

# 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 7 May 2025  
**Wā | Time:** 09:00  
**Wāhi | Venue:** Council Chambers  
35 Kenrick Street  
TE AROHA

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### 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

**Waea | Phone:** 07-884-0060  
**Wāhitau | Address:** PO Box 266, Te Aroha 3342  
**Īmēra | Email:** [governance@mpdc.govt.nz](mailto:governance@mpdc.govt.nz)  
**Kāinga Ipuranga | Website:** [www.mpdc.govt.nz](http://www.mpdc.govt.nz)



## Ā-TIKANGA | PROCEDURAL

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## NGĀ PŪRONGO A NGĀ ĀPIHA | OFFICER REPORTS

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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 30 April 2025

**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 Council Hearing of Submitters - Policies, Bylaws and Fees and Charges

CM No.: 2991747

### Te Kaupapa | Purpose

The purpose of this report is to receive and hear formal submissions from the community on the following:

- Draft Fees and Charges 2025/26
- Draft Gambling Venue Policy
- Draft TAB Venue Policy
- Draft Dangerous and Insanitary Buildings Policy
- Draft Alcohol Licensing Bylaw
- Draft Community Safety Bylaw
- Draft Cemeteries Bylaw

### Rāpopotonga Matua | Executive Summary

Formal consultation has been undertaken on a number of policies and documents and Council are now required to hear those who wish to speak to their submission and to formally consider all submissions received prior to decision making and finalisation of the documents.

Consultation was open from 27 February to 13 April 2025 on the following documents:

- Draft Gambling Venue Policy
- Draft TAB Venue Policy
- Draft Community Safety Bylaw
- Draft Cemeteries Bylaw

Consultation was open from 13 March to 13 April 2025 on the following documents:

- Draft Fees and Charges 2025/26
- Draft Dangerous and Insanitary Buildings Policy
- Draft Alcohol Licensing Bylaw

Due to the number of topics available for community feedback, a staggered timeline allowed for a more targeted engagement approach across a longer timeframe.

In total, 71 submissions were received across all topics (this includes late submissions received at the time of writing this report, however does not include one further submission received after the due date by the Policy Team (Grassroots Trust). This submission is attached to this report.

Further information is provided in this report on the consultation approach, number of submissions received and general legislative requirements. The separate reports within this agenda on each topic are provided to outline options for Council's consideration and assist in deliberations and decision-making.

At the time of writing this report 7 submitters have chosen to present their submission to Council in person via Microsoft Teams and a draft hearing schedule is attached to this report.

## Tūtohunga | Recommendation

### Part One: Opening of hearing

#### That:

1. The information be received.
2. Any late submissions as detailed in the submission attachment, attached to this report as well as any tabled on the day be accepted.
3. Council accepts the anonymous submission received on the draft Community Safety Bylaw and to consider its content alongside other submissions as part of the decision-making process.
4. Council hears all submitters who wish to be heard.

### Part Two: Consideration of submissions

#### That:

5. Council has heard all of the submitters that were scheduled to speak, and has considered all written submissions received.

### Part Three: Continuation of hearing

#### That:

6. Pursuant to Standing Order 4.2, Council agrees to continue the meeting past the six-hour time limit (if required).

## Horopaki | Background Background

### Hearing Procedures

1. Every person who has made a submission and stated that they wish to be heard, may speak either personally or be represented by legal counsel or any other authorised representative.
2. Submitters have the opportunity to present their submission in person, which includes the use of New Zealand sign language and Te Reo Māori. There is also an opportunity to present by phone or video conference.
3. If any person wishing to give their spoken submission requires an interpreter, Council needs to be informed of this at least one week before the hearing so that an interpreter can be provided. Alternatively, an interpretation may be provided by the person giving the submission at the hearing.
4. Only the Mayor or Councillors may ask questions of any person appearing/presenting a submission during the course of the hearing.
5. The Mayor may recall any person who has made a statement where considered appropriate to further clarify or elaborate on any matter raised in a submission.
6. The Mayor may, if it is considered that there is likely to be excessive repetition, limit the circumstances in which parties that have the same interest or stance on an issue may speak or limit the time taken by each person.

7. The hearings will be held in public except where Council determines that the public should be excluded pursuant to one or more of the grounds specified in the Local Government Official Information and Meetings Act 1987.

#### Other Principles

1. Full Council, as the entity required by legislation to adopt the documents, is bound by all statutory meeting rules and procedures, including Matamata-Piako District Council Standing Orders adopted 9 November 2022, Section 82 (Principles of Consultation) and Section 83 (Special Consultative Procedure) of the Local Government Act 2002. The Standing Orders provides for the Mayor to have a casting vote if required.
2. All Councillors will be required to attend the hearing and hear all submitters prior to participation in the deliberations.
3. The normal statutory provisions regarding any conflict of interest situations apply.
4. Council will only hear submissions from those people who have requested to be heard and not subsequently withdrawn that request.
5. The Hearing is scheduled for Wednesday 7 May 2025. Deliberations on the submissions followed by decision making is scheduled to take place at the same meeting. If further substantial changes and/or further information is required by Council prior to adoption of the final documents, decision making will occur at the next scheduled Council meeting on 28 May 2025.

#### Duration of meeting

Under clause 4.2 of Standing Orders, a meeting cannot continue more than six hours from when it starts or after 10.30pm, and any business on the agenda not dealt with must be adjourned to the next meeting or extraordinary meeting unless Council passes a resolution to continue.

The hearing is scheduled to begin at 9.00am with submitter presentations scheduled until approximately 9.40am. Council will then consider all submissions received and deliberate on the issues. Council will need to make a resolution to continue the meeting beyond six hours should this be required (Refer Recommendation 6).

#### **Ngā Take/Kōrerorero | Issues/Discussion**

In total, 71 submissions were received. Five late submissions received after the closing date and are included in this total. One further submission received after the due date by the Policy Team (Grassroots Trust) is not included in this total and is attached for Council's consideration.

If further submissions are received subsequent to the writing of this report, these will be tabled on the day. Council can choose to accept these late submissions (Refer Recommendation 2).

One anonymous submission was received in relation to the draft Community Safety Bylaw. Council can choose to consider this feedback alongside other submissions received. There is no legislative requirement to provide personal details in a submission (Refer Recommendation 3).

<b>Policy, Bylaw, and Fees and Charges consultation 2025 (including late submissions)</b>	
Total number of submissions (topics) (Policies, Bylaws and Fees and Charges)	71
<b>Number of submissions per topic</b>	

1) Draft Fees and Charges 2025/26	3
2) Draft Gambling Venue Policy	20
3) Draft TAB Venue Policy	20
4) Draft Dangerous and Insanitary Buildings Policy	3
5) Draft Alcohol Licensing Fees Bylaw	4
6) Draft Community Safety Bylaw	14
7) Draft Cemeteries Bylaw	7

The attached submission document includes all submissions received as well as identification of themes and an overall staff comment to assist in the hearing and deliberations. The separate reports on this agenda outline options available for Council consideration prior to decision-making.

Submission Attachments

11 attachments were received and are attached to this report. The submission name, and page number is detailed in the below table for ease of reference:

Name	Organisation	Submission ID	Topic	Page Number (Attachments Document)
Steve Cullen		CSB265	Community Safety Bylaw	1-4
Kelly Ralph		CSB266	Community Safety Bylaw	5-8
Inspector Mike Henwood	New Zealand Police	CSB267	Community Safety Bylaw	9-13
Jarrold True	Gaming Machine Association of New Zealand	GVP55	Gambling Venue Policy	14-36
Samantha Alexander	The Lion Foundation	GVP233	Gambling Venue Policy	37-45
Raymond Une	Mapu Maia	GVP235	Gambling Venue Policy TAB Venue Policy	46-50
Hong Yuan	Asian Family Services	GVP240	Gambling Venue Policy TAB Venue Policy	51-57

Rufo Pupualii		GVP242	Gambling Venue Policy TAB Venue Policy	<b>58-60</b>
Madelaine Cullen	Problem Gambling Foundation Services	GVP258	Gambling Venue Policy TAB Venue Policy	<b>61-73</b>
Rose Black	Te Whatu Ora Te Manawa Taki, Waikato region	GVP263	Gambling Venue Policy TAB Venue Policy	<b>74-79</b>
	Te Manawhenua Forum mō Matamata-Piako	GVP264	Gambling Venue Policy	<b>80</b>

The purpose of this report is to hear from those who indicated that they wished to present their submissions to Council and to consider all submissions received. Accordingly, a hearing schedule as of the date of writing this report is attached.

### Mōrearea | Risk

There are no specific risks to note, as the purpose of this report is for Council to hear submitters who have indicated that they would like to speak to their submission, and to consider all submissions received.

Where specific risks have been identified, these will be outlined in the corresponding report.

### Ngā Whiringa | Options

Following consideration of all submissions, Council may choose to:

1. Adopt documents as per the draft consulted on (with or without minor amendments recommended by staff following submissions and staff input);
2. Request staff to provide further information/investigate further options and bring back for consideration at the next Council meeting on 28 May 2025. Note that if significant changes to the draft are proposed, further consultation may be required.

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

The relevant requirements are set out in the separate reports on each document consulted on and included in the respective Statement of Proposal.

The outcome of this process will result in the adoption of updated policies, bylaws and Fees and Charges 2025/26. The updated documents will apply from 1 July 2025.

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

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

Subpart 1 of the LGA outlines requirements for Council’s planning and decision-making. In accordance with these provisions, Council must, during the decision-making process:

1. Identify all reasonably practicable options to achieve the objective of a decision;
2. Assess the options in terms of their advantages and disadvantages;
3. Where a significant decision involves land or a body of water, Council must take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
4. Consider the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

It is the responsibility of Council to exercise its discretion in determining how best to give effect to the decision-making requirements of the LGA. Section 79 of the LGA allows Council to make judgements about the extent to which it complies with these requirements, based on the significance of the decision and the circumstances of the matter, in accordance with its Significance and Engagement Policy.

<b>Local Government Act 2002 decision making requirements</b>	<b>Staff/officer comment</b>
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed in the relevant Statement of Proposal for each topic consulted on.
Section 78 – requires consideration of the views of Interested/affected people	In mid-late 2024, Council undertook a substantial programme of early engagement to support the bylaw and policy reviews to understand community perspectives. This feedback has been considered by Council in the drafting and review of the documents. Formal consultation was undertaken in accordance with the prescribed special consultative procedure of the LGA. Council is required to hear those submitters who wish to speak to their submission and to consider all submissions in their decision-making.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	<p>Having regard to the provisions of the LGA and Council’s Significance and Engagement Policy, the decisions associated with this report are assessed as having a medium level of significance. Therefore, Council has ensured an appropriate level of analysis, engagement, and consideration of relevant factors, proportionate to the importance of the decision and the decision-making approach has been set accordingly. This includes:</p> <ul style="list-style-type: none"> <li>• Identifying reasonably practicable options to achieve the objectives of the decision.</li> <li>• Assessing the advantages and disadvantages of each option.</li> </ul>

	<ul style="list-style-type: none"> <li>• Considering community views and preferences through the consultation process.</li> <li>• Ensuring the views of Māori and the relationship of Māori with ancestral land and taonga are taken into account where relevant.</li> <li>• Providing sufficient information to elected members to support informed decision-making.</li> </ul>
Section 81 – Contributions to Decision-Making by Māori	<p>As required under Section 81, Council must:</p> <ol style="list-style-type: none"> <li>1. Establish and maintain processes to provide opportunities for Māori to contribute to decision-making;</li> <li>2. Consider ways to foster the development of Māori capacity to contribute to decision-making;</li> <li>3. Provide relevant information to Māori to support these contributions.</li> </ol> <p>As detailed in the communications and engagement section of this report, staff have involved Te Manawhenua Forum mō Matamata-Piako in the review of the policies and bylaws where relevant and have undertaken direct engagement with marae on issues of relevance.</p>
Section 82 – this sets out principles of consultation.	Public consultation has been undertaken in accordance with LGA requirements.

### **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**

Consultation has been undertaken as per the prepared communications plans.

#### **Early engagement**

Early engagement was undertaken to understand community views to support the review of Council's policies and bylaws. Staff and Elected Members supported these events which included:

- Community surveys and direct email/phone calls to key stakeholders.
- Pop in sessions in Matamata, Morrinsville and Te Aroha – where the community could talk about issues of importance to them and ask questions.
- Workshops held with community leaders to understand important community issues and how Council's bylaws could support this.

#### **Formal engagement**

Council is required to use the special consultative procedure and principles of consultation as detailed in sections 82 and 83 of the LGA respectively. This states (amongst other requirements as detailed above), that the period of consultation must be not less than one month and Council must provide an opportunity for persons to present their views in a manner that enables spoken (or New Zealand sign language) interaction between the person and Elected Members.

The consultation period was open from:

**27 February 2025** – Gambling Venue Policy, TAB Venue Policy, Community Safety Bylaw and Cemeteries Bylaw

**13 March 2025** – Fees and Charges 2025/26, Dangerous and Insanitary Buildings Policy, Alcohol Licensing Fees Bylaw

**13 April 2025** – Consultation closed for all topics/documents.

Submissions could be made electronically via the website or alternatively, hard copies of the Statement of Proposal (including submission form) were available from the Council’s libraries and offices for each document.

Communications Statistics

Information on communication statistics has been attached to this report for viewing if desired.

Decisions to submitters

Following Council decision making, staff will inform all submitters of the decisions made. Each topic may have certain requirements to inform the public/key stakeholders of the decisions and implications to prepare for when the policies come into force on 1 July 2025.

**Timeframes**

Timing	Engagement/Description
11 December 2024 - Draft Gambling Venue Policy, TAB Venue Policy, Community Safety Bylaw and Cemeteries Bylaw approved by Council for consultation	
5 February 2025 - Draft Fees and Charges 2025/26, Dangerous and Insanitary Buildings Policy, Alcohol Licensing Fees Bylaw approved by Council for consultation	
Ongoing during consultation period 27 February – 13 April 2025	<p>A wide range of tools were utilised to share the messaging and to encourage our community to submit their feedback. This included:</p> <ul style="list-style-type: none"> <li>• Let’s Talk Kōrero Mai Website                             <ul style="list-style-type: none"> <li>○ Use of a dedicated consultation website (mpdc.nz/letstalk), building on the success of the Long Term Plan 2024–34 site, where the community could access information and complete a feedback form.</li> <li>○ Newspaper advertising (Council in Focus).</li> <li>○ Email newsletters to subscribers (e.g. Business, Bylaws, Māori stakeholders etc.) and direct emails/letters to stakeholder groups, including as required by legislation.</li> </ul> </li> <li>• Use of social media – Facebook/Antenno etc.</li> </ul>

	<ul style="list-style-type: none"> <li>• Presentation/discussion of the issues at meetings e.g. Business after 5 events, Business Breakfast, Grey Power (Morrinsville).</li> <li>• Attending community events including markets in Matamata, Morrinsville and a Day at the Domain (Te Aroha).</li> </ul>
18 March 2025	Webinar hosted by Mayor Adrienne Wilcock
11 February 2025 1 April 2025	Te Manawhenua Forum Meetings Formal meetings were held to provide updates on the policies and bylaws for review and provide a forum for feedback from members and to share the information wider with community.
7 April 2025	Youth/rangatahi workshop held The purpose was to discuss what Council does, how the policies and bylaws affect our everyday life, and supporting the group to make a submission and participate in the democratic process.
13 April 2025	Consultation closed on all topics/documents.
7 May 2025	Hearing of submitters Council may choose to adopt on 7 May 2025 following deliberations or request further changes for adoption at a later date.
1 July 2025	All documents come into force

## 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	
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>			
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.'			
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>			
			
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 policies, bylaws and documents as consulted on support the achievement of all Council's community outcomes.

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

Costs are funded via existing budgets within the Strategies and Plans activity as detailed in Councils Long Term Plan 2024-34.

## Ngā Tāpiritanga | Attachments

- A.  Submissions (for all topics) Council Hearing 07/05/2025 *(Under Separate Cover)*
- B.  Submission Attachments for Hearing 7 May 2025 *(Under Separate Cover)*
- C.  Grassroots Trust Submission *(Under Separate Cover)*
- D.  Grassroots Trust Matamata-Piako District Approved Grants from 1 April 2024 to 31 March 2025 *(Under Separate Cover)*
- E.  Hearing Schedule 7 May 2025 as at 17 April 2025
- F.  Communications Statistics Policy and Bylaw Reviews 2024/25

## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Kaitohu Kaupapahere Mātāmua   Senior Policy Advisor</b>	
Approved by	Niall Baker <b>Kaiārahi Tima Kaupapahere   Policy Team Leader</b>	
	Sandra Harris <b>Pou Kaupapahere, Rāngai Mahitahi me te Kāwana   Policy, Partnerships and Governance Manager</b>	

**Hearing Schedule of Policy, Bylaw and draft Fees and Charges Review**

**7 May 2025 – as at 28 April 2025**

Council Chambers, 35 Kenrick Street, Te Aroha and/or Remotely

Sub No.	Page No. (Attachments Document)	Time	Submitter	Organisation	Topic	Attending
GVP55	14	9.00	Jarrod True	Gaming Machine Association NZ	Gambling Venue Policy	Via Microsoft Teams
CSB267	9	9.05	Inspector Mike Henwood	NZ Police	Community Safety Bylaw	In Person
CSB265	1	9.10	Steve Cullen		Community Safety Bylaw	Via Microsoft Teams
CSB266	5	9.15	Kelly Ralph		Community Safety Bylaw	In Person
GVP233	37	9.20	Samantha Alexander	The Lion Foundation	Gambling Venue Policy	Via Microsoft Teams
GVP258	61	9.25	Madelaine Cullen	Problem Gambling Foundation	Gambling Venue Policy TAB Venue Policy	TBC
		9.30	Speaker TBC			
GVP279	Attached to agenda	9.35	TBC	Grassroots Trust	Gambling Venue Policy	TBC
Read through of submissions, deliberations and consideration of InfoCouncil reports (From 9.40am)						

Communications Statistics – Policy and Bylaw Reviews 2024/25

**Facebook Posts**

The following table provides a summary of reach/engagement on Council’s Facebook posts when promoting these topics during the consultation period. The posts are listed from the highest reach to the lowest.

**Reach:** Reach is the number of people who saw the content from our Facebook Page or about our Page. This metric is estimated.

**Engagement:** This is the number of reactions, comments, shares and clicks on each post.

**Views:** The number of times our content was played or displayed.

**Reactions:** The number of reactions on each post.

**Comments:** The number of comments on each post.

**Shares:** The number of shares on each post.

Facebook Post Date	Topic	Engagement
9 April 2025	Alcohol Licensing Fees Bylaw	Reach: 2090 Engagement: 366 Views: 3521 Reactions: 10 Comments: 23 Shares: 0
8 March 2025	Matamata drop-in session (targeted to community groups)	Reach: 1471
12 April 2025	Cemeteries Bylaw	Reach: 1284 Engagement: 135 Views: 2041 Reactions: 12 Comments: 2 Shares: 0
10 April 2025	Gambling Venue Policy and TAB Venue Policy	Reach: 1162 Engagement: 129 Views: 1912 Reactions: 7 Comments: 4 Shares: 0
13 March 2025	Join the conversation (webinar)	Reach: 1023 Engagement: 68 Views: 1895 Reactions: 4 Comments: 2 Shares: 1
11 April 2025	Community Safety Bylaw	Reach: 789 Engagement: 57 Views: 1229 Reactions: 4 Comments: 1 Shares: 0
18 March 2025	Let’s Talk Kōrero Mai (all topics)	Engagement: 17 Views: 1074 Reactions: 8 Comments: 0 Shares: 1

27 February 2025	Let's Talk Kōrero Mai (all topics)	Reach: 699 Engagement: 24 Views: 1149 Reactions: 9 Comments: 0 Shares: 0
8 April 2025	Fees and Charges	Reach: 551 Engagement: 31 Views: 915 Reactions: 3 Comments: 0 Shares: 0
<p>Updates to community pages - Let's Talk Kōrero Mai (all topics):</p> <p>MPDC Staff Reach: 97</p> <p>Morrinsville Community Noticeboard Reach: 627</p> <p>Morrinsville Community Group Reach: 497</p> <p>Matamata Community Noticeboard Reach: 343</p> <p>Matamata Noticeboard Reach: 440</p> <p>Te Aroha Reach: 98</p>		

**Website statistics**

This shows how many hits our pages received. This is a good indication that our website has been viewed and people are interested in certain policies/bylaws.

MPDC main website statistics:

- Community pop-in sessions - Let's talk - created on 27 February - 296
- Kōrero Mai | Let's Talk - created on 6 March – 436

MPDC Let's Talk Kōrero mai consultation site statistics:

- Home page – 33,975
- Gambling and TAB Venue Policies – 1066
- Cemeteries Bylaw - 869
- Community Safety Bylaw - 681
- Fees and Charges - 583
- Alcohol Licensing Fees Bylaw - 438
- Dangerous and Insanitary Buildings Policy - 327

7 Pūrongo me whakataua | Decision Reports

## 7.2 Council Hearing Fees and Charges 2025/26

CM No.: 2991711

### Te Kaupapa | Purpose

The purpose of this report is to seek direction on the adoption of the Fees and Charges 2025/26 in light of the consultation.

### Rāpopotonga Matua | Executive Summary

The consultation process whereby the public is invited to submit their feedback has been undertaken on the draft Fees and Charges 2025/26 from 13 March to 13 April 2025 alongside several other documents.

Three submissions were received on the draft Fees and Charges document. This report provides information on the submissions received and themes identified.

Based on feedback received it is recommended Council consider if any amendments are required to the draft Fees and Charges 2025/26 prior to adoption.

### Tūtohunga | Recommendation

That:

1. The information be received.

- a) Council adopts the Fees and Charges 2025/26 as consulted on with minor corrections and amendments as outlined in the attachment, to come into force 1 July 2025.
- b) Staff be given delegation to make minor proofing and grammatical changes prior to publishing the Fees and Charges 2025/26 (if required).
- c) Council's decision on the Fees and Charges 2025/26 be notified to submitters and the public and the Fees and Charges 2025/26 be made available on Council's website.

OR

2. The information be received.

- a) Council requests staff provide additional information and/or explore further options and present an amended Fees and Charges 2025/26 to the Council meeting on 28 May 2025.
- b) Council notes that any significant changes may require further community consultation.

### Horopaki | Background

Council has undertaken a review and formal consultation on the draft Fees and Charges for 2025/26.

The consultation process whereby the public is invited to submit their feedback has been undertaken on the draft Fees and Charges 2025/26 from 13 March to 13 April 2025 alongside several other documents.

Consultation information such as the Statement of Proposal and draft Fees and Charges 2025/26 can be found [here](#).

### **Ngā Take/Kōrerorero | Issues/Discussion**

The Council Hearing of Submitter Report – found earlier in this agenda contains all submissions made in full on the draft Fees and Charges 2025/26 and provides a summary of themes identified.

This report provides a brief summary of submissions and the options available for Council.

#### Submissions

Three submissions were received on the draft Fees and Charges. Additional information to support staff comment on library overdue fees is provided in the *Library Fine Free Proposal Report* (attached).

The following table provides a summary of the submitters' comments.

Submitter		Option chosen	Topic	Summary of submitter comment
FC101	Submitter 1	Other	Library Fees	Could reinstate late fees as a form of revenue
			Library, Pools, Spas Fees	Supportive of raising fees because these things are non-essential / luxurious
			Building Consent Fees	Not supportive of raising these fees, because - it is already an expensive form of taxation - we should encourage and stimulate people to build and improve their own private property
			General	Consider we are in a recession, weak local job market and everyday people might be badly affected by new or increased fees and charges
FC226	Submitter 2	Proposed	n/a	
FC230	Submitter 3	Other	Dog Registration Fees	This increase does not reflect those people who look after their dog but have to cover the expenses of those that let their animals roam free and are possibly not even registered. Just how far do think a pension can stretch?  As a responsible owner don't see

				anything we get from the money we pay. An increase will prevent some people from registering their dogs as it makes it unaffordable. Shouldn't have to pay for irresponsible dog owners.
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Corrections and Amendments

**Rubbish**

During consultation an error was identified in the stated per tonnage rate for general waste and green waste. The error and correction are outlined in the table below, and the correct fees (in red) have been incorporated into the document for adoption.

Refuse				
	Consultation version		Correct version	
	2024/25	2025/26	2024/25	2025/26
Charged by weight	\$33.00 per tonne	\$35.50 per tonne	\$330 per tonne	<b>\$355 per tonne</b>
Green Waste				
	Consultation version		Correct version	
	2024/25	2025/26	2024/25	2025/26
	\$14.00 per tonne	\$17.00 per tonne	\$140 per tonne	<b>\$170 per tonne</b>

**Community Facilities**

Wording has been added to the Waharoa Aerodrome fees to provide clarity. Additional words added in red.

Waharoa (Matamata) Aerodrome		
Annual landing/ movement fee - recreational users (non-commercial)	Per year	\$165.00
Recreational operator – direct credit - per landing/ movement <b>per day (paid within 10 days of the landing)</b>	Per day	\$12.00
Commercial operator - direct credit - per landing/ movement per day (paid by the 10th day of the following month)	Per day	\$26.00
Recreational and commercial operator – invoiced – per landing/ movement	Per day	\$56.00
Note: The first of any of the following types of movements are charged at landing rates: landing, touch and go, approach and go. <b>Direct bank payments must be made within 10 days or will revert to the invoiced rate.</b>		

No cash option on site		
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### Licensing

Consultation on implementing alcohol licensing fees has been undertaken alongside consultation on the Fees and Charges 2025/26. Pursuant to Council adoption of the Alcohol Licensing Fees Bylaw, the Fees and Charges 2025/26 will refer readers to the schedule of alcohol licensing fees in the bylaw where applicable. These amendments outlined in red below.

Alcohol licences		
Application fee for new licences, renewals of licences and variations to licences	See schedule in the Alcohol Fees Bylaw (link to be added)	
Special licenses		
Temporary authority, temporary license		
Other fees	Set by statute	
Manager's certificate application		\$316.25
Appeal to Alcohol Regulatory & Licensing Authority (ARLA)		\$517.50
Extract of register (ARLA or District Licensing Committee)		\$57.50

### **Ngā Whiringa | Options**

The options are outlined below

<b>Option One – Adopt the Fees and Charges 2025/26 as consulted on with minor corrections and amendments as outlined in the attachment (recommended)</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Fees and Charges adopted within legislative timeframes	Doesn't allow for any more consideration of further changes
<b>Option Two – Request additional information and/or explore further options</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Allows more opportunity for further review and changes to the document	Puts meeting legislative timeframes under pressure.

