

Kaunihera | Council

Kaupapataka Wātea | Open Agenda



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

Ko te rā | Date: Wednesday 3 May 2023
Wā | Time: 9.00am
Wāhi | Venue: Council Chambers
35 Kenrick Street
TE AROHA

Ngā Mema | Membership

Manuhuia | Mayor

Adrienne Wilcock, JP (Chair)

Koromatua Tautoko | Deputy Mayor

James Thomas

Kaunihera ā-Rohe | District Councillors

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

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1 Whakatūwheratanga o te hui | Meeting Opening

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

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

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

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

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

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

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

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

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

4 Whākī pānga | Declaration of Interest

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

5 Whakaaetanga mēneti | Confirmation of Minutes

Minutes, as circulated, of the ordinary meeting of Matamata-Piako District Council, held on 26 April 2023

6 Papa ā-iwi whānui | Public Forum

At the close of the agenda there were no speakers scheduled to the Public Forum.

7 Pūrongo me whakatau | Decision Reports

7.1 Hearing of Submissions - Speed Management Plan, Local Alcohol Policy, Fees and Charges 2023/24, Policies on the Remission and Postponement of Rates, Solid Waste Management and Minimisation Bylaw

CM No.: 2708730

Rāpopotonga Matua | Executive Summary

The purpose of this report is to provide information to Council following submissions received as part of the public consultation process for the following proposals:

- Speed Management Plan
- Local Alcohol Policy
- Fees and Charges 2023/24
- Policies on the Remission and Postponement of Rates
- Solid Waste Management and Minimisation Bylaw

The draft documents and associated Statement of Proposals can be found on Council's website and have been made available separately.

Consultation was open from 14 March to 14 April 2023. Due to the timing of the Business after 5 events in Morrinsville and Matamata, Council extended the deadline to 21 April 2023 for these groups.

Submissions received are included in the attached report which includes an analysis of themes. Staff have also added comments for clarification where required. Council has previously decided that Facebook comments would not be considered formal submissions but that the information would be made available to Council during the decision-making process; therefore relevant comments have also been included for information.

Council now needs to hear those who identified that they wished to speak to their submission, and to consider all submissions received.

To prepare for deliberations and decision making at the Council meeting on 24 May 2023, Council are invited to request further information of staff and if necessary, investigate any amendments that may be required to the policies/documents (based on the feedback received).

Following this, the final documents will be formally adopted by Council and will apply from 1 July 2023. The Local Alcohol Policy is subject to a 30-day appeal period following public notification of Council's provisional policy and will therefore follow a separate timeline.

Tūtohunga | Recommendation

That:

1. The information be received.
2. Council accepts any late submissions received.
3. Council hears all submitters that wish to be heard.
4. Council considers all submissions received.
5. Council request any further information and/or clarification required prior to the Council meeting on 24 May 2023 for the adoption of the policies/documents.
6. Council staff be authorised to make any minor amendments needed prior to the Council meeting on 24 May 2023 for the adoption of the policies/documents.

Horopaki | Background

Consultation for a number of Council policies/documents was open from 14 March 2023 until 14 April 2023. Due to the timing of the Business after 5 events in Morrinsville and Matamata, Council extended the deadline to 21 April for these groups.

Submissions were invited on the following proposals:

- Speed Management Plan
- Local Alcohol Policy (LAP)
- Fees and Charges 2023/24
- Policies on the Remission and Postponement of Rates
- Solid Waste Management and Minimisation Bylaw

A report containing all submissions and discussion of themes is attached to this report. Staff have provided comment where required for clarification.

At the time of writing this report, 15 individuals/organisations had requested to present their submissions to Elected Members at the hearing. A schedule for the hearing will be circulated separately.

Hearing Procedures

1. Each submitter has been allocated five minutes to present their submission.
2. Only the Mayor and Councillors may ask questions of any person appearing/presenting a submission during the course of the hearing.
3. Every person who has made a submission and stated that they wish to be heard, may speak either personally, or be represented by legal counsel or any other authorised representative.
4. Submitters have the opportunity to present their submission in person, and may do so using Te Reo Māori and New Zealand Sign Language. Submitters may also present by phone or video conference.

