

Kaunihera | Council

Mēneti Wātea | Open Minutes



Minutes of an ordinary meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 8 February 2023 at 9.00am.

Ngā Mema | Membership

Koromatua | Mayor

Adrienne Wilcock, JP (Chair)

Koromatua Tautoko | Deputy Mayor

James Thomas

Kaunihera ā-Rohe | District Councillors

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

Ngā whakapāha | Apologies

Kaimahi i reira | Staff Present

| Name | Title | Item No. |
|--------------------|---|-----------------|
| Don McLeod | Chief Executive Officer | |
| Stephanie Hutchins | Governance Support Officer | |
| Karen Hooper | Governance Support Officer | |
| Sandra Harris | Placemaking and Governance Team Leader | 7.1 |
| Mark Naudé | Parks and Planning Team Leader | 7.1 |
| Erin Bates | Strategic Partnerships & Governance Manager | 7.1, 7.2, C1 |
| Andrea Durie | Communications Team Leader | 7.2 |
| Manaia Te Wiata | Group Manager Business Support | 7.2 |
| Lesley Steeples | Risk Manager | 7.2, C1 |
| Laura Hopkins | Policy Advisor | 7.3, 7.4 |
| Sheree O'Brien | Customer Services Manager | 8.1 |
| Tania Scott | Customer Services Supervisor | 8.1 |
| Fiona Vessey | Group Manager Service Delivery | 8.2 |
| Louisa Palmer | Solid Waste Lead | 8.2 |
| Niall Baker | Policy Team Leader | C1 |

I reira | In Attendance

| Name | Position/Organisation | Item | Time In | Time Out |
|------------------|--|-------------|----------------|-----------------|
| Rosana Carnachan | Matamata Futures | 7.1 | 9.00am | 9.11am |
| Rebecca Brophy | Matamata Futures | 7.1 | 9.00am | 9.11am |
| Barry Harris | Co-chairperson, Te Aroha Spa Governance Group | 7.2 | 9.05am | 9.40am |
| Graham Shortland | Project Manager, Te Aroha Spa Governance Group | 7.2 | 9.05am | 9.40am |

1 Whakatūwheratanga o te hui | Meeting Opening

Mayor Adrienne Wilcock welcomed Elected Members, Staff and public present and declared the meeting open into 9.02am.

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

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

**Cr Kevin Tappin attended the meeting via Microsoft Teams.*

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

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That the minutes of the meeting of the ordinary meeting of Matamata-Piako District Council held on Wednesday, 14 December 2022, be confirmed as a true and correct record of the meeting.

Resolution number CO/2023/00001

Moved by: Cr S Whiting
Seconded by: Cr J Sainsbury

KUA MANA | CARRIED

6 Take i puta mai | Public Forum

There were no speakers scheduled to the Public Forum.

7 Pūrongo me whakatau | Decision Reports

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| 7.1 | Matamata Playground Co-design Project | 5 |
| 7.2 | Te Aroha Spa Project | 12 |
| 7.3 | Council Submission to Sale and Supply of Alcohol (Community Participation) Amendment Bill | 23 |
| 7.4 | Waikato Local Authority Shared Services (Trading as Co-Lab) Changes to Constitution for Approval | 28 |

8 Ngā Pūrongo Whakamārama | Information Reports

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| 8.1 | Staff Long Service Presentation | 35 |
| 8.2 | Overview of new solid waste kerbside collection contract | 17 |

7 Pūrongo me whakatau | Decision Reports

7.1 Matamata Playground Co-design Project

CM No.: 2682809

Rāpopotonga Matua | Executive Summary

Matamata Futures have proposed partnering with Council on a co-design project to redevelop the playground at the Matamata Domain.

The purpose of this report is to gain approval in principle for the:

- allocated Council budget in 2024/25 towards the Matamata playground co-design project
- proposed location being the Matamata Domain
- proposed Memorandum of Understanding which includes a project timeline and roles and responsibilities between Matamata Futures and Council.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. In principle, Council allocate up to \$1.5 million towards the Matamata Playground Co-design project from the already allocated \$3,000,000 of funding for Destination Playgrounds within the 2021-31 Long Term Plan in 2024/25.
2. In principle, Council resolve that the Matamata Domain is the appropriate location for the Matamata Playground Co-design project.
3. Council resolve to work with the Matamata Playground Co-design project in partnership with Matamata Futures in accordance with a Memorandum of Understanding.

Resolution number CO/2023/00002

Moved by: Cr J Sainsbury

Seconded by: Cr S Whiting

KUA MANA | CARRIED

Horopaki | Background

Long Term Plan 2021-31

Included within the Long Term Plan was \$3,000,000 for Destination Playgrounds across the District, \$1,000,000 in each of 2024/25, 2025/26 and 2026/27. The Plan stated Council will look to develop at least one destination playground and, depending on cost, may be able to have one in each of the main towns.

Morrinsville now has two new community playgrounds, Thomas Park and Lockerbie. Thomas Park was completely renewed in 2022/23 and Lockerbie was constructed new in 2022/23

The Lockerbie playground meets Council and community aspiration for at least one community playground within 15-20 minutes walking distance of urban residential properties. Council has also upgraded the Thomas Park playground to be at a higher standard and involved the community in the design. From a technical perspective it is not anticipated that a destination playground is required in Morrinsville.

Parks and Open Spaces Strategy 2021

Council's Parks and Open Spaces Strategy sets the strategic direction for all Parks and Open Spaces across the District and was adopted 2021. The full document can be viewed here; <https://www.mpdc.govt.nz/pdf/CouncilDocuments/Strategies/OpenSpaces/POSSFinal.pdf>

Consultation supported improving accessibility, play value, shade at playgrounds in general and a destination playground for Matamata or improving playgrounds generally. The Strategy aims to provide 'at least one Community Playground' in each town. There are no specific provision guidelines for a destination playground identified in the strategy. It has identified consideration be on a case-by-case basis. Destination playgrounds are at a higher level than community playgrounds, offering a wider range of play experiences, which are comprehensive and interesting, for all ages and abilities and has a high level of use. The location will be attractive enough to be a destination in its own right and be a significant draw card in bringing people (residents and visitors) to the park/area.