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

### Consultation

The requirements for consultation for the different fees and charges contained in the Fees and Charges document vary depending on their enabling legislation as set out below.

#### a) Fees and charges enabled through the Local Government Act 2002

Under Section 150 of the Local Government Act 2002 (LGA) Council may prescribe fees or charges either through

- a bylaw or
- public consultation (using the principles of consultation in the LGA, Section 82)

Aside from the proposed Draft Alcohol Fees Bylaw (being consulted on separately), Council has opted not to use bylaws to set fees and charges at this time. Therefore, public consultation will be undertaken.

For consultation under the LGA Section 82, the requirements are for Council to make publicly available:

- the proposed Fees and Charges and the reasons for the proposal
- an analysis of the reasonably practicable options including the proposal

#### b) Fees and charges enabled through other legislation

In addition, under other legislation such as the Resource Management Act 1991 (RMA) and Building Act 2004, Council may prescribe fees or charges relevant to certain administration purposes (such as processing resource consents) through

- public consultation (using the special consultative procedure in the LGA, Section 83)

For consultation under the LGA Section 83, the requirements are for Council to make publicly available:

- a Statement of Proposal
- a summary of the information if necessary
- a description of how the community can present their views to Council
- a statement of the period within which views on the Fees and Charges may be provided to Council.

Council must make this information as widely available as is reasonably practicable as a basis for consultation and provide an opportunity for persons to present their views to Council.

### Revenue from Fees and Charges

Fees and charges prescribed under the LGA must not provide for the local authority to recover more than the reasonable costs incurred by the local authority for the matter for which the fee is charged. (LGA, Section 150 (4)).

In addition, the Revenue and Financing Policy sets out the proportion of funding that may be recovered from fees and charges for each of Council's activities, which was publically consulted on. (LGA, Section 103).

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

Having regard to the decision making provisions in the LGA 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. This includes any decision not to take any action.

<b>Local Government Act 2002 decision making requirements</b>	<b>Staff/officer comment</b>
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options were addressed in the Statement of Proposal, linked earlier in this report.
Section 78 – requires consideration of the views of Interested/affected people	Targeted consultation undertaken where required, e.g. particular licence and account holders and contractors.
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.	The special consultative procedure was used during the consultation.

**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**

For a full breakdown of the communications and engagement that was undertaken as part of this consultation, please see the Council Hearing of Submitters Report earlier in this agenda.

**Timeframes**

<b>Key Task</b>	<b>Dates</b>
Council considers the submissions for the draft Fees and Charges 2025/26.	7 <sup>th</sup> May 2025
Council adopts the Fees and Charges 2025/26.	7 <sup>th</sup> May 2025 (or a later date as specified by Council).
The Fees and Charges 2025/26 comes into force.	1 <sup>st</sup> July 2025

**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	
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>			
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.			
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>			
			
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:

- He wāhi kaingākau ki te manawa | A place with people at its heart
- He wāhi puawaitanga | A place to thrive

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

The review of Council’s Fees and Charges 2025/26 is provided for under existing budgets with the Strategies and Plans activity.

### Ngā Tāpiritanga | Attachments

[A](#)  Library Fine Free Proposal Report

[B](#)  Fees and Charges 2025/26 For Council Adoption

### Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Kaitohu Kaupapahere Mātāmua   Senior Policy Advisor</b>	
	Anne Gummer <b>Kaitohu Kaupapahere Mātāmua   Senior Policy Advisor</b>	

Approved by	Niall Baker	
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	<b>Kaiārahi Tima Kaupapahere   Policy Team Leader</b>	
	Sandra Harris <b>Pou Kaupapahere, Rāngai Mahitahi me te Kāwana   Policy, Partnerships and Governance Manager</b>	

**CHAIRPERSON AND MEMBERS**  
**Council Workshop, 15 February 2023**

(From Melanie Brebner, District Library Manager)

## Proposed Libraries Fine Free Policy implementation

### Purpose of Report

The purpose of this report is to seek Council approval to implement a fine free policy for Matamata-Piako Libraries to remove financial barriers for the community to better access the libraries and their resources.

### Recommendations

- (i) **THAT Council Receive the report**
- (ii) **THAT Council approves implementation of a fine free policy for all late returned library items including books, DVDs, magazines, and other lending items, effective from 1 July 2023**
- (iii) **THAT Council approves a review of the removal of overdue fines on Hot Picks in February 2024, with an option of reinstating overdue fines on Hot Picks only, if revenue from these items has decreased**

### Background

Overdue fines are charges incurred for the late return of any borrowed adult library item and triggered on the return of the item. For customers that have overdue items, a series of regular notices are sent out weekly to remind them that items they have out on loan have become overdue and that they need to be returned. Once the item(s) become four weeks overdue a billing notice is issued advising the customer that if the item(s) are not returned or paid for within 16 days, the debt will be referred to the Council's Finance Department's debt recovery process.

This proposal is for the removal of fine charges only. Lost or damaged items will continue to be charged for and all efforts will continue to be made to recover either the item or its replacement cost.

Both internationally and nationally it has been recognised that "fining" as an incentive to return items on time is more of a deterrent to using the library than an effective tool to manage overdue items.<sup>1</sup> Library fines in New Zealand have recently been a topic in the media with Christchurch, Wellington City and Porirua Libraries all removing fines in 2022.

In 2019 the American Library Association passed a resolution encouraging public libraries to actively move towards eliminating fines, saying that they are a form of social inequity.

Based on studies undertaken in both the US and the UK, these fines are preventing customers from using libraries. Studies undertaken in the UK have seen increases of 6.5% in new members, 4% increase in items issued and 3% increase in visitor numbers since fine free policies have been enacted.<sup>2</sup>

In a recent New Zealand study "Libraries in times of economic downturn" by Lara J Sanderson, barrier-free access to Libraries and their resources is identified as a key factor for community wellbeing. Libraries were also identified as playing a positive role in community recovery.

<sup>1</sup> 2019 sees rapid increase in libraries dropping fines. Katherine Cowdrey, The Bookseller, January 13 2020

<sup>2</sup> We wanted our patrons back – Public Libraries scrap fines. Emma Bowman, NPR News, November 30 2019

This barrier to access was evident in Matamata-Piako before removing fines on children's items. In one example, Library staff were told never to allow the child into the library again, because they were naughty and stupid for costing the parent so much money. It was eight years before the child was old enough to rejoin the Library as an adult. In another example, a parent came in and asked for scissors to cut the child's library card up in front of them as they had been irresponsible and couldn't be trusted to have a library card any longer; the fines were less than \$5 and the child was under 10 years old. One new parent, who ended up paying \$30 in overdue fines, never returned to the Library once the fees were paid. Library staff have many other examples of parents who had shared with them that it was too expensive to use the Library, as the fines were too high.

Unfortunately, no base-figures were gathered prior to the removal of overdue charges on children's items. Anecdotally, library staff noticed:

- Some members who had stopped coming to the library returned;
- Parents stopped limiting the number of items children could take out on each visit;
- Next SPACE groups had more participants signed up to membership after being re-assured that they wouldn't get overdue fines if they got busy and didn't get items back in time.

Library staff have many examples of members who no longer come to the library once they have been charged overdue fines. In some instances, the fine is paid off; in others, it remains outstanding. Library staff are also aware that in many instances, once an item becomes overdue, it is never returned, and the customer never returns to the Library. Rather than acting as an incentive to returning items in time, fines can act as a deterrent to bringing items back at all.

Detractors of going fine free worry that removing fines will mean there is no deterrent to stop customers from keeping their issued items. However, studies in the US have shown that, with good circulation management procedures in place, in the long term there is no significant difference in the number of items not returned. In fact, one library in the San Francisco area saw an improvement of 5% in the overall number of books returned.<sup>3</sup>

In 2021 South Taranaki District Libraries removed fines on adult's items. They note that people are much more willing to return overdue books, because they are not faced with a fine. Families have rejoined the library, because they are not scared they "will get a bill if the kids lose their books for a while". Horowhenua Libraries have had a slight increase of children joining the library, and have had feedback from parents and teachers that they feel better about taking out more books without the threat of fines. Masterton Library report that the amount of time allocated to book recovery has decreased from one to two hours per day, to one to two hours per fortnight. They consider the positive engagement with the community to be the best outcome.

Promoting a more positive, welcoming environment and encouraging wider use of our libraries supporting the improvement of literacy levels in the Matamata-Piako District are key outcomes for Matamata-Piako Libraries. To achieve this, the fine free policy as proposed would be implemented along with effective management of the circulation of library stock to minimise the risk of non-return of items by customers.

## Discussion

### Current State

Active membership of Matamata-Piako Libraries is 7,071 (these being members who have used their cards within the last two years) which is 20.55% of our current population (based on 2018 Census statistics). Although this figure is comparable to other similar-sized libraries within New Zealand, it still shows that a

<sup>3</sup> Why Libraries are eliminating late fees for overdue books. Linda Poon, Citylab Daily Newsletter, 3 October 2019

large percentage of our population does not make use of the significant investment that Matamata-Piako District Council makes in the provision of library services.

Although fines on children's items were removed on 1 July 2020 for Matamata-Piako Libraries, if a child or young person has an adult item issued on their membership card, this does incur fines, putting a barrier in place for a young person wanting an adult nonfiction title to support their learning.

Many parents also prefer to use one adult family membership card to borrow items so that they can more easily manage a family's library usage. The main factor for them doing so is to limit the risk of incurring fines across several members of one household. This practice, however, does not allow a child to independently borrow items and learn how to manage their own borrowing and distorts the usage figures between adult and child memberships.

#### **Current Overdue Notice and Billing Process**

The overdue fee for all items, except for children's and teen's collections, is fifty cents per day per item. Overdue fines are triggered on the return of these items, as opposed to the charge of the lost book which is incurred on the non-return of items after a period of 30 days from the due date. During this five week period, the customer has received three reminders, as well as two texts or phone calls advising that items are overdue and need to be returned to the Library.

Currently, at the billing stage, an administration fee of \$15.50 per adult and children's item is applied to the account, in addition to the replacement cost of the item. This administration fee is waived if the books are subsequently returned. However, the overdue fines, which at four weeks overdue from the due date have accrued to the cost of the item, will still be charged.

Once an item has been billed for four weeks overdue, it becomes a lost item debt which, after seven days from the billing notice (five weeks after the due date), with no response, and if over \$50 is then referred to the Council's Finance Department's debt recovery process, including the referral to a debt collection agency if necessary.

#### **Overdue Fines Collection Process**

Once an overdue item has been returned, the Library Management System calculates the overdue fee that is applied for adult items. If these fines are not paid on the return of items, notices are generated and sent out, or the Library Team Leader makes a phone call, once the overdue fine amount reaches \$10 for an individual patron. As soon as these fines reach \$10 the patron's card is blocked until the amount owing is either paid off or reduced to below the \$10 thresh-hold.

Individual overdue fines rarely exceed the \$10 thresh-hold to be referred to the Council's debt recovery process. These overdue fines are not included in the Council record for Library debt, but are held on the Library Management System. It is only this debt held on the library system that, under this proposal, will be removed. Any unpaid debt for lost items that have been referred to Council will continue to be actively pursued.

#### **Financial Impact of Fines**

Currently Matamata-Piako Libraries has a total of 17,237 members who have not used the Library for the past 2 years, (since 27/01/2021), of which 4,187 are children. Of these numbers, there are 92 adult members who have fines averaging \$6.47 and 16 child members with an average of \$8.70 of fines owing on their accounts.

On average 17% of the total fines charged each year are not paid. Bills created from 1 January 2022 to 31 December 2022 amounted to \$9,188. Of that \$1,467 (or 16%) remains unpaid. The total amount of overdue fines as of 2 February 2022 stood at \$37,205.10, of which \$894.02 is older than 2 years. An additional

\$733.80 has been written off. From 1 July 2022 to 1 July 2023 the expected income from overdue fines is \$9,000.

Overdue fines of less than \$20 are removed from the system after a period of three years. Fines over \$20 get removed after six years have lapsed, as these are unlikely to be recovered. For the last three years, the average amount of overdue fines accrued has been \$11,765 per year, of which an average of \$9,784 each year has been recovered.

### Implementation

In 2020, the Matamata-Piako Libraries reviewed their overdue fines with a follow-up process to implement a tighter timeframe between notices to reduce the level of lost books. The current process to manage overdue items would continue to be followed, but with no overdue fines as summarised below:

- At 3 days prior to the due date a pre-due alert notice is issued offering the option to renew items if a longer borrowing time is required.
- At 5 days after the due date the first overdue notice, with a renewal option, is generated.
- At 15 days after the due date a second notice with a renewal option, is generated.
- At 25 days after the due date a third notice, with no renewal option, is generated containing a warning that if not returned within three days the item(s) will be billed for the full replacement cost of each item. At this point, the customer is blocked from any further borrowing until all overdue items are returned.
- After this notice, and before the next 30+-day billing notice, customers with non-returned items to the value of \$10 or more will be phoned to remind them that they have items still issued out to them that are overdue and need to be returned to the Library to avoid the customer being charged for them as lost items.
- If the items are not returned within 4 days of the Billing notice a phone call will be made providing the customer with a final opportunity to return the items before they are referred to the Council's Finance Department's debt recovery process.
- At 16 days after the due date with no response, the full amount of the account for the outstanding item(s) will be referred to the Council's Finance Department's debt recovery process.
- If the items are all returned in good condition at any stage prior to referral to debt recovery, all charges will be removed and the customer will be allowed to borrow items again.

If this proposal is approved Matamata-Piako Libraries will implement a "Welcome Back" campaign which will include reaching out to non-active patrons to encourage them to reactivate their membership.

This campaign will involve a well-promoted amnesty period to reach out to all customers with outstanding items, encouraging them to return these long overdue items to the library to have all fees and charges waived. This will provide an opportunity for the Council to alleviate some stress and financial burden for Matamata-Piako District citizens in these difficult financial times.

This campaign will also provide the opportunity to educate customers on managing their library accounts by returning or renewing their borrowed items. The effective management of overdue items will result in improved access to library resources for all customers.

## **Consultation and Engagement**

Although no formal consultation has been undertaken, the Library receive on average 10 to 15 enquiries per week regarding library fines. These enquiries are made up of disputes over the amounts owing, requesting time to pay them off or asking for clarification about the fining process.

Anecdotally, we also hear statements along the lines of “I won’t let my children use the library, because we will get billed for fines” or “I am put off from using the library as I don’t want to be fined for returning my books late”.

## **Financial Considerations**

As with outstanding overdue fines on children’s items, this proposal will not result in the removal of outstanding overdues on adults’ items from Matamata-Piako Libraries’ Library Management System, other than as outlined above (after three years for fines under \$20 and after six years for fines over \$20). Fines are removed from the Library Management System, but a note is placed on the account.

## **Conclusion**

In this time of financial hardship for all New Zealanders, we need to ensure our libraries are barrier-free and easy to access for all Matamata-Piako District residents.

As evidenced by the international studies referred to in this paper, the removal of library overdue fines is expected to realise an overall increase in library membership and usage. It is also expected that the number of books that are never returned will reduce. Most importantly, it will also assist in creating a more positive and welcoming environment, removing the barriers and negative connotations that a fines system generates.

If approved it is proposed that the policy will be implemented from Saturday, 1 July 2023, after a media release during the week beginning Monday, 3 July 2023.

Melanie Brebner  
**District Library Manager**



## Tauira Ngā Utu | Fees and Charges 2025/26

### 1 July 2025 – 30 June 2026

All fees and charges are inclusive of GST unless otherwise stated.  
Credit Card payments are accepted at Swim Zone Te Aroha, Te Aroha Mineral Spas and Te Aroha Visitor Information Centre with no transaction fees charged back to the customer. Credit Card transactions are accepted for payment-on-line (i.e. E-services) and at Matamata, Morrinsville and Te Aroha offices with transaction fees charged to the customer.

For Council Adoption



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Cemeteries		2025/26
Plot fees		
Plot fee - Adult		\$2,988.00
Plot fee - Child (under the age of 14 years)		\$1,489.00
Plot fee - Single ashes		\$802.00
Plot fee - Single ashes wall		\$625.00
Plot fee - Double ashes wall		\$934.00
Deposit for reserved plot		50% of plot type/ value
Interment fees		
Interment fee - Adult burial		\$2,212.00
Interment fee - Child burial (under the age of 14 years)		\$1,101.00
Interment fee – Ashes in ground		\$309.00
Interment fee – Ashes wall	Includes plaque installation	\$264.00
Late interment fee	Arrival at Cemetery more than 1 hour after specified burial time. Will be charged in addition to the relevant interment charge.	\$175.00
Disinterment fee		
Disinterment fee - Adult or child		At cost
Disinterment fee - Ashes (wall or in-ground)		\$309.00
Matamata Cemetery only		
Matamata Cemetery - Single RSA ashes wall	Wall 2	\$150.00
Matamata Cemetery - Single RSA ashes wall	Wall 3	\$635.00
Matamata Cemetery - Two adjacent single plots for a double interment RSA ashes wall		\$934.00
Matamata Cemetery - Matamata Memorial Garden		\$256.00
Piako Lawn Cemetery		
Piako Lawn Cemetery - Still born (Plaque installation only – no interment)		\$150.00
Piako Lawn Cemetery - Still born (Interment only)		\$264.00
Piako Lawn Cemetery - Still born (Plaque installation and interment)		\$309.00
Te Aroha Cemetery		
Te Aroha Cemetery - Still born (Plaque installation only – no interment)		\$150.00
Additional costs (if applicable)		
Vase Installation (Ashes Walls)		\$85.00

Cemeteries		2025/26
Plaque/Memorial Installation (Ashes Walls)		\$145.00
Breaking concrete & reinstatement	Per m3 concrete and hourly rate	At cost
Weekend fees (burial only)		\$642.00
Weekend fees (ashes only)		\$271.00
Public holiday fee (burial only)		\$851.00
Public holiday fee (ashes only)		\$489.00
Request to change reserved plot		\$60.00
Request to change warrant		\$120.00
Request to sell back reserved plot to Council		\$60.00
Admin fee for unpaid reserved plot		\$60.00
Monument installation application fee		\$70.00
Monument installation application fee - RSA		No charge

General Property		2025/26
Council boardroom facilities		
If cancellation notice is received within 7 days prior to the event – no refund. Only available during Council office hours		
Interview rooms (interview rooms in Matamata and Te Aroha)	Per hour	\$10.00
Boardroom hire - not including kitchen	Per hour	\$15.00
Boardroom – including kitchen	Per day	\$65.00
Boardroom - kitchen only	Per hour	\$10.00
Lease arrangement set up cost		
Lease where annual lease payments to Council are less than \$200.00		\$287.00
Lease where annual lease payments to Council are more than \$200.00		\$584.00
Rural Community Halls		
Fees for the hireage of rural community halls are set by each respective Rural Hall Committee. Contact details for each hall can be found <a href="#">here</a>		

Libraries		2025/26
Hot picks	Per book (2 week issue only)	\$5.00
Inter loans fee – requests outside MPDC	Plus associated fees	\$10.00
Internet and email – ½ hour per person per day		No charge

Libraries		2025/26
Photocopying – A4 side – black and white	Self service	\$0.20
Photocopying – A3 side – black and white	Self service	\$0.40
Photocopying – A4 side – colour	Self service	\$1.00
Photocopying – A3 side – colour	Self service	\$2.00
Printing- black and white - per side	Self service	\$0.20
Printing - A4 page – colour – per side	Self service	\$1.00
Talking books	From	\$2.00
Borrow non-book item		Price varies
Replacement cards		\$5.00
Withdrawn books	Prices at the library manager's discretion	Charges vary between \$0.20-\$2.00
PC scanning		Actual cost
Lost books/item – replacement cost	Charge of book plus admin charge	\$16.00
Local request delivery		Actual cost
Library Merchandise		Price varies
Membership charge for non-residents from non-reciprocal districts (exemptions can be applied on a case by case basis)	Annual membership fee	\$62.00
Meeting rooms	Per hour	\$10.00
Pop-up meeting space	Per hour	\$5.00-\$10.00

Parks and Open Spaces		2025/26
<p>There is no GST on bonds for parks.</p> <p>If cancellation notice is received within 7 days prior to the event - no refund.</p> <p>For definition of Community Group, Sports Park, Casual Hirer, Alcohol Served, Commercial see Notes at end of this document.</p>		
Standard charges – all parks		
Booking fee - required per booking or group of bookings if made at one time	Does not apply to Community Groups	\$25.00
Daily charge - <i>Sports Parks</i>		\$62.00
Daily charge - this is for all other parks and reserves that are not listed as <i>Sports Parks</i> e.g. Hetana Street Reserve (Railside / The Village Green) Howie Park, Te Aroha Domain.		\$26.00
Bond for casual hirers	Per day	\$277.00
Key bond (where applicable)	Per set of keys	\$26.00
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

Parks and Open Spaces		2025/26
Rubbish bins, above what is normally provided in the park	Per additional bin	\$21.00
Wedding/ event site preparation (e.g. additional mowing prior to event)		\$103.00
Power service charge (if available)	Per day	\$77.00
Gate locking/ unlocking (if required after hours/ weekends)	Per locking/ unlocking	\$77.00
Commercial activities - all parks		
Hire		\$722
Building / Facilities		
For facilities such as Event Centres and Sports Stadiums, see Community Venues section		
AR Johns Building - Boyd Park, Te Aroha		
Daily charge (daily charge rates will be prorated 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)	\$93.00
	per day	\$144.00
Bond for casual hirers (no alcohol served)	per day	\$53.00
Bond for casual hirers (alcohol served)	per day	\$277.00
Domain House - Te Aroha Domain		
All hirers (lower rates for use of Domain House for three days or more may be negotiated)	per day	\$53.00
Bond for casual hirers (no alcohol served)	per day	\$53.00
Bond for casual hirers (alcohol served)	per day	\$277.00
Domain Pavilion - Te Aroha Domain		
Hire	per hour	\$15.00 Community Group
		\$31.00 Commercial
Bond for casual hirers (no alcohol served)	per day	\$53.00
Bond for casual hirers (alcohol served)	per day	\$277.00
Billboard Sign - Skidmore Reserve, Te Aroha		
Billboard events sign boards (includes sign and installation)		\$80.00

Community Venues	2025/26
Definition of Casual / Regular Hirer, Alcohol Served, Commercial, Non Commercial see Notes. Information about Event Facilitator Assistance see Notes. Event Facility bookings of 3 or more consecutive days will have hourly rates capped at 10 hours per day maximum.	