5. If any person wishing to present to their submission requires an interpreter, Council is to be informed of this at least one week prior to the hearing so that an interpreter can be provided.
6. The Mayor may recall any person who has made a statement where considered appropriate to further clarify or elaborate on any matter raised in submission.
7. The Mayor may, if it is considered that there is likely to be excessive repetition, limit the circumstances in which parties that have the same interest or stance on any issue may speak or limit the time taken by each person.
8. The hearing will be open to the public and live-streamed, except where Council determines that the public should be excluded pursuant to one or more of the grounds specified in the Local Government Official Information and Meetings Act 1987.
9. Submitters will be formally advised of the outcome and a summary report following the Council meeting on 24 May 2023.

Duration of meeting

Under clause 4.2 of Standing Orders, no meeting may continue for more than six hours or after 10.30pm, unless a resolution is made to continue. If there is no such resolution, any business on the agenda not dealt with must be adjourned to the next meeting or extraordinary meeting.

The hearing is not expected to extend beyond six hours, however if this occurs, Council will be required to pass a resolution to continue the meeting.

Ngā Take/Kōrerorero | Issues/Discussion

Council now needs to hear submitters who wish to speak to their submissions. Background on each policy/document is included below:

Speed Management Plan (SMP)

Waka Kotahi NZ Transport Agency (Waka Kotahi) established a new Land Transport Rule (Rule) which came into force on 19 May 2022. The [‘Land Transport Rule: Setting of Speed Limits 2022’](#) changed the way speed limits are set and requires Council (as a road controlling authority to produce a draft Speed Management Plan (SMP).

The SMP outlines a ten-year vision and a three-year implementation plan for a whole of network approach to speed management, including safe and appropriate speed limits and infrastructure.

The requirement for road controlling authorities to produce a SMP stems from ‘Road to Zero’ – a national road safety strategy published in December 2019. This 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 to road safety, where if effectively implemented, consistently applied, well policed and adhered to, should gradually reduce the number of deaths and serious injuries on our roads.

Proposal

The draft SMP has a focus on lowering speed limits and improving safety infrastructure around schools/kura, marae, town centres and some local roads following pre-consultation with schools/kura and marae. The draft SMP proposal contains:

- Changes to speed limits on a number of local roads – particularly reducing speeds around schools (in line with new national rules to reduce speed limits around all schools by 31 December 2027, with an interim target of 40 percent of schools by 30 June 2024);
- Identifying a significant number of infrastructure improvements including crossings, islands, road markings and signage.

Following any changes to the draft SMP as consulted on, Council will adopt the SMP and then look to implement over the next ten years, prioritising safety improvements around schools/kura first.

Local Alcohol Policy (LAP)

On 18 December 2012, the Sale and Supply of Alcohol Act came into force, which repealed and replaced the Sale of Liquor Act 1989. The aim of the Act 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, with section 75 enabling councils to develop local policies to strengthen community input into decision-making.

Section 77(1) of the Act states that a LAP may only include policies that relate 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.

It is not mandatory to have a LAP, however having such a policy in place allows Council to tailor alcohol-licensing approaches to suit local circumstances and reflect community preferences. The LAP also offers an opportunity to help to minimise alcohol-related harm.

Once a LAP is in place, the District Licensing Committee must have regard to it when making decisions on alcohol licensing applications within the District and the policy must be reviewed (using the special consultative procedure as prescribed in the Local Government Act 2002 (LGA)) every six years.

When producing a draft LAP, the legislation requires Council to consult with the Police, inspectors and Medical Officers of Health. Representatives from these groups met with Council to share areas of concern and any recommendations for change. In addition to this, research was undertaken into the effect of alcohol in our community alongside a pre-consultation survey.

