

Te Manawhenua Forum Mo Matamata-Piako



Mēneti Wātea | Open Minutes



Minutes of an ordinary meeting of the Te Manawhenua Forum Mo Matamata-Piako held in the Council Chambers, 35 Kenrick Street, TE AROHA on Tuesday 3 October 2023 at 10:00 am.

Ngā Mema | Membership

**te kaunihera ā-rohe o |
Matamata-Piako District
Council**

Manuhua | Mayor
Adrienne Wilcock, JP

Koromatua Tautoko | Deputy Mayor
James Thomas

Kaunihera ā-Rohe | District Councillors
Gary Thompson

Ngāti Hauā

Mema Tūturu | Principal Member
Mrs Te Ao Marama Maaka (Chair)

Mema Tautoko | Alternate Member
Ms Rangitionga Kaukau

Ngāti Hinerangi

Mr Philip Smith

Ms Hinerangi Vaimoso

Ngāti Maru

Mrs Kathy Ngamane

Mr Wati Ngamane

Ngāti Rāhiri-Tumutumu

Mrs Jill Taylor

Mrs June McCaskill

Ngāti Pāoa

Mr Tahauariki Thompson

Mrs Glenice Puke

Ngāti Whanaunga

Mr Michael Baker

Mr Gavin Anderson

Raukawa

Mr Leo Whaiapu

Mrs Andrea Julian

Ngāti Tamaterā

Ngā whakapāha | Apologies

Name

Te Ao Marama Maaka
James Thomas
Kathy Ngamane
Andrea Julian
Gavin Andersen
Jill Taylor
June McCaskill
Glenice Puke

Members Present

Name

Rangitionga Kaukau
Mayor Adrienne Wilcock
Cr Gary Thompson
Leo Whaiapu
Michael Baker
Wati Ngamane
Tahuariki Thompson

Iwi/Organisation

Ngāti Hauā
Matamata-Piako District Council
Matamata-Piako District Council
Raukawa
Ngāti Whanaunga
Ngāti Maru
Ngāti Pāoa

Kaimahi i reira | Staff Present

Name

Andrea Durie
Stephanie Hutchins
Kuljeet Kaur
Erin Bates

Title

Senior Communications Advisor
Governance Support Officer
Governance Support Officer
Strategic Partnerships and Governance
Manager
Policy Advisor
Graduate Policy Advisor
Graduate RMA Policy Planner

Item No.

7.1

7.2, 8.1, 8.2, 8.3,
8.2
8.3
8.4

I reira | In Attendance

Name	Position/Organisation	Item	Time In	Time Out
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1 Whakatūwheratanga o te hui | Meeting Opening

Mayor Adrienne Wilcock welcomed members and staff to the meeting and declared the meeting open at 10.01am.

2 Karakia

Michael Baker performed the opening Karakia.

3 Ngā whakapāha | Apologies/Leave of Absence

WHAKATAUNGA Ā-KOMITI | COMMITTEE RESOLUTION

That apologies from Te Ao Marama Maaka, Kathy Ngamane, Andrea Julian, Gavin Anderson, Jill Taylor, June McCaskill, Glenice Puke and Deputy Mayor James Thomas be accepted and leave of absence from the meeting be granted.

Resolution number AC/2023/00001

Moved by: L Whaiapu

Seconded by: R Kaukau

KUA MANA | CARRIED

4 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.”

5 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.

6 Whakaaetanga meneti | Confirmation of Minutes

WHAKATAUNGA Ā-KOMITI | COMMITTEE RESOLUTION

That the minutes of the meeting of the Ordinary meeting of the Te Manawhenua Forum Mo Matamata-Piako held on Tuesday, 1 August 2023, be confirmed as a true and correct record of the meeting.

Resolution number AC/2023/00002

Moved by: Cr G Thompson

Seconded by: W Ngamane

KUA MANA | CARRIED

NGĀ PŪRONGO A NGĀ ĀPIHA | OFFICER REPORTS

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7 Pūrongo me whakataū | Decision Reports

7.1 Te Rā o Waitangi 2024

CM No.: 2775896

Te Kaupapa | Purpose

The purpose of this report is to seek feedback from Te Manawhenua Forum on how they would like to commemorate Te Rā o Waitangi 2024.

Rāpopotonga Matua | Executive Summary

From 2015 to 2019 Council, together with Te Manawhenua Forum mo Matamata-Piako hosted a large, whānau friendly community event to celebrate Waitangi Day in our district.

Due to timing and resourcing challenges in 2021 an online educational campaign was delivered instead of an event. While this was considered successful, Te Manawhenua Forum felt that the community would benefit more from an opportunity to come together in person in 2022 following the Covid-19 lockdowns. The planned event was subsequently cancelled due to further Covid-19 restrictions.

