

# 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 24 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

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



## Ā-TIKANGA | PROCEDURAL

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

## NGĀ PŪRONGO A NGĀ ĀPIHA | OFFICER REPORTS

7	Pūrongo me whakatau   Decision Reports	
7.1	Adoption of Solid Waste Management and Minimisation Bylaw	4
7.2	Adoption of Provisional Local Alcohol Policy	18
7.3	Adoption of the Speed Management Plan	35
7.4	Adoption of Fees & Charges 2023/24	50
7.5	Adoption of Policies on the Remission and Postponement of Rates	57
7.6	Staff Long Service Presentation	64
7.7	Funding stream approval - Pride of Place project	65
7.8	Adoption of Council strategic direction	69
7.9	Waikato Regional Triennial Agreement	74
7.10	Mayoral Disaster Relief Fund Policy	86
7.11	Proposed Private Plan Change 58 - Avenues Business Park - Morrinsville	90

## TAKE MATATAPU | PUBLIC EXCLUDED

8	Mōtini he aukati i te whānui   Procedural motion to exclude the public	94
C1	Waste Disposal Contract Award	

**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 3 May 2023

**6 Papa ā-iwi whānui | Public Forum**

Name	Organisation	Topic
Peter Volker	N/A	Water Fluoridation

## 7 Pūrongo me whakatau | Decision Reports

# 7.1 Adoption of Solid Waste Management and Minimisation Bylaw

CM No.: 2715038

## Rāpopotonga Matua | Executive Summary

As part of a wider review of the Consolidated Bylaw 2008, Council identified an opportunity to review its Solid Waste Management and Minimisation Bylaw (Bylaw). The intention of the review was to align the Bylaw with Council's [Waste Management and Minimisation Plan 2021 \(WMMP\)](#), the new kerbside collection service to be implemented from September 2023, and significant change to policy and regulation at a central government level.

Consultation was undertaken with the community from 14 March 2023 to 14 April 2023 alongside a number of other documents. 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. A total of 158 submissions were received (one submission was received after the due date for submissions). 13 submissions were received in respect to the Bylaw.

Council proposed to introduce a standalone bylaw and to revoke the current bylaw that forms part of the Consolidated Bylaw 2008. Council proposed the following:

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

Council also proposed to add new clauses to facilitate a reduction in waste including:

- The ability for Council to require an event waste management and minimisation plan for major events;
- A requirement for construction site waste management and minimisation plans when applying for a 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.

A hearing was held on 3 May 2023 where Council considered all submissions received and heard from those submitters who wished to present their submission to Council. Four submitters chose to present their submissions to Council relating to the Bylaw.

Following the hearing and consideration of all submissions received, Council requested further information from staff in order to inform deliberations and decision-making.

Council is now required to deliberate on the issues raised during the consultation process and formally adopt the final Bylaw. The current bylaw (Solid Waste Management and Minimisation Bylaw 2017) will need to be revoked.

This report recommends that Council adopt the Bylaw as consulted on with the community. The Bylaw will become operative from 1 July 2023.

## Tūtohunga | Recommendation

That:

1. The information be received.
2. The Solid Waste Management and Minimisation Bylaw 2017 be revoked.
3. 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.
4. Council determines that the Solid Waste Management and Minimisation Bylaw 2023 (including the minor amendments proposed) 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.
5. Council decisions on the Solid Waste Management and Minimisation Bylaw be incorporated into the submissions hearing document for notifying submitters and for publication on Council's website.
6. Council adopt the Solid Waste Management and Minimisation Bylaw with a minor amendment clarifying the definition around the vehicle specification clause (as attached) in accordance with the Waste Minimisation Act 2008.
7. Staff be given delegation to approve minor proofing and grammatical changes prior to publishing the Solid Waste Management and Minimisation Bylaw (if required).

## Horopaki | Background

### Purpose of a Bylaw

Section 56 of the Waste Minimisation Act 2008 (WMA) enables councils to make bylaws for one or more of the following purposes:

- a) Prohibiting or regulating the deposit of waste;
- b) Regulating the collection and transportation of waste;
- c) Regulating the manner of disposal of dead animals, including their short-term storage pending disposal;
- d) Prescribing charges to be paid for use of waste management and minimisation facilities provided, owned, or operated by the territorial authority;
- e) Prohibiting, restricting, or controlling access to waste management and minimisation facilities provided, owned, or operated by the territorial authority;
- f) Prohibiting the removal of waste intended for recycling from receptacles provided by the territorial authority by anyone other than—
  - (i) the occupier of the property from which the waste in the receptacle has come; or
  - (ii) a person authorised by the territorial authority to remove the waste.

Bylaws can be used to:

- Provide regulatory support;
- Ensure efficient and effective waste management in accordance with legislative requirements and with councils' waste minimisation and management plans.

### Review of Bylaw

Under sections 158 to 160 of the Local Government Act 2002 (LGA), Council is required to review all of its bylaws within five years of adoption and every ten years thereafter. However under section 58 of the WMA, Council must review a bylaw made under it not later than 10 years after the bylaw was made and then at intervals of not more than 10 years after the last review.

Council's Solid Waste Management and Minimisation Bylaw (Bylaw) was adopted under the WMA, therefore is only required to be reviewed every 10 years. However, as part of a wider review of its Consolidated Bylaw 2008, Council 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.

Section 56(2) of the WMA also requires that bylaws must not be inconsistent with Council's WMMP. The adoption of the WMMP in 2021 adds additional reason to carry out a review of the Bylaw.

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

The project to review the Bylaw involved the following key steps:

- Inception process;
- Development of bylaw scope;
- Industry engagement with key stakeholders – early engagement was undertaken 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, and multi-unit dwellings (MUDs);
- Development of the bylaw clauses;
- Public consultation;
- Hearing and consideration of submissions received.

The following is to be completed:

- Implementation processes – development of internal guidance, procedures, roles and responsibilities and schedules to facilitate implementation of the 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 Matamata-Piako District (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 in the Bylaw:

- 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.

### 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.

At its Council meeting on 8 March 2023, Council resolved the following:

1. 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; and
2. 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.

It was determined that 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. 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.

Following analysis, the issues noted during pre-consultation were considered appropriate for regulation through a bylaw and the Bylaw as proposed to the community was prepared on that basis.

Staff consider that 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 both the LGA and the WMA.

### Proposal

The proposed Bylaw provides a regulatory tool for the management of solid waste operations in the District. The following issues are addressed through the Bylaw:

- 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.

Council proposed to introduce a standalone bylaw and to revoke the current bylaw that forms part of the Consolidated Bylaw 2008. A number of changes were proposed including:

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

Council also proposed to add new clauses to facilitate a reduction in waste including:

- The ability for Council to require an event waste management and minimisation plan for major events;
- A requirement for construction site waste management and minimisation plans when applying for a 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.

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

Council received 13 written submissions on the proposed Bylaw. The themes identified are summarised below (note that these have been summarised by Council staff and copies of the full submissions were provided to Council on 3 May 2023 at the Hearing and are available on Council's website).

Council asked the following questions to assist the community in providing feedback:

1. Do you agree with the proposed bylaw?		
Yes – 6 (46.2%)	No – 7 (53.8%)	I'm not sure - 0
Suggest to require multi-unit developments of five or more (rather than the 10 as proposed in the bylaw) are required to develop a waste management and	Need to ensure that waste minimisation measures are simple, and avoid red tape to achieve the best outcome for the community and	



minimisation plan - 1	<p>environment – 4</p> <p>Concerns about new rubbish collection – there will be more trucks collecting rubbish in CBDs – 1</p> <p>There are already laws in place to protect environmental and public health. Bylaw will result in increased costs - 1</p>	
-----------------------	--	--

2. Do you agree with the new clauses around events, construction site waste management, inorganic material and unaddressed mail?		
<b>Yes – 5 (38.5%)</b>	<b>No – 7 (53.8%)</b>	<b>I'm not sure – 1 (7.7%)</b>
Unaddressed mail and advertising material should not include free newspapers - 1	<p>This provision is another burden/barrier for event organisers/increase costs – 6</p> <p>Council should provide options and resources to event organisers – 5</p>	Management of the event waste planning should be practical/tailored for the event - 1

3. Do you think the proposed construction site value (\$500,000) for requiring a construction site waste management plan is about right?		
<b>Yes – 4 (30.8%)</b>	<b>No – 8 (61.5%)</b>	<b>I'm not sure – 1 (7.7%)</b>
<p>Welcome this provision with suggestion to also apply to residential builds – 1</p> <p>This should depend on the size of the build, e.g. an increasing cost structure - 1</p>	<p>Council should provide advice and expertise on waste management - 5</p> <p>Council should consider the cost of compliance – 4</p> <p>Considering the cost of a commercial build, \$500,000 seems to be a low threshold/is inappropriate – 4</p> <p>All construction sites should have a waste management plan – 1</p>	

4. Do you agree that waste collectors/operators must have a waste licence if they handle/collect/transport more than 30 tonnes of waste in a year?		
<b>Yes – 5 (38.5%)</b>	<b>No – 7 (53.8%)</b>	<b>I'm not sure – 1 (7.7%)</b>
Support the licencing system - 1	<p>The definition for waste collectors is too broad. Businesses such as lawn mowing, gardeners should not require a waste licence – 5</p> <p>Council should provide the application</p>	

	<p>forms and information required for people to be able to comment on the suitability of the bylaw – 4</p> <p>Further compliance is not needed for good operators – 1</p> <p>Concerned about cost increases – 1</p> <p>Do not think it should be within the remit of Council to licence private operators - 1</p>	
--	---	--

**5. Do you have any other comments you'd like us to consider about the Solid Waste Management and Minimisation Bylaw?**

The impact of the proposed changes on the community needs to be fully considered – 3

The bylaw is of discouragement and burden rather than to encourage and empower the community when it comes to waste minimisation/adds further red tape – 3

Waste pick up areas should be revised to incorporate growing areas – 1

Concerned about the cost of the new waste collection bins – 1

Concerned about the hygiene of the food waste bins – 1

There needs to also be a strong revamp within our local schools around Waste Minimisation Programs, including Maara Kai – 1

Need to adopt a Te Ao Māori approach to Papatuanuku and Council should work closely with local iwi around waste minimisation – 1

Council should find a way for the recycling and rubbish bins to be clamped shut so in the event of high winds, there is no spillage – 1

*Please note the themes identified above have been summarised by Council staff and copies of the full submissions were provided to Council on 3 May 2023 at the Hearing and are available on Council's website:*

Consideration of Submissions

The Hearing was held on 3 May 2023. Four submitters chose to present to Council on the Bylaw. Council considered all submissions and requested further information from staff to assist with understanding on various issues. These issues have been responded to as below:

*General Comments*

Comments were received that the Bylaw (and controls contained within it) have the potential to add unnecessary red tape and hinder economic development (e.g. building consents, and event planning).

The details included within the proposed Bylaw echo those used by our neighbouring councils (including Waikato, Eastern Bay of Plenty, Taranaki and Gisborne, all of whom have, or will be, adopting the same standards) as well as other local authorities nationally. A key benefit for this is uniformity of regulation, which will provide surety for businesses.

The Bylaw provisions are not intended to be onerous on individuals or businesses, rather, Council intends to work with the community using a phased and educative approach to achieve positive outcomes for the District.

There are multiple benefits to the implementation of the Bylaw as consulted on, including protecting the health and safety of the public and waste contractor's health and safety, and regulating the safe deposit, removal, collection, transport and processing of waste. The Bylaw is expected to assist Council and the community to reduce the amount of waste going to landfill. This has multiple benefits for us all, including a reduction in cost (the waste levy is progressively increasing). Some of the other costs to waste disposal include:

#### Environmental costs

- Limited reuse of landfill sites due to potential health hazards;
- Energy required in transportation;
- Pollution to land, air and water from heavy metals and toxic chemicals;
- Greenhouse gas emissions;
- Unsustainable depletion of resources.

#### Economic costs

- Cost of operating and maintaining landfill sites;
- Cost of transporting waste to landfills;
- Loss of financial benefit from using recycled or salvaged materials.

#### Social costs

- Noise, dust and traffic pollution to the community;
- Effects of hazardous or nuisance waste to workers to the community.

#### *Definition of Waste Collector*

Several submitters noted that the proposed definition for waste collector in the draft Bylaw is too broad and appeared to encompass operators such as lawn mowing contractors, gardeners, digger and cartage contractors etc.

The proposed requirement for waste collectors/management facility operators who transport/handle more than 30 tonnes of waste in any one twelve month period is for companies who collect, transport and manage waste as a commercial activity and for whom that is their primary purpose. Companies that happen to handle waste incidentally to their main business operations (for example diggers, lawn mowing companies, etc.) would not be included in licensing.

Staff recommend updating the definition for 'waste collector' for clarity as below:

*'A person who collects or transports waste **as their primary business** and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, a person taking household garden waste to a landfill).'*

#### *Licensing Regime*

Submissions received commented that Council should not be implementing a licensing system and should hold off until a national system is implemented.

Council's proposed Bylaw is consistent with other councils, therefore enabling licensing to be implemented across the Bay of Plenty and Waikato regions, which will then integrate seamlessly with any future national regime.

It is proposed to keep this proposed clause within the Bylaw and if Council choose to adopt a licensing system, the details of this will be subject to a targeted consultation process.

### *Reporting Requirements*

Submitters commented on the requirement for data to be provided to Council. Central government have noted the collection of data to support waste minimisation as a priority, with data needed to establish where investment is required.

### *Specifications for Vehicles*

One submitter noted concern about Council introducing a clause (7.14 e) to allow for the “...specifications of the vehicles, equipment, and containers to be used for the handling of waste”. The submitter noted that vehicles are closely regulated through various agencies including the NZ Police, and are licensed, inspected and roadworthy, with waste transported in a secure manner in order to comply with existing legislation and regulations.

This clause already exists in Council’s relevant bylaw, however has not been implemented. The rationale for the inclusion of this clause is around the requirement of minimum performance standards. Staff propose to provide clarification around this clause as below:

*‘The specifications of the vehicles (e.g size/weight of vehicle and signage provisions), equipment, and containers to be used for the handling of waste’;*

### *Construction Site Waste Management and Minimisation Plans*

Council received feedback around the proposed requirement for the provision of a construction site waste management and minimisation plan to be submitted to Council for approval for non-residential building work with an estimated value of \$500,000 or higher.

Council staff acknowledge the feedback and concerns received. There is concern that the new provisions proposed will lead to further costs and time for businesses to implement.

The costs to sending waste to landfill continues to increase, therefore requiring a construction site waste management and minimising plan alongside education and support to businesses regarding waste minimisation is intended to result in less waste going to landfill, resulting in a cost saving to businesses.

The proposed Bylaw addresses a major challenge. The Ministry for the Environment estimates that construction and demolition waste is the largest source of waste to Class 1 landfills - at 33 per cent and a recent study found the construction sector creates almost half of all waste going into landfills. The study noted that twenty-five thousand tonnes of construction plastic is going straight into landfills every year in Auckland alone (equating to 3.6 billion single use plastic bags).

<https://www.1news.co.nz/2023/05/08/scientist-studies-how-much-construction-plastic-ends-up-in-landfill/>

The inclusion of this clause is determined to be prudent as Council are preparing for the future. Central Government are working through legislation which will make this a mandatory requirement of the Building Act as part of resource consent requirements.

In terms of the feedback received regarding the proposed threshold of \$500,000, this is consistent with other Council’s in the area (for example, Hauraki (require a plan for all building work of \$500,000 or higher), Waipa (may require) and Hamilton City Council which requires any person applying for a building consent to submit a Site Waste Plan for approval.

Many councils have had this provision in their bylaw for many years, e.g. Rotorua Lakes Council (since 2016) and therefore many construction companies that work across multiple districts/cities will already be familiar with this requirement.

Council do not intend for this clause to be onerous and will publish examples online. Therefore, the recommendation is to keep the provision as consulted on.

### *Event Waste Management and Minimisation Plans*

Submissions were received relating to the proposed clause to require organisers of a 'significant' event to obtain approval from Council to an event waste management and minimisation plan for the event. Submitters were concerned that this would prove to be a burden to event organisers and may deter people from organising events which greatly benefit our communities. Council should provide resources and tools to implement, rather than require event organisers to submit a plan without the relevant waste minimisation expertise.

Council acknowledges the service that event organisers provide for our community and the important role these events have in our towns and in bringing visitors to our District.

There will not be any specific targets or materials to be captured, however the regulation is aimed at ensuring event organisers consider waste management and minimisation issues at the beginning, during and end of the process.

This requirement is commonplace throughout New Zealand and Council will assist organisers as we transition this activity. Council will publish some simple guidelines and will also have funding available so that specialist events teams can assist events organisers. It is the intention of staff to support event organisers on the journey to managing waste until it becomes the 'norm'. The requirement is not intended to be onerous

### *Implementation*

The new clauses as proposed in the Bylaw will take time to implement, and Council will take a planned approach. It is expected that many of the new processes will be integrated with the current processes, e.g. working with the building team to implement the requirement to submit a site waste management and minimisation plan.

## **Mōrearea | Risk**

There is a risk to public perception that Council has not acted upon the feedback (as this report proposes to implement the Bylaw as consulted on). Council staff suggest that the Bylaw is implemented in a planned and measured way alongside a communications plan, understanding the rationale behind this Bylaw and providing re-assurance that Council will work with our community, and adopt an educative stance in implementing the Bylaw.

## **Ngā Whiringa | Options**

The following options are available to Council:

1. Council can choose not to adopt the Bylaw as consulted on. Therefore, the current Solid Waste Management and Minimisation Bylaw 2017 would remain in effect (this would be inconsistent with our current WMMP).
2. Council adopt the Bylaw as consulted on.
3. Council can adopt the Bylaw as attached with recommended amendments made following consultation;

4. Council can request further amendments to the draft Bylaw following submissions received. (Staff are not recommending any changes from what was consulted on). If amendments are requested, Council staff can bring the amendments back to the 28 June 2023 meeting for approval.