From this feedback and research, it is clear that there is harm happening in our community with the potential for alcohol to cause serious harm to an individual's health and wellbeing and there may be wider effects on whānau and our communities/wider society. Council's aim is to provide a balanced policy to prevent alcohol-related harm whilst facilitating a reasonable and fair alcohol licensing environment for the Matamata-Piako district.

Proposal

Council produced a draft policy for consultation and proposed to continue largely with the current policy provisions. Some key changes were proposed, based on the feedback and research and are summarised below:

- Streamlining the policy to provide clearer guidance for applicants, licence holders, and the District Licensing Committee to assist in its decision-making.

On-Licences

- Inclusion of a location clause for on-licences to make it clear that Council's preference is for any new on-licences to be restricted to 'Business Zones' in the District.
- Providing strong direction to the District Licensing Committee to have particular consideration to applying a one-way door restriction if appropriate.

Off-Licences

- Proposing to update the maximum trading hours for off-licences as below:

Current LAP	Proposed Change
7:00am to 9:00pm	Supermarkets and Grocery Stores: 7:00am to 11:00pm All other off-licensed premises: 9:00am to 9:00pm

- Updating the distance that off-licences can be located within proximity of a sensitive site (schools, parks and reserves, places of worship, marae and playgrounds) from 50 metres to 100 metres to help protect vulnerable people in our community. This will exclude supermarkets and grocery stores.
- Adding a discretionary condition for the District Licensing Committee to apply to an off-licence to limit single sales.

Club Licences

- The Sale and Supply of Alcohol Act 2012 allows RSAs and other club licensed premises of a similar nature who are involved with Anzac Day commemorations/civic services to trade from 4:00am on Anzac Day. Council proposed to update the time permitted to trade from 5:00am as per the current LAP to 4:00am, to bring this into line with the legislation.

Special Licences

- Council proposed to increase the maximum number of events that can be applied for under special licence in any six-month period from 15 to 18.

Following consideration of submissions and any resulting changes to the policy, Council will produce and formally adopt a provisional LAP. Council's provisional LAP is required to be publically notified. Any person or agency that made a submission during the consultation period on the draft policy may, within 30 days of the public notification, appeal to the Alcohol and Regulatory Licensing Authority against any element of the provisional policy. The only ground on which an element of the provisional policy can be appealed against is that it is unreasonable in the light of the object of the Sale and Supply of Alcohol Act 2012 as below:

- The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
- The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*

Note that legislation is currently before the House of Representatives to amend the Sale and Supply of Alcohol Act 2012 to improve communities' ability to participate in, and influence alcohol

regulation in their area. A key proposal is to remove the ability for parties to appeal provisional LAPs (avenues for judicial review will be retained).

Fees and Charges 2023/24

Fees and charges are reviewed yearly alongside Council's Annual Plan or Long Term Plan. This ensures that they are kept up to date and reflect the actual/reasonable costs of providing the service.

In accordance with section 150 of the LGA, Council may prescribe fees or charges in the form of a bylaw, or through consultation under section 82. Council has opted not to utilise a bylaw to set fees and charges at this time, therefore, consultation has been undertaken.

In addition to the LGA, other legislation including the Resource Management Act 1991 and the Building Act 2004 provides Council with the ability to set fees and charges relevant to certain administration purposes (such as processing resource consents).

Council is required to adopt its fees and charges prior to the 2023/24 financial year. This year's fees and charges have been developed in conjunction with the Annual Plan budgets for 2023/24. Small amendments will likely have little impact on revenue with larger changes likely to have direct impact on the revenue forecast in the Annual Plan budgets.

Proposal

The majority of the fees and charges for 2023/24 have remained the same or increased based on inflation data from Business and Economic Research Ltd and then rounded accordingly. This ensures that what we are charging reflects actual and reasonable costs.

Council also proposed to make additional changes and updates to the schedule as follows:

- Proposing to remove all overdue fines at our libraries;
- Charging for rubbish collection through rates instead of rubbish bag sales due to the new kerbside collection contract;
- Changing how meeting/function spaces at Council venues are charged for including lifting the daily limits to help recover some of the actual operating costs of these venues;
- Increasing the costs for LIM reports to help recover actual costs;
- Adding some new building consent and resource consent fees.

Policies on the Remission and Postponement of Rates

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

Proposal

Council proposed the following changes:

Proposed Remissions Related to Kerbside Collection

To ensure that properties are only charged for the kerbside collection service as it is available to them, Council 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 was 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 was 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, Council took the opportunity to make some minor changes to the Policies as below:

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 was 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).

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 this was updated within the Policies accordingly. The effect of this proposed amendment will be that the total value of remissions applied will reduce, meaning that non-residential users will be charged a slightly larger share of the total wastewater rate than currently.

Solid Waste Management and Minimisation Bylaw

As part of a wider review of its Consolidated Bylaw 2008, Council identified an opportunity to review its Solid Waste Management and Minimisation Bylaw (Bylaw). The intention was to align the Bylaw with the following:

- Council's Waste Minimisation and Management Plan (WMMP). Council consulted on this with the community alongside the Long Term Plan 2021-31. The WMMP outlines how Council will work towards a low-waste future and a circular economy.
- Council's new kerbside collection contract to be implemented from September 2023.
- Significant changes to policy and regulation at a central government level including the development of a national waste strategy and new legislation to support its delivery.

Proposal

Council proposed to revoke the current bylaw which forms part of the Consolidated Bylaw 2008 and to adopt a standalone bylaw to support Council's waste minimisation activities.

Council proposed to update existing clauses including:

- Requirements around the removal of uncollected waste.
- The ability for Council to introduce a licensing system for waste collection.
- Requirements to secure any waste that is being transported to prevent any waste falling or otherwise escaping.

Council also proposed the addition of some new clauses to help reduce waste including:

- The ability for Council to require an event waste management and minimisation plan for major events.
- Requirement for construction site waste management and minimisation plans when applying for building consent for non-residential building work with an estimated value of \$500,000 or higher.
- Rules around the delivery of unaddressed mail or advertising material.

Mōrearea | Risk

There is a general risk of legislative non-compliance however Council has undertaken a comprehensive review process with detailed pre-work and consultation prior to the formal engagement process.

Council is hearing from those submitters who wish to present their submissions, with decisions to be made at the next Council meeting. Following this, there is a risk that if the decisions reached are unfavourable or depart from the proposal consulted on, this may negatively impact Council's image/reputation and trust/relationship with the community.

Under current legislation, any individual or organisation that makes a submission on the draft LAP is able to appeal an element of the provisional LAP. This presents a risk that submitters may appeal an element of Council's LAP following any changes made as a result of the consultation process.

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

The relevant requirements are set out earlier in this report, and the respective Statement of Proposals.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Prior to formal consultation, Council undertook pre-consultation to engage our key stakeholders who are most interested/affected by the policies/documents. This included engaging with community groups, iwi/Māori organisations, as well as engaging with Te Mana Whenua Forum.

The formal consultation process is outlined below:

Process	Date
Council approved the draft Speed Management Plan, draft Local Alcohol Policy, draft Fees and Charges, Policies on	8 March 2023

the Remission and Postponement of Rates, and Solid Waste Management and Minimisation Bylaw for public consultation	
Public consultation period	14 March – 14 April 2023 (Extended until 21 April due to the timing of the BA5 meetings).
Council hearing	3 May 2023
Deliberations	24 May 2023
Final adoption of documents (note that the LAP requires Council to publically notify its provisional LAP and a 30 day appeal period will apply)	24 May 2023
New fees/policies/documents apply (Excluding the LAP as explained above)	1 July 2023

The community consultation proceeded in accordance with the communications plan. The Statements of Proposals and draft documents were available for viewing on Council's website and submissions could be made on-line through a submission form and via letter/email.

Council used several communication tools to encourage the community to take part in the consultative process including:

- Use of Facebook
- Direct letter and follow up email
- Community meetings (BA5)
- Consideration at Te Mana Whenua Forum meetings
- Newspaper advertising, e.g. Council in Focus
- E-newsletters
- Online engagement – community hui regarding the LAP.

Following the hearing to consider submissions, and once final decisions have been made, staff will write to each submitter to inform them of the outcome. Information will also be made available to the public to inform them of the decisions and any changes.

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

The proposed policies and documents support Council's community outcomes and vision.

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

The costs of the consultation process is funded from the Strategies and Policy budget and relate to BA5 meetings, public notices and Council in Focus articles. The approximate cost to date is \$3,300.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Laura Hopkins Policy Advisor	
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Approved by	Niall Baker Policy Team Leader	
	Erin Bates Strategic Partnerships and Governance Manager	
	Manaia Te Wiata Group Manager Business Support	

7 Pūrongo me whakatau | Decision Reports

7.2 Annual Plan Consultation Document 2023/24 and Underlying Information

CM No.: 2712115

Rāpopotonga Matua | Executive Summary

Council is required to produce an Annual Plan each year with the exception of the years when a Long Term Plan is produced. The Annual Plan is Council's budget for the financial year 1 July to 30 June.

The purpose of this report is to present the underlying information in the form of a draft Annual Plan 2023/24 and the Annual Plan Consultation Document 2023/24 for approval for consultation.

The attachments will be circulated separately when available.

Tūtohunga | Recommendation

That:

1. The report on the Annual Plan Consultation Document 2023/24 and underlying information be received
2. Council adopts the underlying information (in the form of a draft Annual Plan 2023/24) for the purposes of consultation on the Annual Plan Consultation Document 2023/24.
3. Council adopts the Annual Plan Consultation Document 2023/24 for consultation.

Horopaki | Background

Council produce an Annual Plan in the years where a Long Term Plan is not required. The Annual Plan highlights any changes or variances from the Long Term Plan for the coming year. If the proposed Annual Plan does not include significant differences from the content of the Long Term Plan for that year then Council are not required to consult the community on it.

Council previously discussed the draft Annual Plan budgets in December 2022. Since then there have been changes to government policy timeframes and updated financial information (including inflationary pressures) which Council will need to consider.

Ngā Take/Kōrerorero | Issues/Discussion

The significant changes and drivers for these are set out in the Annual Plan Consultation Document 2023/24 (circulated separately).

Mōrearea | Risk

The budget is prepared using the best available information. There are many macro-economic factors that can impact on operating costs.

Ngā Whiringa | Options

Approve the Annual Plan Consultation Document and underlying information (in the form of a draft Annual Plan) for consultation as presented or with further amendments.

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

Section 95 of the Local Government Act 2002 states that if the proposed Annual Plan does not include significant or material differences from the content of the Long Term Plan for the financial year it relates to then Council does not need to consult.

If Council determines there are significant or material differences then we need to produce a consultation document. The consultation document must explain identified differences. This would include

- an explanation of any significant or material variations from the financial statements or the funding impact statement
- a description of significant new spending proposals, the costs associated with those proposals, and how these costs will be met
- an explanation of any proposal to substantially delay, or not proceed with, a significant project, and the financial and service delivery implications of the proposal.

Consultation must be conducted in a manner that gives effect to the requirements of section 82 which are the principles of consultation. This includes

- providing access to information to those that may be affected
- providing an opportunity to present views in an appropriate manner and format
- providing information on the purpose and the scope of decisions
- having an open mind and giving due consideration
- providing relevant decisions to those affected.

Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

- Consultation Document and underlying information adopted for consultation 3 May
- Consultation open 6 - 26 May
- Council Meeting – Hearing 7 June
- Council Meeting – Adoption 28 June

Consultation will include newspaper advertising, information on Councils website and facebook page, e-newsletters, attendance at various community events and meetings etc.

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

Council has a budget of \$10,000 for production of the Annual Plan.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

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