An event was supported in 2023 but Te Manawhenua Forum felt the same need was no longer there and a different approach should be used in future. This report seeks guidance on how Forum members would like to commemorate Te Rā o Waitangi 2024.

Tūtohunga | Recommendation

That:

1. **Te Manawhenua Forum members commemorate Te Rā o Waitangi 2024 by running their own activities and/or events and invite community to join them, as was successfully done for Matariki celebrations earlier this year.**

WHAKATAUNGA Ā-KOMITI | COMMITTEE RESOLUTION

That:

1. **Iwi run their own activities and/or events and invite community to join them, as was done for Matariki this year.**
2. **Rangitonga Kaukau to contact Jill Taylor to investigate the celebration of Waitangi Day in at the Te Aroha Domain for 2024.**
3. **Preparations for Waitangi 2025 to include a wide range of options to commence in early 2024.**

Moved by: Cr G Thompson

Seconded by: R Kaukau

KUA MANA | CARRIED

Horopaki | Background

From 2015 to 2019 Council, together with Te Manawhenua Forum mo Matamata-Piako hosted a large, whānau friendly community event to celebrate Waitangi Day in our district.

Due to timing and resourcing challenges in 2021 an online educational campaign was delivered instead of an event. While this was considered successful, Te Manawhenua Forum felt that the

community would benefit more from an opportunity to come together in person, following the lockdowns and restrictions in 2021. Preparations for this event were well underway, when further Covid-19 restrictions meant the 2022 event had to be cancelled.

At the September 2022 hui, Forum members endorsed Council continuing to deliver a programme of events/activity around significant events in the Māori calendar. Following this meeting, the Ministry of Culture and Heritage opened their funding applications for the Commemorating Waitangi Day fund. Staff sought direction from the Forum's Chair, and submitted an application for funding of up to \$5,000 to deliver the event that had been planned for 2022, to commemorate Waitangi Day 2023.

At the December 2022 hui, Forum members felt there was no longer the same need for a community event and a different approach should be used in future years. The 2023 Whānau picnic and movie night in the Te Aroha Domain was cancelled the day prior due to poor weather.

This report seeks guidance on how Forum members would like to commemorate Te Rā o Waitangi 2024.

Ngā Take/Kōrerorero | Issues/Discussion

The Forum members indicated they did not want to commemorate Te Rā o Waitangi 2024 through a large community event for the district, like those planned in 2022 and 2023. We are seeking direction on what the 2024 commemoration will involve so we can start planning for it, if Council involvement is needed.

Ngā Whiringa | Options

Option One – Status Quo (community event)	
Description of option	
<p>To hold an event that brings the community together, including:</p> <ul style="list-style-type: none"> • food stalls from local businesses and community groups, food trucks, as well as BYO picnic to ensure it is affordable for everyone • live music by local artist/s • family friendly activities, ideally with multi-cultural themes (including all cultures in the district who want to take part) • A movie on a large outdoor screen <p>The outdoor movie company suggested screening <i>Hunt for the Wilderpeople</i>, as a New Zealand film that appeals to both children and adults. However, other options are available, and if there is a particular film or story that forum members would like shared, staff can request this.</p>	
Advantages	Disadvantages
An approved blue print for the event already exists and could be reignited.	Circumstances have changed and a community event is not as relevant now. The Forum members wish to move in a different direction.
Would likely be eligible for Ministry for Culture and Heritage <i>Commemorating Waitangi Day Fund</i> support. The 2024 fund is now open.	Only financially viable if Ministry for Culture and Heritage <i>Commemorating Waitangi Day Fund</i> support is secured. (Full funding was not secured in 2023.)
	Weather dependent.
	Very resource intensive e.g. staff time

Option Two – Iwi-led initiatives

Description of option

Iwi run their own activities and/or events and invite community to join them, as was done for Matariki this year. Council could assist with promotion through its channels.

Advantages

Provides flexibility for each Iwi to deliver what is important to them.

Different activities offered, with greater meaning and opportunity for interaction, across the district.

Disadvantages

Option Three – Placemaking activation

Description of option

Council's Communications team to work with the Forum members and community partners (e.g. museum, library, gallery etc) to create an activation that commemorates Te Rā o Waitangi 2024. This might include:

1. Engaging an historian to create interactive storyboards revealing the untold stories of the Treaty in and around the district.
2. Using photos and captions to tell the story about key figures and locations relating to the Treaty around the district.
3. Inviting guest speakers to contribute to community conversations to commemorate Te Tiriti o Waitangi. Storytelling and engaging korero could be held throughout the day (possibly in different areas of the district) to discuss the values of Te Tiriti o Waitangi. Alternatively, it could be a debate.

Advantages

If the activation was portable it could be held in each town and in different locations. There could be many uses for this year round.

