

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 27 August 2025
Wā | Time: 9:00
Wāhi | Venue: Council Chambers
35 Kenrick Street
TE AROHA

NGĀ MEMA | MEMBERSHIP

Tiamana | Chairperson: Manuhuia | Mayor
Adrienne Wilcock

Mema | Members: 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
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Īmēra | Email: governance@mpdc.govt.nz
Kāinga Ipuranga | Website: www.mpdc.govt.nz



Ā-TIKANGA | PROCEDURAL

1	Whakatūwheratanga o te hui Meeting Opening	3
2	Ngā whakapāha/Tono whakawātea Apologies/Leave of Absence	3
3	Panui i Ngā Take Ohorere Anō Notification of Urgent/Additional Business	3
4	Whākī pānga Declarations of Interest	3
5	Whakaaentanga mēneti Confirmation of Minutes	3
6	Papa ā-iwi whānui Public Forum	3

NGĀ PŪRONGO A NGĀ ĀPIHA | OFFICER REPORTS

7	Pūrongo me whakatau Decision Reports	
7.1	Procurement Policy Review	4
7.2	Waitoa Water Engagement	12
7.3	Water Services Act and Riskpool Delegations	18
7.4	Approval of Staff submissions on RMA Reform Packages 1 - 4	21
7.5	Private Plan Change 55 - Decision to make Operative	28
8	Ngā Pūrongo Whakamārama Information Reports	
8.1	District Plan & RMA Update	62
8.2	Studholme Street, Morrinsville, RSA Wall update	71
8.3	External Committee Minutes - June/August 2025	76

1 Whakatūwheratanga o te hui | Meeting Opening

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

An apology from Councillor Peter Jager has been received.

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

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

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

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

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

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

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

4 Whākī pānga | Declaration of Interest

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

5 Whakaaetanga mēneti | Confirmation of Minutes

Minutes, as circulated, of the ordinary meeting of Matamata-Piako District Council, held on 13 August 2025

6 Papa ā-iwi whānui | Public Forum

Name	Position/Organisation	Topic
Paul Decker	Te Aroha Rotary	Make Tui Park a park

7 Pūrongo me whakatau | Decision Reports

7.1 Procurement Policy Review

CM No.: 3077462

Te Kaupapa | Purpose

This report presents the revised Procurement Policy for approval.

Rāpopotonga Matua | Executive Summary

Following a comprehensive review of the current procurement policy, the following changes are proposed:

1. A revised vision that reinforces Council's commitment to achieving value for money across all procurement activities, with a focus on maximising public value.
2. Realign Council's strategic commitments to ensure effective implementation of the procurement vision.

Tūtohunga | Recommendation

That:

1. The Council approves the proposed Procurement Policy for implementation.

Horopaki | Background

Procurement Framework

The Procurement Policy applies to all purchasing activities and is an overarching document that outlines the Council's vision, commitments and approach to procurement.

The Procurement Policy is supported by the Procurement Manual, Contract for Services Manual and New Zealand Standard Contracts Manual.

These manuals are operational documents, with any changes requiring approval from the Executive Team. They provide procedural guidance for procurement and are updated as needed when:

- Relevant Government procurement rules are revised; or
- Internal process improvements lead to greater procurement efficiencies.

In absence of such updates, they are reviewed according to the scheduled review dates.

Procurement Policy Review

The procurement policy was last updated in 2022 and due for a review in 2025.

The current review aims to ensure the Policy is consistent with the current procurement environment, aligns with best practice, and continues to deliver value.

A cross-functional working group was setup to lead the review of the current policy. The review was in alignment to:

- The current procurement environment; Government procurement rules,
- Council's strategic priorities - how these can be achieved through procurement,
- Procurement focus of other Councils within the region.

Since 2022, there has been a shift in the procurement environment. The Government procurement rules require procurement to focus on achieving wider social, economic, cultural and environmental outcomes through its procurement activities. While we believe that Council is delivering on these requirements, we are taking this opportunity to revise and refocus the procurement vision to reflect this, and re-aligning the procurement commitments accordingly. In addition to this, the proposed policy provides more clarity around the risks and value that drive procurement.

The Risk and Assurance Committee endorsed the proposed policy for Council approval. Subsequently, all staff were invited to review the proposed changes, resulting in two submissions. The Executive Team has carefully considered the feedback and now recommends the attached document for Council's approval.

The revised policy document is attached for review.

Mōrearea | Risk

An outdated procurement policy can expose council to a range of operational, legal, reputational, and financial risks.

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

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

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

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the views of Interested/affected people	<p>Risk and Assurance Committee reviewed and endorsed the proposed policy.</p> <p>All staff participate in the consultation process. The consultation was open for two weeks and made available on the intranet. Reminders were also issued throughout the consultation period.</p> <p>The Executive Team reviewed the submissions made from staff.</p>





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 <i>low</i> level of significance.
Section 82 – this sets out principles of consultation.	Not applicable

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.

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

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


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

The community outcomes relevant to this report are as follows:

- A place to thrive – allowing policy and procedures, making available procurement templates, building capability and measuring performance that help people excel in their procurement journey.

- A place that embraces our environment – enforcing through policy that staff involved in procurement consider sustainability and economic and social outcomes through their procurement activities.

Ngā Tāpiritanga | Attachments

 Proposed Procurement Policy_2025



Ngā waitohu | Signatories

Author(s)	Sangeeta Singh Mātanga Hokohoko Procurement Specialist	
Approved by	Larnia Rushbrooke Pou Pūtea, Ratonga Pakihi Finance & Business Services Manager	

Procurement Policy



Department	Finance and Business Services
Policy Type	Internal
Endorsed by Risk and Assurance Committee	17 June 2025
Adopted by Council	Resolution dates
Review Frequency	Three Yearly
Next Review Date	August 2028
Policy Supersedes	Procurement Policy dated 20 January 2022
Policy Reference	CM [XXXXX]

Introduction

Matamata-Piako District Council (Council) purchases a variety of goods and services ranging in scope from major contracts for civil works, large maintenance contracts, and acquisition of significant assets like land and buildings to small items such as office supplies and minor equipment. The following policy must be used to assess the most appropriate method of procuring for such projects or purchases.

This policy applies to all Council purchasing activity. It works alongside other specific guidelines, e.g. NZTA's procurement rules for Roading. Other related Council policies are referenced in the Procurement Manual and include Staff Delegations, Conflict of Interest and Preventing Fraud and Corruption.

All procurement shall be undertaken in accordance:

- With this policy,
- With the procurement manual,
- Within financial delegations,
- Within approved budgets for goods and services.

Procurement plays a vital role in enabling the Council to achieve its strategic goals, maintain public trust, and support local economic development. This policy provides a consistent framework for decision-making that promotes open and effective competition, sustainable outcomes, and prudent use of public funds.

Council is committed to ensuring that all procurement of goods, services, and works is conducted in a fair, transparent, and accountable manner, achieving best value for money and delivering value to its community.

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Morrinsville & Te Aroha 07 884 0060 - Matamata 07 881 90 50

Coverage/Scope

This policy applies to all Council employees, consultants, and third parties acting on behalf of the Council in committing to any spend other than remuneration payments or property negotiations. This policy still applies when procurement or spending responsibilities are delegated or outsourced by the Council.

Procurement Vision

Obtain best value for money in all procurement activities considering quality, cost, timelines, risk and sustainability.

Council's Commitment

Council commitment is to:

- Delivering value to the Matamata-Piako community through transparent, ethical and sustainable procurement practises.
- Making smart, innovative and sustainable purchases that provide long-term, future ready value to the community—protecting the environment, supporting local jobs, and meeting community needs.
- Delivering public value through sustainable procurement that considers total cost of ownership, environmental impact, and broader economic and social outcomes.
- Support and encourage procurement capability through training and mentorship.
- Open, transparent and competitive government procurement that delivers the best deal by adhering to good practice guidelines of the Auditor General for procurement in the public sector.
- Follow the requirements of the New Zealand Transport Agency Waka Kotahi (NZTA) for subsidised road works.
- Procure in a manner that meets the commitments in the Health and Safety Charter.
- All things being equal use local providers within our district.
- Identify the risk and value associated with purchasing products or services
- Ensure the purchasing process can be reviewed and justified to a third party.
- Procure goods and services in a manner that ensures the provider understands what is required.

Risk and Value Management

To ensure procurement is both responsible and efficient, the degree of effort and complexity needed for purchasing a particular product or service will be established by considering the risk associated with the product or service and the estimated cost (value) of the product or service. A risk and value assessment will be applied to procurement. The outcome of the assessment will guide the way procurement is to be undertaken.

Risk

Risks are potential threats/uncertainties associated with the procurement of goods and services exposing the Council to loss or harm. The risks are wider than just the dollars, and include strategic, operational, financial, reputational and people risks.

The level of risk must be carefully considered in any procurement of over \$20,000 value. The basic risk assessment evaluation required for any procurement of between \$20,000 and \$250,000 value is set out in the table below:

Rating	What does this level of risk look like?	Outcome
Low Risk	Common items, clear about what we're purchasing, nothing likely to be controversial about either purchase or likely supplier, no likelihood of conflict of interest or favouritism issues and no significant potential health or safety concerns or detailed training requirement.	Procurement continues in line with financial threshold requirements.
Moderate Risk	Some level of risk leading to a higher level of risk exposure in the procurement – for example specialised/complex equipment or services, lack of clarity about what we're purchasing, limited number of suppliers, supplier capacity, supply chain issues, potential for conflict of interest, health and safety risks, etc.	Lite procurement plan and risk register required even if value of procurement less than \$100k. Three written quotes using the RFQ template. Otherwise approved in line with financial threshold requirements and normal financial delegations.
High Risk	Complex items and significant risks around selecting an inappropriate product or supplier, potential conflict of interest or favouritism issues, and/or potential for significant health or safety or detailed training requirement. Could also be opportunity for significant gain from a competitive tender process or of some suppliers passing on benefits from fluctuating price markets or leveraged buying power to achieve value for money.	Full procurement plan, risk register and approval by Tender Board required even if value of procurement is less than \$250k. Public/Invited RFx process using GETs.

Value

As the estimated value of purchases of goods and services increases, so too does the need for greater formality in the process to acquire them.

Except as modified by the risk assessment as described above, the following set financial thresholds drive the procurement method:

Thresholds	Procurement Method
Up to \$20,000	One quote, verbal or existing contract quote
\$20,001 - \$50,000	Two quotes in any written format
\$50,001 - \$100,000	Three written quotes
\$100,001 - \$250,000	Approved Lite Procurement Plan and Risk register is required Three written quotes using the RFQ template
Over \$250,000	Full procurement plan and risk register is required Public/Invited RFx process using GETs

Where purchases are over \$250,000 in value, or they are of a high risk, a full Procurement Plan is required which must be referred to the staff group known as Tenders Board for final approval.

Monitoring, Measurement and Review

Effectiveness of this Policy is to be measured by a quarterly procurement review undertaken by the Procurement Specialist and reported to the Executive Team, and the Risk and Assurance Committee on biannual basis.

This policy will be reviewed and approved by Council at least every three years or as necessary due to major changes within the procurement environment.

Relevant Information

Relevant Legislation

- Local Government Act 2002
- Official Information Act 1982
- Privacy Act 2020
- Fair Trading Act 1986
- Commerce Act 1986
- Office of the Auditor General – Good Practise Guide – Procurement Guidance for Public Entities
- Ministry of Business, Innovation and Employment – Government Procurement Rules
- Health and Safety at Workplace Act 2015
- NZ Transport Agency Waka Kotahi Procurement Manual – for subsidised works
- Public Finance Act 1989

Related Policies, Strategies or Guidelines

- Procurement Manual and Contracts Manual
- Sensitive Expenditure Policy
- Gifts Policy
- Managing Conflicts of Interest Policy
- Risk Management Framework
- Preventing Fraud and Corruption Policy
- Substandard Performance, Misconduct and Disciplinary Policy

Verification

Confirmed as adopted version:

Manaia Te Wiata
Tumu Whakarae | Chief Executive Officer

7 Pūrongo me whakatau | Decision Reports

7.2 Waitoa Water Engagement

CM No.: 3081398

Te Kaupapa | Purpose

To confirm Council's preferred approach to the Waitoa Water engagement.

Rāpopotonga Matua | Executive Summary

Waitoa Village water supply has been a matter of discussion between the Village community, Fonterra and Council since 2017.

Fonterra has determined that it will not be the village's long-term water supplier.

Council has a responsibility to help address the risks to this water supply and has investigated options for a Council supply. We have reached the stage where we wish to progress formal processes. The first step is engaging with the Waitoa Village to ascertain affected property owner views on a council-provided supply versus a private one.

At the 25 September 2024 meeting, Council endorsed a deliberative engagement approach that would 'involve' and 'collaborate' with the Waitoa community. Since then, a co-design process has identified what the engagement will entail. This approach and the timeline was discussed at a Waitoa community meeting in July 2025, where there was general agreement to progress.

A deliberative process is made up of a number of key elements that differ to the more commonly used participatory techniques, and includes Council committing to a series of promises at the different phase in the process. These promises are outlined on page seven in the Strategic Engagement Plan (SEP) which will be circulated separately.

Tūtohunga | Recommendation

That:

1. **Council confirms its commitment to progressing with a deliberative engagement process with the Waitoa community, as set out in the Strategic Engagement Plan, including the specific promises outlined on page 7 of the Plan.**
2. **Council notes that this commitment is necessary to give effect to the approach previously endorsed by Council (September 2024) and to proceed with the next phase of engagement with the Waitoa community.**
3. **Council acknowledges that staff will continue to work collaboratively with Fonterra, Taumata Arowai, and the Waitoa community to implement the process and mitigate risks arising from actions outside of Council's direct control.**

Horopaki | Background

Waitoa Village water supply has been a matter of discussion between the Village community, Fonterra and Council since 2017.

Fonterra has determined that it will not be the village's long-term water supplier.

Council has a responsibility to help address the risks to this water supply and has investigated options for a Council supply. We have reached the stage where we wish to progress formal processes. The first step is engaging with the Waitoa Village to ascertain affected property owner views on a council-provided supply versus a private one.

At the 25 September 2024 meeting, Council endorsed a deliberative engagement approach that would 'involve' and 'collaborate' with the Waitoa community. Since then, a co-design process has identified what the engagement will entail. This approach and the timeline was discussed at a Waitoa community meeting in July 2025, where there was general agreement to progress.

A deliberative process is made up of a number of key elements that differ to the more commonly used participatory techniques, and includes Council committing to a series of promises at the different phase in the process. These promises are outlined on page seven in the Strategic Engagement Plan (SEP) which will be circulated separately.

Ngā Take/Kōrerorero | Issues/Discussion

At the 25 September 2024 meeting, Council endorsed a deliberative engagement approach that would 'involve' and 'collaborate' with the Waitoa community. At a Waitoa community meeting in December 2024, the community was advised of the decisions and that work on the process to reach a decision would begin in April 2025. (At the time, the view was the Local Water Done Well consultation would be completed by then.)

During May and June 2025, workshops were held to co-design the engagement process. It was a high level planning exercise that involved a range of people including: staff from across council, the Mayor, Taumata Arowai representatives, Fonterra representatives and a Waitoa resident.

The workshops resulted in a Strategic Engagement Plan (SEP) outlining what the engagement will focus on, what it involves, and the timeline.

This approach and the timeline were discussed at a Waitoa community meeting in July 2025, where there was general agreement to move ahead with it. However, whether we progress is conditional on Council also being prepared to commit to the process now there is specific detail on what this engagement will involve.

A deliberative process is made up of a number of key elements that distinguish it from the more commonly used participatory techniques. One of those key elements includes Council committing to a series of promises at the different phases in the process. These promises are outlined on page seven in the Strategic Engagement Plan (SEP). The SEP will be circulated separately.

Mōrearea | Risk

Community Participation – Council wants to hear from all affected parties. There is no compulsion on members of the Waitoa Village to engage on this matter. The engagement process is designed to mitigate that risk.

Actions by other parties – Council can only control what it does. We will continue to work collaboratively with Fonterra and the Regulator. We trust this will mitigate the risk of any unexpected actions by those parties.

Ngā Whiringa | Options

Option One – Deliberative process	
Description of option	
<p>A structured engagement process where a representative group of Waitoa residents is brought together to consider information, discuss trade-offs, and provide informed recommendations to Council. Council commits upfront to a series of promises about how input will be used at each phase.</p> <p>Progress with a deliberative process Council has co-designed a Strategic Engagement Plan with stakeholders (including the Mayor, Taumata Arowai, Fonterra representatives and a Waitoa resident). This sets out the focus, process, and timeline for deliberative engagement. A community meeting in July 2025 signalled general agreement to proceed, pending Council's commitment.</p>	
Advantages	Disadvantages
Builds trust by showing Council is prepared to share decision-making power and follow through on clear commitments.	Resource intensive – requires significant time, staff effort, and budget to support the process.
Encourages deeper, more informed input by giving residents time, information, and space to deliberate rather than react.	Can be seen as slow or overly complex compared to more straightforward engagement methods.
Helps balance different perspectives by involving a cross-section of the community, not just the most vocal.	Risk of limited buy-in if the wider community perceives the process as exclusive or only for a small group.
Provides a clear framework (SEP) that reduces uncertainty and strengthens accountability.	Requires Council to uphold promises; failing to do so could damage trust more than not attempting deliberation at all.
Structured to enable a “super majority”	
Option Two – Participatory process	
Description of option	
<p>If there isn't commitment to the promises, then a more conventional engagement approach could be taken, where the wider Waitoa community is invited to participate through meetings, surveys, submissions, or workshops. Input is gathered and considered by Council but without the structured commitments and representative deliberation of a deliberative process.</p>	
Advantages	Disadvantages
Faster and less resource-intensive than a deliberative process.	Participation is voluntary – risks low response rates or engagement dominated by a small, vocal group.
Familiar format for communities, less need to explain the process.	Input may be less informed, with less opportunity for residents to understand trade-offs or constraints.
Allows Council flexibility in how feedback is considered and weighed.	Can lead to polarised views rather than consensus, as there is little structured

	discussion or reflection.
	Perceived as “tick-box” consultation if not designed well, which can undermine trust in Council.

Recommended option

Option One is recommended. It is a structured engagement process where a representative group of Waitoa residents is brought together to consider information, discuss trade-offs, and provide informed recommendations to Council. If agreed to, this approach would only be effective if Council were to commit to the promises outlined in the Strategic Engagement Plan (page 7).

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

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.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the views of Interested/affected people	The process outlined in the report satisfies the consultation requirements ie the views of affected people will be taken into account.
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.	Addressed in the Strategic Engagement Plan.

Policy Considerations

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

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement





As outlined in the Strategic Engagement Plan.

Timeframes

Key Task	Dates
Outlined in the Strategic Engagement Plan	Outlined in the Strategic Engagement Plan

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

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

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

The community outcomes relevant to this report are as follows:

- A place to thrive

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

Council has allocated funding to cover the engagement process.

Ngā Tāpiritanga | Attachments

- A.  Waitoa Water - Matamata-Piako District Council - SEP v8 (Under Separate Cover)

Ngā waitohu | Signatories

Author(s)	Andrea Durie Pou Whakapā, Whai Wāhi Communications & Engagement Manager	
Approved by	Jenni Cochrane Hautū Wheako Kiritaki Group Manager Customer Experience	

7 Pūrongo me whakatau | Decision Reports

7.3 Water Services Act and Riskpool Delegations

CM No.: 3064022

Te Kaupapa | Purpose

The purpose of this report is to seek Council approval for an addition to the delegations register to include delegations under the Water Services Act 2021, which will provide full delegations to the CEO, including the power to further sub-delegated the powers to appropriate staff. Additionally, this report seeks to provide the CEO, Mayor and Deputy Mayor the power to cast Council's vote at Riskpool annual general meetings.

Rāpopotonga Matua | Executive Summary

Under the Local Government Act 2002, Council may delegate its statutory powers and its functions to a committee or other subordinate decision-making body, or member or officer of the local authority. The Delegation Policy and Delegation Register provides the framework for this and illustrates all the delegations made to staff across multiple legislations.

The purpose of this report is to seek an addition to the delegations register for the inclusion of delegations under the Water Services Act 2021. Currently, there are no delegations under this Act and while the immediate intension is to provide delegations to allow staff to undertake compliance monitoring of backflow preventers, this report proposes full delegation to the CEO rather than seeking continual Council approval for every operational matter under this legislation. Initially, this addition will enabling Council staff to undertake the necessary certification and compliance of backflow preventers to ensure the safety of our drinking water.

Risk Pool (aka Civic Assurance) are still in the winding up years for the liability that Council has under it. This delegation will allow the CEO, Mayor and/or Deputy Mayor to cast a vote for Council without needing to obtain Council's approval.

Tūtohunga | Recommendation

That:

1. **Council delegates to the CEO the complete delegable powers under the Water Services Act 2021, including the power to further sub-delegated the powers.**
2. **Council delegates to the CEO, Mayor and Deputy Mayor (individually) the power to exercise Council's vote(s) in regards to Riskpool when matters arise.**

Horopaki | Background

Water Services Act: To enable us to take all reasonable steps to ensure the safety of our drinking water, staff need to complete a review of backflow preventers in the district. To do this, they require the power (within their warrants) to be able to monitor, issue certification notices and undertake any enforcement action that may be necessary.