| PLAY | | | | |
|---------------------------------|---|---|--|---|
| Management Category | Description | Provision Guidelines | Development Guidelines | Service Guidelines |
| Destination Playground | <ul style="list-style-type: none"> A destination playground offers a wide range of play experiences, which are comprehensive and interesting, for all ages and abilities and has a high level of use. The location will be attractive enough to be a destination in its own right and be a significant draw card in bringing people (residents and visitors) to the park / area. | <ul style="list-style-type: none"> No minimum provision requirement. Consider merits on a case-by-case basis. | <ul style="list-style-type: none"> Destination playgrounds have a high level of development, providing for play for all age groups – toddler, child, teenager play opportunities | <ul style="list-style-type: none"> High level of service. |
| Community Playground | <ul style="list-style-type: none"> A community playground offers moderate play experiences for all ages and is located in areas generally supported by or near to other recreational or community facilities. | <ul style="list-style-type: none"> Within 15 - 20 minutes walk from residences in urban setting, located in key setting. Minimum of one playground in a central location per town Key location easy access | <ul style="list-style-type: none"> Offering opportunities of play for all age groups. May have separate areas for different age groups. | <ul style="list-style-type: none"> Medium – High level of service |
| Local/ Neighbourhood Playground | <ul style="list-style-type: none"> A neighbourhood playground offers basic play experiences located less than a 15-minute walk from residential properties. These playgrounds support the immediate residential area providing for an hour-long visit. | <ul style="list-style-type: none"> Within 10-15 minutes walk from residences in urban settings | <ul style="list-style-type: none"> Neighbourhood playgrounds are generally located within grass areas, small parks, local open space and are designed for play and informal recreation | <ul style="list-style-type: none"> Medium level of service. |
| Youth Facilities | <ul style="list-style-type: none"> Facilities providing physical activity opportunities for youth (e.g. skate parks, skate paths, pump tracks, outdoor exercise equipment, outdoor basketball courts, extreme swings etc.) | <ul style="list-style-type: none"> At least one facility per town catering for youth | <ul style="list-style-type: none"> Typically located at Sports Parks or Community Parks. Could also be located at Outdoor Adventure Park if the nature of the activity requires it or Linkage Park if compatible. | <ul style="list-style-type: none"> Medium to high level of service depending on nature of facility and location. |

The Strategy considered potential locations for a community playground spatially, indicating that Matamata Domain or Hētana Street Reserve would provide the widest coverage to the towns current configuration. Pohlen Park could be a future option for an additional community playground if the town expands towards Peria and Station Road.



Potential locations for a Community Playground with indicating less than 15-20 minutes walk

Council need to consider whether Matamata Domain is the most appropriate location for a Community Playground and potentially could be developed into destination playground.

The Parks and Open Spaces Strategy sets the aspirations for play value across our district and these will be utilised throughout this project to ensure we are meeting the needs of our whole community.

Pride of Place – Matamata

The Pride of Place Matamata - Strategy and Action Plan was adopted by Council in July 2022. One of the items identified in the action plan, (following co-design engagement with the community) was “Pop-up Play opportunities at the Domain”. This action item can tie in seamlessly with this project, as it will provide opportunities to test a range of activities as part of community co-design for the final future playground.

Co-design project timeline and Memorandum of Understanding

Matamata Futures have expressed interest in upgrading the playground at the Matamata Domain. They are very keen to work in partnership with Council including in engagement, design and fundraising. This matter has been discussed at Council workshops in 2021 and 2022 where support was indicated for a partnership approach to this project.

Council staff have been working closely with Matamata Futures to draft a project timeline and Memorandum of Understanding. The draft project timeline takes into account Council’s budget within the Long Term Plan allocated from 2024/25, the aspirations set out in the Parks and Open Spaces Strategy and the Pride of Place project findings.

The high level project timings below set out the different phases of the project and which partner is proposed to take the lead.

| | |
|--|---|
| Phase one: Confirmation (Dec - Feb 23 – Council led) | Council Executive Team approval of MOU and project brief – completed Dec 22 Council workshop and meeting for confirmation of specific budget, location and high level plan |
| Phase two: Research/Engagement/Co-design (Dec - Feb 23 – Trust led) | Information gathering Assessment of existing information Engagement with users and neighbours Early engagement/Co-design Initial Iwi engagement |
| Phase three: Testing pop-up play opportunities, through Pride of Place project (Mar - Apr 23 – Jointly led) | Following engagement/co-design - testing of different pop-up play opportunities to explore what works well |
| Phase four: Concept plans (May - Jun 23 Trust led) | Preparation of concept plans (3) based on early engagement/co-design and testing |
| Phase five: Council approval of concepts (July 23 Council led) | Wider Council staff and elected member approval of concepts prior to engagement |
| Phase six: Engagement on concepts (Aug - Sep 23 Jointly led Council administered Trust promoted) | Wide engagement with community on concepts |
| Phase seven: Design refinement (Oct - Nov 23 Trust led) | Confirm preferred design and costing, Trust, wider Council staff and Elected Members |
| Phase eight: Approval (Dec 23 Council led) | Formal approval by all parties to progress to next phase) |
| Phase nine: Fundraising - ongoing (May - Nov 23 Trust led) | Fundraising and grants |
| Phase ten: Procurement (Dec 23 – Jun 24 Council led) | Procurement |
| Phase eleven: Construction (Construction able to begin July 24) | Funding available Construction period |

Mōrearea | Risk

A full risk assessment will be completed as part of the project planning phase should agreement in principle be received.

Ngā Whiringa | Options

Recommendation

- In principle, Council allocate up to \$_____ towards the Matamata Playground Co-design project from the already allocated \$3,000,000 of funding for Destination Playgrounds within the 2021-31 Long Term Plan in 2024/25.
- In principle, Council resolve that the Matamata Domain is the appropriate location for the Matamata Playground Co-design project.
- Council resolve to work on the Matamata Playground Co-design project in partnership with Matamata Futures in accordance with a Memorandum of Understanding.

Other options

- Council resolve to delay this work until budget is available in 2024/25. This option runs the risk of Matamata Futures no longer wanting to continue the project in partnership; which if progressed will offer numerous benefits to the wider community.

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

All related legislation and policies will be considered during the project planning phase.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

High level project timeframes are highlighted within this report. Key stakeholders including Iwi and the wider community will be communicated with and involved throughout the project.

Ngā take ā-lhinga | Consent issues

Depending on the outcome of community engagement, co-design and chosen concepts a resource consent may be required, Council staff will assist with this process if required.

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

Theme: Healthy Communities

Community Outcome: We encourage community engagement and provide sound and visionary decision making.

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

Included within the 2021-31 Long Term Plan was \$3,000,000 for Destination Playgrounds across the District, \$1,000,000 in each of 2024/25, 2025/26 and 2026/27. The Plan stated Council will look to develop at least one destination playground and, depending on cost, we may be able to have one in each of the main towns. There is no operational funding available to progress project planning prior to 2024/25.

Working in partnership with Matamata Futures can allow this project to progress through co-design and concept development phases prior to Council budget becoming available.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

| | | |
|-----------|---|--|
| Author(s) | Sandra Harris Placemaking and Governance Team Leader | |
|-----------|---|--|

| | | |
|-------------|--|--|
| Approved by | Susanne Kampshof Asset Manager Strategy and Policy | |
| | Erin Bates Strategic Partnerships and Governance Manager | |
| | Manaia Te Wiata Group Manager Business Support | |
| | Don McLeod Chief Executive Officer | |

7 Pūrongo me whakatau | Decision Reports

7.2 Te Aroha Spa Project

CM No.: 2681353

Rāpopotonga Matua | Executive Summary

A major project milestone was the completion of the Options Assessment work in August 2022 and the activities that flowed on from this. Importantly was the recommendation by the Project Governance Group to take forward Option 3 from the Options Assessment report. This has put the project on a pathway to raise capital to fund the development of a new spa and hot pool facility. To support this a number of site investigations are being conducted which are detailed in this report.