Opportunity to provide a greater educational / awareness element, and more meaningful interactions.

Disadvantages

Examples 1 & 2 are likely to be resource intensive for both Council and Iwi.

Possibly beyond the limits of the existing budget and therefore reliant on securing external funding (Ministry for Culture and Heritage).

Option Four – Advertisements

Description of option

Place advertisements in the local papers with the stories / information / messages about Te Tiriti o Waitangi from the perspective of local iwi.

Advantages

Content from the advertisements could be promoted on other channels.

Opportunity to move beyond a light touch and provide greater depth of information.

Disadvantages

If the content was only published in the newspapers then it could be missed or quickly forgotten.

This is reliant on the stories/information and would need to be led by Iwi (and could also be

Conversation starters.	delivered by Iwi).
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Option Five – Video/Reels competition

Description of option

Promote a Te Tiriti o Waitangi video or reels competition leading into and over the summer school holidays. Promote to all age groups but target high school aged students through an appealing prize pool. Some/all videos could be used on social media leading up to and on Te Rā o Waitangi 2024.

Advantages	Disadvantages
Encourages greater youth involvement. Potentially reach adults through young people.	Primarily targeted to young people. And social media users.
Could result in generating content with different perspectives, and local flavor.	

Option Six – Other

Description of option

Te Manawhenua Forum finds an approach the members agree on to commemorate Te Rā o Waitangi 2024. Options 1-5 are only suggestions and may prompt discussion that leads to an entirely different option that Forum members prefer. That may or may not involve Council.

Advantages	Disadvantages
To be determined	To be determined

Recommended option

Option Two: Iwi-led initiatives:

Iwi run their own activities and/or events and invite community to join them, as was successfully done for Matariki celebrations earlier this year.

This approach provides flexibility for each Iwi to deliver what is important to them. It allows for different activities to be offered across the district, with greater opportunity for meaningful interaction and the ability to increase awareness and understanding of Te Tiriti o Waitangi.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

This will be dependent on what option the forum approves. A communications plan will be developed, if appropriate, that's relevant to the preferred commemoration option.

Timeframes

Key Task	Dates
Preferred commemoration format agreed	3 October 2023

Ngā take ā-Ihinga | 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

The relevant Community Outcomes are set out below:

Healthy communities	Our community is safe, healthy and connected.	We encourage the use and development of our facilities.	We encourage community engagement and provide sound and visionary decision making.
Vibrant Cultural values	We promote and protect our arts, culture, historic, and natural resources	We value and encourage strong relationships with Iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.	Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.

Waitangi Day marks the anniversary of the initial signing of the Treaty of Waitangi, which is regarded as the founding document of the nation. Marking this day provides an opportunity to raise awareness, myth-bust / break down barriers and promote greater understanding between cultures within our community. It can also bring people of all cultures in our district together.

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

Te Manawhenua Forum have a budget of \$2,500 for this event.

Depending on the direction the Forum agrees for the 2024 commemoration, if the total cost is over \$2,500 there is an option to apply to the Ministry of Culture and Heritage's 'Commemorating Waitangi Day Fund' for additional funding.

If a grant is not secured, Te Manawhenua Forum could seek sponsorship from local businesses, or alter the scale of the commemoration to suit the budget.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Andrea Durie Senior Communications Advisor	
Approved by	Don McLeod Chief Executive Officer	

7 Pūrongo me whakatau | Decision Reports

7.2 Schedule of Meetings 2024

CM No.: 2766584

Te Kaupapa | Purpose

The purpose of this report is to provide the Forum with meeting dates for 2024.

Rāpopotonga Matua | Executive Summary

Annually, Council and Committees are required to confirm dates for meetings for the following year. This report outlines the established committees and their identified dates for confirmation. The full proposed Meeting Planner for 2024 is attached (Attachment A).

WHAKATAUNGA Ā-KOMITI | COMMITTEE RESOLUTION

That:

1. The information be received.
2. The Forum confirms the meeting dates for 2024 with the suggestion to move the proposed October meeting outside of the school holidays.

Resolution number AC/2023/00003

Moved by: Cr G Thompson

Seconded by: W Ngamane

KUA MANA | CARRIED

Horopaki | Background

At the first ordinary meeting (9 November 2022) of the 2022-2025 triennium, Council confirmed its meeting structure. As a result the frequency of Council and Committee meetings is proposed as:

Council

- Meet monthly, every fourth Wednesday with extra meetings for hearings and adoption of documents as required.

Risk and Assurance Committee

- Meet quarterly on Tuesday, based on Council meeting dates.

Te Manawhenua Forum Mo Matamata-Piako

- Meet every two months, on the first Tuesday of the relevant month.

