

# 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 March 2023 at 9.00am.

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### Ngā Mema | Membership

#### **Manuhuia | Mayor**

Adrienne Wilcock, JP (Chair)

#### **Koromatua Tautoko | Deputy Mayor**

James Thomas

#### **Kaunihera ā-Rohe | District Councillors**

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

## Ngā whakapāha | Apologies

Cr Gary Thompson

## Kaimahi i reira | Staff Present

Name	Title	Item No.
Don McLeod	Chief Executive Officer	7.2, C1
Stephanie Hutchins	Governance Support Officer	
Karen Hooper	Governance Support Officer	
Erin Bates	Strategic Partnerships and Governance Manager	7.1
Christa Kurian	Graduate Policy Advisor	7.3, 7.4
Larnia Rushbrooke	Finance & Business Services Manager	7.3,
Laura Hopkins	Policy Advisor	7.5, 7.6, 7.7
Manaia Te Wiata	Group Manager Business Support	7.3, 7.8,
Barry Reid	Road Asset Engineer	7.9
Karl Pavlovich	Water & Wastewater Manager	8.1

## I reira | In Attendance

Name	Position/Organisation	Item	Time In	Time Out
Lisa Eve	Principal Consultant, Eunomia	7.5	10.32am	10.42am
Sam Saunders	Development Manager, The Property Group	7.8	10.46am	11.23am
Peter McCoskie	Planning Manager, The Property Group	7.8	10.46am	11.23am
Janette Underwood	Traffic and Road Safety Consultant, LMC	7.9	11.23am	11.34am

**1 Whakatūwheratanga o te hui | Meeting Opening**

Mayor Adrienne Wilcock welcomed members, staff and public present and declared the meeting open at 9.09am.

Cr Kevin Tappin in attendance on Microsoft Teams.

**2 Ngā whakapāha/Tono whakawātea | Apologies/Leave of Absence  
WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION**

That the apology from Cr Gary Thompson be accepted and leave of absence from the meeting be granted.

**Resolution number CO/2023/00001**

**Moved by: Cr R Smith  
Seconded by: Cr J Sainsbury**

**KUA MANA | CARRIED**

**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.”

*Mayor Adrienne Wilcock informed Council of an additional business item; 8.2 - Risk and Assurance Committee - Chair Summary Report to be discussed during the meeting as a minor matter relating to the general business of the local authority [S46A(7A)]. Members were in agreement and the item was discussed after Item 7.4 - 2023/24 Draft Fees and Charges.*

#### 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.

Member declaring conflict	Item with conflict
Mayor Adrienne Wilcock	7.2 Matamata Stadium Memorandum of Understanding

#### 5 Whakaaetanga mēneti | Confirmation of minutes

##### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

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

**Resolution number CO/2023/00002**

**Moved by: Cr S Whiting**

**Seconded by: Cr C Ansell**

**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 Pūrongo me whakatau | Decision Reports

## 7.1 Future for Local Government submission

CM No.: 2689451

### Rāpopotonga Matua | Executive Summary

The purpose of this report is to seek Council retrospective approval of their submission to the Future for Local Government Panel which was required by 28 February 2023.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council approve its submission on the Review into the Future for Local Government

Cr C Ansell voted against the motion and wished for his vote to be recorded.

Resolution number CO/2023/00003

Moved by: Cr S Whiting

Seconded by: Cr J Sainsbury

**KUA MANA | CARRIED**

### Horopaki | Background

On 23 April 2021 the Minister of Local Government (the Minister) established a review into the Future for Local Government (the Review).

The overall purpose of the Review is, as a result of the cumulative changes being progressed as part of the Government's reform agenda (3 waters and RMA reform programmes), to identify how our system of local democracy and governance needs to evolve over the next 30 years, to improve the wellbeing of New Zealand communities and the environment, and actively embody the Treaty partnership.

The Minister sought recommendations from the Review that looked to achieve:

- a resilient and sustainable local government system that is fit for purpose and has the flexibility and incentives to adapt to the future needs of local communities;
- public trust/confidence in local authorities and the local regulatory system that leads to strong leadership;
- effective partnerships between mana whenua, and central and local government in order to better provide for the social, environmental, cultural, and economic wellbeing of communities; and
- a local government system that actively embodies the Treaty partnership, through the role and representation of iwi/Māori in local government, and seeks to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles through its functions and processes.

The scope comprises what local government does, how it does it, and how it pays for it. It includes, but is not limited to, a future looking view of the following:

- roles, functions and partnerships;
- representation and governance; and
- funding and financing.

Timeframes

- An interim report *Ārewa ake te Kaupapa - Raising the platform* was published in September 2021 by the Panel and presented to the Minister signalling the probable direction of the review and key next steps. Public feedback was invited.
- On 1 March 2022, two Future for Local Government panel members met with Council to seek their input into the review.
- *He mata whakiri, he matawhanui*: Future for Local Government Draft Report was released on 28 October 2022
- Submissions to *He mata whakiri, he matawhanui*: Future for Local Government Draft Report invited until 28 February 2023
- Final report due June 2023.

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

On 28 October 2022, the panel released its further report; with submissions open until 28 February 2023. A copy of the report can be found here: [Draft report – He mata whāriki, he matawhānui \(futureforlocalgovernment.govt.nz\)](https://futureforlocalgovernment.govt.nz)

The report suggests 10 key areas to be addressed, alongside a range of recommendations and key questions for each. The key areas are:

- Revitalising citizen-led democracy
- A Tiriti-based partnership between Māori and local government
- Allocating roles and functions in a way that enhances local wellbeing
- Local government as a champion and activator of wellbeing
- A stronger relationship between central and local government
- Replenishing and building on representative democracy
- Building an equitable, sustainable funding and financing system
- Designing the local government system to enable the change we need
- System stewardship and support

Council considered the content and recommendations within the report at workshops on 7 December 2022 and 8 February 2023.

The submission deadline (28 February) did not accommodate Council's formal meeting schedule. The draft submission was circulated via email to elected members for feedback to enable this to be included. The submission was submitted by the deadline date.

Council are asked to retrospectively formally approve the submission.

## **Mōrearea | Risk**

No risk has been identified. The submission responds to recommendations contained in a report into the Future for Local Government.

## **Ngā Whiringa | Options**

The submission has been furnished to the Future for Local Government. Formal approval of the submission is now sought.

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

No legal or policy considerations have been identified.

### Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Council's submission is publicly available. No additional communication has been planned.

### Ngā take ā-lhinga | Consent issues

Not applicable.

### 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

Not applicable.

### Ngā Tāpiritanga | Attachments

A. Future for Local Government Submission

### Ngā waitohu | Signatories

Author(s)	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	
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Approved by	Don McLeod <b>Chief Executive Officer</b>	
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*Mayor A Wilcock exited the meeting at 09:13 . Mayor A Wilcock returned to the meeting at 10:17 .*

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7 Pūrongo me whakatau | Decision Reports

## 7.2 Matamata Stadium Memorandum of Understanding

CM No.: 2689764

### Rāpopotonga Matua | Executive Summary

The purpose of this report is to seek direction and guidance from Council on the next stage of the Matamata Stadium after considering the peer review report generated from an independent advisor (SGL Group) as part of the agreement terms of the MoU.



## Tūtohunga | Recommendation

That:

1. Council receive the peer review report received from the independent advisor for the proposed Matamata Sports Stadium to be located at the Matamata College
2. Council considers whether it agrees to;
  - A revised location of the Stadium to an area within the school precinct adjacent to the current gymnasium site.
  - An additional \$1,000,000 contribution toward the building project over and above the \$2,000,000 already committed funded by way of capital loan
  - Designate \$100,000 of this additional funding as operational expenses associated with any further investigations, legal advice etc. prior to funded from either rates or reserves.
  - Confirming an under writing commitment to both the construction costs and ongoing operational costs when the facility is operational, consistent with the controls in place within the Memorandum of Understanding
  - Operational management of the facility once the facility is complete.
3. Council considers whether the proposal as now outlined and quantified in the peer review is a matter of significance requiring public consultation.

## WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council receive the peer review report received from the independent advisor for the proposed Matamata Sports Stadium to be located at the Matamata College.
2. Conditional on the MoE providing adequate commitment to capital investment, depreciation costs, and ongoing operating costs, to the satisfaction of the Council, the Council agrees to;
  - A revised location of the Stadium to an area within the school precinct adjacent to the current gymnasium site.
  - An additional \$1,000,000 contribution toward the building project over and above the \$2,000,000 already committed funded by way of capital loan.
  - Designate \$100,000 of this additional funding as operational expenses associated with any further investigations, legal advice etc. prior to funded from either rates or reserves.
  - Confirming an under writing commitment to both the construction costs and ongoing operational costs when the facility is operational, consistent with the

controls in place within the Memorandum of Understanding.

- Operational management of the facility once the facility is complete.

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

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

Resolution number CO/2023/00004

Moved by: Cr P Jager  
Seconded by: Cr C Ansell

**KUA MANA | CARRIED**

## Horopaki | Background

For a number of years a community group has promoted the concept of a 2 Court sports stadium in Matamata. This initiative was supported by a substantial donation from a private citizen.

A number of years ago, following a request from the promoters Council resolved to contribute \$2 million toward the project, with the balance to be fundraised by the community. At the time the project was estimated to have a total approximate cost of \$7 million.

Since then there has been an ongoing discussion as to a suitable location. This culminated in 2022 on a commitment to have it built on the Matamata College grounds. The concept of shared community and school facilities is one that is strongly supported by Sport Waikato and Funding agencies.

There are a number of examples of this across the country, including the Waikato.

To eliminate risk around final scope and cost Council offered further funds on a dollar for dollar basis (\$90k Council share ) to undertake critical evaluation tasks including geotech, resource consent, concept design and a formal review of estimates.

Council also agreed to participate in the development of the proposal, via representatives on the working party (formally constituted as a Trust).

The Ministry of Education required that if the project was to proceed on College grounds, there had to be underwriting of both the projected capital cost and the ongoing operating costs. The Stadium Trust were not able to do that, given their funding is sourced from donations

The only body able to provide that level of guarantee was Council. The Trust formally requested Council to consider this underwriting commitment.

In mid-2022 the Trust sought Council support of this and other matters via the preparation of a Memorandum of Understanding (MoU) (copy attached) to support this commitment

The MoU identified the commitment of the parties to act in good faith with Council identifying some key issues that provided it with the opportunity to review progress, have input and if necessary withdraw support, subject to appropriate process.

The MoU is not binding. This document defines a respectful good faith relationship with controls and reasonable expectations of both parties.

At the time Council also suggested, as part of this agreement in principle, that an independent peer review of all matters associated with the project be undertaken and Sport Waikato assisted in identifying a suitably experienced person and provided a contribution (Council share \$65k) to undertake the work.

An independent advisor was appointed through Sport Waikato.

His work was reported back prior to Christmas and the conclusion from this peer review was/ is;

- The location of the facility in the school grounds needed to be considered in the context of other sporting facilities in town and the future sporting needs.
- The most suitable location was in an area adjacent to the current school stadium ,with connection to Station Road to provide community access (in other words in a different location to that originally identified)
- The revised estimate of the project is \$9.5 million ( inclusive of project management, design etc))
- Council is being formally requested to take on the future management and maintenance of the facility
- That a Governing body made up of all parties with an interest form an oversight body for at least the initial 3 year period to ensure that shared College and community use of the facility is harmonised

Further a request has been proposed for Council to consider an additional contribution of \$1 million (total \$3 million), with other parties including Ministry and the College also undertaking to provide capital and ongoing operational contributions.

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

The trust is advocating for the project committed and construction underway in early 2024. The issues that Council need to give consideration to are;

- Approval to contribute a further \$ 1 million, to a total of \$3 million for the total estimated project costs and any conditions it may want to apply around that.

The Stadium Trust has suggested a funding split for funding the balance to a total of \$9.5 million, between the Stadium Trust and the Ministry of Education.

- Council's formal support for the relocation of the proposed stadium, which differs from the original proposed location in the MoU is required, subject to any Regulatory processes.

The location is now within the central built in area of the school and adjacent to other Sports facilities (Astro turf tennis courts, School pool, netball courts). The proposed new location may still require Resource Consent, given the access for public use is off Station Road. Council needs to consider its support for this location.

- Council ownership is envisaged in the MoU (CI 5.2)

Council will need to consider how ownership operates under a likely maximum 35-year ground lease. Ownership of the building ultimately obligates operational funding provision and long-term renewals funding. As an example whilst the school may be willing to fund a level of operational

costs equal to their current Gyms, this funding level may not align with long term renewals funding nor the level of maintenance costs that arise during the life time of the building.

Council may also consider that funding 100% of the depreciation isn't necessary, particularly if the MoE are involved. This decision could be dependent on the commitments the Ministry of Education agree to for shortfalls for funding future major renewal items ( e.g. roof replacement).

- Council is requested to manage and operate the facility within its organisational resources.

This will have organisational resource implications and reporting process requirements. Consideration will have to be considered on a range of matters that deals with management a situation where Council staff are reporting to different reporting bodies.

- Council is also being requested to be the contracting ( Principal) to the Construction contract

Whilst the form and process around a Construction Contract has yet to be agreed Council by being principal to the contract this will be obligated to accept all legitimate claims, contractual disputes and variations that will arise under the build process.

A number of these matters can only be resolved by progressing more detailed discussion with the MoE on a legal agreement re ownership, management etc.

Consideration of an appropriate procurement process, the form of contract, the project management of this work are all matters that can proceed to be discussed and agreed in parallel to the continued fund raising.

## **Mōrearea | Risk**

There are community, project and operational risks that will need to be considered in addressing Council's commitment and support for this project. Not all can be addressed at this point.

The costs have escalated and the location has changed. The peer review has provided clarity with respect to this and other matters.

Council needs to consider whether these changed circumstances (cost, location, underwriting, and contractual underwriting) are matters of significance and whether consultation is necessary to consider any public concerns.

Project and operational risks are matters that will need to be addressed as part of the project management and procurement process.

Community perception and interest in this project and the changes proposed by the peer review including whether the location and guarantees are things, which will be of community interest, and whether they address community outcomes.

In determining whether this project and/or aspects of it trigger Council's Significance and Engagement Policy (attached?) and require some form of public consultation, could consider the following;

- Does the changed location on the school grounds impede public use /access to the facility, given access from Station Road is part of the proposal?
- Does the new location potentially improve utilisation and provide opportunity for other income source (e.g. MoE)?

- Does the location of the new facility improve the potential for future strategic benefit and therefore enhance opportunities for other community sporting groups interest in the future?
- Is the increased capital funding considered significant given on an annualised basis it will make little impact on rates (\$30- \$50k inclusive of interest)?
- Other parties including the MoE and community groups will fund the balance of the capital funding requirements and therefore will not increase Councils debt liability beyond the \$3 million.
- The risk of underwriting final capital costs can be addressed in the procurement, form of contract and project management processes.
- That future underwriting of operational costs could be minimised by reducing the depreciation liability. Based on annual operating costs for the other similar two courts stadiums will have the impact in the order of 1-2 % increase on the rates.
- Council management of the facility will potentially enhance the synergies between its other recreational facilities (Headon Stadium) in the community. However additional resource will be required and be part of the operational expenses that will support this.
- Do the provisions in the MoU agreed provide sufficient control of risks around time delays, funding increases, lack of progress around fundraising.

Council could conclude that these matters are not significant and therefore they don't trigger the need for special or further Community Consultation.

However if Council considers that aspects of the project are of high community interest then formal consultation on issues Council consider important would be appropriate.

It would be appropriate to consider whether the final decision is consistent with other issues.

It is noted that the commitment to contribute \$2 million funding toward the building of the two Court Stadium has been formally consulted on in two previous Long Term Plan processes.

There are other "risks" for example it is possible also that the Trust is unable to complete its fundraising in the time frame they are hoping .

There will be enthusiasm to commence the preparation of tender documents, detailed design, etc, to demonstrate that progress is made. This phase could move ahead of the raising of all funds.

An operational risk is the capacity of the organisation to professionally and prudently manage what will be a complicated process.

It will be necessary to employ appropriately skilled resource to assist in managing this project. These skills are provided for within the updated estimate.

## **Ngā Whiringa | Options**

Options to consider are;

1. Remain with the status quo financial commitment and continue participating in this process.
2. Council approves the additional funding and the current location.
3. Council agrees to the changes and considers whether it should consult on these matters or not.

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

Council has previously committed to the provision of \$2 million toward the capital costs for a proposed 2 Court Stadium. The Trust is now seeking a further \$1 million.

If Council supports this request for the Trust it would be recommended that, a portion of the additional funding is available for operational matters associated with e.g. legal advice, feasibility work that does not qualify for capitalisation.

The implications of this is that funds for operational purpose would have to be funded from either a Reserve Account or rates.

The capital portion would be funded by way of debt/loan. This issue doesn't affect the total funds being raised, just the way they are provided for.

## Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Communications and timeframes will be developed dependant on the resolution and whether the decision constitutes a significant decision and requires community consultation.

## Ngā take ā-lhinga | Consent issues

Planning Consents may be 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 the use and development of our facilities

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

It is recommended that a portion of the request for additional funds be sourced from reserves funds.

## Ngā Tāpiritanga | Attachments

- A. Signed Memorandum of Understanding dated 17 August 2022 - Matamata Futures Trust, Council & Matamata Board of Trustees
- B. Matamata Indoor Stadium Proposal Presentation (*Under Separate Cover*)
- C. Significance and Engagement Policy 2020 Adopted 22 July 2020

## Ngā waitohu | Signatories

Author(s)	Don McLeod Chief Executive Officer	
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Approved by	Don McLeod <b>Chief Executive Officer</b>	
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*The meeting adjourned for morning tea at 10.19am and reconvened at 10.32am.*



7 Pūrongo me whakataua | Decision Reports

## 7.5 Approval of Solid Waste Management and Minimisation Bylaw for Consultation

CM No.: 2674992

### Rāpopotonga Matua | Executive Summary

Council identified the opportunity to review the Solid Waste Management and Minimisation Bylaw (Bylaw) as part of a wider review of its Consolidated Bylaw 2008. The review has been undertaken to align the Bylaw with Council's Waste Management and Minimisation Plan 2021 (WMMP), new waste contracts to be implemented from September 2023, and significant change to policy and regulation at a central government level.

The review is now complete. It is proposed to revoke the existing Bylaw and replace with a standalone Solid Waste Management and Minimisation Bylaw. This report seeks approval of the attached draft Bylaw and Statement of Proposal (SOP) for public consultation.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information is received.
2. Council determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems.
3. Council determines that the proposed Solid Waste Management and Minimisation Bylaw 2023 meets the requirements of section 155 of the Local Government Act 2002, in that it:
  - i. is the most appropriate form of bylaw;
  - ii. does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
4. Council approves the draft Solid Waste Management and Minimisation Bylaw 2023 for public consultation to revoke and replace the Solid Waste Bylaw 2008 as a result of a review of the Bylaw in accordance with section 158 and 160 of the Local Government Act 2002.
5. Consultation on the Solid Waste Management and Minimisation Bylaw 2023 will be undertaken in accordance with the Special Consultative Procedure pursuant to section 156 of the Local Government Act 2002 (LGA).

Resolution number CO/2023/00005

Moved by: Deputy Mayor J Thomas

Seconded by: Cr C Ansell

**KUA MANA | CARRIED**

### Horopaki | Background

#### Bylaw Review



Under sections 158 to 160 of the Local Government Act 2002 (LGA), Council is required to review all bylaws within five years of their adoption and every ten years thereafter. Council's current Waste Management and Minimisation Bylaw (Bylaw) was last reviewed in 2017, therefore is not due for review until 2027, however Council has identified the opportunity to review its Bylaw to ensure it is fit for purpose in relation to Council's new waste and recycling service delivery and to align with changing government rules and regulations. Policies and procedures to enable the implementation of key elements within the Bylaw are also in development.

Due to their knowledge and expertise in this area, Eunomia Research and Consulting Ltd. were chosen to undertake a review of Council's Solid Waste Management and Minimisation Bylaw 2017. They have extensive experience and knowledge of Waikato and Bay of Plenty Waste Management and Minimisation Plans (WMMP), the national waste data work being led by WasteMINZ, previous licensing and data framework project work, and cost (they are part of the Co-Lab Professional Services Panel).

### Review Process

This project involves the following key steps:

- Inception process;
- Develop bylaw scope;
- Industry engagement with key stakeholders;
- Development of the bylaw clauses;
- Public consultation;
- Finalisation of the bylaw;
- Implementation processes – work with Council to develop internal guidance, procedures, roles and responsibilities and schedules to facilitate implementation of the bylaw.

Early engagement has been undertaken with key stakeholders, to identify the issues that a solid waste management and minimisation bylaw should address - such as event waste, construction/demolition waste, advertising material, backyard burning, multi-unit dwellings (MUDs), etc.

The existing bylaw has been amended to provide draft bylaw wording that addresses issues as agreed above and ensures the bylaw is consistent with, and supports, the new services i.e. Council's new waste contract.

### LGA Determination

The process for review required by section 155 of the LGA consists of the following two stages:

1. Section 155(1) requires Council to determine whether a bylaw is the most appropriate way of addressing the perceived problem; and
2. Sections 155(2) and (3) require Council to consider whether the format of the bylaw is appropriate, and whether any aspect is in conflict with the New Zealand Bill of Rights Act 1990.

There are generally four approaches that are available to Council to achieve its waste management and minimisation objectives as set out in its WMMP. The broad approaches are:

- No action by the Council, i.e. taking a passive approach to the perceived problem by not making a bylaw to address the problem;
- Education and raising awareness to effect behaviour change;

- Industry accords and agreements with Council, i.e, direct action/partnering with industry);
- Regulation (through a bylaw) and legislative change.

The proposed Bylaw provides a regulatory tool for the management of solid waste operations in the Matamata-Piako District (District). Various waste management issues may be addressed through a bylaw, such as:

- Managing and regulating Council's collection services;
- Regulating private collection services to ensure they are aligned with Council's WMMP, and to access data on privately-controlled waste streams;
- Minimising the potential for waste to create a public nuisance; and
- Protecting waste management assets.

Following analysis, the issues noted above are considered appropriate for regulation through a bylaw and the proposed Bylaw has been prepared on that basis.

The draft Bylaw does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990. The proposed bylaw is consistent with the provisions prescribed under the LGA and the Waste Minimisation Act 2008 (WMA).

While government is currently working on a review of the WMA and associated regulations and guidelines, this process is unlikely to be completed until 2025 or 2026 and in the meantime, Council would be left with no regulation at all. It is also likely that any national regulations would only cover some solid waste management and minimisation issues, meaning that Council would still be required to have at least some local regulation. It is considered the best option to adopt a local bylaw at this point, and repeal applicable sections as and when they are made redundant by national regulations.

#### Problems to be addressed by this bylaw

The proposed Bylaw has a wide scope, which is the same as that used in the preparation of the Council's WMMP. This includes all waste and diverted material in the District, with the exceptions of some liquid and gas wastes that are already managed through other policies. Council believes this is necessary to ensure waste is managed in the most effective and efficient way possible, as required by the WMA.

The following issues have been addressed:

- Abandoned vehicles – covered by multiple clauses, including public health protection;
- Construction – site waste management plan requirements included;
- Waste services – definitions and provisions aligned;
- Burning of waste;
- Waste operators – performance requirements outlined;
- Multi-unit developments;
- Event site waste management plans;
- Supporting the Litter Act 1979 (litter and illegal dumping);
- Donation collection points;
- Unaddressed mail.

#### Is the Bylaw in the appropriate form?

The proposed Bylaw is the most appropriate form to address some waste management and minimisation issues because it meets the following tests:

- It is authorised by statutory authority under the LGA;
- It is not repugnant to the general laws of New Zealand;
- The proposed Bylaw is certain and provides clear direction;
- The proposed Bylaw is reasonable; and
- The Bylaw is not overly restrictive, onerous on any person, or impractical.

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

Following the review, it is proposed to revoke the current Bylaw and replace with a standalone bylaw to address solid waste management and minimisation matters in the District.

The current Bylaw, and the new proposed Bylaw, are largely taken from the standard template bylaw that was developed in partnership between the Waikato and Bay of Plenty regional councils, and all the territorial authorities of the two regions. The aim of the template bylaw was to:

- Have a more consistent approach to regulation across the two regions;
- Reduce associated paperwork and duplication of effort;
- Develop a comprehensive template with reliable definitions;
- Be consistent with the National Waste Data Framework; and
- Access cost-effective legal review.

This template has been reviewed and updated over time; for example, to reflect new central government regulations and definitions. It has been widely used outside the Waikato and Bay of Plenty regions including, for example, the Wellington region.

A summary of the sections of the proposed Bylaw is contained within the Statement of Proposal (SOP).

### **Mōrearea | Risk**

No risks have been identified. Council has followed statutory process to review the Bylaw.

### **Ngā Whiringa | Options**

The following options are available to Council:

- a) Adopt the revised Bylaw for consultation;
- b) Abandon the bylaw review.

Staff recommend Option a so that the Bylaw meets Council and community needs and is fit for purpose.

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

If Council adopts the Bylaw as recommended, this would create a new Bylaw.

#### Legislative Framework

Council is authorised to make the proposed Bylaw under sections 145-156 of the LGA, section 56 of the WMA, the Health Act 1956 and the Litter Act 1979. Section 11A of the LGA notes that solid waste is a core function of Council.

### Local Government Act 2002

The LGA outlines the procedure for, and nature of a bylaw review. Council must:

- Identify the perceived problem to be addressed by the bylaw;
- Determine whether a bylaw is the most appropriate way to address the problem;
- Determine whether the proposed bylaw is the most appropriate form;
- Determine whether the proposed bylaw raises implications under the New Zealand Bill of Rights Act 1990 and whether those implications are justified;
- Consult the public.

Section 158 of the LGA requires that councils review their bylaws within five years of them being made and every 10 years thereafter. Any bylaw not reviewed within ten years is automatically revoked. There is no current legislative requirement to review the Bylaw, however Council has identified several issues that require review.

The new Bylaw also will be adopted under the WMA, and therefore will not legally require review sooner than ten years after adoption. It will also be adopted under the LGA which requires (under sections 158-160) for bylaws to be reviewed within five years of their adoption and every ten years thereafter. However, as the most recent piece of legislation relating specifically to waste management, the WMA is considered to take precedence over the requirements of the LGA where the two Acts address similar issues. Therefore, the review provisions of the WMA will apply in this case.

### Waste Minimisation Act 2008

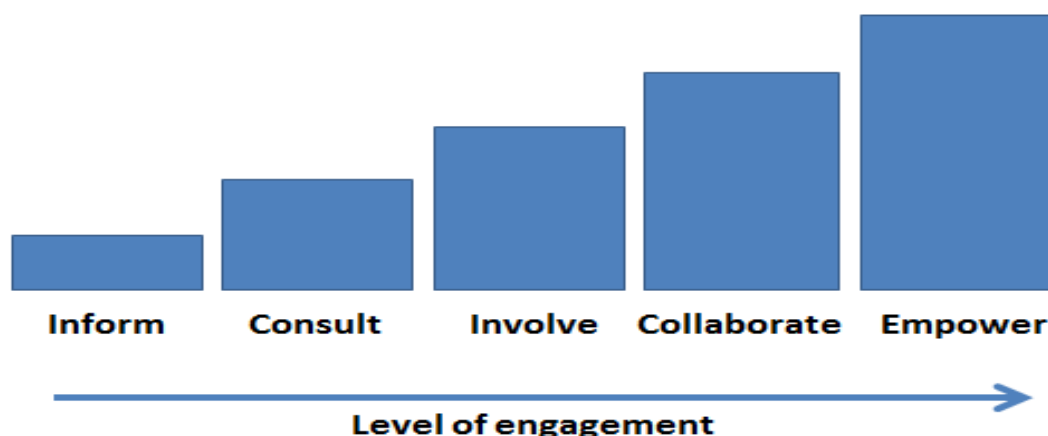
The WMA provides for Council to make a bylaw for the regulation of waste. The Act provides for a bylaw to license persons who carry out the collection and transportation of waste, and to set conditions for licensees. A bylaw must not be inconsistent with the Council's WMMP.

## **Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes**

### Significance and Engagement Determination

Staff have assessed the significance of this matter under the Council's Significance and Engagement Policy (Policy) and the definition of significance in the LGA.

The Policy provides guidance on how to determine significance, and the appropriate levels of engagement in proportion to the level of significance. In general, the more significant an issue is determined to be, the greater the need for community engagement. When assessing the significance, Council take into account a range of matters to determine the appropriate level of engagement.



It is proposed that Council uses the 'consult' approach to engaging with the community on the draft Bylaw.

This topic is part of a range of other issues that Council will be asking the community for feedback on including Fees and Charges and the draft Local Alcohol Policy. The following initiatives are planned during the consultation period to encourage community feedback:

- Letters/emails to key stakeholders;
- Newspaper adverts (Council in Focus);
- Inclusion in email updates/newsletters;
- Consultation form available online;
- Facebook updates.

Section 156 of the LGA outlines the consultation requirements for making, amending, or revoking bylaws made under the LGA. Section 56 of the WMA clarifies that the relevant sections (sections 151, 155, and 156) of the LGA still apply to a bylaw made under the WMA.

#### Special Consultative Procedure

Section 156 of the LGA sets out that when making amending or revoking a bylaw under the LGA, Council must use the special consultative procedure (SCP) if:

- the bylaw concerns a matter identified in Councils significance and engagement policy as being of significant interest to the public; or
- Council considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw;

If none of these apply, Council must consult in a manner that gives effect to the requirements of section 82. In this case the proposal there could be considered to have a significant impact on the public (especially the waste industry) and as such Council is required to consult using the SCP. Using the SCP also aligns with consultation on the other proposals being consulted on alongside this Bylaw.

Section 83 of the LGA details the requirements of the SCP, which include the adoption of a SOP. Section 86 provides further direction on the required content of a SOP. This includes a draft of the proposed amended bylaw, the reasons for the proposal, and a report on the relevant determinations under section 155 of the LGA.

The proposed consultation process includes the following key actions to meet the legislative requirements:

- A SOP, including a draft of the proposed Bylaw, is prepared and adopted by Council for consultation (attached to this report);
- Council gives public notice of the proposal in local newspapers and invites submissions;
- The draft Bylaw and SOP will be made available on Council's website, Council offices (via Kiosks) and at public libraries at Matamata, Morrinsville and Te Aroha;
- The consultation period will run for no less than one month with the submission period scheduled from 14 March 2023 to 11 April 2023;
- Key stakeholders (including waste industry operators) will be advised directly of the consultation process;
- A hearing is scheduled for 3 May 2023 to provide an opportunity for persons to speak to their submissions;
- Council will consider the submissions received, any further comments from those submitters who wish to be heard at the hearing, and any other comment or advice sought from staff or other subject matter experts at a deliberation meeting to be held on 24 May 2023;
- The final Bylaw will be adopted by Council at its meeting on 28 June 2023, with the new Bylaw expected to be in place by July 2023.

#### Timeline

Milestone	Date
Identify key issues, pre-consultation and draft wording	October 2022
Workshop with Elected Members – background	7 December 2022
Workshop with Elected Members – discussion of proposed Bylaw prior to consultation	22 February 2023
Documents approved by Council to consult including: - Draft Bylaw - Statement of Proposal	8 March 2023
Consultation Period	14 March – 11 April 2023
Hearing Date	3 May 2023 (10 May if required)
Deliberations	24 May 2023 (following Council meeting)
Adoption of final bylaw	28 June 2023
Bylaw in force	July 2023

#### **Ngā take ā-lhinga | Consent issues**

No consent issues are noted.

## 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

The cost of the external consultancy to review the Bylaw is \$8,249.00 excluding GST. This is funded from the solid waste budget. The remaining costs relate to the consultation process being advertising and staff time and are funded within the strategies and plans activity as outlined in Council's Long Term Plan 2021 – 2031.

## Ngā Tāpiritanga | Attachments

- A. [DRAFT](#) for Consultation - Solid Waste Management and Minimisation Bylaw - for Adoption by Council 8 March 2023 (*Under Separate Cover*)
- B. DRAFT for Consultation Statement of Proposal - Solid Waste Management and Minimisation Bylaw - for Adoption by Council 8 March 2023

## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Policy Advisor</b>	
Approved by	Niall Baker <b>Policy Team Leader</b>	
	Louisa Palmer <b>Solid Waste Lead</b>	
	Don McLeod <b>Chief Executive Officer</b>	

7 Pūrongo me whakatau | Decision Reports

## 7.8 Te Aroha Industrial Land Development Update

CM No.: 2691846

### Rāpopotonga Matua | Executive Summary

Council identified an opportunity to purchase a property on the town boundary for the purpose of Industrial Development.

The need for further land zoned for Industrial purposes was identified in a recent assessment of supply and demand in each of the District's main towns. The assessment had identified the need for more industrial land in Te Aroha.

This was also brought into sharper focus when a rural service industry indicated that they were unable to identify a suitable property to build on and were considering relocation of their store to another town.

Council undertook to have a due diligence exercise for the property purchased and this is available for consideration.

An independent company with other advisors, who has experience in the property development field, carried out this work.

The report is circulated separately.

This report demonstrates that the market value does not cover the development cost, by a considerable margin.

Council needs to consider whether further information or actions, with respect to this land holding, is needed.

Council could discuss the outcomes with the Rural Service provider and identified whether any land on the site may be suitable for them subject to the consenting process and land development needed are acceptable to them.



## Tūtohunga | Recommendation

That:

1. Council receives the report on the development plan for 25 Waihou Road.
2. Council considers whether any further actions are necessary of further information that it wants to have provided.

## WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council receives the report on the development plan for 25 Waihou Road.
2. Council hereby decides not to proceed with development on 25 Waihou Road at this time.
3. Council seeks legal advice on future options.

Resolution number CO/2023/00006

Moved by: Cr B Dewhurst

Seconded by: Cr S Dean

**KUA MANA | CARRIED**

## Horopaki | Background

An opportunity arose to purchase a rural zoned property on the town edge.

It was suggested that this land could be suitable for industrial zoning, with the possibility that Council may also undertake the development.

In order to confirm this possibility Council requested a due diligence process be undertaken. A company known as The Property group, with experience in the field of property

That work has now progressed to the point that Council needs to determine what further information or actions it would like to consider.

The report will be circulated separately.

## Ngā Take/Kōrerorero | Issues/Discussion

In order for Council to discharge its fiduciary responsibilities adequately, it was identified that it required Due Diligence to be undertake.

The due diligence covered the following

- The areas that were able to be developed taking into account all regulatory restrictions
- The costs of zoning and development
- The likely market value/demand for this type of land

## Mōrearea | Risk

The risks associated with this property include;

- Regulatory requirements
- Geotechnical challenges
- Market value and demand
- Costs of development
- Consenting process

The report from The Property Group considers these matters.

### Ngā Whiringa | Options

The options available to Council are to;

- 1) Proceed with rezoning only – this would involve a process that involve
- 2) Abandon the project and seek guidance on disposal options
- 3) Discuss with individual companies whether a limited development approach may be suitable
- 4) Consider whether there are other uses for the property

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

Given the current information any decision to proceed will likely incur significant costs and unlikely to be recovered through sales.

If a decision was to proceed then it will likely trigger Councils significance policy and Council may consider public consultation is necessary.

### Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Whatever Councils decision there could be public interest in the matter and a communication plan to outline the decision of Council should be prepared.

### Ngā take ā-lhinga | Consent issues

Council would be required to seek a Land Use Consent and consent from the Regional Council because of the proximity of the natural wetland.

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

The funding source for the current work has been allocated from special funds.

Any funding for further work should be identified, once this decision is made.

### Ngā Tāpiritanga | Attachments

There are no attachments for this report.

### Ngā waitohu | Signatories

Author(s)	Don McLeod	
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	<b>Chief Executive Officer</b>	
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Approved by	Don McLeod <b>Chief Executive Officer</b>	
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7 Pūrongo me whakatau | Decision Reports

## 7.9 Approval for the draft Interim Speed Management Plan (ISMP) 2022 - June 2024

CM No.: 2692534

### Rāpopotonga Matua | Executive Summary

Council as a territorial RCA is mandated under the Land Transport Rule Setting of Speed Limits 2022 to prepare a Speed Management Plan, the framework for which was first workshopped back in May 2022. Since then the Speed Management Guide has also been released.

At an earlier workshop, Council made it clear to staff and consultant their intended approach – commencing with schools & maraes, town centres and some local roads. Council also supported the inclusion of elected members to the Project Team/Working party earlier formed by staff, to provide strategic insight as the draft Interim Speed Management Plan (ISMP) progressed.

Much of the pre-consultative work took place from June to December 2022 with discussions taking place across schools and marae in the district. Town centres were also reviewed as were existing speed limits for roads of speed 70km/hr or less.

Speed Management is an action stemming from Road to Zero (the national road safety strategy) published back in December 2019; along with an initial 3-year action plan. It is an approach to road safety first adopted in Sweden and later implemented in Australia before making its way here.

On 15 February 2023, staff and consultant presented the draft Interim Speed Management Plan (ISMP) to the Council Workshop. Some minor amendments were recommended which were combined with some additional changes from staff and consultant to lower some 70km/hr speed limits.

Staff now seek approval from Council for the draft ISMP to be released for public consultation (14 March to 11 April 2023), after which time a separate Hearing and Deliberations will be held with the final ISMP to be sent to the Director of Land Transport for approval.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council approves the latest draft Interim Speed Management Plan to be released for public consultation from 14 March to 11 April 2023.

Resolution number CO/2023/00007

Moved by: Cr J Sainsbury

Seconded by: Cr S Whiting

**KUA MANA | CARRIED**

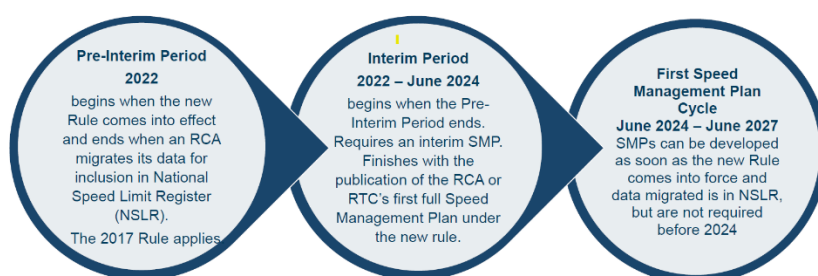
### Horopaki | Background

MPDC's speed management planning has been on-going since early 2022 when most Road Controlling Authorities (councils and Waka Kotahi NZ Transport Agency) began assessing the

new speed framework and preparing to work on their draft interim Speed Management Plans (ISMPs).

Interim relates to the period (2022– 2024) prior to the next full (2024 – 2027) 3-year NLTP cycle, as shown below. NLTP cycles then continue (2027-2030), (2030 – 2033), etc. Council is currently working within the full NLTP 2021-24 cycle. NLTP cycles are important for programming transport investments and setting budgets, however the planning works are envisioned and forecast ahead 10-years.

## Transitioning to the new approach



Pre-Interim Period will last for at most 2 months, as any data not in NSLR will then be entered by the Director

WAKA KOTAHĪ



Back in May 2022 when first discussed by Council, staff and consultant were asked to focus on planning in three (3) logical stages. Priorities in order were:

1. Schools & Marae
2. Town Centres
3. Local roads

Schools and Marae were considered to be areas where real gains could be achieved, they had strong public/community and iwi interest and were seen as locations where safety was paramount – reducing the physical dangers from excess speed in environments that attracted large gatherings of vulnerable road and roadside users (particularly children).

Town Centres were next, recognising that they too attracted large numbers of shoppers, business people etc., whose movements needed to be safeguarded by safe & appropriate speeds and supporting infrastructure – again, vulnerable road and roadside users.

Local roads last. Recognition that this would be the most controversial of all speed management stages. There was much to consider – existing speeds, the road environments, mapping technology, a uniform approach to speed setting, public perceptions, and differences of opinion in terms of the importance of select roads over others.

It was fair to acknowledge that local road speed changes were the least understood, most complex and potentially costly and the most prone to misinformation and disagreement. Allowing more time for local roads enabled Council to better appreciate the findings from the Project Team/Working Party and think through any implications.

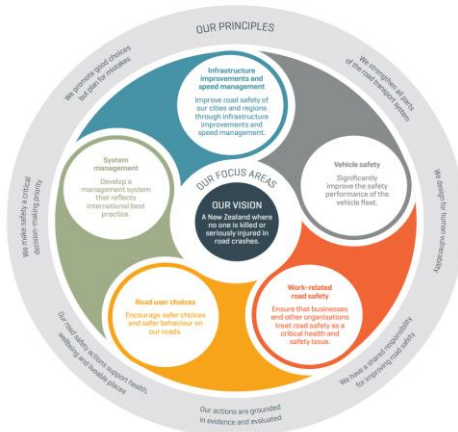
Council also encouraged the inclusion on the existing Project Team/Working Party of elected members, to provide strategic insight. Councillor Dewhurst and Councillor Thomas later joining staff and the consultant.

The National Road to Zero road safety strategy relies on actions that are intended to create behaviour change amongst drivers. A key part of the speed limit setting is an acknowledgement that people make mistakes when driving. Road to Zero adopts a systems-based approach that is well-researched with European origins and international endorsements. It also is visionary and has specific actions.

If effectively implemented, consistently applied, well policed and adhered to, it should gradually reduce the numbers of deaths and serious injuries.

**Our vision is:**

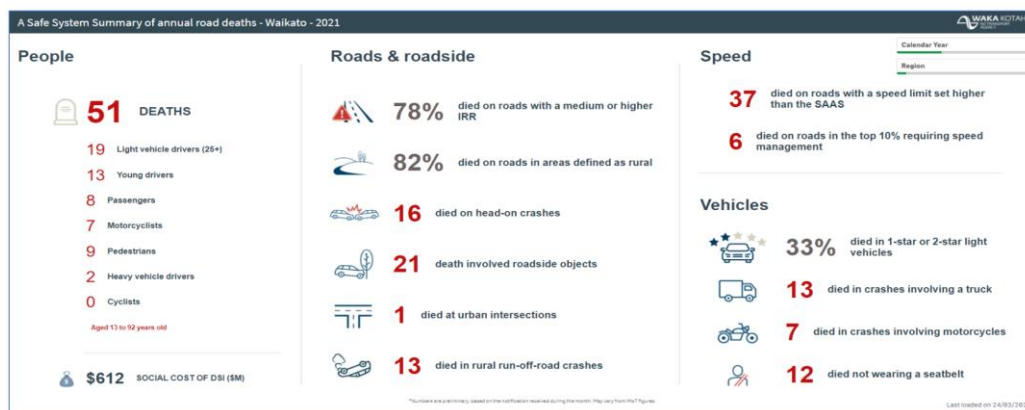
**a New Zealand where no one is killed or seriously injured in road crashes. This means that no death or serious injury while travelling on our roads is acceptable.**



Specific actions that support tackling unsafe speeds include the prioritisation of road policing and investments in safety treatments and infrastructure improvements e.g. median barriers, raised pedestrian crossings, improved markings and signage, etc. This work takes considerable, time, effort and investment to achieve long term goals.

Road safety statistics support the change. *The collective social cost to our region alone for 2021 was reported by Waka Kotahi NZ Transport Agency at \$612 Million (see over).* As a road controlling authority we can really only influence what happens in our district, hence the importance of this Speed Management Plan for our communities.

## Waikato region 2021 – deaths



Research supports a theory that crash severity from excessive speed (the kinetic forces from impact) creates deaths and serious injuries. So, if we plan and engineer differently to reduce the impacts of head-on and side-on collisions and limit interactions between motor vehicles and vulnerable humans (especially the little ones), we can achieve better safety outcomes.

## Speed determines the severity of outcome

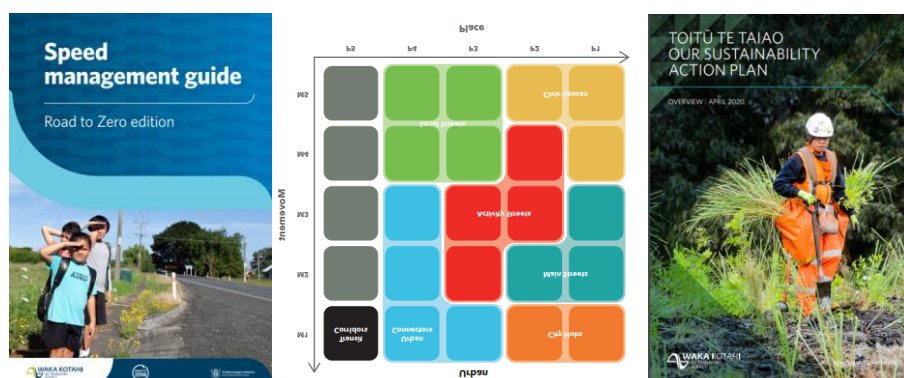
**Regardless of what causes a crash, speed determines the severity of the outcome**



Rules are there to protect us. The Land Transport Rule: Setting of Speed Limits 2022 (The Rule) has changed how we plan, engage, consult and implement speed related road safety initiatives. For example, The Rule now embodies speed factors of concern to Māori and has placed real emphasis on protecting children to safely journey to school and kura. Our focus around the speed environments in town centres as safe places for people has also changed.



The Speed Management Guide drew together The Rule and the main elements of the Road to Zero strategy with Toitū te Taiao (the Waka Kotahi sustainability action plan) and the One Network Framework (the national classification system for streets and roads) to create a principles-based approach to setting speed limits and managing speeds.



The 15 February 2023 workshop was the opportunity for staff and consultant to present the ISMP. It was well received and a couple of requests were received for the examination of possible speed-related improvements on Western Street and Hampton Terrace, Matamata.

Coupled with this, staff and consultant acknowledged that they would also review Schedule 6 of the previous Land Transport Bylaw (now revoked with the National Speed Limit Register in its place) to ensure that all roads (with the exception of Gordon Avenue, Te Aroha) that have a speed limit of 70km/hr be lowered to 60km/h in the draft Interim Speed Management Plan. Also the speed limit for Awaite Road (located in the north east of our district and bounding the Hauraki District) will be aligned with the Hauraki District Council's speed limit of 80km/h. Changes described above are for completeness and are commented on further under Discussion.

Staff now seek approval from Council for the draft ISMP to be released for public consultation from 14 March to 11 April 2023 after which time a separate Hearing and Deliberations will be held with the final ISMP to be sent to the Director of Land Transport for approval.

Speed Management Planning will continue to provide an opportunity to review the network. Follow-ups will include carefully positioned traffic speed counts and decisions around what treatments have been monitored and observed as successful and what can be improved upon.

## Ngā Take | Issues / Kōrerorero | Discussion

As mentioned above, a couple of requests came from the Council workshop 15 February 2023, and staff and consultant had some minor checks of their own - also declared in the workshop.

For that reason, a new version of the ISMP is attached which differs slightly (by including those requests and minor reviews of staff and consultant) from that presented at the 15 February 2023 workshop.

## Mōrearea | Risk

There is an obvious risk to Council if no action is taken as Council has delegated responsibility for administering the safe and efficient operation of the District's transport network. By approving the ISMP Council will advance improvements in line with the national road safety strategy (Road to Zero).

Waka Kotahi NZ Transport Agency's Land Transport Rule: Setting of Speed Limits 2022 states, "All RCAs that are TAs **must** set out the objectives, principles and measures for speed management on relevant roads for at least 10 years from the start of the SMP. This **must** include



a 3-year implementation plan for changes to speed limits, safety cameras and safety infrastructure.”

Council has carefully reduced risk exposure by good planning, focussing efforts on high-priority areas of speed reduction e.g. around schools/kura, marae and town centres, engaging with schools and marae ahead of consultation and providing effective procedures for public consultation.

Work-related road safety is Focus area 3 of Road to Zero (P.24). A key objective is **“Ensure that businesses and other organisations treat road safety as a critical health and safety issue”**. The reason for this is that fatigue, distraction and vehicle safety are important issues, and we know that factors such as long working hours can also impact on the safety of workers travelling to and from their workplace.

More controversial discussions such as speed reductions to existing 100km/hr roads in our district have been kept for later speed management reviews, allowing people in our communities time to better come to terms with speed management and the wider Road to Zero campaign.

Looking at risk from the investment perspective, Council can affect long-term change and do so in a way that adds real value to its communities. The proposed speed programme combines well with other project work - new cycle ways and walkways such as the crown funded Transport Choices package, Council’s footpath-related accessibility works and the creation of new improved modes of travel to/from school hopefully reducing parental need to transport their children to school.

## Ngā Whiringa | Options

Council is mandated to prepare a speed management plan as stated below.

Pursuant to section **3.1 Requirement to prepare speed management plans and meet deadlines** of the Land Transport Rule Setting of Speed Limits 2022,

- (1) The Agency (as RCA), **each territorial authority** and each regional transport committee **must prepare a speed management plan as required by this Section 3** and in accordance with any deadlines set by the Agency under clause 3.6.

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

Central to investment decisions across the land transport system is the Government Policy Statement (GPS), which sets the (4) four strategic land transport system priorities of: **Safety, Better transport options, Improving freight connections and Climate change**.

Additionally, the GPS supports investment in state highways and local roads to accelerate the implementation of the Speed Management Guide, focusing on priority network improvements that result in the greatest reduction in deaths and serious injuries.

Covered-off well throughout this report and at previous workshops is the Government’s road safety strategy - Road to Zero.

The One Network Framework (ONF) is the national classification system that replaced the previous One Network Road Classification (ONRC) and is used to determine the function of roads and streets and inform decision making. The ONF enables Road Controlling Authorities to better define and articulate the differences between urban and rural transport needs and provide a consistent, level playing field for future investment conversations.

## Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Council's approval of the Draft ISMP enables the consultant and staff from Assets, Strategy and Policy to continue to work efficiently with Communications, GIS and Strategic Governance and Partnerships, to prepare, present and communicate ISMP contents to the public for consultation. Consultation is over the period 14 March to 11 April.




Consultation will be followed by a Hearing early May, followed by deliberations.

The final ISMP will then make its way to Kane Patena, Director of Land Transport for approval to set speed limits on local roads within the Matamata-Piako District.

## 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:** Matamata-Piako 'The Place of Choice' – Lifestyle – Opportunities – Home

**Community Outcome:** Roding contributes to this overall vision by providing transportation connections that enable our community to safely travel to and from their destination, transport goods and services and support economic growth.

Roding contributes to the following Community outcomes		
	<b>Connected Infrastructure</b>	Infrastructure and services are fit for purpose and affordable, now and in the future. Quality infrastructure is provided to support community wellbeing We have positive partnerships with external providers of infrastructure to our communities
	<b>Economic Opportunities</b>	Our future planning enables sustainable growth in our District
	<b>Healthy Communities</b>	Our community is safe, healthy and connected

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

The draft ISMP includes an implementation plan (starting with Section 5, page 12). Table 2: Speed Limits around Schools, Table 3: Speed Limit Changes and Table 4: Safety Infrastructure – all have indicative NLTP dates of implementation (subject to change).

Budgets fluctuate according to changing demands (priorities) so no present day costings have been included in the draft ISMP. However, the financial cost of speed management investments is shared fairly equally between Waka Kotahi NZ Transport Agency and Council based on financial assistance rates (F.A.R) and subject to investment work categories. Plus, every effort will be made to maximise inputs from other sources of funding e.g. crown funding provided for Transport Choices.

## Ngā Tāpiritanga | Attachments

A⇒ Draft Interim Speed Management Plan (*Under Separate Cover*)

B⇒ Draft Interim Speed Management Plan - Technical Assessments (*Under Separate Cover*)

## Ngā waitohu | Signatories

Author(s)	Barry Reid <b>Roding Asset Engineer</b>	
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Approved by	Susanne Kampshof <b>Asset Manager Strategy and Policy</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	

7 Pūrongo me whakatau | Decision Reports

## 7.3 Six Month Report - July to December 2022

CM No.: 2691536

### Rāpopotonga Matua | Executive Summary

The Local Government Act 2002 requires Council to adopt its Annual Report and Summary by 31 October each year.

To ensure that there are no unexpected performance or financial matters leading up to this report, a Six Month Report has been prepared to advise of progress and any likely issues that may arise.

At time of writing, the financial section of the Six Month Report was currently under preparation. Attached to this report is a condensed version of the Six Month Report outlining our achievement on performance measures during the period 1 July to 31 December 2022.

The full version of the Six Month Report will be circulated once finalised.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council receive the Six Month Report July – December 2022 and encourage staff to be prudent.

Resolution number CO/2023/00008

Moved by: Cr C Ansell

Seconded by: Cr D Horne

**KUA MANA | CARRIED**

### Horopaki | Background

The Local Government Act 2002 requires Council to adopt its audited Annual Report and Summary by 31 October each year. The Annual Report and Summary must be published within one month of adoption. The Annual Report and Summary must be audited, and an opinion on the Annual Report and Summary provided to Council and the report's readers.

The Six Month Report provides Council with an opportunity to review the non-financial and financial performance of the organisation. The financial information builds on the monthly financial reports whereby staff endeavour to ensure there are no “surprises” for Council.

As at the six month mark, 36 performance measures are on track for the year, with 14 not on track, with 1 measure where information is not available, and 8 performance measures which are only measured at the end of the financial year.

Some of the performance measures are measured through a Customer Survey (Survey) that is undertaken by Versus Research (Versus). This survey asks how satisfied respondents are with a number of different services or facilities that Council provides. Respondents are asked to rate their satisfaction on a 6-point scale with 1 being very dissatisfied and 5 being very satisfied or a sixth option of don't know.

There are 200 randomly selected people surveyed throughout the year. Versus ensure respondents are representative of the overall population of our district in regards to where they live, their sex, age, ethnicity and so forth.

The results from the Survey are used to track our performance against our performance measure targets set in the LTP. The quarter two report dashboard from Versus is attached.

## Ngā Take/Kōrerorero | Issues/Discussion

### Non-financial information

Full details of performance measured to date against our targets are set out in the Six Month Report. A number of these measures can only be measured annually and are not included. E.g. the number of elderly persons housing tenants who are satisfied with the standard of maintenance and accommodation.

### Mōrearea | Risk

Refer to discussion above.

### Ngā Whiringa | Options

The preparation of the Six Month Report is a non-statutory process for Council. The Committee may wish to consider any risks or issues arising from this report.

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

The Annual Report measures our performance against the Long Term Plan 2021-31

### Ngā take ā-lhinga | Consent issues

There are no consent issues.

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

The financial summary is currently being prepared at the time of writing this report. The financial summary will be circulated once finalised.

### Ngā Tāpiritanga | Attachments

- A. MPDC dashboard Quarter 2 2022-2023
- B. Six Month Performance Measure Summary

### Ngā waitohu | Signatories

Author(s)	Christa Kurian <b>Graduate Policy Advisor</b>	
	Larnia Rushbrooke <b>Finance and Business Services Manager</b>	

Approved by	Niall Baker <b>Policy Team Leader</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	
	Don McLeod <b>Chief Executive Officer</b>	

7 Pūrongo me whakatau | Decision Reports

## 7.4 2023/24 Draft Fees and Charges

CM No.: 2673234

### Rāpopotonga Matua | Executive Summary

Council's fees and charges are reviewed annually. The purpose of this report is to seek approval by Council for the 2023/24 Draft Fees and Charges and the corresponding Statement of Proposal for public consultation alongside the Long Term Plan. The Draft Fees and Charges and Statement of Proposal is attached to this report.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council approves the 2023/24 Draft Fees and Charges and corresponding Statement of Proposal for public consultation.
3. Council confirms that it has considered the requirements of Section 80 of the Local Government Act 2002, and acknowledges a minor inconsistency between the proposal to remove overdue fines and fees on library rental items and the current Revenue and Financing policy.

*Cr J Sainsbury, Cr D Horne, Cr K Tappin and Cr S Bourne voted against the motion and wished their vote to be recorded.*

Resolution number CO/2023/00009

Moved by: Deputy Mayor J Thomas

Seconded by: Cr S Whiting

**KUA MANA | CARRIED**

### Horopaki | Background

Each year Council reviews its fees and charges and consults on any proposed changes with the community alongside the Long Term Plan, Annual Plan or other relevant Council documents.

### Ngā Take/Kōrerorero | Issues/Discussion

Council is required to adopt its fees and charges in time for the 2023/24 financial year. The fees and charges have been developed in conjunction with the Long Term Plan budgets for 2023/24, while small amendments will likely have little impact on revenue, larger changes would have a direct impact on the revenue forecast in the Long Term Plan budgets. Any significant changes to the fee structure may not be aligned with our Revenue and Financing Policy set out in the Long Term Plan.

Council was informed of the proposed Fees and Charges schedule for 2023/24 at the 15<sup>th</sup> of February Council workshop. At this workshop managers were invited to explain key changes to the Fees and Charges schedule and answer any questions or concerns Council may have. At this workshop, District Library Manager Melanie Brebner presented Council with the proposal to remove fees and fines on library rental items.

Attached to this report is the District Library Manager's Fees and Fine Free report and a report on the current revenue position of libraries in the District. The latter of these reports notes a minor

inconsistency between the proposal to remove fees and fines and the Council's current Revenue and Financing policy which Council should give consideration to.

### **Changes**

The majority of the fees and charges, with the exception of the key changes outlined in the Statement of Proposal, have remained the same or have been increased based on inflation data from Business and Economic Research Ltd (BERL) and then rounded accordingly. This is to ensure our fees and charges are up to date and reflect actual and reasonable costs. Where fees and charges have changed (either increased or decreased) these are explained with reasons for the proposed changes in the 2023/24 Draft Fees and Charges and Statement of Proposal. These documents are attached.

### **Mōrearea | Risk**

The Fees and Charges form a key revenue source for a number of Council activities. Any change to the revenue from user fees will have a financial impact.

### **Ngā Whiringa | Options**

Options are included in the Statement of Proposal.

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

#### Section 150

Under Section 150 of the Local Government Act 2002 (LGA) Council may prescribe fees or charges in the form of a bylaw made under the LGA or separately using the principles of consultation. In addition, other legislation such as the Resource Management Act 1991 (RMA) and Building Act 2004 delegates Council with the ability to fix fees or charges relevant to certain administration purposes (such as processing resource consents).

Under Section 150(3) of the LGA, fees and charges maybe prescribed using bylaws or separately using the principles of consultation set out in section 82. Fees and charges provided for by other legislation must be carried out under section 83 of the LGA. Council has opted not to use bylaws to set fees and charges at this time. Therefore, consultation will be undertaken.

#### Section 82

Under section 82 of the LGA, where Council is required to consult in accordance with section 82 it must make the following publicly available:

- the proposed fees and charges and the reasons for the proposal
- an analysis of the reasonably practicable options including the proposal

#### Section 83

Where the LGA or any other legislation requires Council to use section 83, Council must ensure that the following is publicly available:

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



The Council must make a summary of the information or the Statement of Proposal as widely available as is reasonably practicable as a basis for consultation and provide an opportunity for persons to present their views to the Council.

Consultation for fees and charges is to be undertaken in accordance with the section 83 special consultative procedure principles. Undertaking consultation through section 83 ensures that Council meets both the requirements of section 82 for Council set fees and charges as well as fees and charges delegated to Council by other legislation requirements. It is proposed to consult on the fees and charges alongside the Long Term Plan.

#### Revenue and Financing Policy

As drafted the fees and charges are mostly consistent with Council's Revenue and Financing Policy. Significant changes in the setting of the fees and charges would potentially be inconsistent with Council's Revenue and Financing Policy.

For any decision that is *"significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment* (such as the Revenue and Financing Policy), Section 80 of the Local Government Act 2002 requires that

*the local authority must, when making the decision, clearly identify –*

- a) The inconsistency; and*
- b) The reasons for the inconsistency; and*
- c) Any intention of the local authority to amend the policy or plan to accommodate the decision."*

Council could opt to amend the Revenue and Financing Policy after consulting on the proposed amendments in a manner that gives effect to the requirements of section 82 of the LGA. If Council amends its policy only a significant amendment is required to be audited.

In respect to Section 80, there is a minor inconsistency between the proposal to remove fines and fees for overdue library rental items and the current Revenue and Financing policy as outlined in the LTP. The current Revenue and Financing Policy states that fees and charges will fund 1-10% of Council's library activities. Currently, overdue fees and fines received from rentals make up 0.6% of Libraries' total revenue. The removal of these fees and fines is expected to result in a small inconsistency with the Revenue and Financing policy.

At this time, it is advised that Council acknowledge the inconsistency between the proposal to remove fines and fees for library rental items and the current Revenue and Financing policy. Council should give consideration to an amendment of the Revenue and Financing policy at the next review of this policy, planned as part of the 2024 Long-Term Plan.

Staff are continuing to investigate any further inconsistencies between the proposed fees and charges for 2023/24 and the Revenue and Financing Policy. Information will be appropriately circulated to Councillors in the case that further inconsistencies are to arise.

Council reviews its Revenue and Financing Policy every three years alongside the Long Term Plan. At that time, the Policy could be amended to provide for these changes.

#### **Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes**

A Communications Plan will be developed to ensure that the community is informed and has the opportunity to provide input. The Special Consultative Procedure set by section 83 of the Local Government Act will be followed.



## Timeframes

Process	Date
Council approve statement of proposal and Fees and Charges for public consultation	8 March 2023
Consult the community (alongside Long Term Plan)	14 March – 11 April 2023
Council hearing (volume of submitters will determine if the meeting is required to run for both days)	3 May & 10 May 2023
Adopt Fees	30 June 2023
New Fees apply	1 July 2023

## Ngā take ā-lhinga | Consent issues

There are no consent issues.

## 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

The fees and charges set by Council are done on the basis of either total or partial cost recovery for certain services. The proportion of costs intended to be recovered for any given activity is set out in Council's Revenue and Financing Policy. This in turn influences the level of fees set for a service. Changes to the level of fees charged for a service will impact Councils budgets (potentially increasing or decreasing revenue from this source).

## Ngā Tāpiritanga | Attachments

- A. Draft SOP Fees and Charges Bylaw 2023/24
- B. Revenue & Financing Policy - extracted from LTP 2021-31
- C. [FINAL Fees and Charges 2023-24 V2 \(Under Separate Cover\)](#)
- D. Library Fine and Fees Free Proposal for Council 8th March
- E. Libraries Revenue Position

## Ngā waitohu | Signatories

Author(s)	Christa Kurian <b>Graduate Policy Advisor</b>	
Approved by	Niall Baker <b>Policy Team Leader</b>	
	Don McLeod <b>Chief Executive Officer</b>	

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*Item - 7.5      Approval of Solid Waste Management and Minimisation Bylaw for Consultation -  
has been moved to another part of the document.*

Item tabled as part of Pānui i Ngā Take Ohore Anō | Notification of Urgent Additional Business

8 Ngā Pūrongo Whakamārama | Information Reports

## 8.2 Risk and Assurance Committee - Chair Summary Report

CM No.: 2673234

### Rāpopotonga Matua | Executive Summary

Mayor Adrienne Wilcock in attendance to present Risk and Assurance Committee's Chair Summary Report from the meeting held on 7 March 2023.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.

Resolution number CO/2023/00010

Moved by: Cr B Dewhurst

Seconded by: Deputy Mayor J Thomas

**KUA MANA | CARRIED**

#### NGĀ TĀPIRITANGA | ATTACHMENTS

A MPDC - RAC - 070323 - Chairperson Verbal Report

7 Pūrongo me whakatau | Decision Reports

## 7.6 Approval of Rates Remissions Policies for Consultation

CM No.: 2692869

### Rāpopotonga Matua | Executive Summary

A new kerbside collection service is to be introduced from September 2023. This has implications for properties charged the targeted rate for the service for the 2023/24 financial year. Therefore, an amendment to Council's Policies on the Remission and Postponement of Rates (Policies) is proposed.

This report recommends that Council adopt the draft Policies for consultation so that community feedback under the Local Government Act 2002 (LGA).

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. the information is received;
2. Council adopt the draft Policies on the Remission and Postponement of Rates Policies and Statement of Proposal as attached to this report for consultation;
3. Consultation on the draft Policies on the Remission and Postponement of Rates will be undertaken in accordance with the Local Government Act 2002.

Resolution number CO/2023/00011

Moved by: Cr J Sainsbury

Seconded by: Cr C Ansell

**KUA MANA | CARRIED**

### Horopaki | Background

#### Proposed Rates Remissions Related to Kerbside Collection

A new kerbside collection contract will commence during the first quarter of the 2023/24 financial year. It is intended that the kerbside collection service will no longer be available to rating units within the central business district, commercial, and industrial areas from 1 September 2023. Additionally, properties in some private roads, private lanes and right-of-ways that do not currently receive a kerbside collection, will start to receive the service from 1 September 2023.

To ensure that properties are only charged for the service as it is available to them, it is proposed to add two new remissions to Council's Policies on the Remissions and Postponement of Rates (Policies).

The proposed rates remissions will be applied at the time that Council strike the rates, so that Council can transparently show and highlight this on the rates assessment.

### Ngā Take | Issues / Kōrerorero | Discussion

It is proposed to consult with the community on the proposed changes, in conjunction with a range of other issues that Council is consulting on at the same time, including Fees and Charges and the draft Local Alcohol Policy.

The following changes to the Policies are proposed:

#### Proposed Remissions Related to Kerbside Collection

To ensure that properties are only charged for the kerbside collection service as it is available to them, it is proposed to add two new remissions to the Policies as follows:

1. For the CBD/commercial/industrial properties that will no longer receive the kerbside collection service from September 2023, it is proposed to amend the Policies to allow Council to charge the relevant properties the standard targeted rate at 1 July 2023, and remit the portion from September 2023 to 30 June 2024, so they effectively only pay for the two months that they receive the service.
2. For the private roads, lanes and right-of-ways that do not currently receive the kerbside collection service but will start to from September 2023, it is proposed to amend the Policies to allow Council to charge the relevant properties the standard targeted rate at 1 July 2023, and remit the portion from 1 July 2023 to September 2023, so they effectively only pay for the 10 months that they receive the service.

#### Other Proposed Amendments to the Policies

In addition to the proposed amendments above in respect of the kerbside collection contract, there are two further amendments proposed:

1. **Policy on the remission of rates on Maori freehold land, and Policy on the postponement of rates on Maori freehold land**  
In the conditions and criteria sections of both of these policies, it is proposed to remove the specific conditions relating to the timing of making applications for remission for the 2022/23 rating year (which were inserted last year to accommodate for the late adoption of the policy). This change is of a housekeeping nature only.
2. **Policy on remission of pan charge targeted rates based on water use, and Policy on remission of pan charge targeted rates for educational establishments**  
Council charges non-residential properties connected to the wastewater network based on the number of pans they have. Council then has an existing remission policy that effectively reduces that number of pan charges by considering the volume of water being used by the property. In effect, the volume of water going into a property is considered to be a more relevant indicator of the volume of waste going out of a property, than the number of pans a property may have.

The policy currently states that the deemed average water consumption per single residential rateable property is 328 cubic metres of water per annum. This is referred to as the Household Equivalent Unit (HEU). The policy states that the HEU may be periodically reviewed. The deemed HEU for water was reduced to 252 cubic metres in 2021 (for the purpose of calculating metered water rate charges), therefore it is proposed to update this within the Policies accordingly.

The effect of this amendment will be that the total value of remissions applied will reduce, which will mean non-residential users will be charged a slightly larger share of the total wastewater rate than currently.

The draft Policies and the associated Statement of Proposal is attached to this report for Council to approve for formal consultation. Legal advice is currently being sought on the wording of the policies and any updates received will be circulated separately.

### Mōrearea | Risk

If Council do not adopt the draft Policies as amended for public consultation and the Policies remain the same, there will be no provision for Council to remit rates as a result of changes to the kerbside collection service. This means that some ratepayers may be paying for a service they are not receiving, and vice versa.

### Ngā Whiringa | Options

The following options are available:

- Council can adopt the draft Policies and Statement of Proposal for public consultation as proposed or may provide instructions to staff to amend the Policies prior to consultation.
- Council can choose not to adopt the draft Policies and Statement of Proposal for public consultation. Therefore, the Policies would remain as they are currently.

It is recommended to adopt the Policies and Statement of Proposal as attached (subject to legal review) and to seek feedback from the community.

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

The Policies are formed under sections 102 and 109 of the LGA and section 85 of the Local Government (Rating) Act 2002.

Section 102 provides for Council to consult on a draft policy or amend an existing policy in accordance with section 82 of the Local Government Act 2002. Consultation is required a manner that gives effect to the requirements of section 82.

### Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Council's Significance and Engagement Policy guides Council's approach to consultation. As consultation is required under the LGA, this determines the scope of the consultation.

The proposed amendments to the Policies will directly affect those people/properties for which will have their rates remitted and a targeted approach to consultation is planned. Out of District ratepayers will also need to be considered as both occupiers and owners are potentially affected by the proposed changes.

#### Timeline for Consultation

Milestone	Date
Documents approved by Council to consult including: <ul style="list-style-type: none"><li>- Draft Policies on the Remission and Postponement of Rates</li><li>- Statement of Proposal</li></ul>	8 March 2023
Consultation Period	14 March – 11 April 2023
Hearing Date	3 May 2023 (10 May if required)

Deliberations	24 May 2023 (following Council meeting)
Adoption of final Policies	28 June 2023
Policies to apply from	July 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

A consultation process to amend the remission policies is required. The associated costs of this include the placement of public notices and staff costs in supporting the submissions and hearings process.

Costs relating to a legal review of the Policies is estimated to be around \$3,000.

## Ngā Tāpiritanga | Attachments

- A⇒ Draft Policies on the Remission and Postponement of Rates 2023 - for Adoption by Council 8 March 2023 (*Under Separate Cover*)
- B⇒ Draft for Consultation - Statement of Proposal Policies on the Remission and Postponement of Rates 2023 - for Adoption by Council 8 March 2023 (*Under Separate Cover*)

## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Policy Advisor</b>	
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Approved by	Niall Baker <b>Policy Team Leader</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	
	Don McLeod <b>Chief Executive Officer</b>	



7 Pūrongo me whakatau | Decision Reports

## 7.7 Approval of Draft Local Alcohol Policy for Consultation

CM No.: 2690410

### Rāpopotonga Matua | Executive Summary

A draft Local Alcohol Policy has been prepared in accordance with the requirements of the Sale and Supply of Alcohol Act 2012. Research and pre-consultation has been completed, with options considered for the draft Local Alcohol Policy.

This report recommends that Council adopt the draft Local Alcohol Policy for consultation so that community feedback can be sought using the Special Consultative Procedure as prescribed in the Local Government Act 2002.

A summary of the proposed changes is detailed below:

- **The draft LAP has been streamlined** to provide clearer guidance for applicants, licence holders, and the DLC in its decision-making.
- Inclusion of a location clause for on-licences to make it clear that **Council's preference is for on-licences to be restricted to 'Business Zones'** in the District. The current LAP has no policy in this area, meaning there is no guidance for the DLC when making decisions about the location for on-licences.
- Inclusion of a special consideration within the discretionary conditions for on-licences to provide **strong direction to the DLC to have particular consideration to a one-way door restriction if deemed appropriate.**
- Council proposes to **update the maximum trading hours for off-licences** as below:

Current LAP	Proposed changes to Draft LAP
7am to 9pm	<ul style="list-style-type: none"><li>- Off-Licensed Premises (apart from standalone bottle stores) 7am to 11pm</li><li>- Standalone bottle stores: 9am to 9pm</li></ul>

- **No further off-licence is to be issued for any premises within a 100 metre radius of an existing off-licensed premises or sensitive site** (including schools, parks and reserves, places of worship, marae and playgrounds).<sup>1</sup>

<sup>1</sup> Note that this policy provision does not include supermarkets or bottle stores.

## WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. the information is received.
2. in preparing a draft Local Alcohol Policy, Council has given due regard to the following matters as required by section 78(2) of the Sale and Supply of Alcohol Act 2012:
  - the objectives and policies of its district plan; and
  - the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises; and
  - any areas in which bylaws prohibiting alcohol in public places are in force; and
  - the demography of the district's residents; and
  - the demography of people who visit the district as tourists or holidaymakers; and
  - the overall health indicators of the district's residents; and
  - the nature and severity of the alcohol-related problems arising in the district.
3. as required by section 78(4) of the Sale and Supply of Alcohol Act 2012, Council has consulted with, and had due regard to, the information, evidence and advice provided by the Police, Licensing Inspector and the Medical Officer of Health.
4. Council adopts the draft Local Alcohol Policy and Statement of Proposal, as attached to this report, including the amendment identified.
5. the associated Research Report and Issues and Options Report as attached to this report be made available for consultation.
6. Consultation on the draft Local Alcohol Policy will be undertaken in accordance with the Local Government Act 2002 and the Sale and Supply of Alcohol Act 2012.

Resolution number CO/2023/00012

Moved by: Cr J Sainsbury

Seconded by: Cr K Tappin

**KUA MANA | CARRIED**

## Horopaki | Background

### Legislation

On 18 December 2012, the Sale and Supply of Alcohol Act (the Act) came into force, which repealed and replaced the Sale of Liquor Act 1989. The Act's aim is to minimise alcohol-related harm, and to encourage the safe and responsible sale, supply and consumption of alcohol. The Act also signalled a new community-oriented approach to licensing - empowering councils to develop local policies to strengthen community input into decision-making.

The object of the Act is that:

- 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.*

Harm is defined broadly in the Act with section 4(2) stating that '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).*

### Legislative Reform

In December 2022, the Sale and Supply of Alcohol (Community Participation) Amendment Bill (the Bill) was introduced to the House of Representatives. The Bill aims to support the original intent of the Act by improving communities' ability to influence alcohol regulation in their area. The Bill proposes a number of targeted changes to the alcohol licensing process provided for in the Act. Council made a submission in general support of the intent of the Bill.

A key proposal is to remove the right to appeal a council's Local Alcohol Policy (LAP). The right to bring judicial review proceedings will remain, and will be unaffected by the removal of the ability to appeal a LAP.

Staff are keeping a watching brief on this legislation as it moves through the House of Representatives, including how this may affect Council's current review. Further information on the Bill can be found here: [https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL\\_130167/sale-and-supply-of-alcohol-community-participation-amendment](https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_130167/sale-and-supply-of-alcohol-community-participation-amendment)

### Licensing

A licence is required to sell or supply alcohol to the public. Applications must be submitted to the Matamata-Piako District Council District Licensing Committee (DLC). The DLC is a committee of Council and decides applications for:

- New and renewed licences and managers' certificates, regardless of whether these are contested (contested applications are applications opposed by licensing inspectors, Police or Medical Officers of Health, or objected to by members of the public);
- Temporary authorities and temporary licences;
- Variation of licences; and
- Most enforcement action for special licences.

### Local Alcohol Policies

Section 75 of the Act enables Council to have a policy relating to the sale, supply or consumption of alcohol within its district. The purpose of a LAP is to encourage the responsible sale, supply and consumption of alcohol in its geographical area.

The development of a LAP allows Council to tailor alcohol licensing approaches to suit local circumstances. LAPs also offer a significant opportunity to help minimise alcohol-related harm within its community.

A LAP:

- a) May provide differently for different parts of its district; and;
- b) May apply to only part (or two or more parts) of its district; and;
- c) May apply differently to premises for which licences of different kinds are held or have been applied for.

It is not mandatory to have a LAP and therefore, Council may choose not to have a LAP in place. If that is the case, the provisions of the Act would apply. Licensing decisions would be made in accordance with section 105 of the Act, and the default maximum trading hours would apply as per section 43:

- 8am – 4am for on-licences (such as pubs, restaurants and bars); and club licences;
- 7am – 11pm for off-licenses (such as standalone bottle stores and supermarkets).

### Contents of a LAP

Section 77(1) of the Act details that a LAP can only include policies related to licensing, as below:

- a) location of licensed premises by reference to broad areas:
- b) location of licensed premises by reference to proximity to premises of a particular kind or kinds:
- c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds:
- d) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district:
- e) maximum trading hours:
- f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions:
- g) one-way door restrictions.

Note that (a) to (d) above do not apply to special licences, or premises for which a special licence is held or has been applied for.

### Purpose of a LAP

Having a LAP in place allows the community to have a say about how alcohol is sold and supplied in their area.

When a LAP is in place, the DLC must have regard to it when making decisions on alcohol licensing applications, along with assessing licence applications against the criteria set out in section 105 of the Act. The LAP is intended to be a reference document for the Alcohol Regulatory Licensing Authority (ARLA) and the DLC to consult and have regard to.

Pursuant to section 108 of the Act, a licence may be refused if, in the opinion of the DLC, the issue of the licence, or the consequences of the issue of the licence would be inconsistent with a relevant LAP.

Pursuant to section 133 of the Act, the DLC must *not* take into account any inconsistency between a relevant LAP and the renewal of a licence or the consequences of its renewal; however, conditions may be imposed on the licence if it is considered that the renewal of the licence or the consequences of the renewal of the licence without those conditions imposed on it would be inconsistent with the LAP.

### LAP Review

Section 97 of the Act requires Council to review its LAP using the special consultative procedure (SCP) as set out in the Local Government Act 2002 (LGA):

- a) No later than six years after it came into force; and
- b) No later than six years after the most recent review of it was completed.

Council's current LAP was adopted on 24 January 2017 and came into force on 26 April 2017 (except for the maximum trading hours which came into force on 26 July 2017). Council's review is therefore required to be completed prior to the date that the current LAP came into force.

The steps taken to review Council's LAP are set out in the Research Report.

### Pre-Consultation

As per the requirements of section 78(4) of the Act, Council has consulted with the Police, Licensing Inspectors and the Medical Officer of Health. Representatives from these groups attended a Council workshop on 8 February 2023 to discuss recommendations for the draft LAP for the Council's consideration. A summary of their recommendations is included in the Research Report.

In addition to this requirement, Council undertook further research and engagement with stakeholders and interested parties, including a community survey, meetings, phone calls, and drop in sessions. The LAP review was also discussed with Te Manawhenua Forum Mo Matamata-Piako, and the Waharoa (Matamata) Aerodrome Committee.

### Summary of Research

A research report has been prepared to identify key trends in relation to alcohol in the District (attached to this report). The research report is intended to inform the review of Council's LAP and the development of a draft LAP for community consultation as well as to assist with providing information to support people wanting to provide feedback.

The following key points were identified as a result of this research and pre-consultation:

- Although most people who drink, do so responsibly, there is harm occurring in our community;
- The alcohol sector (and the hospitality sector as a whole) is an important contributor to the District's economy;
- The tourism industry is growing (and recovering) after COVID-19 with Matamata in particular a popular place to visit, therefore, access to alcohol and associated entertainment should be considered;
- The community supports Council having a LAP in place to provide for local rules that suit our District;
- Many people in our community are concerned about the availability of alcohol and think there are too many places to buy alcohol in our towns;
- Māori, youth and those living in deprived areas, are more at risk of alcohol-related harm in our community. Our District has a slightly higher Māori population than the national average and this population group has a large cohort of young people;
- The busiest time for Emergency Department's across the country is 'after hours' - on weekends, evenings and overnight, with 57% of alcohol related presentations occurring in the period from Friday night to Monday morning;
- Police raised concerns about the number of late night incidents related to on-licensed premises in Matamata;
- Police does not currently produce statistics that detail if a crime or proceeding is alcohol-related or not. However, the data shows an increase in victimisations with a reduction in the number of Police proceedings in the District.
- Over six years, there were 208 crashes in the District that involved alcohol, with seven recorded as fatal. Police data shows an increase in the number of alcohol-specific traffic offences over time;
- Te Whatu Ora – Waikato detailed evidence that suggests a strong link between the availability of alcohol, and alcohol-related harm, i.e. greater availability leads to greater consumption of alcohol which in turn leads to negative social outcomes, including alcohol harm, antisocial behaviour, and alcohol-related offences;

- Alcohol use can lead to severe acute and chronic harms to health and is associated with a wide range of physical, mental and social harms. Harm from alcohol has a wide range of negative effects and consequences not only to the individual, but also to their family and the wider community, e.g. family violence, financial hardship, and crime and disorder.
- Between 01/01/2020 to 31/12/2021, 320 Emergency Department presentations at Waikato Hospital were flagged as alcohol related and from the Matamata-Piako District. Sadly, 10 people died during their presentation with Matamata-Piako residents taking up over 1,000 Emergency Department bed hours during those two years.

### Ngā Take | Issues / Kōrerorero | Discussion

This report recommends that Council adopt a draft LAP so that views of the wider community can be sought using the SCP. Staff have prepared a draft LAP and have considered each policy option (location, whether further licences should be issued, maximum trading hours, discretionary conditions and one-way door restrictions) to meet the objectives of the legislation and with regard to research and community opinion. Full discussion of policy options and considerations can be found in the attached Issues and Options report which will also be available for review on Council's website.

A summary of the proposed changes is detailed below:

- **The draft LAP has been streamlined** to provide clearer guidance for applicants, licence holders, and the DLC in its decision-making.
- Inclusion of a location clause for on-licences to make it clear that **Council's preference is for on-licences to be restricted to 'Business Zones'** in the District. The current LAP has no policy in this area, meaning there is no guidance for the DLC when making decisions about the location for on-licences.
- Inclusion of a special consideration within the discretionary conditions for on-licences to provide **strong direction to the DLC to have particular consideration to a one-way door restriction if deemed appropriate.**
- Council proposes to **update the maximum trading hours for off-licences** as below:

Current LAP	Proposed changes to Draft LAP
7am to 9pm	<ul style="list-style-type: none"><li>- Off-Licensed Premises (apart from standalone bottle stores) 7am to 11pm</li><li>- Standalone bottle stores: 9am to 9pm</li></ul>

- **No further off-licence is to be issued for any premises within a 100 metre radius of an existing off-licensed premises or sensitive site** (including schools, parks and reserves, places of worship, marae and playgrounds).<sup>2</sup>

### Mōrearea | Risk

If the Council subsequently adopts a LAP following the consultation process, there is a risk that appeals will be made to ARLA. There is also the risk of a party bringing judicial review proceedings against the Council, challenging the process which the Council has used to develop the LAP. However, it is considered that the provisions of the draft LAP fall within the parameters of

<sup>2</sup> Note that this policy provision does not include supermarkets or bottle stores.



section 77(1) of the Act and that the draft LAP does not contain policies on any matter not relating to licensing.

Further, the Council has adopted a robust process in order to gather and give consideration to the matters as required in the Act, and have sought to identify and assess all reasonably practicable options.

### **Ngā Whiringa | Options**

The following options are available:

1. Council may adopt the draft LAP as proposed for consultation.
2. Council may provide instructions to staff to amend the LAP prior to consultation.
3. Discontinue the development of the draft LAP. If this option were pursued, this would mean the current LAP would remain in force indefinitely unless Council resolves to revoke it. Additionally, Council would not meet its statutory requirements under the Act to review the policy.

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

The Act allows Council to have a LAP which relates to the sale, supply, or consumption of alcohol within the District. It is not mandatory to have such a policy.

In producing a draft LAP, Council has had due regard to the matters in section 78(2) of the Act. With respect to compliance with section 78(4), Council has consulted with the Police, Licensing Inspector, and the Medical Officer of Health with relevant information gathered as part of a research report to inform the review of the policy.

The LAP is one document that forms part of a community response to alcohol related harm in the District. To support the LAP, Council has an alcohol ban within its Public Safety Bylaw (Bylaw) contained within the Consolidated Bylaw 2008. This prohibits the consumption of alcohol 24 hours a day, 7 days a week within the townships of Matamata, Morrinsville, Te Aroha and Waharoa. The purpose of the Bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places.

The Bylaw can be seen as an effective tool for reducing the number of alcohol-related problems in alcohol ban areas and is enforced by the Police.

### **Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes**

Staff have assessed the significance of this matter under the Council's Significance and Engagement Policy and the definition of significance in the Local Government Act 2002.

Staff have determined that the adoption of a LAP has a medium to high level of significance. This is due to the likely consequences for the District. (For example if adopted it will change the maximum trading hours for licensed premises in the District). Proposed changes to the LAP will potentially directly and indirectly affect a large number of persons including licence holders, patrons of licensed premises, enforcement authorities, and health providers.

Following adoption of the final LAP, the DLC will be required to have regard to the policy for each decision it makes on all licensing applications. Additionally, this matter has the potential to generate a high level of community interest.

Given the high level of significance; Council needs to ensure that its decision-making procedures meet the requirements of Part 6 of the LGA. Section 79 of the Act requires Council to consult on the draft LAP using the SCP of the LGA.



This topic is part of a range of other issues that Council will be asking the community for feedback on (including Fees and Charges, and the amended Solid Waste Management and Minimisation Bylaw. The following initiatives are planned during the consultation period to encourage community feedback:

- Letters/emails to key stakeholders including alcohol licence holders and community agencies/support services;
- Newspaper adverts (Council in Focus);
- Inclusion in email updates/newsletters;
- Consultation form available online;
- Attendance at community meetings (e.g. Business Breakfast);
- Facebook updates.

### Next Steps

If Council decides to adopt a draft LAP, consultation will be sought with the community using the SCP. Following the submission process, if Council chooses to continue with policy development, a provisional LAP will be prepared based on the feedback received. Council is required to publically notify its provisional LAP, after which anyone who submitted on the draft LAP as part of the consultation process will be able to appeal to ARLA on any element of the provisional LAP. The only ground for which an appeal can be made is that an element is unreasonable in light of the object of the Act.

Following resolution of appeals (if any are received), Council can then formally adopt the LAP.

### Timeline

<b>Key Task</b>	<b>Dates</b>
Community Survey	October/November 2022
Discuss research findings, key issues and draft LAP provisions with Council (workshops)	8 & 22 February 2023
Council to approve draft LAP for consultation using SCP	8 March 2023
Consultation period	14 March – 11 April 2023
Hearing date	3 May (back up date 10 May) 2023
Deliberations and decision-making	24 May 2023
Prepare provisional LAP (if Council decides to continue with policy development)	June 2023
Council to approve provisional LAP following feedback	28 June 2023
Council to publicly notify provisional LAP (30 day appeal period will follow)	Early July 2023
Appeals heard by ARLA and resolved	Timing unknown
Adoption and notification of final LAP	Early August 2023 at the earliest (if no appeals)

	received) Or when appeals resolved
Any change to trading hours implemented	Early November 2023 at earliest

## 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:** Our community is safe, healthy and connected; we encourage community engagement and provide sound and visionary decision making.

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

The SCP, as defined in the LGA will be required if the Council decides to adopt the draft LAP for consultation. The main costs of this are around the placement of public notices and staff costs in supporting the submissions and hearings process. Advertising costs for consultative activities are budgeted for in the 'Strategies and Planning' activity in the Long-Term Plan 2021-31.

Any appeals received following public notification of Council's provisional LAP may result in potentially significant costs and resourcing implications for Council to work through this process.

## Ngā Tāpiritanga | Attachments

- A. DRAFT Local Alcohol Policy for 8 March 2023 Council Meeting (*Under Separate Cover*)
- B. DRAFT Local Alcohol Policy with tracked changes for 8 March 2023 Council Meeting (*Under Separate Cover*)
- C. Statement of Proposal Local Alcohol Policy for 8 March 2023 Council Meeting
- D. Research Report Review of Local Alcohol Policy 2023 (*Under Separate Cover*)
- E. Issues and Options Paper Review of Local Alcohol Policy 2023

## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Policy Advisor</b>	
Approved by	Niall Baker <b>Policy Team Leader</b>	
	Don McLeod <b>Chief Executive Officer</b>	

Item - 7.8      Te Aroha Industrial Land Development Update - has been moved to another part of the document.

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Item - 7.9      Approval for the draft Interim Speed Management Plan (ISMP) 2022 - June 2024 -  
has been moved to another part of the document.

## 8 Ngā Pūrongo Whakamārama | Information Reports

# 8.1 Operational Overspend Water and Wastewater Team

CM No.: 2681151

## Rāpopotonga Matua | Executive Summary

The December 2022 financial report for the Three Waters operating budget showed an overspend of \$774,683.90, with compliance management costs and increased electrical maintenance costs being the main drivers. Council's response to the Morrinsville water incident contributed \$102,270.89 in costs, while incorrectly coded costs also accounted for a significant portion of the overspend and will be reallocated.

New drinking water regulations and increased expectations from regional councils will continue to drive compliance costs. The recent flood events and the impact of Three Waters reform on staffing resources may lead to further financial risk.

Staff are closely monitoring these risks and taking appropriate measures to mitigate them to minimise additional overspend.

### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information to be received.

Resolution number CO/2023/00013

Moved by: Cr J Sainsbury

Seconded by: Cr S Whiting

**KUA MANA | CARRIED**

## Horopaki | Background

The Three Waters Team is a Council business unit that undertakes operational, maintenance of the three waters across the District. The core business of 3W is to deliver, operate and maintain essential services through associated infrastructure for our community. The Three Waters Team undertakes this work within a framework defined by Councils Strategic Priorities as well as our regulatory requirements under (primarily) the Water Services Act 2021 and Resource Management Act 1991, under the supervision of Taumata Arowai and the Waikato Regional Council (Regional Council).

Council's six-monthly budget report (December 2021), identified a \$774,683.90 overspend in the Three Waters operating budgets. Currently, the business unit YTD spend is \$3,631,637 against a YTD budget of \$2,799,846.

Additional costs in compliance management and maintenance have contributed to the overspend as well as some costs being incorrectly coded to operational expense.

## Ngā Take/Kōrerorero | Issues/Discussion

The six-month financial report prepared in December 2022 revealed that the three waters operating budget was overspent by \$774,683.90. As a result, a detailed analysis of the budgets

was undertaken to determine the sources of this overspend, the drivers behind the overspend, and the ongoing financial risk. The results of this analysis are discussed below.

#### *Plant-level Analysis*

Analysis of the water operating budgets at a plant level revealed that five plants had significant (>\$50,000) overspends. These plants were Hinuera WTP, Matamata WTP, Morrinsville WTP, Tahuna WTP, and Te Poi WTP. Costs against these plants were categorised as follows:

Response to the Morrinsville water incident - \$102,270.89

Capex and renewal costs incorrectly coded to operational - \$217,076.21

Development of Water Safety Plans and cost relating to consent management - \$155,745.02, \$42,094.34, budgeted \$83,856.00

Sampling and analysis - \$68,532.77, budgeted \$102,540.00

Chemicals - \$216,273.55, budgeted \$107,208.00

Equipment maintenance - \$71,288.33, budgeted \$123,336.00

Electrical maintenance - \$221,524.39, budgeted \$54,378.00

Miscellaneous - \$88,316.99

Incorrectly coded costs, as well as the cost of the Morrinsville water incident, account for \$319,347.10, with the remaining overspend being \$455,336.80. This overspend is significant and is a continuing trend of increasing water-related costs year on year.

#### *Cost drivers*

Over the past year, new drinking water regulations and heightened expectations from regional councils have necessitated additional compliance projects and a greater level of detail in reporting to meet the new standards. An example of such a compliance project is the preparation of drinking water safety plans for Council's water supplies, mandated by the Water Services Act 2021.

Moreover, in preparing a water safety plan, there is now an additional requirement to prepare source water risk management plans for each catchment. These plans involve identifying hazards related to the source water, assessing associated risks, and determining how to manage, control, monitor, or eliminate those risks as part of a drinking water safety plan. This requirement has significantly increased the complexity and cost of the water safety planning process.

With respect to resource consents, the Regional Council has demanded a greater level of detail be provided by Council in its annual compliance reports. Attachment 1 presents the 2016/17 compliance report for all water take consents, while attachment 2 presents the 2020/21 compliance report for the Te Aroha WTP related consents.

The greater level of detail has required additional resourcing and has resulted in the initiation of several projects to address the concerns of WRC. Examples of such projects would be the investigation of Council's intake screening, the Tahuna WWTP overflow structure, and a number of s127 variations to address technical non-compliances such as peak water take flow from the Hinuera bore.

An analysis of electrical maintenance costs has proven to be difficult. Of the \$279,728.77 total spend, \$58,204.38 was incorrectly coded and will be moved to more appropriate budgets. It was revealed that capital and renewal costs are arriving on the operational invoices as the electrical contractor is often involved in renewing plant infrastructure, whether planned or unplanned.

Further analysis is required to identify additional capital and renewal costs within operational invoices. It is likely that this analysis will reveal that genuine maintenance costs will be within budget or any exceedance would be minor.

In addition to increasing compliance and electrical costs, the Council has had to respond to a number of water incidents over the last 12 months as well as manage the impact from inflation, particularly with respect to chemical supply costs.

The Annual Plan for 2021/22 presented a chance to evaluate the sufficiency of operational budgets for the future. Although there was an increase in the budget of \$554,134, the forecast was conducted before finalization of significant regulatory documents like the Drinking Water Quality Assurance Rules (November 2022) and guidance, such as the Water Safety Planning Guidance (also late 2022). Additionally, the forecasting period occurred before a comprehensive understanding of the effects and duration of inflation was obtained. This uncertainty presented a risk at the time that the operational budgets as presented in the 2021/22 Annual Plan would not be appropriately shaped to meet future challenges, however they were still the best available forecasts at the time.

To address the overspending and ongoing financial risk in the Three Waters operating budget, several corrective measures are being implemented. These include moving costs into appropriate cost centres, consolidating budget lines, and developing new reporting tools. In addition, the council is reviewing its chemical suppliers and move to the lowest cost available and working with regulators to prioritize compliance work and potentially put non-essential work on hold.

To further improve financial management, the council is also instituting a new invoicing process that correctly separates operating and capital expenditures, and is not proceeding with work without a work order number. These are just some of the measures being taken, and additional actions may be implemented as needed to ensure effective financial control and reduce the risk of future overspending.

### **Mōrearea | Risk**

While the overspend has been identified, and measures have been put in place to manage it, the risk of further overspend exists due to factors outside of Council's direct control.

For example, the recent flood events have resulted in significant unplanned service and repair costs against the wastewater service budgets. Further bad weather leading to service impacts is an ongoing risk that could add to the already strained budgets.

Additionally, the impact of Three Waters reform on available staffing resources may affect Council's ability to effectively manage the water supply and meet the new regulatory requirements without additional consultant support, leading to further financial risk. Council has assumed this risk is mitigated by ongoing transition funding.

It is important that Council closely monitors these risks and takes appropriate measures to mitigate them in order to avoid further overspending.

### **Ngā Whiringa | Options**

This is an information paper, there are no options.

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

N/A

### **Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes**

N/A



### Ngā take ā-lhinga | Consent issues

The work being delivered by the operational spend are necessary to address non-compliances with Regional Council consent conditions.

### Ngā Tāpiritanga | Attachments

A. Water Annual Report 2016 - 2017 - Council 8 March 2023

B. Te Aroha WTP annual consent compliance report 2021-2022 (*Under Separate Cover*)

### Ngā waitohu | Signatories

Author(s)	Karl Pavlovich <b>Water &amp; Wastewater Manager</b>	
Approved by	Don McLeod <b>Chief Executive Officer</b>	

*The meeting adjourned for lunch at 1.03pm and reconvened at 1.33pm.*

**9 Take Matatapu | Public Excluded**  
**C1 Potential sale of Te Aroha Building**

1.33pm 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 Potential sale of Te Aroha Building**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(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).	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

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

**Resolution number CO/2023/00014**

**Moved by: Cr J Sainsbury**

**Seconded by: Cr S Whiting**

**KUA MANA | CARRIED**

**11 Procedural motion to include the public**

1.40pm the public were included.

**Moved by: Mayor A Wilcock**

**Seconded by: Deputy Mayor J Thomas**

**KUA MANA | CARRIED**

1.40 pm

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 MARCH 2023.

**KO TE RĀ | DATE:** .....

**TIAMANA | CHAIRPERSON:** .....