The project requires operational budget to fund its activities for the remainder of this financial year (Q3&4) and a detailed operational budget accompanies this report. Further budget details are set out in the 'Issues/Discussion' section of this report.

The project as currently programmed is scheduled to complete construction mid-2026. An overview of the project programme is included with this report (as an attachment). Assuming a level of success from the capital raising process, the project will require both capital and operational funding to progress the development. This is likely to be a matter for shareholders to work through and agree, which will emerge from the capital raising process. Potential budget provision and some of the mechanics are set out in the 'Issues/Discussion' section of this report.

Tūtohunga | Recommendation

That:

1. This report be received
2. Operational budget for the balance of the 2022/23 financial year of \$195,000 excluding GST be approved from appropriate reserves to cover the following items/activity relating to the Te Aroha Spa project:

| Item/activity | Estimated cost \$ excl GST |
|---|----------------------------|
| Governance and management | 150,000 |
| Stakeholder engagement | 5,000 |
| Contingency for unforeseen | 20,000 |
| Planning consultant | 5,000 |
| Resource consent, geotechnical | 5,000 |
| *Domain Master Plan (Part 1) | 10,000 |
| TOTAL | 195,000 |
| *Note: The Domain Master Plan is recommended by the PGG. As it hasn't been part of the spa project brief it hasn't previously had budget consideration. | |

3. Budget provision of \$100,000 for transaction related costs be made from appropriate reserves for the Te Aroha Spa project.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

1. This report be received.
2. Operational budget for the balance of the 2022/23 financial year of up to \$200,000 excluding GST be approved from The Te Aroha Spa Development Reserve to conclude the capital raising/investment case process and supporting activities.
3. Te Aroha Spa Development Project Governance Group report back to Council by 30 June 2023 on any identified investment/partnership interest to support Council decision-making on the future of the project.

Resolution number CO/2023/00003

Moved by: Cr R Smith

Seconded by: Cr B Dewhurst

KUA MANA | CARRIED

Horopaki | Background

Based on community feedback, the 2019 Feasibility Study and 2020 Business case, Council allocated \$18.9m for the spa project into their 2021 LTP. The Project Governance Group (PGG) was formed in April 2021 with a key role to further investigate the potential of the project and oversee the project's progress and strategic direction. After an initial evaluation by the PGG a number of stage gate due diligence investigations were commissioned, key amongst these being geothermal water availability and an initial geotechnical investigation. From a study tour in 2021 the PGG then created a design principles and insights document to help shape a future development. Building on from that, the Options Assessment work was commissioned which

Visitor Solutions spearheaded. The aim of this work was to provide the project with costed concept options to consider.

The Options Assessment report was workshopped with Council in September 2022 where Option 3 was the option recommended to take forward. This and the required operating budget to progress the project was adopted.

Ngā Take/Kōrerorero | Issues/Discussion

Capital Raising

Leading financial services firm Deloitte have been retained to run the capital raising process due to their historical involvement with the project providing financial analysis (Feasibility Study, Business Case and Options Assessment). The capital raising process requires an expert, independent 3rd party to run it given the potential size of the raise and multiple investor parties. A (narrow) range of possible grant funding options are being considered as part of capital raising which will be taken into account by Deloitte as they progress discussions with various potential investor parties. Deloitte have a Corporate Finance Partner in their Hamilton office who will be managing the capital raise process and is initiating this during the second half of January 2023, subject to contract signing.

Assuming a level of success from the capital raising process, the ownership/operating model for any new facility/business will emerge from this. At a yet to be determined point in time, Council will be approached by Deloitte for a discussion on their investment appetite.

Operational Budget for Q3 and 4 of FY23/24

Accompanying this report is the detailed operating budget to take the project to the end of this financial year. The requested budget is \$222,500. The project's operating budget was originally provided for through a circa. \$1.1m allocation from the Reserve Fund in the 2020/21 financial year. Coming into the 2022/23 financial year, the project carried forward a surplus of circa \$600. Of this, circa. \$440k of budget was allocated for various work streams and running costs. Due to delays some of the work streams have not yet been completed but overall this budget will be underspent by circa. \$40k leaving a residual of circa \$200k (from the original \$600k). As there is a gap between this residual and the operational budget required we are seeking a top up of \$22,500 to meet the needs of the project.

Note: The budget position/availability is the best estimate based on available information. Due to staff shortages and changes it has not been possible to have regular system generated financial reports for the project.

Other Budget Guidance

1. It is hard to predict exactly where things will land from the capital raising process and any complexities that may arise. Nevertheless, on the basis that a good level of success is achieved, Council should make budget provision for transaction costs that will be triggered at the conclusion of the process when a shareholding/ownership structure emerges:

- Transaction Documents/Term Sheet.

At the conclusion of the capital raising process, assuming a level of success, Council will likely be obliged to create a 'Term Sheet' and supporting documentation that sets out the deal structure and arrangements agreed between the shareholder parties. This could be a

combination of legal and financial services and this could cost in the region of \$75k. In brief, the shareholders will reach agreement on how the overall transaction and other costs will be shared with such detail probably captured in the Term Sheet. It is also possible that a prospective shareholder could request further information arising from their due diligence processes during capital raising. This could require retaining legal, financial and/or other professional services.

Recommend a budget provision of \$100k in this financial year

2. Domain Master Plan

A master plan for the Domain is very important and is recommended by the Project Governance Group. A master plan will guide and describe how the Domain and the various attractions and experiences in there should work and interact for visitors and connect with the new spa/hot pool facility. Redefining access tracks would be part of this along with any recommended enhancements. A master plan is estimated to cost \$40k. This should be spread over 2 financial periods with \$10k in this financial year, the balance of \$30k in FY23/24. The master plan has not been part of the spa project's brief but is seen as most important and is therefore now being included in the project's budget

3. Design Phase

Assuming the development proceeds following the capital raise process, there will of course be the costs associated with initiating, designing and building the facility. How these costs (much of it probably capable of being capitalised) are shared will be a matter for shareholders to agree and document through shareholder agreements and the like. Over the 2023/24 financial year, as currently programmed, most of the project costs will be around design. The professional fees for the design work are estimated to be around \$2.3m through this period.

Feasibility Study

The original Feasibility Study from 2019 identified the project as a catalyst project and this was carried through to the 2020 Business Case. The Feasibility [Study can be accessed using this link](#). It is worth recapping by looking at Page 40 where the core catalyst and flow on benefits are articulated. The purpose of the proposed development is to stimulate business growth and prosperity that in turn improves social cohesion, economic development and cultural outcomes for Te Aroha and the broader District/Region. At Page 46 the necessity and benefits of a precinct master plan are also articulated where the need for a Te Aroha Destination Management Plan has also subsequently been discussed.