Waharoa (Matamata) Aerodrome Committee

- Meet two or three times a year, on the third or fourth Thursday of a month.

Workshops

- All are indicative dates – first and second Wednesday of the month are scheduled and the third Wednesday if needed in addition. Workshops will be confirmed closer to each identified date.

Using the above frequency as a guide, the meeting dates for 2024 are proposed as:

Name of Committee	Frequency	Dates
Council	4 th Wednesday of every month.	14 Feb 6 March 27 March 24 April 8 May (<i>Council Hearing</i>) 9 May (<i>Council Hearing</i>) 29 May 26 June (LTP) 24 July 28 August 25 September 30 October 27 November 11 December
Risk and Assurance Committee	Tuesday, quarterly per annum.	5 March 18 June 10 September 29 October 10 December
Te Manawhenua Forum mo Matamata-Piako	1 st Tuesday, bi-monthly per annum.	13 February *20 March – <i>joint Council and TMF workshop</i> 9 April 11 June 6 August 1 October 3 December
Waharoa (Matamata) Aerodrome Committee	2-3 per annum.	4 April 24 October

The committees identified above will have a similar report to consider at their respective meetings.

Ngā Tāpiritanga | Attachments

A. Draft Meeting Planner 2024

Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
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Approved by	Sandra Harris Placemaking and Governance Team Leader	
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8 Ngā Pūrongo Whakamārama | Information Reports

8.1 Update on Council meeting decision 23 Aug '23

CM No.: 2774337

Te Kaupapa | Purpose

The purpose of this report is to update Te Mana Whenua Forum on Council's decision on the 23 August 2023 in relation to:

- Iwi Aspiration Statement - Te Mana Whenua Forum Recommendation
- Te Mana Whenua Forum proposed projects for the 2024-34 Long Term Plan

Rāpopotonga Matua | Executive Summary

On 23 August 2023 Council considered Te Mana Whenua Forum's recommendations in relation to its Iwi Aspiration Statement and proposed projects for the 2024-34 Long Term Plan.

In response, a joint hui is proposed on 20 March 2024 between Council and Te Mana Whenua Forum members to provide a shared understanding of iwi aspiration. Council have also resolved that the establishment of Memorandum of Understanding with Iwi be prioritised.

WHAKATAUNGA Ā-KOMITI | COMMITTEE RESOLUTION

That:

1. The information to be received.

Resolution number AC/2023/00004

Moved by: R Kaukau

Seconded by: Cr G Thompson

KUA MANA | CARRIED

Horopaki | Background

On 23 August 2023 Council considered Te Mana Whenua Forum's recommendations in relation to its Iwi Aspiration Statement and proposed projects for the 2024-34 Long Term Plan.

This document is to report back to the Forum on Council's decision moving forward.

Ngā Take/Kōrerorero | Issues/Discussion

In response to TMF's iwi aspirations recommendation the following Council resolution was made:

"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 the TMF to collectively articulate principles and aspirations that can be adhered to in good faith."

In response to Te Mana Whenua Forum proposed projects for the 2024-34 Long Term Plan the following resolution was made:

*"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.”

A joint Te Mana Whenua hui has been proposed for 20 March 2024.

Mōrearea | Risk

N/A

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

N/A

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Tuatahi Nightingale-Pene Kaitakawaenga Māori - Iwi Liaison Officer	
Approved by	Erin Bates Strategic Partnerships and Governance Manager	

8 Ngā Pūrongo Whakamārama | Information Reports

8.2 Long Term Plan and Policy/Bylaw Update

CM No.: 2775626

Te Kaupapa | Purpose

The purpose of this report is to provide Te Mana Whenua Forum mo Matamata-Piako (The Forum) with an update on Matamata-Piako District Council's (Council) policy work programme.

Decisions have been made in respect to some key Council policies/documents, whilst others are in progress.

Rāpopotonga Matua | Executive Summary

Council is required to regularly review its policies and bylaws. Legislation requires councils to review bylaws five years after they are made, and then every 10 years after that. The review times for statutory policies are set out in the relevant legislation.

Council's work programme for 2023/24 includes the following:

- Long-Term Plan 2024-34 – currently in development
- Annual Report 2022/23 – to be adopted by Council before 31 October 2023
- Fees and Charges 2024/25 – this will be consulted on in March/April 2024, alongside the Long-Term Plan
- Local Alcohol Policy (LAP) – adopted and brought into force on 11 September 2023
- Significance and Engagement Policy (SEP) - adopted on 23 August 2023
- Solid Waste Management and Minimisation Bylaw – further targeted consultation planned for October/November 2023
- Freedom Camping Bylaw – Council is consulting on a draft bylaw in September/October 2023. A separate report is provided to the Forum.