Section 27 of the Water Services Act 2021 sets out:

27 Duty to protect against risk of backflow

- 1) *If a drinking water supply includes reticulation, the drinking water supplier must ensure that the supply arrangements protect against the risk of backflow.*
- 2) *If there is a risk of backflow in a reticulated drinking water supply, the drinking water supplier may—*

- a) *install a backflow prevention device and require the owner of the premises to reimburse the supplier for the cost of installation, maintenance, and ongoing testing of the device; or*
- b) *require the owner of the premises to install, maintain, and test a backflow prevention device that incorporates a verifiable monitoring system in accordance with any requirements imposed by the supplier.*
- 3) *A person who installs a backflow protection device must take all reasonable steps to ensure it operates in a way that does not compromise the operation of any fire extinguisher system connected to the drinking water supply.*

Staff are requesting that all delegable powers under the Act be delegated to the CEO so that he can sub delegate as required going forward. There are additional powers that need to be worked through with the suitable managers to determine if any other sub delegations need to be made to allow staff to undertake their day to day duties.

Riskpool: Riskpool was a cooperative insurance scheme that was wound up in recent years but Council will continue to have liability in relation to matters that occurred during this period until the matter is finalised. In additional, there is potential that Riskpool may be heading to litigation in the UK courts. As a result, annual general meetings will continue to be held and Council as a former member of Riskpool has vote casting ability. This report is recommending that Council allow the CEO, Mayor or Deputy Mayor the power to cast the vote on behalf of Council without requiring all matters to come before Council, to increase efficiency.

When there is a matter being proposed that will have the potential to significantly impact Council, those issue will still be brought before Council in a report to seek a direction on which way forward Council wishes to proceed. Determination of what is significant will be determined by the CEO, Mayor or Deputy Mayor.

Ngā Take/Kōrerorero | Issues/Discussion

Water Services Act: While there are some powers available under the Local Government Act 2002, it is appropriate that staff have all the necessary powers available to them to ensure that any actions are undertaken with the correct delegation.

In this instance staff are looking specifically at backflows, to ensure that the town's water is appropriately protected enabling Council to confirm that we are meeting our responsibilities as a drinking water supplier.

Riskpool: This report is recommending that Council allow the CEO, Mayor or Deputy Mayor the power to cast the vote on behalf of Council without requiring to come before Council, to increase efficiency.

When there is a matter being proposed that will have the potential to significantly impact Council, those issue will still be brought before Council in a report to seek a direction on which way forward Council wishes to proceed. Determination of what is significant will be determined by the CEO, Mayor or Deputy Mayor.

Mōrearea | Risk

Water Services Act: There is low risk to this, Council staff will be undertaking this actions with the approval of their manager and it is a responsibility of Council as a drinking water supplier to ensure that our obligations under the Water Services Act 2021 are met.

Riskpool: There is low risk to Council and any significant matters will be brought to the full Council for discussion.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh Rōia Legal Counsel	
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Approved by	Ally van Kuijk Hautū Tipu me te Whakamatua General Manager Growth & Regulation	
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7 Pūrongo me whakatau | Decision Reports

7.4 Approval of Staff submissions on RMA Reform Packages 1 - 4

CM No.: 3074844

Te Kaupapa | Purpose

The purpose of this report is to gain retrospective endorsement for the submissions on the Resource Management Reform, those being Package 1-Infrastructure and Development, Package 2-Primary Sector, Package 3-Freshwater and Package 4-Going for Housing Growth programme by the Council's RMA Policy Team.

Rāpopotonga Matua | Executive Summary

The Council's RMA Policy Team recently made submissions and provided feedback on the Resource Management Reform – Packages 1-4. The Council has not yet formally endorsed this material. The packages, a mixture of national policy statements (NPS's), national environmental standards (NES) and discussion documents which were released for submission and feedback over July to August this year.

Packages 1 and 2 were part of a statutory process seeking submissions to specific provisions over a range of infrastructure and development topics including infrastructure, transmission, telecommunications, granny flats, papakāinga, natural hazards, commercial forestry, highly productive land, quarrying and mining and the coastal policy statement. Packages 3 and 4 were initial consultation processes. Package 3 sought feedback on the future direction of changes to the NPS for freshwater and its related NES. Package 4 sought feedback on the first pillar of the Going for Housing Growth programme, with the discussion document focusing on planning related topics for the future management of growth and housing.

One submission responded to packages 1 and 2, with separate feedback provided to each of packages 3 and 4. Council provided support for various elements across the packages including;

- The enabling provisions of the NPS-Infrastructure including the wider consideration of what constitutes infrastructure (package 1), and
- The new NPS-Natural Hazards with recognition of a mitigation approach, and
- The enabling provisions of the NES-Papakāinga (package 1), and
- The proposed inclusion for a Slash Mobilisation Risk Assessment in the NES for Commercial Forestry (package 2), and
- The proposal to require spatial plans with statutory weight (package 4).

However, concerns were raised regarding:

- The timing of some amendments given a proposed reform of the entire RMA is signalled for later in 2025 (package 1 and 2), and
- The potential conflict of more enabling provisions having adverse effects on RMA Section 6-Matters of National Importance (packages 1 and 2), and
- The alternative proposal for the national direction of freshwater management (package 3), and
- The need to better recognise Tier 3 locations and how they will provide for their communities, including providing clear direction as to what measures may be applicable to Tier 3, as opposed to Tier 1 and 2 (package 4), and
- Opportunities for applicants to depart from a spatial plan and the need for stringent parameters if this approach is adopted (package 4).

Fiona Hill and Carolyn McAlley are in attendance to speak to the report and answer any questions.

Tūtohunga | Recommendation

That:

1. **Council retrospectively endorses the submissions and feedback on the Government's Resource Management RMA Reform-Package 1-Infrastructure and Development, Package 2-Primary Sector, Package 3-Freshwater and Package 4-Going for Housing Growth.**

Horopaki | Background

The RMA reform process has continued at pace and in May and June this year, the Government presented the next tranche of reform documents for public submission and feedback. The material, released in four packages related to three National Direction packages for infrastructure and development, the primary sector and freshwater. The fourth package related to the likely tools required to manage housing and growth under the future Planning Act.

The Government-run process took place from 29 May to 27 July 2025 for packages 1-3 and from 18 June to 17 August 2025 for package 4. There are no hearings for the package 1-2 submission processes. The Government has advised it intends for any changes resulting from the submissions to packages 1-2 to be in place by the end of 2025.

Feedback on package 3-Freshwater is expected to be part of a revised freshwater approach that will be open for future comments, while feedback on package 4-Going for Housing Growth is expected to be contained in the draft Planning Act which will likely be open for submission at the end of 2025. While drafting their submission and feedback, Council staff had the benefit of being able to review the draft versions of the submissions by the Waikato Regional Council and Taituarā.

Ngā Take/Kōrerorero | Issues/Discussion

Package 1-Infrastructure and development

- Overview of Package 1 response

Package 1 related to infrastructure and development and the documents. Included for submission were the new NPS for Infrastructure, the amended NPS for Electricity Networks, the amended NES for Electricity Transmission Activities, the amended NPS for Renewable Energy Generation, the amended NES for Telecommunication facilities, and the new NES for Granny Flats, NES for Papakāinga, and NPS for Natural Hazards. There were a number of reoccurring concerns throughout the package.

One of the key concerns in the submission is the relationship between a number of the proposals and Section 6 of the RMA. There are many instances in the proposed changes, where certain activities would be enabled which may have adverse effects on matters of national importance (Section 6). Whilst this conflict will be considered further under the new legislation, the submission sought for guidance to be provided in the intervening period. In addition, many of the policy statements propose to include a new policy on Māori interests, however the submission has requested amendments to this policy, and for this proposed policy direction to be applied consistently within the Package.

- Discussion of key points of Package 1 response

The submission was supportive of the new NPS for Infrastructure and agreed infrastructure provision is a critical issue and national direction is important. The proposals included a range of new definitions, including for “*additional infrastructure*” and “*infrastructure supporting activities*” such as quarrying. The submission has raised several concerns and sought amendments to improve the clarity and application of the definitions.

The amended NPS for Electricity Networks (previously known as the NPS for Electricity Transmission) now includes distribution networks as well as the national grid. The submission was generally supportive of the new direction, but raised concerns about the proposal for local authorities to provide an appropriate buffer around assets in the Electricity Network. Amongst other things, this includes ensuring buildings, subdivision and earthworks within the buffer comply with New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP) (see the discussion in the paragraph below regarding why ensuring compliance with the NZECP causes issues for Councils). The buffer must also allow sufficient space for access, maintenance and construction, development, and upgrading of assets. It will also apply to distribution networks. The submission has also raised concerns about how the proposals will affect Section 6 environments.

The amended NES for Electricity Transmission Activities proposes to now include distribution networks as well as the national grid. It is also proposed to provide for electric vehicle charging facilities. The submission was generally supportive of this new direction, but has raised concerns about the blanket proposal for the increased height of new electricity poles. The submission sought height provisions were adjusted to better recognise the scale of smaller towns.

The submission also queried the proposal for councils to implement the NZECP as councils typically do not have staff qualified in this topic. The submission suggested the retention of the rules within the NES and as part of assessing compliance, require developers to consult with the relevant transmission or distribution network providers and for the relevant organisation to provide an assessment of compliance, which can then accompany any relevant building consent application.

The amended proposals in the NPS for Renewable Energy Generation (REG) contain more detail and direction than the current NPS. The submission was generally supportive of the direction and has raised some queries on how the policies related to the protection of existing REG assets from the adverse effects of new activities near those assets will be implemented.

The proposal has amended the existing NES for Telecommunication Facilities. While supporting the need for improved coverage, concern was raised about the proposed height of poles and towers. The rationale provided for the increased height was due to the likelihood of obstruction because of the increased building density occurring in urban environments. This does not apply to districts like MPDC, who are Tier 3 authorities. A more nuanced approach, recognising the scale of development within a local authority’s boundaries was sought.

The proposals for NES for Granny Flats are generally supported, but the submission expressed concerns related to some of the permitted activity standards for minor residential units. These are very similar to the Medium Density Housing provisions required of Tier 1 and 2 authorities and not suited to be applied over the whole of Tier 3 authorities. The submission has sought greater consideration of the existing provisions, for example, the setback provisions of a district plan.

The new NPS for Natural Hazards was generally supported, bringing national direction to this important topic, however staff sought further guidance be provided on the proposed risk matrix to ensure natural hazard risk assessments are undertaken effectively.

The submission was generally supportive of the new NES for Papakāinga, particularly developing papakāinga on various types of ancestral land. The submission has raised recommendations

related to permitted activities and activity standards, the retention of underlying zone rules, preventing misuse of ancestral lands and subdividing ancestral land. The submission sought clarification around how the NES for Granny Flats applies to papakāinga insofar as the ability to locate a granny flat and papakāinga on the same site.

Package 2-Primary Sector

- Overview of Package 2 response

Package 2 related to the primary sector and the documents included for submission were the NPS-Highly Productive Land, NES for Commercial Forestry, quarrying and mining provisions to be included into the NPSs for Indigenous Biodiversity, Freshwater Management, and Highly Productive Land, Stock Exclusion Regulations and New Zealand Coastal Policy.

Again there were concerns expressed in the submission around the relationship between the NPSs and Section 6 of the RMA. The NPSs seeks to enable activities which may have adverse effects on matters of national importance (Section 6). Whilst this matter will be considered further under the new legislation, the submission suggested guidance be provided in the intervening period.

- Discussion of key points of Package 2 response

The submission expressed concerns at the proposed removal of Land Use Capability 3 from the provisions of the NPS-Highly Productive Land and sought it was retained together with the current exclusion for lifestyle lots or similar. This approach would maximise the use of the land should it turn over to urban uses in the future and provide for improved management between rural and urban uses.

While there are not many instances of commercial forestry in our district, the submission was supportive of the proposed changes to the NES for Commercial Forestry, in particular the inclusion for a Slash Mobilisation Risk Assessment for all forestry proposals to assist in the management of downstream effects.

The proposals for quarrying and mining provisions to be included into the NPSs for Indigenous Biodiversity, Freshwater Management, and Highly Productive Land were cause for concern as staff are aware that important mapping processes related to sensitive sites/locations, for example Significant Natural Area and the like are yet to occur. The submission sought that these mapping processes were undertaken as soon as possible to minimise adverse effects on identified significant /sensitive sites at the time of quarrying and mining activities. In the interim, the “plan stop” proposals have been announced which may stop these mapping proposals from proceeding.

Similar concerns were expressed in the feedback to the proposed changes to the Stock Exclusion Regulations. It is proposed to amend regulation 17, which requires all stock to be excluded from any natural wetlands that support a population of threatened species, so it would not apply to non-intensively grazed beef cattle and deer. Staff again submitted for the above mentioned mapping exercises to take place and for any exclusion proposal to be based on the outcomes of the mapping with all animals to be excluded from the surrounds of significant sites.

The submission was supportive of the proposed changes related to aquaculture in the New Zealand Coastal Policy Statement recognising aquaculture areas identified for Treaty Settlement purposes. This recognition will be enabling for Tangata Whenua. For this reason, the submission made no direct comments on the National Environmental Standard-Marine Aquaculture.

Package 3-Freshwater-Overview and discussion of key points

Package 3 sought feedback on the direction that should be taken with freshwater for both NPS-Freshwater and how any changes should occur over time.

Our feedback stated freshwater quality was considered a fundamental health issue and clear national direction must be provided. The feedback expressed concern that the proposal to rebalance the current policy approach (Te Mana o te Wai) through the inclusion of a suite of objectives with multiple matters to consider at the time of implementation may not provide a high level of certainty that the water resource can be managed to ensure a clean, healthy and plentiful water supply. The feedback supported the retention of the existing approach.

The discussion document also proposed a permitted activity status for commercial vegetable growing. Our feedback recognised the high level of interest in ensuring a more straight forward regulatory path for commercial vegetable growing, but sought that any permitted activity did not cause adverse effects to the natural environment, which would require the development of appropriate standards. The feedback raised the possibility of locations where the water quality is already compromised and permitted commercial vegetable activities should not be provided for.

With regard to the proposal to simplify the wetland provisions in relation to activities in and around wetlands, similar to the feedback made in relation to Package 2-Primary Sector, MPDC seeks the wetland mapping is undertaken prior to the simplification of the provisions, and the provisions recognise the importance of limiting activities in and adjacent to significant wetlands.

Package 4-Going for Housing Growth (GfHG) Programme-Overview and Discussion of key points

With Cabinet having already made a number of high levels decisions related to the provision of housing and growth in the new system, the purpose of the discussion document was to seek feedback on a range of likely tools required to achieve well-functioning urban environments. The outcomes of any feedback are expected to be reflected in the upcoming draft of the Planning Act.

One of the key concerns expressed in the feedback was the need for improved clarity as to how the proposals in the discussion document apply to Tier 3 authorities. Currently many of the proposals are more suited to Tier 1 and 2 locations. MPDC is of the opinion the proposals should be scalable to the growth that is anticipated. To do otherwise means the cost to undertake the planning work is not proportionate to the anticipated growth. The feedback has recommended that careful thought be given to the impact the GfHG will have on Tier 3 authorities.

The feedback also considers that the new resource management system needs to better provide for “creating communities”. MPDC through consultation with our communities has a clear vision for their community and newly elected members will develop a new vision in the near future. The feedback recommended that the new system provides a path for local outcomes to be recognised and achieved. This could be through spatial plans and lower order detail that will come through the policy and rule framework.

The feedback strongly supported the improved regulatory weight that will be afforded to spatial plans and the role they will have in providing good local housing and urban outcomes. The feedback advised that it makes sense for each local authority to identify the key outcomes for the urban areas within their boundaries, as they are more familiar with the areas characteristics.

The feedback recognised the interest in the discussion document to provide alternative development options to those that may be identified in a spatial plans. The feedback recommended that while it is prudent to follow a spatial plan, there may limited circumstances where other development options could be supported. For example where growth has been significantly higher than projected. MPDC considers the limited circumstances would need to be

made clear within the Planning Act, along with very clear guidelines as to how infrastructure would be provided, including through other agencies such as Waka Kotahi while also not disrupting the processes outlined in the spatial plan.

Mōrearea | Risk

The submissions themselves are considered a low risk. The outcomes of the feedback to the discussion documents may be included in the bills related to the development of the Acts that will underpin the new planning system. This will have implications for both the applicants and the administration of related development within the district. As the authority responsible for administering, monitoring and enforcing any resource consents or designations it is important the Council has as much involvement in the formulation of changes to the RMA and resulting consent process as possible.

Ngā Whiringa | Options

Given the Council's RMA Policy team has already submitted and provided feedback to packages 1-4, there are two options available to the Council. These are:

Option 1: Retrospectively endorse the submissions and feedback on the 4 packages.

Option 2: Do not endorse the submission and feedback and direct staff to withdraw the submission and feedback that has not been endorsed for all for packages.

Recommended option

Option 1: Retrospectively endorse the submission on packages 1-Infrastructure and development and Package 2-Primary Sector and the feedback on Package 3-Freshwater and Package 4-Going for Housing Growth Programme. In principle, the proposals could have positive ramifications for the district. However, it is considered the delivery of this project needs some significant changes. Therefore, it is important that the Council makes its opinions and preferences known through the submission and feedback processes, and ultimately has a hand in shaping the outcome of any future legislation.

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

This proposal will have some form of legal and policy impact on the Council. The content of national policy statements, discussed as part of the response to packages 1-3, will eventually become embedded into the new planning framework replacing the Resource Management Act, with the NESs providing direction at the time of implementation. However it was acknowledged that there will be inconsistencies in the interim between the revised NPSs and the lower order detail of existing district and regional plans, particularly around Section 6 matters and hazards, and guidance was sought to resolve the inevitable conflicts.




The responses to package 4 related to the provision for housing and growth are proposed to become part of the new Planning Act. The Government has advised there will be opportunity to provide comment on the draft Act. It will be important that the new Planning Act provides clear guidance and direction for Tier 3 Authorities as this was not evident as part of the proposals in package 4, potentially leaving Tier 3 locations in a policy vacuum.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

Staff brought the national direction packages 1-3 to a Council workshop on 18 June 2025 and the Going for Housing Growth package to a Council workshop on 9 July. Staff also sought feedback from Te Mana Whenua Forum on the Going for Housing Growth package.

Staff have liaised with Waikato Regional Council and Future Proof regarding submission content and sought to align with the regional council submission for the Going for Housing Growth package as much as possible.

Ngā Tāpiritanga | Attachments

- A.  MPDC - Submission to RMA Reform Package 1 and 2 - 2025 *(Under Separate Cover)*
- B.  MPDC - Submission to NPS-FM & NES-F Package 3 - 2025 *(Under Separate Cover)*
- C.  MPDC - Submission to RMA Reform Package 4 - 2025 *(Under Separate Cover)*

Ngā waitohu | Signatories

Author(s)	Carolyn McAlley Kaiwhakamahere Rautaki RMA Matua Senior RMA Policy Planner	
Approved by	Fiona Hill Kaiwhakamahere Rautaki RMA Matua Team Leader RMA Policy	
	Nathan Sutherland Pou Whakamahere Planning Manager	
	Ally van Kuijk Hautū Tipu me te Whakamatua General Manager Growth & Regulation	

7 Pūrongo me whakatau | Decision Reports

7.5 Private Plan Change 55 - Decision to make Operative

CM No.: 3075427

Te Kaupapa | Purpose

The purpose of this report is to seek approval from the Council to make Private Plan Change 55 (PPC55) – Fonterra Waitoa operative.

Rāpopotonga Matua | Executive Summary

Private Plan Change 55 – Fonterra Waitoa sought to replace the existing Development Concept Plan ('DCP') with a new DCP diagram including a proposed new Noise Emission Control Boundary ('NECB'), replace the existing DCP noise provisions with new noise provisions, introduce new performance standards for existing and new noise sensitive activities, and add new definitions for 'habitable room', 'bedroom' and 'noise sensitive activity'. The plan change also included minor changes to the Industrial Zone boundary to align with the Kaitiaki (Conservation Zone) and the realignment of the Landscape Buffer Area to correctly align with the floodplain along the Waitoa River. Corrections were also made to the legal descriptions of the DCP site in Schedule 5 of the District Plan. The plan change request was granted and the decision publicly notified on 24 June 2025. The 30-day appeal period following notification has since lapsed and no appeals have been lodged. Consequently, this report seeks Council's resolution to seal the plan change and make it operative. Fiona Hill is available to answer any questions.

Tūtohunga | Recommendation

That:

1. Pursuant to Clause 17 of Schedule 1 of the Resource Management Act 1991, Private Plan Change 55 is approved, sealed with the seal of the Council and signed by the Mayor and Chief Executive Officer; and
2. Pursuant to Clause 20 of Schedule 1 of the Resource Management Act 1991, Private Plan Change 55 becomes operative on 1 October 2025.

Horopaki | Background

On 4 December 2020, Fonterra Limited lodged a plan change request with the Council to amend the Noise Emission Control Boundary (NECB) and associated rules associated with the Fonterra Waitoa site. This request was titled Private Plan Change 55 – Fonterra Waitoa (PPC55). The purpose of the plan change is to provide certainty regarding acceptable levels of amenity for the local community and enables the ongoing use and expansion of the facility.

The plan change request was accepted by Council on 27 March 2024 and was limited notified on 14 May 2024. Two submissions were received. Following this, the submissions were notified on 26 November 2024. One further submission was received during this time. A hearing to decide the submissions was held on 6 May 2025 and was overseen by independent commissioner David Hill (Chair) on behalf of the Council. The final decision was publicly notified on 24 June 2025. A copy of the decision and the final District Plan provisions are attached under separate cover.