Site Investigations

A range of site investigations complimentary to the capital raising have been commissioned. Some of these arise from recommendations made in the Options Assessment report.

- Geotechnical investigations

Now we have a defined development area more in depth geotech. Investigations can be carried out. The activity is subject to a Resource Consent as we will be drilling in a kaitiaki zone. Consent application is in the process of being written up.

- Ecology study

To avoid delays in future, we are using the summer season to conduct targeted surveys of various fauna such as bats, lizards and birds. This work, starting in March, builds upon the earlier 'opportunities and constraints' ecology study all of which will be required for any resource consent for development. The information will be of value to Council in general.

- Site survey

This will provide accurate topography of the broader development area including contours, water courses/streams, significant vegetation and tracks. The work will be completed by early February.

Mōrearea | Risk

Project risks are managed under a comprehensive risk management system in conjunction with MPDC's Risk Manager.

Ngā Whiringa | Options

From the Options Assessment report, Option 3 was recommended to take forward and this was adopted subject to stage gates. Option 1 and 2 are set out in the options report but are considered to be suboptimal by comparison.

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

This project is being progressed as per the Long Term Plan 2021-2031.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The spa project received public support going into the 2021 LTP process. Progressing the project is seen as consistent with the LTP. The views of interested/affected parties have been considered as the project has progressed, in particular with iwi, Heritage NZ and the local community. The project will continue to communicate with the community through the regular community updates in line with the project's Communication Plan. Iwi are closely involved with the project with two representatives on the Project Governance Group. Te Manawhenua forum receives regular updates at their meetings. The Project Manager provides periodic updates to Heritage NZ through meetings with their staff.

Meeting with Domain users, neighbours and business association

Council invited Domain users and neighbours to a meeting with the project team on 20 September 2022 to find out more about the progress that has been made and details from the Options Assessment Report. A similar presentation was provided to the Te Aroha Business Association the following week.

From both of these engagements attendees signalled positive support for the project.

Ngā take ā-lhinga | Consent issues

N/A

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

Theme: Economic and social development

Community Outcome: The project aligns with the Community Outcomes of Economic Opportunities and Vibrant Cultural Values set out in the 2021 Long Term Plan.

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

- Operational budget of \$222,500 for the balance of this financial year
- Budget provision for transaction costs of \$100,000 in this financial year

These items to be funded out of the Reserve Fund.

Ngā Tāpiritanga | Attachments

- Project Programme Summary - January 2023
- Te Aroha Spa Development Project Financial Report YTD Dec 2022
- Te Aroha Spa Development - Operating budget (revised) for Q3 and 4, 2023 [for 8th Feb 2023 Council meeting]

Ngā waitohu | Signatories

| | | |
|-------------|---|--|
| Author(s) | Graham Shortland Project Manager - Te Aroha Spa Development | |
| Approved by | Don McLeod Chief Executive Officer | |

*Item 7.2 Te Aroha Spa Project discussed and voting deferred for consideration to after Item C1
Risk review assessment - development project.*

8.2 Overview of new solid waste kerbside collection contract

CM No.: 2680312

Rāpopotonga Matua | Executive Summary

The purpose of this paper is to update Council on the new kerbside waste collections services, due to commence 1 September 2023.

At a full council meeting on 14 September 2022 the MPDC contract was awarded to Waste Management New Zealand Limited (WMNZL) (CM 2630895). The award to WMNZL followed a robust tender evaluation process and will mean a change in the services delivered, and to the contractor, for the first time in 10-years.

- It includes the introduction of new services (food waste collections) and shift from bags to collect refuse to 120 litre wheelie-bins.
- Refuse collection will be funded through a targeted rate and not through the purchase of bags, and the cost will shift to the property and the cost will appear in property rates.
- The targeted rate for refuse and recycling will be applied to Private Roads, Lanes, Right of Ways, and Multi-unit developments not currently serviced for the first time.
- The collection days will shift to Tuesday, Wednesday and Thursday to avoid Monday and Friday when the majority of Public Holidays fall.
- In addition, we will cease collections in the CBD area/business zone and this is covered in detail below.

These changes were approved at the Corporate and Operations Committee (COC) meeting 24 August 2022 (CM 2615217)

Council made the following decisions in relation to the new Kerbside Collection Contract:

- To service Private Roads and Multi-Unit Developments (MUD's)
- To cease kerbside collections in the Central Business District
- To provide a food only (FO) kerbside collection (for eligible households)

This report includes further details of the new services and the decisions previously made to inform elected members as we start to initiate mobilisation of these new services with our community.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.

Resolution number CO/2023/00004

Moved by: Cr J Sainsbury

Seconded by: Cr R Smith

KUA MANA | CARRIED

Horopaki | Background

In 2022 Matamata Piako District Council (MPDC), Hauraki District Council (HDC) and Thames Coromandel District Council (TCDC) commissioned consultants Morrison Low to undertake a shared tender for a new solid waste kerbside collection contract.

The current contract is a shared services contract (MPDC/HDC/TCDC) and is due to expire 31 August 2023. The current service provider is Smart Environmental Ltd for all three councils, and while we tendered together the new contract will be an individual contract for each council rather than the current joint Eastern Waikato Shared Services Contract

At a full council meeting on 14 September 2022 the MPDC contract was awarded to Waste Management New Zealand Limited (WMNZL) (CM 2630895).

The award to WMNZL followed a robust tender evaluation process and will mean a change in the services delivered and to the contractor for the first time in 10-years. It will also include the introduction of new services (food waste collections) and shift from bags to collect refuse to 120 litre wheelie-bins.

Ngā Take/Kōrerorero | Issues/Discussion

The new contract provides for a new weekly food waste collection, a dedicated collection fleet operating out of WMNZL Hamilton and, a MPDC contract manager. WMNZL met council's specific requirements for NO collections on Monday's or Friday's, not collecting consolidated refuse accepted at our Refuse Transfer Stations (RTS) during opening hours, and not bulking kerbside collected waste at the RTS which is current practice. WMNZL offered best value for money and ranked highest in non-price attributes.

New Services

The new services are as per the table below:

| | |
|------------------------------------|-------------|
| 1x 25 litre food scrap bin | Weekly |
| 1x 120 litre refuse wheelie-bin | Fortnightly |
| 1x 240 recycling litre wheelie-bin | Fortnightly |
| 2x 45 litre glass crates | Fortnightly |

These services meet the National Standards for kerbside collection implemented nationwide at contract renewal.

Food Scrap Collection comment

The food scrap collection meets the Ministry for the Environment (MfE) requirement under the Emissions Reduction Plan (ERP) to reduce greenhouse gas emissions. Districts with food processing facilities within 150km are required to implement these services before 2025, or at contract renewal. MPDC District has a minimum of three facilities within our district capable of providing this service with others in the planning stage. It is MfE's expectation MPDC, HDC and TCDC will introduce some form of organic collection. They are monitoring progress and offering funding to assist the introduction of these services, covered further below.