WHAKATAUNGA Ā-KOMITI | COMMITTEE RESOLUTION

That:

1. The report be received.
2. Te Mana Whenua Forum mo Matamata-Piako members provide feedback to staff on the consultation process to inform and improve future policy/bylaw reviews.

Resolution number AC/2023/00005

Moved by: Cr G Thompson

Seconded by: M Baker

KUA MANA | CARRIED

Horopaki | Background

Long-Term Plan 2024-34

Under the Local Government Act (LGA), Council is required to prepare and adopt a Long-Term Plan (LTP). The LTP sets out the activities, budgets, Financial Strategy and key financial policies of the Council for the next 10 years, and the Infrastructure Strategy for the next 30 years.

The LTP is required to be updated every three years, with the last LTP adopted in 2021 (available online <https://www.mpd.govt.nz/plans/long-term-plan>).

The LTP:

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

In completing the plan, Council are required to do a number of things, including:

- take a sustainable development approach and promote community interests;
- carry out our business in a clear, transparent and accountable manner;
- operate in an efficient and effective manner, using sound business practices;
- take into account community views by offering clear information and the opportunity to present views;
- provide opportunities for Māori to contribute to decision making;
- collaborate and co-operate with other agencies and councils to achieve desired outcomes.

Annual Report 2022/23

The purpose of the Annual Report is to compare activities provided/projects completed with those planned in the relevant Annual Plan. Council's Annual Report provides information to its community to assist in assessing the performance of Council for the relevant financial year and provides accountability and transparency to our community.

The LGA requires Council to adopt an Annual Report and Summary by 31 October each year. The Summary must be published within one month of its adoption.

Fees and Charges 2024/25

Council's Fees and Charges cover everything from swimming pool entry fees to resource and building consents and everything in between.

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

Each year, Council reviews its fees and charges and consults on any proposed changes with the community alongside the LTP/Annual Plan and/or any other relevant Council documents. This ensures that Council's fees and charges are kept up to date, reflect actual and reasonable costs, and that any additional processes and new costs are fully covered.

Local Alcohol Policy

The Sale and Supply of Alcohol Act 2012 enables councils to develop a Local Alcohol Policy (LAP) for its district, and sets requirements for the development of the policy and what it may include. 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).

It is not mandatory to have a LAP, however having such a policy enables our communities to have a say about how alcohol is sold and supplied in their area.

When 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. The LAP is intended to be used as a reference document for the District Licensing Committee, and is not a document that binds licensing decisions.

Council first adopted a LAP in 2017, and therefore became due for review in 2023 as per the statutory requirements.

Significance and Engagement Policy

Council is required to have a Significance and Engagement Policy (SEP). The purpose of this policy is to provide the community with information about how and when they can expect Council to engage with them. The SEP also provides guidance to staff and is a key part of Council's decision-making framework.

The LGA provides for Council to amend its SEP from time to time. To ensure the Policy remains relevant to our community, it is generally reviewed in line with the LTP project. In reviewing this policy, feedback was sought from Elected Members, staff who regularly use the Policy, and Forum members.

Solid Waste Management and Minimisation Bylaw

Bylaws are local rules that affect the way we live, work and play. Council's bylaws are in place to help ensure our district is a safe and healthy place.

The Waste Minimisation Act 2008 provides for councils to make a bylaw for the regulation of waste. A bylaw must not be inconsistent with a council's waste management and minimisation plan.

Council's Solid Waste Management and Minimisation Bylaw is intended to support:

- the promotion and delivery of effective and efficient waste management and minimisation in the Matamata-Piako District as required under the Waste Minimisation Act 2008;
- the implementation of Council's waste management and minimisation plan;
- the purpose of the Waste Minimisation Act and the goals in the New Zealand Waste Strategy;
- the regulation of the collection, transport, and processing of waste;
- the protection of the health and safety of waste collectors, waste operators and the public; and
- the management of litter and nuisance in public places.

Council's current bylaw came into force in 2017 (having revoked the previous solid waste bylaw (2008)) and forms part of Council's consolidated bylaw. Although there is no immediate legislative requirement to review this bylaw, Council identified the opportunity to review its Bylaw to ensure it is fit for purpose in relation to Council's new waste and recycling service delivery, and to align with changing government rules and regulations.

Ngā Take/Kōrerorero | Issues/Discussion

Updates on the various policies/plans/bylaws are provided below.

Completed

Local Alcohol Policy

45 submissions on the draft LAP were received. Six submitters chose to present their submissions to Council at the Hearing held on 3 May 2023.

Council held deliberations and decision-making on 24 May 2023. Following the feedback received, Council produced a provisional policy, which was publically advertised. At this stage, anyone who made a submission on the draft LAP could appeal any element of the provisional policy.

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. At its meeting on 23 August 2023, Council resolved to bring the policy into force on 11 September 2023.