Community Venues		2025/26
Bond waived if making 10 or more bookings per year. These bookings/ payments must be made in a single transaction.		
<u>Abbreviations for MPDC Event Centres</u>		
Matamata-Piako Civic and Memorial Centre (MMCC)		
Silver Fern Farms Event Centre (SFFEC)		
Morrinsville Event Centre (MEC)		
Headon Event Centre (HEC)		
Bond		
No alcohol served (Low risk)		\$200-\$1,000
Alcohol served (High risk)		
Court access		
SFFEC: Number of courts x 2 MEC: Number of courts x 2 HEC: Number of courts x 1		
Opening time until 6pm	Per court per hour	\$20.00
6pm until closing time	Per court per hour	\$30.00
Changing rooms	Per changing room	\$40.00
Small		
MMCC: Pete Peterson Room, Te Tauihu 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, Ballance Room MEC: Motumaoho Room HEC: 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) SFFEC: 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

Community Venues		2025/26
Commercial	Per room per hour	\$150.00
Whole Facility		
MMCC		
Non-Commercial	Hourly rate	\$65.00
Commercial	Hourly rate	\$220.00
SFFEC		
Non-Commercial	Hourly rate	\$85.00
Commercial	Hourly rate	\$115.00
HEC		
Non-Commercial	Hourly rate	\$60.00
Commercial	Hourly rate	\$85.00
MEC		
Non-Commercial	Hourly rate	\$85.00
Commercial	Hourly rate	\$115.00
Additional Fees		
Security/ traffic management. Council may require large or high risk events to have additional measures in place for the event		At actual cost
Replacement/loss of access card		\$54.00
Damage to facility		Bond plus actual cost
Carpet clean		Actual cost, minimum \$150.00
After hours call out (e.g. insecure building, fire brigade). Only charged when user is at fault		At cost
Cleaning if required, where the venue is left in an unsatisfactory condition (e.g. dishes left in kitchen, significant rubbish left behind, decorations left in place)		Actual cost per hour Minimum \$75.00
Set up and pack up/ Events Facilitator assistance (if required)		Per hour \$50.00
Optional additional extras		
Tea, percolator coffee, juice		Per person \$5.00
Tablecloths (laundry included)		Per cloth \$15.00
Stage		\$55.00
Carpet tiles - 1 court (required for all non-sport events on the courts)		\$350.00
Carpet tiles - 2 courts (required for all non-sport events on the courts)		\$550.00
Additional rubbish bins		Per bin \$20.00
Firth Tower Historical Reserve		
General admission to reserve grounds only		No charge

Community Venues		2025/26
General admissions to buildings and displays for individuals (is determined by the Matamata Historical Society)		<a href="#">See current fees at Firth Tower</a>
Facilitated historical activities by Firth Tower staff for groups	Per activity	\$35.00
Groups / schools (including 2 non-facilitated activities)	Per person	\$5.00
<b>Events at Firth Tower</b>		
Photos		\$65.00
Event venue hire (funeral or wedding ceremony, photos, buildings or reserve access)	Between 9am and 5pm	\$600.00
Set up and pack up assistance (if required)	Per hour outside of opening hours	\$50.00
Event bond	Bond (no alcohol served)	\$200.00
<b>Heritage room hire</b>		
Non-commercial – hourly rate	Per hour	\$15.00
Commercial – hourly rate	Per hour	\$40.00
Campervans (unpowered)	Per campervan per night	\$15.00
Campervans (powered)	Per campervan per night	\$20.00
<b>Waharoa (Matamata) Aerodrome</b>		
The first of any of the following types of movements are charged at landing rates: landing, touch and go, approach and go. Direct bank payments must be made within 10 days or will revert to the invoiced rate. No cash option on site		
Annual landing/ movement fee - recreational users (non-commercial)	Per year	\$165.00
Recreational operator – direct credit - per landing/ movement per day (paid within 10 days of the landing)	Per day	\$12.00
Commercial operator - direct credit - per landing/ movement per day (paid by the 10 <sup>th</sup> day of the following month)	Per day	\$26.00
Recreational and commercial operator – invoiced – per landing/ movement	Per day	\$56.00
<b>Camping</b>		
Public camping closed. Commercial camping only granted by permission from MPDC.		
<b>Adults</b>		
Un-powered site	Per person/ per day	\$15.00
Powered site	Per person/ per day	\$19.00
Soaring Centre bunk room	Per person/ per day	\$14.00

Community Venues		2025/26
Children		
Camping (under 16 years)	Per person/ per day	\$8.00

Animal Control		2025/26
<p>Keeping an unregistered dog may result in an infringement fee of \$300.</p> <p>Owners are legally responsible for keeping their dog under control at all times. Failure to do so is an offence under Section 53 of the Dog Control Act with a fine of up to \$3000 or an infringement fee of \$200.</p> <p>Any dog found at large can be impounded at the owner's expense.</p>		
Dog ownership fees *Payment after 31 July will result in a 50% penalty fee		
Full registration fee*		\$162.00
Minus rebates/ bonus (below) if applicable Rebate for <i>one</i> of the below:		
De-sexed dog		\$30.00
Working dog		
Breeding dog owner registered with Dogs New Zealand		
Responsible Owner Rebate		\$15.00
Bonus		
No complaints or infringements		\$35.00
No dog held by the owner was impounded in the previous registration year		\$35.00
Other		
Classified dangerous dog		150% of the relevant fee applies
Replacement tags		\$2.50
Dog impounding charges		
Impounding		\$100.00
Second impounding		\$200.00
Third and subsequent impounding in the same registration year		\$250.00
Daily sustenance		\$15.00
Microchipping		\$76.00
Disposal of unclaimed / surrendered dog		\$75.00
Stock call out fees		
During office hours		\$153.00
After hours (inclusive of mileage)		\$215.00
Impounding fee		\$61.00
Daily sustenance		\$7.00

Animal Control		2025/26
All associated costs (i.e. transport, advertising)		Actual cost

Building		2025/26
<p>1. All amounts are inclusive of GST.                      2. The below fees are for Building Control only. You may incur additional fees for planning/ engineering approval, and development contribution assessments (if applicable).                      3. Fees marked with an *, CoAs (Certificate of Acceptance), PIMs (Project Information Memorandum) and Exemptions will also incur an Objective Build fee, an Accreditation fee and any applicable BRANZ and MBIE levies.                      4. Should any particular job significantly exceed the standard processing time an additional fee will be charged, based on the additional hours spent on the application.                      5. All fees are payable on application. An invoice will be sent to you shortly after the lodgement of your application and processing will not commence until payment has been received. Once the building consent has been granted, any additional processing time, and planning and engineering approval charges will be payable (if applicable). Further charges may be applicable i.e. Minor Variation Fee etc.                      6. Building consent fees include the cost of the Code Compliance Certificate.                      7. Lapsed or Refused consents: Building consents lapsed prior to the first inspection being carried out or refused before the application is granted, will be refunded the charge already paid, less the cost of the work already carried out.                      8. *These fees do not include: Objective Build fees, Accreditation levy, BRANZ and MBIE levies, any additional processing time or Planning/ Engineering/ Development Contribution fees that may be applicable. Further charges may also be applicable i.e. Minor Variation Fees etc.                      9. Development Contributions: Please be aware that there could be a development contribution fee charged for your building project. Development Contributions are payable under the Local Government Act 2002 for some projects. A Code Compliance Certificate will not be issued until the Development Contributions applicable to the project are paid in full. Development Contributions are adjusted at 1 July each year in accordance with our Development Contributions Policy.</p>		
Applicant meetings		
Pre-lodgement/ Building Consent/ Building Control Technical Officer meetings		First 30 minutes free, thereafter charged at \$205/ hour
Minor works		
Inbuilt solid fuel heaters		\$640*
Minor plumbing or drainage		
Garden sheds (up to 20m <sup>2</sup> )		
Marquees		
Solar heating panels		
Installation of basic warning system		
Swimming Pool Fencing (Fencing only)		
Free standing solid fuel heaters		\$515*
Retrofit Codemarked Wall Insulation		
Standard Residential Building Works		
Carports/ Garages		\$1240.00*

Building		2025/26
Swimming Pools		
Decks and pergolas		
Shade sails/ archgolas/ conservatories		
Retaining wall (singular)		
Residential additions/alterations (less than 10m2)		
Structures		
Hay barns/ Implement sheds/ Bridges/ Reservoirs/ Dams/ Tanks		\$1345.00*
Stock Underpasses		
Retaining Walls (multiple)		
Outbuildings Habitable (with no Plumbing and Drainage)		
Sleep outs/ Office/ Studio		\$2530.00*
Outbuildings Habitable (with Plumbing and Drainage)		
Sleep outs with toilet and shower		\$3140.00*
Dairy sheds		
Dairy sheds		\$2215.00*
Residential Alterations		
Between 10m2 and 30m2		\$2530.00*
Exceeding 30m2		\$3140.00*
Dwellings		
Single Storey Dwelling (up to 250m2)		\$4175.00*
Single Storey Dwelling (over 250m2)/Two Storey Dwelling (up to 250m2)		\$5090.00*
Two Storey Dwelling (over 250m2)/Three Storey Dwelling		\$6010.00*
Re-sited/transportable dwellings		\$2215.00*
Multi Proof consents		
Dwellings		\$3300.00*
Note: Objective Build, Accreditation, MBIE, BRANZ, planning and engineering fees will still apply		
New commercial/ Industrial buildings		
Buildings up to 100m2		\$6770.00*
Buildings between 101m2 and 300m2		\$7330.00*
Buildings exceeding 300 m2		\$8970.00*
Commercial Alterations and Additions		
Commercial Alterations and Additions (Up to 100m2) and Public Toilets and Commercial Fit Outs <\$500,000		\$3950.00*

Building		2025/26
Commercial Alterations and Additions (exceeding 100m2) and Commercial Fit Outs >\$500,000		\$3950.00* Plus hourly rate for additional processing and inspecting
Other building related fees		
PIM (Project Information Memorandum) only applications (planning and engineering fees are additional)		\$500.00*
Minor variation (Minor amendments)		\$290.00
Amendment to a Building Consent	Processing and inspection costs (per hour), Objective Build. Government levies may also apply	At cost + \$90.00*
Additional Processing time		
Additional processing time over and above what is allowed for in standard fees	Per hour	\$205.00
Additional Inspection Charges		
Additional inspections, not covered by the standard fee (for re-inspections of failed inspections)	Per hour	\$205.00
Late cancellation charge for Inspections (inspection is cancelled with less than 24 hours' notice)		
Urgent Residential CCC		
Urgent Residential Code of Compliance Certificate (CCC) By request ONLY and subject to available resources - CCC will be processed within 3 working days		\$500.00
External services		
Peer review		At cost +10%
Certificate for construction over two allotments (Section 75 Building Act 2004)		
Issue a Section 75 Certificate		At cost +10%
Notice when building on land subject to a natural hazard (Section 73 Building Act 2004)		
Process a Section 73 application		At cost +10%
Applications for Certificate of Public Use (Sections 363a and 363b Building Act 2004)		
Issue a Certificate of Public Use		\$610.00
Certificate of Acceptance (CoA)		
At cost of processing (hourly rate) plus fees that would have been charged if consent had been obtained before building work commenced.		*Cost of original consent plus per hour cost (\$205.00 per hour)

Building		2025/26
Application for Exemption from Building Consent		
Application for Exemption from Building Consent (Schedule 1, Building Act 2004)	Set fee plus Objective Build	*\$265.00
Extension of time/ Lapsing/ Refusals		
Process an extension of time	Administration and inspection cost	\$116.00
Lapsing of a Building Consent		
Refusal of a Building Consent		
Compliance schedules		
New Compliance Schedules (Section 102 Building Act 2004)		\$260.00 plus a charge of \$116.00 per system or feature
Amendments to existing Compliance Schedule (Section 106 and 107 Building Act 2004)		
Building Warrant of Fitness		
Actual cost to audit existing BWOF	Per hour	\$205.00
Pool Inspections		
Pool Safety Inspections		\$205.00
Notice to fix (Section 164 and 167 Building Act 2004)		
Process a 'Notice to Fix'		\$420.00
Sale of Building Consent information		
Sale of Building Consent information	Per month	\$35.00
Application for a Building Certificate		
Sale and Supply of Alcohol Act 2012, Section 100		\$275.00
Amusement Devices (statutory charge)		
Fees set by Amusement Devices Regulations 1978: regulation 11, for approval to operate.		
A. One device for up to seven days	Set by Statute	\$11.50
B. Additional device for up to seven days	Set by Statute	\$2.30
C. Each device for every seven day period after first listing	Set by Statute	\$1.15
Accreditation Levy		
Payable on all building consents with an estimated value of \$20,000 and over, to cover costs of meeting criteria under the Building (Accreditation of Building Consent Authorities) Regulations 2006.		\$0.75 per \$1,000.00 of project value.
Objective Build Fees		

Building		2025/26
01/07/2025 – 10/11/2025 All consents marked * \$140 per application CoA/PIM/Exemptions \$140 per application		
11/11/2025 – 30/06/2026 All consents marked * calculated at value of work For work valued at less than or equal to \$124,999 the fee is \$80 per application. For work with value equal to or more than \$125,000 the fee is calculated at 0.075% (capped at \$2,500,000)  CoA less than or equal to \$125,000 = \$80 per application CoA more than \$125,000 = \$350 per application PIM/ Exemption = \$80		
Building Research Association of New Zealand (BRANZ) Levy (set by statute)		
For every building consent with an estimated value of \$20,000 and over \$1.00 per \$1,000 (x0.001) is payable. (Note: GST is not applicable to this levy).	Set by Statute	\$1.00 per \$1,000.00 of project value
Building Performance (MBIE) Levy (set by statute)		
For every building consent with an estimated value of \$65,000 and over \$1.75 GST inclusive per \$1,000 (x0.00175) is payable. For every building consent major amendment where the original consent was issued before 1 July 2024, the levies applicable at the time of the original building consent issue will apply.	Set by Statute	\$1.75 per \$1,000.00 of project value

Licensing		2025/26
Health licences - Health Act 1956 and associated regulations		
Hairdressers		\$206.00
Additional inspections	Per hour	\$196.00
Change of ownership		\$129.00
Camping grounds		\$356.00
Funeral directors		\$129.00
Mortuaries		\$294.00
Penalty for all registrations if not applied and paid for, by 30 June each year for hairdressers and camping grounds, and by 31 May each year for funeral directors and mortuaries.		\$206.00
Food Act 2014		

Licensing		2025/26
<b>Food Control Plan</b>		
Application for new registration of template food control plan *Statutory MPI levy and MPI levy admin fee are also payable		\$263.00
Application for renewal of template food control plan *Statutory MPI levy and MPI levy admin fee are also payable		\$206.00
Application for amendment of registration of template food control plan		\$200.00
Voluntary suspension of food control plan		\$200.00
*Statutory MPI Levy fee		\$66.13
*Statutory MPI Levy Admin fee*		\$12.65
<b>National Programme</b>		
Application for new registration of a national programme *Mandatory MPI levy and MPI levy admin fee are also payable		\$263.00
Application for renewal of a national programme *Mandatory MPI levy and MPI levy admin fee are also payable		\$206.00
Application for amendment of registration of a national programme		\$200.00
Voluntary suspension of a national programme		\$200.00
*Statutory MPI Levy fee		\$66.13
*Statutory MPI Levy Admin fee		\$12.65
<b>Processing charges</b>		
All verification activities including pre-registration assistance, annual audit, reporting non-compliance visits and any activity not specified in the schedule above (Environmental Health Officer)	Per hour	\$196.00
Administration	Per hour	\$100.00
Copies of food control plan or national programme		\$62.00
<b>Mobile Shops</b>		
Mobile Shops		\$310.00
<b>Gambling venue (Class 4 consent)</b>		
All applications that require a deposit will be charged at actual processing cost		
That meets all the criteria	Deposit only	\$1,500.00

Licensing		2025/26
That doesn't meet all the criteria	Deposit only	\$2,000.00
Noise control		
Return of seized stereo		\$200.00
Alarm deactivation/ disarming		Actual cost
Alcohol Licences		
Application fee for new licences, renewals of licences and variations to licences	See schedule in the Alcohol Fees Bylaw ( <i>link to be added</i> )	
Special licenses		
Temporary authority, temporary license		
Other fees	Set by statute	
Manager's certificate application		\$316.25
Appeal to Alcohol Regulatory & Licensing Authority (ARLA)		\$517.50
Extract of register (ARLA or District Licensing Committee)		\$57.50

Resource Consents and Monitoring		2025/26
Regulatory planning charges		
Set up fee (disbursements)	Per hour	\$100.00
Administration	Per hour	\$100.00
Graduate Consents Planner / Third Year Intern	Per hour	\$175.00
Intermediate Consents Planner / Planning Guidance Officer	Per hour	\$196.00
Senior Consents Planner	Per hour	\$212.00
Team Leader Resource Consents	Per hour	\$232.00
Planning Manager / Group Manager Growth and Regulation	Per hour	\$248.00
Monitoring	Per hour	\$175.00
Processing of completion certificates (s224)	Per hour	\$175.00
Team Leader Consents Engineer	Per hour	\$232.00
Consents Engineer	Per hour	\$196.00
Senior Consents Engineer	Per hour	\$212.00
Legal In House: Refer legal section in fees and charges		
External consultants (e.g. processing planner/engineer)		Actual cost plus 5%
Technical reports (e.g. peer review)		
Commissioners – independent		
Commissioners – Councillors - In accordance with Remuneration Authority Act 1977		Actual cost

Resource Consents and Monitoring		2025/26
Venue hire		Actual cost
Reports requested by commission		Actual cost plus 5%
Pre-lodgement meetings		First 30 minutes free. Thereafter charged at the officer's hourly rate.
Sale of planning consent information	Per month	\$80.00
Consent deposits and set fees		
All applications that require a deposit will be charged at actual processing costs		
Minor subdivision 1-9 lots	Deposit	\$4,000.00
Major subdivision 10+ lots	Deposit	\$9,000.00
Land Use		
For breaches of development controls (such as household recreation space and site coverage)	Deposit (includes 1 hour of monitoring)	\$2,500.00
Vehicle crossing only	Deposit (includes 1 hour of monitoring)	\$1,000.00
Combined minor subdivision and land use	Deposit	\$4,000.00
Combined major subdivision and land use	Deposit	\$10,000.00
Peat hazard land use consent - including monitoring	Set fee	
Second hand building land use consent - including 1 hour deposit for monitoring	Set fee	\$1,000.00
Permitted boundary activities	Set fee	\$500.00
Marginal and temporary activities	Deposit	\$1,000.00
Front yard encroachment land use consent (only applies where written approval from the affected parties are submitted with the application and there are no other matters of non-compliance - includes 1 hour deposit for monitoring )	Set fee	\$1,000.00
Limited notified applications (in addition to other deposits)	Deposit	\$9,000.00
Publicly notified applications (in addition to other deposits)	Deposit	\$6,000.00
Public or limited notified applications requiring a hearing	Deposit	\$10,000.00
Boundary adjustments	Deposit	\$2,000.00
Land Transfer Plan Approval 0-5 lots (s223 RMA)	Set fee	\$500.00
Land Transfer Plan Approval 6-10 lots (s223 RMA)	Set fee	\$800.00
Land Transfer Plan Approval 11 or more lots (s223 RMA)	Deposit	\$1,000.00

Resource Consents and Monitoring		2025/26
Approval of consent conditions (s224 RMA)	Deposit	\$1,000.00
Extensions of time (s125 RMA)	Deposit	\$1,500.00
Variations or cancellation of a consent condition (s127 RMA)	Deposit	\$1,500.00
Variations or cancellation of a consent notice (s221 RMA)	Deposit	\$1,500.00
Release of minor works bond	Deposit	\$500.00
Cancellation or variation of easements, building line restrictions and cancellation of compulsory amalgamations conditions (s241 and s243 RMA)	Deposit	\$1,500.00
Easements not requiring subdivision consent (s348 LGA)	Deposit	\$1,500.00
Surrender of consent	Deposit	\$1,000.00
Surrender of consent as required by a condition of consent	Deposit	\$500.00
Designation or heritage order	Deposit	\$3,000.00
Alteration of designation or heritage order	Deposit	\$3,000.00
Outline plan (s176a RMA)	Deposit	\$1,500.00
Outline plan waiver	Deposit	\$500.00
Certificate of compliance (s139 RMA)	Deposit	\$1,500.00
Existing Use Rights Certificate (s139A RMA)	Deposit	\$5,000.00
Alcohol licensing certificate for a new premises	Set fee	\$400.00
Alcohol licensing certificate for an existing premises	Set fee	\$155.00
Building consent processing – refer building consents and monitoring section		Hourly rates
All other functions under the RMA – refer regulatory planning charges		Hourly rates
Vehicle entrances - see Roading		

Roading		2025/26
Overweight/ high productivity vehicle permit application		
Any fees and charges that may be applicable for new overweight licensing requirements will be addressed at the time any new requirements come into force.		
Processing of permit - no supervision	Per permit	\$127.00
Processing renewal of existing permit	Per permit	\$59.00
Additional supervision cost	Per permit	\$292.00
Non notification which includes pavement and structural investigation work		\$754.00
RAPID number		

Rozing		2025/26
New RAPID number		No charge
Replacement of a RAPID number		No charge
Rozing events - non road closure		
Application - fundraising/ community events		\$30.00
Application - private events		\$127.00
Rozing events - road closures (including advertising)		
Closures requiring calls for submissions:		
Fundraising/community events		\$520.00
Private events		\$637.00
Closures not requiring calls for submissions:		
Private events/ utility work		\$520.00
Corridor access requests (CAR)		
Application fee		
Standard CAR		\$250.00
Works Access Permit (WAP) / Date extension		\$50.00
Project work (exceeding 28 days)		\$550.00
Generic Traffic Management Plan (TMP) (multiple sites up to a period of 12 months)		\$600.00
Further inspections due to non-compliance	Per inspection	\$213.00
Non-notification cost		\$738.00
Vehicle Crossings		
Application for a new/ upgraded vehicle crossing not part of a subdivision or building consent		\$380.00
CAR / TMP processing		\$110.00
Further inspections due to non-compliance	Per inspection	\$190.00
Stock underpasses (also refer building section)		
Applications (including all inspections)		\$955.00
Further inspections due to non-compliance	Per inspection	\$213.00
Fence permits		
Applications (including first inspection)		No charge
Further inspections due to non-compliance	Per inspection	\$213.00
Stock permits		
Applications (including first inspection)		No charge
Further inspections due to non-compliance	Per inspection	\$213.00
Abandoned vehicles		

Roading		2025/26
Vehicles taken into custody (where owner can be identified)	For towing and storage (if required)	Actual cost
Disposal fee (where owner can be identified)	For towing and storage (if required)	Actual cost
Skateboard infringements		
First confiscation		No fee
Second confiscation		\$40.00
Third and subsequent confiscations		\$74.00

Rubbish and Recycling		2025/26
<p>Transfer stations are located in Matamata, Morrinsville and Waihou. Charges based on weight rather than volume. All vehicles pass over a weigh bridge and fee applied according to weight of refuse or green waste. Minimum charge applied for small loads.</p>		
Replacement / delivery of bin:		
25 litre food waste bin	Included in targeted rates	Free
120 litre wheelie bin for refuse collection fortnightly	Included in targeted rates	Free
240 litre wheelie bin for recyclables	Included in targeted rates	Free
45 litre glass crate	Included in targeted rates	Free
Upon request to join kerbside collection service		
Provision of the following (including delivery)		The fee is charged at a varying rate based on 1/12th of the kerbside collection targeted rate for the current year multiplied by the number of full months to June that the service will be provided. The property will be rated for the service from the following year.
25 litre food waste bin		
120 litre wheelie bin for refuse collection		
240 litre wheelie bin for recyclables		
45 litre glass crate		
Transfer Station Fees		
Sorted and approved recyclables - Cardboard, clean glass, aluminium and tin cans, plastics (grades 1, 2 and 5, no motor oil or chemical containers).		Free
Commercial quantities will only be accepted by prior arrangement with management		Per tonne \$111.00
Refuse		
Bags up to 60 Litres. Maximum of 3 bags per vehicle.	Over 60 Litres, bags will be weighed	\$6.90
Charged by weight		\$355 per tonne

Rubbish and Recycling		2025/26
Green waste		
Bags up to 60 Litres. Maximum of 3 bags per vehicle.	Over 60 Litres, bags will be weighed	\$6.50
Charged by weight		\$170 per tonne
Scrap steel		
Ute/ station wagon/ single axle trailer/ tandem axle/ high side trailer/ commercial		No charge
Electronic waste		
Desktop computer, server (box only), modem, keyboard, small peripherals		No charge
Fluorescent tubes, laptop battery, speakers (per unit)		\$5.00
DVD/CD/VCR player, stereo system, gaming console, laptop, small printer, scanner, fax, microwave		\$7.00
LCD Computer monitor		\$12.00
CRT Computer monitor, Plasma/LCD TV (flat screen)		\$22.00
CRT TV		\$32.00
Other recyclable charges - these apply to all three transfer stations		
Charges per type		
End of life tyres from consumers (up to 5 at a time)		Free
Car Batteries		Free
Whiteware	Additional charge for items requiring degassing will be payable as below	Free
Degassing of fridges, freezers, air conditioning units as required under the Ozone Layer Protection Act 1996 and Climate Change Response Act 2002	Per item	\$15.50
Hazardous waste and oil. Domestic quantities (up to 10 litres) of can also be disposed of at the transfer stations, including solvents (Original labelled), cleaning fluids (Original labelled), paints, car batteries and oils. Fertilisers, herbicides and pesticides may also be disposed of if they are placed in a sealed, clear plastic bag and labelled.		\$22.00
Weigh only		\$10.00
Wastewater		2025/26
Trade Waste application fees		

Wastewater		2025/26
Permitted/ Controlled Discharge	per application	\$304.00
Conditional Consent (covering first 6 hours work)	per application	\$912.00
Hourly rate for applications, additional hours (per hour)	per hour	\$152.00
Temporary Discharge	per application	\$304.00
Renewal Fee for permitted or conditional Trade Waste Consents (plus any inspection costs)	per application	\$152.00
Variation / Change of Details Request for Trade Waste consents (plus additional hourly rate for more than 30 minutes time noting that site inspection charges may also apply)		\$76.00
Special trade waste agreements, variations or renewals. Actual costs recovered including but not limited to consultant or legal fees		Actual cost
Site inspection fees		
Permitted/Controlled Discharge - Site Inspection/Audit	per site visit	\$228.00
Conditional Consent - Site Inspection/Audit	per site visit	\$304.00
Temporary Discharge - Site Inspection/Audit	per site visit	\$304.00
Non-Compliance - Site Inspection/Audit	per site visit	\$456.00
Annual fees		
Permitted		No charge
Permitted Audited		\$152.00
Conditional		\$274.00
Special		As per tradewaste agreement
Conditional/Special - Risk Class 2	Cost of any independent monitoring (sampling and analysis) is recovered through a separate fee.	\$1,456.00
Conditional/ Special - Risk Class 3	Cost of any independent monitoring (sampling and analysis) is recovered through a separate fee.	\$2,400.00
Tankered Waste administrative charge		\$932.00
Other fees		
Temporary discharge	Cost of any independent monitoring (sampling and analysis) is recovered through a separate fee.	\$270.00
Independent Monitoring	per sample collection	\$281.00

Wastewater		2025/26
Tankered waste	The fixed tankered waste charge shall be calculated using a set fee per cubic metre	\$46.00 per M <sup>3</sup>
Other tradewaste charges are as per individual tradewaste agreements		

Water		2025/26
District wide tanker fill points	Per M <sup>3</sup>	\$8.00
	Initial registration	\$404.00
	Annual review	\$136.00
Backflow maintenance and annual testing		Actual cost plus admin fee of 10%
Meter administration fees		
Re-connection fee		\$3.00
Disconnection fee		At cost
Connection/installation fee		At cost
Backflow maintenance and annual testing		At cost

Strategies and Plan		2025/26
Private plan changes		
Private plan changes	Deposit	\$20,000.00
Administration fee	Per hour	\$100.00
Graduate RMA Policy Planner	Per hour	\$175.00
RMA Policy Planner	Per hour	\$196.00
Senior RMA Policy Planner	Per hour	\$212.00
Team Leader RMA Policy Planner		\$232.00
Planning Manager / Group Manager Growth and Regulation	Per hour	\$248.00
Consultant Planner	Per hour	Actual cost plus 5%
Legal		
In house: Refer legal section in Fees and Charges		
External consultants		Actual cost plus 5%
Commissioners – independent		Actual cost plus 5%
Commissioners – Councillors - In accordance with Remuneration Authority Act 1977		Actual cost
Venue hire		Actual cost
Reports requested by commission		Actual cost plus 5%
All photocopying and postage will be charged as per Customer Services fees and charges		

Engineering		2025/26
Graduate Engineer	Per hour	\$175.00
Surveyor	Per hour	\$186.00
Engineering Officer	Per hour	\$196.00
Senior/Design Engineer	Per hour	\$212.00
Team Leaders	Per hour	\$232.00
Roading Manager	Per hour	\$248.00
Group Manager Operations	Per hour	\$258.00

Customer Services		2025/26
Official information charges		
Time - first hour or part thereof		Free
Time - after first hour	Per half hour or part thereof	\$38.00
Pages copied - first 20 A4 (or smaller) pages free	Over 20 pages/ per page	\$0.50
A3 printing, other materials, viewing arrangements		Actual cost
Access to files		
Simple file (including property owner)		\$30.00
Complex files - e.g. business or industrial establishments (including property owner)		\$65.00
Building and resource consent files		\$25.00
Recovery of file from off-site		\$70.00
Record of Title and deposited plan search (searches are performed only to satisfy Resource Consents and Building Consents requirements, we do not do general public searches)	Per title	\$35.00
Access to register information	Per month	\$22.00
Supporting documents for search (Instruments registered against the title for example encumbrances, consents notices etc.)	Each per instrument	\$15.00
Photocopying/ GIS and mapping services		
Black and white photocopying/ printing		
External A4	Per page	\$0.50
External A3	Per page	\$1.00
Colour photocopying/ printing		
External A4	Per page	\$2.00
External A3	Per page	\$4.00
GIS		