Refuse Collection comment

The shift to wheelie-bins for refuse and fortnightly collections will be the largest change. MPDC official bags are 45 litres so for the household that only puts out one bag weekly this will be an increase in the volume as 120 litres is equivalent to 2.66 bags. In addition, a new food scrap bin will be provided for each household. A formal audit required for our Waste Management and Waste Minimisation Plan (WMMP) found close to 30% of waste found in refuse bags was food scraps that could be diverted from landfill for composting.

Refuse collection will be funded through a targeted rate and not through the purchase of bags, and the cost will shift to the property and the cost will appear in property rates.

CBD Collections

A review of these services was included in the Waste Management and Minimisation Plan (WMMP) item 6 (CM 2463460). The findings were taken to the Corporate and Operations Committee (COC) meeting 24 August 2022 (CM 2615217).

Serving the business area presents a number of difficulties including:

- Collections were causing traffic delays in the main streets while stopping to collect bins
- With a shift to a second wheelie-bin and truck this is expected to increase
- Our services are limited; some businesses required fewer collections and others more
- Collection vehicles are a standard size and not always able to service some areas due to size
- Bins had to be left out overnight as they were often collected before business had opened
- Some CBD bins were highly contaminated with non-household packaging
- It is thought business should cover their own cost for waste disposal and not the general ratepayer

Instead, like many other council districts, our business community will need to contract directly with commercial service providers. An example is New Plymouth District Council:
<https://www.npdc.govt.nz/zero-waste/commercial-rubbish-and-recycling/commercial-waste-collection/>

This change will need to be managed very carefully. A plan to contact, and work with business, is under development and will include face-to-face meetings with our business sector. This will include providing information for alternative commercial waste collectors.

Eligibility Details

The targeted rate for refuse and recycling will be applied to Private Roads, Lanes, Right of Ways, and Multi-unit developments not currently serviced for the first time.

Those on a Private Road or MUD will be advised under the provision included in the Local Government Act 1974; Section 348 that Council will not accept responsibility for general wear and tear to roads and access ways.

Right of Ways and Lanes will need to take their bins to the nearest public roadway for collection if trucks cannot safely turn in these areas.

There will be no ability to OPT-Out of the service for standard households in the nominated collection area and the targeted rate will apply whether the service is used or not. This is similar to the approach taken by other councils and a link to Hamilton City site verifies this: [Can I opt out of the new service? - FAQs | Fight the Landfill](#)

These changes were approved at the Corporate and Operations Committee (COC) meeting 24 August 2022 (CM 2615217)

Council made the following decisions in relation to the new Kerbside Collection Contract:

- To service Private Roads and Multi-Unit Developments (MUD's)
- To cease kerbside collections in the Central Business District
- To provide a food only (FO) kerbside collection (for eligible households)

Collection Days

The collection days will shift to Tuesday, Wednesday and Thursday to avoid Monday and Friday when the majority of Public Holidays fall. This will save internal resources and costs, advertising, messaging etc., and reduce confusion for residents.

Collection days for Matamata and Morrinsville townships will change. Waihou and Waitoa will be collected on the same day as Te Aroha and this will be a change for these two areas.

| Township | Collection day |
|---------------------------------------|----------------|
| Matamata | Tuesday |
| Morrinsville | Wednesday |
| Te Aroha, including Waihou and Waitoa | Thursday |

Mōrearea | Risk

Attached is an initial risk assessment. This will continue to be updated as part of the mobilisation plan.

The largest risk from a community perspective is the business sector will be unhappy CBD services are withdrawn. Also, ensuring the change in collection days is clearly notified.

Ngā Whiringa | Options

Covered elsewhere in this document.

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

The proposal is consistent with the Long Term Plan, the Waste Management and Minimisation Plan 2021-2027, and the Annual Plan.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

A full communication plan is under development that includes all internal and external stakeholders. This plan will sit under the Project Plan 232 being finalised with internal MPDC teams and WMNZL and includes timelines.

Initial engagement will focus on our business communities to outline the proposed changes and allow time for them to make alternative arrangements.

Ngā take ā-lhinga | Consent issues

There are no consent issues relevant to this contract

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

Theme: Rubbish and Recycling

| Rubbish and Recycling contributes to the following Community outcomes | | | |
|---|-------------------------------------|---|--------|
|  | Connected Infrastructure | Infrastructure and services are fit for purpose and affordable, now and in the future. Quality infrastructure is provided to support community wellbeing | ✓ ✓ |
|  | Healthy Communities | Our community is safe, healthy and connected | ✓ |
|  | Environmental Sustainability | We support environmentally friendly practices and technologies | ✓ |

Community Outcome:

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

CAPEX

The Annual Plan 2022/23 budget provided for CAPEX of \$530k for the supply of refuse and food waste bins. Based on 9,500 households. The RFP was based on 10,500 households to allow for growth.

The CAPEX required to purchase new bins is \$792,960 a difference of \$262k.

The shortfall is due to a number of factors including an increase in resin prices over the previous three years. There has also been an increase in the number of households serviced due to development.

The Ministry for the Environment (MfE) opened a fund for Territorial Authorities in October 2022 called the Emissions Reduction Fund (ERF).

This fund will provide financial support for the purchase of equipment, and potentially some other costs associated with the implementation of a food waste collection. The aim of this fund is to decrease greenhouse gas emissions from organic waste.

An application to this fund has been lodged and we are in discussions with HDC and TCDC to see if there are any aspects we can collaborate on regarding communications. This may increase the funding from MfE and is still under discussion.

If the new food waste bins only are funded the total we could receive would be \$150,000, which would reduce the shortfall on CAPEX 2023/24 to approximately \$112k.

Budgets under development have provided for CAPEX requirements.

Summary

This complex and high profile project will affect our community as well as a large number of MPDC business units. To provide confidence I have included a number of links in this document for those that want more detail to support the decision making process.

We will require your support and feedback as we start engaging with our community.

Ngā Tāpiritanga | Attachments

- A. Solid Waste Briefing Paper
- B. Risk Register Kerbside Collection Contract
- [C](#). Solid Waste Workshop 2 September 2020 (*Under Separate Cover*)
- [D](#). Waste Management and Minimisation Plan (WMMP) (*Under Separate Cover*)

Ngā waitohu | Signatories

| | | |
|-------------|---|--|
| Author(s) | Louisa Palmer Solid Waste Lead | |
| Approved by | Fiona Vessey Group Manager Service Delivery | |

Item 8.2 Overview of new solid waste kerbside collection contract considered after Item 7.2 Te Aroha Spa Project

7 Pūrongo me whakatau | Decision Reports

7.3 Council Submission to Sale and Supply of Alcohol (Community Participation) Amendment Bill

CM No.: 2681439

Rāpopotonga Matua | Executive Summary

The Sale and Supply of Alcohol Act 2012 (the Act) empowers local authorities to have a Local Alcohol Policy (LAP). The purpose of a LAP is to encourage the responsible sale, supply and consumption of alcohol in its geographical area. An LAP allows councils to tailor some of the national provisions under the Act such as minimum trading hours, to suit local circumstances.