The LAP has generally been streamlined to provide clearer guidance for applicants, licence holders and the District Licensing Committee. The following is a summary of key provisions for each licence type:

On-Licences

- The updated LAP states Council's preference for new on-licences to be located in Business Zones in the district. On-licences can be located in other areas (subject to District Plan requirements), however the applicant must be able to demonstrate that the operations will not impact the amenity and good order of the neighbourhood.
- The updated Policy encourages the District Licensing Committee to consider a one-way door policy, if appropriate.
- The maximum trading hours for on-licences have not changed. They are from 7am to 1am the following day.*

Off-Licences

- The Policy extends the distance that off-licences can be located from a sensitive site (e.g. schools, places of worship, marae, playgrounds etc.) from 50 metres to 100 metres. This excludes supermarkets and grocery stores.
- A new condition has been included that enables the District Licensing Committee to apply restrictions to the types of alcohol to be sold, for example to limit single sales.
- Following feedback on its draft LAP where Council proposed to change the maximum trading hours for off-licences, Council decided to continue with the existing maximum trading hours of 7am to 9pm the same day.*

Club Licences

- The permitted time for RSAs who hold club licences to trade from on Anzac Day has been updated to 4am to align with the Act.
- Other provisions have not changed, including the maximum trading hours of 7am to 1am the following day.*

*Council's has added a note to its LAP stating that its policy position on maximum trading hours is not intended to set an expectation that the District Licensing Committee should issue every licence with the full extent of the maximum hours. The District Licensing Committee may issue licences with more restrictive hours that the maximum trading hours specified in the LAP.

Special Licences

- The maximum number of events under special licence that can be applied for in any six-month period has been increased from 15 to 18.
- Maximum trading hours will be set by the District Licensing Committee on a case-by-case basis.

Significance and Engagement Policy

At the meeting held on 1 August 2023, Forum members were invited to provide input into the review, and provided the following feedback to help to inform the Policy:

- Consider iwi aspirations;
- Consider what topics are likely to be important to iwi;
- Build on good examples e.g. papakāinga online wānanga - communication and engagement should be proactive, early and meaningful, allowing for changes to be made, leading to genuine engagement opportunities and positive relationships;
- Skill and capability can be built over time;
- Meaningful engagement leads to positive outcomes for both Council and iwi.

Policy Changes

The review is now complete, and the updated Policy has been adopted by Council. Updates to the Policy reflect Council's commitment to meaningful engagement with its communities including mana whenua. The following is a summary of the changes:

- An updated Strategic Assets list (minor updates only);
- Updated significance criteria – moving to a spectrum of significance (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);
- Recognition of Council responsibilities to uphold the principles of Te Tiriti and its obligations to Māori in the Matamata-Piako District, as required by the LGA;
- Provision of further guidance for staff when determining the degree of significance and associated engagement requirements and level of resources required to engage relevant communities.

At its meeting on 23 August 2023, Council resolved not to consult on the updated SEP and considered on reasonable grounds that they had sufficient information about community interests and preferences to enable the purpose of the policy to be achieved. This included recent consultation processes including the Annual Plan 2023/24, which provided Elected Members with an understanding of community views.

The completed policies can be found on Council's website: <https://www.mpd.govt.nz/council-documents/policies-a-bylaws>

In Progress

Long-Term Plan

Council is progressing with the Long-Term Plan project as per the project plan. The timeline for the project centres on key dates for completion of the draft documents in December 2023 for Council approval, with auditing to occur in January/February 2024 and consultation with the community in March/April 2024.

Fees and Charges 2024/25

Fees and Charges for the 2024/25 year will be consulted on in March/April 2024, alongside the LTP.

Annual Report

Work on the Annual Report is progressing as planned. At the time of writing this report, a draft Annual Report had been prepared.

There are a total of 58 performance measure targets which Council reports on to provide transparency and accountability to its community in the Annual Report. Of these, Council has

achieved its target performance for 37 of these. Council partially achieved its target on one measure, and did not achieve its target on 19 measures.

Two measurement results are pending, with one performance measure not yet measured - the footpath level of service which is measured by an assessment due in 2023/24.

