

# Kaunihera | Council

## Mēneti Wātea | Open Minutes



Minutes of an ordinary meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 23 August 2023 at 9.00am.

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### Ngā Mema | Membership

#### **Manuhuia | Mayor**

Adrienne Wilcock, JP (Chair)

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

James Thomas

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

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

## Ngā whakapāha | Apologies

### Kaimahi i reira | Staff Present

<b>Name</b>	<b>Title</b>	<b>Item No.</b>
Don McLeod	Chief Executive Officer	
Stephanie Hutchins	Governance Support Officer	
Graham Shortland	Project Manager - Te Aroha Spa Development	7.1
Erin Bates	Strategic Partnerships and Governance Manager	7.1
Niall Baker	Policy Team Leader	7.1
Emily Bisset	Communications Coordinator	7.1
Andrea Durie	Communications Team Leader	7.1
Sandra Harris	Placemaking and Governance Team Leader	7.2
Tuatahi Nightingale-Pene	Kaitakawaenga Māori - Iwi Liaison Officer	7.3, 7.4
Roger Lamberth	Property and Community Projects Manager	7.5
Barry Reid	Roading Asset Engineer	7.6
Tamara Kingi	Community Partnerships Advisor	7.7
Larnia Rushbrooke	Finance and Business Services Manager	7.8
Laura Hopkins	Policy Advisor	7.9, 7.10
Mark Naudé	Parks and Facilities Planning Team Leader	7.11, 7.12, 8.1
Kumeshni Naidu	Graduate RMA Policy Planner	8.2

### I reira | In Attendance

<b>Name</b>	<b>Position/Organisation</b>	<b>Item</b>	<b>Time In</b>	<b>Time Out</b>
Graham Shortland	Project Manager, Te Aroha Spa Project - Shortland Consulting	7.1	9.02am	9.28am
Emma Wright McHardie	Principal Consultant, GMD Consultants	7.2	9.28am	10.11am

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

Mayor Adrienne Wilcock welcomed elected members and staff and declared the meeting open at 9.02am.

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

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

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

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

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

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

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

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

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

**4 Whākī pānga | Declaration of interest**

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

**5 Whakaaetanga mēneti | Confirmation of minutes**

**WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION**

That the minutes of the meeting of the ordinary meeting of Matamata-Piako District Council held on Wednesday, 19 July 2023, be confirmed as a true and correct record of the meeting.

**Resolution number CO/2023/00001**

**Moved by: Cr S-J Bourne**

**Seconded by: Cr S Whiting**

**KUA MANA | CARRIED**

**6 Take i puta mai | Public Forum**

The were no speakers scheduled to the Public Forum.

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7.12	Waharoa (Matamata) Aerodrome Reserve Management Plan, Masterplan, Classifications, and Delegations	70

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## 7 Pūrongo me whakatau | Decision Reports

### 7.1 Te Aroha Spa Project

CM No.: 2759245

#### Rāpopotonga Matua | Executive Summary

Following recommendation by the Project Governance Group, Visitor Solutions were commissioned to conduct an options assessment based around key parts of prior project work so that Council had a concept to take forward. Visitor Solutions produced an Options Assessment Report in August 2022 that outlined 3 conceptual options. The Project Governance Group recommended that Council take Option 3 from the report forward.

The projected investment to develop the Option 3 concept was circa. \$39.9m. As this was considerably more than the \$18.9m Council had set aside in the LTP the decision was made to seek other investors. In February 2023 Deloitte was contracted to run and manage a capital raising process which is scheduled to complete at the end of August 2023. New Zealand Trade & Enterprise (NZTE) worked alongside Deloitte within this process due to their connections and capabilities in this space.

The project is now towards the tail end of the capital raising process and as the outcomes from the process become clearer, decisions will need to be made around the next steps. This report should be viewed as an interim report as the key issues and outcomes were workshopped with Council on the 16 August. A further paper will be delivered following the 16 August workshop to support decision making at this Council meeting.

#### Tūtohunga | Recommendation

That:

1. The information be received.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council progress the Te Aroha Spa project capital raising investigation process to its conclusion and submit the findings as part of the final report to Council's September 2023 meeting which will seek determination on the project's future.

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

Resolution number CO/2023/00002

Moved by: Cr B Dewhurst

Seconded by: Cr P Jager

**KUA MANA | CARRIED**

#### Horopaki | Background

Following the work completed under the PGF process in 2019, including the Feasibility Study, Business Case and Post Covid-19 Addendum, MPDC pursued a project that contemplates bringing to life a leading day spa, hot pool and beauty therapy business situated within the Te Aroha Domain, to replace the existing facilities.

A new facility as contemplated in the original Business Case and subsequent update from the Options Assessment work in 2022 was seen as having the potential to be an anchor project for Te Aroha and the wider district with the potential to stimulate further economic development, largely through tourism, which could improve social cohesion, economic, cultural and environmental outcomes.

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

At the Project Governance Group meeting on 11 August, Deloitte and NZTE provided a status update. Between Deloitte and NZTE 55 prospects were approached. To date 5 parties requested and have been provided with the Information Memorandum with a small number still to sign the Non Disclosure Agreement and will then be provided with the Information Memorandum (IM). As at 11 August, no single party had expressed a desire to proceed with firm next steps such as an MOU or Term Sheet and feedback from a significant potential investor/operator out of Australia was pending.

From discussion at 11 August PGG meeting the emerging opportunity seems to be to loop back to a number of parties where engagement has been relatively solid with the aim of extracting from them what they believe could work if the concept shown is not attractive to them at 'first pass'. What they've been shown in the IM is a concept not a fixed project so the follow up conversations would be around potentially repositioning the proposition for reconsideration. The opportunity is still there but it may come down to how an investor/operator may see a different concept to that presented in the IM.

There remains a fairly substantial number of parties who have been provided the flyer or 'teaser' document that have not yet responded. These will all be chased up. Often it is the case that the contact has not responded due to other competing time pressures.

The present difficult economic environment has not been helpful in terms of the breadth of potential positive sentiment and appetite for such a project/investment. Of those who considered the opportunity but did not wish to proceed further, there was a lot of feedback about the lack of good accommodation options in Te Aroha and therefore the ability of Te Aroha to attract the projected visitor numbers.

## **Mōrearea | Risk**

The key risk area remains around the potential for a lack of interested investor parties.

## **Ngā Whiringa | Options**

There are a number of tasks Deloitte and NZTE need work through before all of their processes are complete. The options discussed at the 16 August workshop around how further follow through is managed will be the basis for recommendations and decisions to be taken at the 23 August Council meeting.

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

The project is aligned to the LTP as development funding is provided for in the LTP.

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

The MPDC communications team are monitoring the project's progress and will provide updates through their usual channels at the appropriate times.

## Ngā take ā-lhinga | Consent issues

N/A

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

Theme:

Community Outcome:

The project received strong public support going into the 2021 LTP process. The potential for economic development, greater social cohesion, cultural and environmental outcomes were key themes identified in the Feasibility Study.

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

N/A

## Ngā Tāpiritanga | Attachments

[A5](#). Te Aroha Spa Project - Addendum Report Aug 23 (*Under Separate Cover*)

## Ngā waitohu | Signatories

Author(s)	Graham Shortland <b>Project Manager - Te Aroha Spa Development</b>	
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Approved by	Graham Shortland <b>Project Manager - Te Aroha Spa Development</b>	
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7 Pūrongo me whakatau | Decision Reports

## 7.2 Proposed Freedom Camping Bylaw - approval for consultation

CM No.: 2759670

### Rāpopotonga Matua | Executive Summary

The purpose of this report is to seek Council approval for public consultation on a proposed new Freedom Camping Bylaw (the Proposed Bylaw) and Statement of Proposal (**Attachment B**) as well as consequential amendments required to Reserve Management Plans.

The Proposed Bylaw will enable Council to regulate and enforce how and where freedom camping occurs in local authority areas within the District. Camping as an activity is managed through a range of other plans, bylaws and legislation. Council does not currently have a Freedom Camping Bylaw, and as a result, cannot effectively regulate or enforce rules relating to freedom camping at any parks or other Council land that is not gazetted Reserve. The Act is permissive by default, and a bylaw will enable Council to apply some protections to areas within the District that Council controls and manages. This includes protecting an area, protecting the health and safety of the people who may visit an area, and to protect access to an area. This review has been timed to enable Council to respond to the recent changes to the Freedom Camping Act 2011.

Currently, the Council website promotes self-contained motorhome camping at Te Aroha Council Office, Morrinsville Recreation Ground and Firth Tower Museum (for a fee). Freedom Camping is prohibited on most Council reserves under the Reserves Act 1977 (the Reserves Act). A new Freedom Camping Bylaw will consolidate and clarify the Council's position on freedom camping.



## WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information is received.
2. Council determines it is necessary to make a bylaw under section 11(2) of the Freedom Camping Act 2011 for one or more of the following purposes:
  - a. to protect an area:
  - b. to protect the health and safety of people who may visit an area:
  - c. to protect access to an area.
3. Council confirms that:
  - a. the Proposed New Freedom Camping Bylaw 2023 is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and
  - b. the Proposed New Freedom Camping Bylaw 2023 is not inconsistent with the New Zealand Bill of Rights Act 1990.
4. Council confirms that it wishes to concurrently seek public feedback on the proposal to alter the Passive Reserve Management Plan and the Active Reserve Management Plan to allow freedom camping to occur on the following reserves subject to the restrictions within the proposed Freedom Camping Bylaw 2023:
  - a. Hetana Street Reserve, Matamata
  - b. Waitoa Railway Reserve
  - c. Herries Memorial Park, Te Aroha
  - d. Waihou Recreation Reserve
5. Council confirms that it wishes to concurrently seek public feedback on the proposal to alter Appendix E of the Active Reserve Management Plan to remove Te Aroha Domain from the list of reserves which could be appropriate for camping.
6. Council approves the Statement of Proposal, which includes the Proposed New Freedom Camping Bylaw 2023 for public consultation in Attachment B.
7. Council approves consultation to commence in accordance with s83 of the Local Government Act 2002 on the Proposed New Freedom Camping Bylaw 2023 and the amendments to the Active Reserve Management Plan and Passive Reserve Management Plan for the period 18 September 2023 until 18 October 2023.
8. Council authorises minor editorial changes if required prior to publishing for public consultation.

Resolution number CO/2023/00003

Moved by: Cr B Dewhurst

Seconded by: Cr C Ansell

**KUA MANA | CARRIED**

## Horopaki | Background Freedom camping legislation

Freedom camping has a long history in Aotearoa New Zealand, but at times has received mixed levels of support from different communities. As the number of freedom campers has steadily grown, so has their cumulative impact on the environment and the communities hosting them.

The Freedom Camping Act 2011 (the Act) is the national legislation regulating freedom camping. The Act is permissive by default, which means its starting point is to allow freedom camping on all public land. The Act does recognise that some areas may not be suitable for freedom camping. Freedom camping bylaws can identify areas where freedom camping is prohibited and restricted to manage how and where freedom camping can occur.

The Act defines freedom camping as camping within 200 m of an area accessible by motor vehicle or within 200 m of the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using either or both of the following:

- a) a tent or other temporary structure:
- b) a motor vehicle

It does not include staying at a camping ground, temporary or short-term parking of a motor vehicle, day trips, resting or sleeping at the roadside to avoid driver fatigue, or people who are homeless and as a result need to sleep in their vehicle.

### **Changes to the legislation**

The Self-contained Motor Vehicles Legislation Act 2023 came into force in June 2023. This legislation makes several amendments to the Freedom Camping Act 2011. The changes include:

- the requirement for vehicle-based freedom campers to use a certified self-contained vehicle when they stay on council land, unless a council designates the site as suitable for non-self-contained vehicles
- a new regulated system for the certification and registration of self-contained vehicles
- the requirement for vehicles to have a fixed toilet to be certified as self-contained
- strengthening of the infringement system with the introduction of a new tiered penalty system which entered into force in July 2023

The Ministry of Business, Innovation and Employment (MBIE) keeps their freedom camping website up to date with the most recent developments: <https://www.mbie.govt.nz/freedomcamping>

### **Freedom Camping in the Matamata-Piako District**

During the 2019 calendar year, 18,000 responsible camping nights were recorded by MBIE in the Matamata-Piako District. The Council website promotes self-contained motorhome camping in a number of locations within the District and Matamata, Te Aroha and Morrinsville are also promoted as 'motorhome-friendly-towns' by the New Zealand Motor Caravan Association Inc.

Complaints related to freedom camping in the District mostly involve people in non-self-contained vehicles disposing of waste at parks. The Council does not currently have a Freedom Camping Bylaw and does not have an effective tool to manage freedom camping in the District. The activity is managed by a range of different regulatory mechanisms which are difficult to enforce. Council has a responsibility to protect the areas it manages within the District. This includes protecting access to those areas, and the health and safety of people who may visit those areas.

### **Council workshop**

Council received information at their 2 August workshop and provided feedback on the overall direction of the Proposed Bylaw. This included providing feedback on the draft area assessments undertaken to date as well as noting their preference regarding District-wide regulations. Elected

Members also considered whether or not any areas would be appropriate for vehicles that are not self-contained to freedom camp on local authority areas.

### Pre consultation

Information was presented to Te Manawhenua Forum at their March and May meetings. Specific guidance was received regarding preferred engagement with Iwi and Māori and feedback was received on key areas in the District where freedom camping should be prohibited or restricted.

After the August Council workshop, key stakeholders were contacted seeking any additional feedback in relation to freedom camping within the District, as well as local interest groups associated with specific areas. In particular, Council staff heard from a representative from the New Zealand Motor Caravan Association (NZMCA) who gave an indication of their preferences and noted they would formally submit on the Proposed Bylaw to ensure Council were aware of their views and could formally take them into account through the consultation process.

This information collected through pre consultation has been considered and incorporated where appropriate into the Proposed Bylaw.

## Ngā Take/Kōrerorero | Issues/Discussion

### Bylaw Scope

When considering a bylaw to address freedom camping, the Act requires the Council:

- not to ban (or effectively ban) freedom camping on all council owned or managed land (known as a blanket ban).
- to be satisfied that any prohibitions or restrictions are the most appropriate and proportionate response to freedom camping demand in the area, and the problems it would cause if allowed.
- to make a bylaw that is consistent with the New Zealand Bill of Rights Act 1990.
- to have considered other ways to manage the problem, other than through a bylaw.
- to map or clearly describe each area covered by prohibitions or restrictions, so freedom campers have certainty about what rules apply.

A freedom camping bylaw generally does not duplicate rules that are relevant to freedom camping if they are already set out in other laws or bylaws. The instruments relevant in Matamata Piako District Council area as follows:

- [Freedom Camping Act 2011](#), which allows people to freedom camp on any land controlled or managed by the Council unless a Freedom Camping Bylaw made under the Act, or another enactment (such as the [Reserves Act 1977](#)) prohibits or restricts it. The Freedom Camping Act also requires all freedom camping vehicles to be certified self-contained, but allows Council to identify areas where freedom camping vehicles that are not self-contained can freedom camp through a Bylaw.
- Council's [Reserve Management Plans](#) are made under the Reserves Act 1977 and under this Act, freedom camping is prohibited on gazetted reserves unless the area has been identified in a Reserve Management Plan as being suitable for camping. This default prohibition across reserve land is the opposite approach to the Freedom Camping Act 2011, which is permissive by default. Camping on gazetted reserves is prohibited under section 44 of the Reserves Act unless provided for in an individual Reserve Management Plan. Matamata-Piako District Council currently has four reserves that allow freedom camping within their reserve management plans: Te Aroha Domain, Pohlen Park, Morrinsville Recreation Ground and Boyd Park (Spur Street).

- Council's [General Policies Reserve Management Plan 2019](#) which provides generic policies for consistent management practices across all the reserves administered by the Matamata-Piako District Council. It specifically sets out a process for public notification Council can follow if it wishes to alter a Reserve Management Plan in relation to camping (clause 8.4.2).
- Council's [Public Amenities Bylaw 2014](#), which prohibits camping in Public Amenity areas (such as cemeteries) not set aside for that purpose.
- [Land Transport \(Road User\) Rule 2004](#) made under the [Land Transport Act 1998](#) restricts places a person can park a vehicle (and therefore freedom camp) as follows:
  - Under rule 6.1 a driver must not park a vehicle on a road, without due care or without reasonable consideration for other road users.
  - Rule 6.2(1) states vehicles must not be parked on a roadway (portion of the road used for vehicular traffic) if it can be parked on the road margin (adjacent to, but not forming part of, either the roadway or the footpath) without damaging ornamental grass plots, shrubs, or flower beds on the margin.
  - Parking on, or close to, a corner, bend, rise, dip, traffic island, or intersection is prohibited under rule 6.3, if the parking will obstruct (or be likely to obstruct) other traffic or any view of the roadway to the driver of a vehicle approaching that corner, bend, rise, dip, traffic island, or intersection.
  - Parking that obstructs entry to, or exit from, any driveway is prohibited under rule 6.9.
- Council's [Land Transport Bylaw 2008](#) (Amended 2022), which manages parking on roads in most towns or settlements in the District and in some of the off-street car parks in the District. The Land Transport Bylaw also prohibits heavy motor vehicles from parking for more than one hour in urban areas and areas where the speed limit is 50km/hour or 70km/hour, which would apply to some larger freedom camping vehicles. A person cannot freedom camp by parking a vehicle in a location or manner that breaches the Land Transport Bylaw.
- [Camping-Grounds Regulations 1985](#), which provides a regulatory framework for paid campgrounds (outside the defined scope of freedom camping).
- [Fire and Emergency NZ Act 2017](#) which controls the lighting of fires, administered by Fire and Emergency New Zealand (FENZ)
- Council's [Local Alcohol Policy 2017](#) which prohibits alcohol in some public areas. (The Policy is currently [under review](#).)
- Council's [Dog Control Bylaw 2016](#) which regulates where dogs are allowed.
- [Litter Act 1979](#) provides infringement mechanisms for littering.

### Assessment against the criteria in the Act

The Act states that councils can only prohibit or restrict freedom camping in an area using a bylaw if it is necessary to:

1. protect the area e.g. to protect areas that are: environmentally or culturally sensitive.
2. protect health and safety to keep freedom campers and other visitors to an area safe.
3. protect access to the area where the presence of freedom campers would block access or could damage infrastructure

An assessment tool was used to evaluate sites against the three criteria specified in the Act. This tool is considered best practice by the sector and has been used by many New Zealand councils for the same purpose. The assessment tool applies the criteria in a transparent and standardised manner to ensure the proposed prohibitions and restrictions are consistent with the Act. The tool is

included within the summary site assessment document attached to this report as **Attachment A**.

Sites included in this summary site assessment document (**Attachment A**) were identified through early engagement and the outcome of these assessments informs the specific area prohibitions and restrictions outlined in the Statement of Proposal document which is attached to this report as **Attachment B** and includes the Proposed Bylaw. A map of each area is included in Appendix 1 of the Proposed Bylaw and is attached to this report as **Attachment C**.

### **Proposed Bylaw**

The Proposed Bylaw has been informed by the model Freedom Camping Bylaw developed by Local Government New Zealand (LGNZ) as well as by those councils with more established freedom camping bylaws. Changes have been made to ensure consistency with the amended legislation, especially in relation to defined terms. Where possible, the terms directly link back to the Act to limit any potential inconsistencies.

#### *District-wide regulations*

The Proposed Bylaw restricts freedom camping in all Local Authority Areas, which are areas under the control and management of Council. The restrictions that are proposed to apply to freedom camping District-wide are:

- A certified Self-contained motor vehicle must be used to freedom camp. This means if a person wishes to use a motor vehicle which is not certified Self-contained or a tent to camp, they need to stay in a campground or another area appropriate for this activity. This is an extension of the nation-wide rule that if someone is using a vehicle to freedom camp on local authority areas, they must be self-contained.
- A vehicle must not stay in any one area for more than four consecutive nights in any one-month period.
- A vehicle must not Freedom Camp within 500 metres of an area in which it has already been Freedom Camping for up to four consecutive nights in any one-month period.

These restrictions ensure short stays that will not adversely impact on any one location within the District and provides for turn-over at highly sought after freedom camping areas. It also means freedom camping is undertaken in vehicles with facilities onboard to ensure waste is dealt with appropriately.

The four night maximum is consistent with the approach already taken on reserves which provide for freedom camping as detailed in the General Policies Reserve Management Plan.

#### *Specific area restrictions*

As a result of the assessments summarised in **Attachment A**, the Proposed Bylaw includes the following prohibitions and restrictions, grouped by ward.

##### **Matamata Ward - Prohibited**

- Banks Road Reserve and adjacent roadside
- Centennial Drive Reserve
- Tom Grant Drive
- Hawes Bush
- Waharoa (Matamata) Aerodrome
- Matamata Domain
- Rapurapu Reserve
- Swap Park
- Bruce Clothier Memorial Reserve and Waharoa Rest Area

##### **Matamata Ward – Restricted**

- Hetana Street Reserve

Restricted to 6 vehicles within the 6 “back-in” car parking spaces located on the reserve across from the intersection of Arawa Street and Hetana Street, south of the public toilets.

- Pohlen Park  
Restricted to 3 vehicles in the south east corner of the car park.
- Wairere Falls Car Park  
Restricted to 11 vehicles within the 11 large car parking spaces at the far south side of the car park.

#### Morrinsville Ward – Prohibited

- Davies Park
- Holmwood Park and adjacent roadside
- Murray Oaks Scenic Reserve
- Thomas Park and adjacent roadside

#### Morrinsville Ward – Restricted

- Morrinsville Recreation Ground  
Restricted to 6 vehicles within the formed car park area accessed from Cureton Street.
- Waterworks Road Reserve (Te Miro Forest)  
Restricted to 2 vehicles on the southern edge of the main car park

#### Te Aroha Ward – Prohibited

- Boat Ramp
- Council office car park
- Seddon Street Reserve
- Skidmore Reserve
- Te Aroha Domain and roadside parking

#### Te Aroha Ward – Restricted

- Boyd Park  
Restricted to 6 vehicles in the north west corner of the existing formed car park between the netball courts and Boyd Park.
- Herries Memorial Park  
Freedom Camping vehicles must only park between 7pm and 7am Monday – Friday, any time on weekends and public holidays.
- Waihou Recreation Reserve  
Restricted to 3 vehicles in centre row of car park spaces within the section of car park near the rugby fields, accessed opposite 16 Ngutumanga Road.
- Waitoa Railway Reserve  
Restricted to 2 vehicles within the car park.
- Waorongomai Car Park, Te Aroha  
Restricted to 4 vehicles within the car park.

#### All cemeteries and their associated car parks

The Proposed Bylaw also includes a prohibition of freedom camping within all cemeteries and their car parks, as follows:

- Matamata Cemetery, 155 Peria Road, Matamata
- Waharoa Cemetery, Dunlop Road, Waharoa
- Morrinsville Historic Cemetery, 412 Thames Road, Morrinsville
- Piako Cemetery, 3 Seales Road, Morrinsville
- Maukoro Cemetery, 253 Old Hill Road, RD 3, Morrinsville
- Te Aroha Cemetery, Stanley Road South, Te Aroha

*Freedom camping for vehicles that are not self-contained*



Three locations were identified within the District where there are 24-hour toilet facilities available as options for further investigation and assessment (Herries Park toilets in Te Aroha, Hetana Street Reserve, Matamata and Studholme Street Toilets, Morrinsville). These options were presented to Elected Members at the August Workshop. While none of the areas were considered suitable, the Proposed Bylaw still includes *Schedule 3: areas where a person can freedom camping in a vehicle that is not self-contained* (which does not currently identify any areas) to allow for easy incorporation of such areas into the Proposed Bylaw in future, if and when appropriate facilities and areas come available.

### Reserve Management Plans

Some of the proposed restricted areas are on reserve land, some of which do not currently provide for camping activities. In order to ensure consistency across Council regulation, it is recommended that Council seeks public feedback concurrently on those Reserve Management Plans (RMPs) which require amendment to be consistent with the Proposed Bylaw. This such amendment is provided for within the General Policies RMP in section 8.4.2.4 as follows:

#### 8.4.2 Self-contained campervans

4. If Council wishes to alter or remove an area set aside for camping by certified self-contained campervans the following process shall be followed:

- a. A Council Decision is made to potentially remove or alter an area set aside for camping in self-contained campervans.
- b. Notice is placed on Council's website and in a newspaper circulating in the town or District where the reserve is located. The notice should:
  - 1) identify the reserve or part of the reserve by name;
  - 2) describe the proposed removal or alteration of the area set aside for camping in self-contained campervans; and
  - 3) specify a reasonable period in which Council shall receive and consider public submissions.
- c. A Council Decision is made to retain, remove or alter the area set aside for camping in self-contained campervans having given consideration to the submissions received.
- d. Relevant reserve management plans are updated to reflect any changes as a result of this process.

This process is consistent with the requirements in the Reserves Act 1977. Section 44 (9) allows Councils to make changes that does not involve a comprehensive review of a Reserve Management Plan without following a complete formal review under section 44 (5) and 44 (6) of the Reserves Act 1977, if it thinks fit.

As per the process outlined above, the following changes are recommended to the Active RMP and the Passive RMP. These changes are reflected in the Statement of Proposal in **Attachment B**.

#### Passive Reserve Management Plan

- Amend the Hetana Street Reserve RMP to allow for vehicles to self-contained freedom camping on the reserve as per the restrictions within the Proposed Bylaw.
- Amend the Waitoa Railway Reserve RMP to allow for vehicles to self-contained freedom camping on the reserve as per the restrictions within the Proposed Bylaw.

#### Active Reserve Management Plan

- Amend the Herries Memorial Park RMP to allow for vehicles to self-contained freedom camping on the reserve (in the Council Car Park) as per the restrictions within the Proposed Bylaw.
- Amend the Waihou Recreation Reserve RMP to allow for vehicles to self-contained freedom camping on the reserve as per the restrictions within the Proposed Bylaw.
- Appendix E of the Active RMP currently notes the Te Aroha Domain as a location which may be appropriate for camping. The Proposed Bylaw includes this reserve as prohibited for freedom camping, so it is recommended that this appendix be amended to remove the Te Aroha Domain from this list, for the avoidance of doubt.

## Mōrearea | Risk

Having a Freedom Camping Bylaw helps manage environmental risk to sensitive areas which require protection. It also responds to health and safety concerns in certain areas, whether it be protecting the health and safety of other users of an area, or the health and safety of freedom campers. It gives Council a tool to work with Iwi to protect areas of cultural significance.

Having a bylaw to respond to issues relating to freedom camping reduces the risk of reputational damage as it gives Council an effective tool to respond to problems promptly and appropriately.

Recently, other Freedom Camping Bylaws have been legally challenged (Marlborough District Council was successfully challenged in 2021 and Queenstown Lakes District Council is currently undergoing litigation). Broadly, these challenges were based on the bylaws being outside the scope of the Act and being overly restrictive. This risk has been mitigated by conducting early consultation with key stakeholders and maintaining a clear line of sight between the criteria in section 11(2) of the Act and any prohibition or restriction, to ensure the bylaw is within the scope of the Act.

## Ngā Whiringa | Options

Staff have assessed that there are two reasonable and viable options for the Council to consider to address matters related to freedom camping.

### Option 1: Status quo

Under this option, no new bylaw is made and the default provisions in the Freedom Camping Act 2011, Reserves Act 1977 and Resource Management Act 1991 will apply. Under the Freedom Camping Act 2011 self-contained freedom camping would be permitted on all land owned or controlled by the Council, except reserves, where it is prohibited unless explicitly provided for within an individual Reserve Management Plan.

Under this option, restrictions or prohibitions on freedom camping on local authority land (land controlled or managed by Council) would be those that currently exist under the Reserves Act 1977 and the Resource Management Act 1991. Council would be able to enforce the requirement of self-containment which is within the Freedom Camping Act 2011.

Advantages	Disadvantages
<ul style="list-style-type: none"><li>The District may be perceived as being more welcoming to visitors that choose to freedom camp because, under the Freedom Camping Act 2011, the 'default' is that freedom camping is permitted on all council-owned or managed land. This may result in economic benefits due to more visitors.</li><li>Any future Government changes to the Freedom Camping Act 2011 can be addressed as needed.</li><li>No direct cost to the Council or community of process, including consultation, to make a bylaw or change reserve management plans or the District Plan.</li></ul>	<ul style="list-style-type: none"><li>Section 44 of the Reserves Act 1977 is likely to prevent the use of Council reserves for freedom camping, even on those that may be suitable locations for the activity. This could result in over-use of other locations and cause cumulative negative effects in those areas.</li><li>Relies on enforcement tools under several different pieces of legislation to address the negative effects of freedom camping with the risk that enforcement action becomes piecemeal or inconsistent.</li><li>Potentially higher cost to the Council to implement multiple monitoring and enforcement systems and manage</li></ul>



assets (e.g. rubbish bins, public toilets).

- Likely to not be supported by communities who have expressed concerns in the past about problems caused by freedom camping.
- Council staff do not have access to the regulatory tools available under a Freedom Camping Bylaw

### Option 2: Make a bylaw under the Freedom Camping Act 2011 (recommended)

Under this option the Council would make a bylaw under section 11 of the Freedom Camping Act 2011 to prohibit or restrict freedom camping on land owned or controlled by the Council.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Consistent with recent Council decisions that a bylaw under the Act is necessary and is the appropriate way to regulate freedom camping.</li> <li>• Enables Council to engage with the community and key stakeholders on the issue</li> <li>• Infringement offences and other enforcement powers in the Act (e.g. removal of camping items) can be used to deal with breaches.</li> </ul>	<ul style="list-style-type: none"> <li>• Cost to the Council and community of process and time for making a bylaw, including consultation.</li> <li>• Cost to the Council and committee of implementation (such as education campaigns and signage) and the cost of enforcement of a bylaw</li> </ul>

**Staff recommend Option 2** as it is the most reasonably practicable option for addressing the problems caused by freedom camping, meeting the needs of the community and its advantages outweigh its disadvantages. The key disadvantage of cost is offset by the funding received by Council from MBIE to support the development of a new bylaw.

### Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations Freedom Camping Act 2011

**Section 11(1)(a)** of the Act gives Council the power to make a bylaw where it is necessary for one or more of the following purposes:

- to protect the area:
- to protect the health and safety of people who may visit the area:
- to protect access to the area.

The inclusion of prohibited and restricted areas in the Proposed Bylaw which have been assessed against these purposes above demonstrates compliance with section 11(1)(a)

**Section 11(2)(b)** of the Act requires Council to determine that any bylaw made under the Act is the most appropriate and proportionate way of addressing the perceived problem in relation to that area.

Other options for managing freedom camping which rely on other instruments to regulate the perceived problem of freedom camping in specific areas have been considered. Application of the criteria via the assessment tool enabled Council staff to focus on those areas which require additional protection through the Act and these are recommended to Council for adoption for public consultation via the Statement of Proposal and the Proposed Bylaw in **Attachment B**.

It is recommended that other non-regulatory tools such as education and signage are used to manage areas which fall outside of the scope or threshold of the Act. The process taken, and the associated outcome in the Proposed Bylaw, demonstrates that the Proposed Bylaw is appropriate and proportionate.

**Section 11(c)** of the Act requires Council to determine that any bylaw made under the Act is not inconsistent with the [New Zealand Bill of Rights Act 1990](#) (NZBORA).

Part 2 of the NZBORA sets out rights that are affirmed and protected, that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society. The proposed Freedom Camping Bylaw may give rise to implications for the following rights under the NZBORA:

- Right to freedom of peaceful assembly (section 16 of the NZBORA)
- Right to freedom of movement (section 18 of the NZBORA)

A full assessment against the NZBORA will be completed before Council adopts a final bylaw, after public consultation. The preliminary assessment on the Proposed Bylaw is that its provisions are justified because they only limit the rights of individuals to the extent it is reasonable to do so to for other people's rights and freedoms to be maintained.

**Section 11(5)** of the Act requires councils to use the special consultative procedure in section 86 of the Local Government Act 2002 (LGA) when making Freedom Camping Bylaws. Section 86(2) of the LGA requires a Statement of Proposal for a Bylaw to include:

- a draft of the bylaw as proposed to be made; and
- the reasons for the proposal.

The Statement of Proposal in **Attachment B** which includes the Proposed Bylaw complies with these requirements.

### Legislation Act 2019

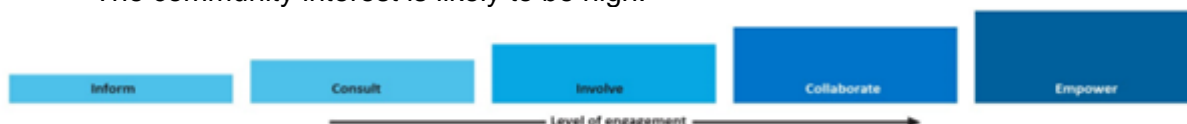
The definition of 'certified self-contained vehicle' in the Proposed Bylaw incorporates by reference the New Zealand Standard 5465:2001 ('the NZ Standard'). This is done under the authority of section 64 of the Legislation Act 2019. Section 65 and Schedule 24 of the Legislation Act 2019 require any proposed reference to a Standard in this manner must be publicly notified and people given the opportunity to comment about the proposed reference. The Statement of Proposal in **Attachment B** of this report complies with this requirement.

### Significance and Engagement Determination

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

The following criteria are relevant in determining the level of significance and the appropriate level of engagement for this matter:

- There is a legal requirement to engage with the community.
- The proposal or decision will affect a large portion of the community.
- The likely impact on present and future interests of the community, recognising Māori cultural values and their relationship to land and water through whakapapa.
- The community interest is likely to be high.



It is proposed that Council consults with the community on the Proposed Bylaw. Staff confirm that the decision to consult on a Proposed Bylaw complies with the Council's legal and policy requirements.

### Special Consultative Procedure

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

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

### Sustainability Policy

The decisions sought by, and matters covered in, this report are consistent with the Council's [Sustainability Policy](#). The Proposed Bylaw supports the balance of the four wellbeings by protecting environmentally and culturally sensitive areas from damage while also taking into consideration the potential health and safety risks for freedom campers and other users of the areas, as well as the broader needs of the community.

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

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

- A Statement of Proposal, including the Proposed Bylaw, is prepared and adopted by Council for consultation (attached to this report as **Attachment B**);
- Council gives public notice of the proposal, including the changes proposed to the Passive and Active RMPs in local newspapers and invites submissions;
- The Statement of Proposal will be made available on Council's website, Council offices (via Kiosks) and at public libraries at Matamata, Morrinsville and Te Aroha;
- The consultation period will run for no less than one month with the submission period scheduled from 18 September 2023 to 18 October 2023;
- Key stakeholders (including Te Manawhenua Forum) will be advised directly of the consultation process;
- A hearing is scheduled for 8 November 2023 to provide an opportunity for persons to speak to their submissions;
- Council will consider the submissions received, any further comments from those submitters who wish to be heard at the hearing, and any other comment or advice sought from staff or other subject matter experts at a deliberation meeting to be held on 22 November 2023. The final Bylaw will be adopted by Council at its meeting on 22 November 2023, with the new Bylaw expected to be operative on 20 December 2023.

### Timeline

Milestone	Date
Workshop with Elected Members – discussion of draft Proposed Bylaw prior to consultation	2 August 2023
Documents approved by Council to consult including Statement of Proposal and Proposed Bylaw	23 August 2023
Consultation Period	18 September – 18 October 2023
Hearing Date	8 November 2023
Deliberations and adoption of final bylaw	22 November 2023
Bylaw operational	20 December 2023

### Ngā take ā-lhinga | Consent issues

Freedom camping is permitted on reserve land under the District Plan if provided for in a Reserve Management Plan. Therefore, the Proposed Bylaw and subsequent proposed changes to the

Passive and Active Reserve Management Plan does not give rise to any consent issues on reserves.

In addition, the Act provides a permissive approach for freedom camping in local authority areas and explicitly states that Councils must not enforce blanket bans on freedom camping across the District, so the Act would prevail if there was an inconsistency between the Act and the District Plan.

## 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

**Theme:** Vibrant Cultural Values

**Community Outcome:** We value and encourage strong relationships with Iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.

**Theme:** Environmental Sustainability

**Community Outcome:** We engage with our regional and national partners to ensure positive environmental outcomes for our community

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

There are no material financial considerations associated with the recommendations of this report. All matters are met within existing budgets. Council received funding from the MBIE Freedom Camping Transition Fund for the purpose of developing a bylaw.

## Ngā Tāpiritanga | Attachments

- A. Summary of site assessments to inform MPDC Freedom Camping Bylaw - August 2023
- B. [MPDC Freedom Camping Statement of Proposal and Bylaw - August 2023](#) (*Under Separate Cover*)
- C. [MPDC Freedom Camping Bylaw 2023 - Appendix 1 - Maps - August 2023](#) (*Under Separate Cover*)

## 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>	

7 Pūrongo me whakatau | Decision Reports

## 7.3 Iwi Aspiration Statement - Te Mana Whenua Forum Recommendation

CM No.: 2759171

### Rāpopotonga Matua | Executive Summary

The purpose of this report is to seek Council determination on a request from Te Mana Whenua Forum for its iwi aspirations to be incorporated into Council's key strategic documents.

### Tūtohunga | Recommendation

That:

1. The information to be received.
2. In response to Te Mana Whenua's recommendation of 01 August 2023) that the Iwi Aspiration Statement (Attachment A) be incorporated into Council's key strategic documents; Council:  
  
Option A. Do not approve the Te Mana Whenua Forum recommendation; or  
  
Option B. Approve the Te Mana Whenua Forum recommendation; or  
  
Option C. Approve the Te Mana Whenua Forum recommendation with amendments

### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information to be received.
2. In response to Te Mana Whenua's recommendation of 01 August 2023 that the Iwi Aspiration Statement (Attachment A) be incorporated into Council's key strategic documents; Council seeks the opportunity for open engagement with Te Manawhenua Forum to collectively articulate principles and aspirations that can be adhered to in good faith.

Resolution number CO/2023/00004

Moved by: Cr J Sainsbury

Seconded by: Cr K Tappin

**KUA MANA | CARRIED**

### Horopaki | Background

The purpose of the Te Manawhenua Forum is to facilitate mana whenua contribution to Council's decision making and strengthen partnership and engagement between Council and iwi/hapu. In recognition of Council's commitment to fulfil its obligations under the Local Government Act 2004, the Forum was established as a Standing Committee of Council.

The Te Manawhenua Forum has undertaken multiple hui to arrive at a collective Iwi Aspiration Statement with the aim of recommending to Council that these aspirations be interwoven into Council's Strategic Direction and key strategic documents.

At its meeting on 2 August 2023 Te Manawhenua Forum made the following resolution:

*The Te Mana Whenua Forum recommends to Council the Iwi Aspiration Statement (Attachment A) being incorporated into key strategic documents.*

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

The vision aligns to a thriving and inclusive community in the Matamata-Piako District that honours and embraces Te Ao Māori, fostering strong partnerships and recognising the potential of Iwi Economic Development for long-term district growth. It also aligns to the four wellbeings which underpin the purpose of local government.

The legislative requirements for Māori engagement in local government in New Zealand are primarily outlined in the Local Government Act 2002 and its subsequent amendments. These requirements emphasize the importance of recognizing the Treaty of Waitangi and ensuring meaningful engagement with Māori communities. Below are some key aspects of the legislative framework for Māori engagement:

- Treaty of Waitangi (Section 4): The Act recognises the principles of the Treaty of Waitangi as a foundation for the relationship between Māori and local government.
- Participation Arrangements (Section 81): Councils are required to develop and adopt policies on how they will involve Māori in their decision-making processes.
- Local Government Act 2002 (Sections 81-86): These sections of the Act outline the requirements for councils to establish mechanisms for engaging with Māori. They include provisions for councils to take into account the principles of the Treaty of Waitangi in decision-making and to establish processes for Māori participation.
- Long Term Plans (Section 93): Councils must consult with their communities, including Māori, when developing their Long Term Plans. Māori participation and perspectives should be considered in the plan's development.

### **Mōrearea | Risk**

There is a risk to public perception that Council may need to consider.

### **Ngā Whiringa | Options**

The Te Mana Whenua Forum seeks Council incorporation of its Iwi Aspiration Statement (Attachment A) be incorporated into Council's key strategic documents. Council could consider the following options:

A) Do not approve the Te Mana Whenua Forum recommendation

Council would need to consider the effect of its relationships with iwi/Māori in choosing this option.

B) Approve the Te Mana Whenua Forum recommendation

Has the potential to strengthened partnerships and provide opportunities to identify opportunities to partner on shared outcomes.

C) Approve the Te Mana Whenua Forum recommendation with amendments

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

The iwi aspirations document is envisaged to be utilised as part of key Council document development.

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

Not applicable.

### Ngā take ā-lhinga | Consent issues

Not applicable.

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

**Theme:** Alignment to all themes.

**Community Outcome:** All outcomes.

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

Not applicable.

### Ngā Tāpiritanga | Attachments

A. Iwi's Aspirational Statement

### Ngā waitohu | Signatories

Author(s)	Tuatahi Nightingale-Pene <b>Kaitakawaenga Māori - Iwi Liaison Officer</b>	
Approved by	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	

*Item 7.3 Iwi Aspiration Statement – Te Mana Whenua Forum Recommendation considered after  
Item 7.4 Te Mana Whenua Forum proposed projects for the 2024-34 Long Term Plan*

*The meeting adjourned for morning tea at 10.27am and reconvened at 10.43am*



7 Pūrongo me whakatau | Decision Reports

## 7.4 Te Mana Whenua Forum proposed projects for the 2024-34 Long Term Plan

CM No.: 2759270

### Rāpopotonga Matua | Executive Summary

The Te Manawhenua Forum seeks Council determination on its recommendation that Council consider a work programme proposal for inclusion in the 2024-34 Long Term Plan (LTP).

### Tūtohunga | Recommendation

That:

1. The information be received.
2. In response to Te Mana Whenua's recommendation of 01 August 2023 that the Iwi LTP Proposal (Attachment A) be considered as a project for inclusion in Council's 2024-34 Long Term Plan.  
  
Option A. Prioritise the establishment of Memorandum of Partnerships with iwi (minimum of three each year) and defer consideration of additions to the Long Term Plan work programme to a later date  
  
Option B. Prioritise the establishment of Memorandum of Partnerships with iwi (minimum of three each year and direct staff to ascertain the financial and resourcing requirements to include the work programme recommended by iwi (Attachment A) in year \_\_\_\_\_ of the Long Term Plan.

### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

1. The information be received.
2. In response to Te Mana Whenua's recommendation of 01 August 2023 that the Iwi LTP Proposal (Attachment A) be considered as a project for inclusion in Council's 2024-34 Long Term Plan
  - Prioritise the establishment of Memorandum of Understanding with iwi (minimum of three each year) and defer consideration of additions to the Long Term Plan work programme to a later date

Resolution number CO/2023/00005

Moved by: Cr C Ansell

Seconded by: Cr D Horne

**KUA MANA | CARRIED**

### Horopaki | Background

The purpose of the Te Manawhenua Forum is to facilitate mana whenua contribution to Council's decision making and strengthen partnership and engagement between Council and iwi/hapu. In



recognition of Council's commitment to fulfil its obligations under the Local Government Act 2004, the Forum was established as a Standing Committee of Council.

The Te Manawhenua Forum has undertaken a number of workshops to identify projects to put forward for consideration in the 2024-34 Long Term Plan.

At its meeting on 1 August 2023, the Forum resolved the following:

*Te Mana Whenua Forum recommend the work programme in Attachment A be considered by Council for inclusion in the 2024-34 Long Term Plan and resourced accordingly.*

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

The development of the 2024-34 Long Term Plan provides an opportunity for the Te Mana Whenua Forum to recommend potential projects for Council to consider for approval.

This Long-Term Plan project proposal aims to outline a comprehensive plan to establish a Tiriti o Waitangi-based paradigm within Council as an organisation.

The following steps are proposed by Te Mana Whenua Forum:

- a) Conduct a comprehensive review of existing Council policies, procedures, and decision-making frameworks to identify areas for alignment with the Treaty of Waitangi.
- b) Engage with Iwi/Māori stakeholders, including iwi, hapū, and Māori community groups, through regular consultations, hui, and workshops, to gather their input and co-design initiatives.
- c) Establish a dedicated Tiriti o Waitangi governance group or working committee within the Council to oversee the implementation, progress monitoring, and reporting of this project.
- d) Integrate the aspirations and needs of Māori, as identified through community engagement, into the Council's strategic planning processes, particularly the Long Term Plan.
- e) Develop robust monitoring and evaluation mechanisms, including regular audits, to assess the Council's progress in achieving Treaty-based outcomes and identify areas for improvement.

Council may wish to consider this recommendation and timing in relation to its current work programme.

The priority for the Iwi Liaison Officer in the 23/24 year is the establishment of Memorandum of Partnerships with 3 iwi, with the further Memorandum being established in subsequent years. These will provide the building blocks from both a relational and work programme perspective. It may be that the treaty audit could be considered in the mid-latter part of the Long Term Plan; once these foundational aspects have been established.

### **Mōrearea | Risk**

Not Applicable

### **Ngā Whiringa | Options**

The Te Mana Whenua Forum seeks Council incorporation of its Iwi LTP Proposal (Attachment A) be incorporated as a project in Council's 2024-34 Long Term Plan. Council could consider the following options:

Option A. Prioritise the establishment of Memorandum of Partnerships with iwi (minimum of three each year) and defer consideration of additions to the Long Term Plan work programme to a later date

Option B. Prioritise the establishment of Memorandum of Partnerships with iwi (minimum of three each year and direct staff to ascertain the financial and resourcing requirements to include the work programme recommended by iwi (Attachment A) in year \_\_\_\_\_ of the Long Term Plan.

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

The proposed LTP project is envisaged to be a project consideration for Council's Long Term Plan.

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

Te Mana Whenua's proposal has been put forward in time for consideration for the 2024-34 Long Term Plan.

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

Not Applicable

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

**Theme:** Alignment to all themes.

**Community Outcome:** All outcomes.

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

The nature of financial and resourcing requirements for this work programme needs considerable investigation, alongside examples of what this work would look like in actuality.

Should Council wish to investigate inclusion of this work programme, staff would provide this for consideration as part of the Long Term Plan business case process.

### **Ngā Tāpiritanga | Attachments**

A. Iwi LTP project proposal

### **Ngā waitohu | Signatories**

Author(s)	Tuatahi Nightingale-Pene <b>Kaitakawaenga Māori - Iwi Liaison Officer</b>	
Approved by	Erin Bates <b>Strategic Partnerships and Governance Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	

7 Pūrongo me whakatau | Decision Reports

## 7.5 Earthquake Prone Council Buildings

CM No.: 2727165

### Rāpopotonga Matua | Executive Summary

The Building (Earthquake-prone Buildings) Amendment Act 2016 requires all buildings assessed as having a National Building Standard (NBS) of less than 34% to be upgraded/strengthened within a specific timeframe.

The following buildings have had an initial seismic assessment completed:

- Matamata Squash Club Building is earthquake prone (30%NBS)
- Te Aroha Library 35% NBS
- Morrinsville Library 40% NBS

A detailed seismic assessment has been approved for the Matamata Squash Club Building.

The libraries are well patronised by people of all ages.

Council is requested to consider whether to commission detailed seismic assessments for these libraries and other Council buildings.

A key policy position Council is requested to consider is what is the appropriate minimum NBS% level for their buildings. Seismic assessments and structural upgrades can be costly.

A number of Councils have adopted a Policy of 67%NBS for most of their public buildings.

We have a number of office improvements projects ready to be advanced.

It was considered prudent to delay these projects pending Council's consideration of this matter.

## Tūtohunga | Recommendation

That:

1. The information be received.
2. Undertake Initial Seismic Assessments on key MPDC buildings, including Offices, Libraries, and Events/Sports facilities.
3. Consider the threshold of what %NBS should be placed on MPDC owned buildings.  
OR
4. Agree to determine a threshold acceptable to Council once initial %NBS are known.  
And
5. If below the above thresholds, Agree to a Detailed Seismic Assessment

## WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Undertake Initial Seismic Assessments on key MPDC buildings, including Offices, Libraries, and Events/Sports facilities.
3. If the above thresholds fall below 67%NBS, agree to a Detailed Seismic Assessment.

*Cr P Jager and Cr K Tappin voted against the motion and wished their vote to be recorded.*

Resolution number CO/2023/00006

Moved by: Cr J Sainsbury

Seconded by: Cr B Dewhurst

**KUA MANA | CARRIED**

## Horopaki | Background

The Building (Earthquake-prone Buildings) Amendment Act 2016 requires all buildings assessed as having a National Building Standard (NBS) of less than 34% to be strengthened within a specific timeframe. The Matamata-Piako District is in the medium risk zone.

Building Control identified one council owned building that they required to be formally assessed – Te Aroha Library. This was done earlier this year through an Initial Seismic Assessment (ISA) with the result that it achieved a rating of 35%NBS. Council is not legally required to do anything about this.

There are a number of improvement projects planned for Council buildings. During the course of scoping improvements to the Morrinsville Office front desk area, an ISA was carried out. This returned a rating of 40%NBS with the mezzanine in the library being the part with the lowest score.

Previously an ISA carried out on the Swimzone Matamata Complex found the following results.

Building	%NBS(IL) Score	Building Grade	Potential EQ Prone	Life-Safety Risk Description
A - Fitness Area	25%NBS(IL2)	D	Yes	High Risk
B - Heated Swimming Pool Area	30%NBS(IL2)	D	Yes	High Risk
C - New Utilities	100%NBS(IL2)	A	No	Low Risk
D - Old Utilities	55%NBS(IL2)	C	No	Medium Risk
E - Squash Hall	30%NBS(IL2)	D	Yes	High Risk

The roof support structure of the swimming pool enclosure was also deteriorating and Council made the decision to remove the roof. The Reception and Fitness Area were closed. The Squash Club was permitted to continue to operate pending the completion of a detailed seismic assessment.

Using the above table and aligning column 2 and 5 both Te Aroha and Morrinsville Libraries are in the Medium Risk Group. Please also note the contents of the attachment prepared by the District Librarian on Vulnerable Library Visitors.

### Ngā Take/Kōrerorero | Issues/Discussion

Please refer to “Seismic Risk Guidance for Buildings” published by the Ministry of Business, Innovation & Employment. The document is available at:

<https://www.building.govt.nz/assets/Uploads/getting-started/seismic-risk-guidance-for-buildings.pdf>

Key points are repeated in the body of this report.

*“There are over 4200 buildings that have already been identified as earthquake-prone and many thousands more that have been or will be identified as seismically vulnerable. While these buildings do not meet the standards we require of modern buildings, they are not imminently dangerous and most continue to be occupied. Closing all these buildings would have a significant impact on the wellbeing of our communities and businesses. Seismic resilience is something we need to address over a period of years, so that we look after our communities today, while we work to reduce the impact of future earthquakes.”*

*“There are many variables that ultimately determine how a building responds to a particular earthquake including the earthquake itself, local geological and geotechnical features, the characteristics of that specific building and how all of these factors interact. For example, short sharp earthquakes will have the most significant impact on stiff, low-rise buildings. Long rolling earthquakes will impact high-rise buildings most significantly.”*

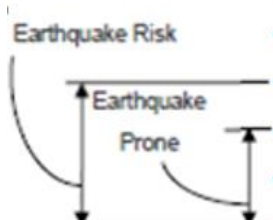
*“Life safety risks are often quantified in terms of the annual fatality risk for an individual. New buildings are designed with a 1 in 1,000,000 annual fatality risk due to earthquakes. An earthquake-prone building (<34%NBS) is estimated at 1 in 40,000-100,000 annual fatality risk. Flying in an aeroplane has an estimated fatality risk of approximately 1 in 700,000 and driving a car in New Zealand is estimated to carry a fatality risk of 1 in 20,000.”*

*“At the time of the 2016 Kaikōura earthquake, there were over 700 earthquake-prone buildings in Wellington. Due to the nature of that earthquake, very few of these buildings received damage, much less failed. Most were occupied at the time, and many of those that have not yet been strengthened continue to be occupied.”*

The table below has been taken from the Beca Report of Swim Zone Matamata with respect to the indoor pool/gym/Squash Court buildings.

Table 2: Building Grading System for Earthquake Risk

	Building Grade	Percentage of New Building Standard (%NBS)	Approx. Risk Relative to a New Building	Life-Safety Risk Description
	A+	>100	<1 times	Low risk
	A	80 – 100	1 – 2 times	Low risk
	B	67 – 79	2 – 5 times	Low/Medium risk
	C	34 – 66	5 – 10 times	Medium risk
	D	20 – 33	10 – 25 times	High risk
	E	<20	More Than 25 times	Very High risk



With reference to this table the annual fatality risk for the Te Aroha and Morrinsville Libraries would fall in the range of 1 in 100,000 -200,000.

## Health & Safety

Worksafe have indicated that they will not prosecute in cases where buildings are being managed in accordance with Earthquake prone legislation, however they will still look at issues with respect to reasonableness.

The threshold as to what is “unreasonable” in terms of a Council as far as cost is concerned is very high. For example, would it be unreasonable for Council to invest \$1m to lift the level of compliance for a library from medium risk to say low\medium risk?

The other aspect is Council’s role as a good employer and ensuring it provides a safe working place.

## Reasonably practicable

There are two parts to ‘reasonably practicable’.

Firstly consider what is possible in our circumstances to ensure health and safety. Then consider, of these possible actions, what is reasonable to do in our circumstances. We need to achieve a result that provides the highest protection that is reasonably practicable in our circumstances. When thinking about what ‘reasonably practicable’ means, the following questions should be considered.

How likely is the risk and how severe is the harm that might result?

Risks to health and safety arise from people being exposed to hazards (anything that can cause harm). More should be done to eliminate the risk if death, serious injury or a long term/irreversible health condition is a possible or likely result. The greater the potential harm, the greater the action required. For risks that have unacceptable outcomes even if they have a low likelihood of occurring, look at credible worst case scenarios.

What do we know, or ought reasonably to know, about the hazard or risk and the ways of eliminating or minimising the risk?



We are expected to find out if there are any ways (control measures) to eliminate or minimise the risk. What is the availability of the control measures, and how suitable are they for the specific risk? How a risk is eliminated or minimised will depend on the situation, type of work, work environment etc. This is where we will need to apply judgement to figure out the best actions to take. To be aware that there can still be risks even after we implement control measures. Control measures themselves may introduce risks (eg using hearing protection means workers may not hear approaching vehicles). These risks must also be eliminated or minimised, so far as is reasonably practicable

As a final step, what are the costs of the control measure and are the costs grossly disproportionate to the risk?

After assessing the answers to the questions above, consider the costs associated with the ways to eliminate or minimise risks including whether they are grossly disproportionate to the risk. Just because something is possible to do, doesn't mean it is reasonably practicable in the circumstances. However, cost can only be used as a reason to not do something when it is grossly disproportionate to the risk.

Indicative evidence from other Councils indicates a variety of views and appetite for risk.

Decisions are often on a case-by-case basis. City Councils tend to have a higher requirement than smaller rural councils and towns.

Waipa District Council have adopted a policy of a minimum level of 67%NBS for their buildings.

South Waikato District Council made a Management decision of a minimum of 50%NBS for their buildings.

Staff understanding is that Wellington CC closed their main library despite its ISA being at 60%NBS as it was in the high-risk zone.

Links that refer to Importance Levels (IL) and Seismic Resilience are provided as information and explanation.

The District Librarian has provided information on the demographic profile of library users (see attached)

Most of MPDC buildings are of IL1 or 2. However, when taking into account that a number are public buildings where vulnerable people may attend, consideration of categorising as IL3 is likely to be more appropriate. Further, this may be an expectation of the community.

### Descriptors of Importance Level of Buildings classified as IL3

Importance level 3	<p><i>Buildings</i> of a higher level of societal benefit or importance, or with higher levels of risk-significant factors to <i>building</i> occupants. These <i>buildings</i> have increased performance requirements because they may house large numbers of people, vulnerable populations, or occupants with other risk factors, or fulfil a role of increased importance to the local community or to society in general.</p>	<ul style="list-style-type: none"><li>• <i>Buildings</i> where more than 300 people congregate in 1 area</li><li>• <i>Buildings</i> with primary school, secondary school, or daycare facilities with a capacity greater than 250</li><li>• <i>Buildings</i> with tertiary or adult education facilities</li></ul>
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with a capacity greater than  
500

Details of the other levels can be viewed at:

<https://www.legislation.govt.nz/regulation/public/1992/0150/latest/DLM162576.html#DLM4417717>

The Level of Importance and Seismic Resilience as documented for the Building Code can be viewed at:

<http://www.seismicresilience.org.nz/topics/resilient-design/codified-seismic-design/level-of-importance/>

If we consider the demographics of our visitors, there is a strong argument that our public buildings would be similar category to schools.

### Office Improvements

There are four projects in final planning stage driven by factors including Health and Safety:

- Security of front desk areas in Te Aroha and Morrisville,
- Improved ventilation and office layout in the large Planning Office
- Refurbishment of Te Aroha staff cafeteria created in mid-90's.

The estimated cost for these four projects is \$600,000.

There is an allocated budget for Corporate offices improvements and some uncommitted renewal budget that could fund the above.

It was considered prudent to delay these projects pending Council's consideration of the earthquake ratings for Council building.

### Mōrearea | Risk

*"Making occupancy decisions on importance level (IL) three and four buildings*

*Some buildings are built to withstand larger earthquakes than others. A building is given an importance level (1-5) based on occupancy, its post-disaster function and potential environmental consequences of failure. Buildings with higher importance levels are designed to withstand larger, less frequent earthquakes. Most buildings are importance level 2 (IL2). For all buildings, regardless of importance level, short-term occupancy decisions should focus on life safety risk in the near term: that is considering earthquakes that are more frequent and hence smaller. Therefore, it is more appropriate for occupancy decisions for IL3 and IL4 buildings to be based on the design earthquake for an IL2 building, that is a 1 in 500-year event. Further consideration of risk in high occupancy buildings is factored into the decision guidance in Part B"*

Most of MPDC buildings would be categorised as IL1 or IL2.

IL3 would be appropriate if the occupancy could exceed 300 in one area.

To put this into context IL4 are buildings that are essential to post-disaster recovery or associated with hazardous facilities. Eg. Hospitals, Fire Rescue and Emergency vehicle garages, EOC.

IL5 are buildings whose failure poses catastrophic risk to a large area (eg, 100 km<sup>2</sup>) or a large number of people (eg, 100,000). Eg. Major dams.



NBS (EQ) ratings together with IL categories quantify the risk to occupants and communities and the need to have emergency and recovery facilities available post-earthquake.

It is difficult to quantify Corporate Reputation or potential legal challenge under H&S legislation

### **Ngā Whiringa | Options**

- a) Do nothing
- b) Carryout ISA on remaining key MPDC buildings - Offices, Events/Sports facilities. (MPC&MC and SFEC are modern buildings and do not require assessment.) Follow-up with DSA dependant on c) below.
- c) Consider the threshold of what %NBS should be placed on these MPDC buildings.
- d) Determine threshold acceptable to Council once actual %NBS is known.

The suggested buildings that council should obtain an Initial Seismic Assessment are:  
Te Aroha Main Office, Morrinsville Events Centre.  
They both could be considered as an IL3 building.

This may then need to be followed up with a Detailed Seismic Assessment including  
Te Aroha Library and Morrinsville Area Office and Library dependant on Council decision on minimum NBS rating acceptable.

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

There is no current legal requirement for MPDC to upgrade their buildings.

Council should consider Health and Safety responsibilities and in this case the Reasonable Practicalities as identified in the Discussion above.

There is some actual and some indicative evidence that some Councils have adopted a policy of a minimum of 67%NBS for their public buildings

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

Once the %NBS is known Council's intention on what to do (if anything) should be communicated to the users. Assessments could be programmed in the current financial year once estimates have been obtained.

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

Structural upgrades would require a Building Consent. Any listed building is likely to require a Resource Consent.

Heritage NZ may also have to sign off any visual changes. E.g. for Te Aroha Library

### **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:** Our community is safe, healthy and connected

**Community Outcome:** We encourage the use and development of our facilities

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

Structural upgrading can prove costly. There is no identified funding source at this stage.

A Detailed Seismic Assessment is likely to cost \$20,000 – 50,000 for each building. This could be factored into the next LTP budget

### **Ngā Tāpiritanga | Attachments**

A. Vulnerable Library Visitors 2023

### **Ngā waitohu | Signatories**

Author(s)	Roger Lamberth <b>Property and Community Projects Manager</b>	
Approved by	Manaia Te Wiata <b>Group Manager Business Support</b>	

7 Pūrongo me whakatau | Decision Reports

## 7.6 Road Naming for Ancroft Developments Stage 2 - Kaimai Drive, Matamata

CM No.: 2748288

### Rāpopotonga Matua | Executive Summary

Land developers are required to apply to Council to name public and private roads within subdivisions of size  $\geq 6$ -lots. This application relates to a public residential subdivision.

Barr Harris Surveyors Limited of Matamata, acting as agent on behalf of the Applicant (Catherine and Philip Brown as Ancroft Developments Limited), have approached Council to name four new roads as part of Stage 2 – Kaimai Drive, Matamata.

The construction phase of the Ancroft Stage 2A, 2C, and 2D adjoining Kaimai Drive, Matamata is nearing completion. These three stages incorporate the construction of four new roads and the continuation of the existing Kaimai Drive. It is requested Council approve the road names of Matariki Drive, Levante Drive, El Segundo Place and Battle Eve Place.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The report be received
2. Council accepts the applicant's preferred public road names: Matariki Drive, Levante Drive, El Segundo Place and Battle Eve Place for the new Ancroft Stage 2 development off Kaimai Drive, Matamata.
3. Council names Tūwaewae Drive for the approximately 50m length of developed road to the left of Kaimai Drive. This provides for the continuous naming of Tūwaewae Drive as a collector road upon the future development of the adjoining residential policy area as per Structure Plan.

Resolution number CO/2023/00007

Moved by: Cr S-J Bourne

Seconded by: Cr C Ansell

**KUA MANA | CARRIED**

### Horopaki | Background

Road names and property numbers are used extensively by a range of individuals and organisations for accurate and efficient identification. Such forms of identification are not limited to emergency services, postal and courier services, visitors and utility providers (water, power telephone, internet) etc. For these reasons, it is both appropriate and necessary that individual properties have a formalised and unique address from which they can be identified.

Council is responsible under sections 319, 319A and 319B of the Local Government Act 1974 for the road naming and numbering of land and buildings. Important road naming objectives include:

- Ensuring district-wide consistency for the naming of roads and access ways.

- Clarifying the meaning of access ways and rules for their naming.
- Ensuring roads are named so as to reflect the identity of local areas within the district in addition to ease of property identification.

The below road naming and numbering plan provided by Barr Harris Surveyors of Matamata on behalf of the Applicant details the proposed new roads and displays preferred road names off the existing Kaimai Drive.



## Ngā Take/Kōrerorero | Issues/Discussion

Road name checks are performed initially against Council's street register and then against the Land Information New Zealand (LINZ) database. Checks ensure that proposed road names meet policy criteria; specifically that throughout our district and neighbouring districts they aren't duplicated or don't sound similar to existing road names.

For public road naming, Council staff suggest that Applicants (or their agents) initially refer to Council's road naming policy for guidance on consultation with Mana Whenua; with regard to obtaining information about the cultural identity of select locations/areas within the district.

Moreover, Applicants (or their agents) are to provide each Mana Whenua group with at least 15 working days to identify if the area has cultural significance and provide this feedback to the applicant. The purpose of the feedback is to provide non-binding advice to the applicant as to how culturally significant an area is. As these roads are vested in Council, road sign installations and their subsequent maintenance become Council's cost.

For private roads and access ways not vested in Council the same consultative requirements don't apply in terms of Mana Whenua involvement. Road sign installations and maintenance are a cost on private land owners.

Initially the agent engaged Mana Whenua for this application with more than 15 days' notice. A representative of Mana Whenua then went to site and agreed that Matariki be selected for Road #1.

The applicant has since assessed *Preferred* and *Alternative* road names against road naming policy - Section 6 (Naming considerations) & Section 8 (Criteria). In view of that assessment decision-makers should note that:

- Two of the below preferred names *El Segundo* and *Battle Eve* are double names while *Commissionaire* is longer than 12 characters. Under Section 8, any proposed road and access way names will preferably meet the following criteria:
  - b. Preferably, be short (generally not be longer than 12 characters).
  - c. Be single words to avoid cartographic problems
  - j. Not lead with 'The'. El is the singular, masculine definite article, meaning "the," in Spanish and is used to define masculine nouns.
  - Limited Alternative road names may restrict the selection criteria should Section 8 considerations above be important to decision-makers.

In reference to the plan on page 2 (also shown again below) an approximately 50m length of road to the left of Kaimai Drive is highlighted in yellow and is to be separately named by Council as Tūwaewae Drive. This length is also shown in the drawing on page 4 (as the northern green road portion).



Importantly, Tūwaewae Drive already exists as part of the earlier named Maea Fields – Stage 1B development (see drawing on page 4 – coloured green at the southern end). A future undeveloped 32ha residential future residential policy area separates the two sections of Tūwaewae Drive and this might not be developed for some time.

To enable Council the future option of a continuous Tūwaewae Drive that's linked right through the various developments (as indicated by the two blue arrows) a potential future name change from Matariki Drive to Tūwaewae Drive will be registered on affected land titles with the intent to later simplify road naming for the benefit of affected residents.



Numbered and proposed future house lots (shown on page 2) at left of Kaimai Drive aren't affected by Tūwaewae Drive being named now, as they will all get their access off Kaimai Drive.



Road #1	Preferred: <b>Matariki Drive</b>	Alternative 1: Commissionaire Drive	Alternative 2: Legarto Drive
Rationale for names: <i>The Browns (Applicant) suggested the name Matariki Drive while on site, which was agreed on and considered at the time to be culturally significant and suitable for Ngati Hinerangi.</i>			
Road #2	Preferred: <b>Levante Drive</b>	Alternative 1: Commissionaire Drive	Alternative 2: Legarto Drive
Rationale for names: <i>Names (Levante, Commissionaire, Legarto, El Segundo and Battle Eve) have relevance to the heritage of the land under the Browns inter-generational ownership and operation as a successful horse stud.</i>			
Road #4	Preferred: <b>El Segundo Place</b>	Alternative 1: Legarto Place	Alternative 2: Commissionaire Place
Rationale for names: <i>Names (Levante, Commissionaire, Legarto, El Segundo and Battle Eve) have relevance to the heritage of the land under the Browns inter-generational ownership and operation as a successful horse stud.</i>			
Road #5	Preferred: <b>Battle Eve Place</b>	Alternative 1: Legarto Place	Alternative 2: Commissionaire Place
Rationale for names: <i>Names (Levante, Commissionaire, Legarto, El Segundo and Battle Eve) have relevance to the heritage of the land under the Browns inter-generational ownership and operation as a successful horse stud.</i>			



## Mōrearea | Risk

The applicant's efforts to select road names presents little if any reputational risk to Council. Also as previously mentioned above, Council's initial street register checks and the subsequent LINZ database checks of preferred and alternative road names are seen as careful and deliberate risk mitigation steps.

## Ngā Whiringa | Options

Options are restricted to the proposed *Preferred* and two *Alternative* road names listed, and used interchangeably, above.

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

Council's Naming of Roads, Access ways Policy (02 October 2019) is attached.

## Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

Communications relate to notifications on the outcome of Council's decision-making. Initially, the applicant is phoned following Council's decision and then an email is sent confirming it. Subsequently, a range of contacts (LINZ, NZ Post, Core Logic NZ Ltd, internal staff and others) are sent the: "Official Group Email Notification of Committee Resolution (for New Road Names – Council, August 2023)". Council's resolution with the group email follows the release of Council minutes.

## Ngā take ā-lhinga | Consent issues

Road naming approval is a Council requirement prior to the issuing of 223/224 resource consent completion certificates.

## Ngā Tāpiritanga | Attachments

A. Final Road Naming Policy Adopted 2 October 2019

## Ngā waitohu | Signatories

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

7 Pūrongo me whakatau | Decision Reports

## 7.7 Electoral system for 2025 local elections

CM No.: 2747345

### Rāpopotonga Matua | Executive Summary

The purpose of this report is to seek Council's direction on which electoral voting system to use for the 2025 local body elections.

The First Past the Post (FPP) voting system was used by Matamata-Piako District Council for the 2022 elections and is used by most Councils throughout New Zealand. Council may resolve to change the voting system to Single Transferable Votes (STV).

This report highlights the process for each of the options and associated timelines with changing the voting system should Council opt to.

## Tūtohunga | Recommendation

That:

1. The information be received.
2. Council confirms the First Past the Post (FPP) as the electoral voting system for the 2025 triennial elections and this decision be publicly notified by 19 September 2023, in accordance with statutory requirements including the public's right to demand a poll on this decision.  
  
OR
3. Council resolves to change the electoral voting system from the First Past the Post (FPP) to Single Transferable Vote (STV) for the 2025 triennial elections and that this decision be publicly notified by 19 September 2023, in accordance with statutory requirements including the public's right to demand a poll on this decision.  
  
OR
4. Council resolves to undertake a poll of electors on the electoral voting system to be used for the next two triennial elections. Such a poll is to be held by 21 February 2024, using the postal voting method.

## WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council confirms the First Past the Post (FPP) as the electoral voting system for the 2025 triennial elections and this decision be publicly notified by 19 September 2023, in accordance with statutory requirements including the public's right to demand a poll on this decision.

Resolution number CO/2023/00008

Moved by: Cr C Ansell

Seconded by: Cr R Smith

**KUA MANA | CARRIED**

## Horopaki | Background

In accordance with the Local Electoral Act 2001 (LEA) and to “allow diversity (through local decision-making) in relation to the particular electoral system to be used for local elections and polls”, Councils and communities are provided with a choice between First Past the Post (FPP) or Single Transferable Vote (STV) for local elections and polls.

Council last passed a resolution on this issue on 10 June 2020, which was to use FPP. Any such resolution takes effect for the next two triennial general elections and any associated by-election; and continues in effect until either—

- a further resolution under this section takes effect; or
- a poll of electors held takes effect.

If Council opts not to pass a resolution on this issue before 12 September 2023, the FPP system will be chosen (by default) due to the previous resolution applying for the 2022 and 2025 elections. Therefore, no resolution is required (public notification occurs regardless), although, this report is providing Council the option to pass a resolution confirming the status quo arrangement or to change the electoral system if it wishes.

If Council decides to change the electoral system, or retain the same electoral system from that used at the last triennial election, public notice of the right of the community to demand a poll on the issue must be given by 19 September 2023.

#### What systems councils use

The option to use FPP or STV has been in place since 2004. This was designed to help achieve the LEA principle of “*fair and effective representation for individuals and communities*”. Council used the STV system for the 2004 elections and then changed back to use the FPP electoral system for all subsequent elections. The FPP system is used by most councils nationally.

The STV option was first offered for the 2004 local government elections. As a result of that option, 10 city/district councils used STV at the 2004 elections. STV was used by 11 councils for the 2019 elections and 15 councils in 2022 (there are 78 councils nationally).

#### Online voting

Central government have indicated “there are no current plans to trial nationwide online voting in local elections”.

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

The Local Electoral Act provides local authorities and/or their communities with three options for choosing which system is used:

1. Council can make a decision on which electoral system is to be used, with the required public notification to follow; or
2. Council may resolve to hold a poll to determine which system should be used; or
3. Electors may demand that a poll be held on the matter.

There are specific timeframes and conditions associated with each of these options. Council must make a decision by 12 September 2023. Council’s decision must be publicly advertised by 19 September 2023, and the community notified of its right to demand a poll to rescind any resolution. The demand to poll must be received no later than 21 February 2024.

The LEA requires a local authority to comply with the following timeline when deciding which electoral system will be used. The following table shows the change options, requirements and time constraints in relation to the 2025 triennial elections.

Who	Timing	Provision	Section of LEA
Council	By 12 September 2023	A local authority <b>MAY</b> resolve to change the electoral system for the next two triennial elections or resolve to do nothing.	Section 27 of the LEA
Council	By 19 September 2023	A local authority <b>MUST</b> give public notice of the right of 5% of the electors to demand a poll on the future electoral system for the next two triennial elections, and if a resolution has been made by a local authority by 12 September 2023, then this must be included in the notice.	Section 28 and 29 of the LEA
Council	By 21 February	A local authority <b>MAY</b> resolve to undertake	Section 31 of

Who	Timing	Provision	Section of LEA
	2024	a poll of electors on a proposal that a specified electoral system be used for the next two triennial elections, with the poll being held by 21 May 2024.	the LEA
5% of electors	By 21 February 2024	Should a valid demand for a poll be received by 21 February 2024, a poll <b>MUST</b> be held by 21 May 2024. The outcome of a poll is binding on the local authority for two triennial elections (2025 and 2028).	Section 29 of the LEA

Further explanation of the options is set out below:

1. Ability of Council to resolve which electoral system is to be used

Section 27 of the LEA provides that the Council may resolve, of its own decision, to change an electoral system which is different to the system used at the previous triennial election. If it decides on a change, it must do so no later than 12 September, two years prior to the next triennial election (being October 2025) unless it decides to hold a poll of electors. Therefore, if Council wishes to consider changing its system from FPP to STV for the 2025 elections, it must do so before 12 September 2023. (The LEA includes a provision that should a Council resolve to change its electoral system by resolution, and no poll is held, the new system must be used for the next two elections.)

A resolution to retain FPP will take effect for the 2025 and 2028 elections and will continue in effect until either Council resolves otherwise, prior to 12 September two years prior to the 2031 elections, or a poll of electors is held.

Council must give public notice no later than 19 September 2023, of the right for electors to demand a poll on the electoral system, whether or not the local authority has resolved to change the electoral system.

2. The Council may decide of its own volition to hold a poll of electors

Council can also decide to hold a poll of electors at any time during the process (no later than 21 February 2024), irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.

The results of the poll are binding and will determine whether FPP or STV is to be used for at least the next two triennial elections, and for all subsequent elections until either a further resolution under Section 27 LEA takes effect or a further poll is held.

3. Electors' right to demand a poll

Prior to 19 September 2023, Council must give public notice of the right to demand a poll on the electoral system to be used. If Council has passed a resolution under Section 27 of the LEA to change the electoral system from FPP to STV, the public notice must include:

- notice of that resolution; and
- a statement that a poll is required to counter that resolution.

Section 29 of the LEA allows 5% of the number of electors enrolled at the previous triennial election to demand a binding poll to be held on a proposal to determine which electoral system is to be used for the next two triennial elections. The poll demand must be made in writing to the Chief Executive, and must be made no later than 21 February 2024.

Timetable and conduct of poll

Following the passing of a resolution by Council or validation of a demand for a poll, the Chief Executive must, as soon as practicable, give notice of the resolution or the valid poll demand to the electoral officer.

There are various timeframes associated with a poll. If Council opts to hold a poll the electoral officer will work through the timetable requirements of the LEA.

#### Explanation of voting system options

An explanation of both electoral systems is provided in the attached paper. Although this guide was prepared in 2008, the explanations about the two electoral systems remain current.

Issues Council may wish to consider when choosing an electoral system, include:

- additional election costs if STV is adopted;
- public confusion with two electoral systems running simultaneously between MPDC and other councils on the same voting form
- costs associated with public consultation / education / poll.

#### First Past The Post (FPP)

Under FPP electors vote by indicating their preferred candidate(s), and the candidate(s) who receives the most votes is declared the winner regardless of the proportion of votes that candidate(s) obtained. This is a very simple method of electing candidates and is widely used throughout the world.

Although FPP is very simple, some people have argued that the results of an FPP election may not always reflect the wishes of the majority of voters. The following examples show how results of FPP elections may vary.

Example 1	Number of Votes	Percentage of Votes
Candidate One	51	51%
Candidate Two	49	49%
	<b>Total Votes = 100</b>	<b>Total = 100%</b>

Where one candidate has a clear majority of votes, it can be seen that the majority of people did support the winning candidate.

Example 2	Number of Votes	Percentage of Votes
Candidate One	34	34%
Candidate Two	33	33%
Candidate Three	33	33%
	<b>Total Votes = 100</b>	<b>Total = 100%</b>

In this example, candidate one would be the winning candidate. However, they fell well short of securing a majority (i.e. over 50%) but simply gained one more vote than the other two candidates.

Example 3	Number of Votes	Percentage of Votes
Candidate One	70	70%
Candidate Two	10	10%
Candidate Three	10	10%
Candidate Four	10	10%
	<b>Total Votes = 100</b>	<b>Total = 100%</b>

In this example, the winning candidate received 70% of the total votes.

However, the winning candidate might receive more votes than any other one candidate, but receive fewer votes than the other candidates put together.



Example 4	Number of Votes	Percentage of Votes
Candidate One	40	40%
Candidate Two	30	30%
Candidate Three	20	20%
Candidate Four	10	10%
	<b>Total Votes = 100</b>	<b>Total = 100%</b>

In this case, the winning candidate got 40 per cent of the total votes, the other candidates received 60 percent of votes. It could be said that the election result did not reflect the wishes of the majority.

Some people have also argued that even when the winning candidate gets the majority of votes, many people's votes are "wasted".

#### Single Transferable Vote (STV)

Under an STV electoral system, voters rank candidates in their order of preference. A good example to consider is an election to select three councillors for a ward in a council election. Under STV, a person would write '1' next to the name of their preferred candidate, '2' next to their second preferred candidate and so on.

STV means that each person has one vote, but can indicate preferences for all the candidates. Using STV means each voter has a single vote that is transferable from one candidate to another in the order the voter prefers them.

The number of votes required for a candidate to be elected depends on the number of positions to be filled and number of valid votes. The number of vacancies and votes determines the quota a candidate must reach to be elected. The formula for deciding the quota is the total number of valid votes, divided by the number of vacancies plus one.

It is noted that Kaipara, Kapiti Coast, Ruapehu District, Far North and Gisborne Councils used STV in 2022.

### **Mōrearea | Risk**

Council may consider that STV is too complicated, expensive (the cost of processing votes is higher for example) or that FPP is better suited to Matamata-Piako District Council. Election results can take longer to issue with STV.

### **Ngā Whiringa | Options**

Council may consider adopting one of the following options:

#### Option A - Make a decision and publicly notify it

Council could make a decision to retain the status quo (FPP) or change to STV. The decision will be publicly notified by 19 September 2023. The public notice will include notice of the resolution, the electoral system to be used, and that a poll will be required to rescind it.

#### Option B - Resolve to hold a poll

Council could defer its decision and simply resolve to hold a poll of electors. The decision to hold a poll could be made at any time prior to 21 February 2024, but a public notice by 19 September 2023 would still be required.

This option would need to be budgeted for, together with some public education costs. If Council is required to hold a poll or separately chooses to hold a poll, the cost is estimated to be \$90,000 plus GST. There currently is no budget to fund this.

#### Option C - Do nothing

Council could effectively do nothing and simply give public notice by 19 September 2023 that electors have the right to demand a poll on the electoral system to be used for the next two triennial elections. If no demand for a poll is received, status quo remains, that is FPP continues to be used for the 2025 elections.

#### **Analysis of preferred option**

This report and attached document does not provide a preferred option either way. It presents arguments for and against both systems and encourages Council to make an informed choice about the electoral system best suited for our community.

#### **Legal and statutory requirements**

The legal requirements are set out under the LEA and the associated regulations. The requirements are addressed elsewhere in this report.

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

- Local Electoral Act 2001

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

Local body elections ask voters to choose representatives for their local council and regional council.

The LEA principles include that electors have a reasonable and equal opportunity to cast an informed vote in polls.

Should a poll be required (by either a public demand or by Council resolution) Council's Electoral Officer will need to develop a timetable to undertake this in line with the LEA. Council would need to develop its own publicity information on the two electoral voting systems.

Sections 52, 54 and 65 of the LEA set out requirements relating to public notices on polls. Regulation 46 requires any information on polls provided to electors by the Electoral Officer to be neutral on the matter in question. In this case, the advantages and disadvantages of the two electoral systems must be presented in a neutral 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:** Democracy.

**Community Outcome:** Community engagement and participation to encourage sound and visionary decision making.

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

There are no unbudgeted costs if no poll is required.

If Council is required to hold a poll or separately chooses to hold a poll, the cost is estimated to be in order of \$90,000 plus GST which is not currently budgeted for.

## Ngā Tāpiritanga | Attachments

A. Local Government Electoral Option 2008

## Ngā waitohu | Signatories

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

7 Pūrongo me whakatau | Decision Reports

## 7.8 2023/2024 Development Contribution Fees

CM No.: 2759400

### Rāpopotonga Matua | Executive Summary

Council confirmation of the amended 2023/2024 Development Contribution fees is sought following identification of an error in the initial calculation of the fees. The amended fees will then be publically notified in line with legislative requirements.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. Council confirm the amended Development Contribution fees for 2023/2024 that will be retrospectively applied from 1 July 2023.

Resolution number CO/2023/00009

Moved by: Cr S-J Bourne

Seconded by: Cr C Ansell

**KUA MANA | CARRIED**

### Horopaki | Background

Council confirmed the 2023/2024 Development Contribution (DC) fees alongside the other Fees and Charges at its meeting of 28 June 2023. Before the Fees and Charges were publically notified however, an error in the application of the Producer's Price Index (PPI) increase to the DC fee was identified. As such, the DC fees were removed from the Fees and Charges document, and approval of the amended fees is now sought.

Once approved, the amended DC fees will be publically notified. Where the amended DC fee is lower than that initially calculated, it shall be applied retrospectively to ensure no party is disadvantaged by this error. Affected parties will be contacted.

### Ngā Take | Issues / Kōrerorero | Discussion

Section 106 of the Local Government Act 2002 allows for Council to increase in the DC fee annually using the PPI, which is prepared by Statistics New Zealand. The PPI should only be applied though, to the capital portion of the DC fee – not the portion of the fee that relates to interest and financing costs. Our initial calculation applied the index to the total fee in error. This has been rectified in the amended 2023/2024 fee.

### Mōrearea | Risk

It is recommended that Council apply the fee retrospectively from 1 July 2023, to ensure that those that have already paid fees in the current financial year are not disadvantaged by this error.

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

From Local Government Act 2002, Section 106:

- (2B) Subject to subsection (2C), a development contribution provided for in a development contributions policy may be increased under the authority of this subsection without consultation, formality, or a review of the development contributions policy.
- (2C) A development contribution may be increased under subsection (2B) only if—
- (a) the increase does not exceed the result of multiplying together—
    - (i) the rate of increase (if any), in the PPI since the development contribution was last set or increased; and
    - (ii) the proportion of the total costs of capital expenditure to which the development contribution will be applied that does not relate to interest and other financing costs; and
  - (b) before any increase takes effect, the territorial authority makes publicly available information setting out—
    - (i) the amount of the newly adjusted development contribution; and
    - (ii) how the increase complies with the requirements of paragraph (a).

Council is not legally required to formally adopt changes to the DC fees each year, however it has been this Council's practice to adopt the fees included in the Fees and Charges document annually.

The increase to the amended DC fees are calculated in line with 2C (a) – with the PPI increase only applied to the capital portion of the DC fee.

We will make publically available the amended DC fees setting out the requirements of 2C (b)(ii).

## Ngā Tāpiritanga | Attachments

A. 2023-24 Development Contribution Fees - for Council approval 23 August 2023

## Ngā waitohu | Signatories

Author(s)	Larnia Rushbrooke <b>Finance and Business Services Manager</b>	
Approved by	Manaia Te Wiata <b>Group Manager Business Support</b>	

7 Pūrongo me whakatau | Decision Reports

## 7.9 Significance and Engagement Policy

CM No.: 2759769

### Rāpopotonga Matua | Executive Summary

The purpose of this report is to seek a Council decision as to whether consultation needs to occur on the updated Significance and Engagement Policy (SEP).

The purpose of the Policy is to provide the community with assurances on when they can expect Council to engage with them. An SEP is a legislative requirement.

The Local Government Act 2002 (LGA) provides for Council to amend its SEP from time to time. To ensure the Policy remains relevant to our community, it is timely to review the Policy in line with the Long Term Plan project. Staff have reviewed the SEP, with some changes proposed, and this has been discussed informally with elected members.

The current SEP Policy is attached. The proposed SEP is circulated separately to this report.

If Council does wish to consult, staff will bring back a Statement of Proposal and communications plan to the next Council meeting. If Council does not wish to consult, Council is asked to adopt the proposed SEP.



## Tūtohunga | Recommendation

That:

1. The report be received.

### Option 1

2. Council determines that it has *sufficient information about community interests and preferences to enable the purpose of the policy to be achieved* and adopts the updated Significance and Engagement Policy 2023.
3. The Policy comes into force on 1 September 2023.
4. The current Significance and Engagement Policy 2020 is revoked from the above date.

OR

### Option 2

5. Determines it does not have *sufficient information about community interests and preferences to enable the purpose of the policy to be achieved* and therefore approves the updated Significance and Engagement Policy 2023 for public consultation, whereby staff will bring back a Statement of Proposal and communications plan to the next Council meeting.

## WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The report be received.
2. Council determines that it has *sufficient information about community interests and preferences to enable the purpose of the policy to be achieved* and adopts the updated Significance and Engagement Policy 2023 with amendments.
3. The Policy comes into force on 1 September 2023.
4. The current Significance and Engagement Policy 2020 is revoked from the above date.

Resolution number CO/2023/00010

Moved by: Cr K Tappin  
Seconded by: Cr S Whiting

**KUA MANA | CARRIED**

## Horopaki | Background

Some years ago, Council participated in a collaborative exercise to develop a joint Significance and Engagement Policy template with other councils across the Waikato Region to establish a standard set of definitions, and therefore a consistent approach across the region.

Council's SEP was first consulted on and adopted on 28 November 2014 and has been reviewed regularly in line with the Long Term Plan process, with no significant changes or public consultation. The current SEP was reviewed and adopted on 22 July 2020. The current SEP Policy is attached.

There have been no substantive amendments made to this policy since 2014. Since the policy was adopted, the wellbeing's have been added into the Local Government Act 2002 (LGA), Council has been developing its engagement with iwi and the community and there are a number of best practice changes that should be reflected in the SEP.

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

The SEP is a key part of Council's decision-making framework.

Section 76AA of the LGA sets out that the purpose of the policy is '*to enable Council and its communities to identify the significance of a particular issue, proposal, asset, decision and activity; to provide clarity about how and when communities can expect to be engaged; and to inform the Council from the beginning of a decision making process about the extent, form and type of engagement before a decision is made*'.

It should be noted that SEP does not restrict the ways in which Council may choose to engage with the community and how Council looks to create a long-term approach to information sharing and the gathering of knowledge.

### Significant / Significance

The LGA provides the definitions for both 'significant' and 'significance' and there is no scope to amend the definitions of these terms given that they are set out in the LGA.

One of the challenges with the definition of significance is that it relates to both the overarching matter at hand e.g. climate change (high significance) and also the specific decision at hand e.g. Council receives a report on climate change (low significance). Minor wording changes to align with the legislation and a change to the Council/Committee report template are intended to address this issue and allow for consideration at both levels.

Policy direction was sought from elected members in workshops held in July and August. Elected members indicated a desire for clarification around the term significant, provision of further guidance on how significance is to be determined; and clarification where a matter or proposal may be significant but the decision at hand is not. For example, if a decision is identified as being of low significance this could be seen as diminishing the importance of a particular issue to the public.

The intention is that issues, proposals, decisions and other matters are each considered on a case-by-case basis. The issue and the decision may have different levels of significance.

### Policy Changes

Following the review and in consideration of the issues noted above the following key changes are proposed to the SEP:

- An updated Strategic Assets list (minor updates only)
- Updated significance criteria – shifting to a spectrum of significance, of low, medium and high significance. These criteria are intended to promote consistent significance assessments and recognise issues and decisions can have different levels of significance rather than being significant or not (a binary approach).
- Inclusion of schedules for Council and staff to refer to when considering the level of significance of a proposal/decision and the level of engagement with relevant communities that are required.

- Recognition of Council responsibilities to uphold the principles of Te Tiriti and its obligations to Maori in the Matamata-Piako District, as required by the LGA.

The proposed SEP will be issued separately to this report.

### Consultation requirements for the SEP

Council is required to consult with its communities on any amendments and changes to its SEP unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

The SEP was last subject to community consultation in 2014.

The SEP is intended to provide clarity about how and when communities can expect to be engaged in decisions made by Council.

Council's resident satisfaction survey 2022-23 shows that 42% of residents are satisfied with the public's involvement in the consultation process. This is a 5% increase from last year's result. Forty-one percent of dissatisfied residents mention this dissatisfaction is based on having not heard anything about consultation processes. At a lower level dissatisfied residents also mention poor communication or Council not listening (25%) and not enough consultation generally with residents (19%).

The survey also captures information of preferred communication channels for Council. Just under half (49%) of residents mention their preferred form of communication with Council is through email updates. At a lower level, 24% of residents mention Facebook is their preferred form of communication from Council, 23% mention Council page in the newspaper is their preferred form, and 21% mention Council website is their preferred form of communication with Council.

Results in recent years have shown a decline in demand for traditional communications (e.g. local newspapers, public notices), and a steady increase in demand for digital channels (such as website, Facebook, email updates). The COVID-19 lockdown in 2020 also saw an increase in demand for digital communications (due to print channels being unavailable), but also highlighted that there is still a significant number of people in the community who rely on community newspapers to access Council information.

Council also has a range of data on community interests and preferences from past consultation activities. For example, the recent Annual Plan 2023-24 consultation and engagement activities have provided elected members with an understanding of community views.

Council's communications team evaluates the impact of all consultation and engagement campaigns to understand community preferences. The insights from these evaluations are used to inform new consultations/engagements, building on successful ways of connecting with the community. Website and Facebook statistics are also used to gain an understanding of the type of information people are seeking from Council. Collecting and analysing these statistics allows us to make improvements to our website and social media.

### **Mōrearea | Risk**

Since 2014, there has been no public consultation on the SEP, with previous reviews rolling over the policy. There is a risk Council does not have sufficient information of community interests and preferences for the Policy to be achieved and therefore breach section 76 of the LGA 2002.

### Ngā Whiringa | Options

Options	Advantages	Disadvantages
Adopt the draft SEP with the proposed amendments (Recommended)	SEP is updated to align with the legislation and provide other minor updates.	None
Do not adopt the draft SEP with the proposed amendments	None	SEP does not align with good practice

With regards to consultation, Council has the following options:

- Option 1 - Council determines that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved and adopts the amended SEP, circulated separately to this report.
- Option 2 - Council determines it does not have sufficient information about community interests on this matter and approves the amended SEP for consultation.

If Council decides to proceed with consultation, staff will bring a Statement of Proposal and communications plan back to Council for the next meeting to approve for consultation.

The adoption of the amended Significance and Engagement Policy is considered to be of low significance. It is unlikely to be of interest to the wider community

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

Section 76AA of the LGA details the legislative requirements of every local authority to adopt a SEP. The Policy must set out:

- a) the local authority's general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters; and
- b) any criteria or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
- c) how the local authority will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable; and
- d) how the local authority will engage with communities on other matters.

Section 76AA also states the purpose of the policy is to provide clarity around when communities will be engaged on significant issues.

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

If Council adopts the amended SEP, it will be updated on Council's website and within internal processes. No further communications are planned.

If Council opts to consult on the policy, a communications plan will be developed.

### Ngā take ā-lhinga | Consent issues

There are no consent issues.

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

**Theme:** Healthy Communities

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

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

This work is funded within existing budgets for the Strategies and Plans Activity.

### Ngā Tāpiritanga | Attachments

A. Significance and Engagement Policy 2020 Adopted 22 July 2020

B. [DRAFT](#) Significance and Engagement Policy for Council Approval 23 August 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

## 7.10 Local Alcohol Policy - bringing into force

CM No.: 2758250

### Rāpopotonga Matua | Executive Summary

The purpose of this report is to seek Council determination to bring Matamata-Piako District Council's Local Alcohol Policy into force following public notice and on a specified date. The LAP has no effect until it is brought into force.

The review of the LAP has been 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. Research, pre-consultation and formal consultation on a draft LAP has been completed. Council then adopted a Provisional LAP on 24 May 2023 which allowed for an appeal process.

The appeal period occurred from 13 June 2023 (date of public notification) until 13 July 2023. No appeals were received against any element of the Provisional LAP, and the LAP is therefore adopted 30 days after its public notification.

### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council resolves to give public notice of the adoption of the Local Alcohol Policy 2023.
3. Council resolves to bring the adopted Local Alcohol Policy 2023 into force.
4. Council resolves to bring the adopted Local Alcohol Policy 2023 into force on 11 September 2023, including the maximum trading hours as stated in clauses 3.6, 4.6, 5.6 and 6.3.

Resolution number CO/2023/00011

Moved by: Cr S Whiting

Seconded by: Cr B Dewhurst

**KUA MANA | CARRIED**

### Horopaki | Background

#### Purpose of LAP

The Sale and Supply of Alcohol Act 2012 (the Act) enables any territorial authority to develop a Local Alcohol Policy (LAP) for its district, and sets requirements for the development of the policy and what it may contain. The policy can influence the location, number and opening hours of on-licences (cafes, bars and taverns), off-licences (bottle stores and supermarkets), club licences (RSA's, Workingmen's and sports clubs) and special licences (special events).

Once a LAP is in place, the District Licensing Committee and the Alcohol Regulatory and Licensing Authority must have regard to it when making decisions on licence applications.



## LAP Review

Section 97 of the Act requires Council to review its LAP using the special consultative procedure 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 was therefore required to be completed prior to the date that the current LAP came into force. The review was completed on 24 May 2023 with the adoption of a draft LAP for public consultation.

## Development of Draft LAP

Following a comprehensive review process, including pre-consultation and research, Council developed a draft LAP for consultation. The 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). A summary of the changes proposed for consultation with the community is below:

- Addition of a location clause to make it clear that Council's preference is for on-licences to be restricted to 'Business Zones' in the District. The current LAP has no policy in this area, meaning a lack of guidance for the DLC when making decisions about where on-licences should be located;
- Adding a particular consideration for the District Licensing Committee to consider applying a one-way door restriction to on-licences where applicable;
- Updating the maximum trading hours for off-licences as below:

Existing LAP	Draft LAP
All off-licensed premises: Monday to Sunday 7am to 9pm the same day	Supermarkets and Grocery Stores: Monday to Sunday 7am to 11pm the same day  All other off-licensed premises: Monday to Sunday 9am to 9pm the same day.

- 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. It was proposed to exclude supermarkets and grocery stores from this provision.

Council then followed the below process in accordance with the special consultative procedure of the LGA:

- 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. 45 submissions were received in respect to the draft LAP.
- 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.
- On 24 May 2023, Council deliberated on the submissions and adopted the Provisional LAP largely as consulted on; however in response to submissions received, amended the maximum trading hours for off-licences to revert to the current maximum trading hours of 7:00am to 9:00pm the same day (for all off-licences).

### Provisional LAP

The provisional LAP was publically notified on 13 June 2023. It was then subject to appeal to the Alcohol Regulatory and Licensing Authority by any person or agency that made a submission as part of the special consultative procedure on the draft LAP.

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.

For the purposes of the above subsection, the *harm* caused by the excessive or inappropriate consumption of alcohol includes:

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

## **Discussion**

### Adoption of the LAP

The 30-day appeal period closed on 13 July 2023. No appeals were received.

Section 87 of the Act states that if no appeals are received against any element of a provisional LAP, then the policy is adopted 30 days after its public notification. This means that the LAP was automatically adopted on 13 July 2023 and therefore, Council does not need to pass a resolution to adopt the LAP.

### Bringing the LAP into Force

After it is adopted, a LAP has no effect until it is brought into force. Therefore, Council is now required to pass a resolution to bring the LAP into force and to specify a date for this to occur.

The Act requires that if there are changes to the maximum trading hours or one-way door policies, then they should come into force no earlier than three months after the public notice of the adoption of the LAP. As no changes have been made to Council's current LAP in these areas, this is not required and the full policy (all clauses) can be brought into force (and therefore apply from), the same date.

The following steps must be undertaken to bring the LAP into force (pursuant to the Sale and Supply of Alcohol Regulations 2013):

- Give public notice of the Provisional LAP's adoption. The public notice must be published at least twice in a daily newspaper circulating in the council's district before it can come into force.
- The LAP must be prominently displayed in the Council's website as a Provisional LAP until it comes into force
- Pass a resolution/s stating which LAP elements come in force and when. *Note: if there were proposed changes to the maximum trading hours and one way door policy, then these elements cannot come in effect until at least three months after the day the public notice of the LAP's adoption was given. This does not apply as no changes to these elements were made from the existing LAP.*
- After LAP adoption, the council must give licences affected by the maximum trading hour's written notice of the LAP's adoption and a brief written description of the effect of the element. *No changes to the maximum trading hours have been made, however Council staff propose to advise licence holders of the new LAP and its provisions.*

### Parliamentary process for maximum trading hours

Maximum trading hours and one-way door policies are regarded under section 89 of the Act to be disallowable instruments of a LAP. These are legislative instruments, that are stated by their empowering Act to be disallowable by the House of Representatives and instruments that have significant legislative effect.

Once a provisional LAP has been adopted and ceased to be provisional,—

- (a) any elements of it relating to maximum trading hours or a one-way-door policy must be treated as secondary legislation under section 161A(2) of the LGA; and subpart 2 of Part 5 of the Legislation Act 2019 (which relates to disallowance) applies accordingly; but
- (b) the rest of it must be treated as not being secondary legislation within the meaning of that Act.

Although the maximum trading hours contained in Council's LAP are treated as secondary legislation, there is no legislative requirement to notify this to Parliament's Regulations Review Committee. Section 161A(4)(a) of the LGA provides the following exemption to the presentation requirements under the Legislation Act 2019:

*for the purposes of the Legislation Act 2019, the secondary legislation has a presentation exemption (and so does not need to be presented to the House of Representatives), unless the empowering legislation (or other legislation) expressly requires presentation.*

The LAP includes no mandatory one-way door policy so the only disallowable instruments included are the maximum trading hours. The Sale and Supply of Alcohol Act does not expressly require the maximum trading hours or one-way door policy elements to be presented to Parliament.

### **Mōrearea | Risk**

There have been no appeals received which mitigates much of the earlier risks identified.

There remains a 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** bring the Provisional Policy into force. This means that the current LAP remains in force until it is revoked;
2. Council can choose **to** bring the Provisional Policy into force and determine the date for this.

Staff recommend Council proceed with **option 2**. This allows the new policy to be applied and implemented as intended, following community consultation.

#### Timing of bringing the policy into force

Section 90 of the Act requires that public notice is given of the adoption of the policy and provides that Council may bring the policy into force on a day stated by resolution.

In the case where a policy modifies the maximum trading hours or to the one-way door restriction for licensed premises, those provisions cannot be brought into force earlier than three months after the day public notice of the adoption of the policy is given.

The maximum trading hours specified in the Provisional LAP are the same as the maximum trading hours in the current LAP so there is no need for a three month notice period for the maximum trading hours to apply. While the policy contains reference to one-way door policies, they are discretionary and will not have statutory effect.

This means that all aspects of the LAP can be brought into force on the same date as specified.

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

#### Legislation

The Sale and Supply of Alcohol Act 2012 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.

The review process has been undertaken in accordance with the Act. 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.

#### Significance Assessment

In adopting its draft LAP, Council considered the matter to have a medium to high level of significance. This was due to the significant changes proposed to the maximum trading hours. Given this assessment, Council ensured that its decision-making procedures met the requirements of Part 6 of the LGA, with section 79 of the Act requiring Council to consult on the draft LAP using the special consultative procedure.

Staff have determined the recommendation to bring the LAP into force has a low degree of significance given the following:

- There are no significant changes to the LAP;
- Council has undertaken a robust pre-consultation and consultation process;
- There are no financial consequences to the community or Council as a result of the decisions;
- The matter is not likely to affect a large portion of the community.

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

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

Milestone	Date
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Milestone	Date
Documents approved by Council to consult including: - Draft LAP - Statement of Proposal (These documents were 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
Council publically notified provisional LAP (for a 30 day appeal period)	13 June 2023 – 13 July 2023
Policy adopted (being 30 days after its notification)	13 July 2023
Council decision to bring the Provisional LAP into force	23 August 2023
LAP Comes into force (including maximum trading hours as these have not changed from current LAP)	Date to be confirmed by Council by resolution – proposed 11 September 2023 (following public advertisements)

Council staff propose to include two public notices of the adoption of the LAP in the Waikato Times and Piako Post newspapers on 30 August 2023 (first notice) and 6 September 2023 (second notice).

Council staff propose to write to licence holders and those who made a submission to Council's draft LAP (as part of the special consultative process), to advise of the new LAP and its provisions.

## **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 main cost of this review process relates to consultation, including the placement of public notices. This has been funded from the existing Strategies and Plans budget.

## **Ngā Tāpiritanga | Attachments**

[A](#). Final LAP for bringing into force (*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 whakataua | Decision Reports

## 7.11 Proposed easement in favour of PowerCo at Jim Gardner Grove, Matamata

CM No.: 2751919

### Rāpopotonga Matua | Executive Summary

Powerco seek permission to install an 11kV switch unit beside an existing transformer in the Jim Gardiner Grove in Matamata. Electricity infrastructure is already present in the reserve. It is Council policy to have easements in place for such infrastructure. The delegation to agree to easements over reserves rests with Council. The General Policies Reserve Management Plan 2019 provides the policy framework for deciding on such proposals on parks and reserves. Staff consider the impact of the additional switch box in the proposed location to be minimal given its size and location and consider an easement to be beneficial. Powerco have agreed to meet the costs associated with the easement.

### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The report is received;
2. Council agrees to allow PowerCo to install an 11kV switch unit adjacent to an existing transformer at Jim Gardiner Grove, Matamata;
3. Council agrees to grant an easement to PowerCo, over Jim Gardiner Grove Reserve, for the proposed switch unit and the existing electricity infrastructure on the reserve;
4. Powerco to pay all actual and reasonable costs associated with the production and execution of the easement documentation;
5. Council authorises staff to complete the necessary administrative actions to give effect to the decision.

Resolution number CO/2023/00012

Moved by: Cr S-J Bourne

Seconded by: Cr S Dean

**KUA MANA | CARRIED**

### Horopaki | Background

#### *Purpose*

The purpose of the report is to enable Council to decide: (a) whether to allow the installation of an electricity switch unit at Jim Gardiner Grove Reserve; and (b) to grant an easement concerning the electricity network infrastructure at the reserve.

#### *Jim Gardiner Grove*

Jim Gardiner Grove, is a small reserve located at the intersection of Rawhiti Avenue and Waharoa Road East. The land is vested in Council as a Local Purpose (Public Purpose) Reserve while the reserve management plan (adopted 2009) anticipates that it should be reclassified as Recreation Reserve under the Reserves Act 1977. For management purposes, Jim Gardiner Grove is



categorised as an Amenity Park in the Parks & Open Spaces Strategy 2021-51. Amenity Parks are areas set aside and managed primarily for the purposes of beautification and/or public convenience.

The reserve is a relatively small, flat, grassed area with specimen trees, footpaths, seating, and a raised garden bed (Figures 1 & 2). There is existing electricity-related infrastructure on the reserve, including a transformer and underground power lines. The existing electrical infrastructure dates from before 1993 and there is currently no easement registered against the title of the land.



Figure 1: Jim Gardiner Grove and transformer as seen from Rawhiti Avenue





Figure 2: Jim Gardiner Grove and transformer as seen from Waharoa Road East

### *The Proposal*

Powerco propose to install a new 11kV switch kiosk next to the existing above ground transformer and low voltage distribution pillar in the Jim Gardiner Grove, in Matamata (Figure 3). Two location options were suggested. Council Staff prefer Option 1 as it will be less visible and would allow more space behind it for park maintenance activities. Within the reserve, Powerco also has below ground low voltage, 11kV high voltage, and streetlight cabling. This serves 71 local residents and businesses as well as street lighting. The new switch will allow for greater security of supply to the houses, businesses, and street lighting. The switch allows fault detection for the underground cables and for power to be rerouted in the event of a fault. These all reduce the time the adjacent residents, businesses and the streetlights could be without power should a fault occur. The kiosk is modest in size and similar in scale to Powerco's existing above ground equipment. Its location in the reserve next to the help to screen the equipment and reduces the clutter from the adjacent road berm and footpath areas.

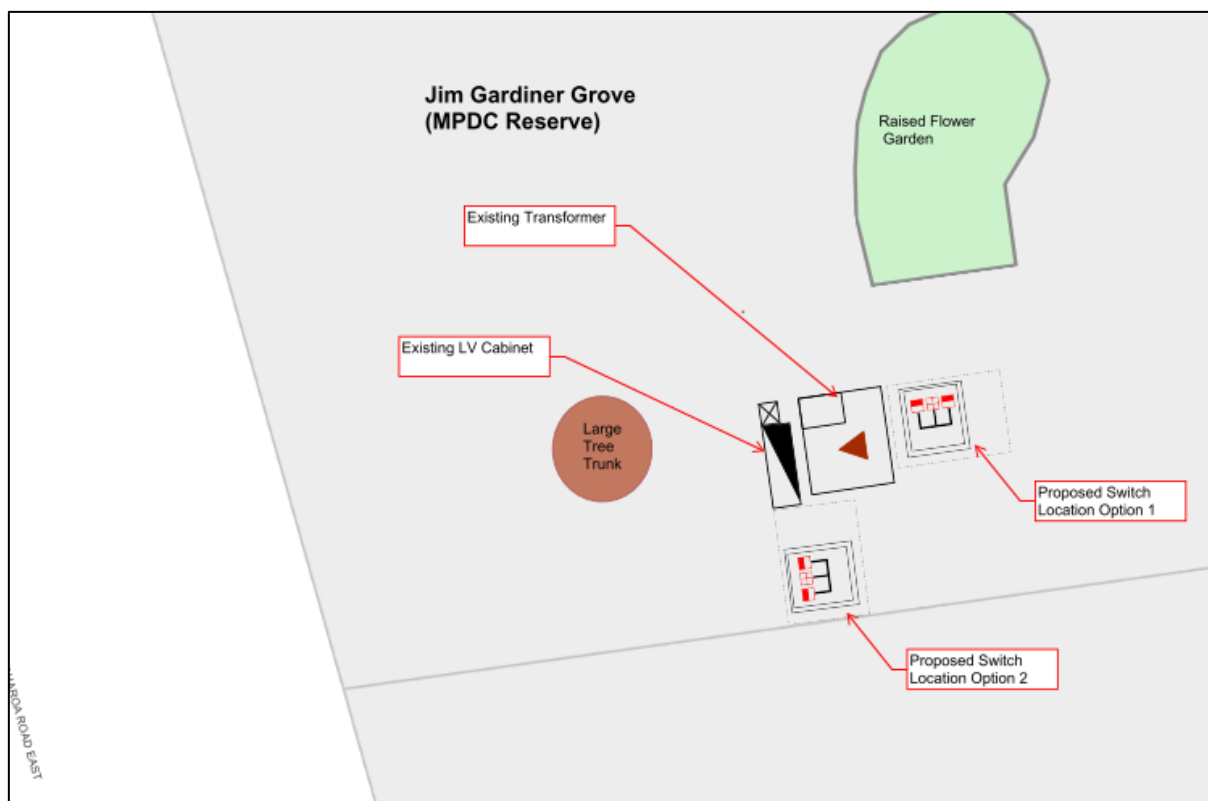


Figure 3: Proposed switch box location (Location Option 1 preferred)

## Ngā Take | Issues / Kōrerorero | Discussion

### *Policy Requirements*

Section 48 of the Reserves Act 1977 regulates easements over reserves. Section 9.3 of the General Policies Reserve Management Plan 2009 provides the policy framework for Council decision-making (Attachment A). An easement is required by Policy 9.3.2.1.

### *Benefits of an easement*

An easement grants a specific right to use land belonging to someone else for a specified purpose. Council has historically agreed to grant easements over Reserves where the impact on the Reserve is minimal or beneficial.

Easements are registered against the title of the land. This is very useful if Council wishes to undertake any works on the land in future as it highlights a third party interest in the land and draws attention to the fact that there are electricity assets including high voltage underground powerlines at the site. Easements also clarify ownership and maintenance responsibilities.

### *Easement proposal*

Powerco is open to an easement to include the proposed works and the existing electricity infrastructure at the reserve. Powerco propose a 3m width along the cable routes and the area of the above ground equipment plus a distance of 0.5m off the equipment to allow for doors on the equipment to open. Powerco would cover the costs of cable location/mark out, survey and reasonable legal fees associated with review and registration

### *Easement process*

The process for granting an easement involves:

- Entry in to a binding agreement to grant an easement;
- Completion of physical works;
- Completion and lodgement with LINZ of a survey plan identifying the easement area;
- Completion, execution and lodgement of the easement instrument;
- Payment of compensation and costs (if any);
- Confirmation of completion of registration of the easement by PowerCo.

The proposed easement agreement was not received prior to the Agenda closing and will be circulated separately.

### *Assessment of effects*

#### Future works

As part of Council's Matamata Connectivity project, it is proposed to provide a shared footpath/cycleway through Jim Gardiner Grove as part of the Inner Green Route envisioned in the Parks & Open Spaces Strategy 2021-51. The proposed location of the switch box and the location of the existing electricity infrastructure is not affected by this project though the flagging of underground powerline locations and coordination of construction activities is likely to be advantageous.

#### Amenity effects

Staff consider the impact of the additional switch box in the proposed location to be minimal as it will be adjacent to existing infrastructure that is largely screened from Waharoa Road East by a large tree (Figure 2) and is screened to some extent by the raised garden bed when viewed from Rawhiti Avenue (Figure 1). The switch box will be painted green to match the existing transformer. The existing electricity infrastructure, that it is proposed to include in the easement, has been in place for a number of years.

#### Materiality

The proposal is not considered to materially alter, or permanently damage, the reserve.

The rights of the public in respect of the reserve are not regarded likely to be permanently affected by the establishment or lawful exercise of the easement.

Accordingly, public notification of the proposed easement is not considered necessary as per s48(3), Reserves Act 1977, however Council may at its discretion choose to notify the matter if it so desires.

### **Mōrearea | Risk**

Risk category	Description	Potential mitigation
Health & Safety	If no easement is on the title, future staff may not be aware of the underground powerlines and associated equipment at the reserve.	Easement
Reputational	Negative public reaction if Council does not comply with its own policies or Reserves Act requirements.	Easement

Financial	If no easement on title, there is the potential that future works may damage the electricity infrastructure resulting in costs.	Easement
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## **Ngā Whiringa | Options**

1. Council approves the proposal and agrees to grant an easement under s.48, Reserves Act 1977.
2. Council declines the proposal.

Option 1 is the preferred option.

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

### *Reserves Act 1977*

The Reserves Act 1977 sets out the requirements for making decision in respect of reserves.

Under section 48 of the Reserves Act 1977, in the case of reserves vested in Council, with the consent of the Minister of Conservation and on such conditions as the Minister thinks fit, Council may grant rights of way and other easements over any part of the reserve for... an electrical installation or work, as defined in section 2 of the Electricity Act 1992.

The Minister of Conservation has delegated to all councils (by way of delegation dated 12 July 2013) the ability to consent to easements under section 48 of the Reserves Act 1977 where the reserve is vested in Council, this means that despite the wording of the Reserves Act 1977, Council does not require Ministerial consent prior to making a decision on whether or not to grant the easement.

Before granting a right of way or an easement under part of a reserve vested in it, the Reserve Act 1977 specifies that the Council is required to give public notice specifying the easement intended to be granted, and give full consideration to all objections and submissions received in respect of the proposal. However, public notice requirements are not required where the reserve:

- is vested in Council; and
- is not likely to be materially altered or permanently damaged; and
- the rights of the public in respect of the reserve are not likely to be permanently affected by the establishment and lawful exercise of the easement.

The Reserve is vested in Council.

Most of the electricity assets are existing. The addition of the switch box is a fairly minor addition that will not interfere with the public's rights in respect of the reserve.

### *Resource Management Act 1991*

Underground electrical cables and ancillary electrical equipment are listed as a Permitted Activity in Public Reserves in the District Plan.

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

Public notification of the proposed easement is not considered necessary as provided by s48(3), Reserves Act 1977, however Council may at its discretion chose to notify the matter if it so desires.



## 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.

**Theme:** Connected Infrastructure

**Community Outcome:** Quality infrastructure is provided to support community wellbeing.

**Theme:** Healthy Communities

**Community Outcome:** Our communities are safe, health and connected.

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

It is normal when requesting an easement to pay compensation for the easement value. This compensates the land owner for the loss of the unfettered enjoyment and use of the land. Council has in previous decisions waived its right to negotiate compensation (e.g. electricity easements with PowerCo) on the basis that the community was gaining a specific benefit from an improved/more resilient service.

Power Co has agreed to pay all costs of the easement (survey etc.), and reasonable legal costs in processing the request for easement.

## Ngā Tāpiritanga | Attachments

A. Attachment A - Extract from General Policies RMP

## Ngā waitohu | Signatories

Author(s)	Mark Naudé <b>Parks and Facilities Planning Team Leader</b>	
Approved by	Susanne Kampshof <b>Asset Manager Strategy and Policy</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	

*The meeting adjourned for lunch at 12.05pm and reconvened at 12.35pm*

7 Pūrongo me whakatau | Decision Reports

## 7.12 Waharoa (Matamata) Aerodrome Reserve Management Plan, Masterplan, Classifications, and Delegations

CM No.: 2730529

### Rāpopotonga Matua | Executive Summary

The Waharoa (Matamata) Aerodrome Reserve Management Plan (RMP) review initiated in 2018 has been delayed for a range of reasons.

The purpose of this report is to outline a work programme and a change to the Waharoa (Matamata) Aerodrome Committee's (WMAC) delegations to complete the review of the RMP. Key remaining steps include the development of the DRAFT RMP, public consultation on the DRAFT RMP in accordance with the Reserves Act 1977 and adoption of the final RMP.

The report also outlines staff recommendations to prepare a masterplan simultaneously to help progress discussions on the DRAFT RMP, save time and budget on consultation and engagement, and guide implementation of the RMP when adopted.

Land status investigations have confirmed that four of the five land parcels comprising the Waharoa (Matamata) Aerodrome are not held under the Reserves Act 1997 and that none of the land parcels are classified under the Reserves Act 1977. The report outlines staff recommendations to consider how to address this issue through the review of the RMP and to undertake any agreed gazettal and classification processes once the RMP is adopted.

Progressing these workstreams is dependent on Council approving allocating additional operating budget towards the project in 2023/2024 from an alternative funding source or delaying the start and allowing additional budgeted via the 2024 – 2034 Long Term Plan (LTP) as currently there is insufficient operating budget.

Staff also recommend delegating all of Council's functions related to these workstreams to WMAC to streamline the process and reduce resourcing requirements.

WMAC's considered these matters on 1 June 2023 and past resolutions in support of progressing the workstreams in line with the anticipated project phases and duration as set out in Attachment B and the proposed delegations from Council to WMAC.

Early engagement with the Matamata Aerodrome User Group (MAUG), Ngāti Hauā Iwi Trust, Raungaiti Marae Trust and previous submitters will be undertaken ensure they are fully informed of the processes and opportunities for input.



## WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The report be received;
2. The Council approve the development of a DRAFT RMP for Waharoa (Matamata) Aerodrome for mana whenua and public consultation in accordance with section 41 of the Reserves Act 1977 and the proposed work programme and anticipated duration set out in Attachment B;
3. The Council approve the development of a DRAFT masterplan for Waharoa Aerodrome for mana whenua and public consultation in accordance with section 83 of the Local Government Act 2002 and the proposed work programme and duration set out in Attachment B;
4. That Council approve the allocation of \$103,000 from the Community Purposes Reserve Fund to enable the RMP review to be completed, a master plan prepared and the potential gazettal and classification of land parcels comprising the aerodrome in line with the proposed work programme and duration set out in Attachment B;
5. The Council approves the delegation of the following functions and powers to the Waharoa (Matamata) Aerodrome Committee in alignment with section 89(1)(d) of the Ngāti Hauā Claims Settlement Act 2014;
  - i. all of the functions and powers associated with the review, amendment and approval of a Reserve Management Plan for the Waharoa (Matamata) Aerodrome under section 41 of the Reserves Act 1977, including initiation of a review, conducting any hearings, decision-making and approval of a Reserve Management Plan, including sub-delegating the power under the Reserves Act 1977 - Ministerial Instrument of Delegation for Territorial Authorities, dated 12 June 2013, to approve a reserve management plan for the Waharoa (Matamata) Aerodrome pursuant to section 41(1) of the Reserves Act 1977;
  - ii. the authority to develop a draft masterplan for Waharoa (Matamata) Aerodrome, to carry out community consultation and/or engagement in accordance with Council's Significance and Engagement Policy, to make decisions in respect of the draft masterplan, and any ancillary powers necessary to enable it to carry out these functions;
  - iii. in respect of Section 72 Block XIII Wairere SD, the Council delegates to the Waharoa (Matamata) Aerodrome Committee its power to classify the land under section 16(1) of the Reserves Act 1977 according to its principal or primary purpose, and subdelegates its power under the Reserves Act 1977 - Ministerial Instrument of Delegation for Territorial Authorities, dated 12 June 2013 to gazette the reserve classification under section 16(1) of the Reserves Act 1977; and
  - iv. in respect of Matamata North E Block and Matamata North F Block, Part Lot 1 DP 29064 and Part Section 71 Block XIII Wairere SD, the Council delegates to the Waharoa (Matamata) Aerodrome Committee its decision-making powers to declare the land as reserve under 14(1) of the Reserves Act, including the power to notify the proposed declaration, to consider any submissions and to hold hearings as necessary and subdelegates its power under the Reserves Act 1977 - Ministerial Instrument of Delegation for Territorial Authorities, dated 12 June

**2013 to gazette any resolution made under section 14(1), pursuant to section 14(4) of the Reserves Act 1977.**

**Resolution number CO/2023/00013**

**Moved by: Deputy Mayor J Thomas**

**Seconded by: Cr K Tappin**

**KUA MANA | CARRIED**

## **Horopaki | Background**

On 11 April 2018, Council resolved to initiate the formal review of the reserve management plan for the Waharoa (Matamata) Aerodrome. Council proceeded to notify its intention in accordance with the Reserves Act 1977 and suggestions were sought between January and February 2019.

Twenty-four submissions were received, and further feedback was provided by the public and mana whenua at a public information morning, a meeting organised by members of the Walton community on 27 February 2019 and a hui held on 17 December 2018. The submissions highlighted a range of issues and opportunities that were summarised in a report to the WMAC on 21 March 2019.

Drafting of the management plan was delayed as a result of Covid-19 and the need to further explore land status, the Reserves Act gazettal and classification options and options to respond to Ngāti Hauā's concerns and aspirations. This work has now largely been completed.

The Ngāti Hauā Claims Settlement Act 2014 appears to have assumed that all parcels comprising the aerodrome have been reserved and classified under the Reserves Act 1977; that a reserve management plan under the Reserves Act framework should apply to the aerodrome; and that any review of the plan should follow the process prescribed by the Reserves Act. Investigations confirmed that only one of the five parcels is held as an unclassified reserve under the Reserves Act. The remaining four parcels are held under the Local Government Act 2002 (LGA) (see Attachment A for land status information on all land parcels and map).

Council has the ability, under the general provisions of the LGA, to produce a management plan for any land it manages that is not a reserve under the Reserves Act, however it cannot enforce the Reserves Act over land that is not technically a reserve. Declaring and classifying the relevant parcels as Local Purpose (Aerodrome) Reserve would ensure they have consistent legal status and that the Reserves Act and a reserve management plan under that Act would be enforceable over the land. Declaring and classifying the land as Reserve would not be in conflict with the Ngāti Hauā Claims Settlement Act 2014.

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

### **Reserve Management Plan**

Xyst Ltd were contracted by Council to review the RMP but as noted this was delayed for various reasons following the initial notification of Council's intention to review the current RMP.

The following steps are required to complete the review:

- Prepare the DRAFT RMP
- Engage with Ngāti Hauā Iwi Trust and Raungaiti Marae Trust and Matamata Aerodrome User Group (MAUG) to inform the drafting phase

- Seek approval to notify the DRAFT RMP
- Notify the draft plan for two months and hold a hearing if submitters wish to speak to their submissions, and
- Seek final approval of the RMP.

The anticipated timeframes to complete these steps are set out in the work programme in Attachment B. To note is that Attachment B differs from that presented to the Waharoa (Matamata) Aerodrome Committee at its 1 June 2023 meeting. Attachment B included in this report gives an overview of the duration of the different steps in the process for development of the RMP, rather than specific timeframes. This is due to a delay in the commencement of the RMP process due to the need to obtain additional advice around the ability to delegate and sub-delegate powers to the Waharoa (Matamata) Aerodrome Committee, potential options for inclusion in the masterplan and RMP and requirements for consultation, as the aerodrome is listed as a strategic asset in the Significance and Engagement Policy. More detailed information about timeframes will be presented to Council and the Waharoa (Matamata) Aerodrome Committee as soon as possible, once required advice has been obtained.

### **Masterplan**

Several potential substantial changes to the layout of activities on the 5 parcels comprising Waharoa Aerodrome have been discussed with the Committee, the MAUG and Raugaiti Marae Trust. MAUG has previously presented a development plan for the aerodrome which proposed developing hangars along Jagger Road. Council has been working with Raungaiti Marae Trust for some time on the options to address their entrance and parking concerns and aspirations.

Staff recommend that a masterplan be prepared alongside the RMP as a standalone non-statutory document to provide a high-level framework to guide implementation of developments identified in the DRAFT RMP. The masterplan would include an aerial photo/map showing and describing the key developments as well as a recommended staging plan and high-level costings for implementation. Completing this at the same time as the DRAFT RMP will help inform discussions on the DRAFT RMP, save time and budget on consultation and engagement, and inform implementation of the RMP when adopted.

Anticipated work programme set out in Attachment B includes the required steps to prepare the masterplan.

### **Classifications**

It is recommended that a decision on the land status of the five parcels comprising the aerodrome (outlined in Attachment B) is made through the RMP review process. Staff recommend that any required gazettal and classification be carried out in accordance with the Reserves Act 1977 as soon as practicable after the final RMP is approved.

It should be noted that different processes apply for the different land parcels that make up the Waharoa (Matamata) Aerodrome.

Section 72 Block XIII Wairere SD, is held as unclassified Local Purpose (Aerodrome) Reserve, subject to the Reserves Act 1977. This land requires classification in line with section 16(1) of the Reserves Act 1977. A resolution can be passed by council to classify the land, public notification for this is not required. The final step in completing the classification is gazettal. The power to

formalise the classification of land via a gazette notice has been delegated by the Minister of Conservation to local authorities via the Ministerial Instrument of Delegation for Territorial Authorities, dated 12 June 2013.

Matamata North E Block and Matamata North F Block, Part Lot 1 DP 29064 and Part Section 71 Block XIII Wairere SD, are held under the LGA and not subject to the Reserves Act 1977. As outlined above this land should be declared reserve under section 14(1) of the Reserves Act and classified as Local Purpose (Aerodrome) Reserve to ensure all land parcels have consistent legal status and a reserve management plan under the Reserves Act would be enforceable over the land. Public notification as per section 14(2) of the Reserves Act is required for this, as the district plan does not make provision for the use of the land as a reserve or designates it as a proposed reserve.

### **Delegations**

The functions of the Waharoa (Matamata) Aerodrome Committee, as set out in the Ngāti Hauā Claims Settlement Act 2014, are to:

- make recommendations to Council in relation to any aspect of the administration of Waharoa Aerodrome land;
- make final decisions on access and parking arrangements for the Waharoa Aerodrome land that affect Raungaiti Marae;
- perform the functions of the administering body under section 41 of the Reserves Act 1977 in relation to any review of the reserve management plan that has been authorized by Council; and
- perform any other function delegated to the committee by Council.

To be able to more quickly progress the RMP, masterplan and classifications and reduce resourcing requirements associated with reporting to the Committee and Council, staff recommend that Council delegate all of the necessary functions associated with these workstreams to the WMAC.

Staff consider that this aligns with the intent of the Ngāti Hauā Settlement Act 2014 and is provided for in the Reserves Act 1977 and Local Government Act 2002, as the WMAC is deemed to be a committee of Council under the LGA and as such, Council is entitled to delegate its powers and functions to it. This includes the ministerial powers under the Reserves Act 1977 delegated to local authorities via the Ministerial Instrument of Delegation for Territorial Authorities, dated 12 June 2013 and the following powers:

- to approve a reserve management plan pursuant to section 41(1) of the Reserves Act 1977
- to gazette the reserve classification under section 16(1) of the Reserves Act 1977; and
- to gazette any resolution made under section 14(1), pursuant to section 14(4) of the Reserves Act 1977.

### **Mōrearea | Risk**

The following risks have been identified and will be treated as set out below:

Risk Description	Current Residual Risk Rating	Current Treatments	Planned Additional Treatments
Concerns about delays in the RMP	Medium	Decision in 2022 to grant new hangar leases for expired leases through until 2026 in order to provide greater certainty for lessees.	RMP update on website and in media.  Hui with MAUG prior to DRAFT RMP being notified for feedback.  Email to previous submitters updating them on current status and next steps.  Request delegation to be able to progress review more quickly.  Resourcing for external consultants to complete the workstream.
Users and lessee concerns about impacts of decisions made through the RMP and masterplan.	Medium	Engagement with MAUG in early stage of the review.	Hui with MAUG prior to DRAFT RMP being notified for feedback.  Public notification of the DRAFT RMP and masterplan for 2 months.  Hearing if requested by submitters.
MAUG and user concerns about delegations to the Committee	Medium	Clearly defined delegations related to proposed work streams.	Outline rationale for delegations to MAUG and users through hui.
Raised expectations about Council's role in funding implementation of all aspects of the masterplan.	Medium	Clarity on the purpose and scope of the masterplan.	Communication with all parties to clarify that decisions on Council's contribution to funding the implementation of the masterplan will be made through Council's Long Term Plan and Annual Plan processes.  Discussions with MAUG, lessees and Raungaiti Marae Trust on their contribution to the implementation of the masterplan and alternative funding sources.

Risk Description	Current Residual Risk Rating	Current Treatments	Planned Additional Treatments
Mana whenua capacity to contribute to the preparation of the DRAFT Plan within proposed timeframes.	Low	Hui with 17 December 2018 at Raungaiti Marae.	Work closely with iwi representatives on the Committee to understand best engagement approach.  Work closely with Ngāti Hāua Iwi Trust and Raungaiti Marae Trust in developing the DRAFT RMP and masterplan.

### Ngā Whiringa | Options

Option	Advantages	Disadvantages
<b>Option 1:</b> Do nothing, that is, do not progress the review of the RMP, the development of a masterplan or classifications.	<ul style="list-style-type: none"> <li>No staff or other Council resources required.</li> </ul>	<ul style="list-style-type: none"> <li>No strategic plan to guide future development of the aerodrome may result in inappropriate and inefficient use of land and lack of certainty for all parties.</li> <li>No community input into future development of the aerodrome.</li> <li>Risks to relationships with mana whenua, key stakeholders and community members that have been involved in the project to date.</li> </ul>
<b>Option 2:</b> Approve proposed work programme to complete the review of the RMP, develop a masterplan.	<ul style="list-style-type: none"> <li>Proposed process provides for mana whenua, key stakeholders and community to have input into the RMP and masterplan.</li> <li>Completing the RMP will enable Council to develop the aerodrome strategically and communicate decisions to mana whenua and key stakeholders.</li> <li>Completing the masterplan will enable discussions and decisions about key developments to be progressed to enable quicker implementation of the RMP once adopted.</li> </ul>	<ul style="list-style-type: none"> <li>Requires staff and Council resources.</li> </ul>
<b>Option 3:</b> Approve an alternative work programme to first	<ul style="list-style-type: none"> <li>The RMP once developed would be immediately enforceable under the Reserves Act.</li> <li>Proposed process provides for</li> </ul>	<ul style="list-style-type: none"> <li>It would be starting a new public consultation process before completing the initiated review of the RMP and ahead of direction being provided through the RMP on which</li> </ul>



Option	Advantages	Disadvantages
gazette and classify the land and then complete the review of the RMP and develop a masterplan.	<p>mana whenua, key stakeholders and community to have input into the RMP and masterplan.</p> <ul style="list-style-type: none"> <li>Completing the RMP will enable Council to develop the aerodrome strategically and communicate decisions to mana whenua and key stakeholders.</li> <li>Completing the masterplan will enable discussions and decisions about key developments to be progressed to enable quicker implementation of the RMP once adopted.</li> </ul>	<p>land to gazette and classify.</p> <ul style="list-style-type: none"> <li>Anticipated slightly longer timeframe for completion of the RMP.</li> </ul>

The recommended option is Option 2: to complete the RMP review and prepare a masterplan alongside this. Following that declaring and classifying land and gazettal of classifications in accordance with the RMP direction and the Reserves Act 1977. This approach will enable Council and the Committee to consider submissions and input from mana whenua, key stakeholders and the public prior to setting the long-term strategic framework to guide decisions on the management and development of the five land parcels.

This approach was endorsed by WMAC at their 1 June 2023 meeting. The timeframes presented to WMAC are however currently being revised as outlined above.

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

### Consistency with the Long Term Plan / Annual Plan

While some provision for future capital expenditure at the aerodrome was made in Council's Long Term Plan 2021-31, no specific provision has been made in either the LTP or the Annual Plan 2023/4 to fund the development of a masterplan or reserve management plan.

### Impact on Significance and Engagement Policy

The Aerodrome is identified as a strategic asset. The preparation of the DRAFT RMP and the masterplan are proposed to both have public consultation that is in line with Council's Significance and Engagement Policy. Further advice is being sought on the requirements for engagement based on this.

## Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The proposed timeframes for public notification of the DRAFT RMP are set out in Attachment B. This will include a public notice in local newspapers, media releases, information on Council's Have Your Say webpage and direct correspondence with submitters, mana whenua and key stakeholders.



## Ngā take ā-lhinga | Consent issues

Consenting requirements for approved developments identified in the RMP and masterplan will be explored through the development of these documents and confirmed through implementation workstreams for any approved developments.

### 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 Outcomes:

- Infrastructure and services are fit for purpose and affordable, now and in the future.
- Quality infrastructure is provided to support community wellbeing.

Theme: Healthy communities.

#### Community Outcomes:

- We encourage the use and development of our facilities.
- We encourage community engagement and provide sound and visionary decision making.

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 value and encourage strong relationships with Iwi and other cultures, recognising waahi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.
- Tangata Whenua with Manawhenua status (those with authority over the land under Maaori lore) have meaningful involvement in decision making.

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

The cost of completing the RMP review is estimated to be approximately \$57,748. Preparing a masterplan at the same time is estimated to cost an additional \$26,000. The cost of classifications is estimated to cost a maximum of \$9,000 and may be substantially less if public notification isn't required.

Traditionally RMPs are funded from the Community Facilities and Properties Asset Management Operational Budget. This budget has been significantly reduced and the Aerodrome RMP and associated workflows will be a significant expense. The 2023/24 budget is not enough to cover the likely costs associated with this project. Council will therefore need to consider allocating

additional operating budget towards the project. Council would need to either identify an alternative funding source (e.g. from a special fund, such as the Community Purposes Reserve Fund) or to consider extending the timeline to allow additional budget to be provided via the next Long Term Plan.

### Ngā Tāpiritanga | Attachments

- A. Attachment A: Aerodrome parcel details and map
- B. Attachment B Proposed RMP, masterplan and classifications work programme and anticipated duration

### Ngā waitohu | Signatories

Author(s)	Mark Naudé <b>Parks and Facilities Planning Team Leader</b>	
Approved by	Susanne Kampshof <b>Asset Manager Strategy and Policy</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	

8 Ngā Pūrongo Whakamārama | Information Reports

## 8.1 National pest management plan to protect kauri

CM No.: 2751885

### Rāpopotonga Matua | Executive Summary

A national pest management plan has been launched to help protect kauri from the pathogen *Phytophthora agathidicida*, which causes kauri dieback disease. This is the strongest form of protection available under the Biosecurity Act 1993. The Plan brings together government, Māori, councils and communities to lead and work collaboratively on kauri protection. A brief overview of the plan is presented with particular attention to rules that affect activities on lands managed by Council.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The report is received.

Resolution number CO/2023/00014

Moved by: Cr C Ansell

Seconded by: Cr S Dean

**KUA MANA | CARRIED**

### Horopaki | Background

#### *Purpose of the report*

The purpose of this report is to inform Council of the national pest management plan to protect kauri (*Agathis australis*) and highlight rules that affect activities on lands managed by Council.

#### *Phytophthora agathidicida*

The disease commonly known as kauri 'dieback' disease is caused by a fungus-like pathogen called *Phytophthora agathidicida* (PA).

#### *The National PA Management Plan*

The National PA Pest Management Plan (NPMP) has been launched to help protect kauri. It is the strongest form of regulation made under the Biosecurity Act 1993.

The NPMP establishes national objectives and a nationally co-ordinated and consistent approach to managing the risk and impacts of PA. It enables access to powers under the Biosecurity Act 1993 to require specific actions of people that use, or come into contact with, kauri trees and forests; and provides a focus for funding.

#### *Tiakina Kauri*

Tiakina Kauri (a division of Biosecurity New Zealand) will lead and co-ordinate a collaborative effort between Government, councils, iwi, hapū, whānau and non-government organisations in the shared goal of protecting kauri.

Tiakina Kauri also funds a range of kauri protection activities, including those that build capability and capacity among mana whenua to lead kauri protection locally, enhancing surveillance and monitoring, leveraging research efforts into operation, on ground mitigation works, and the development of guides, policies and standards.

### *The Rules*

The NPMP has introduced 10 rules to help protect kauri from the PA pathogen. The rules are outlined in clauses 15-24 of the Biosecurity (National PA Pest Management Plan) Order 2022, which is freely available on the [www.legislation.govt.nz](http://www.legislation.govt.nz) website.

The rules can be summarised as follows:

Rule No.	Rule Title	Summary of what it means in practice
1	Obligation to report	Landowners must notify Tiakina Kauri if kauri trees on their land look unhealthy.
2	Provision of information	An obligation to respond to information requests from Tiakina Kauri or their agents in a timely manner.
3	Restriction on movement of kauri	Anyone who produces or propagates a kauri must not allow the kauri to be moved except in accordance with an approved production plan.  A kauri planted or growing before 2 August 2022 may not be moved unless practices and procedures are in place to ensure that end-of-process PA testing is conducted.
4	PA risk management plans	Landowners must develop a PA risk management plan if it is determined that it is needed to help control the spread, or limit the effects of, the disease on their land.
5	Earthworks PA risk management plan	If wanting to do any earthworks within a 'kauri hygiene zone' (i.e. within 3x the radius of the dripline of a kauri tree canopy) an earthworks risk management plan will be needed.
6	Stock exclusion notice	A notice may be issued to ensure grazing animals within 500m of a kauri forest are excluded from the forest.
7	Restriction on release of animals	Animals may not be released into a kauri forest (except for certain exceptions).
8	Obligation to clean items before entering	An obligation on people entering and leaving kauri forest to clean high risk

Rule No.	Rule Title	Summary of what it means in practice
	or exiting kauri forest	items e.g. footwear. People who fail to do so can now be fined.
9	Obligation to use cleaning stations	An obligation on people entering and leaving kauri forest to use cleaning stations where these are provided. People who fail to do so can now be fined.
10	Open tracks and roads in kauri forest	Where tracks or roads in kauri forest are open the public, the landowner must comply with one or more of the following: <ul style="list-style-type: none"> <li>• ensure all tracks and roads avoid the kauri hygiene zone (3x dripline of kauri)</li> <li>• install at least one cleaning station</li> <li>• install track surfacing to minimise the risks.</li> </ul>

Rules 3, 5, and 10 are considered relevant to parks, reserves, and tracks managed by Council. Rule 4 may also apply if PA is discovered in the vicinity.

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

### *Kauri in our district*

The Kaimai-Mamaku Range is regarded as the southernmost natural range of kauri. There are a few remnant kauri groves in the ranges as well as individual trees.

### *Recent PA discovery*

Several tracks on public conservation land in the Kaimai-Mamaku Conservation Area were recently been closed following the discovery of PA in the Bay of Plenty. At this stage PA has not been detected on the Matamata-Piako side of the range. If it is detected in future it is likely that temporary track closure may be required. Council may temporarily close reserves or parts of reserves under the provisions of the Reserves Act 1977.

### *Kauri on land managed by MPDC*

There are kauri present on some parks and reserves managed by Council. This includes planted kauri groves such as the one at Swap Park, Matamata, as well as individual specimens that have either been planted or that have regenerated naturally. Council does not have a comprehensive list or map showing the locations of all kauri on lands managed by Council.

Ngati Tumutumu have been mapping the location of kauri along the base of Mount Te Aroha and are willing to share this information with Council. This would assist with assessing the impact of the new rules and identifying potential actions that may be required to protect kauri. For example, it may be necessary to relocate sections of track and/or construct boardwalks and/or to install cleaning stations in areas where kauri are near walking or mountain bike tracks.

#### *Resources*

The Tiakina Kauri website ([www.kauriprotection.co.nz](http://www.kauriprotection.co.nz)) includes various resources and best practice guidelines that may be downloaded for free.

#### **Mōrearea | Risk**

Landowners, land managers and visitors to areas where kauri grow need to be aware of the rules introduced by the NPMP.

Failure to adhere to the rules may result in fines but more importantly, it endangers kauri.

Council needs to be aware of the rules to ensure that the correct protocols are followed concerning any earthworks or public tracks near where kauri grow.

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

The NPMP has been made through the Biosecurity (National PA Pest Management Plan) Order 2022 under the Biosecurity Act 1993. An NPMP must name the pest, describe the impact that it is having and how the pest is going to be managed, who is going to manage the pest and how management of the pest will be funded. An NPMP may introduce rules about what people can do with the pest - or in areas where the pest might be - and it allows for the use of particular Biosecurity Act 1993 powers by Tiakina Kauri, authorised persons and inspectors.

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

Rule 5 regarding earthworks took effect in August 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:** Environmental sustainability.

**Community Outcome:** We support environmentally friendly practices and technologies.

**Community Outcome:** We engage with our regional and national partners to ensure positive environmental outcomes for our community.

**Theme:** Vibrant cultural values.

**Community Outcome:** We promote and protect our arts, culture, historic, and natural resources.

**Community Outcome:** We value and encourage strong relationships with Iwi and other cultures, recognising waahi tapu and taonga and whakapapa.

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

There is currently no dedicated budget to undertake any work in relation to the NPMP. Council may need to consider providing funding in the next Long Term Plan to implement actions that may be required under the NPMP.

## Ngā Tāpiritanga | Attachments

A. Attachment A - Frequently Asked Questions

### Ngā waitohu | Signatories

Author(s)	Mark Naudé <b>Parks and Facilities Planning Team Leader</b>	
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Approved by	Susanne Kampshof <b>Asset Manager Strategy and Policy</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	



8 Ngā Pūrongo Whakamārama | Information Reports

## 8.2 Hauraki Gulf Forum Meeting 12 June 2023

CM No.: 2759909

### Rāpopotonga Matua | Executive Summary

This report presents the minutes of the Hauraki Gulf Forum (HGF) Meeting from 12 June 2023.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.

Resolution number CO/2023/00015

Moved by: Cr D Horne

Seconded by: Cr C Ansell

**KUA MANA | CARRIED**

### Horopaki | Background

The HGF is a statutory body under the legislative framework of the Hauraki Gulf Marine Park Act 2000 (HGMPA) which focuses on promoting and facilitating integrated management, protection and enhancement of the Hauraki Gulf. The HGF integrates and respects Te Ao Māori and other world views, including the principles of the Treaty of Waitangi under Section 6 of the HGMPA by following the principles of Aroha, Openness, Tautoko, Manaaki, Stewardship, Awhi, Leadership, Tika, Pono and Ethics.

### Ngā Take/Kōrerorero | Issues/Discussion

#### Strategic Issues

The HGF is required to identify and prioritise strategic issues (as outlined in the HGF's Work Plan document). The current focus is on three main topics:

- a) *Integrated Management*
  - Improving integrated management through partnership, collaboration and coordination, and supporting Iwi/Hāpu and other community led efforts.
- b) *Water Quality*
  - Restoring water quality values through addressing land use activities that increase flows of pollutants, raise awareness of quality concerns and publishing latest data that highlight trends.
- c) *Marine Ecosystems*
  - Recognising those critical marine values and ecosystems through advocating for protection, and enhancement. Progress and support marine protected areas, reduce biodiversity loss and understand climate change risks.

#### Work Plan 2020 – 2022

The HGF work plan 2022 focuses on the following goals:

- a) *Increasing protection of the Gulf by increasing 'Marine Reserves' from 0.3% to 30%.*

Key actions include:

  - Call on all sides to take less from the Marine Park.
  - Call for an end to fishing practices which destroy benthic habitat.
  - Support the use of indigenous tools and reform of the Marine Reserves Act.

- b) *1,000 square kilometres of restored shellfish-beds and reefs.* Key actions include:
  - Call for a supportive regulatory framework.
  - Advocate for trials throughout the Marine Park.
  - Support the work of the Shellfish Coordination Restoration Group.
- c) *Eliminate marine dumping in the Marine Park or near its borders.* Key actions include:
  - Call for an end to the use of dump sites near the Marine Park.
  - Advocate to minimise marine dredging and promote alternatives.
- d) *Riparian planting of the Hauraki Gulf Marine Park catchment.* Key actions include:
  - Request and publish information on existing initiatives.
  - Support planting efforts and facilitate collaboration.
  - Advocate for a catchment-wide approach.

## 12 June 2023 HGF Meeting

### Workshop

1. During this closed workshop draft versions of the State of the Gulf Report 2023 and Valuation of the Gulf Report were discussed. Finalised versions have subsequently been released.

### Meeting

#### Election of Co-Chair

- The HGF has operated under a Co-Chairing system since 2020, an arrangement reflected in the Forum's Governance Statement
- Mayor Toby Adams of Hauraki District Council was nominated and deemed elected for the Council Representative Co-Chair position.
- The term of the Council Representative Co-Chair will cease at the next local government election in 2025.
- In October 2022 the HGF's Tangata Whenua members confirmed Member Nicola MacDonald to continue as the Forum's Co-Chair Tangata Whenua until the end of the current Tangata Whenua term (March 2024).

#### Public Forum:

##### 1. **Alternate Waitemata Harbour Crossing** – presented by Kathryn Martin

- This investigative project considered anticipated population growth and multi-modal solutions that will enable thriving and sustainable connections
- The need for new connections provides the following opportunities:
  - Urban development opportunities
  - Strengthening community resilience
  - Filling the 'Active Mode' Gap by facilitating cycle and walkways
  - Using sustainable transport solutions
  - Improving and connecting the Freight Network and Rapid Transit Network (light rail)
- The project is critical through the lens of Climate Resilience as a large portion of the Road Corridor would experience a 2m inundation due to Sea Level Rise over the next 100 years

- Engagement:
  - o Five scenarios and land use options were presented to the community
  - o Key themes were around future-proofing using a variety of transport choices, high resilience and relieving congestion and disruption
  - o Several stages of consultation still to undertake
  - o Final Indicative Business Case aims to be approved by early 2024

## 2. **Tuna Tiaki (Eel)** – Presented by Tau Ngaruhe

- Tuna is the Māori word for eels
- Tuna is very important to Tangata Whenua, which is reiterated through literature. Tuna were a source of kai and used as environmental indicators
- According to the Department of Conservation (DOC) – Māori have sustainably taken tuna without affecting its population through understanding their life cycle, habitat needs and migration patterns.

“Today, tangata whenua have customary harvest rights over tuna fisheries in their rohe for special events and hold 20% of the commercial fishery. However, there has been a steady decline in numbers of tuna, encouraging iwi to reduce or completely restrict harvesting in their rohe. Numerous iwi around the country have chosen not to fish their allocated commercial quota to assist in the revitalisation of customary harvest” – DOC
- Tuna help iwi assess water quality and habitat conditions.
- Pollution in waterways causes a fungal growth on the eel which affects their ability to feed, resulting in the death of the tuna.
- Other risk factors include drain clearance, dams, stop banks, loss of vegetation / river banks and overfishing. The loss of water body connectivity within the ecosystems prevent mature spawning) tuna trying to get to sea. Tuna use grasses and plants like harakeke for refuge and feeding and required clean freshwater bodies to breed.
- Suggested approach is to combine Maturanga, professionals and multidiscipline specialists to build Kaitiaki Capacity and placing Mana Whenua at the forefront of the strategy

## 3. **Boat Hull Cleaning and Hardstand Facilities** – Presented by Auckland Yacht and Boating Association

- Issues around Auckland Council’s (AC) approach to marina bio-security threats on the Gulf
- The three main concerns are focused on the following:
  - o Inadequate boat cleaning infrastructure in Auckland, a position supported by an Ecometrics report documenting a significant lack of supply and submissions from the Yachting New Zealand (YNZ) and Auckland Yachting and Boating Associations

(AYBA) with evidence. The HGF and Auckland Council's Biosecurity Team have expressed concerns around this issue.

- Inadequate education and enforcement of hull cleaning rules
- AC's Governing Body cannot intervene in the decision making of AC local boards and committees who have continued to reduce these cleaning facilities/infrastructure necessary for the Gulf
- AC marina biosecurity policy and outcomes are being undermined by piecemeal decision-making by local boards and committees and those decisions do not reflect the increasing marine bio-security risk at all levels
- Concerns growing around marina openings while hardstands are being closed. Greater travel needed for hardstand usage and therefore increased marine biosecurity risk
  - Examples are Kennedy Bay
- Concerns raised over cleaning capacity information
  - The Urban Solutions Report says there is capacity for a 48 month cleaning cycle
  - The Ecometric Report says there is capacity for a 12 month cycle
- AYBA is fighting for a holistic, evidence based regional strategy for the provision of adequate cleaning infrastructure in the Auckland Region.

### Co-Chair - Tangata Whenua Report

Co-Chair Nicole MacDonald has been the Forum's sole Co-Chair over the last eight months and in her report highlighted:

- The growing threat of *Caulerpa* in the Gulf has meant building relationships and connecting with international groups who have successfully contained or eliminated it

Significant decisions taken to close the Hauraki Gulf Fishery to allow tipa (scallops) a chance to recover. Noting that the Gulf has not been dredge-free in over 100 years. The gulf will be looking toward sustainable practices only in the future

- The HGF is currently waiting for the Minister for Oceans and Fisheries to approve the Hauraki Gulf Fisheries Plan

Future release of the Forum's 2023 State of the Gulf Report and release of the natural capital valuation of the Gulf

### Budget 2023 – 2024

The purpose of this report was to confirm the Forum's budget for 2023-2024 financial year

- The HGF annual budget is funded from contributions from its Constituent Parties
- The HGF has a lean budget, adjusted annually for inflation to ensure purchasing power for key contracted services including the State of the Gulf reports, which is required by law.

- The proposed budget (below) is for the next financial year, 1 July 2023 – 30 June 2024, continues this trend, with last year's budget adjusted for inflation (current Consumer Price Index), resulting in a total proposed budget of \$360,000
- The only changes within the structure of the budget are to allocate proportionally less to Human Resources and Administration, and proportionally more to supporting community groups. It is proposed that the Forum increases its capacity to be able to provide small, catalytic funding, where larger players are unable or unwilling to step in. A good example of this in the past year is where the Forum supported proactive biosecurity surveillance of *Caulerpa* around Waiheke with a grant of \$2500 when neither Biosecurity NZ nor Auckland Council was able to fund this
- MPDC has contributed \$12,141.00 to the total budget of \$360, 000.00
- Please see the proposed Forum Budget for 2023 – 2024 and a breakdown of budget for each constituent party, at the back of this report

### Threats to the Hauraki Gulf

The purpose of this report was to update the Forum on two of the current threats to the Hauraki Gulf Marine Park, Tikapa Moana, Te Moana-nui-ā-Toi:

#### A) The exotic seaweed *Caulerpa brachypus* and *Caulerpa parvifolia*

- *Caulerpa* spp. has been observed in the Hauraki Gulf including Aotea Great Barrier Island where it has spread to nearby Ahuahu Great Mercury Island, and most recently been found quite widely growing in Omakiwi Cove in the Bay of Islands, several hundred kilometres outside of the current cordons on Aotea and Ahuahu.
- *Caulerpa* spp. establishment in the Hauraki Gulf poses unassessed risks to the health and well-being of the Gulf and local communities with potentially severe ramifications for all marine species.
- *Caulerpa* invasion overseas has shown that once *Caulerpa* is present it can grow into thick matting over the ocean floor resulting in significant reductions in biodiversity and can reduce fish stocks and kaimoana by as much as 30-50%.
- Similarly, in the areas where *Caulerpa* has established in New Zealand, it has quickly overrun the seafloor and displaced/ killed what was once there
- The present management strategy is based on a simulation that assumes the invasive seaweed can spread at just 2mm in size which does not accurately reflect the rate at which *Caulerpa* spreads. This means Mana Whenua, regions and communities are in an endless race to control the spread of *Caulerpa*. International case studies have shown that we urgently need to change our approach
- Additionally, the current management approach, led by Biosecurity NZ in coordination with regional councils and NIWA, has been to try and slow its spread through a mix of containment, education, and research. The confirmation of its presence in Northland suggests that a significant change in approach is now required.
- Please see page 7 for the Meeting Minutes to learn more on the HGF's Actions/ suggestions

## **B) The wreck of the RMA Niagara**

- The Royal Mail Ship (RMS) Niagara is a WWII wreck that rests near the Mokohinau Islands, just south of the Hauraki Marina Park's northern border, at a depth of around 100-120m.
- Like all WWII shipwrecks, the Niagara is now entering its 'Peak Leak Period' with increased likelihood of rupture as a result of corrosion and pressure.
- The Niagara has potentially 1600 tonnes of heavy fuel oil in its tanks. For perspective, the RV Rena lost 300 tonne of heavy fuel oil.
- Further investigation is required to assess the quantity of oil and the risk and rates of rupture to allow for effective interventions.
- In 2018, Maritime NZ proposed that central government fund and pursue further investigation. The responsible Ministers sought budget for this but the government did not agree to the funding request. In the interim, other parties have conducted some further reconnaissance, and are progressing proposals for non-invasive investigations to determine the scope and timing of the risk presented
- Please see page 7 for the Meeting Minutes to learn more on the Forums Actions/ suggestions

## **Executive Officer's Report**

- The meeting on 12 June marks the start of a new period for the HGF with the confirmation of Co-Chairs and attendance of new members.
- State of the Gulf Report is now nearing completion (with formal launch August 11<sup>th</sup> 2023).
- At the time of the meeting, 12 June, work was continuing on the natural capital valuation of the Hauraki Gulf Marine Park. The Valuation report is now completed and has been published on the Forum's webpage: <https://gulfiournal.org.nz/>

## **Consideration of Extraordinary Items**

There were no consideration of extraordinary items for consideration.

**Proposed Hauraki Gulf Forum Budget for 2023 – 2024 Financial Year**

Approach: current FY budget (\$336,750), increased by 6.7% overall to account for current CPI. = ~\$360,000

**Proposed Budget for 2023-2024 = \$360,000**

**Cost Breakdown**

***HR & Administration - \$178,000***

- Executive Officer (\$149,000)
- Democracy and Governance Advisory services (\$21,000)
- Fractional Administrative support (\$8,000)

***Legislative Requirements - \$80,000***

- 3-yearly State of the Environment Report (est. \$75,000)
- Annual Report (est. \$5,000)

***Communications and Coordination - \$90,000***

- Contracted communications support to Executive Officer, including online, audio-visual, Gulf Journal, blogs, Forum products (est. \$40,000)
- Events (est. \$20,000)
- Educational material for schools, community groups (est. \$5,000)
- Support for community efforts (est. \$25,000)

***Representation - \$12,000***

- Representation of the Forum by the Co-Chairs and Executive Officer at external events, and travel to Constituent Parties, including Ministers

\*note: the main change from 2022-2023 is for a slightly larger allocation to support community efforts, and proportionally less for HR & Admin.



Annex A: Breakdown of impact of proposed budget for each Constituent Party

2023-24 Funding table									
Funding Contribution per Sector	Authority	Population in the Gulf catchment (2018 Census)	Percentage Population	Percentage Contribution per Project, based on population	Land Area in the Gulf Catchment (2018 region & TLA boundaries)	Percent Land Area	Percentage Contribution per Project, based on land area	% population: % land area (60:40 weighting)	Contribution to a budget of \$360,000.00
33.3%	FNZ			11.10%			11.10%	11.10%	\$ 39,960.00
	DoC			11.10%			11.10%	11.10%	\$ 39,960.00
	TPK			11.10%			11.10%	11.10%	\$ 39,960.00
Subtotal (Mfish, DoC, TPK)				33.30%			33.30%	33.30%	\$ 119,880.00
33.4%	WRC	89,781	7.1%	2.38%	585,501	72.79%	24.31%	11.15%	\$ 40,153.85
	AC	1,169,136	92.9%	31.02%	218,875	27.21%	9.09%	22.25%	\$ 80,086.15
Subtotal (Regions)		1,258,917	100.0%	33.4%	804,377	100.00%	33.40%	33.40%	\$ 120,240.00
33.3%	AC	1,169,136	93.3%	31.07%	218,875	29.67%	9.88%	22.59%	\$ 81,329.38
	WDC	1,272	0.1%	0.03%	14,648	1.99%	0.66%	0.28%	\$ 1,025.20
	HDC	19,836	1.6%	0.53%	123,590	16.75%	5.58%	2.55%	\$ 9,172.67
	TCDC	29,466	2.4%	0.78%	219,169	29.71%	9.89%	4.43%	\$ 15,938.75
	MPDC	33,531	2.7%	0.89%	161,360	21.88%	7.28%	3.45%	\$ 12,414.00
Subtotal (Selected TLAs)		1,253,241	100.00%	33.30%	737,641	100.00%	33.30%	33.30%	\$ 119,880.00
TOTALS				100.00%			100.00%	100.00%	\$ 360,000.00

## Ngā Tāpiritanga | Attachments

A. HGF mins 12 June 2023

## Ngā waitohu | Signatories

Author(s)	Kumeshni Naidu <b>Graduate RMA Policy Planner</b>	
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Approved by	Ally van Kuijk <b>District Planner</b>	
	Dennis Bellamy <b>Group Manager Community Development</b>	

*Cr Peter Jager exited the meeting at 12:58 .*

1.13 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD  
OF THE MEETING OF KAUNIHERA | COUNCIL  
HELD ON 23 AUGUST 2023.

**KO TE RĀ | DATE:** .....

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