In December 2022, the government introduced the Sale and Supply of Alcohol (Community Participation) Amendment Bill (Bill). The Bill intends to increase community participation in alcohol decision-making by making targeted changes to the alcohol licensing process provided for in the Act, including removing the ability to appeal a LAP.

Matamata-Piako District Council (Council) has the opportunity to make a submission to this Bill, with submissions due to the Justice Committee on 12 February 2023. A draft submission prepared by staff is attached.

Full details of the Bill can be found on the New Zealand Parliament website:

https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_130167/sale-and-supply-of-alcohol-community-participation-amendment

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council approves the draft submission on the Sale and Supply of Alcohol (Community Participation) Amendment Bill.
3. The Mayor be authorised to sign the submission on behalf of Council.

Resolution number CO/2023/00005

Moved by: Cr S Whiting

Seconded by: Cr R Smith

KUA MANA | CARRIED

Horopaki | Background

Sale and Supply of Alcohol Act 2012

The Act aims to improve New Zealand's drinking culture and reduce the harm caused by excessive drinking.

The object of this Act is that—

(1)

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

(2)

For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—

- (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
- (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

Local Alcohol Policies

The Act enabled councils to develop LAPs in consultation with their local communities. LAPs provide an opportunity to tailor some of the national provisions under the Act including where licensed premises can be located (including distance from community facilities), maximum trading hours, and whether further licences should be issued in the district or part of the district.

The idea was that alcohol regulation would reflect the unique character and circumstances of the local area. However many council's LAPs have been appealed, resulting in a costly and time-consuming process and some councils have been unable to bring their policies into force.

When a LAP is in place, the District Licensing Committee (DLC) are required to have regard to the policy when making decisions about alcohol licensing applications.

Sale and Supply of Alcohol (Community Participation) Amendment Bill

The Bill aims to improve communities' ability to influence alcohol regulation in their area by making targeted changes to the alcohol licensing process as set out in the Act. The Bill received its first reading on 13 December 2022 and has been referred to the Justice Committee whereby submissions are now called for. The proposed changes are:

1. How licensing hearings are run

- Require licensing committees to establish appropriate procedures to consider applications and must ensure that those procedures:
 - Avoid unnecessary formality; and
 - Do not permit parties or their representatives to question other parties or witness of other parties; and
 - Do not permit cross-examination.

2. Removal of the right to appeal

- The Bill proposes to remove the requirement for territorial authorities to produce a provisional LAP meaning parties no longer have the right of appeal. This allows for territorial authorities to adopt LAPs more easily and apply them to licensing decisions.

3. Strengthening of LAP Relating to Licence Renewals

- DLCs will be able to decline to renew a licence if the licence would be inconsistent with conditions as stated in accordance with section 77(1)(a) to (d) including location or licence density in the relevant LAP. This would improve the effectiveness of LAPs so that renewal decisions are more likely to reflect communities' preferences for alcohol licensing.

Current LAP Review

Council is currently reviewing its LAP with consultation planned for the draft LAP in March/April 2023. Following a hearing, whereby Council considers all submissions received, the LAP is modified as appropriate and a provisional LAP is publically advertised, calling for appeals. Depending on appeals, the LAP can then be brought into force by Council resolution. Council's timeline may be affected by this Bill and its progression through the House of Representatives.

Ngā Take/Kōrerorero | Issues/Discussion

Council's Draft Submission

The main points of Council's draft submission are as follows:

- Council is supportive of the general approach and purpose of the Bill to improve communities' ability to influence how alcohol is sold and supplied in their area.
- Supportive of the proposal to remove the ability to appeal LAPs, noting this is consistent with the other policy work that we do, including our Gambling Venue Policy which does not have an appeals process.
- Noted Council's experience of the appeals process following the development of its draft LAP in 2013 which resulted in a modified policy and proved to be time consuming and costly.
- Supportive of allowing a wider group of people to be able to object to licensing applications, however have noted concerns regarding workload and cost implications for the DLC. As the number of objector's increases, further time to dedicate to the hearing process would be required. Therefore, Council has queried the ability for cost-recovery.
- Council noted the current review of its LAP how the transitional provisions of the Bill may affect this review and the ability to introduce policy measures to reflect the preferences of our community.

Taituarā's Submission

Taituarā are strongly supportive of the Bill and welcome the changes, particularly the proposal to remove the ability to appeal LAPs and for licence renewals to align with LAPs. Taituarā note that the Act has not been working as intended and the ability for councils to reduce trading hours and control the proliferation of licensed premises has been difficult due to the appeals process.

They note proposed changes to the hearings procedures will create an even playing field for the community and support them to be involved in the process, as per the original intent of the Act.

Taituarā propose the following additional changes:

- That it be mandatory for all new licences to align with a LAP;
- That the Act include Te Tiriti as a fundamental consideration for decision-makers;
- That there be a requirement for applicants to apply for their licences in good faith;
- For all DLC members to be trained via a nationally approved provider as is currently required for RMA Commissioners;
- That there be a wider review of the licensing process including DLC fees.

Taituarā recommend the following:

1. That DLCs may decline or impose conditions on licence renewal where a relevant LAP is in place;
2. That section 105 be updated to make it mandatory for all new licences to align with LAPs;
3. That any person may object to a licence application, whether an individual or group;
4. That the Act include te tiriti as a fundamental consideration for decision-makers;
5. That trade competitors can only object if they are directly affected and does not relate to trade competition;
6. That a requirement be added to section 295 for applicants to apply for their licences in good faith;
7. That hearings:
 - a) be less formal, and

- b) without cross examination.
- 8. For DLCs:
 - a) to limit excessively repetitive evidence
 - b) to have discretion on whether briefs of evidence be recorded, read, limited to relevance or read to a time limit
 - c) to request further information or expert report, and for dissemination
 - d) to strike out of evidence or briefs that are frivolous, vexatious, irrelevant, an abuse of process, not independent or expert, or are offensive.
- 9. For all DLC members to be trained via a nationally approved provider as is currently required for RMA Commissioners.
- 10. That there be a wider review of the Act to review other licensing processes including DLC fees.
- 11. That pre-hearing:
 - a) The applicant to provide briefs 10 working days before the hearing
 - b) Briefs of expert evidence provided 5 working days before the hearing
 - c) That all briefs received prior to the hearing be provided to all parties prior to the hearing.
- 12. For DLCs to develop procedures because it provides transparency and consistency for applicants and objectors.

Mōrearea | Risk

If the legislation proceeds as currently planned, the DLC may face resourcing issues in the opening up of licensing hearings.

Ngā Whiringa | Options

Council could choose to support Taituarā's submission or submit its own (with or without amendments to the attached draft).

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

The Significance and Engagement Policy has been reviewed and it has been determined that the decision for Council to submit to the proposed Bill has low significance, however the Bill itself may be of higher significance. Council could choose to share its submission/support of Taituarā's submission with the public and in advance of the engagement period for the LAP.