Ngā Take/Kōrerorero | Issues/Discussion

Clause 29 of Schedule 1 of the Resource Management Act 1991 (RMA) gives the plan change requester and the relevant submitters 30 working days following the notification of the decision on the plan change, to appeal the Council's decision.

The appeal period for PPC55 finished on 6 August 2025, with no appeals being lodged. Given there were no appeals, the final step in the process is to make the plan change operative. Clause 17 of Schedule 1 of the RMA allows a council to approve all or part of a plan when it is beyond challenge by submission or appeal. It "gives effect" to this approval by affixing the seal of the Council to the plan change. Following this approval, Clause 20 of Schedule 1 of the RMA says that the Council shall publicly notify the date on which a plan becomes operative at least five working days prior to this occurring.

Determining an operative date can be in iterative process and can depend on a range of factors, including the time taken to prepare and review an operative version of the plan, the ability to finalise District Plan maps and deadlines for newspaper advertisements. Based on these factors, staff have recommended an operative date of 1 October 2025. A timeline to make PPC55 operative is attached under a separate cover.

Mōrearea | Risk

In adopting the recommendations of this report, it is considered that the decision to make PPC55 operative would constitute a low risk. The Council's Risk Policy provides an expectation that the organisation will comply with all relevant legislative requirements in the conduct of its business. Making a plan change operative in accordance with the relevant provisions of the RMA is an expectation of that piece of legislation.

Ngā Whiringa | Options

There are two main options. The first option is to make PPC55 operative on 1 October 2025 (or an alternative date). The second option is to not make PPC55 operative at all. These options are discussed below.

Option 1: To make Private Plan Change 55 – Fonterra Waitoa operative

Section 84 of the RMA says that while a District Plan is operative, then the Council shall observe and enforce the provisions of this plan. Making PPC55 operative will enable the Council to enforce the provisions associated with it.

Option 2: To not make Private Plan Change 55 – Fonterra Waitoa operative

Should the Council decide to not make the plan change operative, it would still be able to enforce the proposed provisions. Section 86B of the RMA says that a rule in a proposed plan generally has legal effect once a decision on submissions relating to that rule has been made by Council and the decision publicly notified. There are a few exceptions, but these would not apply in this particular situation.

The submissions on PPC55 have been decided upon and the decision released 24 June 2025. No appeals were lodged within the specified 30 working day period, meaning that the proposed provisions have legal effect in accordance with section 86B of the RMA. However, not making the plan change operative would add significant complexity to the site as any current operative plan does not become inoperative until the newly proposed plan becomes operative. This would mean that two sets of potentially conflicting provisions would apply to the PPC55 area by way of example two different set of noise rules.

Recommended option

Option 1 is recommended in this instance. Making PPC55 operative is the final step in the plan change process and it would enable the Council to observe and enforce (solely) the District Plan provisions that have decided on by the independent hearing commissioners (on behalf of the Council).

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

Clause 17 of Schedule 1 of the RMA says that the Council may approve a plan change and in giving effect to this approval, it must affix its seal to it. Clause 20 then states that an approved plan shall become operative on the date notified by the Council, noting that this notification needs to occur at least five working days prior to the plan becoming operative. The Council's current process for making plan changes operative is considered to be in accordance with the expectations of the RMA.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

The RMA requires the operative date of a proposed plan to be publicly notified. This will be achieved by sending notification emails/letters to the plan change requestor, the submitters and the relevant parties outlined in Clause 20 of the RMA. A public notice will also be placed in the Scene Matamata 16 September, Te Aroha News and Morrinsville News 18 September.

Ngā Tāpiritanga | Attachments

[A↓](#). PC 55 Timeline to make operative



[B↓](#). PPC55 Waitoa DMF - Commissioner's Decision 090625 - Final Combined Document



Ngā waitohu | Signatories

Author(s)	Fiona Hill Kaiwhakamahere Rautaki RMA Matua Team Leader RMA Policy	
Approved by	Nathan Sutherland Kaiārahi Rautaki RMA Team Leader RMA Policy	
	Ally van Kuijk Hautū Tipu me te Whakamatua General Manager Growth & Regulation	

**Private Plan Change 55: Fonterra Waitoa
Timeline to Make Operative
Operative Date 1 October 2025**

Required	By Who	By When
Prepare Council Agenda Report (include a copy of the Plan Change Decision)	Fiona	18 August (Agenda closes)
Council Meeting	Fiona	27 August
Prepare Adoption certificate for Council Seal and get signed after Council meeting by Mayor and CEO	Kathryn	27 August
Prepare and send letters/emails to all submitters and applicant to advise operative date	Kathryn	1 September
Log an IT service ticket for update to DP Maps	Kelly/Kathryn	1 September
Prepare public advert advising operative date and log advert request with Communications for Scene MM 16 Sep, TA News & MV News 18 Sep	Kathryn	10 Sept (cut off to log advert with Comms) for publication on 16 & 18 Sept
Require draft set of Maps from IT for review	IT (Alex)	10 September
Prepare draft Operative Version of DP (Word and Eplan) including record or amendments	Kelly/Kathryn	1 – 12 September
Check the updates made to the District Plan, Maps & Records of Amendments	Fiona	15-19 September
Finalise District Plan operative version for distribution	Kelly/Kathryn	22-26 September
Update website with final operative version of DP and maps	Kelly/Kathryn	29-30 September
OPERATIVE		1 October 2025
Prepare and send internal and external letters/emails distributing the operative DP & Maps	Kelly/Kathryn	1 October 2025
Update Planning Team hard copy District Plans & Maps	Kathryn	1-10 October
Ensure all documentation is saved in CM etc	Kathryn	

**Decision following the hearing of a Private Plan
Change request (PC55 – Waitoa Dairy
Manufacturing Facility) to the Matamata-Piako
District Plan under the Resource Management Act
1991**

Proposal

To amend the Operative Matamata-Piako District Plan noise rules relating to Fonterra's Waitoa Dairy Manufacturing Facility (**WDMF**) at 118 Number 1 Road, Springdale / Waitoa by replacing the Noise Emission Control Boundary (**NECB**) and associated provisions.

This plan change is **APPROVED**. The reasons are set out below.

Plan Change No:	PC55 – Waitoa Dairy Manufacturing Facility
Hearing Panel:	David Hill (Chair)
Site address:	118 Number 1 Road, Springdale
Legal description:	Lot 2 DPS 78059 (CT SA62A/265), Lot 3 DPS 78060 (CT SA62A/267), Lot 4 DPS 78061 (CT SA62A/254), Lot 4 DP 4444 (CT SA156/212), Lot 9 DPS 78061 (CT SA62A/255), Lot 5 DPS 78059 (CT SA62A/266) and Lots 6, 7 and 8 DPS 78060 (CT SA67D/321).
Applicant:	Fonterra Limited
PC Request lodged:	4 December 2020
PC Request accepted:	27 March 2024
Limited notification:	14 May 2024
Submissions closed:	12 June 2024
Summary of submissions:	26 November 2024
Further submissions closed:	12 December 2024
Hearing commenced:	Tuesday, 6 May 2025, 10 a.m.
Appearances / Attending:	<p><u>Requestor:</u> Fonterra NZ Limited represented by: Alice Gilbert (Counsel) Suzanne O'Rourke (Environmental Policy Manager) Russell Muir (Site Operations Manager) Damian Ellerton (Consultant Acoustic Engineer) Graeme Mathieson (Consultant Planner)</p> <p><u>Submitter:</u> Andrew Malcolm</p> <p><u>Council:</u> Andrew Green (Counsel)</p>

	Marius Rademeyer (Planner and s.42A reporting officer) Neil Savory (Consultant Acoustic Engineer) Kathryn Mair (RMA Policy and Legal Administration Officer) Nathan Sutherland (Team Leader – RMA Policy) Kelly Moulder, Hearings Co-ordinator
Commissioner’s site visit:	6 May 2025
Hearing adjourned:	6 May 2025
Hearing Closed:	19 May 2025

Introduction

1. This decision is made on behalf of the Matamata-Piako District Council (“**the Council**”) by Independent Hearings Commissioner **David Hill (Chair)**, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Commissioner has been given delegated authority by the Council to make a decision on submissions on proposed Private Plan Change 55 – Waitoa Dairy Manufacturing Facility (“**PC55**”) to the operative Matamata-Piako District Plan (“**the MPDP**”) after considering all the submissions, the section 32 evaluation, the report prepared by the officers for the hearing, and evidence presented and representations made during and after the hearing of submissions.
3. PC55 is a private plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. The private plan change request, under Part 2 of Schedule 1 RMA, was accepted by Council on 27 March 2024 and limited notified on 14 May 2024, with the initial submission period closing on 12 June 2024 and further submissions closing on 12 December 2024.
5. Two submissions and 1 further submission were made on the plan change by adjacent landowning neighbours, Andrew and Leah Malcolm of 141 and 141A No 1 Road, Waitoa.
6. The s.42A RMA hearing report (dated 8 April 2025) was prepared by Marius Rademeyer supported by an initial technical acoustic review (dated 7 August 2023) by Neil Savory of Savory Acoustics Limited. Following subsequent meetings with the requestor’s acoustic consultant, Damian Ellerton of Marshall Day Acoustics Limited, Mr Savory’s outstanding concerns were resolved such that he was able to indicate support for PC55¹. Accordingly, Mr Rademeyer was able to recommend approving PC55 as notified, unchanged, in his s.42A report conclusion².

¹ Neil Savory, correspondence with Marius Rademeyer, 15 February 2024.

² S.42A Report at section 11.

SUMMARY OF PLAN CHANGE

7. The proposed plan change is described in the application (**the AEE**) as follows:

The purpose of the Plan Change is to establish a long term NECB (and associated noise rules) which provides certainty regarding acceptable levels of amenity for the local community and enables the ongoing operation and expansion of the Facility.

The Plan Change seeks to incorporate the proposed changes into the District Plan by the following means:

- *Replace the existing DCP diagram with a new DCP diagram (which includes the proposed new NECB); and*
- *Replace the existing DCP noise provisions with new noise provisions; and*
- *Introduce new Performance Standards for existing and new noise sensitive activities.*

No changes are required or proposed in respect of the Objectives and Policies of the District Plan.

The proposal is to replace the existing DCP with a new DCP which:

- *Updates the current DCP to an electronic format (that is the same as other “second generation” DCP’s in the District Plan) so it can be included within Council’s GIS system for the Planning Maps. Part of this exercise involved ensuring the replacement DCP is accurate and to scale (n.b. the current DCP was hand drawn and consequently is not fully accurate or to scale); Defines a new NECB for the Facility based on 45dB LAeq;*
- *Updates the noise provisions to relate to the new NECB;*
- *Amends the noise provisions to provide for off-site mitigation for “habitable rooms”³ within existing buildings accommodating “noise sensitive activities” within the new NECB; and*
- *Amend the noise standards to provide clarity regarding the noise measurement descriptor and ensure consistency with the National Planning Standards.*

New rules are also proposed within the District-wide noise provisions regarding the establishment of new buildings accommodating “noise sensitive activities” within the proposed NECB. New definitions are proposed for “habitable room”, “bedroom” and “noise sensitive activity” to assist with implementing the proposed new noise rules.³

8. Importantly, PC55 is considered to provide a framework for managing potential noise effects for dwellings within the NECB. Receptors outside the proposed NECB will receive noise less than 45dB LAeq, which the noise experts agreed is a less than minor effect.
9. The application also noted a number of “anomalies” with the operative Development Concept Plan (**DCP**) that it sought to correct in its replacement DCP. That included technical corrections to the landscape buffer areas and the industrial zone eastern boundary, as well as to the relevant legal descriptions in Schedule 5 of the MPDP⁴.
10. Finally, the application noted that PC55 represents the Best Practicable Option (**BPO**) following multiple attempts to resolve the non-compliance with the operative NECB that

³ Mitchell Daysh, Proposed Plan Change 55 – Waitoa Dairy Manufacturing Facility (Noise), 14 February 2024, at section 5.1.

⁴ As above at sections 5.2 and 5.3.

was introduced in 1993 by PC15 with a compliance target date of 10 June 2000. Importantly, the application says, the proposed PC55 NECB has been developed through acoustic modelling based on the existing residential, industrial and transport noise environment – which the operative NECB was not.

11. In his s.42A hearing report, Mr Rademeyer generally agreed with that description.
12. The PC55 notified proposed NECB is as shown⁵ below:

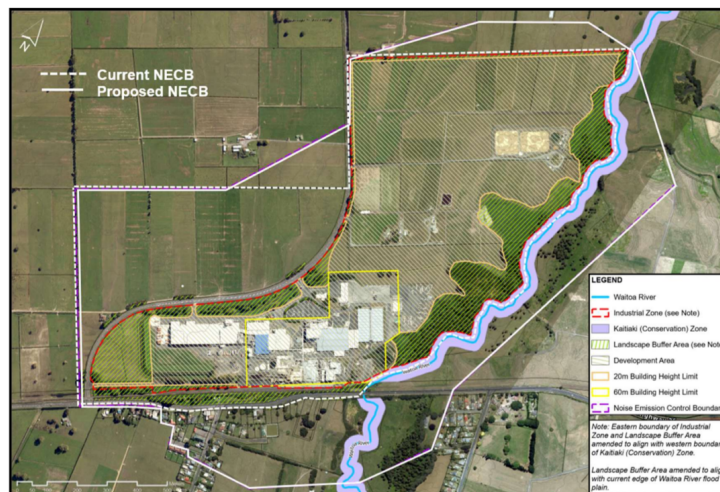


Figure 3: Proposed NECB (Source: Plan Change Request)

13. The rationale for PC55 was summarised by Ms Gilbert in her legal submissions⁶ as follows:

The existing NECB was introduced in 1993 and appears to have been intended as an aspiration, rather than being practically achievable. The reality is that, despite extensive attenuation work at the Dairy Facility, Fonterra cannot comply with the existing NECB. The existing NECB also refers to outdated metrics (the L_{A10} parameter rather than the best practice L_{Aeq} acoustic descriptor).

CONTEXT

14. The application describes the site and existing environment as follows:

The Facility is a long established industrial activity located at Waitoa on the corner of SH26 and Number 1 Road immediately adjacent to and north of the Morrinsville-Waitoa Branch Railway Line. Fonterra also owns adjacent farmland immediately north of the main dairy manufacturing facilities (which contains a wastewater treatment plant) and across (west of) Number 1 Road.

First established in 1902, milk processing activity has progressively expanded to occupy an extensive site which is now served by vehicular access and car parking located to the west, via Number 1 Road, and rail access along the south-eastern boundary, adjacent to SH26. The Waitoa River defines the eastern boundary. Within the site, the Energy Centre supporting all on-site manufacturing activity is located mid-way along the south-eastern boundary, close to the boundary and accessed via road and rail to receive coal deliveries. Large scale buildings accommodating milk driers are dominant visual

⁵ S.42A Report, at section 4.1.

⁶ Alice Gilbert, Legal submissions, 2 May 2025, at [5.2].

elements, as are exhaust towers from processing activities. A UHT production facility occupies the majority of the southern portion of the site between SH26 and Number 1 Road, on the site of the former Factory village. Fonterra has recently constructed a 30MW Biomass Boiler within the north-eastern corner of the site, which is in the final stages of commissioning.

The residential area of Waitoa village is situated in two enclaves located alongside and to the south-east of SH26, located primarily along Farmer Road and Ngarua Road. The majority of land between the two roads and fronting SH26 now consists of vacant sections following the acquisition and removal of former dwellings by Fonterra (to create a buffer between the Facility and residential areas of the village). The remaining residential areas of the village consists of primarily single storey detached dwellings of variable age on generous sections. Boundary treatment is typically permeable wire fencing and vegetation....

While the Facility and its immediate curtilage is located within the Industrial Zone, land to the north, west and east is within the Rural Zone (with the Waitoa River located within the Kaitiaki (Conservation) Zone). In terms of land to the south-east of SH26, the established Waitoa Village is located within the Settlement Zone (with a "Business Precinct" covering the majority of properties fronting SH26 directly opposite the Facility, and a "Residential Precinct" covering the remainder). Otherwise, the remainder (and majority) of land on the south-eastern side of SH26 is within the Rural Zone.⁷

15. The submitters' land, at 141A and 141B Number 1 Road, is a c4.1ha dairy farm adjacent to the north-western boundary of the Fonterra site. Its south-eastern quadrant is bisected by the proposed NECB as shown by the purple line below⁸.

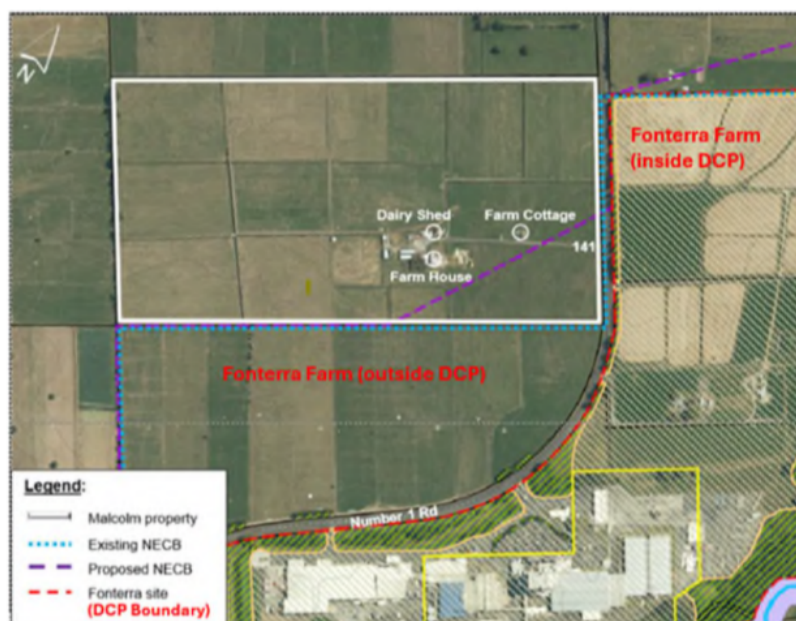


Figure 2: Reproduced version of "Figure 6: Malcolm Property" from the Section 42A Report with location of Fonterra Farm.

⁷ AEE at section 3.

⁸ Graeme Mathieson, Evidence, 16 April 2025, at [7.4].

HEARING PROCESS

16. Prior to the hearing, the Commissioner visited the site and the local surroundings.
17. The hearing proceeded by way of in-person appearances and was adjourned on the day for the purpose of receiving a final set of proposed plan provisions.
18. The hearing was closed on 19 May 2025 following receipt of the amended agreed provisions.

PROCEDURAL MATTERS

19. Other than one direction setting out the timetable for the filing of reports, evidence and legal submissions, no other procedural matters were raised for determination.

RELEVANT STATUTORY PROVISIONS CONSIDERED

20. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them – and caselaw on the matter is well settled – based around the functions of territorial authorities under s.31, district plan matters under sections 72-76 (and s.74 in particular), and the requirements of s.32 RMA.
21. Ms Gilbert summarised those requirements and the associated caselaw in section 7 of her legal submissions. Those matters were also outlined in section 9 of Mr Rademeyer's s.42A Report. Those were not in dispute.
22. I have nothing further to add to those identified provisions and accept them as being full and sufficient for the purpose.
23. Clauses 10 and 29 of Schedule 1 RMA requires that a decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with s.32AA. As no further changes post-notification were sought, I accept that a s.32AA evaluation is not required.
24. Finally, the consent authority may either decline, approve, or approve the plan change with modifications.

RELEVANT STATUTORY PLAN PROVISIONS CONSIDERED

25. Section 9 and Appendix D of the request application, section 6 of Mr Mathieson's planning evidence, and section 10 of the s42A report comprehensively identified and addressed the hierarchical suite of statute, policy, and plan provisions. There was no dispute about those matters – noting that both the AEE and Mr Rademeyer included and assessed PC55 against the Hauraki Gulf Marine Park Act 2000 as Waitoa falls within the Gulf's catchment. Both agreed that PC55 has no adverse effect or conflict with that Act's provisions.
26. As those respective provisions and their application was not contested, I adopt that narrative for present purpose and simply refer the reader to those referenced sections.

Relevantly, as noted by the requestor (and Mr Rademeyer), the WDMF qualifies as Regionally Significant Industry under the Waikato Regional Policy Statement.

27. In summary, the relevant provisions are to be found under the following:

- Hauraki Gulf Marine Park Act 2000.
- Waikato Regional Policy Statement 2016 (**WRPS**).
- Matamata-Piako District Plan 2005 (updated 2020).

28. Other references that were considered but agreed not to be of material relevance included:

- Waikato Regional Plan 2007 (Updated);
- National Planning Standards. 2019; and
- National Policy Statements and Standards.

29. The s.32 evaluation included in the application⁹ considered 3 options:

- Option 1: Retain existing provisions and require on-site noise reduction measures.
- Option 2: Wait for the next Council-initiated District Plan review.
- Option 3: Replace the existing provisions by way of a private plan change.

30. Option 3 was concluded to be the appropriate response, with which Mr Rademeyer agreed¹⁰. The application concluded:

While the costs of the process will largely fall on Fonterra and the directly affected community rather than on the wider ratepayer base, the specific focus will enable direct dialogue between the parties which could potentially minimise costs to any party.

Option 3 (Private Plan Change) is the most appropriate in terms of enabling Fonterra and affected property owners the required level of certainty in a timely manner to make long term investment decisions and for Council to undertake its statutory functions.

31. Having reviewed that material, I agree.

EVIDENCE AND SUBMISSIONS

32. Mr Rademeyer's s42A RMA report was circulated prior to the hearing and taken as read.

33. The following requestor's expert evidence and legal submissions in support of PC55 was also pre-circulated and taken as read:

- Alice Gilbert, Counsel for Fonterra Ltd, Legal submissions, 2 May 2025.
- Suzanne O'Rourke and Russell Muir, Fonterra Corporate evidence, 16 April 2025.