Staff recommend Option 3. Adoption of the Bylaw as proposed meets community and Council needs and is fit for purpose. The new clauses proposed ensures Council is preparing for the future and regulation is in alignment with its WMMP.

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. Therefore, it is prudent for Council to introduce regulation in this area. 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.

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

Council is authorised to make the proposed bylaw under the LGA (sections 145-156), the WMA (section 56), the Health Act 1956 and the Litter Act 1979.

The LGA notes that solid waste is a core function of Council (section 11a). 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. The LGA requires Council to consider a range of matters when setting bylaws. 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.

At its meeting on 8 March 2023, Council resolved the following:

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.**

Council is required to reconfirm the earlier decision and to confirm that the Bylaw (including the minor changes proposed) do not give rise to implications under the New Zealand Bill of Rights Act 1990.



The new Bylaw 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.

If Council adopts the Bylaw as recommended, this would create a new Bylaw and a separate decision required to revoke the Solid Waste Management and Minimisation Bylaw 2017.

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

The formal consultation process is outlined below:

<b>Milestone</b>	<b>Date</b>
Documents approved by Council for consultation including: <ul style="list-style-type: none"><li>- Draft Solid Waste Management and Minimisation Bylaw 2023</li><li>- Statement of Proposal</li></ul> (These documents are available on Council's website)	8 March 2023
Consultation Period	14 March – 14 April 2023 (extended to 21 April 2023)
Hearing Date	3 May 2023
Deliberations and adoption of final Policies	24 May 2023
New Bylaw to apply from	1 July 2023

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 (the post dedicated to this topic received a reach of 2,851 with 3 reactions and 35 comments. The comments received on the Facebook post did not relate to the Bylaw, but rather Council's new kerbside collection contract);
- Direct letter and/or email;
- Community meetings (Business After 5);
- Consideration at Te Mana Whenua Forum meetings;
- Newspaper advertising, e.g. Council in Focus;
- E-newsletters;
- Online engagement – community hui regarding the Local Alcohol Policy (attendees were also encouraged to view and submit their feedback on other topics).

Following the adoption of the Bylaw, staff will write to each submitter to inform them of the outcome and provide specific responses to questions where required. Information will also be made available to the public to inform them of the decisions made.

## 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 Bylaw is expected to benefit the community as a whole and support Council's community outcomes as follows:

Rubbish and Recycling 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	✓ ✓
	<b>Healthy Communities</b>	Our community is safe, healthy and connected	✓
	<b>Environmental Sustainability</b>	We support environmentally friendly practices and technologies	✓

## 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. These costs are funded within existing budgets through the strategies and plans activity as outlined in Council's Long Term Plan 2021/31.

## Ngā Tāpiritanga | Attachments

- A.  DRAFT Solid Waste Management and Minimisation Bylaw for Council Approval 24 May 2023 (Under Separate Cover)

## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Policy Advisor</b>	
	Louisa Palmer <b>Solid Waste Lead</b>	

Approved by	Niall Baker <b>Policy Team Leader</b>	
	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	
	Fiona Vessey	

---

	<b>Group Manager Service Delivery</b>	
--	---------------------------------------	--

7 Pūrongo me whakatau | Decision Reports

## 7.2 Adoption of Provisional Local Alcohol Policy

CM No.: 2715025

### Rāpopotonga Matua | Executive Summary

The review of Council's Local Alcohol Policy (LAP) was undertaken due to the legislative requirement for review (using the special consultative procedure of the Local Government Act 2002 (LGA)) every six years. A draft LAP was prepared in accordance with the requirements of the Sale and Supply of Alcohol Act 2012 (the Act). Research, pre-consultation and consultation on this draft has now been completed.

Consultation was undertaken with the community from 14 March 2023 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. A total of 158 submissions were received (one submission was received after the due date for submissions). 45 submissions were received in respect to the LAP.

The proposed draft LAP aimed to strike a balance between preventing alcohol-related harm in our communities, and providing a reasonable and fair alcohol-licensing environment for the Matamata-Piako District (District). The draft LAP was streamlined to provide clearer guidance for applicants, licence holders, and the DLC in its decision-making. In addition, Council proposed a number of changes to its LAP and a summary of the proposed changes as proposed to the community is detailed below:

- 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'**. 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**.
- A proposal 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) 7:00am to 11:00pm</li><li>- Standalone bottle stores: 9:00am to 9:00pm</li></ul>

- **Updating the distance that off-licences can be located within proximity of a sensitive site** (such as schools, parks and reserves, places of worship, marae and playgrounds) from 50 metres to 100 metres to help protect vulnerable people in our community. It was proposed that this would exclude supermarkets and grocery stores.

A hearing was held on 3 May 2023 where Council considered all submissions received and heard from those submitters who wished to present their submission. Five submitters chose to present their submissions to Council relating to the draft LAP.

Following the hearing and consideration of all submissions received, Council requested further information from staff in order to inform deliberations and decision-making.

Council is now required to deliberate on the issues raised during the consultation process and formally adopt a Provisional LAP. Council will then give public notice of the Provisional Policy.

Following this, any person or agency that submitted on Council's draft LAP has the right of appeal to the licensing authority. The only ground on which an element of the provisional policy can be appealed against is that it is unreasonable in light of the object of the Act, as stated below, 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.*

This report recommends that Council adopt a Provisional LAP as attached. The Provisional LAP is largely as consulted on; however following consideration of submissions received, staff recommend amending the maximum trading hours for off-licences to revert to the current maximum trading hours of 7:00am to 9:00pm the same day.

## Tūtohunga | Recommendation

**That:**

- 1. The information be received.**
- 2. Council has considered all submissions received.**
- 3. Council decisions on the Local Alcohol Policy be incorporated into the submissions hearing document for notifying submitters and for publication on Council's website.**
- 4. Council adopt the Provisional LAP with amendment to the maximum trading hours for off licences as attached to this report in accordance with sections 75 and 79 of the Sale and Supply of Alcohol Act 2012.**
- 5. Staff be given delegation to approve minor proofing and grammatical changes prior to publishing the Provisional LAP (if required).**

## Horopaki | Background

Section 75 of the Sale and Supply of Alcohol Act 2012 (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.

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

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. If a LAP is not in place, 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:

- 8:00am – 4:00am for on-licences (such as pubs, restaurants and bars); and club licences;
- 7:00am – 11:00pm 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

When a LAP is in place, the District Licensing Committee (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. It is not a document that binds the decisions of the DLC.

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.

### Pre-Consultation

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

In addition to this requirement, Council also 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

Staff prepared a Research Report to identify key trends in relation to alcohol in the District. This report informed 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 the consultation process.

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 believe that 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;
- NZ Police raised concerns about the number of late night incidents related to on-licensed premises in Matamata;
- NZ 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. NZ Police data shows an increase in the number of alcohol-specific traffic offences over time;
- Te Whatu Ora – Waikato provided 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 and 31/12/2021, 320 presentations at Waikato Hospital's Emergency Department were flagged as alcohol related and from the Matamata-Piako District. Matamata-Piako took up over 1,000 Emergency Department bed hours during those two years. 10 people died during their presentation. These figures are expected to be an under-representation of the actual number of alcohol-related presentations.

### Proposal – Draft LAP

The draft LAP largely proposed to stick with the current provisions that have been in place since the first inception of the LAP in 2017. Changes to the structure of the document were made in order to improve readability and understanding of the document.

Some key changes to the LAP were proposed to the community with the aim of finding a balance between preventing and mitigating alcohol-related harm in our communities, and providing a reasonable and fair alcohol-licensing environment for our District.

The proposed changes included in the draft LAP as consulted on included the following:

- Proposal to include a location clause for on-licences to make it clear that Council's preference is for on-licences to be restricted to 'Business Zones'. 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.
- Proposal to update the maximum trading hours for off-licences as below:

Current LAP	Proposed changes to Draft LAP
7:00am to 9:00pm	<ul style="list-style-type: none"><li>- Off-Licensed Premises (apart from standalone bottle stores) 7:00am to 11:00pm</li><li>- Standalone bottle stores: 9:00am to 9:00pm</li></ul>

- Updating the distance that off-licences can be located within proximity of a sensitive site (such as 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 provision was proposed to exclude supermarkets and grocery stores.

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

Consultation occurred from 14 March 2023 to 21 April 2023 on the draft LAP. Submissions were invited through Council's website or in writing. Submitters could also visit one of Council's libraries or offices to make a submission.

45 submissions were received in regards to the draft LAP. The themes identified are summarised below. Please note these have been summarised by Council staff and copies of the full

submissions were provided to Council on 3 May 2023 at the Hearing and are available on Council's website:

<b>Question 1: Do you agree with the policies for on-licensed premises (e.g. cafes, restaurants, pubs)?</b>			
<b>Yes – 15 (33.3%)</b>	<b>No – 17 (37.8%)</b>	<b>I'm not sure – 6 (13.3%)</b>	<b>No answer selected – 7 (15.6%)</b>
<p>On-Licensed premises easier to monitor/control in the business zone/should state more directly that they will be restricted to the business zone – 2</p> <p>Supportive of one-way door on weekends/mandatory one-way door policy – 2</p> <p>Hours of operation should be from 8am – 1</p> <p>Cafes/restaurants outside of the business zone should have the option to serve alcohol - 1</p>	<p>No more on-licences should be issued - 7</p> <p>Venues should be allowed outside of the business zone, as long as there is local community support/reduce drink driving – 3</p> <p>The distance from sensitive sites should be increased – 2</p> <p>Seeking re-assurance that the provisions will not affect future applications – 1</p> <p>Proposed changes will make licensees operations harder – 1</p> <p>Should be different provisions for club licences – 1</p> <p>Hours should not be restricted on public holidays (e.g. Good Friday, Christmas Day) – 1</p> <p>Some current venues are not in the business zone – 1</p> <p>Supermarkets should not be able to sell alcohol as late as 11pm due to road safety, family safety, safety of staff and of other people walking home – 1</p> <p>LAP should treat all on-licences equally and placing a discretionary condition of a one-way door</p>	<p>Venues should not be restricted to the business zone – reduce drink driving – 1</p> <p>Location provisions aren't relevant/required. Focus should be in ensuring safe transport to/from the venue - 1</p>	<p>Need stronger controls for alcohol supply in the District/reduce availability/prevent drink driving (deaths and injuries) – 2</p> <p>Do not support the proposed increase to the trading hours for supermarkets/grocery stores – 1</p> <p>Do not support the increase to the maximum number of events that can be applied for under special licence – 1</p> <p>Supportive of the provision to restrict on-licences to the business zones – 1</p> <p>Recommend to include a specified distance/radius from other premises should a licence be granted for a licensed venue outside of the Business Zone – 1</p> <p>Sensitive site distance provision should apply to new licences of any type – 1</p> <p>Consider a cap for on-licences where there is a high crime rate or impact on the amenity and good order of the area – 1</p> <p>Align the opening time with that of the Act (8am) – 1</p> <p>Support the one-way door provision to be applied as a discretionary condition - 1</p>

	creates an uneven playing field – 1  Need stronger controls for alcohol supply in the District - 1		
--	--	--	--

**Question 2: Do you agree with the policies for off-licensed premises (e.g. supermarkets, bottle stores, grocery stores)?**

Yes – 9 (20.0%)	No – 28 (62.2%)	I'm not sure – 2 (4.4%)	No answer selected – 6 (13.3%)
<p>There is enough venues already and we do not need any more - 1</p> <p>Support the discretionary condition to restrict single sales – 1</p> <p>Support increasing hours for supermarkets but only at Christmas - 1</p>	<p>Trading hours for all off-licences should be the same – 14</p> <p>Supermarkets and grocery stores shouldn't be able to open late would put staff in jeopardy, increase availability/harm, drink driving, domestic violence, child harm, crime, noise and intoxication - 10</p> <p>No more off-licences should be issued – 7</p> <p>Radius to sensitive sites should include supermarkets and grocery stores - 3</p> <p>There is no need for any change, current system works well – 1</p> <p>Support increased radius to sensitive sites– 1</p> <p>Support the presumption clause of no further off-licences - 1</p> <p>Support discretionary conditions such as limitations of branded signage and single sales – 1</p> <p>Need stronger controls for alcohol supply in the District - 1</p>		<p>No more off-licences should be issued – 3</p> <p>Do not support the proposed increase in trading hours for supermarkets and grocery stores - 2</p> <p>Need stronger controls for alcohol supply in the District - 1</p> <p>Support the proposed later opening time for off-licences - 1</p> <p>Suggestion to reduce the proposed maximum trading hours from 11pm to 10pm – 1</p> <p>Do not support the proposed discretionary condition to limit single sales – 1</p> <p>Support the exclusion of supermarkets from the sensitive site restriction – 1</p> <p>Not supportive of the exclusion of supermarkets from the sensitive site restriction – 1</p> <p>Supportive of the presumption clause against the issuing of new off-licences – 1</p> <p>Support the increase in distance from other licensed premises and sensitive sites from 50m to 100m - 1</p> <p>Support the discretionary condition to restrict single sales – 1</p> <p>Recommend to increase the display for alcohol branded signage form 50% of the main</p>

			façade to 25%/add discretionary condition to prohibit the use of 'buy now pay later' schemes - 1
--	--	--	--

Question 3: Do you agree with the policies for club licensed premises (e.g. RSAs)?			
Yes – 26 (57.8%)	No – 2 (4.4%)	I'm not sure – 11 (24.4%)	No answer selected – 6 (13.3%)
<p>Clubs already operate efficiently/have fewer problems due to specific requirements of holding club licences - 2</p> <p>Special events should have to apply for longer hours – 1</p> <p>One-way door policy should be mandatory– 1</p> <p>Hours of operation should be from 8am – 1</p>		<p>Location restrictions are not required (e.g. sensitive sites, district plan areas) - 1</p>	<p>Need stronger controls for alcohol supply in the District – 1</p> <p>Support the retention of location and proximity provisions – 1</p> <p>Recommend to further consider the trading hours of clubs given the level of harm associated - 1</p>

Question 4: Do you agree with the policies for special licences (e.g. events)?			
Yes – 25 (55.6%)	No – 2 (4.4%)	I'm not sure – 10 (22.2%)	No answer selected – 8 (17.8%)
<p>Clubs should be automatically granted a special licence in some circumstances – 1</p> <p>Maximum trading hours should be included – 1</p> <p>Applicants should be required to include an Alcohol Management Plan – 1</p> <p>There is confusion over sale and supply, e.g. what events require a licence? - 1</p> <p>Need to re-consider the distance from</p>		<p>Do not think there should be a restriction to the number of events due to time/costs involved – 1</p>	<p>Need stronger controls for alcohol supply in the District – 1</p> <p>Special events should have to apply for longer hours – 1</p> <p>Do not support the increase in the number of events – 1</p> <p>Do not support the removal of trading hours guideline - 1</p> <p>Support the discretionary conditions for special licences (one-way door, CPTED criteria and alcohol risk management plan) - 1</p>

sensitive sites - 1			
---------------------	--	--	--

### Consideration of Submissions

The Hearing was held on 3 May 2023. Five submitters chose to present to Council on the draft LAP. Council considered all submissions and requested further information from staff to assist with understanding on various issues. These issues have been responded to as below:

#### 1. *General comments*

Some submitters raised concerns that any new location provisions would affect their existing business/venue. However, the draft policy makes it clear that this is not the case as per the following:

#### **2.2 Application of Policy**

- 2.2.1 Pursuant to section 105(1)(c) of the Act, The DLC must have regard to any relevant LAP in deciding whether to issue a licence.
- 2.2.2 Provisions regarding the location and further issuing of licences in the District do not apply to existing licences. This exemption remains in force for as long as the premises remains continuously licensed, and will cease if the current licence or any subsequent licence for the premises is surrendered or not renewed.

Note that any changes to the maximum trading hours in the final LAP will affect both existing and new licences.

Comment was also made that a change in ownership should not be considered a new licence. An alcohol licence cannot be transferred to a new owner and therefore a new application must be made. However, a temporary authority can be applied for, which allows for the sale and supply of alcohol to take place or up to three months under the existing terms and conditions of the current licence. This allows time to lodge a new application with the DLC. However, the draft LAP states that for the purposes of clauses relating to location, proximity and further issuing of licences do not apply to a licensed premise that changes ownership but continues to hold a licence is not considered a new licence.

#### 2. *Trading hours for Off-Licences*

The draft LAP proposed the following change to the trading hours for off-licences:

Current LAP	Proposed changes to Draft LAP
All off-licensed premises: 7:00am to 9:00pm	<ul style="list-style-type: none"> <li>- Supermarkets and Grocery Stores: 7:00am to 11:00pm</li> <li>- All other off-licensed premises: 9:00am to 9:00pm</li> </ul>

This proposal supported the desire to achieve a balanced LAP in our District – restricting hours for some off-licences (including standalone bottle stores) to reduce the exposure to alcohol whilst extending the hours for supermarkets and grocery stores, thus offering convenience to shoppers to be able to purchase the full complement of goods available at a supermarket. The proposed change acknowledged that off-licences such as standalone bottle stores sell alcohol as their key business (at least 85% of annual sales revenue), and high strength spirits are available for purchase, whereas supermarkets sell a range of essential goods as well as alcohol. By updating (and reducing) the opening time for off-licences (such as standalone bottle stores) from 7:00am to



9:00am, Council looked to reduce exposure to alcohol for vulnerable people in our community, for example, children on their way to school.

Whilst a range of feedback was received around this, including three submitters requesting a later opening time for all off-licences, 21 submitters made specific comments regarding the proposed provision to update the maximum trading hours for off-licences and did not support this proposal, with many determining that hours for off-licences should be consistently applied across types.

The reasons were noted for supporting consistent hours across all off-licensed premises:

- The need for a level playing field and the potential for increased levels of marketing and promotions to compete for customers, resulting in the increased availability of alcohol;
- Alcohol is harmful no matter where it is purchased from;
- Allowing supermarkets to trade until 11:00pm will not reduce harm in the District, may put staff and the community in jeopardy with an increase in alcohol-related incidents later at night, and is unnecessary at the current time as none of the supermarkets in the District currently operate beyond 9:00pm.

The following table details the current hours for off-licences in the Waikato region:

Council (Status)	Maximum trading hours for off-licences
Hamilton City Council (no current LAP – provisional policy held back by appeals, therefore the default hours of the Act apply).	7:00am to 11:00pm
Taupō District Council (no current LAP – therefore the default hours of the Act apply).	7:00am to 11:00pm
South Waikato District Council (no current LAP – therefore the default hours of the Act apply).	7:00am to 11:00pm
Rotorua Lakes District Council (Final – 2019)	7:00am to 10.15am Between 11 December and 24 December: 7:00am to 11:00pm
Waipa District Council (Final – 2016)	7:00am to 10:00pm
Waikato District Council (Provisional – 2022)	7:00am to 10:00pm
Waitomo District Council (Final – 2022)	7:00am to 10:00pm
Ōtorohanga District Council (Final – 2016)	7:00am to 10:00pm
Thames-Coromandel District Council (Final – 2022)	7:00am to 9:00pm
Hauraki District Council (Final – 2022)	7:00am to 9:00pm

In consideration of the feedback received, it is recommended to update the provisional LAP relating to the proposed off-licence hours. The recommendation is to revert to the hours stated in the current LAP being: 7:00am to 9:00pm for all off-licences.

### 3. Sensitive Site Buffer

Council's draft LAP proposed an increase to the distance that any new off-licences can be located from sensitive sites from 50 to 100 metres. It was proposed to exclude supermarkets and grocery stores from this clause.

Council received some submissions requesting consistent application across all off-licences. However, upon consideration of these comments, staff determine that excluding supermarkets and grocery stores is reasonable given:

- The provision already exists in the current LAP;
- The provision is consistent with neighbouring councils (e.g. Hauraki)
- The provision acknowledges that supermarkets sell a range of essential goods and have restrictions to advertising and promotion, meaning young and vulnerable people are not exposed to this as they walk past. This is contrasted with standalone bottle stores which often have significant amounts of alcohol branding and advertising and do not have the same legislative controls.
- The District is rapidly growing, and as a result there may be the requirement for an additional supermarket/grocery store. Given the role of providing an essential service in our community and the nature of our towns (e.g. any proposed site may be located near to a school for example), it is appropriate for the exemption to remain in the provisional LAP.

### 4. Location Clause – On Licences

Council proposed the following new clause intended to provide direction to the DLC regarding the location of new on-licences. It was noted that within the current LAP, there is no relevant policy on where new on-licences could be located. The proposed clause is as follows:

*4.2.1: New off-licensed premises being licensed for the first time should be restricted to: a) Areas marked 'Business Zone' under the District Plan; or b) Locations authorised by resource consent.*

*4.2.2: As stated above, Council's preference is for off-licensed premises to be located within the Business Zone. However, where an application is made to locate outside of this, applicants must demonstrate that the operation of the premises will not impact upon the amenity and good order of the neighbourhood, and that consideration has been given to the Crime Prevention through Environmental Design criteria.*

One submission did not agree that on-licences should be restricted to the Business Zones and noted several examples of businesses that are well run and 'destination' venues that provide economic benefits for the District and entertainment options. It should be noted that the proposed clause is not restrictive – it does not intend to restrict on-licences to the Business Zone, and merely signals that is a preference for on-licences to be situated in Business Zones.

Any business applying for an on-licence is subject to the provisions of the District Plan. Outlets such as restaurants, cafes and bars (on-licences) fall under the definition of "Place of assembly". Places of assembly are permitted in the Business Zone and discretionary in all other zones. Therefore, the proposed clause is in alignment with the District Plan and it is recommended that this clause remain in the provisional LAP.

This clause also signals to the DLC to apply further scrutiny to applications to locate outside the Business Zone to consider the surrounding environment, e.g. potential impact on the amenity and good order of the surrounding area.

### 5. One-way Door Policy

Submissions were received in support of the inclusion of a provision for the DLC to apply a one-way door restriction to an on-licence if considered appropriate. Submissions noted the implementation and timing should be made in consultation with the licensee.

The following table details the application of one-way door policies in LAPs across the Waikato region:

<b>Council</b>	<b>One-way Door Policy</b>
Hamilton City Council	No policy (Hamilton City Council does not have a current LAP)
Taupō District Council	No policy (Hamilton City Council does not have a current LAP)
South Waikato District Council	No policy (Hamilton City Council does not have a current LAP)
Rotorua Lakes District Council	Discretionary condition – may be applied to premises within the Inner City trading after midnight effective one-hour prior to the end of the licensed hours.
Waipa District Council	Discretionary condition – may be applied one-hour prior to maximum closing time on Thursday, Friday and Saturday nights to any hotel or tavern with a closing time later than midnight.
Waikato District Council	Discretionary condition – may be applied when the closing time is later than midnight if the DLC or ARLA believe this is warranted <sup>4</sup> . The restriction shall apply after midnight.
Waitomo District Council	Discretionary condition – may be applied one-hour prior to maximum closing time on Thursday, Friday and Saturday nights to any hotel or tavern with a midnight or later closing time.
Ōtorohanga District Council	Discretionary condition – may be applied one-hour prior to maximum closing time on Thursday, Friday and Saturday nights to any hotel or tavern with a closing time later than midnight.
Thames-Coromandel District Council	Discretionary condition – may be applied after a specified trading hour.
Hauraki District Council	Discretionary condition – may be applied after a specified trading hour.

Council's draft LAP is in alignment with other councils in the Waikato region and have included a one-way provision within the discretionary conditions that may be applied to a licence.

#### **6. Advertising Restrictions – Off-Licences**

The draft LAP contained the following discretionary condition that the DLC may apply to an off-licence:

*'The nature and extent of alcohol product and/or branded signage, for example no more than 50% of the main façade of the premises to be devoted to alcohol product and/or branded signage.'*

One submitter requested that the LAP be updated so that the DLC should have the discretion to fully restrict alcohol brand, product and price signage and at the very least, to no more than 25% of the main façade.

The following table details the application of similar clauses within LAPs across the Waikato region:

Council	Signage Restrictions
Hamilton City Council	No policy (Hamilton City Council does not have a current LAP)
Taupō District Council	No policy (Hamilton City Council does not have a current LAP)
South Waikato District Council	No policy (Hamilton City Council does not have a current LAP)
Hauraki District Council	No statement apart from that external signage must comply with signage requirements outlined in the Council's District Plan.
Rotorua Lakes District Council	Discretionary condition – off-licences may be subject to conditions relating to alcohol product advertising, including a condition that no more than <b>50%</b> of the main façade of the premises be permitted to contain alcohol product advertising.
Thames-Coromandel District Council	No more than <b>50%</b> of the main façade of the off-licensed premises shall be devoted to alcohol product advertising.
Waipa District Council	No more than <b>30%</b> of the external area of any side of the premises may contain alcohol related signage or advertising, excluding the company name.
Waikato District Council	No more than <b>30%</b> of the external area of any side of the premises may contain alcohol related signage or advertising excluding the company and/or trading name.
Waitomo District Council	No more than <b>30%</b> of the external area of any side of the premises may contain alcohol related signage or advertising excluding the company and/or trading name.
Ōtorohanga District Council	No more than <b>30%</b> of the external area of any side of the premises may contain alcohol related signage or advertising excluding the company and/or trading name.

It is recommended for this clause to remain. The 50% was provided as an example only, however an increase can be reconsidered at the time of the next review.

## 7. Special Licences

One submitter noted that on occasion, clubs are not able to meet the 20-day timeframe for applying for a special licence.

This is a legislative requirement, as per section 137(1) of the Act: *'An application for a special licence must be filed, at least 20 working days before the day on which the event concerned begins'*. However section 137(2) makes an allowance for consideration of an application if filed less than 20 working days before the event if the licensing committee concerned is satisfied that the need for a special licence could not reasonably have been foreseen earlier.

## Mōrearea | Risk

This report recommends the Council adopt a provisional LAP following consideration of the feedback received on its draft LAP. If the Council proceeds with this course of action, there is a risk that appeals will be made to ARLA. The suggested change to the LAP (maximum trading hours for off-licences) does mitigate some of this risk, however the risk does remain.

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

## Ngā Whiringa | Options

The following options are available to Council;

1. Council can choose not to adopt the provisional LAP. This means that the current LAP remains in force until it is revoked;
2. Council can adopt the Provisional LAP as per the draft LAP consulted on;
3. Council can adopt the provisional LAP as attached with recommended amendments made following consultation;
4. Council can request further amendments to the provisional LAP. If further amendments are requested, Council staff can bring the amendments back to the 28 June 2023 meeting for approval.

Staff recommend Council proceed with **option 3**. This allows for the LAP to proceed with amendments as per the feedback received.

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

### Legislation

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.

### Public Safety Bylaw

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.

### Monitoring of Developments in this Area

The following will be closely monitored by staff as there are a number of key developments. Although the legal requirement for review is six yearly, Council may choose to review the LAP sooner as the landscape continues to evolve.

### *Proposed Amendments to Legislation*

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, with a key proposal to remove the right to appeal a council's LAP. The right to bring judicial review proceedings will remain, and will be unaffected by the proposed removal of the ability to appeal a LAP.

Council made a submission in general support of the intent of the Bill. A summary of the submission is below:

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

### *Supreme Court Ruling*

A recent Supreme Court decision has implication for all councils and the review of their LAPs.

Two aspects of Auckland Council's provisional LAP were appealed on the basis that they were unreasonable under the Act:

1. 9:00am to 9:00pm maximum trading hours for all off-licences; and
2. Restrictions on new off-licences in certain parts of the city (either a temporary freeze and/or a rebuttable presumption against new licences). The decision largely upheld Auckland Council's provisional LAP and allows for this to become operative after six years.

Some of the key findings of the case include:



- LAPs reflect the policy choices of an elected territorial authority. They can be based on or influenced by community preferences. To that extent, they do not have to be evidence-based;
- The Act contains default maximum trading hours, but local communities are free to choose trading hours which differ from the status quo. Trading hours that are shorter (or longer) than the maximum default hours in the Act do not have to be justified in terms of departure from a norm. Further, although any LAP should be tailored to the council's district, there does not have to be anything particular about that district to warrant deviation from the status quo.

Further analysis by Simpson Grierson can be found here:

<https://www.simpsongrierson.com/insights-news/legal-updates/landmark-alcohol-decision-has-national-implications>

This decision has implications for all councils and how they regular the sale of alcohol in their communities and could potentially make it easier for councils to adopt LAPs based on its communities preferences, without the risk of merits-based legal challenges.

Due to the above developments, Council may consider an earlier review of the LAP than the statutory requirement of six-yearly.

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

The timeline for the consultation, adoption and implementation of the LAP is below:

Milestone	Date
Documents approved by Council to consult including: <ul style="list-style-type: none"><li>- Draft LAP</li><li>- Statement of Proposal</li></ul> (These documents are available on Council's website)	8 March 2023
Consultation Period	14 March – 14 April 2023 (extended to 21 April 2023)
Hearing Date	3 May 2023
Deliberations and adoption of Provisional LAP	24 May 2023 (28 June if further amendments required)
Council to publically notify provisional LAP (a 30 day appeal period will follow)	ASAP following approval of provisional LAP
Appeals heard by ARLA and resolved	Timing unknown
Adoption and notification of final LAP	Early July 2023 at the earliest (if no appeals received) Or when all appeals are resolved.
Any change to trading hours implemented	Early October 2023 at earliest

The Statements of Proposal and draft LAP was 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 (the post dedicated to this topic received a reach of 3,028 with 12 reaction and 2 comments – the comment related to fees for alcohol licensing which are set by the Sale and Supply of Alcohol (Fees) Regulations 2013, not Council)
- Direct letter and/or email
- Community meetings (Business After 5)
- Consideration at Te Mana Whenua Forum meetings
- Newspaper advertising, e.g. Council in Focus
- E-newsletters
- Online engagement – community hui.

Following the adoption of the Provisional LAP, staff will write to each submitter to inform them of the outcome and a specific response will be provided to queries where required. Information will also be made available to the public to inform them of the decisions made.

In addition to the above, the Provisional LAP will be publically notified and a 30-day appeal period will commence.

### **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 associated costs of the consultation process includes the placement of public notices. This is funded from the existing Policies and Bylaws budget.

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. This is an unbudgeted cost.

### **Ngā Tāpiritanga | Attachments**

- A.  DRAFT Provisional Local Alcohol Policy for Council Approval 24 May 2023 (*Under Separate Cover*)

### **Ngā waitohu | Signatories**

Author(s)	Laura Hopkins <b>Policy Advisor</b>	
Approved by	Niall Baker <b>Policy Team Leader</b>	
	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	

## 7 Pūrongo me whakatau | Decision Reports

### 7.3 Adoption of the Speed Management Plan

CM No.: 2715032

#### Rāpopotonga Matua | Executive Summary

Council as Road Controlling Authority (RCA) for local roads is mandated under the *Land Transport Rule: Setting of Speed Limits 2022* (The Rule), to prepare a Speed Management Plan (SMP). The 2022 Rule replaced the earlier 2017 Rule, removing the requirement for speed limits to be set through bylaws, and enabling a network approach rather than the earlier road-by-road approach. All speed limits (other than temporary speed limits) are now to be entered into the National Speed Limit Register (NSLR) – managed by Waka Kotahi NZ Transport Agency as regulator.

Speed Management is one of five focus areas in *Road to Zero* (New Zealand's Road Safety Strategy 2020-2030). *Road to Zero* includes our national vision, targets, principles and focus areas to help achieve safer roads. The interim target is a 40% reduction in deaths and serious injuries (from 2018 levels) by 2030. There is also a separate Action Plan – both the *Road to Zero* Strategy and Action Plan were prepared by the Ministry of Transport. Waka Kotahi NZ Transport Agency's Speed Management Guide (Road to Zero edition) is also part of the suite of documents.

In addition to speed limit changes, the SMP factors-in safety related infrastructure improvements, the NZ Police continue to enforce speeds, but in a more targeted way, and Waka Kotahi NZ Transport Agency in conjunction with RCAs throughout the country will now manage the safety camera placements.

Staff received direction from Council and prepared the draft SMP with a clear focus on schools/kura, maraes and town centres. A few of the existing local roads with posted speeds of 70km/h were also added in, so that their speeds could be lowered to the more consistent and safer 60km/h limit. Pre-consultation took place throughout the district (June to December 2022) with discussions held across schools/kura and marae.

The draft SMP then went out for community consultation, initially during the period 14 March to 14 April, alongside other consultative documents with the deadline later extended to 21 April. In total 69 SMP submissions were received (including one late submission from FENZ).

At the Hearing held on 3 May 2023, Council heard four verbal submissions and considered all of the 69 written submissions. Council then requested further information from staff to aid their decision-making.

Since the Hearing, staff re-reviewed all submissions - focussing on key issues raised and then prepared responses for Council's deliberations to take place. Staff suggest that for new roads (not originally part of the draft SMP) these be dealt with at a later stage, for any speed limit changes we would want to make sure all directly affected parties are able to have a say and are consulted on, meaning another round of consultation would be required for any additional changes. This would delay the SMP adoption.

Staff therefore recommend that Council adopt the draft SMP as consulted on, readying it for forwarding to the Director of Land Transport for sign-off (certification). Issues raised by submitters for roads that weren't included in the draft SMP can be dealt with as part of the next review into the SMP. More information on the timing for reviews is outlined below.

..

## Tūtohunga | Recommendation

That:

1. This report be received.
2. Council decisions on the Speed Management Plan be incorporated into the submissions hearing document for notifying submitters and for publication on Council's website.
3. Council adopt the draft Interim Speed Management Plan as consulted on and in accordance with the Land Transport Rule: Setting of Speed Limits 2022.
4. Staff be given delegation to approve minor proofing and grammatical changes prior to publishing the draft Interim Speed Management Plan (if required).

## Horopaki | Background

### Road to Zero (New Zealand's Road Safety Strategy 2020-2030)

Road to Zero is New Zealand's Road Safety Strategy for the period 2020-2030. It outlines five (5) key action areas – key action area 01 being a focus on *infrastructure improvements* and *speed management* (as below in orange). A new framework was required for tackling unsafe speeds (replacing the Setting of Speed Limits Rule 2017 with the new Land Transport Rule: Setting of Speed Limits 2022).

The release of the new Rule (and subsequently the Speed Management Guide made it easier for RCAs to set safe and appropriate speed limits, to consider safety infrastructure, and to more generally apply road safety initiatives.

---

**As a step towards achieving this vision, we propose a target of a 40 percent reduction in deaths and serious injuries by 2030.**

**This will be achieved through action in five key areas:**

- 01 Infrastructure improvements and speed management**
- 02 Vehicle safety**
- 03 Work-related road travel**
- 04 Road user choices**
- 05 System management.**

### Speed Management Planning/Plans (SMPs)

Council as a Road Controlling Authority (for local roads) is mandated under the Rule to prepare a SMP.

SMPs are nationally consistent and designed to be more proactive, coordinated and transparent. The Rule removed the requirement for local authorities to set speed limits through bylaws; requiring RCAs to adopt SMPs with speed limit records now held in the National Speed Limit

Register (NSLR). To allow for this, on 14 September 2022, Council resolved to amend its Land Transport Bylaw 2008 and remove references to the setting of speed limits and associated maps.

SMPs are about setting *safe and appropriate* speeds on roads to best match their design, roadside environment and function. Both people and freight should be able to move about our transport network efficiently, but we also want a reduction in deaths and serious injuries, as collectively the financial and social cost of road crashes to our nation is enormous.

SMPs are complex, requiring input from policymakers, engineers, road safety educators, the police, emergency responders and decision-makers. Speed management planning enables a whole-of-network approach by combining infrastructure improvements, speed limit changes, enforcement and carefully selecting the positions of speed & safety cameras.

### **The draft Speed Management Plan (SMP)**

On 8 March 2023, Council approved the draft SMP for consultation and then community consultation occurred from 14 March to 21 April 2023. The draft SMP proposed the following, with implementation of these changes will occur from 2023, initially starting with schools:

- Changes to speed limits on a number of local roads - particularly reducing speeds around schools/kura, marae, and lowering speeds in our town centres to make them safer for vulnerable road users.
- Support for Council's vision – "*Matamata-Piako: the place of choice*", by ensuring that vehicle speeds are appropriate for the areas where we live, work and go to school.
- Significant infrastructural investments within the district, including but not limited to: Pedestrian crossings and raised platforms, traffic islands, road markings and signage.

Once adopted by Council, the final plan would be forwarded to the Director of Land Transport (NZ Transport Agency/Waka Kotahi) for certification (approval).

Once approved, the current SMP will be periodically reviewed and varied by Council staff (with the approval of the Director) with updates to Council on progress within the transport network. Once related infrastructure is in place, traffic (speed & volume), pedestrian and cycle counts will help staff to monitor progress and gather evidence of the adherence by motorists to set speed limits.

### 3.7 Reviewing, varying and replacing speed management plans

- (1) The Agency (as RCA), each territorial authority and each regional transport committee must periodically review the relevant plan or plans (as the case may be), in order to make a new plan or plans, in accordance with the deadlines set by the Agency.
- (2) In setting deadlines for the review of a plan, the Agency must—
  - (a) set those deadlines so that, as far as reasonably practicable, each plan is reviewed every 3 years; and
  - (b) set a deadline for the publication of a consultation draft regional speed management plan (the event in clause 3.4(6)(a)); and
  - (c) notify the Agency (as RCA), the territorial authority or the regional transport committee (as the case may be) of the deadline set under subclause (2)(b) at least 6 months before the date of the deadline.
- (3) A territorial authority may publish a consultation draft territorial authority speed management plan under clause 3.5(1)(c) no earlier than 6 months before the deadline for the publication of a consultation draft regional speed management plan (that is, the deadline set under subclause (2)(b)).
- (4) The Agency (as RCA), a territorial authority or a regional transport committee may, during the currency of a plan, prepare a variation to a current plan or a new plan to replace a current plan, with the approval of the Director.

## Ngā Take/Kōrerorero | Issues/Discussion

69 written submissions (including one late submission from FENZ) were received. The themes identified are summarised below (NB: these have been summarised by Council staff, with copies of the full submissions provided to Council at the Hearing on 3 May 2023 and are still available on Council's website:

*Do you agree with our approach to managing speed outside and around schools within the district?*

Yes – 47 (69.1%)	No – 15 (22.1%)	I'm not sure – 3 (4.4%)	No answer selected – 3 (4.4%)
Suggestion to add safety improvements where practical such as speed humps, electronic signage around schools, and cameras – 4	The current provisions are ok, e.g. reduced speeds when passing a school bus and most schools have reduced speeds alongside	There is already a 20km speed limit when passing a school bus that is stopped to drop off/pick up students – 1  Random patrols near schools should be carried out to deter unsafe driver behaviour	

<p>Improving safety for students, including walking and cycling – 3</p> <p>The rules for schools should apply during peak drop off and pick up times/during school terms – 2</p> <p>The implementation plan is too slow and the SMP should be implemented faster - 2</p> <p>The speeds around schools should be consistent – 1</p> <p>Excessive speed observed is a concern – 1</p> <p>The speed limits within the plan need to be enforced for them to be effective – 1</p>	<p>awareness of the dangers – 7</p> <p>Schools need a safe place for children and other pedestrians to cross the road, often there are no pedestrian crossings – 4</p> <p>Speeds around school zones should only apply during school times – 3</p> <p>No aware of any reported accidents outside of schools – 3</p> <p>Proposal to lower some speeds to 40km is too slow. Driving too slow can also be dangerous/reducing speed causes congestion – 2</p> <p>Suggestion to add safety improvements where practical such as speed cameras, increased police patrols and electronic signage – 2</p> <p>Council should work with Waka Kotahi and address the State Highway system also -1</p>	<p>– 1</p> <p>Council should work directly with other agencies when there is a safety issue raised – 1</p> <p>Speed management around stationary school buses is a concern - 1</p>	
--	--	--	--



*Do you agree with our approach to managing speeds outside marae within the district?*

<b>Yes – 31 (45.6%)</b>	<b>No – 15 (22.1%)</b>	<b>I'm not sure – 16 (23.5%)</b>	<b>No answer selected – 6 (8.8%)</b>
<p>Suggestion to lower speeds outside particular marae – 7</p> <p>Safety hazard around current access to marae – 5</p> <p>Suggested safety improvements around marae located on main roads, e.g. speed reductions, turning bays – 4</p> <p>The implementation plan is too slow and the SMP should be implemented faster - 2</p> <p>Will help protect visitors to marae, particularly small children and elderly – 1</p> <p>There are a high number of deaths/accidents – 1</p>	<p>Could temporary speed limits be used when there are gatherings/events rather than a blanket speed limit? – 3</p> <p>Speed limit reductions will cause frustration and division – 2</p> <p>The speed limits are ok as they are and do not need to change – 2</p> <p>Suggestion to lower speeds outside particular marae – 1</p>	<p>Not sure what the concerns are – 1</p> <p>If kura are on the same site, they should be the same as the speed limits for schools – 1</p> <p>Could temporary speed limits be used when there are gatherings/events rather than a blanket speed limit? – 1</p> <p>A proliferation of signage may affect driver awareness and safety - 1</p>	<p>Suggestion to lower speeds outside particular marae – 1</p>

*Do you agree with our approach to managing speeds in town centres within the district?*

<b>Yes – 38 (55.9%)</b>	<b>No – 18 (26.5%)</b>	<b>I'm not sure – 8 (11.8%)</b>	<b>No answer selected – 4 (5.9%)</b>
<p>Suggestion to add safety improvements where practical such as crossings, further speed signs, footpaths, one-way systems, flower boxes, seating areas and</p>	<p>Traffic does not speed around town currently due to speed humps/traffic/pedestrians. There is no need to change the speed limits – 7</p> <p>Suggestion to reduce speeds in particular areas – 3</p> <p>Suggestion to add safety</p>	<p>Suggestion to reduce speeds in particular areas – 2</p> <p>Haven't seen where speed has been a factor in the CBDs – 1</p> <p>Concerned about ability to enforce the draft SMP – 1</p> <p>A proliferation of</p>	<p>Suggestion to reduce speeds in particular areas – 1</p>

<p>speed humps – 5</p> <p>Suggestion to reduce speeds in particular areas – 2</p> <p>Reduce speeds to consistent speed (30km; 40km) for whole CBD to improve safety for all pedestrians, cyclists and mobility scooters and avoid any confusion – 2</p> <p>The implementation plan is too slow and the SMP should be implemented faster – 2</p> <p>Dangerous to use the pedestrian crossings with the current speeds – 1</p> <p>Remove trucks from the main streets of our CBDs – 1</p> <p>Changes should be supported with data from accidents – 1</p> <p>Excessive speed observed is a concern – 1</p>	<p>improvements where practical such as one-way systems, and seating areas - 1</p> <p>Lowering speeds will increase driver frustration/road rage - 1</p> <p>The current speed limits should be enforced – 1</p> <p>Council should work with Waka Kotahi and address the State Highway system also - 1</p> <p>Heavy vehicles and agricultural traffic using roads in town centres is a concern - 1</p>	<p>signage may affect driver awareness and safety – 1</p> <p>Reduce speeds to consistent speed (30km) to avoid confusion and reduce costs – 1</p> <p>Need for formal pedestrian crossings rather than 'courtesy crossings' - 1</p>	
--	---	--	--

*Do you support our draft Speed Management Plan in general?*

<p><b>Yes – 23 (33.8%)</b></p> <p>Suggestion to add safety improvements where practical such as speed humps, cameras, barriers to entry to certain streets to prevent</p>	<p><b>No – 13 (19.1%)</b></p> <p>Improvements do not need to be made/leave roads as they are/there is no evidence to support the changes – 5</p>	<p><b>Changes are required for me to support it – 24 (35.3%)</b></p> <p>Suggestion to reduce speeds in particular areas – 14</p> <p>Driver education and empowerment is more important for safety on</p>	<p><b>I'm not sure – 5 (7.4%)</b></p> <p>The current speed limits should be enforced – 1</p>	<p><b>No answer selected – 3 (4.4%)</b></p> <p>Suggestion to reduce speeds in particular areas – 1</p> <p>Suggestion to add safety improvements</p>
---	--	--	--	---

<p>speeding/racing – 4</p> <p>Suggestion to reduce speeds in particular areas – 3</p> <p>Council needs to establish an implementation plan/timeframes when the changes will be made - 1</p>	<p>Police should monitor for traffic flow and there should be better provision for traffic to pass slower vehicles – 2</p> <p>Concern regarding the cost of the proposal, e.g. signage – 2</p> <p>If safety improvements are to be made, consider the noise for residents, e.g. heavy vehicles going over speed humps – 1</p> <p>Driver education and empowerment is more important for safety on our roads – 1</p> <p>Suggestion to add safety improvements where practical such as lights and traffic islands– 1</p>	<p>our roads – 1</p> <p>Suggestion to add safety improvements where practical such as marking of roads, improving the condition of roads, footpaths, and adding signage – 1</p> <p>Reduce speeds to consistent speed (30km) for whole CBD to improve safety for all pedestrians, cyclists and mobility scooters and avoid any confusion - 1</p> <p>Council should work with Waka Kotahi and address the State Highway system also – 1</p> <p>Different speeds around the marae/town centres causes confusion and money spend on signage – 1</p> <p>The implementation plan is too slow and the SMP should be implemented faster – 1</p> <p>Known accident ‘hot spots’ should be included, not just marae, schools and town centres – 1</p> <p>The plan will only be effective if it is enforced – 1</p> <p>Reduce speed on roads entering and exiting a marae to 50km – 1</p> <p>Reduce speeds to consistent speed (40km) for whole CBD - 1</p>	<p>where practical such as making areas pedestrian/cycle only – 1</p>
---	--	---	---

## Consideration of the Submissions

The Hearing was held on 3 May 2023. Four submitters chose to be heard by Council. Council listened and then read through all the written submissions requesting further information from Staff to assist with their understanding. Staff responses to submitter issues are below:

### Issue 1: Speed limits under the jurisdiction of Waka Kotahi/NZ Transport Agency

Many submitters suggested speed limit changes and safety improvements on State Highways which are under the jurisdiction of Waka Kotahi NZ Transport Agency.

#### *Staff Responses*

On 8 May 2023, Council staff forwarded all relevant submitter comments regarding State Highways onto Waka Kotahi NZ Transport Agency and will continue to advocate on these issues.

### **Issue 2: Insufficient Pedestrian Crossings on Coronation Road (Morrinsville)**

Some submitters highlighted safety issues for pedestrians on Coronation Road. One submitter suggested changes to the speed limit (lowering the default speed from 50km/h to 40km/h). Submitters noted that presently many school children cross Coronation Road and there are insufficient crossing locations.

#### *Staff Responses*

Coronation Road has a default 50 km/h speed limit recorded in the National Speed Limit Register. The draft SMP includes strategically positioned pedestrian crossings (specifically accommodating the needs of David Street and Morrinsville Intermediate school students). Staff are aware of the need for well-positioned crossings, however this is balanced by the functionality of Coronation Road as an urban collector; classified under the One Network Framework (ONF).

Council should be mindful that if too many crossings are installed or these are incorrectly positioned, there is a real risk of frustrating motorists or changing the intended functionality of the road. Therefore, staff intend carefully progressing future work with infrastructure in collaboration with stakeholders e.g. schools in the area to determine the most appropriate crossing places.

### **Issue 3: Avenue Road South and West Street (Morrinsville)**

One written submission was received requesting Council reduce speed limits on Avenue Road South and West Street - currently 80km/h and 70km/h respectively.

#### *Staff Responses*

West Street is already included in the draft SMP (as a peri-urban road). Staff recommend moving ahead with the speed reduction 70km/h to 60km/h. Avenue Road South was not included for consultation in the draft SMP due to its existing safe and appropriate speed of 80km/h – Staff didn't include roads above 70km/h as part of this draft SMP. By reducing the speed limit to 60km/h there is potential to restrict the functionality of the road for movement. For Avenue Road South to be considered further, more targeted consultation would be required to ensure all affected parties are notified. Staff and Consultant recommend this be undertaken in time for the next SMP review.



#### Issue 4: Grattan Road (Te Aroha)

Three submitters suggested speed reductions to Grattan Road/Gordon Avenue due to continued development in the area and the perceived risks to pedestrians and cyclists.

##### *Staff Responses*

Parts of Grattan road are zoned rural residential and the other part is zoned rural, so not part of the urban zoned area which would result in much more additional housing. Staff also reviewed the One Network Framework (ONF) and determined that Grattan Road is presently categorised as a rural connector while Bossons and Gordon Avenue are in contrast peri-urban roads. Due to existing uncertainties about appropriate speed limits on Grattan Road and the need to carry out further investigation, staff recommend that targeted consultation with community be undertaken in time for the next SMP review.

#### Issue 5: Alexandra Road (Te Aroha West)

One submitter noted the current speed of 60 km/h on Alexandra Road, Te Aroha West, is rarely adhered to and that trucks in particular consistently exceed the speed limit causing an unsafe environment for people and pets.

##### *Staff Responses*

Staff will raise the submitter's concern with the NZ Police as a reduction in speed limit wouldn't help - this is clearly a targeted enforcement issue or some engineering measures are required to reduce the speeds.

#### Issue 6: School Safety within Morrinsville, Matamata and Te Aroha

Various comments were raised by submitters about school road safety. A specific comment was made in relation to Coronation Road, Morrinsville, that the speed limit could be reduced to 40km/h. Another comment made was in relation to the Stanley Avenue school (Te Aroha); determining safe solutions for students taking buses, safe crossing locations and also how best to re-configure/design parking areas.

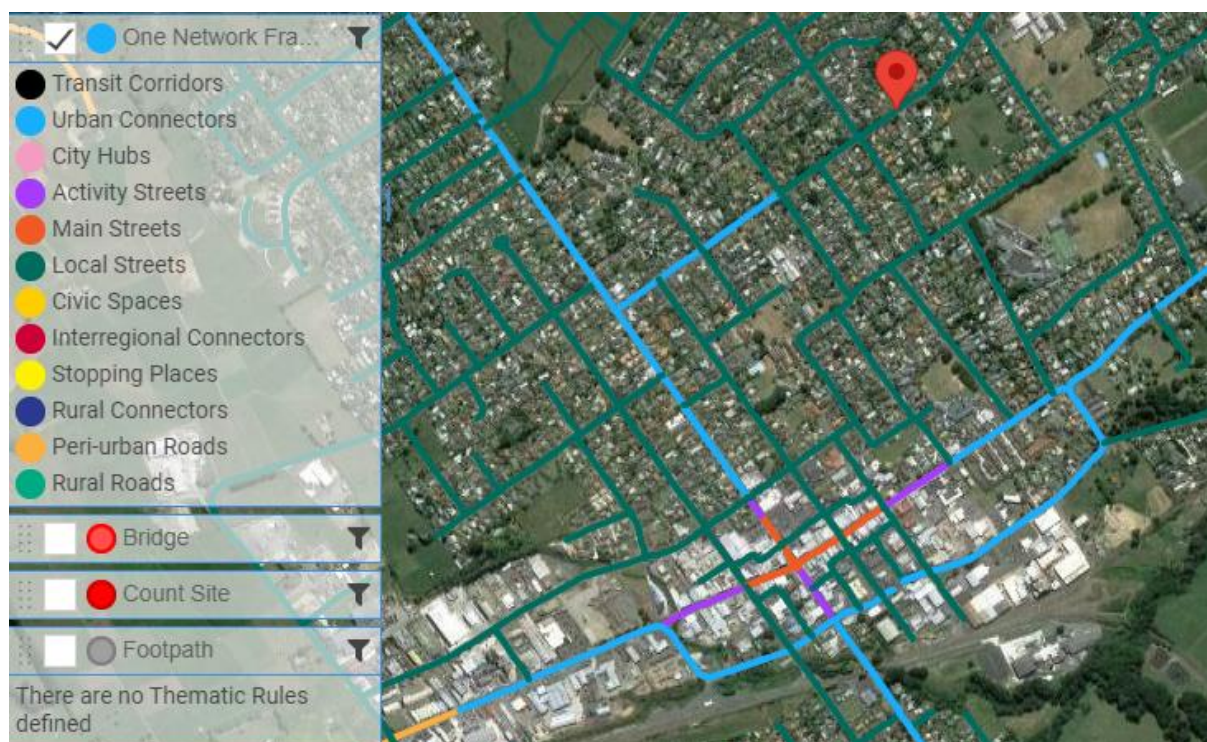


Separate comments related to speed limits when passing school buses. Motorists are legally required to reduce speed to 20 km/hr when passing school buses loading/offloading students. Submitters suggested the 20km/hr limit could be applied outside of schools rather than the 30km/hr as proposed in the draft SMP.

### *Staff Responses*

Firstly, applying a blanket 40km/h speed limit across Coronation Road doesn't take into consideration the function of Coronation Road which most closely matches the urban connector classification (light blue – below). Urban connectors make it safe, reliable, and efficient for people and goods to move between different parts of urban areas. Essentially, Coronation Road and its extension along Seales Road provide the much needed transport connection (Studholme Street, to the West) with State Highway 26, to the East).

Under the approved SMP, the intent is that the light blue section - below (Studholme to Bank Street) and the area to the west (Willow Grove through to Stirling Drive) both will have traffic calming and pedestrian improvements added. Preference is for the central section to be maintained with urban connector functionality i.e. free of controls. The reason for this, is to prevent some of the traffic choosing to boycott Coronation Road in favour of detouring down another of the lesser volume roads – thereby creating more issues.





Staff appreciate the significance of school bus safety on the journey to school and also while loading and offloading students at the school gate – a 20km/hr speed limit is maintained for this purpose under the current Rule. While differing, the proposed 30km/hr speed limit in the draft SMP applies throughout the school day, providing protection to vulnerable road users for all front-of-gate school activities, against all other traffic classes with the exception of school buses. The rationale for this 30km/hr speed limit is found in the Waka Kotahi NZ Transport Agency Speed Management Guide 2022 (refer to the Box 1 below).

#### Box 1

##### Reason for a 30km/h speed limit around schools

International best practice is that 30km/h is the desirable Safe System speed on roads and streets where high numbers of active road users, especially children, are present or desired. A pedestrian struck by a motor vehicle at this speed has a strong chance of surviving and avoiding a serious injury. The probability of a pedestrian being killed rises as impact speed increases. The probability approximately doubles between 30km/h and 40km/h and doubles again from 40km/h to 50km/h.

Source: International Transport Forum. 2018. *Speed and crash risk* (research report). Paris: OECD. (2018)

#### Issue 7: The Late Submission from Fire and Emergency NZ (FENZ)

Council received a late submission from FENZ and resolved to accept it at the Hearing on 3 May 2023. In general, FENZ recommends that primary routes and protected routes should remain free of physical impediments (vertical and horizontal devices), or have limited physical impediments, such as speed humps, speed cushions, traffic circles and chicanes or narrowing roads, so as not to slow emergency response vehicles.

#### Staff Responses

Staff are open to working with FENZ to ensure positive community outcomes and an overall reduction in deaths and serious injuries in the district. There is an acceptance that emergency vehicles need to efficiently and effectively navigate roads and streets, however the risks Council is managing are also real and significant (dealing with vulnerable pedestrians, cyclists and motorists) and therefore staff will be guided by Waka Kotahi NZ Transport Agency guidelines in the first instance. Advice from Waka NZ Transport Agency will be sought in terms of conflicting outcomes. Designs for infrastructure can be considered in advance of project work, as applicable.

#### Staff recommendation

Staff recommend that the draft SMP continue in its present form as consulted on. Issues raised through the community consultation as written and verbal submissions will be worked on and communicated back to Council for inclusion at a future review of the SMP.

### Mōrearea | Risk

Council as a RCA for local roads has responsibility for administering the safe and efficient operation of the district's transport network. It has carefully reduced risk exposure by good planning, focussing its efforts on high-priority areas of speed reduction and providing effective procedures for public consultation. Given some political uncertainty, staff view the adoption of the draft SMP as a priority. Delays to sign-off add to the programme risk and the overall progress of the SMP – delays a concern to submitters.

From an investment perspective the SMP programme combines well with other project work e.g. the Waka Kotahi NZ Transport Agency Transport Choices package (of new cycle ways and walkways), Council's footpath-related accessibility works, and the creation of new improved modes of travel to/from school. A timely approval of the SMP enables speed limits around schools in particular to be progressed alongside other interrelated work streams.

There is also a potential risk by not incorporating new issues and roads raised during the consultation period. As a means of mitigating these risks, Staff will factor this in at the next review of the SMP, through other Council work streams and through lobbying of external agencies (including Waka Kotahi NZ Transport Agency and the NZ Police).

### Ngā Whiringa | Options

As Council is mandated to prepare a SMP. The following options are available:

- 1. Adopt the draft SMP as consulted on** and forward the SMP on to Waka Kotahi/NZ Transport Agency for approval (certification).
- 2. Do not adopt the draft SMP** instead adopt it at a later date, pending further consultation with community

Staff recommend proceeding with Option 1. As moving forward with the SMP enables work to be advanced. The inclusion of new roads can be part of the next review once considered by community and accepted following targeted consultation.

Should Council not adopt the draft SMP in favour of delaying now for further consultation, this might unnecessarily delay progress and potentially jeopardise the progression of the draft SMP through to final stage.

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

Council is mandated to prepare a SMP as stated and pursuant to section 3.1 **Requirement to prepare speed management plans and meet deadlines** of the Land Transport Rule: Setting of Speed Limits 2022.

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

The formal consultation process is outlined below:

Milestone	Date
Council has resolved to consult community on the draft SMP (document available on Council's website)	8 March 2023

Consultation Period	14 March – 11 April 2023 (extended to 21 April 2023)
Hearing Date	3 May 2023
Deliberations (adoption of final SMP)	24 May 2023
SMP to be forwarded to Director of Land Transport for certification	ASAP after Council deliberations/adoption
Council staff to commence SMP implementation	From 1 July 2024

The draft documents and interactive mapping tool were available for viewing on Council's website, with submissions able to 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:




- The use of Facebook (the post dedicated to this topic received a reach of 1,400 with 1 reaction and no comments)
- Direct letter and/or email
- Community meetings (Business After 5)
- Consideration at Te Mana Whenua Forum meetings
- Newspaper advertising, e.g. Council in Focus
- E-newsletters
- Online engagement – community hui regarding the LAP (attendees were also encouraged to view and submit their feedback on other topics).

Staff will following the adoption of the draft SMP, correspond with each submitter to inform them of the outcome, and provide a specific response as required. Information will also be made available to the public to inform them of decisions made.

## 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:** Roading 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.

Roading 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 SMP contains no indicative costings as budgets fluctuate according to time and programme priorities. The financial cost of speed management investments is shared fairly equally between Waka Kotahi/NZ Transport Agency and Council based on financial assistance rates and subject to investment work categories. Every effort will be made to maximise inputs from other funding sources e.g. Waka Kotahi NZ Transport Agency's Transport Choices package.

Having an SMP in place will now allow Council to develop estimates, include the programme in our next National Land Transport Plan with Waka Kotahi and seek funding. The works will then form part of our future programme of works as Speed Management is a key criteria in our budgets going forward.

The associated costs of the consultation process includes the placement of public notices, this is funded from the existing Policies and Bylaws budget.

## Ngā Tāpiritanga | Attachments

A.  Speed Management Plan for Council Approval 24 May 2023 *(Under Separate Cover)*

## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Policy Advisor</b>	
	Barry Reid <b>Roading Asset Engineer</b>	

Approved by	Niall Baker <b>Policy Team Leader</b>	
	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	
	Susanne Kampshof <b>Asset Manager Strategy and Policy</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	

7 Pūrongo me whakatau | Decision Reports

## 7.4 Adoption of Fees & Charges 2023/24

CM No.: 2720294

### Rāpopotonga Matua | Executive Summary

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. Council's fees and charges are reviewed annually to ensure that they reflect actual and reasonable costs and that any additional processes and new costs are fully covered. By reviewing the Fees and Charges alongside the Annual Plan or Long Term Plan, it enables Council to consider the impact to budgets of any changes to Fees and Charges.

Consultation was undertaken with the community from 14 March 2023 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. A total of 158 submissions were received (one submission was received after the due date for submissions). 20 submissions were received in respect to the proposed fees and charges.

A hearing was held on 3 May 2023 whereby Council heard from those submitters who wished to present their submission to Council. There was one presenter relating to the proposed Fees and Charges. Following the hearing and consideration of all submissions received, Council requested further information from staff to inform deliberations and decision-making. The information requested related to the Waharoa (Matamata) Aerodrome.

Following the adoption by Council of the draft Fees and Charges for consultation, staff identified some further minor changes required to the Fees and Charges schedule as detailed below:

- Correction of a clerical error – the consultation document incorrectly proposed an increase to the camping fees (per person/per day) for the Waharoa (Matamata) Aerodrome. The document proposed an increase to the camping fees (un-powered site and powered sites), however the current fees (\$14 and \$16 respectively), are not proposed to change.
- Building Control
  - Staff propose an increase to the dwellings fee for dwelling single storey/additions and alterations in excess of 250m<sup>2</sup> from \$3,250 to \$3,475 to align with the staggered cost structure for additions and alterations of varying sizes to single storey dwellings.
  - At a workshop held on 10 May 2023, the placement of 'cowshed extensions' within the Fees and Charges schedule was queried. This has been moved to sit under the heading 'Dairy sheds'.

Council is now required to deliberate on the issues raised during the consultation process and to formally adopt the final Fees and Charges for FY 2023/24. The new Fees and Charges will come into effect from 1 July 2023.

## Tūtohunga | Recommendation

That:

1. The information be received.
2. Council has considered all submissions received.
3. Council decisions on the Fees and Charges 2023/24 be incorporated into the submissions hearing document for notifying submitters and for publication on Council's website.
4. Council adopt the Fees and Charges 2023/24 with minor amendments as attached to this report in accordance with the Local Government Act 2002, Resource Management Act 1991 and the Building Act 2004.
5. Staff be given delegation to approve minor proofing and grammatical changes prior to publishing the Fees and Charges 2023/24 (if required).

## Horopaki | Background

Council reviews the Fees and Charges schedule annually as part of the Annual Plan or Long Term Plan process. This ensures fees and charges are kept up to date and reflect actual and reasonable costs and to make sure additional processes and new costs are fully covered. By reviewing the Fees and Charges alongside the Annual Plan or Long Term Plan, it enables Council to consider the impact to budgets of any changes to Fees and Charges.

The majority of the proposed Fees and Charges for 2023/24 were proposed to remain the same or increase by inflation. Some of the other changes included:

- Removal of all overdue fines at Council libraries;
- Charging for rubbish collection through rates instead of rubbish bag sales, with rubbish bags only sold through to 31 August 2023;
- Changing how we charge for meeting/function spaces at Council venues, lifting the daily limits on these spaces to help recover some of the actual cost of operating these venues;
- Increasing the costs for LIM reports to help recover actual costs;
- Addition of some new Building Consent and Resource Consent fees.

The draft Fees and Charges and associated statement of proposal was approved by Council on 8 March 2023 for consultation and can be found on Council's website.

The final Fees and Charges are attached for Council's adoption. Following adoption, the new Fees and Charges will come into effect from 1 July 2023.

## Ngā Take | Issues / Kōrerorero | Discussion

Consultation occurred from 14 March 2023 to 21 April 2023 on the draft Fees and Charges 2023/24. Submissions were invited through Council's website or in writing. Submitters could also visit one of Council's libraries or offices to make a submission.

20 submissions were received in regards to the Fees and Charges. 12 submitters did not agree with the proposed changes, 6 were in agreement and 2 were not sure.



The themes identified are summarised below. Please note these have been summarised by Council staff and copies of the full submissions were provided to Council on 3 May 2023 at the Hearing and are available on Council's website.

Question 1: Do you agree with the proposed changes?			
Yes – 6 (30%)	No – 12 (60%)	I'm not sure – 2 (10%)	No answer selected - 0
<p>Do not agree to remove overdue fines for libraries – suggestion to have a 50% discount if returned within 30 days – 1</p> <p>Agree with the proposal to remove overdue fines for libraries – 1</p>	<p>Agree with the proposal to remove overdue fines for libraries – 1</p> <p>Do not agree with rubbish bin fee waiver – 1</p> <p>Do not agree to charge for rubbish through rates – where is the incentive to reduce waste?/education through schools is required – 2</p> <p>What about residents who already pay for their rubbish collection have to pay for removal of rubbish in their rates? - 1</p> <p>Do not agree to remove overdue fines for libraries – concerned that items will not be returned/there will be delays for other library users – 5</p> <p>Do not agree to an increase in pool admission costs – 1</p> <p>Do not agree with the proposed 'additional cleaning fee' for the Waharoa (Matamata) Aerodrome – 1</p> <p>The fees for 'hot picks' for library books are too high and have stopped using the library as a result - 1</p> <p>Do not agree with the change from rubbish bags to bins as one size does not fit all - 1</p>	<p>Do not agree to having to pay for rubbish removal whilst also paying for rubbish bags – 1</p> <p>Council needs to provide future reasoning behind the decision-making process for the fees and charges so that people understand the rationale e.g. what is the rationale for the removal of overdue library fines? How do the prices compare to other councils? What has been done to mitigate any cost increases? – 1</p> <p>Some fees should be lifted in certain areas, eg. campground fees and hireage of meeting rooms - 1</p>	

A Hearing was held on 3 May 2023 where Council considered all submissions received on the proposed changes to the Fees and Charges. Additional comment by staff to provide clarity is provided as follows:

### *Library fees*

Seven submitters provided comments on the proposal to remove overdue library fees. Comments in support of the proposal were received noting that it is a disincentive to use the library if overdue fees are inadvertently received. Five submitters did not agree with the proposal and were concerned that it would result in more books un-returned and this would cause further delays to all library users from being able to borrow the books they want (particularly new releases).

Staff acknowledge both the support for the proposal and the concerns received. On balance, it is recommended to proceed with the proposal to remove overdue library fees. It is understood that fines pose a barrier to access, usually to the people who would benefit the most from accessing library service.

Experience informs us that overdue fines do not work as a deterrent to returning items on time. Often, the items are never returned, the fines remain unpaid, and the customer stops visiting the library. Libraries who have removed overdue fines have actually seen a decrease in long overdue items and an increase in library usage, as well as a decrease in staff time and the cost associated with debt collection.

### *Waharoa (Matamata) Aerodrome*

The draft Fees and Charges schedule contained a proposed fee for the Waharoa (Matamata) Aerodrome – ‘events – additional cleaning fee’. A submitter noted that many multi-day aviation events are regularly held and regular servicing of the ablutions block is required. This need for cleaning has been in place for many years (included in the cost of accommodation) and is therefore not a new requirement.

The submitter therefore concludes that it is unreasonable to charge event organisers a cleaning fee, while also charging individual people who are staying at the Waharoa (Matamata) Aerodrome for the same service. Therefore, the proposed fee should be removed.

Currently, camping is not available to the general public and only available for events. The fee includes access to kitchen facilities, and ablutions including washing machines, showers and toilets as well as cleaning. Currently the cleaning contract includes once a week cleaning of the kitchen and ablution facilities during the winter months (April – October) and twice weekly during summer months due to the increase in events (November – March).

Staff recommend removing the proposed additional cleaning fee due to the fact that during events this cost can be covered with a minimum of ten people booked on site based on the current fees and charges i.e \$14 per person per day for bunk house fees and non -powered camp sites and or \$16 per day for powered camp sites. At the time of writing this report there has been \$30K of revenue associated with bunk house fees that will cover cleaning costs and general maintenance.

The cost structure is below:

#### Current fee structure:

##### ADULTS

Un-powered site: \$14 per person per day

Powered site: \$16 per person per day

Soaring centre bunk room: \$14 per person per day

##### CHILDREN (under 16 years)

\$7 per person per day.

### *Feedback on consultation*

Staff also note the comments received in relation to the requirement for further information when considering the proposal and this is something that staff will consider for the next consultation period so that our community are fully informed of the options when asked to provide comment.

### Staff changes

Following the adoption by Council of the draft fees and charges for consultation, staff identified some further minor changes required to the Fees and Charges schedule as detailed below. These are highlighted in the attached Fees and Charges schedule for adoption.

- Correction of a clerical error – the consultation document incorrectly proposed an increase to the camping fees (per person/per day) for the Waharoa (Matamata) Aerodrome. The document proposed an increase to the camping fees (un-powered site and powered sites), however the current fees (\$14 and \$16 respectively), are not proposed to change.
- Building Control
  - Staff propose an increase to the dwellings fee for dwelling single storey/additions and alterations in excess of 250m<sup>2</sup> from \$3,250 to \$3,475 to align with the staggered cost structure for additions and alterations of varying sizes to single storey dwellings.
  - At a workshop held on 10 May 2023, the placement of 'cowshed extensions' within the Fees and Charges schedule was queried. This has been moved to sit under the heading 'Dairy sheds'

### **Mōrearea | Risk**

No specific risks to the proposed recommendation has been identified.

### **Ngā Whiringa | Options**

The following options are available to Council:

1. Council can adopt the Fees and Charges as consulted on.
2. Council can adopt the Fees and Charges with the minor amendments recommended by staff.
3. Council can request further amendments to the Fees and Charges following submissions received.

Staff recommend Council proceed with **option 2**. The changes proposed ensures that Council's Fees and Charges reflect actual and reasonable costs in the current environment and community feedback has been incorporated.

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

#### Legislative Requirements

##### *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 was undertaken.

### *Section 83*

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

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

The consultation was undertaken as per the requirements including ensuring that the Statement of Proposal for the draft Fees and Charges was made as widely available as reasonably practicable as a basis for consultation. Council also provided an opportunity for persons to present their views to the Council.

### Impact on Council Policy

The Fees and Charges are consistent with Council's Revenue and Financing Policy. Forecast revenue from the fees and charges as proposed has been used when setting the draft budgets for the 2023/24 Annual Plan.

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

The formal consultation process is outlined below:

<b>Milestone</b>	<b>Date</b>
Documents approved by Council to consult including: <ul style="list-style-type: none"><li>- Draft Fees and Charges</li><li>- Statement of Proposal</li></ul> (These documents are available on Council's website)	8 March 2023
Consultation Period	14 March – 14 April 2023 (extended to 21 April 2023)
Hearing Date	3 May 2023
Deliberations and adoption of final Fees and Charges 2023/24	24 May 2023 (28 June if further amendments required)
Fees and Charges to apply from	1 July 2023

The Statement of Proposal and draft Fees and Charges 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 (the post dedicated to this topic received a reach of 1,652 with 3 reaction and no comments)
- Direct letter and/or email
- Community meetings (Business After 5)

- Consideration at Te Mana Whenua Forum meetings
- Newspaper advertising, e.g. Council in Focus
- E-newsletters
- Online engagement – community hui regarding the Local Alcohol Policy (attendees were also encouraged to view and submit their feedback on other topics).

Following the adoption of the Fees and Charges, staff will write to each submitter to inform them of the outcome and a specific response will be provided to queries where required. Information will also be made available to the public to inform them of the decisions made.

Staff will be advised to make arrangements to incorporate the new Fees and Charges to apply from 1 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

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).

The associated costs of the consultation process includes the placement of public notices. This is funded from the existing Policies and Bylaws budget.

## Ngā Tāpiritanga | Attachments

A.  Fees & Charges for Adoption by Council 24 May 2023 (*Under Separate Cover*)

## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Policy Advisor</b>	
	Christa Kurian <b>Graduate Policy Advisor</b>	

Approved by	Niall Baker <b>Policy Team Leader</b>	
	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	

7 Pūrongo me whakatau | Decision Reports

## 7.5 Adoption of Policies on the Remission and Postponement of Rates

CM No.: 2715045

### Rāpopotonga Matua | Executive Summary

Council's Policies on the Remission and Postponement of Rates (Policies) sets out how and when Council can remit or postpone payment on rates. A new kerbside collection service is to be introduced from September 2023, which will have implications for properties charged the targeted rate for the service for the 2023/24 financial year. Therefore, Council proposed an amendment to its Policies.

Consultation was undertaken with the community from 14 March 2023 to 14 April 2023 on these Policies alongside a number of other documents. 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. A total of 158 submissions were received (one submission was received after the due date for submissions). 11 submissions were specifically received in respect to the Policies.

Council proposed to add two new remissions to the Policies as follows:

1. For CBD/commercial/industrial properties that will no longer receive a kerbside collection service from September 2023, the Policies have been amended 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.
2. For the private roads, lanes and right-of-ways that do not currently receive the kerbside collection service but will from September 2023, the Policies have been amended 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.

Minor changes of a housekeeping nature were also proposed.

A Hearing was held on 3 May 2023 where Council heard from those submitters who wished to present their submission and considered all submissions received. No submitters chose to present their submission to Council on the Policies on the Remission and Postponement of Rates.

Following the Hearing and consideration of all submissions received, Council is now required to deliberate on the issues raised during the consultation process and to formally adopt the final Policies.

This report recommends that Council adopt the draft Policies as proposed to the community. The Policies will then become operative from 1 July 2023.



## Tūtohunga | Recommendation

That:

1. **The information be received.**
2. **Council has considered all submissions received.**
3. **Council adopt the Policies on the Remission and Postponement of Rates with minor amendments as attached to this report in accordance with sections 102, 108, 109 and 110 of the Local Government Act 2002 and section 85 of the Local Government (Rating) Act 2002.**
4. **Staff be given delegation to approve minor proofing and grammatical changes prior to publishing the Policies on the Remission and Postponement of Rates (if required).**

## Horopaki | Background

Council's Policies on the Remission and Postponement of Rates (Policies) set out how and when Council can remit or postpone payment on rates.

A new kerbside collection service is to be introduced from September 2023. 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 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 September 2023.

To ensure that properties are only charged for the service as it is available to them, Council proposed to add two new remissions to Council's 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.

The following changes were proposed:

### Proposed Remissions related to Kerbside Collection

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.
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.

### Other minor changes of a housekeeping nature

In addition to the proposed amendments above in respect of the kerbside collection contract, two further amendments were 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 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). 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 associated statement of proposal was approved by Council on 8 March 2023 for consultation and can be found on Council's website. The final Policies are attached for Council's adoption. Following adoption, the Policies will come into effect from 1 July 2023.

## Ngā Take/Kōrerorero | Issues/Discussion

Consultation occurred from 14 March 2023 to 21 April 2023 on the draft Policies. Submissions were invited through Council's website or in writing. Submitters could also visit one of Council's libraries or offices to make a submission.

Submitters were asked the following question:  
*Do you agree with the proposed changes?*

11 submissions were received in regards to the Policies. 5 did not agree with the proposed changes, 4 were in agreement and 2 were not sure.

The themes identified are summarised below. Please note these have been summarised by Council staff and copies of the full submissions were provided to Council on 3 May 2023 at the Hearing and are available on Council's website:

Yes – 4 (36.4%)	No – 5 (45.5%)	I'm not sure – 2 (18.2%)
There is no need to increase costs as savings will be made from not servicing commercial areas – 1 Need some alternative options for kerbside collection in	The kerbside collection service for commercial properties should be retained, this is a basic service provided by Council, there will be a build-up of rubbish and more trucks on	There should be an option for those who already employ a private rubbish collection and are also charged rates – 1 Query if their area is within the new schedule for kerbside

commercial areas, e.g. location in towns for disposal - 1  Should there be a remission of rates for buildings used by voluntary organisations? – 1  Policy on small rates balances should be higher – lift the threshold to \$25 – 1	the roads - 2  For those who live on private roads and lanes, if bins are brought to the roadside, would they still be collected as they are still being charged rates – 1  Rates for Morrinsville pools should be removed as they are closed from March to November – 1  What about those who currently pay for their own private rubbish collection? – 1  Need to support businesses post COVID, not increase costs - 1	collection - 1
--	---	----------------

Many of the submissions did not fall within the scope of the Policies and were in relation to the proposed kerbside collection service. Additional comment by staff to provide clarity is provided as follows:

#### Comments relating to the Policies

- Some submitters commented that there should be a provision for those who already employ a rubbish collection and will also be charged for the Council rubbish collection in their rates.
- There should be a remission of rates on land and buildings used by clubs, incorporated societies, and voluntary organisations.
- The policy on the remission of small rates balances should be increased (currently to qualify for remission under this part of the policy, the rating unit must have a balance of less than one dollar. A submitter suggested lifting this threshold to \$25 to justify any administration costs.
- One submitter requested that rates for Morrinsville Swimzone should only be charged from March to November as they are closed during this time. Staff noted that due to Swimzone Morrinsville only being in operation for six months, this means that the operative costs are less, the revenue is less and the net cost (which is spread across ratepayers as part of the general rate) reflects this.

The Policies were updated to reflect the new kerbside contract and did not undergo a full review. The above suggestions for changes/new remissions can be considered during a future review of the Policies, as consultation would need to be undertaken.

#### Comments relating to the new kerbside collection service

- Concern was raised regarding a potential increase in traffic in the commercial areas as a result of businesses arranging their own collections. Staff note that it is expected that the proposal will not result in an increase in traffic, as some small businesses may not require weekly collections and therefore traffic will be reduced. Waste companies also develop routes that are efficient and tend to schedule collections to optimise vehicle usage.
- There were a number of queries about whether particular properties will be included when the new kerbside collection starts. These queries will be responded to individually.

## Mōrearea | Risk

If Council do not adopt the Policies as proposed and the Policies remain the same as they are currently, there will be no provision for Council to remit rates as a result of changes to the kerbside collection service to commence in September 2023. This means that some ratepayers may end up paying for a service they are not receiving, and vice versa.

## Ngā Whiringa | Options

The following options are available to Council:

1. Council can choose not to adopt the Policies as consulted on. Therefore, the Policies would remain as they are currently.
2. Council adopt the Policies with the minor amendments recommended by staff.
3. Council can request further amendments to the draft Policies following submissions received. (Staff are not recommending any changes from what was consulted on). If amendments are requested, Council staff will bring the amendments back to the Council meeting on 28 June 2023 for approval.

Staff recommend Council proceed with **option 2**. The changes proposed will ensure that Council is able to remit rates in appropriate circumstances relating to the new kerbside collection contract.

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

The Policies are formed in accordance with sections 102, 108, 109 and 110 of the Local Government Act 2002 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 has been conducted in a manner that gives effect to the requirements of section 82.

The draft remission policy regarding the kerbside collection targeted rate has been subject to a legal review by Simpson Grierson.

Other remissions within the policy have not changed significantly this year and have been subject to legal review previously, and there were no significant changes in legislation, so these were not subject to additional legal review this year.

## Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The formal consultation process is outlined below:

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> (These documents are available on Council's website)	8 March 2023
Consultation Period	14 March – 14 April 2023 (extended to 21 April 2023)
Hearing Date	3 May 2023
Deliberations and adoption of final Policies	24 May 2023 (28 June if further

	amendments required)
Policies to apply from	1 July 2023

The Statements of Proposals and draft Policies 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 (the post dedicated to this topic received a reach of 1,400 with 1 reaction and no comments)
- Direct letter and/or email
- Community meetings (Business After 5)
- Consideration at Te Mana Whenua Forum meetings
- Newspaper advertising, e.g. Council in Focus
- E-newsletters
- Online engagement – community hui regarding the Local Alcohol Policy (attendees were also encouraged to view and submit their feedback on other topics).

Following the adoption of the Policies, staff will write to each submitter to inform them of the outcome and a specific response will be provided to queries where required. Information will also be made available to the public to inform them of the decisions made.

## 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 associated costs of the consultation process includes the placement of public notices. This is funded from the existing Policies and Bylaws budget.

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

## Ngā Tāpiritanga | Attachments

- A.  Policies on the Remission and Postponement of Rates 2023 for Council to be approved by Council 24 May 2023 (*Under Separate Cover*)

## Ngā waitohu | Signatories

Author(s)	Laura Hopkins <b>Policy Advisor</b>	
	Larnia Rushbrooke <b>Finance and Business Services Manager</b>	

---

Approved by	Niall Baker <b>Policy Team Leader</b>	
	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	

7 Pūrongo me whakatau | Decision Reports

## 7.6 Staff Long Service Presentation

CM No.: 2684203

### Rāpopotonga Matua | Executive Summary

Michael van Bysterveldt to be presented with a Long Service Award in recognition of 40 years' service to Matamata-Piako District Council.

### Tūtohunga | Recommendation

That:

1. The information be received.

### Ngā Tāpiritanga | Attachments

There are no attachments for this report.

### Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins <b>Governance Support Officer</b>	
-----------	---	--

Approved by	Sandra Harris <b>Placemaking and Governance Team Leader</b>	
-------------	--	--



7 Pūrongo me whakatau | Decision Reports

## 7.7 Funding stream approval - Pride of Place project

CM No.: 2714341

### Rāpopotonga Matua | Executive Summary

The purpose of this report is to seek approval to uplift a portion of Tranche 1 of the Better off funding for the purposes of delivering the Pride of Place (PoP) programme of work.

Funding from Better off complements the \$4.1m of capital expenditure as earmarked in the Long Term Plan for town centre revitalisation. Better off can be used for operational or capex expenditure and is available for a five year period.

Some of the Matamata actions have received funding from the Transport Choices package (Waka Kotahi).

Department of Internal Affairs (DIA) approved Council's September 2022 application for Better off funding for the purposes of Placemaking (ie PoP) projects.

### Tūtohunga | Recommendation

That:

1. **Council confirms the use of Better off funding in 2023/24 towards project delivery, \$82,500 Matamata Pride of Place Projects, \$130,000 Morrinsville Pride of Place Projects; with staff bringing future allocation requests for Te Aroha and Waharoa once these Place Plans have been approved.**

### Horopaki | Background

In early 2022 the Minister of Local Government invited Councils to put forward proposals for the first \$500 million of Crown funding from the Three Waters reform better off support package. The funding is for local government to invest in local community wellbeing and may be applied to capital or operating initiatives. Initially, a second tranche was offered, however this has since been withdrawn by the government in response to changes to the entity arrangement.

The Heads of Agreement allocated the package with a 75% allocation based on population, a 20% allocation based on the deprivation index, and a 5% allocation based on land area and established the following funding criteria:

- Supporting communities to transition to a sustainable and low-emissions economy, including by building resilience to climate change and natural hazards.
- Delivery of infrastructure and/or services that enable housing development and growth, with a focus on brownfield and infill development opportunities where those are available.
- Delivery of infrastructure and/or services that support local place-making and improvements in community well-being.

Council's allocation is \$4.32m

Council resolved on 14 September 2022 to put forward a Better off application. The application was approved by DIA and the funding agreement signed early 2023.

This enabled the opportunity to fund the PoP programme of work in relation to four town centres: Matamata, Morrinsville, Te Aroha and Waharoa; alongside providing the basis for capital works via the Long Term Plan.

With robust ongoing monitoring and evaluation planned, the PoP project can be tailored to respond to learnings along the way and can be responsive to community need.

While currently town centre focussed, the programme has the potential to move into elements outside of this in future with the opportunity to build greater partnerships and realise leveraging opportunities.

To date, a portion of Matamata Year 1 projects have been funded from a successful application to Waka Kotahi's Transport Choices fund. The Place Plans allow Council the opportunity to leverage from additional funding sources – and staff continue to identify and apply for these.

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

The Place Plans for Matamata and Morrinsville have been endorsed by Council. They currently highlight a two year programme of work, in partnership with community, government, and a range of stakeholders. The programme feeds into existing and future capital projects. The following tables should be read in conjunction with the full place plans – attached to this report.

The Te Aroha Place Plan is currently being developed post community co-design engagement; and PoP will start in Waharoa mid-year.

#### **Matamata Place Plan – Year 1**

<b>Action</b>	<b>Indicative budget in PoP</b>	<b>Other funding received</b>	<b>Balance sought from Better off funding</b>
Install bike racks <b>COMPLETED</b>	15000	15,000 Transport Choices	NIL
Refill NZ initiative <b>COMPLETED</b>	2500	2,500 Transport Choices	NIL
Pop up play (MM futures playground)	20,000	EOI sent to Tu Manawa for additional funding	20,000
Libraries storywalk	5,000	5,000 Transport Choices	NIL
POP Microgrant scheme (District wide)	30,000	30,000	30,000
Place Champions network group	2500	2,500	2,500
Event Kit (District wide)	25000	From LTP capex	NIL
Laneway	10000	10,000 Transport Choices	NIL
Social seating – mid Arawa	15000	15,000 Transport Choices	NIL
Hetana Reserve summer series	60,000	40,000 plus from LTP capex	20,000

Cycle activation series	10,000	20,000 from Transport Choices in 22/23	10,000
<b>Total sought</b>			<b>82500</b>

**Morrinsville Place Plan – Year 1** (note: funding will be sought from alternative sources now the plan has been approved by Council)

Action	Indicative budget in POP	Other funding recieved	Balance sought from Better off funding
Establish Place Champions network group	2,500		2,500
Add more greenery to the town centre	5,000		5,000
Improve wayfinding through the town	20,000	From LTP capex	NIL
Pedestrian street test events	50,000		50,000
Small space activation programme	10,000		10,000
Town centre accessibility programme	60000	Complements Transport Choices From LTP capex	60,000
Skatepark	2,500		2,500
<b>Total sought</b>			<b>130,000</b>

### Delivery

Budget towards project management and delivery will be required from the Better off funding.

A key part of this work programme will be ensuring relationships are maintained to enable buy-in as the larger capital programmes are informed and developed.

### Regional context

Recognising growing interest in the placemaking space, MPDC founded and hosted the inaugural *Waikato Placemaking Collective* meeting in April 2023. All of the Waikato Councils were keen to be involved and this will enable opportunities for learning and collaboration on the placemaking journey.

### Mōrearea | Risk

No risks have been identified in relation to this proposal

### Ngā Whiringa | Options

Council may wish to identify another source of funding for the PoP projects. The PoP team will continue to seek alternative funding sources.

Should Council wish to make amendments to the Better off agreement, a process will need to be undertaken to seek DIA approval to any change.

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

There are no specific legal or policy considerations.

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

There are no additional communications aspects to consider.

### 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

The PoP programme of work and respective place plans are anchored in the four wellbeings, and respond to the priorities identified through a co-design process with the community.

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

The projects have been budgeted for as per the table in the discussion section of this report.

### Ngā Tāpiritanga | Attachments

- A.  Pride of Place Matamata - Strategy and Action Plan *(Under Separate Cover)*
- B.  Pride of Place Morrinsville - Strategy and Action Plan *(Under Separate Cover)*

### Ngā waitohu | Signatories

Author(s)	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	
Approved by	Don McLeod <b>Chief Executive Officer</b>	

## 7 Pūrongo me whakatau | Decision Reports

# 7.8 Adoption of Council strategic direction

CM No.: 2718463

## Rāpopotonga Matua | Executive Summary

The purpose of this report is to seek Council approve of its strategic direction.

This will form a key foundation for the 2024-34 Long Term Plan through providing a means to prioritise activities, and provide a frame for decision making.

## Tūtohunga | Recommendation

That:

1. **Adopts the Draft Matamata-Piako Strategic Direction Summary and Full document (Attachments 1 and 2)**
2. **The Community Outcomes included in Strategic Direction Summary and Full document (Attachments 1 and 2) be included in the Long-Term Plan 2024-34.**

## Horopaki | Background

Council is required to prepare and adopt a LTP under the LGA. The Long Term Plan sets out the activities, budgets, Financial Strategy and key financial policies of the Council for the next 10 years and the Infrastructure Strategy for the next 30 years. The LTP is required to be updated every three years, with the last LTP being approved in 2021 (available online <https://www.mpd.govt.nz/plans/long-term-plan>).

The LTP:

- describes the type of district our communities have told us they want – our community outcomes
- identifies the key projects to take place over the next 10 years
- provides an overview of each activity we will carry out and the services we will provide for the next ten years
- determines how much this will cost and how we will fund it.

## Ngā Take/Kōrerorero | Issues/Discussion

Council needs to confirm its vision, community outcomes and strategic direction as a key building block for the LTP.

Work has been undertaken through the Pride of Place project to establish place goals. Council has undertaken workshops to revise its strategic direction as part of their triennium reset. The strategic direction is anchored around the community wellbeing's. It is planned to utilise the strategic direction within the LTP.

The vision statement and community outcomes as articulated in the current LTP 2023-31 are detailed below:




# MATAMATA-PIAKO THE PLACE OF CHOICE

## LIFESTYLE. OPPORTUNITIES. HOME.

### Our vision and community outcomes

Back in 2017 we reviewed our vision and community outcomes for our District. Over the past three years we have made progress towards making Matamata-Piako the place of choice, and we want to continue to build on this to provide lifestyle, opportunities, and home.

To make this vision a reality we see ourselves enabling the community in five key areas, with fifteen specific community outcomes we want to achieve outlined below:

Our Community outcomes				
Connected Infrastructure	Economic Opportunities	Healthy Communities	Environmental Sustainability	Vibrant Cultural Values
				
Infrastructure and services are fit for purpose and affordable, now and in the future.	We are a business friendly Council.	Our community is safe, healthy and connected.	We support environmentally friendly practices and technologies.	We promote and protect our arts, culture, historic, and natural resources.
Quality infrastructure is provided to support community wellbeing.	Our future planning enables sustainable growth in our District.	We encourage the use and development of our facilities.	Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs.	We value and encourage strong relationships with iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.
We have positive partnerships with external providers of infrastructure to our communities.	We provide leadership and advocacy is provided to enable our communities to grow.	We encourage community engagement and provide sound and visionary decision making.	We engage with our regional and national partners to ensure positive environmental outcomes for our community.	Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.

### Mōrearea | Risk

No risks have been identified.

### Ngā Whiringa | Options

Council must adopt a strategic direction as part of its Long Term Plan direction setting process. Council may wish to:

- 1/ Adopt the revised strategic direction (Attachment A and B)
- 2/ Adopt the revised strategic direction (Attachment A and B) with amendments

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

Adoption of a strategic direction is as per that statutorily prescribed in the Local Government Act 2002.

The strategic direction (priorities) will be used as Community Outcomes.

The Local Government Act 2002 defines Community Outcomes as meaning the outcomes that a local authority aims to achieve in order to promote the social, economic, environmental, and cultural well-being of its district in the present and for the future.

Part 1, Schedule 10 of the Local Government Act 2002 requires that the Long-Term Plan must, to the extent determined appropriate by Council, describe the community outcomes for the district.

These are incorporated into the Long-Term Plan for example; Council must identify the rationale for delivery of the group of activities (including the community outcomes to which the group of activities primarily contributes to).

The Pride of Place (PoP) engagement and place plan goals will also be utilised as an input into the Long Term Plan process. These plans have also been oriented around the wellbeings, and so are in line with the strategic direction.

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

The Long Term Plan project is one of Council's key opportunities to engage with our communities to find out what their aspirations and priorities are.

The LTP is subject to the special consultative process under the LGA ([s83](#)). The special consultative process is a structured one month submission process with a hearing for those who have submitted and wish to speak to their submission.

The Long Term Plan project timeline also provides for a 'pre-engagement' process with the community referred to as the Right Debate where Council can ask for feedback on key issues it is considering for the LTP.

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

There are no consent issues associated with this report.

### **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 strategic direction sets the community outcomes and vision.

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

There are no financial implications associated with this report.

### **Ngā Tāpiritanga | Attachments**

A.  Strategic Direction Summary



B.  Strategic Direction *(Under Separate Cover)*

### **Ngā waitohu | Signatories**

Author(s)	Erin Bates <b>Strategic Partnerships and Governance</b>	
-----------	--	--



---

	<b>Manager</b>	
--	----------------	--

Approved by	Don McLeod <b>Chief Executive Officer</b>	
-------------	--	--



MATAMATA-PIAKO  
TŌ MĀTOU WĀHI NOHO | OUR PLACE

MATAMATA-PIAKO DISTRICT COUNCIL  
TE ARA RAUTAKI | STRATEGIC DIRECTION

te kaunihera ā-rohe o  
matamata-piako  
district council

TŌ MĀTOU WHAKAKITENGA | OUR VISION

Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds.  
'The heart of our community is our people, and the people are the heart of our community.'

TŌ MĀTOU WHĀINGA MATUA | OUR PRIORITIES (COMMUNITY OUTCOMES)

HE WĀHI KAINĀKAU KI  
TE MANAWA |  
A PLACE WITH PEOPLE AT  
ITS HEART



WHAT WE WANT

Support the wellbeing of  
our community

HE WĀHI  
PUAWAITANGA |  
A PLACE TO THRIVE  
AND PROSPER



WHAT WE WANT

We are open for business

HE WĀHI E POIPOI AI TŌ  
TĀTOU TAIAO |  
A PLACE THAT EMBRACES  
OUR ENVIRONMENT



WHAT WE WANT

A clean, green, environmentally  
friendly district

HE WĀHI WHAKAPAPA, HE  
WĀHI HANGAHANGA |  
A PLACE TO BELONG AND  
CREATE



WHAT WE WANT

A district that's easy to live in,  
explore and connect

TŌ MĀTOU WHĀINGA | WHAT  
WE ARE GOING TO DO

- Prioritise community grants that enhance placemaking.
- Be the connector between our community, iwi, NGOs and government agencies.
- Create vibrant, welcoming town centres.
- Strive for liveable, accessible, connected neighbourhoods.

TŌ MĀTOU WHĀINGA | WHAT  
WE ARE GOING TO DO

- Seek opportunities to realise Matamata-Piako's economic potential.
- Support and encourage quality, sustainable, varied development.
- Invest in the right infrastructure at the right time.

TŌ MĀTOU WHĀINGA | WHAT  
WE ARE GOING TO DO

- Educate and exemplify continuous improvement in waste minimisation.
- Create and maintain green and natural and open spaces.
- Demonstrate and advocate for climate friendly and community resilient initiatives.

TŌ MĀTOU WHĀINGA | WHAT  
WE ARE GOING TO DO

- Genuine partnership with mana whenua.
- Partner and plan for multi-purpose sporting, cultural and community hubs.
- Support arts and heritage as an important part of our communities.

Adoption of Council strategic direction

Page 73

Item 7.8

Attachment A



## 7 Pūrongo me whakatau | Decision Reports

# 7.9 Waikato Regional Triennial Agreement

CM No.: 2681019

### Rāpopotonga Matua | Executive Summary

A draft of the Triennial Agreement for local government in the Waikato Region is attached for approval.

The Triennial Agreement represents the shared desire of local government in the Waikato Region to work collaboratively, to maximise efficiency and to promote sustainable development in their respective communities. Through this Triennial Agreement, local authorities agree to work together to support the purpose of the Local Government Act 2002.

The Mayoral Forum has endorsed the draft triennial Agreement and are working towards a work plan for the triennium.

### Tūtohunga | Recommendation

That:

1. The agreement be received and approved.
2. The Mayor be authorised to sign the agreement on behalf of Council.

### Horopaki | Background

Section 15 of the Local Government Act 2002 requires all local authorities, after each triennial election, to agree protocols for communication and collaboration over the next triennium. It must also include a statement on the process for councils in each region.

It incorporates the activities of the Waikato Mayoral Forum (<https://waikatomayoralforum.org.nz/>) and endeavours to provide a good basis for discussion between Waikato Councils.

The intent is to encourage councils to take a more proactive approach to working together collaboratively and exploring joint ventures and other forms of cooperation. These requirements encourage and mandate councils to work together and to establish mechanisms and processes that will enable them to do this on an on-going basis.

The Triennial Agreement provides a means of advancing a number of outcomes for the community. The Triennial Agreement is simply a means of ensuring cooperation and progress. It includes strong reference to the role of collaboration and to the role of the Mayoral Forum.

All councils within each region must enter into a triennial agreement covering the period until the next triennial general election of members by 1 March following the elections. The existing agreement remains in force until the agreement is updated and approved by all councils.

### Ngā Whiringa | Options

This report seeks Council approval of the document. Council could accept it, amend it or decline to sign.

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

Council is required to enter into a Triennial Agreement under the Local Government Act 2022.

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

**Theme:** Economic Opportunities

**Community Outcome:** We provide leadership and advocacy is provided to enable our communities to grow.

The Triennial Agreement covers several community outcomes as it relates to engagement with the other Waikato Councils and providing leadership for our communities.

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

Each council bears the cost of supporting their representatives on the Mayoral and other forums from existing budgets unless otherwise agreed.

## Ngā Tāpiritanga | Attachments

[A↓](#). Draft Triennial Agreement for Council approval 24 May 2023



## Ngā waitohu | Signatories

Author(s)	Sandra Harris <b>Placemaking and Governance Team Leader</b>	
Approved by	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	

## 2022 - 2025 Waikato Triennial Agreement

### WHAKATAUKI (New Heading)

#### STRATEGIC CONTEXT & PURPOSE (new Heading)

In the previous triennium we have witnessed substantial global and national waves of change that have and will affect the Waikato region. Those three years encompassed:

- a global pandemic with associated supply chain disruptions and monetary policies that are now causing asset inflation and increasing disparities,
- rising attention to the effects of climate change and the transition away from fossil fuels,
- rising geopolitical tensions and 'de-globalisation', and
- global and political unrest exacerbating all these trends.

The Waikato came through the period generally well, and COVID taught us that we can be nimble, collaborative and decisive when we need to be. We are positioned well for the future, but how can we make the most of the strengths we already have?!

On top of these issues, in New Zealand, local government is confronting a spate of reforms including in health, education, 'three waters', infrastructure, agriculture and the bioeconomy, and the Resource Management system. All of which will affect how Waikato's future prosperity and well-being is determined. The Future for Local Government (FFLG) reform process has also highlighted the need for the local government system to prioritise stronger partnerships with Māori and more equitable, effective, and efficient relations with central government ensuring clear alignment on long-term strategic objectives. Subsidiarity is a key principle in the future system FFLG envisions, with strategic activity devolving locally (and upwards regionally and nationally) for greatest impact and efficacy.

None of these spheres are separate, they are all interrelated, but deciding what gets done, at what level, and by whom to achieve the greatest positive impact will be vitally important.

New and improved capabilities and capacity in people and institutions across the Waikato region will be needed to implement significant programmes of work required at a regional level.

Therefore, in this triennial agreement, it is incumbent upon Waikato's local government leaders to develop strong collaboration across strategies, institutions, and allocation of scarce resources.

In this triennial agreement, we seek to position ourselves to be architects of the future, not victims of it, as we respond to significant external change, address major challenges, and seize the many opportunities which lie ahead for the Waikato region. A strengthened, effective, and empowered Mayoral forum will be critical to enabling the successful execution of this agreement.

#### PURPOSE

The Triennial Agreement represents the shared desire of local government in the Waikato region to work collaboratively, to maximise efficiency and to promote sustainable development both regionally and in their respective communities and rohe. It is intended to align our efforts to work with Central Government, iwi / Māori, and other stakeholders, to address significant issues and achieve a range of mutually beneficial outcomes for the region. It is also intended that we interact with each other and with neighbouring regions in a coherent manner, and foster projects of a strategic nature for the region.

Such collaboration will result in measurable improvements, quantitatively and qualitatively, in the way the region positively competes for resources and talent, and the manner in which it leads its communities.

#### CURRENT LEGISLATIVE CONTEXT

Under the Local Government Act 2002, the purpose of local government (refer Appendix 1) is to enable democratic decision-making and promote the four wellbeings.

This document is deemed to duly constitute fulfilment of section 15 of that Act (refer Appendix 1) by containing protocols for communication and co-ordination among the region's councils, including identifying and delivering facilities and services that are of significance to more than one district. The work incorporates the activities of the Waikato Mayoral Forum.

#### SCOPE

The role of the Mayoral Forum will become increasingly important to provide a nexus between central and local government, and in collaboration across the region, in deciding on, monitoring, and evaluating, significant programmes of work undertaken at a regional level<sup>1</sup>. It will also play a role in where "the region" sees local government participating in key government functions alongside central government.

Strengthened institutions, governance, partnership, and collaborative arrangements will be necessary, and the Mayoral Forum can play a leading role in how those arrangements are formed and activated. The region's councils cannot address significant challenges, such as managing the transformation to a low-emissions economy, on their own. They will need to work closely together, and they will need partners, funders, and collaborators. The forum can play a role in convening partners and collaborators, and in coalescing resources to support regionally significant programmes of work that are adjacent to or outside business as usual for Councils, but serve to '...promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future.'

The Chief Executive Forum is an important group in orchestrating and supporting a) the implementation and progress reporting of this triennial agreement, b) regionally significant and strategic programmes of work, and c) regional representation where required for and on behalf of the Mayoral Forum and the local communities they serve.

The signatories to this Triennial Agreement will need to be agile and proactive on behalf of their communities in the next three years. They will also have to lay the ground for longer-term programmes of work that serve regional and national interests.

**SIGNATORIES** The parties:

- Hamilton City Council
- Hauraki District Council

---

<sup>1</sup> The Mayoral forum's focus on regional priorities should not be seen to undermine or de-prioritise sub-regional arrangements between councils (a current example being Future Proof).

- Matamata-Piako District Council
- Ōtorohanga District Council
- Rotorua District Council
- South Waikato District Council
- Taupō District Council
- Thames-Coromandel District Council
- Waikato District Council
- Waikato Regional Council
- Waipā District Council
- Waitomo District Council.

#### PRINCIPLES

Signatories to this agreement recognise that:

1. The communities within the region are diverse and encompass a range of desired outcomes. Issues and concerns that are shared by some councils but may be of little relevance to others. The Triennial Agreement therefore acknowledges that it will be appropriate to have a range of sub-agreements that address more localised or sub-regional issues between and among councils.
2. Collaboration can aid in effective and efficient planning and encourage shared services and a collective approach to reduce costs, increase available resources, and help to make strategic judgements about the allocation of resources.
3. Collaboration can assist councils promote outcomes consistent with the purpose of local government.
4. There is a need for open communication, information sharing and seeking agreement on strategic issues.
5. We will speak as one voice when there is unanimous agreement and in good faith attempt to reach unanimity on issues of regional and national significance critical to the wellbeing of the region and its communities.
6. Common direction on all strategic issues brought before the forum may not be achieved given that each party to the agreement has functions, obligations, and rights to make decisions for their area which may conflict with the position of other signatories to this agreement. However, it is expected that a small number of regionally significant programmes of work will require collaboration on a common direction.
7. Where appropriate aligning with and influencing Central Government policy is important to the delivery of good quality, cost effective infrastructure, public services, and regulatory functions to promote and enhance the wellbeing of our communities. The forum will play an active role negotiating with Central Government on common, agreed, positions on national policy that affect



Local Government and their communities and, where regional functions can be better convened, governed and or implemented at a regional level, such as when they require Local Government relationships, knowledge, expertise, and support.

#### **PROTOCOLS FOR COMMUNICATION AND COORDINATION**

1. Councils will work together on issues where it is agreed that the region will benefit from a collaborative approach.
2. When a council has a significant disagreement with the position of the others, the other councils will make every effort to accommodate, acknowledge or at least fairly represent the dissenting view.
3. When a significant decision or issue affects a particular council then that council should be consulted in formulating the region's response.
4. This Triennial Agreement acknowledges that each council has accountability to different communities.
5. Councils agree to act in good faith and in a transparent manner on issues of information and disclosure.
6. Councils should provide early notification of decisions that may affect other councils in the region. Communication protocols may be developed between Councils where it is agreed better communication is desired.
7. All formal public communications from Mayoral Forum meetings will be circulated to all councils for comment prior to their release.
8. Councils will apply a 'no surprises' approach whereby early notice will be given over disagreements concerning policy or work programmes before critical public announcements are made.
9. If councils make decisions for their region that are inconsistent with the agreement, they must explicitly note that inconsistency and the reasons for it and notify the other councils that are parties to the agreement.

#### **GENERAL APPROACH TO COLLABORATION**

Signatories to this agreement should:

1. Share resources for the purpose of preparing background information on the various communities within the region. Such information may include demographics, survey data and scientific studies and the analysis of social, economic, environmental, and cultural trends.
2. Seek to attract investment and Government support in the region by aligning community interests, working collaboratively through Waikato Mayoral Forum work streams and other options, developing agreed positions on matters of importance to the region and continuing to develop and strengthen existing joint approaches to engage with Government agencies and other organisations.
3. Determine and prioritise strategic collaborative initiatives and projects.

4. Promote communication and co-operation among the region's councils with respect to shared services and other collaborative opportunities.
5. Make draft strategies, policies and plans available to all councils in the region for discussion and development.
6. Provide guidance on the implementation of strategic collaborative projects and monitor progress of collaborative initiatives, such as the Waikato Plan.
7. Utilise the Waikato Mayoral Forum work streams and other collaborative options to ensure that all councils can participate in identifying, delivering, and funding regionally significant projects and programmes, facilities, and services to more than one council.
8. Invite Government Ministers, relevant officials, corporate, community and iwi leaders to meet to discuss issues of strategic importance to the region.
9. Advocate for strategic investment in the region and promote the strategic benefits and advantages of the Waikato.
10. If necessary, establish one or more joint committees or other joint governance arrangements to give better effect to communication and coordination or to assist with identifying, delivering and funding regionally significant projects and programmes, facilities, and services to more than one district, or to consider proposals for new regional council activities.

#### **MAYORAL FORUM MEETINGS**

1. Signatories to this agreement will endeavour to hold a meeting of Mayors and the Regional Chairperson (supported by their Chief Executives) at least quarterly to discuss any pertinent issues and to review the performance of workstreams within the agreement. These meetings will be under the banner of the Waikato Mayoral Forum.
2. The Waikato Mayoral Forum is not a formal committee constituted under the Local Government Act, and therefore meetings are not public. Recommendations from the Mayoral Forum are for members to take to their respective councils for consideration and decisions.
3. The Chief Executives' Forum will also meet regularly to advance initiatives as requested by the Mayors and Regional Chairperson.
4. Special meetings may be called at the request of four members.
5. The secretariat will prepare an agenda for the Mayoral Forum meetings in consultation with the Chair and the Chief Executives' Forum.
6. Agendas for meetings will be issued and minutes will be taken and circulated.
7. The appointed Mayoral Forum Chairperson will ensure minutes are taken, approved, and circulated.
8. Any public communications from these meetings will be approved by all participants prior to their release.

9. The Waikato Mayoral Forum shall have the power to invite people to attend and participate in its meetings on a permanent and/or issues basis.

#### SECRETARIAT SUPPORT

1. The Mayoral Forum will appoint Co-Lab to carry out the secretariat function.
2. As part of that role, Co-Lab's functions will include preparing agendas (in consultation with the Forum Chair, workstream leads (refer below), and the CE Forum Chair), arranging venues on the day of meetings, taking minutes and actions, keeping any books and accounts and attending to any other business required to support the forum.
3. Councils will fund Co-Lab *for the secretariat role* on the following basis:

Council	
Hamilton City	20.9%
Waikato Regional Council	13.2%
Waikato District	12.4%
Thames-Coromandel District	8.1%
Waipa District	9.4%
Rotorua Lakes	11.6%
Matamata-Piako District	5.9%
Hauraki District	5.0%
South Waikato District	4.6%
Waitomo District	3.9%
Otorohanga District	3.3%
Taupo District	1.7%

NB: With some minor exceptions (relating to shareholders) this aligns with the basis for funding the company more generally.

4. Co-Lab will also undertake the activities noted above in relation to any programmes of work agreed by the Mayoral Forum. The basis of funding the secretariat for these programmes will mirror the (yet to be agreed) funding allocation for other costs associated with each programme.

#### SIGNIFICANT NEW ACTIVITIES PROPOSED BY THE REGIONAL COUNCIL

1. If the regional council or a regional council-controlled organisation proposes to undertake a significant new activity then section 16 of the Local Government Act 2002 shall be adhered to.
2. The regional council agrees to discuss the issues involved at one or more of the existing fora and to provide preliminary draft proposals to the affected councils for early comment, including any amendments to the regional council's Significance and Engagement Policy.
3. Where the regional council proposes to undertake a significant new activity that involves one or more territorial authorities within the region the following protocols will apply:
  - (a) The regional council will as soon as practicable inform all councils within the region of the nature, scope, and reasons for the proposal.

- (b) Councils will be given a reasonable period but no less than 40 working days, to respond to any such proposal. The regional council will fully consider any submissions on the proposal made by councils within the region.
- (c) Should there be substantive disagreement between the councils on whether the regional council should undertake the activity, the parties will refer the matter to mediation as set out in the process in s16 (4)-(6) of the Local Government Act for resolving disagreement.

#### **SIGNIFICANT NEW ACTIVITIES PROPOSED BY COUNCILS**

New activities of regional significance proposed and or led by a Council or Councils, and agreed by the Mayoral Forum, will follow the spirit and intent of the protocols set out for the regional council and regional council-controlled organisations when new regional activities are proposed.

#### **CONSULTATION IN RELATION TO THE REGIONAL POLICY STATEMENT**

To meet the requirements of clause 3A of Schedule 1 to the Resource Management Act 1991, the consultation process to be used by affected councils in relation to any further changes to the Waikato Regional Policy Statement will be developed and agreed to by all the councils. Protocols will be developed that ensure affected councils have full and effective involvement in the scoping and drafting of any changes to the Waikato Regional Policy Statement.

#### **STRATEGIC PRIORITIES OF REGIONAL SIGNIFICANCE**

The Mayoral Forum will develop and agree a work plan for the triennium that will sit outside this Triennial Agreement. The Mayoral Forum will exercise governance oversight over this work plan.

#### **TERM OF THE AGREEMENT**

The Triennial Agreement will continue to operate until such time as it is either amended by the accord of all parties or is renewed following the 2025 local government elections.

#### **OTHER (SUB-REGIONAL) AGREEMENTS**

This Agreement does not prevent Councils from entering into other agreements among themselves or outside the Waikato region. The Mayoral Forum recognises that it may make sense to collaborate and partner at a sub-regional level. Nothing in this agreement should be construed to prevent councils addressing issues, or capitalising on opportunities, at a sub-regional level. However, any other such agreement should not be contrary to the purpose and spirit of this Agreement.

#### **RESOLVING DISAGREEMENT**

In the event of a disagreement over the terms of this agreement, the parties agree to refer the issue to mediation for a resolution. In the absence of an agreement to mediation between the local authorities, the matter will be referred to a process as specified by the Minister of Local Government.

**AUTHORITY** This agreement is signed by the following on behalf of their respective authorities

Hamilton City Council	Mayor	Date
Hauraki District Council	Mayor	Date
Matamata-Piako District Council	Mayor	Date

Ōtorohanga District Council	Mayor	Date
Rotorua District Council	Mayor	Date
South Waikato District Council	Mayor	Date
Taupō District Council	Mayor	Date
Thames-Coromandel District Council	Mayor	Date
Waikato District Council	Mayor	Date
Waikato Regional Council	Chairperson	Date
Waipā District Council	Mayor	Date
Waitomo District Council	Mayor	Date

DRAFT



## Appendix 1: Legislative provisions – Local Government Act 2002

### 10 Purpose of local government

- (1) The purpose of local government is –
- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
  - (b) to promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future.

### 15 Triennial agreements

- (1) Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.
- (2) An agreement under this section must include—
- (a) protocols for communication and co-ordination among the local authorities; and
  - (b) a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and
  - (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.
- (3) An agreement under this section may also include—
- (a) commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements to give better effect to 1 or more of the matters referred to in subsection (2); and
  - (b) the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.
- (4) An agreement under this section may be varied by agreement between all the local authorities within the region.
- (5) An agreement under this section remains in force until it is replaced by another agreement.
- (6) If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, 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 seek an amendment to the agreement under subsection (4).



- (7) As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection. The agreement provides an opportunity for improved communication, collaboration, co-ordination, and shared services at all levels of local government in the Waikato region whilst recognising a significant level of formal and informal co-operation already exists between councils. The success of the Triennial Agreement will be demonstrated through expanded relationships that help councils to work co-operatively and collaboratively to advance community wellbeing.

DRAFT

7 Pūrongo me whakatau | Decision Reports

## 7.10 Mayoral Disaster Relief Fund Policy

CM No.: 2715557

### Rāpopotonga Matua | Executive Summary

The purpose of this report is to consider and approve a Mayoral Disaster Relief Fund Policy. The Policy intends to give guidance on the management of the Mayoral Disaster Relief Fund.

### Tūtohunga | Recommendation

That:

1. The Mayoral Disaster Relief Fund Policy be approved.

### Horopaki | Background

The Mayoral Disaster Relief Fund can be set up by Council following a significant disaster event to provide financial support to those individuals, families, small businesses, community groups and marae adversely affected.

Contributions to the fund may be made by Council, the public, or other community groups and organisations. The government may provide a financial contribution per emergency event in a district.

The funding provided by the government needs to be ring-fenced specifically for those affected by the emergency event. After six months, any unspent funds needs to be returned to the Crown.

### Ngā Take/Kōrerorero | Issues/Discussion

It is a prudent step to put some formal guidance, surrounding processes and reporting requirements in place for the management of the Mayoral Disaster Relief Fund.

### Mōrearea | Risk

There is a risk if no formal guidance, surrounding processes and reporting requirements are in place that applications following a disaster may take longer to process. This will ensure support is able to be provided to those most in need in a timely manner.

### Ngā Whiringa | Options

- 1) Council can do nothing and not adopt a Mayoral Disaster Relief Fund Policy.
- 2) Council can approve the Mayoral Disaster Relief Fund Policy as attached to this report.
- 3) Council can approve the Mayoral Disaster Relief Fund Policy as attached to this report subject to amendments.

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

If a government grant has been provided then Council have reporting requirements to fulfil. If other funding has been provided the attached Policy requires reporting to Council's Risk and Assurance Committee.

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

If approved Council staff can finalise the surrounding processes, application forms etc. and have a webpage including process and application forms ready to activate as/when required for a significant disaster to allow this fund to be managed in a timely manner.

### 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

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

These are outlined within the attached Policy but may vary depending on the disaster.

### Ngā Tāpiritanga | Attachments

[A↓](#). Draft Mayoral Disaster Relief Fund Policy



### Ngā waitohu | Signatories

Author(s)	Sandra Harris <b>Placemaking and Governance Team Leader</b>	
Approved by	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	
	Dennis Bellamy <b>Group Manager Community Development</b>	

## Draft Mayoral Disaster Relief Fund Policy 2023



### Purpose

The purpose of this policy is to provide guidance on the management of the Mayoral Disaster Relief Fund.

### Background/Purpose

The Mayoral Disaster Relief Fund can be set up by Council following a significant disaster event to provide financial support to those individuals, families, small businesses, community groups and marae adversely affected.

Contributions to the fund may be made by Council, the public, or other community groups and organisations. The government may provide a financial contribution per emergency event in a district.

The funding provided by the government needs to be ring-fenced specifically for those affected by the emergency event. After six months, any unspent funds needs to be returned to the Crown.

### Reporting

A schedule of grants made under this policy will be reported to the Risk and Assurance Committee on an annual basis or as required.

A high-level report on payments made from the Mayoral Disaster Relief Fund (if a government grant has been provided), including the purpose of these payments will be provided to the National Emergency Management Agency (NEMA) within six months of receiving the contribution.

### Measurement and review

The effectiveness of the policy shall be measured through feedback from the Risk and Assurance Committee. The policy shall be reviewed at least once every three years.

### Criteria

The Mayoral Disaster Relief Fund may be used to support and meet the needs of affected individuals, families, community organisations, small businesses and marae. The aim of the fund is to help towards alleviating the emotional and financial stress experienced by the community resulting from a disaster event. The fund provides one off assistance for extraordinary circumstances, where a real need can be shown.

Any grant provided will be at the discretion of the Mayor (or Deputy Mayor in the absence of the Mayor.)

The Mayoral Disaster Relief Fund is intended to financially support affected individuals/families, community organisations, small businesses and marae;

- experiencing financial hardship caused by a natural disaster event
- with basic needs, household goods and personal items (uninsured or underinsured)
- with clearing debris from properties that are not insured or are underinsured
- with replacement of structures that are not insured or are underinsured
- by assisting with insurance excess payments.

Funds contributed to the Mayoral Disaster Relief Fund must not be used for council's administrative or business costs.

The fund is a last resort measure when other appropriate sources of funding have been exhausted. Disaster relief funds are not intended to replace other existing funding sources, such as:

- Welfare - Eligible costs are funded separately by the government
- Infrastructure - The government will meet some costs of essential infrastructure
- Insurance or costs covered by other funding sources
- Other response costs - 60 percent funded by the Government (above the local authority's threshold) and 40 percent funded by the local authority.

#### Delegations and Responsibilities

The Mayor (and the Deputy Mayor in the absence of the Mayor) has delegated authority to approve applications to the Mayoral Disaster Relief Fund for grants and financial assistance, within the parameters of the Fund Criteria.

The Mayor is responsible for exercising good judgment in applying the Mayoral Disaster Relief Fund, ensuring that expenditure is appropriate, transparent and appropriate monitoring processes are in place.

The Emergency Management Officer or Group Manager Community Development is responsible for providing the Risk and Assurance Committee with a summary of expenditure on the Mayoral Disaster Relief Fund. The Emergency Management Officer or Group Manager Community Development is responsible for reporting to the National Emergency Management Agency on the use of the Mayoral Disaster Relief Fund (if funds have been provided by the government).

#### Application Process

Applications must be on the prescribed form available on Council's website or from one of our Council Offices. Applications may be received via Council's website, emailed to [info@mpdc.govt.nz](mailto:info@mpdc.govt.nz) or posted/delivered to one of our Council Offices.

Applications will remain open for a set period of time after a significant event as determined by the Mayor.

#### Decisions on Funding

The Mayor will assess applications based on the criteria and make a decision on whether to allocate funds. Advice may be sought from Council staff.

The Mayor may choose to determine the level of funding per application when setting up a Mayoral Disaster Relief Fund after a specific natural disaster event.

The Mayor may elect to form a panel to assist with the decision making on the distribution of funds from the Mayoral Disaster Relief Fund. Members of the panel will be appointed at the Mayor's discretion. Meetings to determine the allocation of funding will be minuted.

Applicants will be advised in writing of the decision relating to their application. Council contribution to the Funds in excess of the annual budget is unbudgeted expenditure and requires Council approval.

#### Conditions of Receiving a Mayoral Fund Grant

All grants provided must be used for the purpose for which they were given.

Receivers of a Mayoral Disaster Relief Fund grant may be required to meet certain conditions and provide supporting documentation to substantiate their claim.

7 Pūrongo me whakatau | Decision Reports

## 7.11 Proposed Private Plan Change 58 - Avenues Business Park - Morrinsville

CM No.: 2717378

### Rāpopotonga Matua | Executive Summary

Warwick and Marion Steffert (the Applicant) have applied under Schedule 1 to the Resource Management Act 1991 ("RMA") for a Private Plan Change to rezone 14ha between Avenue Road North and State Highway 26 (SH26), Morrinsville to a new Industrial Zone.

Under the Operative District Plan, the land is currently located within the Rural Zone.

The Private Plan Change proposes a General Industrial Zone which may be used as part of the wider transition of the District Plan to the National Planning Standards. A Development Area Plan is also proposed for the site to apply specific controls over future development, in particular the interface with other sites and road corridors.

The Private Plan Change Request is supported by a comprehensive set of technical and planning assessments including transportation, urban design, infrastructure, landscape, geotechnical matters, land contamination, archaeology, cultural values and land supply.

Planning staff assisted by external planning consultants have reviewed the Private Plan Change application under the statutory requirements and have also commissioned technical reviews in relation to three waters, transportation and land supply.

The attached report summarises staff's review and recommends that Council accepts the Private Plan Change Request for public notification.

### Tūtohunga | Recommendation

That:

- 1. The Proposed (Private) Plan Change 58 – Avenue Business Park is accepted by Council in accordance with clause 25(2)(b) of Part 2 of Schedule 1 of the Resource Management Act 1991.**
- 2. Council resolves to notify Proposed (Private) Plan Change 58 – Avenue Business Park in accordance with Clause 26 of Part 2 of Schedule 1 of the Resource Management Act 1991, as soon as practicable.**

### Horopaki | Background

Section 73(2) and clause 21(1) of the First Schedule of the Resource Management Act (RMA) 1991 provides for any person to request a change to a District Plan. This Plan Change request proposes to rezone the Applicant's site to a new Industrial Zone, which can also be used as part of the transition of the District Plan to the new National Planning Standards framework. Part of this work will also be collaboration and integration with the Industrial Zone provisions which have been proposed as part of Plan Change 57 – Calcutta Industrial Zone.

A copy of the Private Plan Change Request has been pre-circulated to all Councillors and will be available on our website prior to the Council meeting at



<https://www.mpd.c.govt.nz/district-plan/district-plan-review>. A hard copy of the Private Plan Change Request will be tabled at the upcoming Council meeting.

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

The RMA requires that a private plan change request must explain the purpose of, and reasons for, the proposed plan change and contain an evaluation report prepared in accordance with section 32. Where environmental effects are anticipated, the request must describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the plan change.

The local authority must have particular regard to the effects of the plan change on the environment; its consistency with relevant planning documents and the RMA; and the section 32 analysis which considers the alternatives, benefits and costs of the proposed plan change.

## **Mōrearea | Risk**

There are no significant issues relating to risk exposure, associated with the recommendation to accept the Private Plan Change Request. A full public notification and submissions period will be required to provide for an assessment of the merits of the plan change in accordance with the statutory provisions of the RMA

## **Ngā Whiringa | Options**

Under the RMA, there are four options open to Council to deal with this request. These options are:

- Reject the request;
- Decide to process the request as if it were a resource consent;
- Accept the request for notification and assessment as a private plan change; or
- Adopt the request and take on the Private Plan Change as if it were the Council's own proposed plan.

The attached report details the reasons why it is recommended that Council accepts the request.

If Council accepts the Private Plan Change request, it agrees that it can proceed to notification inviting submission. It remains a private plan change with Council administering the legal process and the costs are borne by the Applicant. Following notification inviting submissions, then further submissions, Council will hold a public hearing (if required), then issue its decision. This decision is subject to a 30-working day appeal period.

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

- If accepted the Proposed Private Plan Change may result in amendments to the District Plan, as detailed in the attached report.

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

If the recommendation is accepted by Council, the Private Plan Change will be publicly notified inviting submissions following the Council meeting. Information regarding the

Plan Private Change will then be made available on Council's public website.

### Ngā take ā-lhinga | Consent issues

There are no consent issues associated with the recommendation to accept the Private Plan Change Request.

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

**Theme:** Connected Infrastructure

**Community Outcome:**

Infrastructure and services are fit for purpose and affordable, now and in the future.

Quality infrastructure is provided to support community wellbeing.

**Theme:** Economic opportunities

**Community Outcome:**

Our future planning enables sustainable growth in our District.

We provide leadership and advocacy is provided to enable our communities to grow.

**Theme:** Healthy communities

**Community Outcome:**

Our community is safe, healthy and connected.

**Theme:** Environmental Sustainability

**Community Outcome:**

Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs.

**Theme:** Vibrant Cultural values

**Community Outcome:**

We promote and protect our arts, culture, historic and natural resources.

Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.

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

It is recommended that the Council accepts Private Plan Change 58 as a private plan change that is privately funded by the Applicant on a full cost-recovery basis.

### Ngā Tāpiritanga | Attachments

- A.  PC 58 Planners Report Final (*Under Separate Cover*)
- B.  Plan Change Application including Further information (*Under Separate Cover*)

### Ngā waitohu | Signatories

Author(s)	Ally van Kuijk <b>District Planner</b>	
-----------	---	--

---

Approved by	Dennis Bellamy <b>Group Manager Community Development</b>	
-------------	--	--

## Exclusion of the Public: Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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 Waste Disposal Contract Award

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>.</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>.</p> <p>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>