Council's LAP is currently being reviewed. According to the transitional provisions of the Bill, Council may pause the review and choose to implement any changes following the introduction of the legislation. This may allow Council to introduce measures that reflect the views of our community without the potential financial burden of the appeal process.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Whilst timeframes for the progression of this Bill through the House are driven by the central government legislative process, submissions are due to the Justice Committee on 12 February 2023 with their report due on 13 June 2023.

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

Theme: Healthy Communities

Community Outcome: We encourage community engagement and provide sound and visionary decision making.

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

There is no financial cost, apart from staff time in preparing this submission. However, the draft submission has raised the issue of potential resourcing implications for the DLC. If the Bill is passed into law as proposed, and the legislation allows anyone to object to a licence application, this will lead to further time being required to dedicate to the licensing process, both from DLC members and Council staff.

Ngā Tāpiritanga | Attachments

- A. DRAFT Submission to Justice Committee Sale and Supply of Alcohol (Community Participation) Amendment Bill

Ngā waitohu | Signatories

| | | |
|-------------|--|--|
| Author(s) | Laura Hopkins Policy Advisor | |
| Approved by | Niall Baker Policy Team Leader | |
| | Erin Bates Strategic Partnerships and Governance Manager | |

7 Pūrongo me whakatau | Decision Reports

7.4 Waikato Local Authority Shared Services (Trading as Co-Lab) Changes to Constitution for Approval

CM No.: 2682567

Rāpopotonga Matua | Executive Summary

In 2021, Waikato Local Authority Shared Services Ltd T/A Co-Lab (Co-Lab) received an expression of interest from Western Bay of Plenty District Council (WBOP) to become a shareholder.

At its meeting on 23 February 2022, Matamata-Piako District Council's (Council) Corporate and Operations Committee resolved to approve the Co-Lab Board's resolution to offer shareholding to WBOP under specified terms.

This matter had now been negotiated and finalised, with Taupō District Council having sold its ordinary share in Co-Lab to WBOP. Council are now asked to approve proposed changes to the constitution of Co-Lab. Co-Lab's constitution may be changed by special resolution (approved by 75% or more), of the shareholders.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council approves the following proposed changes to the constitution of Waikato Local Authority Shared Services Limited (T/A Co-Lab):
 - a) Change in the groupings of councils who appoint a director to the Board of Co-Lab.

“That the constitution be changed so that clause 13.1 reads to include:

13.1 Number of directors

...

e. one may be appointed by the Thames-Coromandel, Hauraki, Western Bay of Plenty and Matamata-Piako District Councils;

f. one may be appointed by the Ōtorohanga, Waitomo, South Waikato, and Rotorua District Councils; and ...”
 - b) Change in who may be appointed a director of Co-Lab.

“That the constitution be changed so that clause 13.2 reads to include:

13.2 Extended definition

...

c. a Council Representative Director cannot be an elected member of a shareholder....”
 - c) Change in who approves director remuneration.

“That the constitution be changed so that clause 16.2 reads:

16.2 Directors remuneration

The payment of remuneration or the provision of other benefits by the company to a director for services as a director or in any other capacity may only be authorised in accordance with section 161 of the Act.”
 - d) Other minor changes.

“That the constitution be changed to reflect the various other minor amendments as indicated in the attached ‘tracked changes’ version of the constitution.”

The Constitution be amended to reflect Taupō District Council having sold its ordinary share in Co-Lab to Western Bay of Plenty District Council.

Resolution number CO/2023/00006

Moved by: Cr C Ansell
Seconded by: Cr D Horne

KUA MANA | CARRIED

Horopaki | Background

About Co-Lab

Co-Lab is a Council Controlled Organisation (CCO) jointly owned by 12 Councils in the Waikato and Bay of Plenty regions.

Co-Lab's key purpose is to drive collaboration between councils, to improve customer service and performance, and to reduce costs. They aim to introduce efficiency and effectiveness gains and champion the benefits that collaboration can bring including a reduction of duplication and waste, and to promote best practice across councils.

Co-Lab's has two fundamental roles: the first is to act as an ideas laboratory; working with partner councils and industry to identify opportunities for councils to collaborate, improving how councils operate and engage with their communities. Following identification and prioritisation of ideas, Co-Lab work together with partner councils to investigate the opportunity and co-design the business case for change. Some of these business cases will lead to opportunities for a shared service arrangement.

The second key role is to provide services to councils including water quality data, asset management, and procurement support services. Projects are identified and delivered according to the following desired outcomes agreed by all stakeholders:

- Reduce council costs, or improve performance without increasing cost;
- Improve the experiences councils' communities have with the councils;
- Increase central government's investment into, and engagement with, Waikato councils.

Co-Lab's vision is to help partner councils maximise the value that they provide to their communities. They aspire to be innovative and constantly think about how things can be improved, either by reducing costs or duplication of effort, promoting best practice and ultimately improving the experience of councils' customers.

Western Bay of Plenty District Council Shareholder Offer

In 2021, Co-Lab received an expression of interest from WBOP to become a shareholder. At its November 2021 meeting, the Co-Lab Board recommended to its shareholders that WBOP become a shareholder under specified terms. The terms agreed were:

- WBOP is issued with one (1) ordinary share in the company, for a consideration of \$1,000, noting that the share will remain uncalled;
- WBOP signs a deed acceding to the Shareholders Agreement dated 5 October 2005;
- The constitution of the company is amended to reflect that WBOP will, together with Thames-Coromandel, Hauraki and Matamata-Piako District Councils, be entitled to appoint one representative to the company's Board;
- WBOP will contribute at the rate of 100% to Company Management and Support costs, the Opportunity Development Fund and any other requests for funding in line with the formula previously agreed between the current shareholders; and

- WBOP will contribute a proportionate share to the “value” of opportunities currently under development.

Council approved this offer at its Corporate and Operations Committee meeting on 23 February 2022. The remaining shareholders also approved the offer and this allowed the Co-Lab Board and Chief Executive to:

- Approach WBOP to establish whether they were willing to accept the offer as approved by shareholders; and
- If so, take the necessary actions to achieve the outcomes noted above.

Following shareholder approval, Taupō District Council sold its ordinary share in Co-Lab to WBOP. This means that the company constitution needs to be updated to reflect this change. At the same time, Co-Lab wish to take the opportunity to make minor updates to the company constitution and recommended at its Board meeting in September 2022 that these changes be recommended to the shareholders for approval. The Board seek a separate resolution for each of the changes from shareholders. This is so that, in the event a particular change does not receive the required shareholder support, this does not prevent the other recommended changes being made (assuming they are themselves supported).

Ngā Take/Kōrerorero | Issues/Discussion

Co-Lab’s constitution may be changed by special resolution (approved by 75% or more), of the shareholders. The following changes to the constitution are proposed:

Change in the groupings of councils who appoint a director to the Board of Co-Lab (clause 13.1)

The change in shareholding requires that this clause be updated to reflect the removal of Taupō District Council and the introduction of Western Bay of Plenty District Council.