⁹ AEE, section 7.

¹⁰ S.42A report, section 10.8.

- Damian Ellerton, Marshall Day Acoustics, Acoustics evidence, 16 April 2025.
 - Graeme Mathieson, Mitchell Daysh, Planning evidence, 16 April 2025.
34. Submitter Andrew Malcolm appeared for his mother and himself and spoke to their submissions. It became evident through discussion that his concern was less about the noise *per se* (indeed he noted that despite the family owning the farm for nearly 100 years, the Malcolms had never raised a noise objection with Fonterra) than it was about the implication of having a district plan line across the property (refer Figure 2, paragraph 15 above). Mr Malcolm also raised some issues relating to stormwater management resulting from site expansion since 1990 and the use of Gate 3 in the proximity of his driveway that were not directly relevant to PC55 but were taken “off-line” with Fonterra.

PRINCIPAL ISSUE IN CONTENTION

35. As all matters were agreed between the requestor and Council, the only issue remaining was whether it was necessary for the proposed NECB to affect the Malcolm land as shown on Figure 2 paragraph 15 above.

FINDING ON THE PRINCIPAL ISSUES IN CONTENTION

NECB on Malcolm Property

36. There was no controverting evidence that the proposed amended noise standard of 45dB L_{Aeq} , as modelled, did not “cross” the boundary line into the Malcolm property.
37. During the hearing the question explored became what options were available to remove the NECB off the Malcolm property, including “carving” out a dog-leg around that south-eastern corner.
38. Mr Ellerton confirmed that acoustic readings had been taken in the vicinity of the property such that the model output was reliable, albeit that a best-fit 45dB L_{Aeq} straight line had been applied to the proposed DCP. He saw no advantage in producing a more sinuous grounded line since that would still impinge upon the property. Mr Savory agreed.
39. Furthermore, the acoustic experts noted (orally) that if the line were removed a suite of bespoke noise provisions would then need to be developed and applied to the property to achieve the same effect for Fonterra – i.e. no non-compliance. That had not been contemplated.
40. The acoustic reality, as agreed by the experts, was that the proposed new standard (over the operative) permitted a technical increase in sound power levels that was below the normally detectable limit and while under the proposed provisions a new habitable building (which Mr Malcolm seemed to agree was unlikely) in that corner would require acoustic treatment, that would fall well within current building code requirements in any event. In other words, the NECB line represented a technical intrusion on the property but made no real difference to the activities that could take

place. The alternative of a suite of bespoke provisions would result in no actual difference but would still “overlay” the property in a district plan sense. The acoustic experts maintained that what was proposed was still the most practicable solution.

41. After hearing that discussion, Mr Malcolm seemed to accept that conclusion, albeit not being entirely satisfied.

Finding

42. I am satisfied that the NECB line shown on the proposed DCP across the Malcolm property is justified in the s.32 sense and is the least intrusive, practicable option. The adverse physical effect of the line itself is negligible but I acknowledge the Malcolm family’s “in principle” concern.

PC55 Notified Provisions

43. I raised two additional matters with respect to the particular proposed provisions for consideration:
 - (a) Whether the proposed amended definitions (habitable rooms / bedroom / noise sensitive activity) raised a scope issue as those terms are or may be used in other parts of the MPDP; and
 - (b) Whether acceptance by affected persons of the noise mitigation offer should be *in writing* rather than simply *agreed* as in the notified text.
44. The parties agreed that those provisions should be refined and subsequent amendments to that effect were proposed for adoption.

STATUTORY REQUIREMENTS

45. Without labouring the point, I am satisfied that PC55 meets the required statutory tests and requirements.
46. Whilst the MPDC is not a new plan, albeit intermittently updated, I see no purpose to a formal Part 2 consideration. This is a very discrete plan change and there have been no material higher order instruments promulgated or issued impinging on the matters at issue. No matters of a section 6, 7 or 8 nature were raised and clearly PC55 addresses the matter of the long-term sustainability and economic welfare of the regionally significant WDMF.
47. PC55 will assist Council in the discharge of its functions under s.31 RMA – particularly with respect to s.31(1)(d) “.... *the control of the emission of noise and the mitigation of the effects of noise*”.
48. A final checkpoint, established through the courts, is the question as to whether a proposed plan change is a better fit with the overall architecture of the Plan than the provisions it seeks to supplant or amend. I find that to be the case, noting that no changes are required in the body of the MPDP and bespoke provisions specific to the activity are included.

DECISION

49. Pursuant to Schedule 1, clauses 10 and 29 of the Resource Management Act 1991, Proposed Plan Change 55 - Waitoa Dairy Manufacturing Facility to the operative Matamata-Piako District Plan 2005, as attached at **Attachment 1**¹¹ to this decision, is **approved** with minor modifications for the reasons set out in this decision.
50. For the reasons discussed above the submissions on the plan change seeking that it be declined are rejected as recommended by Mr Rademeyer in his s.42A hearing report¹².
51. The summary reasons for the decision are that Private Plan Change 55 – Waitoa Dairy Manufacturing Facility:
- (a) gives effect to the Waikato Regional Policy Statement;
 - (b) will assist the Council in fulfilling its statutory functions under s.31 of the RMA;
 - (c) is worded in a way that is clear and concise; and
 - (d) will better assist with the effective implementation of the Matamata-Piako District Plan.



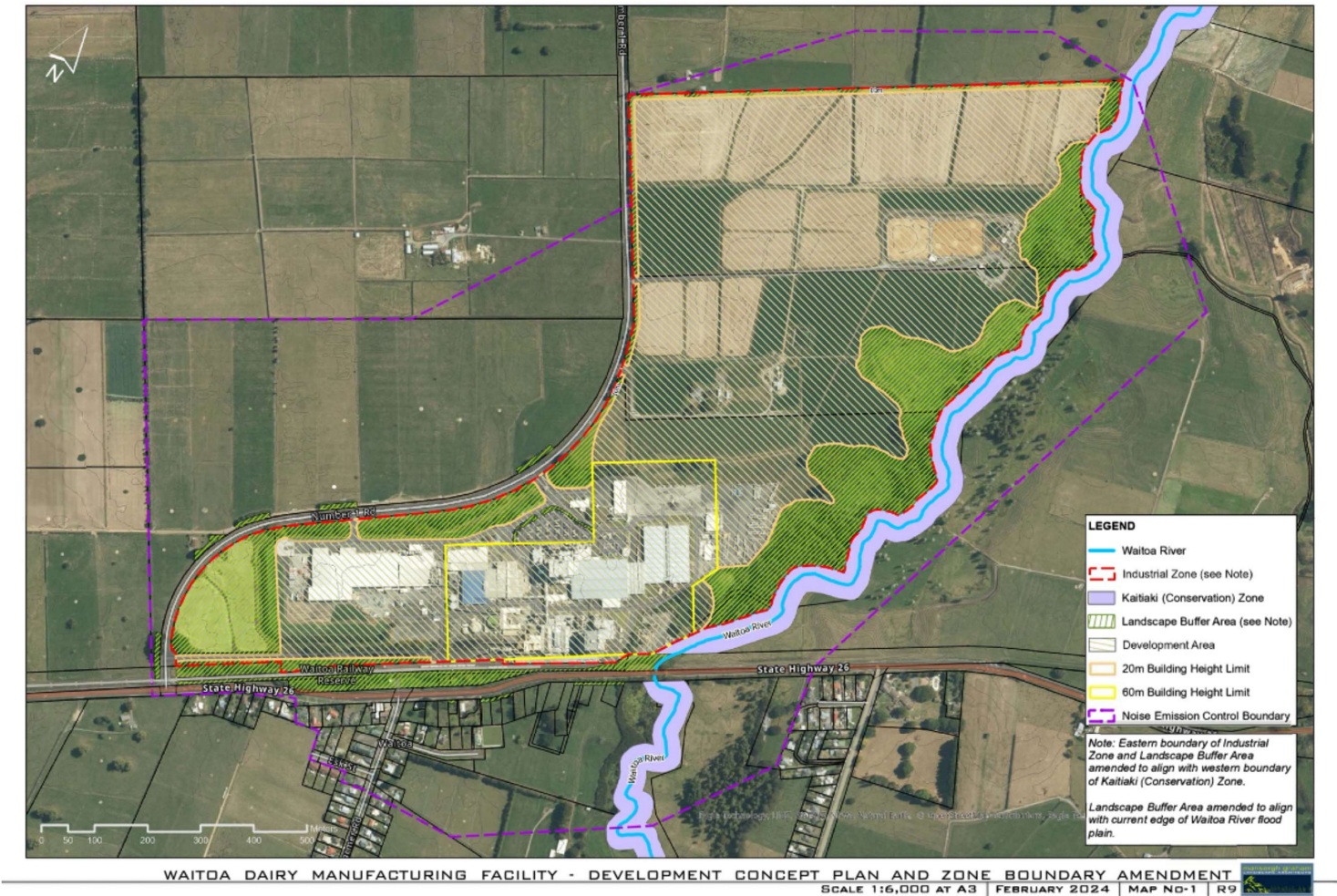
David Hill
Independent Hearing Commissioner

Date: 9 June 2025

¹¹ Attachment 2 shows the changes made.

¹² S.42A Report at section 11.

ATTACHMENT 1 – PC55 PROVISIONS



WAITOA DAIRY MANUFACTURING FACILITY	
DEVELOPMENT CONCEPT PLAN - UPDATED ACTIVITY SCHEDULE	
Permitted Activities	
<p>Subject to compliance with the performance standards, the following are Permitted Activities within the Development Areas identified on the Development Concept Plan:</p> <ol style="list-style-type: none"> 1) The manufacture and/or processing of dairy products. 2) Facilities for the packing and distribution of any products produced on the site and related to the rural sector. 3) Warehouses, silos, stores, coolstores for the storage of any products produced on the site and related to the rural sector. 4) Fixed irrigation systems, effluent treatment ponds and the spraying and spreading of dairy factory liquid byproducts or wastes as a fertiliser or for irrigation purposes from these systems or from truck based units. 5) Transport servicing depots and workshops. 6) Farming activities excluding factory farming (in Future Development Area only). 7) Buildings, structures and activities accessory and/or ancillary to any Permitted Activity. 8) Laboratories and research facilities ancillary to the manufacture and processing of dairy products. 9) Water treatment plants. 10) Residential accommodation for staff as at 10 June 1993. 	
Controlled Activities	
<p>Subject to compliance with the relevant standards and development controls the following are Controlled Activities within the Development Areas identified on the Development Concept Plan:</p> <ol style="list-style-type: none"> 1) Energy production including boilers, power plants and co-generation plants. 2) Facilities for the storage of dangerous goods and hazardous substances associated with the processing of dairy products including related byproducts and waste materials. 3) Buildings, structures and activities accessory and/or ancillary to any Controlled Activity. 	
Discretionary Activities	
<ol style="list-style-type: none"> 1) Any industrial activity not listed as a Permitted Activity. 2) Wastewater treatment plants. 	

Performance Standards	
Noise	<p><u>Waitoa Dairy Manufacturing Facility</u></p> <ol style="list-style-type: none"> Noise levels associated with any activity or combination of activities within the Development Area defined on the Development Concept Plan must not exceed the following rating levels at the Noise Emission Control Boundary: <ol style="list-style-type: none"> Monday to Sunday including Public Holidays 7am to 10pm: 50dB L_{Aeq(15min)} All other times: 45dB L_{Aeq(15min)} and 75dB L_{Afmax} Noise levels must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and New Zealand Standard NZS 6802:2008 "Acoustics – Environmental Noise". <p><u>Existing Buildings Accommodating Noise Sensitive Activities</u></p> <ol style="list-style-type: none"> Within six months of [date plan change becomes operative], the owners and operators of the Waitoa Dairy Manufacturing Facility must, in respect of any building that existed at [date plan change becomes operative] accommodating a noise sensitive activity that falls within the Noise Emission Control Boundary for the Waitoa Dairy Manufacturing Facility, make a written offer to the owner(s) to assess the internal noise levels within any habitable rooms from the operation of the Waitoa Dairy Manufacturing Facility. If the owner(s) accept the written offer made by the owners and operators of the Waitoa Dairy Manufacturing Facility, the assessment of internal noise levels within habitable rooms must be undertaken by a suitably qualified and experienced acoustic consultant during the busiest period for the Waitoa Dairy Manufacturing Facility (August to November). The results of the internal noise assessment will be used to determine what noise mitigation is required (if any) to ensure internal noise levels from the operation of the Waitoa Dairy Manufacturing Facility are controlled to an appropriate level. <ol style="list-style-type: none"> If the internal noise level in bedroom(s) is greater than 35dB L_{Aeq(15min)} and/or greater than 40dB L_{Aeq(15min)} in any other habitable room, then a further assessment must be undertaken with windows closed to determine what mitigation measures are required under b. and c. to achieve an internal noise level that does not exceed 35dB L_{Aeq(15min)} (in bedrooms) and/or 40dB L_{Aeq(15min)} (in all other habitable rooms). If the internal noise level in bedroom(s) is less than 35dB L_{Aeq(15min)} (with windows closed) and/or less than 40dB L_{Aeq(15min)} in any other habitable rooms (with windows closed), a mechanical ventilation system must be offered to be installed to provide ventilation. If the internal noise level in bedroom(s) is greater than 35dB L_{Aeq(15min)} (with windows closed) and/or other habitable room is greater than 40dB L_{Aeq(15min)} (with windows closed), a mechanical ventilation system must be offered to be installed and other measures such as upgraded glazing alternatives must be offered to be installed. The noise mitigation measures must be installed within six months of the offer being accepted by the property owner in writing, or such alternative timeframe agreed in writing by the property owner(s) and must be certified as achieving the required level of mitigation by a suitably qualified and experienced acoustic consultant. The assessment, mitigation, and certification as outlined in Rules 4 – 5 above shall be undertaken at a cost in all matters of the owners and occupiers of the Waitoa Dairy Manufacturing Facility. Rule 3 shall cease to have effect on Matamata-Piako District Council receiving written confirmation of any of the following:

	<p>a. The owner of a building containing a noise sensitive activity accepts the offer required by Rule 3;</p> <p>b. The owner of a building containing a noise sensitive activity declines the offer required by Rule 3;</p> <p>c. That the owners and operators of the Waitoa Dairy Manufacturing Facility demonstrate to the satisfaction of the Matamata-Piako District Council that they have attempted to elicit a response from the owner of a building containing a noise sensitive activity on at least three separate occasions without any reply.</p> <p>8) Within one month of the completion of any mitigation works, written confirmation of the works being completed and performing at the required level of mitigation (as certified by a suitably qualified and experienced acoustic consultant), must be provided to the property owners and Matamata-Piako District Council.</p> <p>9) Noise levels must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and New Zealand Standard NZS 6802:2008 "Acoustics - Environmental Noise".</p> <p>10) For the purposes of this rule, a mechanical ventilation system means:</p> <p>a. An outdoor air system complying with the requirements of the Building Code (NZS 4303) for mechanical ventilation (refer Clause G4). This is to provide a minimum level of air quality; and</p> <p>b. A mechanical heating/cooling system (eg. heat pump) designed by a suitably qualified engineer. This is to provide thermal comfort. The heating/cooling system must:</p> <ol style="list-style-type: none"> be capable of maintaining an internal temperature of 18°C in all bedrooms at all times with all bedroom doors closed; be capable of maintaining a maximum internal temperature of 22°C in all other habitable rooms at all times with all bedroom doors closed; be designed to NIWA 2.5% design weather dataset; allow the on/off operation to be controlled by the occupant; and allow the set temperature of each heating/cooling unit to be controllable between 18°C to 25°C by the occupant. <p>c. System noise must be designed so that the combined level from the outdoor air system (satisfying clause 10(a)) and heating/cooling system (satisfying clause 10(b)) does not exceed 35dB L_{Aeq(30s)} in bedrooms and 40dB L_{Aeq(30s)} in other habitable rooms.</p> <p>Principal reason: <i>The intent of Rule 10(b)(ii) is to ensure that heating/cooling from bedrooms cannot be used to satisfy the thermal comfort criteria in other rooms.</i></p>
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PROPOSED DISTRICT-WIDE NOISE RULES

5.2.14 Noise Insulation: Noise Sensitive Activities within the Waitoa Dairy Manufacturing Facility Noise Emission Control Boundary

1. Any habitable room in a new building accommodating a noise sensitive activity or any alteration(s) to an existing building accommodating a noise sensitive activity constructed within the Noise Emission Control Boundary for the Waitoa Dairy Manufacturing Facility must be designed, constructed, and maintained to meet an internal noise level of 35dB L_{Aeq} (15min) inside bedrooms and 40dB L_{Aeq} (15min) inside all other habitable rooms. If windows and doors are required to be closed to satisfy this condition, then an adequate supply of outdoor air is to be provided by a 'mechanical ventilation system' to each bedroom and/or habitable room.

Compliance must be achieved by, prior to the construction of any noise sensitive activity, submission of an acoustic design certificate from a suitably qualified and experienced acoustician to Council demonstrating that the prescribed internal noise levels will be achieved. The building must be designed, constructed, and maintained in accordance with the design certificate.

It is preferable that a design certificate is based on a specific noise survey conducted at the location of the dwelling. Such a survey is to be conducted during the busiest period for the Waitoa Dairy Manufacturing Facility (August to November). If this is not feasible then external noise levels in Table 1 are to be used for the acoustic design of the building facade.

Table 1: Façade Noise Level for Design of Buildings Inside the Noise Emission Control Boundary

	<u>Octave Band Centre Frequency (Hz)</u>							<u>dBA</u>
	<u>63</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1000</u>	<u>2000</u>	<u>4000</u>	
Façade incident sound pressure level (dB re 20uPa)	<u>60</u>	<u>55</u>	<u>52</u>	<u>45</u>	<u>43</u>	<u>39</u>	<u>33</u>	<u>49</u>

Noise levels must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and New Zealand Standard NZS 6802:2008 "Acoustics - Environmental Noise".

For the purposes of this rule, a mechanical ventilation system means:

- a. An outdoor air system complying with the requirements of the Building Code (NZS 4303) for mechanical ventilation (refer Clause G4). This is to provide a minimum level of air quality; **and**
- b. A mechanical heating/cooling system (eg. heat pump) designed by a suitably qualified engineer. This is to provide thermal comfort. The heating/cooling system must:
 - i. be capable of maintaining an internal temperature of 18C° in all bedrooms at all times with all bedroom doors closed;
 - ii. be capable of maintaining a maximum internal temperature of 22°C in all other habitable rooms at all times with all bedroom doors closed;
 - iii. be designed to NIWA 2.5% design weather dataset;

- iv. allow the on/off operation to be controlled by the occupant; and
 - v. allow the set temperature of each heating/cooling unit to be controllable between 18°C to 25°C by the occupant.
 - c. System noise must be designed so that the combined level from the outdoor air system (satisfying clause 1(a)) and heating/cooling system (satisfying clause 1(b)) does not exceed 35dB L_{Aeq(30s)} in bedrooms and 40dB L_{Aeq(30s)} in other habitable rooms.
2. All assessments, mitigation, and certification required to be undertaken under Rule 5.2.14(1) above shall be at a cost in all matters of the owner of the land on which the building is proposed to be erected/ altered.

Principal reason: *The intent of Rule 5.2.14(1)(b)(ii) is to ensure that heating/cooling from bedrooms cannot be used to satisfy the thermal comfort criteria in other rooms.*

Rule 5.2.15 Noise sensitive activities in the vicinity of the Waitoa Dairy Manufacturing Facility Noise Emission Control Boundary

1. Where there is conflict between the noise standards in Rules 5.2.6 and 5.2.11, and the Waitoa Dairy Manufacturing Facility DCP rules, the Waitoa Dairy Manufacturing Facility DCP rules shall apply.

PROPOSED DEFINITIONS

For the purposes of Plan Change 55, “Waitoa Dairy Manufacturing Facility - Development Concept Plan” (see Part C – Development Concept Plans) and “Rule 5.2.14 – Noise Insulation: Noise Sensitive Activities within the Waitoa Dairy Manufacturing Facility Noise Emission Control Boundary”, the following definitions will apply. Definitions mandated for adoption by the National Planning Standards are identified by the annotation (NPS).

Habitable room (NPS) means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office, or other room specified in the Plan to be a similarly occupied room.

Bedroom means any habitable room used predominantly for sleeping.

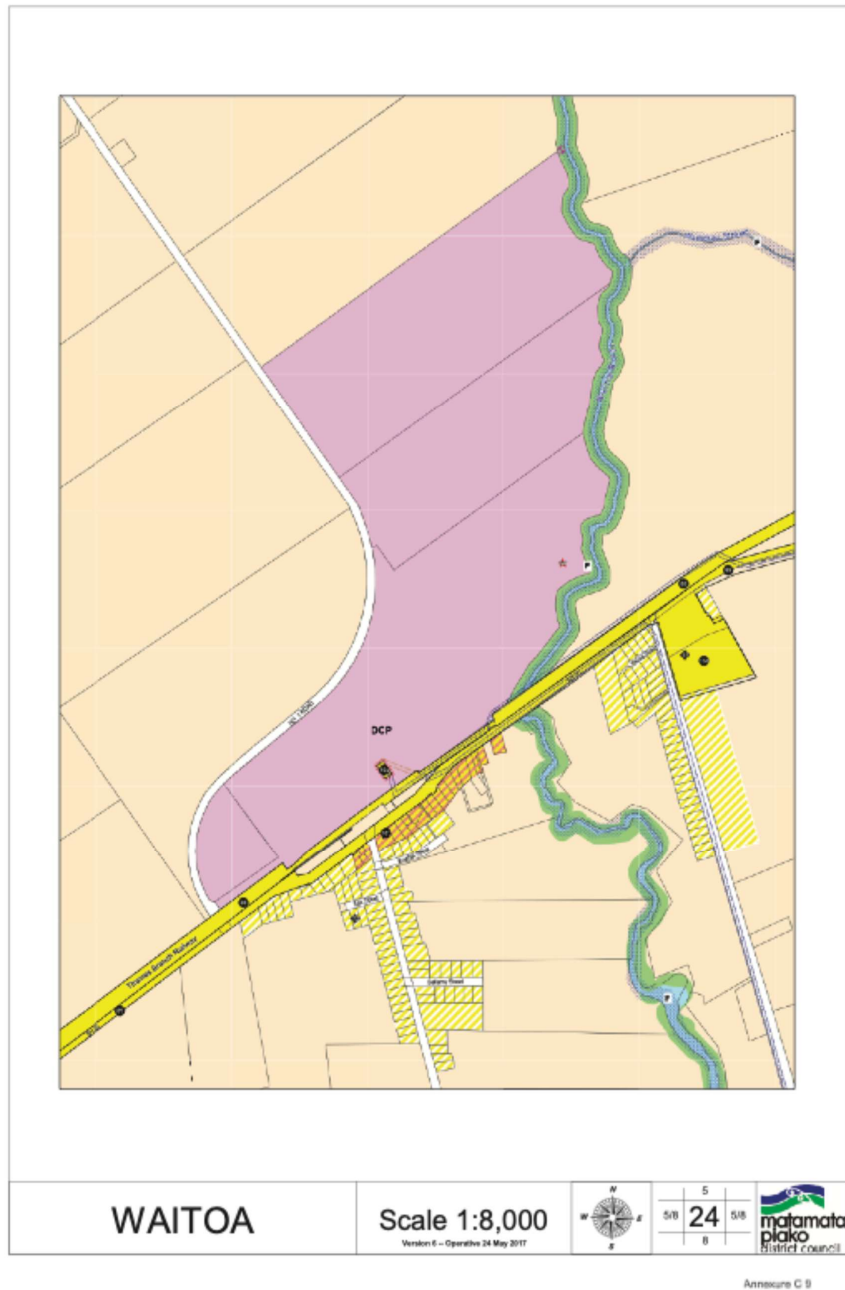
Noise sensitive activity means:

- a) any residential activity (including visitor accommodation and retirement accommodation);
- b) any educational activity;
- c) any healthcare activity;
- d) any congregations within places of worship or marae.

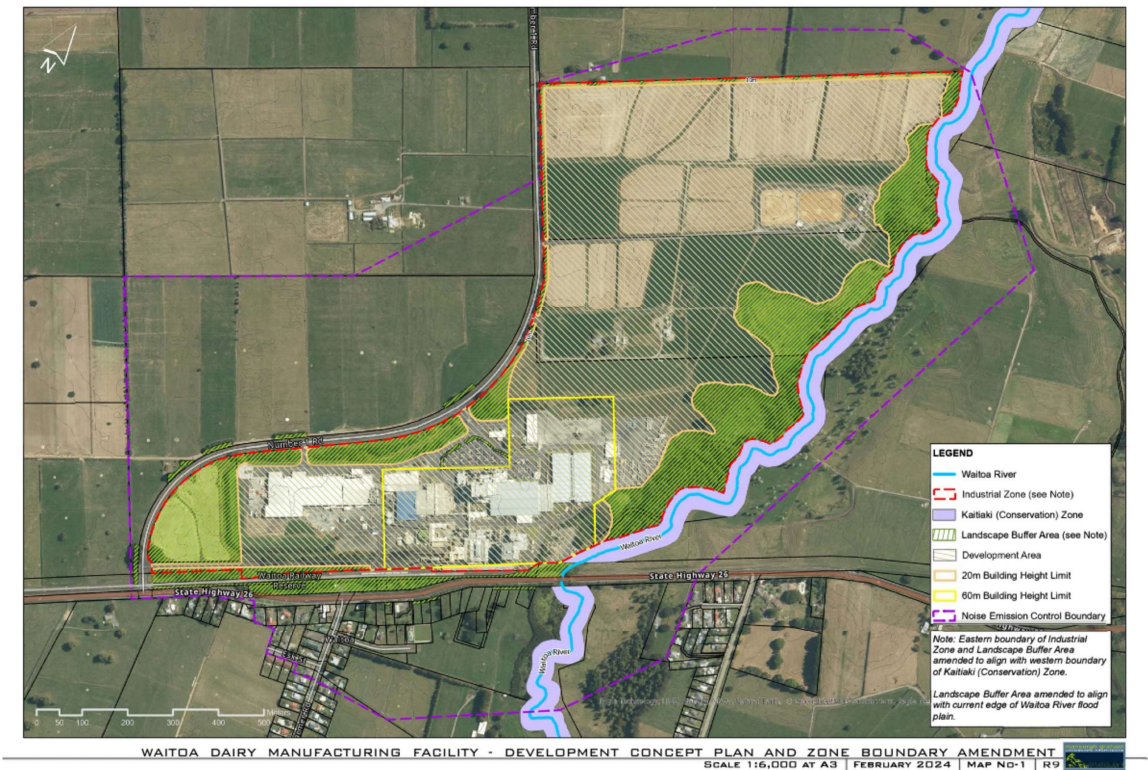
**PROPOSED CHANGES TO
SCHEDULE 5: SITES SUBJECT TO A DEVELOPMENT CONCEPT PLAN**

Waitoa Dairy Manufacturing Facility

Lot 2 DPS 78059 (RT SA62A/265), Lot 3 DPS 78060 (RT SA62A/267), Lot 4 DPS 78061 (RT SA62A/254), Lot 4 DP 4444 (RT SA156/212), Lot 9 DPS 78061 (RT SA62A/255), Lot 5 DPS 78059 (RT SA62A/266) and Lots 6, 7 and 8 DPS 7060 (RT SA67D/321).



ATTACHMENT 2 – PC55 TRACKED CHANGES



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WAITOA DAIRY FACTORY <u>MANUFACTURING FACILITY</u>	
DEVELOPMENT CONCEPT PLAN - UPDATED ACTIVITY SCHEDULE	
Permitted Activities	
Subject to compliance with the performance standards, the following are Permitted Activities within the Existing and Future Development Areas identified on the Development Concept Plan:	
<ol style="list-style-type: none"> 1) The manufacture and/or processing of dairy products. 2) Facilities for the packing and distribution of any products produced on the site and related to the rural sector. 3) Warehouses, silos, stores, coolstores for the storage of any products produced on the site and related to the rural sector. 4) Fixed irrigation systems, effluent treatment ponds and the spraying and spreading of dairy factory liquid byproducts or wastes as a fertiliser or for irrigation purposes from these systems or from truck based units. 5) Transport servicing depots and workshops. 6) Farming activities excluding factory farming (in Future Development Area only). 7) Buildings, structures and activities accessory and/or ancillary to any Permitted Activity. 8) Laboratories and research facilities ancillary to the manufacture and processing of dairy products. 9) Water treatment plants. 10) Residential accommodation for staff as at 10 June 1993. 	
Controlled Activities	
Subject to compliance with the relevant standards and development controls the following are Controlled Activities within the Existing and Future Development Areas identified on the Development Concept Plan:	
<ol style="list-style-type: none"> 1) Energy production including boilers, power plants and co-generation plants. 2) Facilities for the storage of dangerous goods and hazardous substances associated with the processing of dairy products including related byproducts and waste materials. 3) Buildings, structures and activities accessory and/or ancillary to any Controlled Activity. 	
Discretionary Activities	
<ol style="list-style-type: none"> 1) Any industrial activity not listed as a Permitted Activity. 2) Wastewater treatment plants. 	

Performance Standards	
Noise	<p>Waitoa Dairy Factory Manufacturing Facility</p> <p>1) Noise levels associated with any activity or combination of activities within the Development Area defined on the Development Concept Plan must not exceed the following rating levels at the Noise Emission Control Boundary:</p> <p>a. Monday to Sunday including Public Holidays 7am to 10pm: 50dB $L_{Aeq}(15min)$</p> <p>b. All other times: 45dB $L_{Aeq}(15min)$ and 75dB L_{AFmax}</p> <p>2) Noise levels must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and New Zealand Standard NZS 6802:2008 "Acoustics – Environmental Noise".</p> <p>Existing Buildings Accommodating Noise Sensitive Activities</p> <p>3) Within six months of [date plan change becomes operative], the owners and operators of the Waitoa Dairy Manufacturing Facility Factory Site must, in respect of any building that existed at [date plan change becomes operative] accommodating a noise sensitive activity that falls within the Noise Emission Control Boundary for the Waitoa Dairy Manufacturing Facility Factory, make an <u>written</u> offer to the owner(s) to assess the internal noise levels within any habitable rooms from the operation of the Waitoa Dairy Manufacturing Facility Factory.</p> <p>4) If the owner(s) accept the <u>written</u> offer made by the owners and operators of the Waitoa Dairy Manufacturing Facility Factory Site, the assessment of internal noise levels within habitable rooms must be undertaken by a suitably qualified and experienced acoustic consultant during the busiest period for the Waitoa Dairy Manufacturing Facility Factory (August to November). The results of the internal noise assessment will be used to determine what noise mitigation is required (if any) to ensure internal noise levels from the operation of the Waitoa Dairy Manufacturing Facility Factory are controlled to an appropriate level.</p> <p>a. If the internal noise level in bedroom(s) is greater than 35dB $L_{Aeq}(15min)$ and/or greater than 40dB $L_{Aeq}(15min)$ in any other habitable room, then a further assessment must be undertaken with windows closed to determine what mitigation measures are required under b. and c. to achieve an internal noise level that does not exceed 35dB $L_{Aeq}(15min)$ (in bedrooms) and/or 40dB $L_{Aeq}(15min)$ (in all other habitable rooms).</p> <p>b. If the internal noise level in bedroom(s) is less than 35dB $L_{Aeq}(15min)$ (with windows closed) and/or less than 40dB $L_{Aeq}(15min)$ in any other habitable rooms (with windows closed), a mechanical ventilation system must be offered to be installed to provide ventilation.</p> <p>c. If the internal noise level in bedroom(s) is greater than 35dB $L_{Aeq}(15min)$ (with windows closed) and/or other habitable room is greater than 40dB $L_{Aeq}(15min)$ (with windows closed), a mechanical ventilation system must be offered to be installed and other measures such as upgraded glazing alternatives must be offered to be installed.</p> <p>5) The noise mitigation measures must be installed within six months of the offer being accepted by the property owner in <u>writing</u>, or such alternative timeframe agreed in writing by the property owner(s) and must be certified as achieving the required level of mitigation by a suitably qualified and experienced acoustic consultant.</p> <p>6) The assessment, mitigation, and certification as outlined in Rules 4 – 5 above shall be undertaken at a cost in all matters of the owners and occupiers of the Waitoa Dairy Manufacturing Facility Factory Site.</p> <p>7) Rule 3 shall cease to have effect on Matamata-Piako District Council MPDC receiving <u>written</u> confirmation of any of the following:</p> <p>a. The owner of a building containing a noise sensitive activity accepts the offer</p>

Waitoa Dairy ~~Factory~~ **Manufacturing Facility** - Development Concept Plan

2

	<p>required by Rule 3;</p> <p>b. <u>The owner of a building containing a noise sensitive activity declines the offer required by Rule 3;</u></p> <p>c. <u>That the owners and operators of the Waitoa Dairy Factory Manufacturing Facility site demonstrate to the satisfaction of the Matamata-Piako District Council that they have attempted to elicit a response from the owner of a building containing a noise sensitive activity on at least three separate occasions without any reply.</u></p> <p>8) <u>Within one month of the completion of any mitigation works, written confirmation of the works being completed and performing at the required level of mitigation (as certified by a suitably qualified and experienced acoustic consultant), must be provided to the property owners and Matamata-Piako District Council.</u></p> <p>9) <u>Noise levels must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and New Zealand Standard NZS 6802:2008 "Acoustics - Environmental Noise".</u></p> <p>10) <u>For the purposes of this rule, a mechanical ventilation system means:</u></p> <p>a. <u>An outdoor air system complying with the requirements of the Building Code (NZS 4303) for mechanical ventilation (refer Clause G4). This is to provide a minimum level of air quality; and</u></p> <p>b. <u>A mechanical heating/cooling system (eg. heat pump) designed by a suitably qualified engineer. This is to provide thermal comfort. The heating/cooling system must:</u></p> <p>i. <u>be capable of maintaining an internal temperature of 18°C in all bedrooms at all times with all bedroom doors closed;</u></p> <p>ii. <u>be capable of maintaining a maximum internal temperature of 22°C in all other habitable rooms at all times with all bedroom doors closed;</u></p> <p>iii. <u>be designed to NIWA 2.5% design weather dataset;</u></p> <p>iv. <u>allow the on/off operation to be controlled by the occupant; and;</u></p> <p>v. <u>allow the set temperature of each heating/cooling unit to be controllable between 18°C to 25°C by the occupant.</u></p> <p>c. <u>System noise must be designed so that the combined level from the outdoor air system (satisfying clause 10(a)) and heating/cooling system (satisfying clause 10(b)) does not exceed 35dB L_{Aeq(30s)} in bedrooms and 40dB L_{Aeq(30s)} in other habitable rooms.</u></p> <p><i>Principal reason:</i> <u>The intent of Rule 10(b)(iii) is to ensure that heating/cooling from bedrooms cannot be used to satisfy the thermal comfort criteria in other rooms.</u></p>
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PROPOSED DISTRICT-WIDE NOISE RULES

5.2.14 Noise Insulation: Noise Sensitive Activities within the Waitoa Dairy ~~Manufacturing Facility~~ Factory. Noise Emission Control Boundary

- Any habitable room in a new building accommodating a noise sensitive activity or any alteration(s) to an existing building accommodating a noise sensitive activity constructed within the Noise Emission Control Boundary for the Waitoa Dairy ~~Factory~~ **Manufacturing Facility** must be designed, constructed, and maintained to meet an internal noise level of 35dB $L_{Aeq}(15min)$ inside bedrooms and 40dB $L_{Aeq}(15min)$ inside all other habitable rooms. If windows and doors are required to be closed to satisfy this condition, then an adequate supply of outdoor air is to be provided by a 'mechanical ventilation system' to each bedroom and/or habitable room.

Compliance must be achieved by, prior to the construction of any noise sensitive activity, submission of an acoustic design certificate from a suitably qualified and experienced acoustician to Council demonstrating that the prescribed internal noise levels will be achieved. The building must be designed, constructed, and maintained in accordance with the design certificate.

It is preferable that a design certificate is based on a specific noise survey conducted at the location of the dwelling. Such a survey is to be conducted during the busiest period for the Waitoa Dairy ~~Factory~~ **Manufacturing Facility** (August to November). If this is not feasible then external noise levels in Table 1 are to be used for the acoustic design of the building facade.

Table 1: Facade Noise Level for Design of Buildings Inside the Noise Emission Control Boundary

	Octave Band Centre Frequency (Hz)							dBA
	63	125	250	500	1000	2000	4000	
Façade incident sound pressure level (dB re 20µPa)	60	55	52	45	43	39	33	49

Noise levels must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and New Zealand Standard NZS 6802:2008 "Acoustics - Environmental Noise".

For the purposes of this rule, a mechanical ventilation system means:

- An outdoor air system complying with the requirements of the Building Code (NZS 4303) for mechanical ventilation (refer Clause G4). This is to provide a minimum level of air quality; and
- A mechanical heating/cooling system (eg. heat pump) designed by a suitably qualified engineer. This is to provide thermal comfort. The heating/cooling system must:
 - be capable of maintaining an internal temperature of 18C° in all bedrooms at all times with all bedroom doors closed;
 - be capable of maintaining a maximum internal temperature of 22°C in all other habitable rooms at all times with all bedroom doors closed;
 - be designed to NIWA 2.5% design weather dataset;

- iv. allow the on/off operation to be controlled by the occupant; and;
 - v. allow the set temperature of each heating/cooling unit to be controllable between 18°C to 25°C by the occupant.
 - c. System noise must be designed so that the combined level from the outdoor air system (satisfying clause 1(a)) and heating/cooling system (satisfying clause 1(b)) does not exceed 35dB L_{Aeq(30s)} in bedrooms and 40dB L_{Aeq(30s)} in other habitable rooms.
2. All assessments, mitigation, and certification required to be undertaken under Rule 5.2.14(1) above shall be at a cost in all matters of the owner of the land on which the building is proposed to be erected/ altered.
- Principal reason:** *The intent of Rule 5.2.14(1)(b)(ii) is to ensure that heating/cooling from bedrooms cannot be used to satisfy the thermal comfort criteria in other rooms.*
- Rule 5.2.15 Noise sensitive activities in the vicinity of the Waitoa Dairy ~~Factory~~ Manufacturing Facility Noise Emission Control Boundary**
1. Where there is conflict between the noise standards in Rules 5.2.6 and 5.2.11, and the Waitoa Dairy ~~Manufacturing Facility Factory~~ DCP rules, the Waitoa Dairy ~~Manufacturing Facility Factory~~ DCP rules shall apply.

PROPOSED DEFINITIONS

For the purposes of Plan Change 55, "Waitoa Dairy Manufacturing Facility - Development Concept Plan" (see Part C – Development Concept Plans) and "Rule 5.2.14 – Noise Insulation: Noise Sensitive Activities within the Waitoa Dairy Manufacturing Facility Noise Emission Control Boundary", the following definitions will apply. Definitions mandated for adoption by the National Planning Standards are identified by the annotation (NPS).

Habitable room (NPS) means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office, or other room specified in the Plan to be a similarly occupied room.

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Bedroom means any habitable room used predominantly for sleeping.

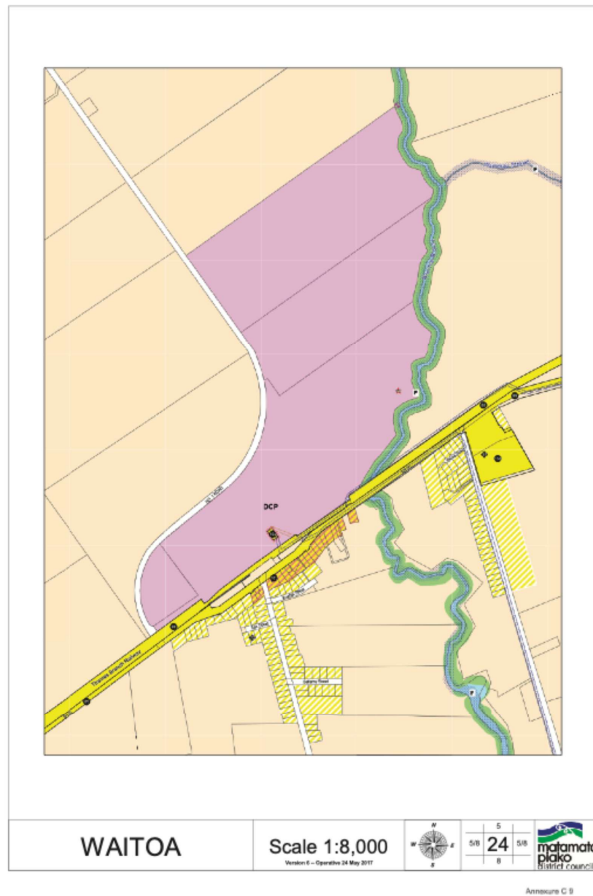
Noise sensitive activity means:

- a) any residential activity (including visitor accommodation and retirement accommodation);
- b) any educational activity;
- c) any healthcare activity;
- d) any congregations within places of worship or marae.

PROPOSED CHANGES TO
SCHEDULE 5: SITES SUBJECT TO A DEVELOPMENT CONCEPT PLAN

Fonterra Waitoa Dairy Manufacturing Facility

Lot 2 DPS 78059 (~~CT~~ RT SA62A/265), Lot 3 DPS 78060 (~~CT~~ RT SA62A/267), Lot 4 DPS 78061 (~~CT~~ RT SA62A/254), Lot 4 DP 4444 (RT SA156/212), Lot 9 DPS 78061 (~~CT~~ RT SA62A/255), Lot 5 DPS 78059 (~~CT~~ RT SA62A/266) and Lots 6, 7 and 8 DPS 768060 (~~CT~~ RT SA67D/32162A/268).



8 Ngā Pūrongo Whakamārama | Information Reports

8.1 District Plan & RMA Update

CM No.: 3077776

Te Kaupapa | Purpose

The purpose of this report is to provide the Council with an update on the rolling review of the District Plan, the proposed Growth Strategy, the Resource Management Act Reform, Future Proof and the Council's receipt of six Mana Whakahono ā Rohe invitations.

Rāpopotonga Matua | Executive Summary

A District Plan and Resource Management Reform summary is provided below. The update specifically refers to Waharoa (PC49), National Planning Standards (PC61), Papakāinga (PC54), Fonterra Waitoa (PPC55), Calcutta (PPC57), Calcutta (PPC62), the proposed MPDC Growth Strategy, Resource Management Act Reform (RMA Reform), Future Proof, Hauraki Gulf Forum (HGF) and the recent receipt of six Mana Whakahono ā Rohe invitations. Jayshree Kanji and Fiona Hill are available to deliver the update and answer any questions.

Tūtohunga | Recommendation

That:

1. That the report be received.

Ngā Take/Kōrerorero | Issues/Discussion

Government to stop plan changes

On 16 July 2025, the Government announced they intend to stop councils from notifying new plans or regional policy statement reviews, changes or variations. These proposed changes are part of the Resource Management (Consenting and Other System Changes) Amendment Bill, which is expected to become law at the end of August 2025.

The intention is to stop processing certain council initiated district plan reviews or plan changes that have not reached notification stage. It is proposed to allow other plan changes to progress if they are based on housing growth and urban development or natural hazards. Additionally, the requirement for councils to implement the National Planning Standards is likely to be suspended. Any private plan changes are expected to continue through automatic exemptions.

The Plan Stop provisions were released on 12 August 2025 and any other matters are to be introduced through the amendment paper. The amendment paper was debated in parliament on 12 August. Helpfully New Zealand Planning Institute has prepared a useful summary of the plan stop provisions in the amendment paper. This summary is attached to this Agenda item. Council staff will review the situation and provide updates on plan change work once the legislation is enacted and further guidance is available.

For more information about the proposed changes, see

<https://www.beehive.govt.nz/release/government-stop-council-plan-changes>

Because of the announcement, Council has decided to pause work on PC49 Waharoa and PC 61 Planning Standards and other changes until there is clearer direction from the Government.

Plan Change 49 - Waharoa

This Council initiated District Plan change seeks to review the zoning and development controls of Waharoa. Due to the Government announcement on 16 July 2025, staff have paused work on Plan Change 49. This decision follows recent Government proposals to amend the Resource Management Act, which will affect how councils process plan changes. These proposed changes are part of the Resource Management (Consenting and Other System Changes) Amendment Bill, which is expected to become law at the end of August 2025.

Our technical experts have been asked to stop work on PC49 Waharoa for the time being. Council staff will review the situation and provide an update on PC49 once the legislation is enacted and further guidance is available.

National Planning Standards (NPS) (PC61)

Staff had been continuing work on reformatting the District Plan to comply with the National Planning Standards (NPS). The purpose of the NPS is to make council plans and policy statements easier to prepare, understand and comply with. They do this by improving the consistency of the format and content across all resource management documents throughout New Zealand.

Council had approved the Plan Change for formal notification, which was expected to start in early August. However, due to the Government announcement on 16 July 2025, staff have paused work on Plan Change 61. This follows proposed changes to the Resource Management Act (RMA) by the Government, which will affect whether councils can continue to process plan changes that implement the NPS.

These changes are part of the Resource Management (Consenting and Other System Changes) Amendment Bill, which is expected to become law at the end of August 2025. Council staff will review the situation and provide an update on PC61 once the legislation is enacted and further guidance is available.

Plan Change 54 – Papakāinga

This plan change involved an update to the District Plan provisions to allow for papakāinga development. The plan change is now operative.

As part of the plan change process, an Iwi Working Group (IWG) Hui was held on 18 July 2023 to discuss key themes that were raised in the submission and members viewed an unbranded papakāinga Toolkit. Council staff are now near completion of the draft toolkit and are working with our Iwi Working Group Chairs to organise a Hui to discuss matters related to 'ancestral connection' and to test-run the draft toolkit document. Council staff have finished work on a practice note with the guidance from Council's Iwi Relationship Manager, Tuatahi Nightingale-Pene. This practice note has been prepared for the consents team to help them implement the District Plan's papakāinga provisions.

The Government recently began consultation on its proposal to amend 12 existing national direction instruments and introduce four new national direction instruments with the aim of implementing these by the end of the year. One of the new national direction instruments includes the National Environmental Standard for Papakāinga (NES-P). If implemented, it is likely that this NES will supersede the current District Plan provisions. This is discussed further under the RMA reform section of the report.

Private Plan Change 55 – Fonterra Waitoa

On 13 November 2020, Council received a private plan change request regarding the Waitoa manufacturing site Development Concept Plan (DCP). The request proposed the expansion of the site's Noise Emission Control Boundary (NECB). It also seeks to amend the rules associated with this boundary. Council made a request, on 22 January 2022, for further information under Clause 23, RMA Schedule 1. Council received a response to this further information request at the end of November 2022 and worked with the applicant to finalise this information.

The application (including the further information) was finalised in February 2024 and lodged with the Council. At the Council meeting on the 27 March 2024, the Council formally accepted the Plan Change for notification. The application was limited notified on 14 May 2024 to those affected parties within the Waitoa community. Two identical submissions from an adjacent landowner were received in response to this notification. A summary of submissions was notified in late November 2024, where Council received two identical further submissions. A hearing was held on 6 May 2025. A formal decision was made to approval the plan change on 24 June 2025. The decision was notified for appeals, with the appeal period closing on 6 August 2025. Following the appeal period, no appeals were received. A separate report is included as part of this Agenda on this Plan Change. Council staff expect this plan change to become operative in October 2025.

Private Plan Change 57 - Calcutta

On 3 August 2022, the Council received a request for Private Plan Change 57 - Calcutta. This plan change sought to rezone approximately 41ha of rural land along the southern side of Tauranga Road, Matamata to Industrial Zone. It also proposed to introduce a new General Industrial Zone into the District Plan in accordance with the National Planning Standards. The plan change went through a submission and further submission phase. A hearing date was initially scheduled for February 2024, however, the applicant had asked for this to be deferred. Due to this deferral, the application exceeded the two-year threshold in which a decision has to be made on a plan change. As a result, the application has subsequently lapsed.

Private Plan Change 62 - Calcutta

On 3 July 2025, the Council received a request for Private Plan Change 62 - Calcutta. This plan change seeks to rezone approximately 20ha of rural land along the southern side of Tauranga Road, Matamata to Industrial Zone. This is in the same location as Private Plan Change 57, however Private Plan Change 62 has a smaller footprint. Staff are reviewing the application and have issued further information requests to the applicant.

MPDC Growth Strategy

At the Council workshop on 14 May 2025, Council staff took an item to seek support to commence work on a proposed Growth Strategy. The workshop discussion covered matters related to the proposed scope and timeline of the work. Council has given support for staff to progress this work, Council staff are working on the early stages of project planning for this strategy.

Resource Management Act Reform (RMA Reform)

In March 2024, the Government made an announcement regarding its proposed RMA reform processes, which are occurring in three phases. The first phase repealed existing RMA reform legislation. The second phase is to occur in two stages.

Second phase

The first stage of phase two was the introduction of the new Fast-track Approvals bill, which came into force as an Act in December 2024.

The second stage of phase two made targeted changes to the RMA through two series of changes. The first was the Resource Management (Freshwater and Other Matters) Amendment Bill, on which Council submitted. That came into force in late October 2024. The second was the Resource Management (Consenting and Other System Changes) Amendment Bill, on which Council submitted. After consideration by the Environment Select Committee, it is expected the second RMA Amendment Bill will be passed into law in August 2025.

In May 2025, as part of phase two, the government began consultation to amend 12 existing national direction instruments and introduce four new national direction instruments with the aim of

implementing these by the end of the year. The consultation was grouped into the following four packages.

- Package 1: Infrastructure and development – aims to make it easier for councils to plan and deliver infrastructure
- Package 2: Primary sector – aims to enable growth in the primary sector
- Package 3: Freshwater – seeking feedback on options to amend freshwater national direction to better reflect the interests of all water users
- Package 4: Going for Housing Growth - seeking feedback on how the proposals in the first pillar of the Going for Housing Growth programme could fit into new RMA system

The RMA policy team provided a submission on packages 1, 2 and 3. The period for submissions on these packages closed on 27 July 2025. A copy of the submission is included as part of a separate item on this Agenda.

Council staff also prepared a submission on package 4, the period for which closed on 17 August 2025. The Going for Housing Growth Programme aims to free up more land for urban development by removing unnecessary planning barriers to tackle New Zealand's ongoing housing shortage. A copy of this submission is also attached as part of a separate item on this Agenda.

Third phase

In the third phase of the reform, the Government is proposing to replace the RMA with two new acts. One act will manage environmental effects arising from activities that use natural resources. The second is intended to enable urban development and infrastructure, and will be aligned with the Government's Going for Housing Growth plan and its 30-year National Infrastructure Plan.

Mana Whakahono ā Rohe invitations

The Council recently received six Mana Whakahono ā Rohe invitations. A Mana Whakahono ā Rohe is a binding statutory arrangement that provides for a more structured relationship under the RMA between local authorities and iwi authorities. Their intent is to improve the working relationship between tangata whenua and local authorities as well as enhancing Māori participation in resource management and its associated decision making processes.

While the Mana Whakahono ā Rohe policy is driven by the RMA, agreements are not necessarily limited to processes under this legislation. The parties involved may also decide to incorporate or formalise other arrangements between themselves that occur under other legislation (e.g. the Local Government Act). The RMA provides a relatively structured timeline and process for negotiating and concluding a Mana Whakahono ā Rohe unless alternatives are agreed by the parties involved. The Council must convene a hui within 60 working days of receiving the invitation(s), the purpose of which is to discuss and potentially agree on the process for negotiation, which parties wish to be involved and the times at which specified stages of the negotiations must be concluded.

The Council recently sent out letters to those iwi and local authorities whose rohe and district or region respectively overlaps with that of the inviters. The purpose of the letter was to advise the relevant parties that the invitations had been received and that a hui would likely be held mid to late September 2025. The letter asked the recipients for expressions of interest in attending this hui. At the time of writing, staff had received three responses. Two expressed an interest in further involvement, while the other declined to be involved any further.

Future Proof

There are several projects currently being driven by Future Proof, which affect Matamata-Piako. The first is the Hamilton to Tauranga (H2T) spatial corridor project. The aim of this project is to

ensure that future economic growth along this corridor is well-coordinated, and that the necessary transport infrastructure decisions are made with a clear understanding of a potential growth area's unique needs and opportunities. The study will provide a high-level conceptual overview of the H2T which will be used to inform the review of the Future Proof Future Development Strategy in 2026. The study will provide a 30-year vision for potential development without delving into the specifics of a masterplan or Structure Plan. The completion date for this project is late 2025.

The second project is looking to assess the current and predicted demand for retirement villages in terms of locality, type, and price point within the Future Proof sub-region over the next 30 years. This is expected to help Future Proof partners understand retirement living preferences and needs of the aging population, determine the suitable locations for retirement living, identify specialised requirements for retirement living within the Future Proof Strategy and identify any implications for public infrastructure and services. A final report providing strategic recommendations for Future Proof's role in planning and supporting retirement village developments is expected by the end of October 2025.

In addition to the above, the Future Proof partners have recognised that they are entering a period of considerable change in the planning and infrastructure environment, which presents both challenges and opportunities. The partnership needs to be well-positioned to respond to these. To that end, Future Proof is proposing to:

- Refresh the Terms of Reference and Partnership Agreement for Future Proof, and
- Develop a three-year work programme, to be reviewed and endorsed by the current Future Proof Implementation Committee (FPIC) and formally adopted by the new FPIC early next year.

This will allow the partnership maintain momentum during the transition period and ensure that Future Proof continues to add value to regional and sub-regional efforts. It will also help inform Council budgeting processes and provide clarity on priorities.

Hauraki Gulf Forum (HGF)

Councillor James Sainsbury and staff joined the Hauraki Gulf Forum meeting remotely on 19 May 2025, the meeting was held in Auckland.

The meeting started with the public forum, which included presentations about Fur Seal Mortalities report 2024, which highlighted changes in fur seal populations over the last few years. There was also a presentation from Tau Ngaruhe from Ngāti Pāoa Kaitiaki, which highlighted the ongoing work to train more iwi and hapu members to become certified kaitaki through the Larseair program called Mana O Te Kaitiaki. Lastly, Mark Lenton provided a presentation on the destruction of foreshore and rock pools in the Auckland area, emphasizing the need for more compliance and enforcement action.

The Co-Chairs report emphasised that the Forum is prioritising the preparation of the annual report and coordination of the 2026 State of the Gulf report. The Forum appointed Katina Conomos to help with coordination effort while a replacement executive officer is sought. In relation to the Government's proposed fisheries reforms, the forum made a submission and emphasised concerns over some of the proposed changes that could potentially undermine sustainability safeguards/measures.

There were Constituent party reports, the purpose of which is to brief Forum members on key priorities and work programmes occurring among the Forum's Constituent parties. This included a presentation from Biosecurity New Zealand about updates on exotic *Caulerpa*. The latest information showed that there were new detections of *Caulerpa* in the Bay of Islands and a suite of locations in the Hauraki Gulf. Further surveillance and training of iwi to help undertake works is in progress.


The Department of Conservation and Fisheries NZ provided a brief oral update in relation to their written report on progress and actions to revitalise the Gulf.

The Executive Officer report addressed current priorities and statutory work streams for the Hauraki Gulf, which included tracking progress on the Marine Protection Bill and preparing the 2026 State of the Gulf Report and 2024 Annual Report.

The next HGF meeting is scheduled for 25 August 2025 at Waikato Regional Council in Hamilton.

The minutes and agenda for the May meeting can be viewed through
<https://infocouncil.aucklandcouncil.govt.nz/>

Ngā Tāpiritanga | Attachments

 Plan-Stop-Details



Ngā waitohu | Signatories

Author(s)	Jayshree Kanji Kaiwhakamahere Rautaki RMA Paetahi Graduate RMA Policy Planner	
	Fiona Hill Kaiwhakamahere Rautaki RMA Matua Team Leader RMA Policy	

Approved by	Nathan Sutherland Kaiārahi Rautaki RMA Team Leader RMA Policy	
	Ally van Kuijk Hautū Tipu me te Whakamatua General Manager Growth & Regulation	



TE KŌKIRINGA TAUMATA
 NEW ZEALAND PLANNING INSTITUTE

Plan Stop Details

**From Minister's Bishop amendment paper for the Committee of the Whole House
 stage of the Consenting and Other System Changes RMA amendment bill**

12 August 2025

Which plans?

- Proposed regional policy statements, including changes or variations
- Proposed district plans, including changes and variations

What must stop?

- Notification – no notification of the above plans on or after the provisions of the Bill commence (commencement).
- Processes for the above plans where a hearing has not started before, or within 5 working days after, commencement.
- Implementation of the National Planning Standards.
- 10-yearly reviews of planning instruments

Unless any of the exemptions apply (see below)

What happens if a plan process has to stop?

- The council must withdraw the planning instrument as soon as possible, and no later than 90 working days, after commencement.
- The council must give public notice of the withdrawal.
- If a hearing has been scheduled, it must be cancelled.

What processes can keep going?

- Hearings that have already started or are due to start no later than 5 working days after commencement, and post-hearing processes.
- Plan processes that meet exemption criteria (see below).

- Private plans changes that have not been adopted by the local authority and notified.

What are the automatic exemptions that mean a plan process will continue?

- Streamlined planning processes, intensification streamlined planning processes, freshwater planning processes to implement the NPS-FM.
- Implementation of an NPS published after commencement when the NPS requires implementation before 31 December 2027.
- Call-ins for proposals of national significance.
- Minister-directed plan preparation or change processes.
- Plans, changes and variations that relate to natural hazards.
- Change or variation directed by the Minister of Conservation to the regional coastal plan for the Kermadec and Subantarctic Islands.
- Plan, change or variation to give effect to Treaty settlements, Marine and Coastal Area Act or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act.

What are the discretionary exemptions?

The Minister may grant an exemption if one or more of the following criteria are met. The exemption would:

- Better enable the provision of municipal drinking water, stormwater, or wastewater in accordance with the Water Services Act.
- Fix plan provisions with unintended consequences, that are unworkable, or have led to inefficient outcomes.
- To respond to change in the RMA.
- Better enable climate change to be managed.
- Support the transition of high risk land so as to better manage the risk of erosion.
- Better enable Treaty settlements to be upheld.
- Enable a response to a recommendation from the Environment Court.
- Anything else the Minister considers appropriate.

Power is also given to the Minister to direct that a plan process continue and not be withdrawn if the Minister considers that completing the process would assist in giving effect to any rights and obligations arising under Treaty settlements, Marine and Coastal Area Act or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act.

How are discretionary exemptions applied for?

- The council applies to the Minister in writing for an exemption
- The application must include information in sufficient detail to enable the Minister to assess whether and how the application meets the criteria (above) and state any other reason why the local authority considers it is appropriate that the work be progressed.

- The application must include a copy of (or link to) the planning instrument or provide a summary of a draft instrument, and identify the parts of the instrument that the application relates to if the exemption is not sought for the whole instrument.

What else does a council have to do?

- Councils will have to give notice of the status of all the plan processes underway at the time the provisions commence – which ones are stopped, which ones continue, if exemptions have been applied for, if there are any Ministerial direction, etc.

8 Ngā Pūrongo Whakamārama | Information Reports

8.2 Studholme Street, Morrinsville, RSA Wall update

CM No.: 3081127

Te Kaupapa | Purpose

The purpose of this report is to provide Council with an update on the RSA retaining wall at 27–29 Studholme Street, Morrinsville. This includes progress made since the November 2024 report, particularly in relation to the Dangerous Structure Notice and the steps being taken to address the structural issues.

Rāpopotonga Matua | Executive Summary

This report provides an update on the status of the retaining wall surrounding the RSA Club rooms in Morrinsville. Since the last report to Council in November 2024, further discussions have taken place with the Regulatory team regarding the Dangerous Structure Notice. It has been confirmed that a structural report and design must be completed by November 2025, with the issue fully rectified before ANZAC Day 2026.

A more detailed cost estimate for full replacement of the wall has been completed, revealing significantly higher costs than previously anticipated. As a result, alternative solutions are being explored, including land contouring and construction of a smaller or differently designed wall. A report outlining these options has been commissioned.

Staff have continued engagement with the RSA, who acknowledge the financial challenges and remain committed to working collaboratively with Council. It is recognised that the costs are not solely Council's responsibility.

Tūtohunga | Recommendation

That:

1. Council receives the updated report

Horopaki | Background

The retaining wall surrounding the RSA Club rooms at 27–29 Studholme Street, Morrinsville was originally constructed in 1969 by the RSA when the land was owned by KiwiRail. The wall runs along the front boundary of 27 Studholme Street and turns at a 90 degree angle up the slope of 29 Studholme Street. Approximately 3 metres of the wall crosses into Council owned property.

In early 2022, deterioration of the wall was first observed during maintenance work on the wastewater sewer main. A formal inspection in April/May 2024 identified significant structural issues, prompting the MPDC Building Consent Authority (BCA) to issue a Dangerous Structure Notice to both RSA and Council.

To mitigate immediate public safety risks, KVS installed a footpath diversion and safety barriers. A structural assessment was jointly commissioned by RSA and Council on a 50/50 cost sharing basis, confirming that the wall had reached the end of its economic life and required full replacement.

The ownership and legal boundaries of the wall are complex. The side section of the wall was originally on land leased to the RSA, which was later transferred to Ngāti Hauā as part of Crown settlements in 2015. Council subsequently purchased the land and leased it back to the RSA at a peppercorn rate.

Initial cost estimates for full replacement ranged between \$280,000 and \$300,000, with RSA indicating a contribution of up to \$100,000. Legal advice suggested Council's obligation may be limited to isolating the structure, but further interpretation may be required.

Ngā Take/Kōrerorero | Issues/Discussion

Since the last report:

- Regulatory staff have confirmed that compliance with the Dangerous Structure Notice requires a completed design by November 2025 and full remediation by ANZAC Day 2026.
- A more detailed cost estimate for full wall replacement has been completed, indicating significantly higher costs than previously expected.
- Due to the financial implications, alternative solutions are being explored, including:
 - Land contouring to reduce the need for a large retaining wall;
 - Construction of a smaller or differently designed wall;
 - Other engineering or landscaping solutions.
- A report on these options has been commissioned.
- Ongoing discussions with the RSA have been positive, with both parties recognising the need for a collaborative approach.

Mōrearea | Risk

Public safety risks remain mitigated through existing barriers and footpath diversion.

There is a reputational risk due to the prolonged presence of a closed construction area with no visible progress.

Risk of non-compliance with the Dangerous Structure Notice if timelines are not met.

Ngā Whiringa | Options

At this stage, Council is not being asked to make any decisions. An options report is currently being prepared to determine the best way forward.

Status Quo	
Description	
Do nothing	
Advantages	Disadvantages
No financial cost to Council	Reputational damage
	Potential litigation and ongoing safety concerns
	Not meeting our legal responsibilities

Investigate Alternative Solutions	
Description	
Continue exploring alternative design and construction options to reduce costs and complexity.	
Advantages	Disadvantages
Potential cost savings	Delay in finalising a solution
Improved feasibility	Uncertainty until options report is received
Continued collaboration with RSA	

Staff are continuing to investigate alternative design and construction solutions for the RSA retaining wall. This approach enables Council to explore more cost-effective and practical outcomes while meeting regulatory deadlines and maintaining a collaborative partnership with the RSA.

Note: It is not considered an option to not proceed with a design and construction solution.

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

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.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the views of Interested/affected people	Staff have engaged with the RSA, who are directly affected by the wall and have been kept informed of developments. Further engagement will occur once the options report is received
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 due to public safety implications, financial impact, and community interest.
Section 82 – this sets out principles of consultation.	Staff are following good practice by maintaining open communication with the RSA and will ensure appropriate consultation continues as options are

	developed. Broader community consultation may be considered depending on the preferred solution.
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Policy Considerations

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

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

Staff continue to engage with the RSA and will maintain regular updates as the project progresses.

Timeframes

Key Task	Dates
Options report received	TBC
Design completed	By November 2025
Construction completed	By ANZAC Day 2026





Ngā take ā-lhinga | Consent issues

A Building Consent will be required for any new structure. Consent complexity remains due to multiple property boundaries.

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

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

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

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

The community outcomes relevant to this report are as follows:

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

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

Updated cost estimates for full wall replacement are significantly higher than previously reported. Funding options will be considered once the options report is received. RSA has indicated a contribution of up to \$100,000.

The options report is being funded under our current operational budget.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Susanne Kampshof Pou Rawa me ngā Kaupapa Assets and Projects Manager	
Approved by	Susanne Kampshof Pou Rawa me ngā Kaupapa Assets and Projects Manager	

8 Ngā Pūrongo Whakamārama | Information Reports

8.3 External Committee Minutes - June/August 2025

CM No.: 3080510

Te Kaupapa | Purpose

The purpose of this report is to provide Council with the minutes of recent external committees meetings that Matamata-Piako District Council have representation on.

The minutes attached to this report are from:

- Waikato CDEM Joint Committee
 - 16 June 2025

Rāpopotonga Matua | Executive Summary

At the Council meeting on 9 November 2022, Council resolved to have representation on the following external committees:



Committee	Representative	Alternate Representative
Waikato Civil Defence Emergency Management Group Joint Committee	Cr Russell Smith	
Waikato Regional Transport Committee	Mayor Adrienne Wilcock	Deputy Mayor James Thomas
Regional Triennial Agreement Forum	Mayor Adrienne Wilcock	Deputy Mayor James Thomas
Hauraki Gulf Forum	Cr James Sainsbury	
Hauraki Scheme Subcommittee	Cr Sarah-Jane Bourne	Cr Caleb Ansell
Local Government New Zealand: Zone 2	Mayor Adrienne Wilcock	Deputy Mayor James Thomas
Future Proof Implementation Committee	Mayor Adrienne Wilcock	Deputy Mayor James Thomas
Pare Hauraki Collective Working Group	Mayor Adrienne Wilcock	Deputy Mayor James Thomas

Tūtohunga | Recommendation

That:

1. The information be received.

Ngā Tāpiritanga | Attachments

  Waikato Civil Defence Emergency Management Group Joint Committee Minutes - 16 June 2025

Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Kaitohu Mātāmua Kāwana Senior Governance Advisor	
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Approved by	Tamara Kingi Kaiārahi Kāwana Governance Team Leader	
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MINUTES

Waikato Civil Defence Emergency Management Group Joint Committee Meeting

Monday, 16 June 2025

Order Of Business

1	Karakia Timatanga.....	4
5	Preliminary Items	4
5.1	Health and Safety Statement	4
2	Apologies	4
3	Confirmation of Agenda	4
4	Disclosures of Interest	5
6	Minutes for Confirmation or Receipt.....	5
	Waikato Civil Defence Emergency Management Group Joint Committee Meeting – 24 March 2025.....	5
7	General Items.....	5
7.1	Strategic Group Plan 2025-2030	5
7.2	Waikato CDEM Group Submission Working Group	7
7.3	Joint Committee Induction Resources	7
7.4	Service Level Agreements - update.....	7
7.5	Draft Group Plan Actions.....	8
7.6	Group Work Programme 2024/25 - Quarter 3.....	8
7.7	Group Finances July 2024 - March 2025	8
7.8	Government Reforms update	9
7.9	Coordinating Executive Group Meeting Summary.....	9
7.10	National Emergency Management Agency (NEMA) Update	9
8	Public Excluded Items	10
8.1	Public Excluded Minutes of the Waikato Civil Defence Emergency Management Group Joint Committee meeting held on 24 March 2025	10
8.2	Statutory Appointment of Local Controller	10
8.3	Statutory Appointment of Local Recovery Manager.....	10
8.4	National Emergency Management Agency – In Confidence Request	10
9	Karakia Whakamutunga	11
	APPENDIX ONE: PUBLIC EXCLUDED SESSION REPORTED INTO OPEN	12
	Appendix Two: 8.2. Statutory Appointment of Local Controller Report	14
	Appendix Three: 8.3. Statutory Appointment of Local Recovery Manager Report.....	19
	Appendix Four: 8.4. National Emergency Management Agency - in confidence request Report.....	24

Waikato Civil Defence Emergency Management Group Joint Committee Meeting

OPEN MINUTES

Date: Monday 16 June 2025, 10.00am
Location: Council Chambers
Waikato Regional Council
Level 1, 160 Ward Street, Hamilton

Members Present: Cr Lou Brown – Committee Chair – Waipā District Council
Cr Emma Pike – Committee Deputy Chair – Hamilton City Council
Cr Phillip Buckthought – Hauraki District Council
Cr Mich'eal Downard – Waikato Regional Council (until 11.02am)
Deputy-Mayor Allan Goddard – Waitomo District Council
Cr John Grant – Thames-Coromandel District Council (virtually via Teams)
Cr Thomas Lee – South-Waikato District Council
Cr Kandi Ngataki – Waikato District Council (virtually via Teams)
Cr Russell Smith – Matamata-Piako District Council
Deputy-Mayor Kevin Taylor – Taupō District Council (virtually via Teams)
Deputy-Mayor Annette Williams – Ōtorohanga District Council

In Attendance: Cr Tipa Mahuta – Waikato Regional Council (virtually via Teams, until 11.02am)
Cr Jennifer Nickel – Waikato Regional Council (virtually via Teams, until 11.47am. Back at 11.57am until 12.20pm)

Staff Present: Neville Williams – Director, Customer, Community and Services
Brent Sinclair – Director, Resource Use
Julian Snowball – Group Manager/Controller, Civil Defence and Emergency Management
Susan Law – Chair, Co-Ordinating Executive Group
Matthew Bramhall – Senior Regional Emergency Management Advisor, National Emergency Management Agency
Brooke Roebeck – Democracy Advisor

*The contents of these minutes meet all legal requirements and include a full set of decisions.
An audio-visual recording of the open session of the meeting is available on Waikato Regional Council's public website.*

Recording	Document ID #	YouTube Link
Open recording 1	#32392311	https://youtu.be/Th42gAfn0O8
Open recording 2	#32391002	https://youtu.be/iMkSpcxYbec
Public excluded recording	#32391722	-
Open recording 3	#32392298	https://youtu.be/2Be0UGGiRsE

1 KARAKIA TIMATANGA

Item commenced in open recording 1, at 24 seconds.

The Group Manager/ Controller (Julian Snowball) opened the meeting with a karakia.

5 PRELIMINARY ITEMS

5.1 HEALTH AND SAFETY STATEMENT

Item commenced in open recording 1, at 55 seconds.

The *Health and Safety Statement* was taken as read.

2 APOLOGIES

Item commenced in open recording 1 at 1 minute 19 seconds

The Chair acknowledged the receipt of apologies from the Disability Assist Dog Advocate (Roger Drower), who was unable to present his submission in person to item 7.1. *Strategic Group Plan 2025–2030* in person.

COMMITTEE RESOLUTION WCDEM25/19

Moved: Cr Russell Smith

Seconded: Cr Emma Pike

That the apologies of Mayor Jacqui Church for absence be accepted.

CARRIED

3 CONFIRMATION OF AGENDA

Item commenced in open recording 1, at 2 minutes 19 seconds.

COMMITTEE RESOLUTION WCDEM25/20

Moved: Cr Thomas Lee

Seconded: Deputy-Mayor Annette Williams

1. That the agenda of the Waikato Civil Defence Emergency Management Group Joint Committee Meeting of 16 June 2025, as circulated, be confirmed as the business of the meeting, subject to:

- a) That the public excluded report *National Emergency Management Agency - in confidence request* be tabled at the meeting as a late item of business not on the agenda that cannot be delayed. This item was received by Democracy Services late on Friday, 13 June 2025 and was not approved in time for inclusion in the agenda.

The National Emergency Management Agenda has requested that responses be provided to them by the end of business 16 June 2025.

2. That the order of items follows the order set out in the minutes.
3. That the meeting may sit longer than two hours continuously and continue longer than six hours including adjournments.

CARRIED

4 DISCLOSURES OF INTEREST

Item commenced in open recording 1, at 2 minutes 50 seconds.

Administrative Note: While in public excluded session, Deputy-Chair Emma Pike noted a perceived conflict of interest in relation to items 8.2. *Statutory Appointment of Local Controller* and 8.3. *Statutory Appointment of Local Recovery Manager* and confirmed no conflict of interest exists.

6 MINUTES FOR CONFIRMATION OR RECEIPT

WAIKATO CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING – 24 MARCH 2025

Item commenced in open recording 1 at 3 minutes.

COMMITTEE RESOLUTION WCDEM25/21

Moved: Cr Mich'eal Downard

Seconded: Cr Phillip Buckthought

That the open minutes of the *Waikato Civil Defence Emergency Management Group Joint Committee Meeting* held on 2 December 2024 be confirmed as a correct record.

CARRIED

7 GENERAL ITEMS

7.1 STRATEGIC GROUP PLAN 2025-2030

Item commenced in open recording 1, at 3 minutes 30 seconds.

Presented by the Strategic Planning Advisor (Vicky Cowley) who requested the report be taken as read.

The following presenters spoke to their submissions:

Submission # 1, Khine Zar Win.

Item commenced in open recording 1, at 5 minutes 5 seconds.

Submission #2, Roger Drower (read on behalf by Group Welfare Manager)

Item commenced in open recording 1, at 11 minutes 52 seconds.

Submission # 3, Thanuksha Abeywardana.

Item commenced in open recording 1, at 19 minutes 52 seconds.

Actions:

1. That the definition of *Companion Animal* in the Strategic Plan be clarified to ensure it is clearly understood and consistently applied.
2. Increase engagement with rangatahi (youth) by developing more effective ways to involve them in planning and decision-making.

COMMITTEE RESOLUTION WCDEM25/22

Moved: Cr Mich'eal Downard

Seconded: Cr Phillip Buckthought

1. That the report *Strategic Group Plan 2025-2030* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.
2. That the Waikato Civil Defence Emergency Management Group Joint Committee receive verbal presentations from submitters in support of their written submissions.
3. That the Waikato Civil Defence Emergency Management Group Joint Committee having deliberated on all submissions received, alongside the recommendations of the Coordinating Executive Group:
 - (a) Confirm amendments to the *Mahere Mahukiate Rōpū Raru – Ohotata o Waikato Waikato Civil Defence Emergency Management Group Strategic Group Plan 2025-2030*.
 - (b) Task the Group Emergency Management Office with advising submitters of the Joint Committee's decisions.

CARRIED

Administrative Note: The Waikato Civil Defence Emergency Management Group Committee requested that additional content be added to the *Strategic Group Plan 2025-2030* reflecting the importance of companion animals and livestock. While the content was approved by way of the resolution above, noting that the Civil Defence Emergency Management Act stipulates that the plan must be reviewed by National Emergency Management Agency and the Minister for Emergency Management and Recovery before the joint committee can formally adopt the plan.

Item commenced in open recording 1, at 1 hour 26 minutes.

The committee chair (Lou Brown) formally acknowledged and farewelled the Director, Customer, Community and Services (Neville Williams). A presentation was made in recognition of his service and contributions.

11.02am – Cr Tipa Mahuta and Cr Mich'eal Downard left the meeting.

11.03am – The meeting adjourned.

11.22am – The meeting reconvened.

7.2 WAIKATO CDEM GROUP SUBMISSION WORKING GROUP

Item commenced in open recording 2, at start.

Presented by the Strategic Planning Advisor (Vicky Cowley) who requested the report be taken as read.

COMMITTEE RESOLUTION WCDEM25/23

Moved: Cr Lou Brown

Seconded: Cr Thomas Lee

1. That the report *Waikato CDEM Group Submission Working Group* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.
2. That the Waikato Civil Defence Emergency Management Group Joint Committee approves that the Chair may (in addition to the currently established member structure), co-opt additional members to the Submission Working Group on an as-needed basis.

CARRIED

7.3 JOINT COMMITTEE INDUCTION RESOURCES

Item commenced in open recording 2, at 4 minutes 48 seconds.

Presented by the Strategic Planning Advisor (Vicky Cowley) who requested the report be taken as read.

COMMITTEE RESOLUTION WCDEM25/24

Moved: Cr Thomas Lee

Seconded: Cr Phillip Buckthought

That the report *Joint Committee Induction Resources* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.

CARRIED

7.4 SERVICE LEVEL AGREEMENTS - UPDATE

Item commenced in open recording 2, at 19 minutes 48 seconds.

Presented by the Group Manager/Controller (Julian Snowball).

COMMITTEE RESOLUTION WCDEM25/25

Moved: Deputy-Mayor Allan Goddard

Seconded: Cr Phillip Buckthought

That the report *Service Level Agreements - update* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.

CARRIED

11.47am – Cr Jennifer Nickel left the meeting.

7.5 DRAFT GROUP PLAN ACTIONS

Item commenced in open recording 2, at 30 minutes 30 seconds.

Presented by the Strategic Planning Advisor (Vicky Cowley).

COMMITTEE RESOLUTION WCDEM25/26

Moved: Cr Thomas Lee

Seconded: Cr Emma Pike

That the report *Draft Group Plan Actions* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.

CARRIED

7.6 GROUP WORK PROGRAMME 2024/25 - QUARTER 3

Item commenced in open recording 2 at 33 minutes 43 seconds.

Presented by the Group Manager/Controller (Julian Snowball).

COMMITTEE RESOLUTION WCDEM25/27

Moved: Cr Phillip Buckthought

Seconded: Cr Russell Smith

That the report *Group Work Programme 2024/25 - Quarter 3* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.

CARRIED

11.57am – Cr Jennifer Nickel entered the meeting.

7.7 GROUP FINANCES JULY 2024 - MARCH 2025

Item commenced in open recording 2, at 38 minutes 10 seconds.

Presented by the Group Manager/Controller (Julian Snowball).

COMMITTEE RESOLUTION WCDEM25/28

Moved: Cr Thomas Lee

Seconded: Deputy-Mayor Annette Williams

That the report *Group Finances July 2024 - March 2025* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.

CARRIED

7.8 GOVERNMENT REFORMS UPDATE

Item commenced in open recording 2, at 41 minutes.

Presented by the Strategic Planning Advisor (Vicky Cowley).

COMMITTEE RESOLUTION WCDEM25/29

Moved: Cr Emma Pike

Seconded: Cr Phillip Buckthought

That the report *Government Reforms update* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.

CARRIED

7.9 COORDINATING EXECUTIVE GROUP MEETING SUMMARY

Item commenced in open recording 2, at 49 minutes 8 seconds.

Presented by the Co-Ordinating Executive Group Chair (Susan Law) who requested that the report be taken as read.

COMMITTEE RESOLUTION WCDEM25/30

Moved: Cr Lou Brown

Seconded: Deputy-Mayor Allan Goddard

That the report *Coordinating Executive Group Meeting Summary* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.

CARRIED

7.10 NATIONAL EMERGENCY MANAGEMENT AGENCY (NEMA) UPDATE

Item commenced in open recording 2, at 52 minutes 22 seconds.

Presented by the Senior Regional Emergency Management Advisor (Matthew Bramhall) who requested that the report be taken as read.

COMMITTEE RESOLUTION WCDEM25/31

Moved: Cr Lou Brown

Seconded: Cr Phillip Buckthought

That the report *National Emergency Management Agency (NEMA) Update* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.

CARRIED

8 PUBLIC EXCLUDED ITEMS

Item commenced in open recording 2 at 57 minutes 40 seconds.

RESOLUTION TO EXCLUDE THE PUBLIC

COMMITTEE RESOLUTION WCDEM25/32 Moved: Cr Russell Smith Seconded: Deputy-Mayor Annette Williams That in accordance with section 48(1) of the <i>Local Government Official Information and Meetings Act 1987</i> (Act) and the interests protected by section 6 or 7 of that Act, the public is excluded from the following parts of this meeting. The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public are set out below:		
Meeting item no. and subject	Grounds for excluding the public	Reason for excluding the public
8.1 - Public Excluded Minutes of the Waikato Civil Defence Emergency Management Group Joint Committee meeting held on 24 March 2025	s7(2)(a) of the Act - To protect the privacy of natural persons, including that of deceased natural persons s7(2)(g) of the Act - To maintain legal professional privilege	section 48(1)(a)(i) of the Act - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
8.2 - Statutory Appointment of Local Controller	s7(2)(a) of the Act - To protect the privacy of natural persons, including that of deceased natural persons	section 48(1)(a)(i) of the Act - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
8.3 - Statutory Appointment of Local Recovery Manager	s7(2)(a) of the Act - To protect the privacy of natural persons, including that of deceased natural persons	section 48(1)(a)(i) of the Act - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
8.4 – National Emergency Management Agency – In Confidence Request	s7(2)(c)(i) of the Act - To protect information which is subject to an obligation of confidence or which any person has been or could be	section 48(1)(a)(i) of the Act - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the

	compelled to provide under the authority of any enactment, where making information available would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied	disclosure of information for which good reason for withholding would exist under section 6 or section 7
CARRIED		

12.20pm – Cr Jennifer Nickel left the meeting.

12.21pm – The meeting moved into public excluded session.

12.44pm – The meeting moved back to open session.

9 KARAKIA WHAKAMUTUNGA

Item commenced in open recording 3, at 20 seconds.

The Group Manager/ Controller (Julian Snowball) closed the meeting with a karakia.

12.46pm – The meeting closed.

APPENDIX ONE: PUBLIC EXCLUDED SESSION REPORTED INTO OPEN

8.2 STATUTORY APPOINTMENT OF LOCAL CONTROLLER

COMMITTEE RESOLUTION WCDEM25/34

Moved: Deputy-Mayor Kevin Taylor

Seconded: Deputy-Mayor Annette Williams

1. That the report Statutory Appointment of Local Controller (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.
2. That as per the Waikato Civil Defence Emergency Management Group Controller Policy, the Waikato Civil Defence Emergency Management Group Joint Committee approve the appointments of Robbie Hermann, Hamilton City Council and Anisha McPhee, Waikato District Council, as Tier 3 Local Controllers.
3. That as per the Waikato Civil Defence Emergency Management Group Controller Policy, the Waikato Civil Defence Emergency Management Group Joint Committee approve the appointment of Campbell Moore to a Tier 2 Controller.
4. That the report (refer appendix two) and decision are reported into open session (the attachments remain publicly excluded).

CARRIED

8.3 STATUTORY APPOINTMENT OF LOCAL RECOVERY MANAGER

COMMITTEE RESOLUTION WCDEM25/35

Moved: Cr Lou Brown

Seconded: Cr Emma Pike

1. That the report Statutory Appointment of Local Recovery Manager (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.
2. That as per the Waikato Civil Defence Emergency Management Group Recovery Manager Policy and WCDEMG Tiered Recovery Managers Policy, the Waikato Civil Defence Emergency Management Group Joint Committee approve the appointment of Tania Hermann, Hamilton City Council, as Tier 3 Local Recovery Manager.
3. That the report (refer appendix three) and decision are reported into open session (the attachments remain publicly excluded).

CARRIED

8.4 NATIONAL EMERGENCY MANAGEMENT AGENCY - IN CONFIDENCE REQUEST

COMMITTEE RESOLUTION WCDEM25/36

Moved: Cr Lou Brown

Seconded: Cr Phillip Buckthought

1. That the report National Emergency Management Agency - in confidence request (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.

2. That the Joint Committee provide feedback to the National Emergency Management Agencies targeted engagement.
3. That the report (refer appendix four) and decision are reported into open session (the attachments remain publicly excluded).

CARRIED

APPENDIX TWO: 8.2. STATUTORY APPOINTMENT OF LOCAL CONTROLLER REPORT

Item 8.3

Attachment A

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

8.2 STATUTORY APPOINTMENT OF LOCAL CONTROLLER

Rā | Date: 16 June 2025
Kaituhi | Author: Vicky Cowley, Strategic Planning Advisor
Kaituku | Authoriser: Julian Snowball, Group Manager/Controller, Civil Defence and Emergency Management
Mana whakatau | Delegation Status: Committee has delegated authority to make the recommended decision

TĀ«MATAITI | PUBLIC EXCLUDED

The following good reasons to withhold this report from the public exist under section 6 or 7 of the Local Government Official Information and Meetings Act 1987, in accordance with section 48(1)(a)(i):

- s7(2)(a) To protect the privacy of natural persons, including that of deceased natural persons.

TE ARONGA | PURPOSE

1. To provide the Waikato Civil Defence Emergency Management (CDEM) Group Joint Committee an opportunity to consider and decide on appointments as per Waikato CDEM Group Controller Policy (the Policy).

KŌRERO WHAKATAHI | EXECUTIVE SUMMARY

2. Nominations were received from Hamilton City Council and Waikato District Council for the appointment of Local CDEM Controllers.
3. As per the Waikato CDEM Group Controller Policy, the Coordinating Executive Group Subcommittee, Statutory Roles Advisory and Appointment Committee (STRAAC) undertook assessment of nominees.
4. STRAAC recommends the appointment of Robbie Hermann for Hamilton City Council and Anisha McPhee for Waikato District Council as Tier 3 Controllers.
5. The current Hauraki District Council, Tier 3, Local Controller, Campbell Moore; STRAAC recommend that Campbell Moore be approved as a Tier 2 Controller for the Waikato CDEM Group Area.

TAUNAKITANGA KAIMAHI | STAFF RECOMMENDATION:

1. That the report *Statutory Appointment of Local Controller* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.
2. That as per the Waikato Civil Defence Emergency Management Group Controller Policy, the Waikato Civil Defence Emergency Management Group Joint Committee approve the

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

- appointments of Robbie Hermann, Hamilton City Council and Anisha McPhee, Waikato District Council, as Tier 3 Local Controllers.
3. That as per the Waikato Civil Defence Emergency Management Group Controller Policy, the Waikato Civil Defence Emergency Management Group Joint Committee approve the appointment of Campbell Moore to a Tier 2 Controller.
 4. That the report and decision are reported into open session (the attachments remain publicly excluded).

HOROPAKI | BACKGROUND

6. A nomination for appointment to Local CDEM Controller role was received from Hamilton City Council.
 - a. Following individual assessment, in line with the Waikato CDEM Group Controller Policy; the Coordinating Executive Group (CEG) Subcommittee, Statutory Roles Advisory and Appointment Committee (STRAAC), recommend the appointment of Robbie Hermann as Tier 3 Local Controller for Hamilton City Council.
7. A nomination for appointment to Local CDEM Controller role was received from Waikato District Council.
 - a. Following individual assessment, in line with the Waikato CDEM Group Controller Policy; the Coordinating Executive Group (CEG) Subcommittee, Statutory Roles Advisory and Appointment Committee (STRAAC), recommend the appointment of Anisha McPhee as Tier 3 Local Controller for Waikato District Council.
8. The current Hauraki District Council, Tier 3, Local Controller, Campbell Moore has undertaken further professional development, relevant to the role of Local CDEM Controller; He has also gained further experience through leading local emergencies and local exercises. Due to the further progress Mr. Moore has made in the CDEM Leadership space, STRAAC recommend that he be approved as a Tier 2 Controller for the Waikato CDEM Group Area.

TE TAKE | ISSUE

9. The Waikato CDEM Group has resolved to develop, appoint, and retain an appropriate cadre of CDEM Local Controllers, to provide CDEM Controller cover across a large geographic area. The Waikato CDEM Group Policy provides for different tiers of Controller; the tiers relate to the geographic scope of the appointment. Tier 2 Controllers can operate anywhere within the Waikato CDEM Group area.

TE URUTAI KI TE HURIHANGA ĀHUARANGI | ADAPTATION TO CLIMATE CHANGE

10. This decision will increase the ability of the region to proactively respond to the relevant impacts of climate change now and in the future.
11. The improved deployment capacity of the region to respond to emergencies relating to climate change will be improved.
12. The decision is not sensitive to higher emission scenarios or more rapid climate changes.

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

**TE WHAKAMAURU – TE WHAKAHEKE I NGĀ PĀNGA KI TE ĀHUARANGI | MITIGATION – REDUCING
IMPACTS ON THE CLIMATE**

13. This decision is likely to result in no impact in greenhouse gas emissions.

TE AROMATAWAI I TE HIRANGA | ASSESSMENT OF SIGNIFICANCE

14. Having regard to the decision-making provisions in the Civil Defence Emergency Management Act 2002, Local Government Act 2002, the CDEM Act 2002 and Waikato Regional Council's Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.

TE HOROPAKI Ā-TURE | LEGISLATIVE CONTEXT

15. The CDEM Act 2002 requires the appointment of a Group Controller and permits the appointment of Local Controllers at the discretion of CDEM Joint Committees. The Waikato CDEM Group has adopted further classifications of controller for the purpose of:
- Enhancing professional competency by focusing resources on a limited number of controllers, authorised to work across administrative boundaries of the Group.
 - Establishing levels competency for operating at the local, intra-region, Group or Inter-Group levels.

KŌWHIRINGA I MANAKOHIA | PREFERRED OPTION

16. The preferred option is for the Waikato CDEM Group Joint Committee to approve the appointments, as recommended by the CEG Subcommittee, STRAAC.

NGĀ WHAIWHAKAARO KAUPAPAREHE | POLICY CONSIDERATIONS

17. Recommendations are consistent with the Joint Committee adopted Waikato CDEM Group Controller Policy.
18. To the best of the writer's knowledge, this decision is not significantly inconsistent with, nor is anticipated to have consequences that will be significantly inconsistent with, any other policy adopted by the Joint Committee, or any plan required by the Civil Defence Emergency Management Act 2002, LGA or any other enactment.

TE TIRITI O WAITANGI | THE TREATY OF WAITANGI

19. Interview of the nominee/candidate included a panel member (identified by the relevant local authority) who is qualified to consider the needs of local Māori. Enhanced response capability enables improved Parenga/protection for Māori.

WHAKAKAPINGA | CONCLUSION

20. All Waikato CDEM Group Controller Policy prerequisites of the named nominees are met. STRAAC have endorsed the nominations received from Hamilton City Council and Waikato

Item 8.2

Page 11

Page 17

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

District Council for appointment of Tier 3 Local Controllers and endorse the appointment of
the additional Tier 2 Controller for the Waikato CDEM Group area.

NGĀ TOHUTORO | REFERENCES

21. Reference 1 – Waikato CDEM Group Controller Policy

ĀPITI HANGA | ATTACHMENTS

1. Hamilton City Council Letter of Endorsement [↓](#)
2. Controller application - Resume (R.Hermann) [↓](#)
3. Waikato District Council Letter of Endorsement [↓](#)

APPENDIX THREE: 8.3. STATUTORY APPOINTMENT OF LOCAL RECOVERY MANAGER REPORT

8.3 STATUTORY APPOINTMENT OF LOCAL RECOVERY MANAGER

Rā Date:	16 June 2025
Kaituhi Author:	Irving Young, Team Leader - Resilience And Recovery
Kaituku Authoriser:	Julian Snowball, Group Manager/Controller, Civil Defence and Emergency Management
Mana whakatau Delegation Status:	Committee has delegated authority to make the recommended decision

TĀMATAITI | PUBLIC EXCLUDED

The following good reasons to withhold this report from the public exist under section 6 or 7 of the Local Government Official Information and Meetings Act 1987, in accordance with section 48(1)(a)(i):

- s7(2)(a) To protect the privacy of natural persons, including that of deceased natural persons.

TE ARONGA | PURPOSE

1. To provide the Waikato Civil Defence Emergency Management (CDEM) Group Joint Committee an opportunity to consider and decide on an appointment of Local Recovery Manager under section 30(1) of the Civil Defence Emergency Management Act 2002.

KŌRERO WHAKATAHI | EXECUTIVE SUMMARY

2. The Waikato CDEM Group Recovery Manager Policy requires the Joint Committee to consider appointing those candidates who have been assessed as suitable, during the selection process.
3. Only the Joint Committee have the legal mandate to appoint CDEM Statutory role holders.
4. Tania Hermann (Hamilton City Council) was nominated by her Chief Executive to be considered for selection as Local Recovery Manager.
5. The selection process, previously approved by the Joint Committee, was followed for the candidate.
6. The candidate has been assessed as suitable to be recommended for appointment to this statutory role by the Statutory Roles Advisory and Appointment Committee (STRAAC).
7. STRAAC recommends the appointment of Tania Hermann for Hamilton City Council as a Tier 3 Local Recovery Manager.

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

TAUNAKITANGA KAIMAHI | STAFF RECOMMENDATION:

1. That the report *Statutory Appointment of Local Recovery Manager* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.
2. That as per the Waikato Civil Defence Emergency Management Group Recovery Manager Policy and WCDEMG Tiered Recovery Managers Policy, the Waikato Civil Defence Emergency Management Group Joint Committee approve the appointment of Tania Hermann, Hamilton City Council, as Tier 3 Local Recovery Manager.
3. That the report and decision are reported into open session (the attachments remain publicly excluded).

HOROPAKI | BACKGROUND

8. Section 29(1) and (2) of the CDEM Act 2002 states a CDEM Group MUST appoint suitably qualified and experienced persons to perform the functions and duties and exercise the powers of the Group Recovery Manager.
9. Section 30(1) of the CDEM Act 2002 states that a CDEM Group MAY appoint suitably qualified and experienced persons to perform the functions and duties and exercise the powers of a Local Recovery Manager.
10. The Waikato CDEM Group have chosen to utilise Section 30(1) and to appoint local recovery managers. The Waikato CDEM Group Plan states:
"The Group will appoint local recovery managers who are responsible for recovery preparedness and work for territorial authorities and direct them to perform any of the functions and duties of, or delegated to, the Group Recovery Manager of the Group. To exercise the powers of the Group Recovery Manager each territorial authority within the Group area maintains the appointment of a Local Recovery Manager."
11. The Waikato CDEM Group Joint Committee have previously approved a Recovery Manager Policy and WCDEMG Tiered Recovery Managers Policy, which outlines the selection process for Local Recovery Managers. The candidate has been assessed as meeting the qualification and experience thresholds outlined in the policy.

TE URUTAI KI TE HURIHANGA ĀHUARANGI | ADAPTATION TO CLIMATE CHANGE

12. This decision will increase the ability of the region to proactively respond to the relevant impacts of climate change now and in the future.
13. The improved deployment capacity of the region to respond to emergencies relating to climate change will be improved.
14. The decision is not sensitive to higher emission scenarios or more rapid climate changes.

TE WHAKAMAURU – TE WHAKAHEKE I NGĀ PĀNGA KI TE ĀHUARANGI | MITIGATION – REDUCING IMPACTS ON THE CLIMATE

15. This decision is likely to result in no impact in greenhouse gas emissions.

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

TE AROMATAWAI | TE HIRANGA | ASSESSMENT OF SIGNIFICANCE

16. Having regard to the decision-making provisions in the Civil Defence Emergency Management Act 2002, Local Government Act 2002, the CDEM Act 2002 and Waikato Regional Council's Significance and Engagement Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance.

TE HOROPAKI Ā-TURE | LEGISLATIVE CONTEXT

17. The CDEM Act 2002 requires the appointment of a Group Recovery Manager and permits the appointment of Local Recovery Managers at the discretion of CDEM Joint Committees. The Waikato CDEM Group has adopted further classifications of recovery managers for the purpose of:
- Enhancing professional competency by focusing resources on a limited number of recovery managers, authorised to work across administrative boundaries of the Group.
 - Establishing levels competency for operating at the local, intra-region, Group or Inter-Group levels.

KŌWHIRINGA | MANAKOHIA | PREFERRED OPTION

18. The preferred option is for the Waikato CDEM Group Joint Committee to approve the appointment, as recommended by the CEG Subcommittee, STRAAC.

NGĀ WHAIWHAKAARO KAUPAPAHERE | POLICY CONSIDERATIONS

19. Recommendations are consistent with the Joint Committee adopted Waikato CDEM Group Recovery Manager Policy and WCDEMG Tiered Recovery Managers Policy.
20. To the best of the writer's knowledge, this decision is not significantly inconsistent with, nor is anticipated to have consequences that will be significantly inconsistent with, any other policy adopted by the Joint Committee, or any plan required by the Civil Defence Emergency Management Act 2002, LGA or any other enactment.

TE TIRITI O WAITANGI | THE TREATY OF WAITANGI

21. Interview of the nominee/candidate included a panel member (identified by the relevant local authority) who is qualified to consider the needs of local Māori. Enhanced response capability enables improved Parenga/protection for Māori.

WHAKAKAPINGA | CONCLUSION

22. All Waikato CDEM Group Recovery Manager Policy prerequisites of the named nominee are met. STRAAC have endorsed the nomination received from Hamilton City Council for appointment of Tier 3 Local Recovery Manager.

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

NGĀ TOHUTORO | REFERENCES

23. Reference 1 – Waikato CDEM Group Recovery Manager Policy
24. Reference 2 - and WCDEMG Tiered Recovery Managers Policy

ĀPITI HANGA | ATTACHMENTS

1. Letter of Endorsement - Hamilton City Council [📄](#)

**APPENDIX FOUR: 8.4. NATIONAL EMERGENCY MANAGEMENT AGENCY - IN CONFIDENCE REQUEST
REPORT**

Item 8.3

Attachment A

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

8 PUBLIC EXCLUDED ITEMS

8.4 NATIONAL EMERGENCY MANAGEMENT AGENCY - IN CONFIDENCE REQUEST

Rā | Date: 16 June 2025
Kaituhi | Author: Vicky Cowley, Strategic Planning Advisor
Kaituku | Authoriser: Julian Snowball, Group Manager/Controller, Civil
Defence and Emergency Management
Mana whakatau | Delegation Status: Committee has delegated authority to make the
recommended decision

TĀMATAITI | PUBLIC EXCLUDED

The following good reasons to withhold this report from the public exist under section 6 or 7 of the
Local Government Official Information and Meetings Act 1987, in accordance with section
48(1)(a)(i):

- s7(2)(c)(i) To protect information which is subject to an obligation of confidence or which
any person has been or could be compelled to provide under the authority of
any enactment, where making information available would be likely to
prejudice the supply of similar information, or information from the same
source, and it is in the public interest that such information should continue to
be supplied.

TE ARONGA | PURPOSE

1. To seek feedback from the Waikato Civil Defence Emergency Management (CDEM) Group
Joint Committee to an 'in confidence' targeted engagement request received from the
National Emergency Management Agency (NEMA).
2. The Joint Committee to confirm feedback content for submission to NEMA, on the following:
 - Extending states of emergency and transition periods
 - Offshore islands
 - Rural sector representation

KŌRERO WHAKATAKI | EXECUTIVE SUMMARY

3. The current inconsistency in reporting requirements for States of Emergency (SOE) and
Transition Notices across CDEM legislation presents an opportunity for alignment. However,
proposed changes by NEMA risks an increasing involvement in local matters, and potentially
undermining local autonomy and responsiveness.
4. Offshore island request is not relevant to the Waikato CDEM Group.

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

5. The suggestion to legislate for rural sector involvement on CEG is not necessary. Existing arrangements provide for effective collaboration by the Rural Sector in CDEM Planning: The current Rural Cluster model in the Waikato CDEM Group area is one such example.

TAUNAKITANGA KAIMAHI | STAFF RECOMMENDATION:

1. That the report *National Emergency Management Agency - in confidence request* (Waikato Civil Defence Emergency Management Group Joint Committee, 16 June 2025) be received.
2. That the Joint Committee provide feedback to the National Emergency Management Agencies targeted engagement.
3. That the following details be reported into the open session of this meeting:
 - (a) That the report and decision are reported into open session (the attachments remain publicly excluded).

HOROPAKI | BACKGROUND

6. An 'in confidence' request was received from NEMA on Monday 10 June 2025, with a response requested by close of business on Monday 16 June 2025.

NEMA are undertaking targeted engagement with the Waikato CDEM Group, and others, seeking feedback for options not included in the original discussion document on "Strengthening New Zealand's emergency management legislation".

NEMA are particularly looking to understand whether the Group:

- a. agree with how *they* [NEMA] have described the problem?
- b. have any comments about the likely impacts of the options NEMA have identified?
- c. have any preferred options?
- d. suggest any other options that should be considered?

Attachments were provided on the following issues and options to address them:

- Extending states of emergency and transition periods
- Offshore islands
- Rural sector representation

TE TAKE | ISSUE

7. Extending States of Emergency / Transition Periods:

a. Description of the problem:

States of emergency and transition periods give access to extraordinary powers and therefore carry an expectation that they will be held and used appropriately, with appropriate oversight.

At present: *For local states of emergency (SOEs):*

Item 8.4

Page 4

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

- there is no requirement to report on the rationale for a SOE nor the use of emergency powers following repeated extensions or once the SOE has ended.

For local transition periods (LTPs)

- there is no requirement to report on the rationale for a LTP and use of transition period powers following repeated extension until after the LTP has ended.

Inconsistent approaches to reporting may limit the level of oversight available and the ability for the government to identify wider barriers or gaps in legislation that could, for example, facilitate a quicker transition to recovery.

We [NEMA] have identified the following options to address this issue:

- Status quo: Although there is a requirement for the Minister to notify the House of Representatives if a transition period has been extended three or more times, there is no standing requirement for the authorising person to provide a report on the rationale or use of powers at this time for either a SOE or LTP.
- Increased oversight through new reporting requirements (legislative and non-legislative): This would allow the Director to set reporting requirements if a SOE or LTP has been extended three or more times, or once a SOE or LTP (of any duration) has ended. This could be aided through the use of non-legislative tools, such as templates, to minimise the administrative burden and set clear expectations on what is required. The Director would have discretion to set the tempo of reports for extended SOEs or LTPs beyond the third extension, to take account of the circumstances involved.

Comments about the likely impacts of the options NEMA have identified:

There is value in making the current State of Emergency (SOE) and Transition reporting requirements consistent across both areas of the CDEM legislation.

However, increasing reporting requirements to Central Government (NEMA) risks undermining local autonomy and responsiveness. It may:

- Erode the ability of local authorities to make timely, context-specific decisions.
- Create friction between central and local government, particularly if local leaders feel overruled or sidelined.
- Result in oversight from central agencies that may lack the nuanced understanding of local contexts and community needs.

One of the strong themes in the Emergency Management Bill Reforms is the need for clearer roles and responsibilities. However, an increased Central Government (NEMA) oversight of local State of Emergency declaration and Transition Notice matters could create confusion regarding roles and responsibilities, blurring the lines rather than providing the clarity required.

Another strong theme in the Emergency Management Bill Reforms is the need for greater participation of iwi, mana whenua and Māori in emergency management. This participation is most effective at a local and regional level, where iwi and mana whenua have geographic areas of interest. The central government (NEMA) oversight of local decision making could undermine

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

locally built relationships with iwi and mana whenua, and strain Crown-iwi relationships if local input is overridden or diminished.

Also creates unnecessary risk of:

- Legal challenges: from local councils or iwi if the legislation is perceived or they feel it breaches existing agreements or statutory rights.
- Political opposition: which could arise if the changes are seen as overly centralising power. These risks could divert attention and resources away from the core emergency response and recovery efforts.

Preferred options:

The current level of reporting and oversight should not be increased; the status quo meets requirements. However, there are opportunities to increase the level of consistency in the reporting requirements for State of Emergency (SOE) and Transition Notices.

8. Offshore islands – It is not proposed to provide feedback on this issue as there are other CDEM Groups, such as the Bay of Plenty and Canterbury, who have relevant and practical experience, which we do not have in the Waikato CDEM Group area.

9. Strengthening and enabling community participation in emergency management

a. **Description of the problem:**

- i. NEMA's framing of the issue - "*whether the rural sector should be more formally involved in planning activity across the 4Rs and advising the CDEM Group*" – statement does not align with the current structure and engagement of the rural sector within the Waikato CDEM Group.

b. **Comments about the likely impacts of the options NEMA have identified:**

- i. Existing involvement: in the Waikato region, a well-established cluster group of Primary Sector Industries, including representation from MPI, already participates in planning activities and advises the CDEM Group. These industries are also represented on the Waikato Welfare Coordination Group, actively participating with other welfare services agencies in projects and developing resources supporting wider communities including the rural sector. This indicates formal and active involvement and providing essential knowledge about their land and communities, including animal welfare that is a sub function of welfare.
- ii. Regional significance: the Waikato region covers approximately 2.46 million hectares - 9.3% of New Zealand's total land area - and is the country's largest rural sector by land size. It also hosts the highest number of dairy farms in New Zealand, underscoring its critical role in the national primary sector.
- iii. Stakeholder preferences: The Waikato CDEM Group maintains strong working relationships with rural sector representatives, who have previously expressed no desire to become members of the Coordinating Executive Group. Notably, the current framework allows for co-opting should the rural sector request formal inclusion in the future.

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

c. Preferred options:

- i. The status quo aligns with the Waikato region rural sector groups current representation requirements which is the regions rural sector preference, therefore the Waikato CDEM Group does not support that the rural sector be legislated as representation on Coordinating Executive Groups.

TE AROMATAWAI I TE HIRANGA | ASSESSMENT OF SIGNIFICANCE

10. In accordance with the Civil Defence Emergency Management Act 2002, Local Government Act 2002, and Waikato Regional Council's Significance and Engagement Policy, the decisions recommended is not considered to have a high degree of significance.

TE HOROPAKI Ā-TURE | LEGISLATIVE CONTEXT

11. The CDEM Act 2002 and its proposed replacement through an Emergency Management Bill.

KŌWHIRINGA I MANAKOHIA | PREFERRED OPTION

12. The preferred option is for the Joint Committee to confirm feedback to be provided to NEMA in response to targeted engagement request.

NGĀ WHAIWHAKAARO KAUPAPAHĒRE | POLICY CONSIDERATIONS

13. To the best of the writer' knowledge, this decision is not significantly inconsistent with, nor anticipated to have consequences that will be significantly inconsistent with any policy adopted by the Joint Committee, or any plan required by the CDEM Act 2002 or any other enactment.

TE TIRITI O WAITANGI | THE TREATY OF WAITANGI

14. The decision sought is relevant and will impact obligations under the Treaty. It enables improved Te whai wāhi/participation and Parenga/protection for Māori by enhancing their involvement in emergency management.
15. The participation of iwi, mana whenua and Māori in CDEM decision-making at local and regional level is a partnership commitment the Waikato CDEM Group endorsed in the Strategic Group Plan 2025-2030.

WHAKAKAPINGA | CONCLUSION

16. Providing feedback to NEMA the Joint Committee ensures local decision-making is kept democratic.
17. The Joint Committee views are a key input for informing the design of the new Emergency Management Bill.

Public Excluded Waikato Civil Defence Emergency Management Group Joint
Committee Meeting Agenda

16 June 2025

NGĀ TOHUTORO | REFERENCES

18. Waikato CDEM Group, Strategic Group Plan 2025-2030

ĀPITI HANGA | ATTACHMENTS

1. Greater Reporting Obligations for State of Emergencies and Local Transition [↓](#)
2. Offshore Islands [↓](#)
3. Rural Sector-Representation on CEG [↓](#)