Customer Services		2025/26
GIS charge out rate	Per page	\$67.00
	Minimum charge	\$34.00
Policies, plans, bylaws, reports, agendas and minutes		
Long Term Plan, Annual Plan, Annual Report, Bylaws and all other policies, plans, agendas and minutes	Per page	
Land Information Memorandum (electronic)		
Changes to the information requirements for LIMs come into effect 1 July 2025. There may be the need to remove the urgent LIM fees and increase the base LIM fee.		
Standard Land Information Memorandum (LIM)	(10 working days)	\$320.00
Urgent Land Information Memorandum (LIM)	(3 working days)	\$470.00
Standard business/industrial establishment Land Information Memorandum (LIM)	(10 working days)	\$530.00
Urgent business/industrial establishment Land Information Memorandum (LIM)	(5 working days)	\$680.00
Printed copy of LIM charged as per Official Information charges		Charged as per Official Information charges
Rates Refund		
Requests to refund credit balances on rates account at time of property settlement	This fee is for any request for refund of any credit balance on the rates account	\$50.00
See Notes for Official Information charges		

Communications		2025/26
Photos		
Community Groups and other organisations, where there is a benefit to Council		Free
Commercial / Other organisation	Standard Photo	\$52.00
	Panoramic Photo	\$103.00
Filming permit		
Community Groups and other organisations, where there is a benefit to Council	Per day	\$30.00
Commercial / Other organisation	Per day	\$150.00
Filming location		
Sole use of Council property for filming. Council will issue invoice and require payment upon receipt.	During work hours 8am-5pm (maximum 9 hours)	\$1000.00 per day
	After hours 5pm-10pm (maximum 6 hours)	\$750.00 per day

Legal		2025/26
In house services (performed by Council's legal staff)	Legal per hour	\$263.00
	Administration per hour	\$100.00
External services (performed by external legal firms)		Actual cost

Independent Commissioner		2025/26
Engaging external commissioner/s to hear an application		Actual cost
Secretarial and administrative support	Per hour	\$100.00
Staff time in preparing, organising and holding a hearing	Per hour	\$186.00
Additional equipment, materials or meeting space required for the hearing		Actual cost

Swimming Pools		2025/26
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	\$2.00
Concession cards (pool entry)		
Child (under 16 years)	10 swims	\$42.00
	20 swims	\$80.00
	30 swims	\$112.00
Adult (16 years +)	10 swims	\$68.00
	20 swims	\$128.00
	30 swims	\$180.00
Senior (65 years +)	10 swims	\$59.00
	20 swims	\$112.00
	30 swims	157.00
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

Swimming Pools		2025/26
	6 month	\$291.00
	12 month	\$458.00*
Senior (65 years +)	3 month	\$164.00
	6 month	\$255.00*
	12 month	\$400.00*
SZTA No.2 Bath House (public 30 min sessions*)		
Public sessions	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		\$57.00*
*Public sessions (minimum 2 – maximum 10 persons per session)		
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		\$155
Squad member (pool entry) 12 months	Valid only during squad training session times	\$243
Hire (bookings essential)		
Lane hire	Per lane per hour	\$20.00
Inflatable hire for private bookings (Includes additional lifeguard)	Hire per hour where available	\$50.00
Inflatable - Public session	Per person plus cost of general admission	Free
Barbeque hire	Per hour	\$20.00
Full pool hire	Per hour per pool (includes one additional lifeguard. Additional 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 6 people per class)		

Swimming Pools		2025/26
Per session		\$8.50
Concession card	10 sessions	\$72.00
	20 sessions	\$136.00
	30 sessions	\$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	\$5 per child, one adult 16+ years swims free
Active Health concession rates		
Child (under 16 years)	General	\$4.00
	10 sessions	\$34.00
	20 sessions	\$64.00
	30 sessions	\$90.00
Adult	General	\$7.00
	10 sessions	\$59.00
	20 sessions	\$112.00
	30 sessions	\$158.00
Senior	General	\$6.00
	10 sessions	\$51.00
	20 sessions	\$96.00
	30 sessions	\$135.00

Notes
Community Group/ Non Commercial
A not for profit organisation that provides services that are of benefit to the community, including the provision, promotion or facilitation of: <ul style="list-style-type: none"> <li>- public health or wellbeing,</li> <li>- social advisory or rehabilitation services,</li> <li>- sports or recreational activities,</li> <li>- public amenities or recreational facilities,</li> <li>- the protection or enhancement of the environment,</li> </ul>

Notes
<ul style="list-style-type: none"> <li>- the protection of human life,</li> <li>- the relief of poverty,</li> <li>- the advancement of education (eg schools) or religion,</li> <li>- animal welfare,</li> <li>- public works or services,</li> </ul> <p>the efficiency of the armed forces</p>
Commercial
Any other entities not covered above
Sports Parks
<p>The following parks are classified as sports parks:</p> <ul style="list-style-type: none"> <li>- Matamata: Matamata Domain, Pohlen Park, Swap Park</li> <li>- Morrinsville: Morrinsville Recreation Ground, Wiseley Reserve</li> <li>- Te Aroha: Boyd Park, Herries Park, Waihou Recreation Reserve</li> </ul>
Casual/ regular hirers
<p>Regular hirers are those who make regular bookings that cover one school term or a period of three months or more.</p> <p>Regular hirers are not required to pay a bond.</p> <p>All other hirers are classified as casual hirers.</p>
Alcohol served
Serving alcohol at Council facilities is subject to licensing requirements under the Sale and Supply of Alcohol Act 2012 and/ or obtaining permission from Council.
Event Facilitator assistance
<p>Available during events.</p> <p>Please contact the Events and Promotions Coordinator to discuss your requirements and rates. Rates depend on the size of the event and set up requirements.</p>
Official Information Charges
<p>The Local Government Official Information and Meetings Act 1987 (Act) requires us to make available certain information which we hold. The Act also makes provision for us to make a charge for the information supplied but this charge must be reasonable and is for the cost of labour and materials involved in making the information available. If the request expresses urgency, then the Council may have to use additional resources to gather the information promptly and the Act permits the Council to charge for these extra resources. If there is a charge for information we will advise you of the likely charges before we commence processing the request and will give you the opportunity to decide whether or not to proceed with the request. In such cases we may also require that the whole or part of any charge be paid in advance before commencing to process the request. If the time taken to process the information and/or the number of copies supplied is only a small margin over the 'free' allowance, we may use our discretion as to whether any charge should be made.</p> <p>Where repeated requests are made by the same person or group in respect of a common subject over intervals of up to eight weeks we will aggregate these requests for charging purposes. This means that the second and subsequent requests will not be subject to one hour of free time and 20 free standard A4 (or smaller) photocopies.</p> <p>The charge represents a reasonable fee for the cost of providing information. It may include (but is not limited to) time spent:</p> <ul style="list-style-type: none"> <li>• in searching an index to establish the location of the information</li> <li>• in locating and extracting the information from the place where it is held</li> </ul>

Notes
<ul style="list-style-type: none"><li>• in reading or reviewing the information</li><li>• in supervising the access to the information.</li></ul> <p>Under the Act we are not permitted to charge for:</p> <ul style="list-style-type: none"><li>• locating and retrieving information which is not where it ought to be</li><li>• time spent deciding whether or not access should be allowed, and in what form.</li></ul> <p>The liability to pay any charge may be modified or waived at the discretion of the delegated officer receiving the request. Such decisions should have regard to the circumstances of each request. However, it would be appropriate to consider:</p> <ul style="list-style-type: none"><li>• whether payment might cause the applicant hardship</li><li>• whether remission or reduction of the charge would facilitate good relations with the public or assist the department in its work</li><li>• whether remission or reduction of the charge would be in the public interest because it is likely to contribute significantly to public understanding of, or effective participation in, the operations or activities of the government, and the disclosure of the information is not primarily in the commercial interest of the requester.</li></ul> <p>Charges are set in accordance with Ministry of Justice, Charging Guidelines for Official Information Act 1982 Requests (2002) and the Ombudsman's guide to charging for official information under the OIA and LGOIMA released June 2016. If an identifiable natural person seeks access to personal information about that person then the request is governed by the Privacy Act 1993 and these charges do not apply. Information that is already publicly available (for example at our libraries and offices or on our website is not subject to the Act, and normal charges apply to the supply of this information. A person who makes a request for information under the Act may make a complaint to the Office of the Ombudsmen regarding our decision regarding supply of that information.</p>

7 Pūrongo me whakataū | Decision Reports

## 7.3 Council Hearing Gambling Venue Policy and TAB Venue Policy 2025

CM No.: 2981841

### Te Kaupapa | Purpose

The purpose of this report is to seek Council direction on the adoption of the Gambling Venue Policy and TAB Venue Policy in light of the consultation.

### Rāpopotonga Matua | Executive Summary

The consultation process whereby the public is invited to submit their feedback has been undertaken on the draft Gambling Venue Policy and TAB Venue Policy from 27 February to 13 April 2025 alongside several other documents.

20 submissions were received including two late submissions at the time of writing this report. A summary of these submissions is presented within this report.

Based on feedback received it is recommended Council consider if any amendments are required to the Gambling Venue Policy and TAB Venue Policy prior to adoption.

## **Tūtohunga | Recommendation**

**That:**

### **Gambling Venue Policy 2025**

1. The information be received.
  - a) Council adopts the Gambling Venue Policy 2025 as consulted on, to come into force 12.00am 1 July 2025.
  - b) Staff be given delegation to make minor proofing and grammatical changes prior to publishing the Gambling Venue Policy 2025 (if required).
  - c) Council's decision on the Gambling Venue Policy 2025 be notified to submitters and the public and the Gambling Venue Policy 2025 be made available on Council's website.
  - d) Council revokes the previous Gambling Venue Policy 2022 at 11.59pm 30 June 2025 to ensure there is no gap in regulation or enforcement.

**OR**

2. The information be received.
  - a) Council requests staff provide additional information and/or explore further options and present an amended Gambling Venue Policy 2025 to the Council meeting on 28 May 2025.
  - b) Council notes that any significant changes may require further community consultation.

## **Tūtohunga | Recommendation**

**That:**

### **TAB Venue Policy 2025**

1. The information be received.
  - a) Council adopts the TAB Venue Policy 2025 as consulted on, to come into force 12.00am 1 July 2025.
  - b) Staff be given delegation to make minor proofing and grammatical changes prior to publishing the TAB Venue Policy 2025 (if required).
  - c) Council's decision on the TAB Venue Policy 2025 be notified to submitters and the public and the TAB Venue Policy 2025 be made available on Council's website.

**d) Council revokes the previous TAB Venue Policy 2022 at 11.59pm 30 June 2025 to ensure there is no gap in regulation or enforcement.**

**OR**

**1. The information be received.**

- a) Council requests staff provide additional information and/or explore further options and present an amended TAB Venue Policy 2025 to the Council meeting on 28 May 2025.**
- b) Council notes that any significant changes may require further community consultation.**

## **Horopaki | Background**

### Gambling Venue Policy

Under the Gambling Act 2003, Council is required to have a Gambling Venue Policy and review it every three years. Council must consult with the community as per the Local Government Act 2002 Section 83, and must give notice of any proposed changes to corporate societies operating in the district and any organisations in the district representing Māori.

The purposes of the Gambling Act 2003 relevant to a class 4 venue policy are to:

- Control the growth of gambling
- Prevent and minimise the harm from gambling, including problem gambling
- Facilitate community involvement in decisions about the provision of gambling.

A Gambling Venue Policy must specify whether class 4 venues may be established in the territorial local authority area, and, if so, where they may be located.

It may also specify any restriction on the maximum number of gaming machines that may be operated or include a relocation policy.

There are 11 gambling venues and 147 pokie machines in the district currently.

Council proposed the following changes in the draft Gambling Venue Policy 2025 for consultation:

- Allow no more than 15 gambling venues to operate in the district at one time
- Allow no more than 201 pokie machines to operate in the district at one time
- Change the cap from a population-based cap to an absolute cap
- Remove the gambling venue and pokie machine cap set per town and apply to district-wide
- Remove the requirement that applicants must obtain written approval from affected parties within a 250 metres of a proposed gambling venue
- Require all applicants who wish to operate a new gambling venue or merge or relocate an existing gambling venue, not to be within a 100 metre radius of a sensitive site
- Apply plain english to the Policy.

### TAB Venue Policy

Under the Racing Industry Act 2020 Council is to have a TAB Venue Policy and review the policy every three years. Council must consult with the community as per the Local Government Act 2002 Section 83.

The purpose of a TAB Venue Policy is to prevent and minimise harm from gambling conducted under the Act, including harm associated with problem gambling.

A 'standalone' TAB venue is a premises that is owned or leased by TAB NZ, and where the main business carried out at the premises is providing race and/or sports betting under the Racing Industry Act 2020.

There are no standalone TAB venues in the district currently.

Council proposed the following changes in the draft TAB Venue Policy 2025:

- Retain the current cap, but no longer consider population
- Remove the requirement that applicants must obtain written approval from affected parties within a 250 metres of a proposed TAB venue
- Require all applicants who wish to operate a new TAB venue not to be within a 100 metre radius of a sensitive site
- Apply plain english to the Policy.

At the Council meeting on 11 December 2024, Council adopted the following documents for consultation:

- Statement of Proposal
- Social Impact Assessment
- Draft TAB Venue Policy 2025
- Draft Gambling Venue Policy 2025

### Early Engagement

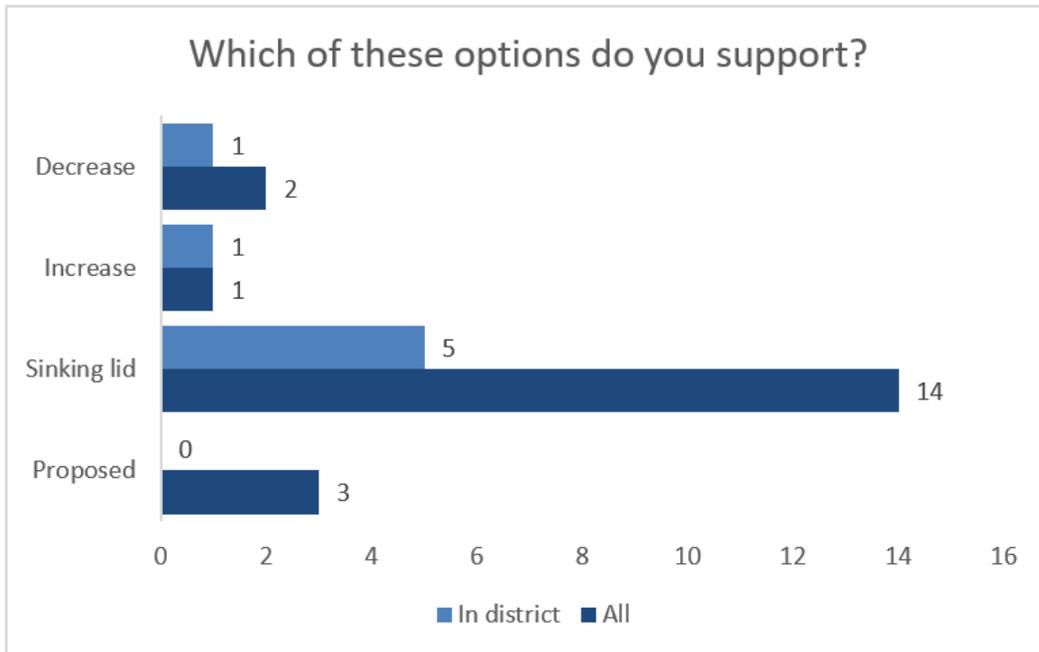
Several Council workshops were held to discuss research and community feedback to inform the review of the policies. Operational staff, Te Mana Whenua Forum, and key stakeholders were contacted to provide feedback.

Consultation information such as the Statement of Proposal and relevant legislation can be found here: [Gambling and TAB Venue Policy](#)

## **Ngā Take/Kōrerorero | Issues/Discussion**

Key themes from the submissions received are summarised below.

### **Question 1: Gambling Venue Policy**



Groups who support the **proposed** changes include:

- The Lion Foundation
- Gaming Machine Association NZ
- Aotearoa Gaming Trust

Key themes:

Submissions note that corporate societies are required to return some of their profits to the community via gambling grants, which fund local groups like Te Aroha Croquet, Matamata Futures, and Matamata Intermediate School. The Lion Foundation also notes that around 10% of all grants go to national organisations like NZ Football, Netball NZ, and NZ Rugby League NZ. Submissions also noted that gambling venues have harm minimisation strategies and training, and the problem gambling presentations in Matamata-Piako remains low.

Groups who support a **sinking lid policy** include:

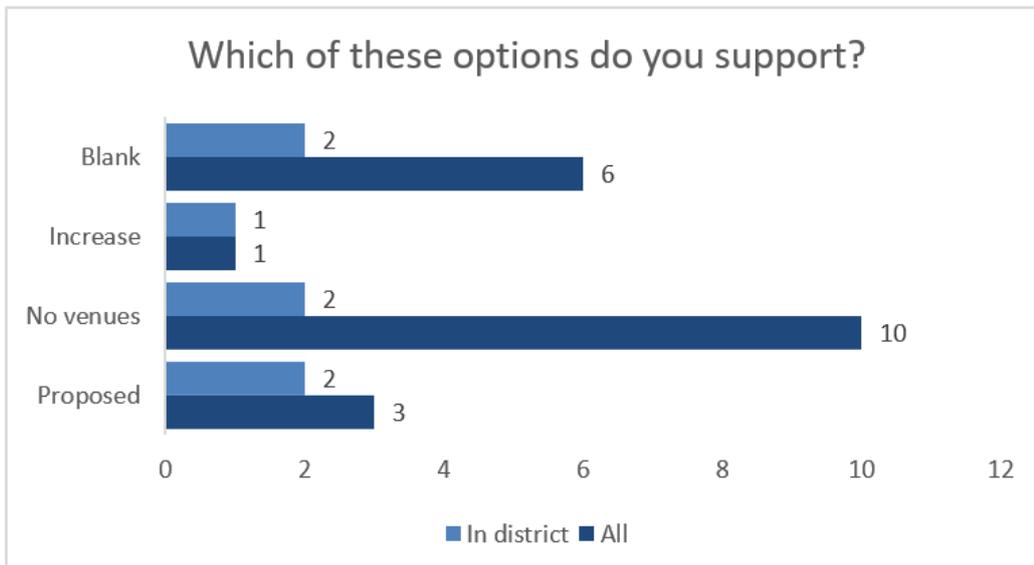
- Te Whatu Ora - Waikato
- Problem Gambling Foundation
- Mapu Maia
- Asian Family Services
- Mana Rangatahi
- Te Mana Whenua Forum o Matamata-Piako
- Samoan Family Advocate

Key themes:

Submissions note that gambling harm disproportionately affects Māori and Pacific Peoples, and people in high deprivation areas. Some submissions note the harm gambling has had on themselves, someone close to them, or people they work with. Submissions also note that electronic gaming machines are the most harmful forms of gambling and the harm caused by gambling (such as emotional and psychological stress, financial harm such as increased credit card debt, reduced performance at work or education, relationship conflict, disruption and breakdown, and criminal activity) can also harm children by extension.

The Problem Gambling Foundation note a sinking lid is the most effective policy option in reducing gambling harm and 55% of Councils across New Zealand have implemented the policy. They also highlight that there is no tangible evidence that a reduction in the availability of gaming machines increases online gambling participation.

### Question 2: TAB Venue Policy



Some submissions supported the **proposed** TAB policy option, but no reasoning was provided.

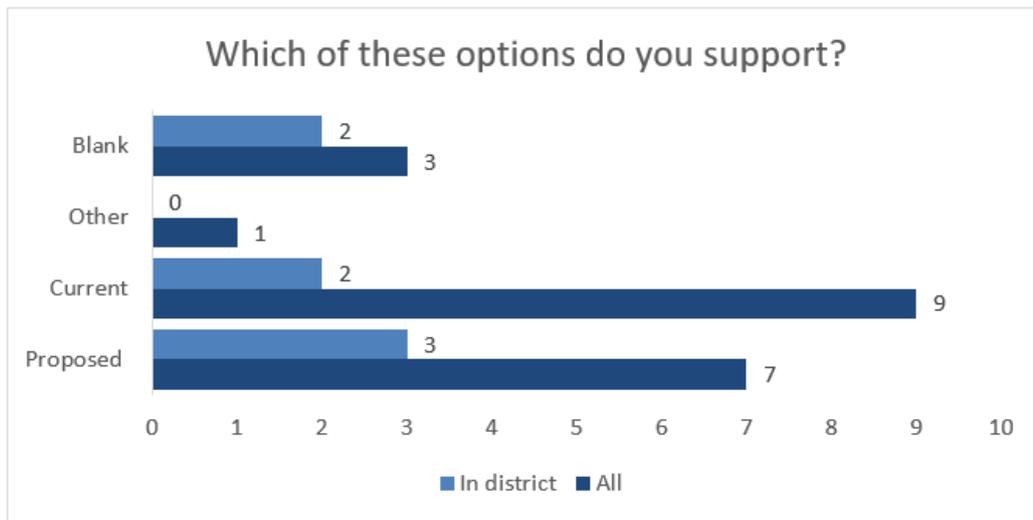
Groups who support **no TAB venues** include:

- Mapu Maia
- Problem Gambling Foundation
- Samoan Family Advocate

#### Key themes:

Submissions note that Māori and Pacific Peoples are at higher risk of gambling harm, and allowing other forms of gambling like TAB venues will negatively impact wellbeing. Submissions also note that as there are no in-person gambling specific support services in the district, there are limited options for people to access gambling support.

### Question 3: Location requirements for Gambling Venue Policy and TAB Venue Policy



Groups who support the **proposed** changes include:

- The Lion Foundation
- Gaming Machine Association NZ
- Aotearoa Gaming Trust
- Te Whatu Ora - Waikato

The Gaming Machine Association NZ notes that there is no requirement in the Gambling Act 2003 for approval to be sought from affected parties during each application.

Groups who support the **current** requirements include:

- Mapu Maia
- Samoan Family Advocate

#### Key themes:

Submissions note that removing the requirement would prevent vulnerable people from having a say as to where new venues could be located.

#### Other feedback:

Following several workshops and hui, Te Manawhenua Forum mō Matamata-Piako recommended a sinking lid policy, noting the disproportionate social, financial, and spiritual harm that gambling has on Māori and wider whānau.

The Problem Gambling Foundation, Mapu Maia, Asian Family Services, and Te Whatu Ora also advocated for not allowing two or more gambling venues to merge and not allowing existing gambling venues to relocate.

#### **Mōrearea | Risk**

There are no specific risks to note, other than general risks of legislative non-compliance and Council image/reputation if decisions reached are unfavourable or depart from the proposal consulted on.

## Ngā Whiringa | Options

<b>Option One – Adopt the Gambling and TAB Venue Policies as consulted on (recommended)</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Council Policies will be updated as discussed earlier in this report	The proposed policies may not reflect some of the views of the community presented
<b>Option Two – Request additional information and/or explore further options</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Council will be able to consider additional information and/or explore further opportunities	Any significant changes may require further community consultation.

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

Under the Gambling Act 2003, Council is required to have a Gambling Venue Policy and review it every three years. The Policy must set whether class 4 gambling venues are allowed to operate in the district, and if so, where they may be located. Council may specify any restrictions on the number of gaming machines allowed in the district, and where they may be located, and may include a relocation policy. Council must adopt, amend or replace the policy in accordance with the special consultative procedure as per the Local Government Act 2002 Section 83, and give notice of the proposed policy to each corporate society operating in the district, and organisations representing Māori.

Under the Racing Industry Act 2020, Council is required to have a TAB Venue Policy and review it every three years. The Policy must set whether TAB venues are allowed to operate in the district, and if so, where they may be located. Council must adopt amend or replace the policy in accordance with the special consultative procedure as per the Local Government Act 2002 Section 83.

### **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 medium 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.

<b>Local Government Act 2002 decision making requirements</b>	<b>Staff/officer comment</b>
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options were addressed in the Statement of Proposal, linked earlier in this report.
Section 78 – requires consideration of the	None identified.

views of Interested/affected people	
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 medium level of significance.
Section 82 – this sets out principles of consultation.	The special consultative procedure was utilised during the consultation of the policy.

### **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**

For a full breakdown of the communications and engagement that was undertaken as part of this consultation, please see the Council Hearing of Submitters Report earlier in this agenda.

### **Timeframes**

<b>Key Task</b>	<b>Dates</b>
Council considers the submissions for the draft Gambling and TAB Venue Policies.	7 <sup>th</sup> May 2025
Council adopts the Gambling and TAB Venue Policies.	7 <sup>th</sup> May 2025 (or a later date as specified by Council).
The Gambling and TAB Venue Policies comes into force.	1 <sup>st</sup> July 2025

### **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
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>	
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:

- He wāhi kaingākau ki te manawa | A place with people at its heart
- He wāhi puawaitanga | A place to thrive
- 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 review of Council's Gambling and TAB Venue Policies is provided for under existing budgets with the Strategies and Plans activity.

### Ngā Tāpiritanga | Attachments

[A](#)  Draft Gambling Policy 2025 - for Council adoption 2025



[B](#)  Draft TAB Venue Policy 2025 - for adoption 17 04 2025 (pdf)



### Ngā waitohu | Signatories

Author(s)	Olivia Picard <b>Kaitohu Kaupapahere Paetahi   Graduate Policy Advisor</b>	
Approved by	Niall Baker <b>Kaiārahi Tīma Kaupapahere   Policy Team Leader</b>	
	Sandra Harris <b>Pou Kaupapahere, Rāngai Mahitahi me te Kāwana   Policy, Partnerships and Governance Manager</b>	





# Kaupapahere mō ngā Wāhi Petipeti 2025 | Gambling Venue Policy 2025

**For Council Adoption**

<b>Department</b>	Policy, Partnerships and Governance
<b>Policy Type</b>	External
<b>CM Reference</b>	3023213
<b>Resolution Date</b>	To be confirmed
<b>Policy Effective From</b>	1 July 2025
<b>Engagement Required</b>	Special Consultative Procedure (Local Government Act 2002)
<b>Review Frequency</b>	Three-yearly or as required by Council or legislative changes
<b>Review Date</b>	1 June 2028
<b>Policy Supersedes</b>	Gambling Venue Policy 2022



## 1. Te Kaupapa | Purpose

1.1 The purpose of this Policy is to meet the requirements of the Gambling Act 2003 and set out whether or not class 4 venues may be established in the district and, if so, where they may be located.

## 2. Ngā Whaingā | Objectives

2.1 The objectives of this Policy are to:

- a) Support the purpose and intent of the Act;
- b) Control the growth of class 4 gambling machine numbers within the Matamata-Piako district;
- c) Have regard to the social impacts of gambling and reduce the risk of gambling exposure of persons under 18 year old; and
- d) Avoid the establishment of class 4 gambling activities in locations proximate to residential areas, or other identified sensitive sites.

## 3. Ngā Tautuhinga | Definitions

Term	Definition
<b>The Act</b>	The Gambling Act 2003
<b>Adjoin</b>	Allotments sharing one or more common boundaries or separated only by a road width or similar equivalent.
<b>Authorised officer</b>	Means any person or delegated body appointed or authorised by the Council to carry out duties and exercise powers under this Policy.
<b>Class 4 gambling/gaming venue</b>	Means a place used to conduct 'class 4' gambling, not including a casino, that contains gaming machines (Non Casino Gaming Machines or 'pokies').
<b>Club</b>	Voluntary association of persons combined for a purpose other than personal gain. The net proceeds from a club's gaming machine operation are spent on the club's "authorised purpose", such as club facilities and member services. Some clubs may also choose to distribute their gaming proceeds as grants to community organisations. If a club operates electronic gaming machines, it must hold both an operator licence and a venue licence.
<b>Corporate Society</b>	The societies operate their electronic gaming machines out of venues and must distribute their net proceeds to authorised purposes.
<b>Council</b>	Matamata-Piako District Council.
<b>Electronic gaming machines (EGMs)</b>	Electronic gaming machines (EGMs) or 'Pokies' are electronic gaming machines that operate outside of a casino location (typically a club, pub, bar or hotel). They

Term	Definition
	may also be called 'gaming machines' as defined in Part 1 (4) of the Gambling Act 2003.
<b>Gambling</b>	The Gambling Act defines gambling as— (a) means paying or staking consideration, directly or indirectly, on the outcome of something seeking to win money when the outcome depends wholly or partly on chance; and (b) includes a sales promotion scheme; and (c) includes bookmaking; and (d) includes betting, paying, or staking consideration on the outcome of a sporting event; but (e) does not include an act, behaviour, or transaction that is declared not to be gambling by regulations made under section 368.
<b>Harm</b>	Harm as defined in the Gambling Act 2003. Means harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling; and includes personal, social, or economic harm suffered— by the person; or by the person's spouse, civil union partner, de facto partner, family, whanau, or wider community; or in the workplace; or by society at large
<b>LGA</b>	Local Government Act 2002
<b>Primary activity</b>	The activity or activities primarily associated with and promoted by the Venue.
<b>Relocation Policy</b>	This policy constitutes the relocation policy of Matamata-Piako District Council.
<b>Sensitive sites</b>	Includes: (a) any community facility including park and reserve, playground, library, museum, community hall or recreational facility, or Marae, or place of worship; (b) any school, kindergarten, childcare facilities, or other educational institution; (c) any premises occupied by a social welfare agency such as the Salvation Army, Work and Income or similar agency.  [Insert hyperlink]
<b>Venues</b>	These are the pubs and other venues where gaming machines are located.



#### **4. Ngā tūnga karangata 4 me ngā mīhini petipeti tepenga | Class 4 venue and gaming machine cap**

4.1 The total number of gaming venues in the district that may operate at one time shall not exceed 15.

4.2 The total number of gaming machines in the district that may operate at one time shall not exceed 201.

4.3 The cap will remain in place until the next review of this policy.

#### **5. Ngā tatai tepenga o ngā mīhini petipeti | Maximum number of gaming machines allowed**

5.1 The number of gaming machines any one new class 4 venue may be licensed to operate at one time shall not exceed nine (9).

5.2 A venue that held a license on or before 17 October 2001, and has not been without a venue consent for a period of six months or more, shall not operate more than eighteen (18) gaming machines at one time.

#### **6. Ngā tūnga karangata 4 o ngā tūnga | Class 4 venue location**

6.1 No new venue shall be located within 100 metres radius of the legal boundary of a sensitive site; and

No venue shall adjoin an existing class 4 gambling venue.

6.2 Applications that do not meet these requirements may be considered by the Authorised Officer on a case-by-case basis, and shall be subject to Council approval.

6.3 Council's preference is that class 4 gambling occurs within premises located within the Business Zone. Where an application is made to locate outside of the Business Zone under the Matamata-Piako District Plan, the application will be considered on a case-by-case basis and shall be subject to Council approval.

6.4 Class 4 venues must not allow any gambling activity to be visible to passing pedestrian traffic.

#### **7. Mahi Matua o ngā Wāhi Petipeti Kāwai 4 | Primary activity of class 4 gambling venues**

7.1 The primary activity of any venue shall not be class 4 gambling. All class 4 gambling venues must:

- a) Hold a alcohol licence (but not being a bring-your-own licence) or club licence; or

- b) Conduct race and sports betting in a standalone TAB Venue under the Racing Industry Act 2020.

## 8. Ngā Tononga Whakaritenga | Application requirements

8.1 Applications to Council for a class 4 venue consent may be lodged at any time.

8.2 Applications to Matamata-Piako District Council for a new class 4 gambling venue must be made on the approved form and must include:

- a) Name and contact details for the applicant, the Corporate Society, the venue trading name(s), and any other name(s) related to the venue;
- b) Street address of the proposed class 4 venue;
- c) The legal description clearly identifying the area where the proposed class 4 gambling venue is to be located;
- d) The number of gaming machines proposed at the new venue;
- e) Details of the sale and supply of alcohol licence(s) applying to or proposed for the premises; and
- f) Any other relevant information requested by the Council, or that the applicant wishes to provide in support of the application.

8.3 Application fees will be set by Matamata-Piako District Council from time to time, and shall consider the costs of processing the application, and any consultation or hearings that may be required.

8.4 The Authorised officer approved by Council shall consider all applications for class 4 venue consents received; and

The Authorised officer approved by Council shall consider the social impact for all applications it receives.

8.5 The Authorised officer approved by Council, may suspend consideration of, or refuse consent where any part of the application falls outside of this Policy or where further information is required.

8.6 The Authorised officer will notify the applicant of its decision as per Section 100 of the Act.

## 9. Ngā nekenga o ngā tūnga karangata 4 | Relocation of class 4 venues

9.1 Under certain circumstances the authorised officer may grant an application for a venue to relocate. These circumstances include:

Where the venue cannot continue to operate due to a natural disaster, fire, or the venue is unfit to operate; or

Where the venue proposes to move to a location with the same or lower deprivation score.<sup>1</sup>

**9.2** In making this decision, the authorised officer will weigh the following factors:

- a) The underlying zoning of the proposed location;
- b) Proximity to sensitive sites;
- c) The social impact of gambling and the deprivation score of the proposed location; and
- d) That the proposed venue meets the application requirements as set out in this Policy.

**9.3** The maximum number of gaming machines permitted to operate at the relocated venue is as per Section 97A of the Act.

## **10. Te Hanumi i ngā Karapu | Merging of clubs**

**10.1** The authorised officer will consider granting a consent and the social impact of two or more clubs holding existing class 4 venue licences to merge physically and legally into a single club, provided:

- a) The location where the venues that are being merged to holds a current class 4 venue licence;
- b) The application for venues to merge meets the application requirements of this Policy; and
- c) The maximum number of machines allowed to operate will be the sum of the number of gaming machines specified in all the corporate societies' class 4 venue licences at the time of application; or
- d) 30 machines, whichever is the lesser.

**10.2** An applicant must meet the application requirements as listed in this Policy and:

- a) Meet the fee requirements specified in the Council's fees and charges schedule; and
- b) Comply with regulations set out in the Gambling Act 2003

## **11. Te Arotakenga | Review**

**11.1** In addition to the statutory requirements to review the Policy every three years, Council may elect to review this Policy at any time.

<sup>1</sup> Deprivation score as per the latest New Zealand Index of Deprivation.



te kaunihera ā-rohe o  
**matamata-piako**  
district council



# Kaupapahere mō ngā Wāhi TAB 2025 | TAB Venue Policy 2025

**For Council Adoption**

<b>Department</b>	Policy, Partnerships and Governance
<b>Policy Type</b>	External
<b>CM Reference</b>	3023193
<b>Resolution Date</b>	To be confirmed
<b>Policy Effective From</b>	1 July 2025
<b>Engagement Required</b>	Special Consultative Procedure (Local Government Act 2002)
<b>Review frequency</b>	Three-yearly or as required by Council or legislative changes.
<b>Review Date</b>	1 July 2028
<b>Policy Supersedes</b>	TAB Venue Policy 2022

35 Kenrick Street - PO Box 266 - Te Aroha 3342 - [www.mpd.govt.nz](http://www.mpd.govt.nz)  
Morrinsville & Te Aroha 07 884 0060 - Matamata 07 881 9050 - Fax 07 884 8865

## 1. Te Kaupapa | Purpose

The purpose of this Policy is to meet the requirements of the Racing Industry Act 2020 and set out whether or not TAB Venues may be established in the district and, if so, where they may be located.

## 2. Ngā Whinga | Objectives

The objectives of this Policy are to:

- a. Support the purpose and intent of the Act;
- b. Control the growth of gambling while allowing those who wish to participate in sports and racing gambling to do so within the Matamata-Piako District; and
- c. Have regard to the social impacts of gambling and reduce the risk of gambling exposure of persons under 18 year old; and
- d. Avoid the establishment of Tab Venues in locations proximate to residential areas, or other identified sensitive sites.

## 3. Ngā Tautuhinga | Definitions

Term	Definition
<b>The Act</b>	The Racing Industry Act 2020
<b>Authorised officer</b>	Means any person or delegated body appointed or authorised by the Council to carry out duties and exercise powers under this Policy.
<b>Council</b>	Matamata-Piako District Council
<b>TAB</b>	Totalisator Agency Board
<b>TAB Venue</b>	Premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing, betting or sports betting services under the Racing Industry Act 2020.
<b>Council</b>	Matamata-Piako District Council
<b>LGA</b>	Local Government Act 2002
<b>Primary activity</b>	The activity or activities primarily associated with and promoted by the Venue.
<b>Sensitive sites</b>	Includes: (a) any community facility including park and reserve, playground, library, museum, community hall or recreational facility, or Marae, or place of worship; (b) any school, kindergarten, childcare facilities, or other educational institution; (c) any premises occupied by a social welfare

Term	Definition
	agency such as the Salvation Army, Work and Income or similar agency.  [Insert hyperlink]

#### 4. Ngā tūnga TAB tepenga | TAB venue cap

The total number of TAB Venues that may operate in the district at one time shall not exceed three (3) venues; and

No more than one (1) TAB Venue may operate in each of the three main towns at one time.<sup>1</sup>

The cap will remain in place until the next review of this policy.

#### 5. Ngā wāhi o ngā tūnga | TAB venue location

No new venue shall be located within 100 metres radius of the legal boundary of a sensitive site.

Applications that do not meet this requirement may be considered by the Authorised officer on a case-by-case basis, and shall be subject to Council approval.

Council's preference is that TAB venues be located within the Business Zone. Where an application is made to locate outside of the Business Zone under the Matamata-Piako District Plan, the application will be considered on a case-by-case basis and shall be subject to Council approval.

<sup>1</sup> Each 'town' is defined by the Statistics New Zealand Statistical Area 2 (SA2), with Matamata being the sum of Matamata North and Matamata South, Morrinsville being the sum of Morrinsville East and Morrinsville West, and Te Aroha being the sum of Te Aroha East and Te Aroha West.



## 6. Ngā Tononga Whakaritenga | Application requirements

Applications to Council to operate a TAB Venue in the district may be lodged at any time.

Applications to the Council for a TAB Venue consent must be made on the approved form and must provide:

- a) Name and contact details for the applicant, the Corporate Society, the venue trading name(s), and any other name(s) related to the venue;
- b) Street address of the proposed TAB Venue;
- c) The legal description clearly identifying the area where the proposed venue is to be located;
- d) Any other relevant information requested by the Council, or that the applicant wishes to provide in support of the application.

Application fees will be set by Matamata-Piako District Council from time to time, and shall consider the costs of processing the application, and any consultation or hearings that may be required.

The Authorised officer approved by Council shall consider all applications for class 4 venue consents received<sup>2</sup>; and

The Authorised officer approved by Council shall consider the social impact for all applications it receives.

The Authorised officer approved by Council, may suspend consideration of, or refuse consent where any part of the application falls outside of this Policy or where further information is required.

The Authorised officer will notify the applicant of its decision as per Section 95(2) of the Act.

<sup>2</sup> Refer to Council Delegations Policy and Register for delegated body.

### **7. Mahi Matua o ngā Wāhi TAB | Primary activity of TAB venues**

The primary activity of any venue shall be to conduct race and sports betting in a standalone TAB Venue under the Racing Industry Act 2020.

If a TAB venue wishes to also host gaming machines, a separate application must be made under Council's Class 4 Gambling Venue Policy.

### **8. Te Arotakenga | Review**

In addition to the statutory requirements to review the Policy every three years, Council may elect to review this Policy at any time in order to meet the needs of the organisation and best practice.

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7 Pūrongo me whakatau | Decision Reports

## 7.4 Council Hearing Dangerous and Insanitary Buildings Policy

CM No.: 2991696

### Te Kaupapa | Purpose

The purpose of this report is to seek direction on the adoption of the Dangerous and Insanitary Buildings Policy in light of the consultation.

### Rāpopotonga Matua | Executive Summary

The consultation process whereby the public is invited to submit their feedback has been undertaken on the draft Dangerous and Insanitary Buildings Policy from 13 March to 13 April 2025 alongside several other documents.

3 submissions were received on the draft Dangerous and Insanitary Buildings Policy. All 3 submissions supported the proposed option, to introduce the amended Policy.

Based on feedback received it is recommended Council adopt the Dangerous and Insanitary Buildings Policy as it was consulted on.

## Tūtohunga | Recommendation

That:

1. The information be received.
  - a) Council adopts the Dangerous and Insanitary Buildings Policy 2025 as consulted on, to come into force 12.00am 1 July 2025.
  - b) Staff be given delegation to make minor proofing and grammatical changes prior to publishing the Dangerous and Insanitary Buildings Policy 2025 (if required).
  - c) Council's decision on the Dangerous and Insanitary Buildings Policy 2025 be notified to submitters and the public and the Dangerous and Insanitary Buildings Policy 2025 be made available on Council's website.
  - d) Council revokes the previous Dangerous, Affected and Insanitary Buildings Policy 2024 at 11.59pm 30 June 2025 to ensure there is no gap in regulation or enforcement.

OR

2. The information be received.
  - a) Council requests staff provide additional information and/or explore further options and present an amended Dangerous and Insanitary Buildings Policy 2025 to the Council meeting on 28 May 2025 [*additional information to be specified*].
  - b) Council notes that any significant changes may require further community consultation.

## Horopaki | Background

On 1 July 2024, the Dangerous, Affected and Insanitary Buildings Policy came into force. In October 2024, Ministry of Business, Innovation and Employment conducted a performance monitoring assessment report on the policy and recommended some amendments.

In the report, the following were identified: 1 x Corrective action, 1 x Strong recommendation, 5 x recommendations.

The amendments suggested were incorporated into the draft Dangerous and Insanitary Buildings Policy for consultation, which included: changing of the policy name to remove 'Affected', wording changes to align with legislation, inclusion of clauses referring to Council's enforcement policy.

Other recommendations made included changes to processes which Council could make, including adjustments to inspection sheets and development of a register for Dangerous and Insanitary Buildings which have been made.

The consultation process whereby the public is invited to submit their feedback has been undertaken on the draft Dangerous and Insanitary Buildings Policy from 13 March to 13 April 2025 alongside several other documents.

Consultation information such as the Statement of Proposal and relevant legislation can be found here: [Dangerous and Insanitary Buildings Policy](#).

### **Ngā Take/Kōrerorero | Issues/Discussion**

The Council Hearing of Submitters Report – found earlier in this agenda contains all submissions in full made on the draft Dangerous and Insanitary Buildings Policy and provides a summary of themes identified.

This report provides a brief summary of submissions and the options available for Council.

3 submissions were received on the draft Dangerous and Insanitary Buildings Policy with no submitters requesting to present their submission to Council. The following provides a summary of the themes identified by staff:

- The submissions made supported the proposed option of adopting the draft Dangerous and Insanitary Buildings Policy.
- One submission commented on the current state of St Marks church in Te Aroha, and highlights the cost of repair. The submission comment does not directly discuss the policy.

### **Mōrearea | Risk**

There are no specific risks to note, other than general risks of legislative non-compliance and Council image/reputation if decisions reached are unfavourable or depart from the proposal consulted on.

### **Ngā Whiringa | Options**

<b>Option One – Adopt the Dangerous and Insanitary Buildings Policy 2025 as consulted on (recommended)</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Council will align with recommendations made by Ministry of Business, Innovation and Employment and with legislation.	No disadvantages identified.
<b>Option Two – Request additional information and/or explore further options</b>	
<b>Description of option</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Council will be able to consider additional information and/or explore further opportunities	Any significant changes may require further community consultation.

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

**Building Act 2004**

The Building Act 2004 (Act) aims to improve control of, and encourage better practices in, building design and construction. The Act is the primary legislation which governs the building industry.

Pursuant to section 131 of the Act, all Councils are required to adopt a Dangerous and Insanitary Buildings Policy to reduce the danger risk posed to the population by these buildings. The measures in the legislation also recognise the need for a consistent, transparent and accountable approach to the implementation of the provisions in order to protect the health and safety of building users. The Policy ensures that buildings in the district do not compromise people’s health and safety through dangerous or insanitary conditions.

**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 recommendation 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.

<b>Local Government Act 2002 decision making requirements</b>	<b>Staff/officer comment</b>
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options were addressed in the Statement of Proposal, linked earlier in this report.
Section 78 – requires consideration of the views of Interested/affected people	None identified.
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.	The special consultative procedure was utilised during the consultation of the policy.

**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 2002 or any other enactment.

**Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement**

For a full breakdown of the communications and engagement that was undertaken as part of this consultation, please see the Council Hearing of Submitters Report earlier in this agenda.

**Timeframes**

Key Task	Dates
Council considers the submissions for the draft Dangerous and Insanitary Buildings Policy.	7 <sup>th</sup> May 2025
Council adopts the Dangerous and Insanitary Buildings Policy.	7 <sup>th</sup> May 2025 (or a later date as specified by Council).
The Dangerous and Insanitary Buildings Policy comes into force.	1 <sup>st</sup> July 2025

## 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	
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>			
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.			
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>			
			
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:

- 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

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

The review of Council's Dangerous and Insanitary Buildings Policy is provided for under existing budgets with the Strategies and Plans activity.

## Ngā Tāpiritanga | Attachments

[A↓](#). Dangerous and Insanitary Buildings Policy 2025 for Council Adoption



## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Kaitohu Kaupapahere Mātāmua   Senior Policy Advisor</b>	
	Charlotte Walker <b>Kaitohu Kaupapahere Paetahi   Graduate Policy Advisor</b>	

Approved by	Niall Baker <b>Kaiārahi Tima Kaupapahere   Policy Team Leader</b>	
	Sandra Harris <b>Pou Kaupapahere, Rāngai Mahitahi me te Kāwana   Policy, Partnerships and Governance Manager</b>	



## Kaupapahere mō ngā Whare Mōrearea me ngā Whare Kahuakore 2025 | Dangerous and Insanitary Buildings Policy 2025

**For Council Adoption**

<b>Department</b>	Policy, Partnerships and Governance
<b>Policy Type</b>	External
<b>CM Reference</b>	CM 2974088
<b>Council Resolution Date</b>	To be confirmed
<b>Policy Effective From</b>	1 July 2025
<b>Engagement Required</b>	Special Consultative Procedure (Local Government Act 2002)
<b>Policy Supersedes</b>	Dangerous, Affected and Insanitary Buildings Policy 2024
<b>Review Frequency</b>	Every five years
<b>Next Review Date</b>	1 July 2030



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## Part 1 Kupu Whakataki | Introduction

### 1. Introduction

- 1.1 The Dangerous and Insanitary Buildings Policy 2025 has been prepared by *Council* to comply with section 131 of the Building Act 2004, which states that *Council* must adopt a policy on *Dangerous* and *Insanitary Buildings* within its *District*.
- 1.2 A *Building* may become *Dangerous* or *Insanitary* due to a number of reasons, such as unauthorised alterations being made, from a fire, from a natural disaster, or as a result of its use by an *Occupant*.
- 1.3 *Affected Buildings* are defined as *Buildings* which are adjacent to, adjoining, or nearby to a *Dangerous Building* and may arise where a *Dangerous Building* is physically close enough to potentially pose a danger to people within the *Affected Building*.

### 2. Purpose

- 2.1 The purpose of this *Policy* is to:
  - a) Reduce the potential risk posed to residents in the *District* by *Dangerous*, *Affected* or *Insanitary* buildings;
  - b) Improve the control of, and encourage better practice in design and construction; and,
  - c) Provide a clear framework of how *Council* will manage unsatisfactory *Building* conditions.
- 2.2 This *Policy* sets out:
  - a) The approach that *Council* will take in performing its functions under the *Act* in relation to *Dangerous*, *Affected* and *Insanitary Buildings*;
  - b) *Council's* priorities in performing these functions; and
  - c) How the *Policy* will apply to *Heritage Buildings*.
- 2.3 The relevant principles of section 4 of the *Act* have been taken into account in preparing this *Policy*, and in the performance of *Council's* functions, powers and duties.

### 3. Scope

- 3.1. This *Policy* applies to all *Buildings* within the Matamata-Piako *District*.
- 3.2 Earthquake-prone *Buildings* are managed under the Building (Earthquake-prone Buildings) Amendment Act 2016 and are therefore excluded from this *Policy*.

### 4. Context

- 4.1 *Council* is committed to ensuring that the *District* is a safe place to live and work in. This *Policy* is consistent with *Council's* approach to deliver on the current and future social, economic, environmental, and cultural wellbeing of its communities.
- 4.2 *Council* is expecting moderate growth over the next 30 years with an expected increase in population and *Building* stock that is ageing in some areas.
- 4.3 Lack of maintenance and unauthorised *Building* alterations can cause serious *Building* problems for occupants. Dangers could include inadequate fire protection or means of escape, or danger of collapse.

4.4 This *Policy* has been developed to reflect the local context. In doing so, *Council* has endeavoured to strike a balance between the threats posed by *Dangerous, Affected and Insanitary Buildings*, and the broader social and economic issues affecting the community that are involved.

**5. Principles**

5.1 This *Policy* has been developed with the intent of a passive approach to implementation. *Council* will not actively inspect all *Buildings* within the *District*; however, when *Buildings* that may be *Dangerous* or *Insanitary* come to the attention of *Council*, *Council* has a statutory responsibility to act promptly and will prioritise these to ensure the safety of persons or property and investigate.

5.2 If a *Building* is determined to be *Dangerous* or *Insanitary*, *Council* will ensure that the *Building* is made safe through working with the *Building* owner and utilising its powers under the *Act*.

5.3 *Council* is also required to consider whether any other *Buildings* may be *Affected* by a *Dangerous* or *Insanitary Building* and if so, what action, if any, is appropriate.

5.4 *Council* will work with other agencies including Heritage New Zealand Pouhere Taonga, Fire and Emergency New Zealand (FENZ), and the New Zealand Police to achieve the purpose of the *Act*.

**6. Definitions**

6.1 For the purposes of this *Policy* the definitions in the table below shall apply.

6.2 Where a definition has the same meaning as a definition in the *Act*, the definition for the purposes of this *Policy* includes any subsequent amendment to the definition in the *Act*. For the avoidance of doubt, where a definition in the *Act* differs from a definition in this *Policy*, the definition in the *Act* has precedence.