Note that Mr Don McLeod is currently the appointed director for the Eastern Waikato area (Matamata-Piako, Thanes-Coromandel, Hauraki and Western Bay of Plenty Councils). This appointment was made in 2022 and is for a three-year term.

Change in who may be appointed a director of Co-Lab (clause 13.2)

This is a new clause that reflects the always held intent that elected members could not become a director of Co-Lab. Upon review it became apparent that, while intended, this had not been formalised correctly within the previous constitution.

Change in who approves director remuneration (clause 16.2)

This change is intended to allow the Council Representative Directors to increase the Board Chair remuneration. The change is sought principally as a matter of expediency and efficiency. Currently, some councils require that any change in the remuneration of a Director of a CCO be approved by the Councillors. However, in the case of Co-Lab, the Independent Chair is the only director who is remunerated. This has led to Councillor approval being required albeit that council’s share of any increase is less than \$1,000 (in some cases, half this amount).

Council does not have a board appointments and remuneration policy, however this is currently under development.

It is a requirement under the Companies Act 1993 that approval of a change to remuneration requires a majority vote of all the directors on the board. All directors who vote in favour of a remuneration arrangement must also sign a certificate stating that the arrangement is fair and stating reasonable grounds for that opinion. There is also a requirement to enter remuneration arrangements in the directors’ interest register.

Mōrearea | Risk

No risks associated with this decision have been identified.

Ngā Whiringa | Options

The Council has two options:

1. Council approves the suggested changes to the constitution of Co-Lab;

Or

2. Council does not approve the suggested changes to the constitution of Co-Lab.

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

In accordance with Council's Significance and Engagement Policy, staff determine that this decision is of low significance. Therefore no consultation/communication is required.

Co-Lab's constitution may be changed by special resolution (approved by 75% or more), of the shareholders.

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

Theme: Connected Infrastructure

Community Outcome: Infrastructure and services are fit for purpose and affordable, now and into the future.

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

Councils pay an annual levy which is calculated according to their size. In addition to this, services are funded via a user pays basis allowing councils to opt in and out of projects.

Contributions are determined using the following allocation basis:

- 25% fixed cost across all councils; and,
- 75% allocated in accordance with the size of the council (having regard to budgeted operating expenditure).

The contribution made by MPDC in the year to date at the time of writing this report was \$384,229.98. The expected spend for FY 2022/23 is \$589,993. A summary of costs is detailed below and includes contributions to the Regional Asset Technical Accord (RATA). RATA aims to enable effective strategic asset planning to support investment decision-making in the Waikato region and to support the delivery of safe and sustainable services to communities.

| Item | Total to be invoiced for the year |
|-----------------------------------|-----------------------------------|
| Company Management | |
| Company Management Member Charges | \$38,017 |
| N3 on-charge* | \$2,800 |
| Insurance Brokerage on-charge* | \$9,279 |
| LAPP on-charge* | |
| Infometrics on-charge* | \$8,869 |
| RITS | \$2,956 |
| Working Parties Projects | |

| | |
|---------------------------------------|------------------|
| Working party Member Charges | \$7,216 |
| Opportunity development pool | \$15,594 |
| Shifting Landscapes Phase 2 | \$7,133 |
| L&D Shared Service Implementation | \$9,036 |
| IT | |
| IT member charges | \$850 |
| Collaboration Portal | \$1,200 |
| Geospatial Services | |
| Waikato Data Portal | \$2,000 |
| Energy Management | |
| EM Council Contribution | \$13,567 |
| RATA | |
| RATA Member Charges | \$118,279 |
| IDS License Fee | \$13,787 |
| Data Collection | \$118,278 |
| Waters Collaboration | |
| Waters collaboration member charges | \$62,964 |
| WRTM | |
| WRTM Member Charges | \$14,544 |
| Waikato Building Consent Group | |
| WBCG Member Charges | \$27,642 |
| Mayoral Forum | |
| Mayoral Forum Meeting Expenses | \$455 |
| Co-Lab Learning | |
| Co-Lab Learning Annual Service Fee | \$33,131 |
| Co-Lab Water Services | |
| Shared Water Services Costs | \$82,397 |
| TOTAL | \$589,993 |

* these are on-charges of invoices received so actual amount may differ slightly.

Ngā Tāpiritanga | Attachments

- A. Co-Lab Company Constitution Tracked Changed Amendments 2022
- B. Co-Lab Memo Constitutional Change to Shareholders

Ngā waitohu | Signatories

| | | |
|-------------|--|--|
| Author(s) | Laura Hopkins Policy Advisor | |
| Approved by | Niall Baker Policy Team Leader | |
| | Erin Bates Strategic Partnerships and Governance | |

| | | |
|--|----------------|--|
| | Manager | |
|--|----------------|--|

8 Ngā Pūrongo Whakamārama | Information Reports

8.1 Staff Long Service Presentation

CM No.: 2682680

Rāpopotonga Matua | Executive Summary

Tania Scott to be presented with a Long Service Award in recognition of 30 years' service to Matamata-Piako District Council.

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.

Resolution number CO/2023/00007

Moved by: Cr S Whiting

Seconded by: Cr C Ansell

KUA MANA | CARRIED

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

| | | |
|-----------|---|--|
| Author(s) | Stephanie Hutchins Governance Support Officer | |
|-----------|---|--|

| | | |
|-------------|--|--|
| Approved by | Sandra Harris Placemaking and Governance Team Leader | |
| | Erin Bates Strategic Partnerships and Governance Manager | |

The meeting adjourned for morning tea at 10.09am and reconvened 10.37am.

8 Ngā Pūrongo Whakamārama | Information Reports

Item - 8.2 Overview of new solid waste kerbside collection contract - has been moved to another part of the document.

9 Take Matatapu | Public Excluded
C1 Risk review assessment - development project

10.49 am The public were excluded.

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

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

WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

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

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

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

C1 Risk review assessment - development project

| Reason for passing this resolution in relation to each matter | Particular interest(s) protected (where applicable) | Ground(s) under section 48(1) for the passing of this resolution |
|--|---|--|
| The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. | <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>.</p> <p>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>.</p> | <p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p> |

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

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

KUA MANA | CARRIED

9 Take Matatapu | Public Included
C1 Risk review assessment - development project

11.29 am The public were included

Moved by: Cr J Thomas
Seconded by: Cr S Whiting

KUA MANA | CARRIED

Item 7.2 Te Aroha Spa Project – Resumed consideration

Council resumed voting on Item 7.2 Te Aroha Spa Project and resolved. See page 12 for resolution.

11.30 am

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

CONFIRMED AS A TRUE AND CORRECT RECORD
OF THE MEETING OF KAUNIHERA | COUNCIL
HELD ON 8 FEBRUARY 2023.

KO TE RĀ | DATE:

TIAMANA | CHAIRPERSON: