grass mowing. Unlike weekly mowing usually required for ball fields, mowing for disc golf can be stretched to every three weeks (depending on rainfall). And even then, only the fairways need attention. The targets are made of welded steel anchored in concrete and need no regular maintenance. In the unlikely event that one of the targets is damaged beyond repair or stolen, they can be replaced for around \$800. The New Zealand Disc Golf Association is unaware of any such occurrences in Aotearoa. The proposed course predominantly covers underutilized areas of Morrinsville Rec Grounds. Under the proper supervision of MPDC staff, Waikato Disc Golf Association volunteers would be eager to undertake an initial clean-up of these areas if deemed necessary and then maintain them as trash-free zones. With 1-2 ground sleeve placements per hole, wear and tear on any one area is reduced. Walking pathways used by players may need occasional maintenance to prevent erosion and soil compacting. Club volunteers would also be willing to help under proper supervision.

Cost Breakdown

9 RPM Helix 2 Ground sleeves	\$41.74 x 9 = \$375.66
9 RPM Helix 2 Disc Golf Basket	\$739.13 x 9 = \$6652.17
9 1.5m x 3.5m concrete teepads	\$1,500 (estimate)
9 teepad signs + 1 information sign	\$1,200 (estimate)

How does a disc golf course at Morrinsville Rec Grounds benefit the community?

The installation of a disc golf course at Morrinsville Rec Grounds would benefit the surrounding community by increasing and enhancing recreational opportunities, park safety and conservation goals

Recreational Needs: A disc golf course would provide an inexpensive form of recreation for people of all age and skill levels and be a great addition to the recreational facilities at Morrinsville Rec Grounds. Disc skills, and in particular disc sports such as Ultimate Frisbee, have been incorporated into New Zealand high schools’ athletic curriculum for more than 5 years and an ever-increasing number of citizens are being exposed to disc golf through social media. Unfortunately, there is currently no disc golf course within an hour’s drive at which citizens can learn basic disc golf skills. A disc golf course would give youth in the neighborhood a healthy and challenging outlet for their energies and would allow members of the Waikato Disc Golf Association to organize clinics and youth leagues on their behalf. For the growing number of disc golfers in the Waikato, the presence of a

disc golf course would obviate the need to travel to play and would give them a base from which to further promote the sport.

Safety: A disc golf course at Morrinsville Rec Grounds would increase foot traffic in the park at random times during the day and steadily during evenings and weekends. The influx of purposeful visitors would discourage the presence of individuals who are only in the park to cause mischief. Areas that are infrequently used would be “activated” by the course. Christchurch Disc Golf Paul Deacon states that “we have had some very good feedback from people who live next to Jellie Park, that since the course went in there has been a reduction of littering, loitering and vandalism, and they feel safer. They like the increased vitality of the park.” (Reference 4)

Conservation: Disc golf can be an environment-friendly sport. Unlike traditional golf, a disc golf course may not require trees to be removed, grass mowed and watered daily, plants uprooted or non-native species planted. Many courses can be designed to fit into the existing flora of the park like Morrinsville Rec Grounds. The impact of a disc golf course on the surrounding area is minimal. Each hole can have multiple pin placements, ensuring that no one area gets constant foot traffic (this has the added benefit of providing new challenges to players). In addition, disc golfers overall tend to take great pride in where they play, helping reduce potential litter on the course. In the long-term, a disc golf course would also help in the preservation of the park by giving young people in the neighborhood a stake in its preservation and protection.

Support for a disc golf course in Morrinsville.

A temporary disc golf course has been set up in the above location with permission. Three families from neighbouring houses have been engaged with starting to play and are positive about its location and the possibility to play further.

After an article in the Morrinsville News appeared early 2022 about disc golf, a range of people from all ages and abilities spoke about their interest in playing and that they could see themselves participating in Disc Golf as a physical activity.

The Morrinsville Disc Golf group on Facebook has 26 members already, and there are over 250 members of the Hamilton Disc Golf page who are looking for somewhere close and convenient to play.

References

1. <https://udisc.com/places/new-zealand> – course + league numbers
2. <https://www.newzealanddiscgolf.org.nz/nzdg> player numbers
3. <https://www.rpmdiscs.com/product/basket-helix/> basket spec
4. <https://www.stuff.co.nz/sport/other-sports/300479068/the-rapid-rise-of-disc-golf-shows-no-sign-of-slowing-down-in-new-zealand> litter reduction

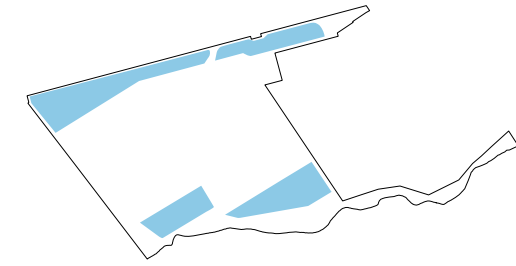
Morrinsville Recreation Ground Framework Plan

FRAMEWORK PLAN OPTIONS - RECREATION SPACES

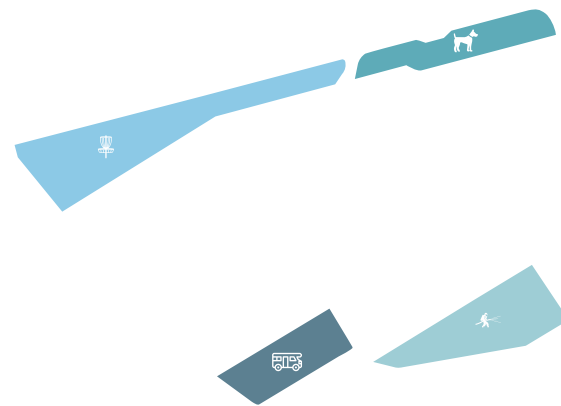
The recreation spaces include two distinct spaces.

- Campervan / A&P Society - The area to the south is accessed from Anzac Avenue and houses an disused campsite, the A&P Society building and the fire brigade storage building.
- Railway Corridor - A long narrow open space adjacent to the railway line with access from Lorne Street and Ave Road South.

Two options are proposed for the Recreation Spaces. The campervan area is proposed in the southern area for both options. The railway corridor land has two variations of the same uses - an off leash dog area and frisbee golf. The usages on the railway corridor area will be protected by a planting buffer (see vegetation strategy).

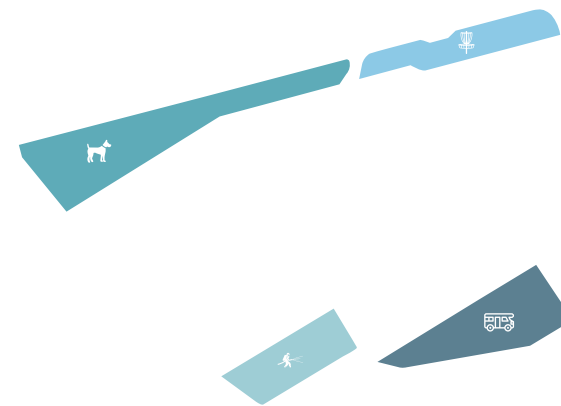


OPTION 1



- Campervans/Caravans Area - 6,700 m²
- Fenced Off Leash Dog Exercise Area - 11,800 m²
- Frisbee Golf - 23,900 m²
- Fire Brigade Training Ground - 14,380 m²

OPTION 2



- Campervans/Caravans Area - 14,380 m²
- Fenced Off Leash Dog Exercise Area - 23,900 m²
- Frisbee Golf - 11,800 m²
- Fire Brigade Training Ground - 6,700 m²

Note: Through last round of consultation, requirement for the fire brigade have been identified and included in the plan.

Morrinsville Recreation Ground Framework Plan

POTENTIAL OUTCOME: COMBINATION OF PREFERRED COMMUNITY OPTIONS



This plan shows the combination of all the preferred options selected by the community.

KEY

ATTRACTION + DESTINATION

- Activities
- Building/Facilities
- Swim Zone Morrinsville
- Skate park
- Basketball
- Hockey
- Playground/Mara Hupara/BBQ Area
- Tennis
- Main area utilised by the A&P Society (including facility)
- Cricket Ground
- Rugby League
- Football (Soccer)
- Ultimate Frisbee
- Frisbee golf
- Public toilets and Council house building
- Fire Brigade training ground
- Freedom Camping
- Historic Gates
- Fenced Off Leash Dog Exercise Area
- Firework area
- Carpark
- Event Centre/Club Rooms/Cafe
- Morrinsville Soccer Club
- Sport Facilities/Club Rooms
- Toilets/Changing Rooms
- BBQ Area/Shelter
- Entry

*The camping area will have to be reduced is a larger area is required for hardcourt. This has been noted with dashed line on the plan.



Resilio Studio | Matamata-Piako District Council | September 2022 | Rev L

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8 Ngā Pūrongo Whakamārama | Information Reports

8.1 Emergency Management Quarterly Report - January - April 2024

CM No.: 2861526

Te Kaupapa | Purpose

To inform Council of the activity undertaken in the emergency management function during the period January to April 2024.

Rāpopotonga Matua | Executive Summary

This report is to update Council of the activity undertaken in the Matamata-Piako District Council (MPDC) emergency management function as well as significant matters relating to the Waikato CDEM Group during the period January to April 2024.

Tūtohunga | Recommendation

That:

1. The information be received.

Horopaki | Background

Matamata-Piako District Council (MPDC) entered into a service level agreement (SLA) with Waikato Regional Council to assist in meeting its obligations under the Civil Defence and Emergency Management (CDEM) Act 2002. The service is delivered through the Group Emergency Management Office (GEMO) and this arrangement was established in August 2019.

The SLA requires GEMO to provide an Emergency Management Officer (EMO), who is to be embedded into this Council to manage the emergency management function. The current EMO, Loren Molloy has now resigned and GEMO is current working through a replacement process.

Ngā Take/Kōrerorero | Issues/Discussion

1. MPDC Work plan:

The work programme for the 2023/2024 financial year has been agreed by the Group Manager Growth and Regulation and has been structured to incorporate and align the actions and recommendations of the:

- a. MPDC monitoring and evaluation report recommendations (2019 & 2022)
- b. Waikato CDEM Group¹ Plan actions prioritised by Coordinating Executive Group (CEG)²
- c. COVID-19 after action report recommendations (2020) prioritised by CEG.
- d. Corrective action identified from activations and exercise debriefs and assessments.

¹ The Waikato CDEM Group has overall responsibility for the governance of CDEM including establishment and oversight of the CEG and GEMO. The CDEM Group (-Joint Committee) functions and general powers are covered in the [CDEM Act 2002 s17 & 18](#).

² The CEG is responsible to the CDEM Group for functions detailed in [CDEM Act 2002 s20 \(2\)](#).

The plan identifies where Council units other than “emergency management” take a lead or support activities. Through this a “whole of council” approach to emergency management will develop.

2023/24 Work Plan summary

High priority activity areas of the work plan include:

Communications and ICT:

- Systems and processes to ensure warnings to the public can be issued.
- Deployment of Group wide communication platform (WHISPIR) to ensure fast and consistent communication to staff and stakeholder agencies.
- Ongoing development and improvement of electronic communication and record keeping in the Emergency Operations Centre (EOC)
- Implementing alternative communications (radio network) within the district

Iwi / Māori partnership:

- Engaging with Māori to enable knowledge and alignment with their response capacity.
- Māori representation on Local Welfare Committee

Readiness for response and recovery:

- Continual Improvement and development of systems and processes and resources to enable effective response and recovery.
 - Maintaining sufficient trained and competent staff (training and exercise plan)
 - Generic operational response plans for known hazards with high consequences
 - Responding to lessons learnt from around the CDEM Group and NZ
 - Maintenance and delivery of the Local Welfare business plan and specifically ensuring the needs of disproportionately affected communities are considered.

Recovery Completion Report for Auckland Anniversary and Cyclone Gabrielle Weather Events

Following on from these two events Council staff have been working through recovery actions to ensure we continue to build our resilience and enable our community to recover. The main recovery actions that were identified are:

- Stocktake of our Council owned facilities and critical assets in relation to power resilience (generator capability);
- Physical flood control works
- Flood modelling work
- Approval of a Mayoral Disaster Relief Fund Policy
- Transparency on LIMs of information Council holds about the events
- Generate system framework for current and future events

The Recovery Completion reported outlined all actions completed and identified that all remaining actions could now be incorporated into Council BAU. Of particular note is that there will be upcoming consultation with affected property owners in relation to the information that will appear on LIMs. This consultation process will also identify what action Council has undertaken or is undertaking.

Resilience building:

- Work with priority communities to support them to develop community response and resilience plans
- Public education and engagement

Current Focus:

This calendar year to date the work plan focus has been on:

- Working with Marae who are ready to do so and require support with their resilience planning,
- Engagement with business and other community sector groups
- Ongoing delivery of the annual welfare business plan
- Development of a training and exercise plan
- Development of an operational response plan for earthquake risk
- Development of the EOC exercise “Rua” for conduct on 13 June 2024 where the first operational response plan will be tested,
- ICT capability to support a coordinated response in the EOC.

Exercise Rua

An exercise based around an earthquake on the Kerepehi Fault was conducted on 13 June to test the operational response plan. The exercise involved setting up an emergency operating centre at Silver Fern Farms Event Centre with all functions responding to realistic inputs resulting from then earthquake. 50 staff took part in the exercise with Julian Snowball acting as Controller. A debrief on the exercise will be held next week. In addition to this a team of external observers monitored the exercise and will provide an assessment of Council’s current ability to respond to an event and provide opportunities for further training.

Service Level Agreement

CDEM for MPDC is partially driven through a service level agreement with Waikato Regional Council (delivered through GEMO). The current term of agreement finishes in June 2024 and discussion for an agreement renewal has commenced.

2. Group and GEMO activity:

The following section is to inform Council about activities the Waikato Group Emergency Management Office (GEMO) have been involved in with MPDC and other Group members.

Group Policies, Strategies and Plans:

1. **Capability Development** – A full training calendar for the 2024 calendar year supports the Group training strategy. New courses continue to be developed where they are not available on the Integrated Training Framework (ITF). A training syllabus for the next 12 months is printed and available to territorial authorities (TAs)

National Exercise “Ru Whenua” is scheduled to be played over three dates. On 12 June 2024 the Waikato TAs and partner agencies will take part. The exercise is based on an Alpine Earthquake Fault (AF8) scenario. Involvement of TAs and partner agencies will continue to be developed over the coming weeks by GEMO and will be in support of the South Island and National response.

2. **Deployment Policy** – A Health & Safety community of practice (CoP) has been convened to develop a H&S framework to support the deployment policy. This work is ongoing and will support MPDC to develop similar frameworks to support operational response planning.

3. **Recovery Planning** – this continues to a collaborative effort lead by the Group Recovery Manager and contributed to by TA Recovery Managers. The benefit of a regional workplan is that 10 TAs aren't all doing the same / similar work. The Waikato Recovery Managers' Business Plan will be ready for the 2024/25 financial year.

4. **Group CDEM Plan and Risk Assessment** - Work on the development of the Groups' hazard and risk assessment was commenced last year and has made slow progress (eight hazards and risks have been completed). There will be a push to complete this work in anticipation of it being a fundamental part of the next iteration of the Group Plan. A study to understand the implications of a major rupture on the Hikurangi Subduction Zone is being commissioned.

As a result of the hazard and risk analysis work done to date, local contingency plans are being developed for each TA's top three hazards. Because many Group members share the same hazards this work is being done collaboratively across the region. A focus area in this work for MPDC will be major hazardous facilities (as defined by Work Safe) located in or beside urban areas. Earthquake and severe weather are the two other hazards MPDC will be working on.

At its meeting on 8 March 2024 CEG directed the GEMO to coordinate a full review of the Group Plan that will be aligned with the National Disaster Resilience Strategy.

This reversed a previous decision to await the outcome the Emergency Management (EM) Bill and review of the National Plan. Knowing that these will not be available within the near future, a review will be conducted noting that the new plan may have a limited lifespan depending on legislative change and other Government decisions.

5. **Group Work Planning** – The GEMO are leading the CDEM Professionals Advisory Group in collaborative work planning for the 2024/25 financial year. The result will be all 10 TA's having the same or similar priorities in their annual work plans and will enable a much greater degree of collaboration where they can work on the same things at the same time. In this work it's acknowledged there are also local needs and drivers to be considered in local work plans.

North Island Severe Weather Events Reports:

The Waikato Group After Action Report is an independent assessment of the Groups' response and was prepared by a contractor (Simplexity). There were approximately 20 recommendations in the report. CEG instructed GEMO to do an analysis of the recommendations against the current CEG priority actions from the Group Plan and report back on the implications. There are no significant implications for the Group that will alter the priority actions as the recommendations align with current Group Plan actions.

Two other reports have been received: the Hawkes Bay CDEM Group Response to Cyclone Gabrielle (the Bush Report) and the Report of the Government Inquiry into the North Island Severe Weather Events (Sir Jerry Mateparae Report). GEMO are carrying out an analysis of both reports to look for common learnings and application for the Waikato CDEM Group members. This will be reported to the 7 June 2024 CEG meeting.

Alternative communications project

GEMO are deploying alternative regional communications resources in case of telecommunication systems failures. In conjunction, MPDC is taking advantage to update its

own radio network resources with portable radio sets that can be deployed around the District if the need arises.

Coordinating and Executive Group (CEG)

The CEG are the executive group who oversee the work of the GEMO and local authorities and recommend policy decisions to Joint Committee. Dennis Bellamy is the MPDC CEG member delegated by the Chief Executive. With the appointment of Ally van Kuijk to Group Manager Growth and Regulation from 1 July 2024, she will transition to become MPDC CEG member.

CEG last met on 8 March 2024 and the next meeting is to be held on 7 June 2024.

CDEM Group Joint Committee (JC)

The last meeting of JC was held on 25 March 2024 and the next is to be held on 24 June 2024.

Of significance the JC discussed and approved:

- The full review of the current CDEM Group Plan
- Appointed Local Controllers for Hamilton City, Taupō District, Matamata-Piako District and Western Waikato (Waipā, Waitomo and Ōtorahanga Districts)

They received information on:

- Waikato Group after action report
- Waikato Regional Council Long Term Plan
- Government Reforms Update
- National exercise – Rūa Whenua 2024
- Unbudgeted response and recovery costs from 2013 to 2023
- The Group priority action plan

The Chair of the JC is Councillor Anna Park from Taupō District Council and the MPDC representative is Councillor Russell Smith (delegated by the Mayor).

3. National Emergency Management activity:

Government Reforms Project

CEG agreed to give focus to five priority reforms introduced by the previous Government identified as having the most impact on emergency management. The priority reforms are:

- Local Government Reforms
- Resource Management Reform
- Climate Change Response Programme
- National Adaptation Plan
- Emergency Management Reform (Trifecta Programme)

The Group have made submissions where the reforms are impacting the emergency management system. With the winding back of many of these reforms by the current Government it is now unclear of the impact on emergency management.

To enable timely submission the Joint Committee have formed a subcommittee to make submissions which are then reported to the next Joint Committee meeting. The latest

submission prepared for consideration is in respect of the **Fast Track Approvals Bill**. This submission was sent to Joint Committee and CEG members and otherwise will be available via the 24 June 2024 Joint Committee minutes.

Emergency Management Reform (Trifecta Programme)

As reported to MPDC previously, the Emergency Management Bill was introduced to Parliament on 6 June 2023, submissions closed 3 November 2023. Review of the Emergency Management Bill was undertaken with oversight of the Submission Subcommittee. The Waikato CDEM Group submission was endorsed by the Joint Committee on 30 October 2023 - *submission lodged 30 October 2023*.

The Emergency Management and Recovery Minister, Hon Mark Mitchell, has released the “*Government Inquiry into the Response to the North Island Severe Weather Events*”. The Minister said it is clear the existing Emergency Management Bill does not go far enough and he intends to develop and introduce a new Bill in this parliamentary term. The findings of the Government Inquiry is by and large supported by the “*Independent Review into the Hawkes Bay CDEM Response to Cyclone Gabrielle*” (aka *The Bush Report*).

Ngā Whiringa | Options

That the information be received.

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

There are no financial costs associated with this report.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Dennis Bellamy Group Manager Growth & Regulation	
	Ally van Kuijk District Planner	

Approved by	Ally van Kuijk District Planner	
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Exclusion of the Public: Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

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

C1 Appointment of Directors - Waikato Regional Airport Limited (WRAL)

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.	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a)</p> <p>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.</p>

C2 Review of grant allocation

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)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.	<p>s48(1)(a)</p> <p>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.</p>