Term	Definition
<i>Affected Building</i>	Has the same meaning as section 121A of the <i>Act</i> , as follows: a <i>Building</i> is an <i>Affected Building</i> for the purposes of this <i>Act</i> if it is adjacent to, adjoining, or nearby – a) a <i>Dangerous Building</i> as defined in section 121; or b) a dangerous dam within the meaning of section 153.
<i>Authorised Officer</i>	Has the same meaning as section 222(4) of the <i>Act</i> , as follows: means an officer of a <i>Territorial Authority</i> to whom either or both of the following applies: a) he or she is authorised to carry out <i>Inspections</i> ; or b) he or she is authorised to enter land – i. by this <i>Act</i> ; or ii. by an order of the <i>District Court</i> made under section 227.
<i>Building</i>	Has the same meaning as section 8 of the <i>Act</i> , as follows: In this <i>Act</i> , unless the context otherwise requires, <i>Building</i> – a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and



Term	Definition
	<ul style="list-style-type: none"> <li>b) includes –                             <ul style="list-style-type: none"> <li>i. a mechanical, electrical, or other system; and</li> <li>ii. any means of restricting or preventing access to a residential pool; and</li> <li>iii. a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long-term basis; and</li> <li>iv. a mast pole or a telecommunication aerial that is on, or forms part of, a <i>Building</i> and that is more than 7m in height above the point of its attachment or base support (except a dish aerial that is less than 2 m wide); and</li> </ul> </li> <li>c) includes any 2 or more <i>Buildings</i> that, on completion of <i>Building</i> work, are intended to be managed as one <i>Building</i> with a common use and a common set of ownership arrangements; and</li> <li>d) includes the non-moving parts of a cable car attached to or servicing a <i>Building</i>; and</li> <li>e) after 30 March 2008, includes the moving parts of a cable car attached to or servicing a <i>Building</i>.</li> </ul>
<i>Building Owner</i>	<p>Has the same meaning as Section 7 of the <i>Act</i> as follows: <i>Owner</i> in relation to any land or any <i>Buildings</i> on the land, –</p> <ul style="list-style-type: none"> <li>a) means the person who –                             <ul style="list-style-type: none"> <li>i. is entitled to the rack rent from the land; or</li> <li>ii. would be so entitled if the land were let to a tenant at a rack rent; and</li> </ul> </li> <li>b) includes –                             <ul style="list-style-type: none"> <li>i. the owner of the fee simple of the land; and</li> <li>ii. for the purposes of sections 32, 44, 92, 96, 97, and 176(c), any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force.</li> </ul> </li> </ul>
<i>Council</i>	<p>Means the governing body of the Matamata-Piako District Council or any person delegated to act on its behalf.</p>
<i>Dangerous Building</i>	<p>Has the same meaning as section 121 of the <i>Act</i>, as follows:</p> <ul style="list-style-type: none"> <li>1) A <i>Building</i> is dangerous for the purposes of this <i>Act</i>, if –                             <ul style="list-style-type: none"> <li>a) in the ordinary course of events (excluding the occurrence of an earthquake), the <i>Building</i> is likely to cause –                                     <ul style="list-style-type: none"> <li>i. injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</li> </ul> </li> </ul> </li> </ul>



Term	Definition
	<ul style="list-style-type: none"> <li>ii. damage to other property; or</li> <li>b) in the event of fire, injury or death to any persons in the <i>Building</i> or to persons on other property is likely.</li> </ul> <p>2) For the purpose of determining whether a <i>Building</i> is <i>Dangerous</i> in terms of subsection (1)(b), a <i>Territorial Authority</i> —</p> <ul style="list-style-type: none"> <li>a) may seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the <i>Territorial Authority</i> by the board of Fire and Emergency New Zealand as being competent to give advice; and</li> <li>b) if the advice is sought, must have due regard to the advice.</li> </ul>
<i>District</i>	Refers to the Matamata-Piako <i>District</i> .
<i>Heritage Building</i>	<p>Has the same meaning in section 7 of the <i>Act</i>, as follows:</p> <ul style="list-style-type: none"> <li>a) in subpart 6B of Part 2, — <ul style="list-style-type: none"> <li>i. a <i>Building</i> that is included on the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or</li> <li>ii. a <i>Building</i> that is included on the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014; or</li> <li>iii. a place, or part of a place, that is subject to a heritage covenant under section 39 of the Heritage New Zealand Pouhere Taonga Act 2014 and is registered under section 41 of that Act; or</li> <li>iv. a place, or part of a place that is subject to a heritage order within the meaning of section 187 of the Resource Management Act 1991; or</li> <li>v. a place, or part of a place, that is included in the schedule of a district plan because of its heritage value.</li> </ul> </li> </ul> <p>At its discretion <i>Council</i> may also consider recognised character <i>Buildings</i>, such as from within the Te Aroha Special Character Area under the Operative Matamata-Piako <i>District Plan</i> (as at the date of this Policy) and Marae buildings as <i>Heritage Buildings</i>.</p>
<i>Household Unit</i>	<p>Has the same meaning as section 7 of the <i>Act</i>, as follows:</p> <ul style="list-style-type: none"> <li>a) means a <i>Building</i> or group of <i>Buildings</i>, or part of a <i>Building</i> or group of <i>Buildings</i>, that is — <ul style="list-style-type: none"> <li>i. used, or intended to be used, only or mainly for residential purposes; and</li> </ul> </li> </ul>



Term	Definition
	<ul style="list-style-type: none"> <li>ii. occupied, or intended to be occupied, exclusively as the home or residence of not more than 1 household; but</li> <li>b) does not include a hostel, boarding house, or other specialised accommodation.</li> </ul>
<i>Immediate Danger</i>	<p>Has the same meaning as section 129 of the <i>Act</i>, as follows:</p> <ul style="list-style-type: none"> <li>a) This section applies if, because of the state of a <i>Building</i>, – <ul style="list-style-type: none"> <li>i. <i>Immediate Danger</i> to the safety of people is likely in terms of section 121 or 123; or</li> <li>ii. immediate action is necessary to fix <i>Insanitary</i> conditions.</li> </ul> </li> </ul>
<i>Insanitary Building</i>	<p>Has the same meaning as section 123 of the <i>Act</i>, as follows: a <i>Building</i> is <i>Insanitary</i> for the purposes of this <i>Act</i> if the <i>Building</i> –</p> <ul style="list-style-type: none"> <li>a) is offensive or likely to be injurious to health because – <ul style="list-style-type: none"> <li>i. of how it is situated or constructed; or</li> <li>ii. it is in a state of disrepair; or</li> </ul> </li> <li>b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the <i>Building</i> or in any adjoining <i>Building</i>; or</li> <li>c) does not have a supply of potable water that is adequate for its intended use; or</li> <li>d) does not have sanitary facilities that are adequate for its intended use.</li> </ul>
<i>Inspection</i>	<p>Has the same meaning as section 222 of the <i>Act</i>, as follows: means the taking of all reasonable steps –</p> <ul style="list-style-type: none"> <li>a) to determine whether – <ul style="list-style-type: none"> <li>i. <i>Building</i> work is being carried out without a <i>Building</i> consent; or</li> <li>ii. <i>Building</i> work is being carried out in accordance with a <i>Building</i> consent; or <ul style="list-style-type: none"> <li>ii.a. section 162C is being complied with; or</li> </ul> </li> <li>iii. a notice to fix has been complied with:</li> </ul> </li> <li>b) to ensure that, – <ul style="list-style-type: none"> <li>i. in relation to <i>Buildings</i> for which a compliance schedule is issued, the inspection, maintenance, and reporting procedures stated in the compliance schedule are being complied with; or</li> <li>ii. in relation to <i>Buildings</i> that have specified systems, the requirement for a compliance schedule is being complied with:</li> </ul> </li> <li>c) to enable a <i>Territorial Authority</i> to – <ul style="list-style-type: none"> <li>i. identify <i>Dangerous</i>, earthquake-prone, or <i>Insanitary Buildings</i> within its <i>District</i>; and</li> <li>ii. carry out its functions or duties in relation to those <i>Buildings</i>:</li> </ul> </li> </ul>



Term	Definition
	d) to satisfy a <i>Territorial Authority</i> as to whether a certificate of acceptance for <i>Building</i> work should be issued under section 96.
<i>Policy</i>	Means The Dangerous and Insanitary Buildings Policy 2025.
<i>Territorial Authority</i>	Has the same meaning as section 7 of the <i>Act</i> , as follows: a) means a city <i>Council</i> or District <i>Council</i> named in Part 2 of Schedule 2 of the Local Government Act 2002; and, — i. in relation to land within the <i>District</i> of a <i>Territorial Authority</i> , or a <i>Building</i> on or proposed to be built on any such land, means that <i>Territorial Authority</i> ; and ii. in relation to any part of a coastal marine area (within the meaning of the Resource Management Act 1991) that is not within the <i>District</i> of a <i>Territorial Authority</i> , or a <i>Building</i> on or proposed to be built on any such part, means the <i>Territorial Authority</i> whose <i>District</i> is adjacent to that part; and b) includes the Minister of Conservation or the Minister of Local Government, as the case may be, in any case in which the Minister of Conservation or the Minister of Local Government is the <i>Territorial Authority</i> under section 22 of the Local Government Act 2002.
<i>The Act</i>	means the Building Act 2004.

**Part 2 Kaupapahere I Policy**

**7. Identification of Potentially Dangerous, Affected or Insanitary Buildings**

7.1 The need to undertake an inspection may be triggered by any of the following:the observations of staff or contractors;

- b) information or complaints received from members of the public or members of professional bodies;
- c) events arising following natural disasters;
- d) notification from the Ministry of Business, Innovation and Employment (MBIE);
- e) notification from FENZ.

7.2 When *Council* receives information regarding a potentially *Dangerous, Affected or Insanitary Building* it will:

- a) Check the details of the property against *Council* records;
- b) Have an *Authorised Officer* undertake an inspection of the *Building* in question to assess the condition of the building. In doing this, *Council* may seek advice from FENZ, or any other professional or organisation deemed appropriate by *Council*; and,
- c) Prepare an inspection record.



## 8. Assessment of Potentially Dangerous, Affected or Insanitary Buildings

- 8.1 All inspections of potentially *Dangerous, Affected* or *Insanitary Buildings* will involve an assessment of the *Building*'s condition in terms of the definitions in sections 121 (*Dangerous Buildings*), 121A (*Affected Buildings*) and 123 (*Insanitary Buildings*) of the *Act* and the current *Building* code requirements.
- 8.2 *Council* may engage a subject matter expert to assist with determining the course of action.
- 8.3 *Authorised Officers* are not required to inform or obtain approval for inspections to determine whether or not a *Building* is *Dangerous* or *Insanitary*, unless the *Building* is a household unit. In these circumstances, *Council* must either obtain consent of the *Occupier* of the household unit or obtain an order from the *District Court*.
- 8.4 In considering how to address non-compliances, *Council* may consider other legislative requirements or compliance mechanisms in addition to the Building Act 2004. This may include in particular, consideration of the following: Local Government Act 2002, Resource Management Act 1991, Civil Defence Emergency Management Act 2002, Heritage New Zealand Pouhere Taonga Act 2014, Health Act 1956.

## 9. Prioritising Actions for Dangerous, Affected or Insanitary Buildings

- 9.1 The priority for action for a *Dangerous, Affected* or *Insanitary Building* will be decided after the initial assessment of the *Building* and recorded as either:
  - a) Urgent: *Building* is considered to be immediately *Dangerous*, *Council* will act urgently, for the purpose of saving or protecting life or health or preventing serious damage to property;
  - b) Non-urgent: *Building* is not considered to pose an immediate danger to life or health and no other *Buildings* will be immediately *Affected*, *Council* will act efficiently to respond; or
  - c) Not considered to be *Dangerous, Affected* or *Insanitary*.
- 9.2 Where notification has been received from FENZ of a *Dangerous Building*, *Council* will contact them to discuss proposed action.
- 9.3 If *Council* is satisfied that a *Building* is *Dangerous, Affected* or *Insanitary* it will:
  - a) Consult with the owners of the relevant *Building* to further determine the circumstances and decide on an appropriate course of action.
  - b) Take appropriate measures to secure the *Building*. This may include but is not limited to, fences, hoardings or warning notices.
  - c) Except for an *Affected Building*, issue a notice under section 124(2)(c) requiring the *Building Owner* to undertake *Building* work to reduce or remove the danger, or prevent the *Building* from remaining *Insanitary*.
  - d) Work with the *Building Owner* to achieve a mutually acceptable outcome. Where the situation requires, *Council* may invoke its powers under the *Act*, including but not limited to sections 124, 126, 128A and 129 of the *Act*.
  - e) Take any action that is necessary to remove any *Immediate Danger* to the safety of people, or immediate action that is necessary to fix *Insanitary* conditions (section 129 of the *Act*). The *Building Owner* is liable for the *Council's* costs in doing so, and the amount recoverable becomes a charge on the land.

- f) Inform complainants of the inspection results and *Council's* intended course of action to deal with the situation.
- g) Undertake monitoring and enforcement actions in accordance with the *Act* and *Council's* Enforcement Policy.

#### 10. Application of Policy to Heritage Buildings

- 10.1 This *Policy* applies to *Heritage Buildings* in the same way it applies to all other *Buildings*.
- 10.2 *Council* recognises principles in section 4(2)(d) and (l) of the *Act* which illustrates, “the importance of recognising any special traditional and cultural aspects of the intended use of a *Building*” and “the need to facilitate the preservation of *Buildings* of significant cultural, historical, or heritage value” respectively.
- 10.3 *Council* recognises *Heritage Buildings* as important infrastructure that add character and history to the *District*. This includes *Heritage Buildings* listed with Heritage New Zealand Pouhere Taonga and/or areas that may be referenced in Schedule 1 (Heritage sites) or Schedule 2 (Heritage – waahi tapu) of the operative Matamata-Piako District Plan.
- 10.4 *Council* will work with the *Building Owner* to ensure the development of appropriate management and planning for *Heritage Buildings* for their protection wherever possible. This will be achieved by:
  - a) Recognising the *Heritage Buildings* that exist in the *District*, as per the definition of *Heritage Building* in the *Act*.
  - b) Informing relevant statutory organisations, including Heritage New Zealand Pouhere Taonga, with regards to any listed *Building* identified as *Dangerous* or *Insanitary*.
  - c) Ensuring the consideration of any advice received from Heritage New Zealand Pouhere Taonga or a professional conservation organisation or heritage professional (if relevant).
  - d) Consideration of any relevant conservation report, conservation plan, condition report, management plan, heritage assessment or other document.
  - e) Advising *Building Owners* of any funding assistance that may be available for *Heritage Buildings* to help with any costs to be incurred, either through *Council* (for example, the Natural, Cultural and Built Heritage Grant) or through an external organisation (for example, the Heritage New Zealand Pouhere Taonga National Heritage Preservation Incentive Fund and New Zealand Lotteries funds).

#### 11. Costs

- 11.1 *Council* may issue a notice under section 124(2)(c) of the *Act* requiring work to be carried out on *Dangerous* or *Insanitary Buildings* to reduce or remove the danger, or to prevent the *Building* from remaining *Insanitary*. If work required under such a notice issued by *Council* is not completed or proceeding with reasonable speed, *Council* may invoke its powers under section 126 of the *Act* and apply to the *District Court* for an order authorising the *Territorial Authority* to carry out *Building* work required in the notice.
- 11.2 If *Council* carries out *Building* work required under a notice issued in accordance with section 124(2)(c) of the *Act*, it is entitled to recover costs associated with that work from the *Building Owner*, as set out in section 126(3) of the *Act*.

## 12. Immediate Danger

12.1 If a *Building* presents an *Immediate Danger* or health hazard to people within and/or around it, or to surrounding *Buildings*, *Council* may choose to invoke its powers under section 129 of the *Act*.

## 13. Building Owners

13.1 *Building Owners* are legally responsible for ensuring the maintenance and compliance of their buildings. *Council* encourages *Building Owners* to look after their *Buildings* by undertaking timely maintenance to help prevent the *Buildings* from becoming *Dangerous* or *Insanitary*.

## 14. Building Information

14.1 All information relating to *Dangerous*, *Affected* or *Insanitary Buildings* will be recorded noting the status of requirement for improvement or the results of improvements as applicable. All information relating to *Dangerous*, *Affected* or *Insanitary Buildings* will be filed on the relevant property file, this will include a copy of the original inspection record and any further action taken. This information will also be included on any land information memorandum (LIM) prepared for the property.

## 15. Amendments

15.1 This *Policy* may be amended when required subject to the provisions of the *Act*.

## 16. Application and review

16.1 This *Policy* will be reviewed at least every five (5) years, as required by section 132(4) of the *Act*. After adopting and amending a policy, a copy will be provided to MBIE as specified by section 132(3).

16.2 The above does not preclude this *Policy* from being reviewed within the time frame stated in the *Act* to meet the needs of *Council* and to reflect best practice. If *Council* decides to amend or replace the *Policy* following the review or at any other time, it must do so by using the special consultative procedure in section 83 of the LGA.

16.3 This *Policy* will take effect from 1 July 2025.

7 Pūrongo me whakatau | Decision Reports

## 7.5 Council Hearing Alcohol Licensing Fees Bylaw

CM No.: 2991706

### Te Kaupapa | Purpose

The purpose of this report is to seek direction on the adoption of the Alcohol Licensing Fees Bylaw in light of the consultation.

### Rāpopotonga Matua | Executive Summary

The consultation process whereby the public is invited to submit their feedback has been undertaken on the draft Alcohol Licensing Fees Bylaw from 13 March to 13 April 2025 alongside several other documents.

Four submissions were received on the draft Alcohol Licensing Fees Bylaw. Two submitters supported the proposed option, introducing the Bylaw, two submitters supported keeping the status quo, not introducing the Bylaw.

Based on feedback received it is recommended Council consider if any amendments are required to the draft Alcohol Licensing Fees Bylaw prior to adoption.

## Tūtohunga | Recommendation

That:

1. The information be received.
  - a) Council determines that in accordance with section 155(1) of the Local Government Act 2002, a Bylaw is the most appropriate way of addressing the perceived problems.
  - b) Council determines that the Alcohol Licensing Fees Bylaw 2025 meets the requirements of section 155 of the Local Government Act 2002, in that it:
    - i. is the most appropriate form of bylaw;
    - ii. does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
  - c) Council adopts the Alcohol Licensing Fees Bylaw 2025 as consulted on with minor amendments as outlined in the attachment, to come into force 12.00am 1 July 2025.
  - d) Staff be given delegation to make minor proofing and grammatical changes prior to publishing the Alcohol Licensing Fees Bylaw 2025 (if required).
  - e) Council's decision on the Alcohol Licensing Fees Bylaw 2025 be notified to submitters and the public and the Alcohol Licensing Fees Bylaw 2025 be made available on Council's website.

OR

2. The information be received.
  - a) Council requests staff provide additional information and/or explore further options and present an amended Alcohol Licensing Fees Bylaw 2025 to the Council meeting on 28 May 2025.
  - b) Council notes that any significant changes may require further community consultation.

## Horopaki | Background

The cost for alcohol license applications was set by the Sale and Supply of Alcohol Act 2012, and have not changed since their implementation. Therefore, the fees do not account for inflation since 2012 and increase in staffing requirements to process applications.

In regards to the setting of Alcohol Licencing Fees, Council has two options;

1. Charge the statutory fees as set out in the Sale and Supply of Alcohol (Fees) Regulations 2013, or

2. Create a Bylaw to recover reasonable actual costs as set out In the Sale and Supply of Alcohol Act (Fee-Setting Bylaws) Order 2013.

Council held a public workshop and considered this matter at a formal Council meeting in November 2024. The report detailed that the fees set by legislation was not sufficient to cover costs, and as such the shortfall was being covered by ratepayers. Council resolved to consider developing an Alcohol Licensing Fees Bylaw and to engage with affected licence holders. Staff informed affected stakeholders of the proposal in December 2024.

The consultation process whereby the public is invited to submit their feedback has been undertaken on the draft Alcohol Licensing Fees Bylaw from 13 March to 13 April 2025 alongside several other documents.

Consultation information such as the Statement of Proposal and relevant legislation can be found here: [Alcohol Licensing Fees Bylaw](#).

### **Ngā Take/Kōrerorero | Issues/Discussion**

The Council Hearing of Submitter Report – found earlier in this agenda contains all submissions made in full on the draft Alcohol Licensing Fees Bylaw and provides a summary of themes identified.

This report provides a brief summary of submissions and the options available for Council.

4 submissions were received on the draft Alcohol Licensing Fees Bylaw with no submitters requesting to present their submission to Council. The following provides a summary of the themes identified by staff:

- Two submissions supported the proposed option of adopting an Alcohol Licensing Fees Bylaw.
- Two submissions supported the status quo, keeping the licensing fees as they currently are and not introducing a Bylaw.
- Comments made in support of the status quo option included one submitter not being able to understand how Council can justify an increase in fees, as well as highlighting that businesses are already struggling. Another comment included avoiding price increases for locals due to the current financial climate, and calls for more compassion to be shown to business owners as they noted they were unsure if the hospitality industry is in a position to pay higher fees during a recession.

Minor amendments have been proposed by staff to include definitions for cost/risk rating and fees category for easy reference and clarification and have been included in red in the attachment to this report.

### **Mōrearea | Risk**

There are no specific risks to note, other than general risks of legislative non-compliance and Council image/reputation if decisions reached are unfavourable or depart from the proposal consulted on.

## Ngā Whiringa | Options

### Option One – Adopt the Alcohol Licensing Fees Bylaw 2025 as consulted on with minor amendments as outlined in the attachment (recommended)

Advantages	Disadvantages
Ratepayers will cover fewer costs involved with alcohol licensing fees, as the costs will be placed onto the applicants.	Higher application fees for local businesses in the District.

### Option Two – Request additional information and/or explore further options

Advantages	Disadvantages
Council will be able to consider additional information and/or explore further opportunities	Any significant changes may require further community consultation.

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

Pursuant to section 155 of the Local Government Act 2002 (LGA), 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) whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

These requirements are addressed below.

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

Council's perceived problem regarding the processing of alcohol licensing applications is that the costs associated with administering the licensing applications are not covered by the fees paid by applicants. This gap in funding results in ratepayers subsidising the administrative process.

A bylaw is an appropriate way to regulate Council's alcohol licensing fees as it is permitted under the Sale and Supply of Alcohol (Fee Setting Bylaws) Order 2013 and allows Council to set alcohol licensing fees at a level that reflects the actual costs of providing the service.

### Is the draft Bylaw the most appropriate form of bylaw?

A bylaw addressing alcohol licensing fees is the most appropriate way of addressing the perceived problem as it provides an effective way for Council to recover costs.

### Is the draft Bylaw consistent with the New Zealand Bill of Rights Act 1990?

Council is required to consider if the Bylaw is consistent with 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.

Staff have reviewed the draft Bylaw in relation to the four types of rights and conclude that it is consistent with the NZBoRA.

Bylaw Review Periods

Pursuant to sections 158 and 159 of the LGA, Council is required to review bylaws five years after initial adoption and every ten years after that. For this particular Bylaw a three yearly review is recommended initially to ensure fees are kept up to date and reflect actual costs. Council may assess earlier than this if needed.

**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 medium 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.

<b>Local Government Act 2002 decision making requirements</b>	<b>Staff/officer comment</b>
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options were addressed in the Statement of Proposal, linked earlier in this report.
Section 78 – requires consideration of the views of Interested/affected people	Alcohol license holders in the District.
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 medium level of significance.
Section 82 – this sets out principles of consultation.	The special consultative procedure was used during the consultation of this bylaw.

**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**

For a full breakdown of the communications and engagement that was undertaken as part of this consultation, please see the Council Hearing of Submitters Report earlier in this agenda.

**Timeframes**

<b>Key Task</b>	<b>Dates</b>
Council considers the submissions for the	7 <sup>th</sup> May 2025

draft Alcohol Licensing Fees Bylaw.	
Council adopts the Alcohol Licensing Fees Bylaw.	7 <sup>th</sup> May 2025 (or a later date as specified by Council).
The Alcohol Licensing Fees Bylaw comes into force.	1 <sup>st</sup> July 2025

**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	
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>			
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.'			
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>			
			
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
- A place to belong and create

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

The drafting of a new Alcohol Licensing Fees Bylaw is provided for under existing budgets with the Strategies and Plans activity.

**Ngā Tāpiritanga | Attachments**

[A↓. Alcohol Licensing Fees Bylaw 2025 for Council Adoption](#)



### Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Kaitohu Kaupapahere Mātāmua   Senior Policy Advisor</b>	
	Charlotte Walker <b>Kaitohu Kaupapahere Paetahi   Graduate Policy Advisor</b>	

Approved by	Niall Baker <b>Kaiārahi Tīma Kaupapahere   Policy Team Leader</b>	
	Sandra Harris <b>Pou Kaupapahere, Rāngai Mahitahi me te Kāwana   Policy, Partnerships and Governance Manager</b>	



## Ture ā-Rohe mō ngā Utu Raihana Waipiro 2025 | Alcohol Licensing Fees Bylaw 2025

**For Council Adoption**

<b>Department</b>	Policy, Partnerships and Governance
<b>Policy Type</b>	External
<b>CM Reference</b>	3023186
<b>Resolution Date</b>	To be confirmed
<b>Policy/Bylaw Effective From</b>	1 July 2025
<b>Policy/Bylaw Supersedes</b>	New Bylaw
<b>Review Frequency</b>	Five years, three yearly review recommended.
<b>Review Date</b>	1 July 2028
<b>Engagement Required</b>	Special Consultative Procedure (Local Government Act 2002)



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## Kupu Whakataki | Introduction

### 1. Function, Purpose and Approach

- 1.1 The function of the *Bylaw* is to prescribe where possible fees, for matters to which fees payable to *Council* are prescribed in the Sale and Supply of Alcohol (Fees) Regulations 2013.
- 1.2 The purpose the *Bylaw* is to allow *Council* to recover the actual costs associated with administering alcohol *Licences* within the *District*.
- 1.3 The statutory fees the *Council* currently prescribes were set by the Sale and Supply of Alcohol Act (Fees) Regulations 2013, part 1.
- 1.4 The *Alcohol* activity expenditure is calculated using a prescribed formula and includes *Council* staff time spent, hearing costs and *District Licensing Committee* time. The *Alcohol* activity expenditure calculations display that the processing of *Alcohol* licensing fees is currently resulting in a financial loss, as the statutory fees set in 2013 do not account for inflation or the increased costs associated with staffing and administrative expenses. The *Councils* current income from application fees versus processing expenses from 2017-2024 are displayed in the Table 1.5 below.
- 1.5 Table displaying *Councils Alcohol* licensing application income, expenditure and the total cost of processing applications from 2017-2024.

	Income	Expenditure	Cost
2023/24	\$141,704.95	\$211,448.90	-\$69,743.95
2022/23	\$130,345.89	\$192,745.68	-\$65,399.79
2021/22	\$125,042.04	\$192,019.10	-\$66,977.06
2020/21*	\$136,573.89	\$177,330.10	-\$40,756.51
2019/20*	\$120,135.25	\$163,192.90	-\$43,057.65
2018/19	\$118,421.65	\$171,540.40	-\$53,118.75
2017/18	\$117,397.32	\$163,746.42	-\$46,349.10

\* The 2020 figures may have also been affected by the COVID-19 pandemic, with fewer events leading to a decline in special licensing applications.

- 1.6 The *Bylaw* establishes a phased approach, implementing increased *Alcohol* licensing over a three-year period, with a 25 per cent increase from 1 July 2025, 25 per cent from 1 July 2026 and a 3 per cent increase from July 1, 2027 to account for assumed inflation.

### 2. Title and Commencement

- 2.1 The *Bylaw* shall be known as the 'Matamata-Piako District Council Alcohol Licensing Fees Bylaw 2025'.

2.2 The *Bylaw* comes into force on 1 July 2025.

**3. Application**

3.1 The *Bylaw* applies to *Alcohol* Licenses within the Matamata-Piako *District*.

**4. Enabling Enactments**

4.1 The *Bylaw* is made in accordance with section 146(b)(v) of the Local Government Act 2002, section 405 of the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (Fees) Regulations 2013 under the authority of the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013.

4.2 Nothing in the *Bylaw* detracts from any provision of, or the necessity for compliance with, all applicable *Acts*, regulations, bylaws, and the Matamata-Piako District Plan, including but not limited to the:

- a) Local Government Act 2002 (LGA 2002); and
- b) Sale and Supply of Alcohol Act 2012; and
- c) Sale and Supply of Alcohol (Fees) Regulations 2013.

**5. Delegation**

5.1 Any of the powers and functions of the *Council* as detailed and set out in the *Bylaw*, may be delegated by it, to its *Chief Executive Officer* and sub-delegated by the *Chief Executive Officer* to any such other Officer of *Council*.

**6. List of Schedules**

6.1 Schedule 1 – Fees

**7. Related Information**

7.1 Any explanatory notes are for information purposes, do not form part of this *Bylaw*, and may be inserted, amended or revoked without formality.

**8. Review**

8.1 Pursuant to sections 158 and 159 of the LGA, Council is required to review bylaws five years after initial adoption and every ten years after that. For this particular *Bylaw* a three yearly review is recommended initially to ensure fees are kept up to date and reflect actual costs. *Council* may assess earlier than this if needed.

**9. Definitions**

9.1 For the purposes of the *Bylaw* the following definitions shall apply:

Term	Definition
<i>Act</i>	The Sale and Supply of Alcohol Act 2012.
<i>Alcohol</i>	Meaning as given by the <i>Act</i> in section 5(1).
<i>Application Fee</i>	Meaning as given by the Sale and Supply of Alcohol (Fees) Regulations 2013 and means the fee for any of the following: <ul style="list-style-type: none"> <li>a) an application for an <i>On-licence, Off-licence, or Club Licence</i>;</li> <li>b) an application to vary an <i>On-licence, Off-licence, or Club Licence</i>;</li> <li>c) an application to renew an <i>On-licence, Off-licence, or Club Licence</i>.</li> </ul>
<i>Approved or Approval</i>	Means <i>Approved</i> in writing by resolution of the <i>Council</i> or by any <i>Authorised Officer</i> so authorised on behalf of the <i>Council</i> , pursuant to this <i>Bylaw</i> or any enactment.
<i>Authorised Officer</i>	Means <ul style="list-style-type: none"> <li>a) any <i>Person</i> appointed or authorised by the <i>Council</i> to carry out duties and exercise powers under this <i>Bylaw</i>.</li> <li>b) any <i>Person</i> appointed by the <i>Council</i> to enforce the provisions of any <i>Council Bylaw</i> and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other <i>Act</i>.</li> </ul>
<i>Bylaw</i>	Means the Matamata-Piako District Council Alcohol Licensing Fees Bylaw 2025.
<i>Club Licence</i>	A <i>Licence</i> holder can sell and supply <i>Alcohol</i> for consumption on the <i>Club Premises</i> by authorised customers and visitors.
<i>Chief Executive</i>	Means the <i>Chief Executive</i> appointed pursuant to section 42 of the Local Government Act 2002.
<i>Cost/risk rating</i>	Means the rating method provided in section 5 of the <i>Act</i> .
<i>Council</i>	Means the Matamata-Piako <i>District Council</i> .
<i>District</i>	Means the <i>District</i> within the jurisdiction and under the control of the <i>Council</i> .
<i>District Licensing Committee</i>	Meaning given by the <i>Act</i> in section 5 and means for any of the following: <ul style="list-style-type: none"> <li>a) means a licensing committee appointed under section 186; and</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>b) in relation to any <i>Premises</i>, or any application relating to any <i>Premises</i>, means the licensing committee for the <i>District</i> in which the premises are situated; and</li> <li>c) in relation to a licence or manager's certificate, means the licensing committee that issued it.</li> </ul>
<i>Fees Category</i>	Has the same meaning as section 6(2) of the Sale and Supply of Alcohol (Fees) Regulation 2013.
<i>Fees Regulation</i>	Means the Sale and Supply of Alcohol (Fees) Regulations 2013 and any subsequent amendments to that secondary legislation.
<i>Licence</i>	<p>Meaning given by the <i>Act</i> in section 5 and means for any of the following:</p> <ul style="list-style-type: none"> <li>a) a <i>Licence</i> issued under the <i>Act</i> that is in force; and,</li> <li>b) in relation to any licensed <i>Premises</i>, means the <i>Licence</i> issued for them (or, in the case of <i>Premises</i> that 2 or more <i>Licences</i> have been issued for, any of those <i>Licences</i>).</li> </ul>
<i>Manager</i>	<p>Meaning given by the <i>Act</i> in section 5 and means the following:</p> <ul style="list-style-type: none"> <li>a) means a <i>Manager</i> of a licensed <i>Premises</i> appointed under the <i>Act</i>; and</li> <li>b) in relation to any licensed <i>Premises</i>, means a <i>Manager</i> of those <i>Premises</i>.</li> </ul>
<i>Off-licence</i>	<p>Meaning given by the <i>Act</i> in section 17 and means the following:</p> <p>On the <i>Premises</i> an <i>Off-licence</i> is held for, the licensee can sell <i>Alcohol</i> for consumption somewhere else.</p> <p>While the <i>Premises</i> an <i>Off-licence</i> is held for are open for the sale and supply of <i>Alcohol</i> for consumption somewhere else, the licensee can also do one or both of the following:</p> <ul style="list-style-type: none"> <li>a) supply <i>Alcohol</i> free, as a sample, for consumption on the premises:</li> <li>b) sell <i>Alcohol</i>, as a sample, for consumption on the <i>Premises</i>, if— <ul style="list-style-type: none"> <li>i) the <i>Premises</i> are a winery cellar door; and</li> <li>ii) the <i>Alcohol</i> sample is grape wine (as defined in section 58(3)); and</li> <li>iii) each sample contains no more than 35 millilitres of wine.</li> </ul> </li> </ul>



Term	Definition
<i>On-licence</i>	<p>Meaning given by the <i>Act</i> in section 14 and means the following:</p> <p>On any <i>Premises</i> an <i>On-licence</i> (other than an <i>On-licence</i> endorsed under section 37 of the <i>Act</i>) is held for, the licensee:</p> <ul style="list-style-type: none"> <li>a) can sell and supply <i>Alcohol</i> for consumption there;</li> <li>b) can let people consume <i>Alcohol</i>.</li> </ul>
<i>Person</i>	Includes a corporation sole and a body of <i>Persons</i> , whether corporate or unincorporated.
<i>Premises</i>	<p>Meaning given by the <i>Act</i> in section 5 and means for any of the following:</p> <ul style="list-style-type: none"> <li>a) includes a conveyance; and</li> <li>b) includes part of any <i>Premises</i>; and</li> <li>c) in relation to a licence, means the <i>Premises</i> it was issued for</li> </ul>
<i>Special Licence</i>	<p>Meaning given by the <i>Act</i> in section 22 and means for any of the following:</p> <ul style="list-style-type: none"> <li>a) On the <i>Premises</i> a <i>Special Licence</i> designated as an on-site <i>Special Licence</i> is held for, the licensee can sell and supply <i>Alcohol</i>, for consumption there, to people attending an event described in it.</li> <li>b) On the <i>Premises</i> a <i>Special Licence</i> designated as an off-site <i>Special Licence</i> is held for, the licensee can sell the licensee's <i>Alcohol</i>, for consumption somewhere else, to people attending an event described in it.</li> </ul>

### Whakaritenga 1 | Schedule 1 - Fees

#### 1. On-licence, Off-licence and Club Licence Fees payable for premises in each risk category

The table below sets out the fees payable to *Council* for application and annual fees for *Licences*, for the next three years (from 1 July 2025 to 30 June 2026, from 1 July 2026 to 30 June 2027, and from 1 July 2027 to 30 June 2028).



Period fee applies:	1 July 2025 to 30 June 2026 (incl. GST)		1 July 2026 to 30 June 2027 (incl. GST)		1 July 2027 to 30 June 2028 (incl. GST)	
	Application Fee	Annual Fee	Application Fee	Annual Fee	Application Fee	Annual Fee
Very Low	\$460	\$201	\$575	\$252	\$592	\$260
Low	\$762	\$489	\$952	\$611	\$981	\$629
Medium	\$1,021	\$791	\$1,276	\$988	\$1,314	\$1,018
High	\$1,279	\$1,294	\$1,599	\$1,617	\$1,647	\$1,666
Very High	\$1,509	\$1,797	\$1,887	\$2,246	\$1,944	\$2,313

1.1 See regulations 5 and 6 of the Sale and Supply of Alcohol (Fees) Regulations 2013 for information on how the *Council* must assign the *Cost/risk rating* and fees category to any *Premises* for which an *On-licence, Off-licence or Club Licence* (including renewals) is held or sought.

**2. Fees payable for Special Licences**

A *Person* applying under section 22 of the *Act* for a *Special Licence* must pay an *Application Fee* to the *Council* of:

Period fee applies:	1 July 2025 to 30 June 2026 (incl. GST)	1 July 2026 to 30 June 2027 (incl. GST)	1 July 2027 to 30 June 2028 (incl. GST)
<b>Special Licence Class</b>	<b>Fee</b>		
Class 1	\$719	\$898	\$925
Class 2	\$259	\$323	\$333
Class 3	\$79	\$99	\$102

2.1 See regulations 5 and 6 of the Sale and Supply of Alcohol (Fees) Regulations 2013 for information on how the *Council* must assign the *Cost/risk rating* and fees category to any *Premises* for which a Special Licence Class 1, Class 2, or Class 3 is held or sought.

**3. Fees payable for Temporary Authority**

A *Person* applying under section 136(2) of the *Act* for a Temporary Authority to carry on the Sale and Supply of *Alcohol* must pay an *Application Fee* to the *Council* of:



Period fee applies:	1 July 2025 to 30 June 2026 (incl. GST)	1 July 2026 to 30 June 2027 (incl. GST)	1 July 2027 to 30 June 2028 (incl. GST)
Temporary Authority	Fee		
	\$371	\$464	\$478

3.1 See regulations 12 of the Sale and Supply of Alcohol (Fees) Regulations 2013 for information on how the *Council* must assign the fees to any *Premises* for which a Temporary Authority is sought or held.

**4. Fees payable for Temporary Licence**

A *Person* applying under section 74 of the *Act* to sell *Alcohol* pursuant to a *Licence* from *Premises* other than the *Premises* to which the *Licence* relates must pay an *Application Fee* to the *Council* of:

Period fee applies:	1 July 2025 to 30 June 2026 (incl. GST)	1 July 2026 to 30 June 2027 (incl. GST)	1 July 2027 to 30 June 2028 (incl. GST)
Temporary Licence	Fee		
	\$371	\$464	\$478

4.1 See regulations 12 of the Sale and Supply of Alcohol (Fees) Regulations 2013 for information on how the *Council* must assign the fees to any *Premises* for which a Temporary Licence is sought or held.

**5. Fees payable for Extract from Register**

The fee payable to a *District Licensing Committee* under section 66(2) of the *Act* for an extract from a register is:

Period fee applies:	1 July 2025 to 30 June 2026 (incl. GST)	1 July 2026 to 30 June 2027 (incl. GST)	1 July 2027 to 30 June 2028 (incl. GST)
Extract from Register	Fee		
	\$72	\$90	\$93

5.1 See regulations 12 of the Sale and Supply of Alcohol (Fees) Regulations 2013 for information on how the *Council* must assign the fees to any *Premises* for which an Extract from Register is sought or held.



**6. Fees payable for Manager's Certificate**

6.1 A *Person* applying under section 219 of the *Act* for a *Manager's* certificate to carry on the Sale and Supply of Alcohol is:

Period fee applies:	1 July 2025 to 30 June 2026 (incl. GST)	1 July 2026 to 30 June 2027 (incl. GST)	1 July 2027 to 30 June 2028 (incl. GST)
<b>Manager's Certificate</b>	<b>Fee</b>		
	\$316.25	\$316.25	\$316.25

- I. *Manager's* Certificate application fees are included in this *Bylaw* but there is no change as set out in the Sale and Supply of Alcohol (Fees) Regulations 2013 section 11.

**7. Goods and Services Tax Inclusive**

The fees prescribed by this *Bylaw* are inclusive of goods and services tax.



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7 Pūrongo me whakatau | Decision Reports

## 7.6 Council Hearing Community Safety Bylaw

CM No.: 2991697

### Te Kaupapa | Purpose

The purpose of this report is to seek direction on the adoption of the draft Community Safety Bylaw in light of the consultation.

### Rāpopotonga Matua | Executive Summary

The consultation process whereby the public is invited to submit their feedback has been undertaken on the draft Community Safety Bylaw from 27 February to 13 April alongside several other documents.

14 submissions were received on the draft Community Safety Bylaw. This report presents information on the submissions and the options available to Council for consideration.

Based on feedback received it is recommended Council consider if any amendments are required to the draft Community Safety Bylaw prior to adoption.

## Tūtohunga | Recommendation

That:

1. The information be received.
  - a) Council determines that in accordance with section 155(1) of the Local Government Act 2002, a Bylaw is the most appropriate way of addressing the perceived problems.
  - b) Council determines that the Community Safety Bylaw meets the requirements of section 155 of the Local Government Act 2002, in that it:
    - i. is the most appropriate form of bylaw;
    - ii. does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
  - c) Council resolves they are satisfied that Proposed Alcohol Ban Areas:
    - i. can be justified as a reasonable limitation on people's rights and freedoms; and
    - ii. are appropriate as a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
    - iii. are appropriate and proportionate in the light of that likely crime or disorder.
  - d) Council adopts the Community Safety Bylaw as consulted on with minor amendments as outlined in the attachment, to come into force 12.00am 1 July 2025.
  - e) Staff be given delegation to make minor proofing and grammatical changes prior to publishing the Community Safety Bylaw (if required).
  - f) Council's decision on the Community Safety Bylaw be notified to submitters and the public and the Community Safety Bylaw be made available on Council's website.
  - g) The Public Safety Bylaw (being part of the Consolidated Bylaw 2008) is revoked at 11:59pm on 30 June 2025 to ensure there is no gap in regulation or enforcement.

OR

2. The information be received.
  - a) Council requests staff provide additional information and/or explore further options and present an amended Community Safety Bylaw to the Council meeting on 28 May 2025.
  - b) Council notes that any significant changes may require further community

**consultation.**

## **Horopaki | Background**

### Purpose of Bylaws

Bylaws are local rules made by the Council under central government legislation that affect how people live, work and play in our district. Council makes these bylaws to support community health and wellbeing and to protect Council's assets.

The Local Government Act 2002 (LGA) empowers a local authority to make bylaws on a diverse range of subjects. Some other Acts also empower local authorities to make bylaws on specific topics.

Bylaws are broadly made to cover one or more of the following purposes:

- to protect the public from nuisance
- to protect, promote, and maintain public health and safety
- to minimise the potential for offensive behaviour in public places.

Bylaws may address a specific area of operation or a variety of areas may be addressed within the same bylaw.

Bylaws can be enforced by Council staff or external agencies such as the New Zealand Police. Consequences of not complying with a bylaw are set by the relevant legislation and may include fines, prosecution, seizure of property, or other remedial action.

Council has recently adopted its Enforcement Policy to help provide clarity, consistency, community reassurance and fairness across investigation and enforcement action.

Council's approach to the enforcement of its Bylaws is to take an educative approach with bylaws used as a regulatory tool to support compliance. Members of the community may report a Bylaw breach to Council.

### Consolidated Bylaw

Council has a number of Bylaws that have historically been developed within a Consolidated Bylaw. Following discussions with the executive team, Council, and staff, it has been agreed to move towards having a set of standalone Bylaws, therefore Council are progressing with a programme of Bylaw reviews. Having standalone Bylaws supports clearer, more focused regulations tailored to specific areas, such as cemeteries or community safety, making them easier to understand and apply.

### Requirement for Statutory Review

Pursuant to sections 158 and 159 of the LGA, Council is required to review all its Bylaws within five years of adoption and every ten years thereafter. The LGA specifies the Bylaw review and development process, with section 160 outlining the procedure for, and nature of, a Bylaw review.

### Current Public Safety Bylaw 2014

The purpose of this Bylaw is to ensure that acceptable standards of safety, convenience, visual amenity and civic values are maintained for the wellbeing of inhabitants and visitors to the Matamata-Piako District.

This Bylaw supports public health and safety by regulating activities such as alcohol consumption (via the inclusion of alcohol ban areas), and public behaviour/conduct. It also includes provisions

for nuisance on private property, animal control, mobile shop trading, food hygiene, standards for hostels and other public health issues to support a safe and pleasant environment for the community.

This bylaw was last reviewed on 11 May 2016, therefore is not due for statutory review until 11 May 2026, however has been reviewed alongside the Public Amenities Bylaw as they contain similar issues to support public health and safety.

Next Review Date

Although the statutory requirement to review this Bylaw will remain at ten years following adoption, staff recommend that an assessment is performed in five years to ensure the Bylaws remain responsive and effective in addressing evolving community needs. This will allow Council to assess the impact of the Bylaw, adapt to any unforeseen challenges, and incorporate feedback from stakeholders and the community. It also ensures alignment with changing social, cultural, and legislative contexts.

A five-year review promotes continuous improvement and reinforces Council’s commitment to maintaining relevant and well-functioning regulations.

Early Engagement

Several Council workshops were held to discuss research and community feedback to inform the Bylaw review. Operational staff and key stakeholders were contacted to contribute also.

A summary of early engagement was prepared and was made available during the consultation period on our website:

<https://letstalk.mpdc.nz/images/Community%20Safety/Summary%20of%20Early%20Engagement%20-%20Bylaw%20Reviews.pdf>

Draft Bylaw for Consultation

Following review, a change in name was proposed to reflect a broader focus of fostering safer, more inclusive communities. This conveys that the Bylaw aims to promote safety, amenity and respect, not just in public places but also addresses nuisance issues on private property.

Proposed changes also included:

- a) the inclusion of relevant clauses from the Public Amenities Bylaw (around parks and reserves);
- b) strengthening of Bylaw wordings and inclusion of explanatory notes to reflect early engagement received.

The following changes were proposed to the community:

Structure	The draft Community Safety Bylaw was structured to assist in readability and understanding.
Introductory Bylaw	Inclusion of all applicable definitions, and explanation of enforcement, offences, penalties and exemptions from Council’s Introductory Bylaw.
Explanatory Notes	These were added throughout the document to assist in understanding and to provide context to the reader. They do not form part of the Bylaw and can be updated at any time without formality.
Conduct in a public place	Removal of reference to illegal activities as this is prohibited by central government legislation and the primary responsibility for enforcement is the NZ Police.
Skating Devices	In response to some community concerns around mobility

	<p>scooters in town centres, explanatory notes were added noting responsibility of users under relevant Land Transport Rules and advice to travel at walking speed and to be considerate of other footpath users.</p>
Accommodation Standards	<p>Council proposed to remove this extensive clause and related schedules due to the following reasons:</p> <ul style="list-style-type: none"> <li>• The standards are already addressed under existing legislation, such as the Residential Tenancies Act 1986 and the Building Act 2004. Removing the clause avoids unnecessary overlap and regulatory duplication and ensures that regulations remain clear and consistent.</li> <li>• Council has a Dangerous, Affected and Insanitary Buildings Policy to address relevant issues through the Building Act 2004.</li> <li>• Effective enforcement is more appropriately managed by central agencies with established processes for inspection and compliance.</li> <li>• The Bylaw review aimed to streamline regulations and focus on core community safety and amenity issues. Removing this clause ensures that the Bylaw remains targeted and relevant to the specific needs of the community.</li> </ul>
Food hygiene and standards of training required for staff that handle food	<p>Council proposed to remove the food hygiene clauses and related schedules. This is because the provisions of the Food Act 2014 applies. The Food Act 2014 established a comprehensive, nationwide framework for managing food safety and hygiene, ensuring consistent standards across all food businesses. Retaining the provisions in the updated bylaw would create unnecessary duplication and regulatory confusion. By aligning with the Food Act 2014, the Council ensures that food safety is managed under a single, legal framework, reducing administrative complexity and promoting consistency for businesses and consumers.</p>
Council facilities	<p>The definition of Public Amenity in the Public Amenity Bylaw includes Council facilities such as libraries and swimming pools. In order to continue to respect these places and recognise them, Council proposed a clause to allow the removal of any person displaying inappropriate or disruptive behaviour. This clause reflects feedback from staff relating to a noted increase in anti-social behaviour at Council facilities.</p>
Nuisance	<p>A strong theme that came through via early engagement with the community was the nuisance and health issues caused by the burning of fires. This clause has been strengthened through the reference to the Health Act 1956, of which Council has recourse to take action in response to concerns/complaints about smoke nuisance.</p> <p>Explanatory notes were also added to clarify Fire and Emergency New Zealand and Waikato Regional Council responsibilities and advice around the lighting of fires to avoid excess smoke.</p>

	<p>To address community concerns related to animal nuisances, this clause was strengthened to include any action that Council may take to reduce nuisance effects.</p> <p>During early engagement, feedback was received calling for Council to enforce provisions relating to domestic cats. It is considered that this is not practical at this stage due to practical challenges with enforcement, and a lack of central government legislation (as opposed to the Dog Control Act 1996 specifically empowering Council to deal with dogs). Instead, the focus is on responsible cat ownership through the inclusion of an explanatory note recommending microchipping and de-sexing.</p>
<ul style="list-style-type: none"> <li>• Trading in Public Places</li> <li>• Signage</li> <li>• Alcohol in Public Places</li> <li>• Occupation of a Public Place for fundraising, promotional, commercial or dining activities</li> <li>• Performing in a Public Place</li> <li>• Mobile Shops</li> <li>• Conditions applicable to sandwich board signs</li> </ul>	<p>These clauses and schedules have been streamlined and any unnecessary detail repeated in the Bylaw or duplicated in legislation removed.</p> <p>Annexure B was removed and incorporated within the signage clauses of the Draft Community Safety Bylaw.</p>

Consultation information such as the Statement of Proposal and relevant legislation can be found here: [Community Safety Bylaw](#)

### Ngā Take/Kōrerorero | Issues/Discussion

The Council Hearing of Submitter Report – found earlier in this agenda contains all submissions made in full on the draft Community Safety Bylaw and provides a summary of themes identified.

This report provides a brief summary of submissions and the options available for Council.

#### Submissions

In total 14 submissions were received, the following table shows the options selected:

Proposed option - Adopt the draft Bylaw as proposed to the community	4
Adopt the draft Community Safety Bylaw with further amendments.	5
Other	1
No option selected	4

#### Submission Themes

Many submitters supported the overall direction of the Bylaw review but offered suggestions for improvement, clarity, and enforcement. There was support for clearer, plain language to make Bylaws more accessible.

Some submitters raised concerns around animal management, for example keeping dogs in shops and the issue of roaming or feral cats. There was a call for stronger rules around the

feeding, relocating, or dumping of cats and the submitter highlighted the environmental harm they can cause.

Some submissions called for more effective enforcement and signage to support compliance with Bylaws — particularly in parks, reserves, and alcohol ban areas. Submitters wanted alcohol bans to be more widely known and enforced, noting incidents involving intoxicated individuals in public places. Skate zones and safety for tamariki and kaumātua were mentioned as priorities, with support for retaining no-skate areas and the inclusion of more signage to back them up.

A submitter believes that Bylaws play an important role in setting clear expectations for acceptable public behaviour. They caution that leaving offences unaddressed or assuming Police or central government will handle them can lead to the normalisation of harmful behaviour, especially given Police resourcing challenges. They do not support removing the Bylaw clauses relating to illegal behaviour. There were several submitters that wanted a focus on crime prevention and anti-social behaviour.

General support of the alcohol ban areas is noted including the submission received from the New Zealand Police.

Other topics included managing public nuisance from freedom camping and motorbikes in parks and reserves, traffic safety concerns in town centres, and stronger action against vandalism and anti-social behaviour. Two submitters attached their early engagement feedback and shared their experience of neighbourhood concerns including smoke nuisance causing health issues. Suggestions included a dedicated 0800 number to report Bylaw breaches in collaboration with Community Patrols, targeted signage, and utilising Antenno as an education tool.

Overall, submitters stressed the need for targeted enforcement, community education, and Bylaw design that balances fairness, safety, and ease of understanding.

### Proposed Changes

The following changes (in response to community feedback and staff recommendations) are proposed prior to adoption of the Bylaw. These are indicated in red and any deletions are ~~struck through~~.

- A submitter noted that the Freedom Camping Act 2011 permits waste to be placed in an appropriate waste receptacle and this includes a public rubbish bin. Clarification has been added to the Bylaw, including an explanatory note to incorporate this provision:
  - Proposed Bylaw addition: deposit in or around a public Litter receptacle any household or trade refuse except where permitted under the Freedom Camping Act 2011.
  - Proposed explanatory note: The Freedom Camping Act 2011 allows for the disposal of waste, in appropriate waste receptacles including those provided by Council. This provision is intended to accommodate responsible waste disposal by freedom campers. However, this does not extend to the regular disposal of large volumes of household or trade waste, which should be managed through collection or disposal facilities.
- Staff have reviewed the Bylaw wording for any further changes that can be made to simplify the language further and the draft Bylaw has been amended accordingly.
- A submission noted that it appeared that a nuisance could be caused if approved by the Council. It is proposed to add an explanatory note to provide clarity that exemptions may be granted in certain circumstances:  
Proposed explanatory note: Some activities, as indicated by the wording "except with the prior *Approval* of the *Council*," may be permitted in certain situations, such as approved public events or emergencies where action is needed to ensure safety or address urgent

needs. Any *Approval* granted may be subject to conditions to prevent or minimise *Nuisance*.

- During consultation, staff have identified the following clause regarding poultry houses as not required, and propose to replace the clause with a more general clause to ensure Poultry houses are well maintained and in good repair to prevent nuisances and sanitary concerns:

~~No *Poultry* caged or otherwise shall be kept in the *Urban area* except in a properly constructed *Poultry* house covered in with a rainproof roof and provided with a floor of concrete or other *Approved* material with a surrounding nib wall, to which a *Poultry* run may be attached. All poultry kept in an *Urban area* must be provided with a *Poultry* house, which shall be maintained in good repair, in a clean condition, free from any offensive smell or overflow, accumulations of manure, food and vermin.~~

### **Mōrearea | Risk**

Legal challenges may arise if the Bylaw conflicts with existing legislation, or if it is seen to be in excess of the Council's legal authority. It is considered that the Bylaw as attached to this report is in align with other Council policies and plans to avoid conflicts and duplication.

There is the potential for the community to feel that their views during consultation have not been adequately heard or incorporated into the draft Bylaw. This risk is mitigated by engagement with key stakeholders (e.g. mobile shop licence holders, Police, community leaders and operational staff) and the inclusion of wording changes to clarify parts of the Bylaw (particularly around more formal language) as a result of the community feedback received.

Specific attention is drawn to the provision in the LGA for Council to make Bylaws for alcohol control purposes (section 147). Council must be satisfied that:

- a) the Bylaw can be justified as a reasonable limitation on people’s rights and freedoms; and;
- b) a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and;
- c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.

Consideration of this requirement is detailed under the legal and policy considerations section of this report.

### **Ngā Whiringa | Options**

<b>Option One – Adopt the Community Safety Bylaw as consulted on with minor corrections and amendments as outlined in the attachment (recommended)</b>	
<b>Advantages</b>	<b>Disadvantages</b>
The Bylaw sets clear expectations for behavior in public spaces, reducing nuisance and supporting safe and harmonious environment.	No disadvantages identified.
The Bylaw contains clear language and explanatory notes to improve accessibility and	

understanding.	
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Option Two – Request additional information and/or explore further options	
Advantages	Disadvantages
Council will be able to consider additional information and/or explore further opportunities	Any significant changes may require further community consultation.

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

Pursuant to sections 158 and 159 of the LGA, Council is required to review their bylaws five years after initial adoption and every ten years after that. The outcome of this process will result in the Public Safety Bylaw having undergone a statutory review. The Bylaw will be updated as per community feedback and re-named to the Community Safety Bylaw.

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

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

Consultation was undertaken using the special consultative procedure (SCP) (section 86 of the LGA). Section 156 states that when making, amending or revoking a bylaw, the Council must use the SCP if:

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

Council has carried out a statutory review and formal consultation which has resulted in some further changes as explained in this report.

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.

### Section 155 Determinations

Pursuant to section 155 of the Local Government Act 2002 (LGA), 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) whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

These requirements are addressed below.

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

A Bylaw is the most appropriate way of addressing the perceived problems related to safety of residents and visitors. The Bylaw provides a clear and structured approach to managing risks and behaviours that impact the safety and wellbeing of the community. It allows the Council to regulate specific actions that could pose a danger to public health, security, or amenity, such as disruptive behaviour, hazardous conditions, or misuse of Public Places.

The matters addressed in the Community Safety Bylaw are an effective way of setting clear rules to improve the amenity and safety of Matamata-Piako. By establishing legally binding rules and providing a framework for enforcement, the draft Bylaw ensures that safety standards are consistently maintained and respected across the community. It also allows for flexible, tailored solutions to address local safety concerns, while balancing individual freedoms with the collective good.

Other methods, such as voluntary guidelines or informal community initiatives, may lack the necessary authority or consistency to address the full scope of safety issues. A Bylaw, is a proven and effective tool for managing public safety and ensuring a safe, healthy environment for all residents and visitors.

#### Is the draft Bylaw the most appropriate form of bylaw?

It is determined that the Draft Community Safety Bylaw (including the proposed amendments following consultation) meets the test for appropriateness as the draft bylaw:

- Effectively responds to the safety issues identified through research and early community engagement.
- Enhances community understanding through the addition of explanatory notes.
- Meets the Council's obligations under the LGA and other applicable regulations.
- Helps achieve the Council's broader Community Outcomes (see relevant section in this report)
- Is consistent with and does not replicate other Council documents, including bylaws, policies, strategies, and the District Plan.
- Allows for exceptions and special circumstances, ensuring flexibility in its application.
- Includes provisions that are enforceable under legislation and can be administered efficiently and effectively, supported by Council's Enforcement Policy.
- Is within the legal power of the Council to make under section 145 of the LGA.

#### Is the draft Bylaw consistent with the New Zealand Bill of Rights Act 1990?

The Council is required to consider whether or not the Bylaws give 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.

Staff have assessed the draft Bylaw provisions and consider that 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. Therefore, it has been determined that the bylaw does not give rise to any implications under the NZBoRA. The bylaw imposes certain restrictions on behaviours, such as causing a nuisance or engaging in dangerous activities.

While these restrictions may limit certain individual freedoms, such as freedom of expression, they are demonstrably justified in a free and democratic society under clause 5 of the NZBoRA. The measures are proportionate and necessary to maintain public order.

The Bylaws have been designed to balance individual rights with the collective interests of the community, ensuring that any limitations are minimal and serve a legitimate purpose. Therefore, it is considered consistent with the provisions of the NZBoRA.

Limitations on these rights must be no more than is reasonably necessary to achieve the purpose of the Bylaws. The Bylaws limit 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.

#### Section 147A LGA Criteria for making or continuing Bylaws

Before making under section 147 of the LGA, a Bylaw that is intended to replace an expiring Bylaw and is to the same effect (or to substantially the same effect) as the expiring Bylaw, a territorial authority must be satisfied that—

(a)

the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and

*This is addressed above and the requirement is satisfied.*

(b)

a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and

*In 2008 prior to the alcohol ban areas being introduced, Council met with members of the New Zealand Police, District Health Board and local Iwi to discuss the high level of alcohol related crime and disorder in public places, and the benefits of imposing an alcohol ban across various parts of the urban areas in the District.*

*Council later resolved that a Bylaw was the most appropriate measure to be taken when implementing alcohol bans in the district. The current Public Safety Bylaw was amended in 2009 to include alcohol ban areas to control the possession and consumption of alcohol. The alcohol ban areas include the towns of Matamata, Morrinsville, Te Aroha and Waharoa. These areas are where licensed premises are typically situated and where people congregate for business, shopping and hospitality, and/or a high level of alcohol related disorder.*

*The NZ Police have enforcement powers relating to alcohol ban areas. Information received from the NZ Police notes that:*

- *The New Zealand Police strongly supports a continuation of the existing alcohol ban areas (as per early engagement and formal submission made in support of the alcohol ban areas).*
- *The level of public place crime is noted as significantly lower since the alcohol ban areas were introduced.*
- *The statistics provided shows the incidence of public place intoxication has been slowly decreasing in the Matamata-Piako District, noting the contribution of the Bylaw and its enforcement.*

- *Removal/reduction of the areas (in NZ Police opinion) would almost certainly lead to an increase in crime, unnecessarily putting the community at risk.*

*The information gathered supports that it is likely that a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise therefore this requirement of the LGA is satisfied.*

(c)

the Bylaw is appropriate and proportionate in the light of that likely crime or disorder.

*The continued inclusion in the Bylaw of alcohol ban areas within the townships of Matamata, Te Aroha, Waharoa and Morrinsville is considered appropriate and proportionate. New Zealand Police and community reports highlight ongoing issues such as public intoxication, vandalism, and aggressive behaviour—particularly around weekends and late at night, however there is indication from New Zealand Police data that public place intoxication can occur at almost any time of the day or day of the week and therefore a 24/7 alcohol ban remains required and relevant.*

*Alcohol ban areas are a critical policing tool and a preventative measure designed to address specific concerns without imposing unnecessary restrictions on the community. The proposed continuation of the alcohol bans reflects Council’s commitment to safety in our public places, allows to for the New Zealand Police to enforce as per the LGA, and aligns with community expectations.*

<b>Local Government Act 2002 decision making requirements</b>	<b>Staff/officer comment</b>
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options were addressed in the Statement of Proposal, linked earlier in this report.
Section 78 – requires consideration of the views of Interested/affected people	Early engagement has been undertaken to assist in the review of the Bylaw.  Staff are recommending updates to the draft Bylaw to reflect feedback received during the formal consultation 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 medium level of significance.
Section 82 – this sets out principles of consultation.	Consultation has been completed in accordance with the SCP and following the principles of section 82 of the LGA.

**Policy Considerations**

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

**Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement**

For a full breakdown of the communications and engagement that was undertaken as part of this consultation, please see the Council Hearing of Submitters Report earlier in this agenda.

**Timeframes**

<b>Key Task</b>	<b>Dates</b>
Council considers the submissions for the draft Community Safety Bylaw.	7 <sup>th</sup> May 2025
Council adopts the Community Safety Bylaw.	7 <sup>th</sup> May 2025 (or a later date as specified by Council).
The Community Safety Bylaw comes into force.	1 <sup>st</sup> July 2025

**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:

<b>MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO   OUR PLACE</b>		<b>MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI   STRATEGIC DIRECTION</b>	
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>			
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.			
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>			
			
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 Bylaw review supports the achievement of all Council’s community outcomes.

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

The review of Council’s Public Safety Bylaw is funded through existing Strategies and Plans budgets as outlined in Council’s Long Term Plan 2024-2034.

## Ngā Tāpiritanga | Attachments

A.  Community Safety Bylaw for Council Adoption 7 May 2025 (*Under Separate Cover*)

## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Kaitohu Kaupapahere Mātāmua   Senior Policy Advisor</b>	
	Charlotte Walker <b>Kaitohu Kaupapahere Paetahi   Graduate Policy Advisor</b>	

Approved by	Niall Baker <b>Kaiārahi Tima Kaupapahere   Policy Team Leader</b>	
	Sandra Harris <b>Pou Kaupapahere, Rāngai Mahitahi me te Kāwana   Policy, Partnerships and Governance Manager</b>	

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7 Pūrongo me whakatau | Decision Reports

## 7.7 Council Hearing Cemeteries Bylaw

CM No.: 2991702

### Te Kaupapa | Purpose

The purpose of this report is to seek direction on the adoption of the draft Cemeteries Bylaw in light of the consultation.

### Rāpopotonga Matua | Executive Summary

The consultation process whereby the public is invited to submit their feedback has been undertaken on the draft Cemeteries Bylaw from 27 February to 13 April alongside several other documents.

Seven submissions were received on the draft Cemeteries Bylaw. This report presents information on the submissions and the options available to Council for consideration.

Based on feedback received it is recommended Council consider if any amendments are required to the draft Cemeteries Bylaw prior to adoption.

## Tūtohunga | Recommendation

That:

1. The information be received.
  - a) Council determines that in accordance with section 155(1) of the Local Government Act 2002, a Bylaw is the most appropriate way of addressing the perceived problems.
  - b) Council determines that the Cemeteries Bylaw meets the requirements of section 155 of the Local Government Act 2002, in that it:
    - i. is the most appropriate form of bylaw;
    - ii. does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
  - c) Council adopts the Cemeteries Bylaw as consulted on with minor amendments as outlined in the attachment, to come into force 12.00am 1 July 2025.
  - d) Staff be given delegation to make minor proofing and grammatical changes prior to publishing the Cemeteries Bylaw (if required).
  - e) Council's decision on the Cemeteries Bylaw be notified to submitters and the public and the Cemeteries Bylaw be made available on Council's website.
  - f) The Public Amenities Bylaw (being part of the Consolidated Bylaw 2008) is revoked at 11:59pm on 30 June 2025 to ensure there is no gap in regulation or enforcement.

OR

2. The information be received.
  - a) Council requests staff provide additional information and/or explore further options and present an amended Cemeteries Bylaw to the Council meeting on 28 May 2025.
  - b) Council notes that any significant changes may require further community consultation.

## Horopaki | Background

### Purpose of Bylaws

Bylaws are local rules made by the Council under central government legislation that affect how people live, work and play in our district. Council makes these bylaws to support community health and wellbeing and to protect Council's assets.

The Local Government Act 2002 (LGA) empowers a local authority to make bylaws on a diverse range of subjects. Some other Acts also empower local authorities to make bylaws on specific topics.

Bylaws are broadly made to cover one or more of the following purposes:

- to protect the public from nuisance
- to protect, promote, and maintain public health and safety
- to minimise the potential for offensive behaviour in public places.

Bylaws may address a specific area of operation or a variety of areas may be addressed within the same bylaw.

Bylaws can be enforced by Council staff or external agencies such as the New Zealand Police. Consequences of not complying with a bylaw are set by the relevant legislation and may include fines, prosecution, seizure of property, or other remedial action.

Council has recently adopted its Enforcement Policy to help provide clarity, consistency, community reassurance and fairness across investigation and enforcement action.

Council's approach to the enforcement of its Bylaws is to take an educative approach with bylaws used as a regulatory tool to support compliance. Members of the community may report a Bylaw breach to Council.

#### Consolidated Bylaw

Council has a number of Bylaws that have historically been developed within a Consolidated Bylaw. Following discussions with the executive team, Council, and staff, it has been agreed to move towards having a set of standalone Bylaws, therefore Council are progressing with a programme of Bylaw reviews. Having standalone Bylaws supports clearer, more focused regulations tailored to specific areas, such as cemeteries or community safety, making them easier to understand and apply.

#### Requirement for Statutory Review

Pursuant to sections 158 and 159 of the LGA, Council is required to review all its Bylaws within five years of adoption and every ten years thereafter. The LGA specifies the Bylaw review and development process, with section 160 outlining the procedure for, and nature of, a Bylaw review.

#### Current Public Amenities Bylaw 2014

This Bylaw enables the Council to control and set standards for the operation of its public amenities and covers vehicles, vegetation, conduct, and animals in 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.

Council's Public Amenities Bylaw was due for review on 9 July 2024, being ten years since its last review. On 3 July 2024, Council made determinations as required by section 155 of the LGA to satisfy the requirements of a statutory review.

Council authorised staff to identify any improvements that may be required as it was noted that the Public Amenities Bylaw was not the most appropriate form of Bylaw in its current form and required amendments to ensure consistency with other Council Bylaws and legislation, and to improve clarity.

#### Next Review Date

Although the statutory requirement to review this Bylaw will remain at ten years following adoption, staff recommend that an assessment is performed in five years to ensure the Bylaws remain

responsive and effective in addressing evolving community needs. This will allow Council to assess the impact of the Bylaw, adapt to any unforeseen challenges, and incorporate feedback from stakeholders and the community. It also ensures alignment with changing social, cultural, and legislative contexts.

A five-year review promotes continuous improvement and reinforces Council’s commitment to maintaining relevant and well-functioning regulations.

Early Engagement

Several Council workshops were held to discuss research and community feedback to inform the Bylaw review. Operational staff and key stakeholders were contacted to contribute also.

Draft Bylaw for Consultation

Following review, it was proposed to amend Council’s Public Amenities Bylaw by keeping the clauses relating to cemeteries, renaming the Bylaw to the Cemeteries Bylaw and including remaining clauses as required in a Community Safety Bylaw. This is in line with other council’s approaches and makes it easier for the operational team to administer and for the public to find information.

Council proposed the following changes to the community:

Structure	The draft Cemeteries Bylaw was structured to assist in readability and understanding.
Introductory Bylaw	Inclusion of all applicable definitions, and explanation of enforcement, offences, penalties and exemptions from Council’s Introductory Bylaw.
Explanatory Notes	These have been added throughout the document to assist in understanding and to provide context to the reader. They do not form part of the Bylaws and can be updated at any time without formality.
Memorials, adornments and ornaments	Further clarity around this has been added noting that breakable receptacles (for flowers etc.) shall not be allowed and noting the responsibilities of the holder of an exclusive right of burial in maintaining any memorials, etc. This has been added to assist in the efficient operation of Council cemeteries.
Respecting cultural values and family wishes where feasible and appropriate	Explanatory notes have been added to reflect the current approach of working closely with customers to meet their needs.
Behaviour	Feedback suggested the community want to see respectful behaviour in our cemeteries and an understanding of cemetery protocols. Explanatory notes have been added to reinforce the importance of respecting our cemeteries as spaces for reflection and remembrance.
Safety	This aspect of the bylaw has been strengthened through adding a clause that all parties shall ensure that cemeteries are a safe site at all times, particularly during a funeral or burial.
Vehicle safety	In response to property damage and to protect the safety of persons using the cemetery, Council has introduced a guideline that if there are no speed limit signs, no vehicle may be driven at a speed greater than 20 kilometres per hour. Additionally, an explanatory note has been added to re-inforce that reckless or dangerous driving including that

	which results in damage will not be tolerated and offenders are liable for the costs of repairs and may face additional penalties under the relevant bylaws and traffic laws.
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Consultation information such as the Statement of Proposal and relevant legislation can be found here: [Cemeteries Bylaw](#)

**Ngā Take/Kōrerorero | Issues/Discussion**

The Council Hearing of Submitter Report – found earlier in this agenda contains all submissions made in full on the draft Cemeteries Bylaw and provides a summary of themes identified.

This report provides a brief summary of submissions and the options available for Council.

Submissions

In total seven submissions were received, the following table shows the options selected:

Proposed option - Adopt the draft Bylaw as proposed to the community	3
Adopt the draft Cemeteries Bylaw with further amendments.	2
Other	1
No option selected	1

Submission Themes

Several submissions were received regarding decorations and adornments in cemeteries, noting that they found the clauses to be overly restrictive. The intent of these draft provisions is not to unduly restrict families but to help preserve the amenity and respectful appearance Council cemeteries, while also assisting in the maintenance of the cemeteries. The draft Bylaw aims to strike a balance between allowing personal expression and ensuring health and safety is observed — for example, by preventing trip hazards or objects interfering with mowing and grounds maintenance. Items such as oversized flags or unstable decorations can pose risks and make maintenance more difficult.

A comment was made regarding allowing natural burials. It is noted that Council does not currently offer a designated space for natural burials, unlike some neighbouring councils (for example Hauraki District Council and Hamilton City Council). However, the Bylaw does include an explanatory note that staff work closely with funeral directors and families to support individual wishes and preferences wherever possible within existing cemetery settings.

One submission was received requesting that the Council refers to ‘people without means’ rather than ‘poor persons’.

Some operational matters raised in submissions—such as the design of ashes walls and historical inconsistencies across cemetery sites, fall outside the scope of this Bylaw review. These have been referred to operational staff for consideration as part of future planning and design work.

The Cemeteries Procedures Manual provides further guidance around cemetery management, and updates to this document may be considered alongside the implementation of the updated Bylaw.

Proposed Changes

The following changes are proposed prior to adoption of the Bylaw. These are indicated in the attached Bylaw in red and any deletions are ~~struck through~~.

- The draft Bylaw has been updated to amend the clause 'poor persons' to 'publically funded interments, and to reference the Burial and Cremation Act 1964, which states that Council must permit the burial or cremation of any poor person (this is the term used in the Act), free of charge. It is also proposed to add the following explanatory note to the Bylaw: *'The term "poor person" is used in section 49 of the Burial and Cremation Act 1964. In this Bylaw, we've used more modern and respectful wording to describe the same situation'*.
- Staff have recommended changes to the draft Bylaw to clarify that decorations may be placed on the concrete berm to assist in maintenance and to support the amenity of the cemeteries.
- A duplicate clause has been removed (clause 13.2 – 'Burial times will be subject to Council's Approval'). This is already stated elsewhere in the Bylaw as clause 9.5.
- Feedback from operational staff has been received in relation to official war graves and reflects advice received from Manatū Taonga Ministry for Culture (Ministry). Official war graves are maintained by the Ministry and must not be included in volunteer maintenance activities such as working bees as they are require specialist maintenance to prevent damage. The Ministry also request that no ceramic poppies are to be placed on these graves, as they have observed significant damage and staining from the adhesive used to glue these poppies. Staff advise that a clause has been added to the Bylaw to reflect the advice received.

### **Mōrearea | Risk**

Legal challenges may arise if the Bylaw conflicts with existing legislation, or if it is seen to be in excess of the Council's legal authority. It is considered that the Bylaw as attached to this report is in align with other Council policies and plans to avoid conflicts and duplication.

There is the potential for the community to feel that their views submitted during consultation have not been adequately heard or incorporated into the draft Bylaw. This risk is mitigated by early and ongoing engagement with key stakeholders (both users of the cemeteries and operational staff) and the suggested inclusion of wording changes to clarify parts of the Bylaw (particularly around adornments and decorations) as a result of the community feedback received.

### **Ngā Whiringa | Options**

<b>Option One – Adopt the Cemeteries Bylaw as consulted on with minor corrections and amendments as outlined in the attachment (recommended)</b>	
<b>Advantages</b>	<b>Disadvantages</b>
A standalone Cemeteries Bylaw ensures clearer, more focused regulations, making it easier for the public to find, understand, and comply with cemetery-specific rules.	No disadvantages identified.
The Bylaw reflects community feedback and is fit for purpose – to support the maintenance and amenity of Council's cemeteries and safe spaces for the community.	

## Option Two – Request additional information and/or explore further options

Advantages	Disadvantages
Council will be able to consider additional information and/or explore further opportunities	Any significant changes may require further community consultation.

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

Pursuant to sections 158 and 159 of the LGA, Council is required to review their bylaws five years after initial adoption and every ten years after that. The outcome of this process will result in the Public Amenities Bylaw having undergone a statutory review. The name of the Bylaw will be updated as explained in this report to the Cemeteries Bylaw.

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

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

Consultation was undertaken using the special consultative procedure (SCP) (section 86 of the LGA). Section 156 states that when making, amending or revoking a bylaw, the Council must use the SCP if:

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

Council has carried out a statutory review and formal consultation which has resulted in some further changes as explained in this report.

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.

### Section 155 Determinations

Pursuant to section 155 of the LGA, 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.

These requirements are addressed below.

### Is a Bylaw the most appropriate way of addressing the perceived problem?

A Bylaw is an appropriate way to regulate Council cemeteries, as it states the rules the public should follow to contribute to safe and healthy communities and spaces for the community to pay their respects. Including rules for cemeteries within a Bylaw has several benefits:

- Provides clarity as to what is expected of the public and Council;
- Provides guidance to help avoid ad hoc decisions;
- Is applicable to all users of cemeteries;
- 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 and safety of cemeteries.

A Bylaw addressing cemetery maintenance, behaviour and amenity is the most appropriate way of addressing the perceived problems as it provides an effective tool for Council to regulate standards for the health and wellbeing of the community.

The perceived problems include a range of operational, safety, and compliance challenges, including damage to graves or headstones, decorations and adomments causing safety hazards and problems for maintenance teams.

Maintaining safety in cemeteries is paramount, with particular attention to controlling vehicle access and ensuring appropriate behaviour. Vehicles should only be used in designated areas to prevent damage to graves, pathways, and landscaping. Clear signage and enforcement of speed limits help mitigate risks for both visitors and staff. These measures are designed to preserve the cemetery as a dignified, peaceful space for remembrance, while ensuring that all visitors can navigate the site safely and respectfully.

These concerns highlight the need for clear guidelines to ensure respectful, safe, and consistent management of cemetery spaces for all users.

### **Is the draft Cemeteries Bylaw the most appropriate form of bylaw?**

It is determined that the Draft Cemeteries Bylaw meets this test as it has been drafted in a way that:

- Deals with the identified problems (problems identified through research, early engagement and formal engagement);
- is clear and easy to understand – this has been achieved through the use of explanatory notes and use of plain English;
- meets the Council's obligations under the LGA, Burial and Cremation Act 1964 and other relevant legislation;
- helps achieve the Council's Community Outcomes (see relevant section in this report);
- is consistent and does not replicate other Council documents including bylaws, policies, strategies and plans and the District Plan;
- allows for exceptions and special circumstances;
- is enforceable under legislation and able to be administered efficiently and effectively, supported by Council's Enforcement Policy;
- is within the legal power of the Council to make Bylaws under section 145 of the LGA and complies with all relevant legislation and regulations.

### **Does the Draft Cemeteries 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.

Staff have assessed the draft Bylaw provisions and consider that 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. Therefore, it has been determined that the bylaw does not give rise to any implications under the NZBoRA. The bylaw imposes certain restrictions on behaviours, such as causing a nuisance or annoyance or interfering or interrupting a funeral service or ceremony which are essential rules to ensure the safe and respectful use of cemeteries.

While these restrictions may limit certain individual freedoms, such as freedom of expression, they are demonstrably justified in a free and democratic society under clause 5 of the NZBoRA. The measures are proportionate and necessary to maintain public order, protect Council assets, and ensure that cemeteries are safe and well maintained for the community.

The Bylaw has been designed to balance individual rights with the collective interests of the community, ensuring that any limitations are minimal and serve a legitimate purpose. Therefore, it is considered consistent with the provisions of the NZBoRA.

Limitations on these rights must be no more than is reasonably necessary to achieve the purpose of the Bylaws. The Bylaws limit 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.

<b>Local Government Act 2002 decision making requirements</b>	<b>Staff/officer comment</b>
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options were addressed in the Statement of Proposal, linked earlier in this report.
Section 78 – requires consideration of the views of Interested/affected people	Early engagement has been undertaken to assist in the review of the Bylaw.  Staff are recommending updates to the draft Bylaw to reflect feedback received during the formal consultation 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 medium level of significance.
Section 82 – this sets out principles of consultation.	Consultation has been completed in accordance with the SCP and following the principles of section 82 of the LGA.

**Policy Considerations**

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

## Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

For a full breakdown of the communications and engagement that was undertaken as part of this consultation, please see the Council Hearing of Submitters Report earlier in this agenda.

### Timeframes

Key Task	Dates
Council considers the submissions for the draft Cemeteries Bylaw.	7 <sup>th</sup> May 2025
Council adopts the Cemeteries Bylaw.	7 <sup>th</sup> May 2025 (or a later date as specified by Council).
The Cemeteries Bylaw comes into force.	1 <sup>st</sup> July 2025

## 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	
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>			
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.'			
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>			
			
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 Bylaw review supports the achievement of all Council's community outcomes.

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

The review of Council's Public Amenities Bylaw is funded through existing Strategies and Plans budgets as outlined in Council's Long Term Plan 2024-2034.

## Ngā Tāpiritanga | Attachments

A.  Cemeteries Bylaw for Council Adoption 7 May 2025 (*Under Separate Cover*)

### Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Kaitohu Kaupapahere Mātāmua   Senior Policy Advisor</b>	
	Charlotte Walker <b>Kaitohu Kaupapahere Paetahi   Graduate Policy Advisor</b>	

Approved by	Niall Baker <b>Kaiārahi Tima Kaupapahere   Policy Team Leader</b>	
	Sandra Harris <b>Pou Kaupapahere, Rāngai Mahitahi me te Kāwana   Policy, Partnerships and Governance Manager</b>	