Solid Waste Management and Minimisation Bylaw

Earlier this year, Council proposed to introduce a standalone bylaw and to revoke the current Solid Waste Management and Minimisation Bylaw that forms part of the Consolidated Bylaw 2008. A number of changes were proposed including:

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

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

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

13 submissions on the draft bylaw were received. Four submitters chose to present their submissions to Council at the Hearing held on 3 May 2023. From the submissions, it was clear that there was some concern about the proposed requirement for site waste management and minimisation plans. Due to this concern, and following deliberations held on 24 May 2023, Council decided to undertake further consultation with the sector around the proposal to require waste minimisation plans. Council expressed a preference for the continued inclusion of this clause, with discussions held around the following:

- The Government plans to introduce amendments to the Building Act 2004 that will make it mandatory for a waste minimisation plan to be prepared for building or demolition work (unless exempted);
- Including this clause in our bylaw will bring our Council into alignment with other councils nationally;
- Should a waste minimisation plan be required for residential builds, commercial builds or both? And should we include a financial threshold?
- There are potential savings and efficiencies for the sector, and potential for a reduction of construction waste to landfill;
- If Council were to include this clause in its bylaw, we would take an educative approach and work with the sector to gradually introduce the requirement in a phased manner.

Targeted consultation with the sector is planned for October/November 2023.

Mōrearea | Risk

General risks of legislative non-compliance apply, including the risk of policies/bylaws lapsing if not reviewed according to the relevant timeframes.

There is a risk that if the community are not engaged in the review of Council's policies/bylaws/plans, the relevant documents may not be effective in achieving/supporting community wellbeing, and the Council's strategic objectives. To mitigate this risk, Council seeks early engagement with key stakeholders to promote active and meaningful engagement in Council's review processes.

A further risk relating to the Significance and Engagement Policy has been identified as below:

Since 2014, Council has not undertaken formal consultation on its Significance and Engagement Policy, with previous reviews resulting in minor changes. There is a potential risk that 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 of which states:

'...the local authority must consult in accordance with section 82 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.'

At its meeting on 23 August 2023, Council determined that it had sufficient information about community interests and preferences, and therefore formal consultation was not required. In making this decision Council considered the following:

- Staff have held informal discussions with stakeholders including staff who regularly use the Policy, and kōrero with Te Manawhenua Forum mo Matamata-Piako who provided their feedback;
- Council 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 provided elected members with an understanding of community views;

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

The legislative requirements are detailed throughout this report.

Local Government Act 2002 (LGA 2002) Decision-making requirements

Each topic has been considered in accordance with Council's Significance and Engagement Policy, with consultation and decision-making requirements documented and determined accordingly in reports to Council.

Policy Considerations

To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

Each topic has its own communications plan to assess the communication and engagement requirements on a case-by-case basis.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The review of policies/bylaws/plans support all of Council's community outcomes.

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

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

This work plan is funded within existing budgets for the Strategies and Plans activity, apart from the review of the Solid Waste Management and Minimisation Bylaw, which is funded through the solid waste budget.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

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

8 Ngā Pūrongo Whakamārama | Information Reports

8.3 Freedom Camping Bylaw 2023

CM No.: 2776010

Te Kaupapa | Purpose

The purpose of this report is to notify the Forum that Council is now seeking public feedback on the Freedom Camping Bylaw and to provide material Forum members can utilise among relevant networks where appropriate.

Te Manawhenua Forum received its first report on the Freedom Camping Bylaw in April 2023, and has provided direction and feedback during the pre-consultation period.

Tūtohunga | Recommendation

That:

1. The information is received.
2. The Forum provides feedback on the proposed Freedom Camping Bylaw if desired.

WHAKATAUNGA Ā-KOMITI | COMMITTEE RESOLUTION

That:

1. The information is received.
2. The Forum provide feedback on the proposed Freedom Camping Bylaw.

Resolution number AC/2023/00006

Moved by: R Kaukau

Seconded by: M Baker

KUA MANA | CARRIED

Horopaki | Background

Staff reported to the Forum in April and requested feedback from the Forum during and following the June meeting on the proposed sites across the district that were proposed to be either restricted or prohibited as recommended by site assessments (**in this report Attachment B**).

Sites may only be prohibited or restricted for the following reasons as per section 11(5) of the Freedom Camping Act 2011 (the Act):

1. to protect the area
2. to protect the health and safety of people who may visit the area
3. to protect access to the area

Protection of important historic, cultural or archaeological sites on land can be captured under point i) above – to protect the area.

As a result of the assessments, the proposed Bylaw includes the following prohibitions and restrictions, grouped by ward (**maps included in Attachment C**).

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.
- Waiorongomai Car Park, Te Aroha

Restricted to 4 vehicles within the car park.

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

Ngā Take/Kōrerorero | Issues/Discussion

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.

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, Council is

seeking 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 A**.

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 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:

- i. to protect the area:
- ii. to protect the health and safety of people who may visit the area:
- iii. 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 A**.

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 A** 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 A** 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.



The Proposed Bylaw is currently being consulted on to ensure Council aligns with consultation 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 Whakawhitiwhitinga | Communications and engagement

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 A**);

- 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.

Timeframes

Key Task	Dates
Documents approved by Council to consult including Statement of Proposal Bylaw	23 rd August 2023
Consultation period	18 th September – 18 th October 2023
Hearing date	8 th November 2023
Deliberations and adoption of final bylaw	22 nd November 2023
Bylaw operational	20 th 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

The relevant Community Outcomes are set out below:

Healthy communities	We encourage the use and development of our facilities.	We encourage community engagement and provide sound and visionary decision making.
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Environmental Sustainability	Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs	We engage with our regional and national partners to ensure positive environmental outcomes for our community.
Vibrant Cultural values	We value and encourage strong relationships with Iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.	Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.

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

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

Ngā waitohu | Signatories

Author(s)	Olivia Picard Graduate Policy Advisor	
Approved by	Sandra Harris Placemaking and Governance Team Leader	
	Erin Bates Strategic Partnerships and Governance Manager	

8 Ngā Pūrongo Whakamārama | Information Reports

8.4 District Plan Update

CM No.: 2774555

Te Kaupapa | Purpose

The purpose of this report is to update the Te Manawhenua Forum with a summary on the rolling review of the District Plan and changes around Resource Management matters.

Kumesh Burr will be in attendance to deliver the update and answer any questions.

Rāpopotonga Matua | Executive Summary

A District Plan and RMA summary is provided below and Kumesh Burr will be in attendance to deliver the update and answer any questions. The update specifically relates to Plan Change 54, Plan Change 49, Private Plan Change 57, Private Plan Change 58, Private Plan Change 55, the National Planning Standards, Hauraki Gulf Forum, the National Policy Statement for Highly Productive Land and National Policy Framework.

WHAKATAUNGA Ā-KOMITI | COMMITTEE RESOLUTION

That:

1. The information be received.

Resolution number AC/2023/00007

Moved by: M Baker

Seconded by: Cr G Thompson

KUA MANA | CARRIED

Ngā Take/Kōrerorero | Issues/Discussion

Plan Change 54 – “Papakāinga”

Matamata-Piako District Council is preparing a change to the District Plan, which seeks to update the District Plan provisions to allow for papakāinga development (PC54). The aim is to ensure that the District Plan provides an enabling framework for quality papakāinga development that supports the social, cultural and economic wellbeing of tangata whenua. The plan change was originally raised by Te Manawhenua Forum and recommended to Council as a priority. Council took on this recommendation and initiated a plan change. The Māori Purpose Zone (Precinct 1 – Papakāinga Tahi) will provide the most enabling provisions for papakāinga by increasing housing density in comparison to the Rural Zone and enabling the establishment of home businesses and small-scale community facilities, education facilities and healthcare facilities. Sites that are proposed to be rezoned as Māori Purpose Zone (Precinct 2 - Papakāinga Rua) have existing papakāinga. In addition to the Māori Purpose Zone, the plan change proposes general provisions in the Rural and Rural-Residential Zones enabling papakāinga development on Māori Freehold Land, General Land owned by Māori (if it can be demonstrated there is an ancestral connection and a legal mechanism in place to ensure the land is maintained in whanau ownership in perpetuity), and Treaty Settlement Land. The change was re-notified for public submissions on 21 December 2022, and closed for submissions on 13 February 2023. The further submission phase closed on 26 April 2023. A copy of the 52 submissions received and 3 further submissions is available on the Council's website. On 18 July 2023, an Iwi Working Group (IWG) Hui was held at the Silver Ferns Events Centre. During this Hui, the key themes that were raised in the submissions along with the next steps in the process were discussed, and a draft, unbranded

papakāinga Toolkit was shared. The IWG members' also submitted nominations for Independent Hearing Commissioners. The Planning Team has made good progress working through the matters raised in the submissions therefore the next step is to engage Hearing Commissioners. Once Hearing Commissioners have been confirmed, a hearing date will be scheduled.

Plan Change 49 – “Waharoa”

This District Plan change seeks to review the zoning and development controls of Waharoa. To date, a preliminary community Hui was held in partnership with Ngāti Hauā to understand the invited stakeholder's aspirations for the town. Following this, a Working Group was established that consists of Matamata-Piako District Council elected members and Ngāti Hauā representatives as governance members along with a number of support staff. On 30 November 2022, Matamata-Piako Te Manawhenua Forum and Ngāti Hauā held a community consultation event at Te Kura O Waharoa in order to understand if the initial spatial plan that was developed, meets the communities' aspirations and needs for Waharoa. As part of this consultation, an online survey where individuals could share their thoughts on the initial spatial plan was also available following the consultation event for those that could not attend. In total a 150 participants completed the online survey and there were around 30 participants at the community event. A report that summarises the outcomes of the consultation is available to view on the Council's website. In addition, Warren Gumbly consultants have been engaged to undertake an archaeological assessment of the plan change area, with this work currently underway. The Council is also in the process of reviewing the community's aspirations and considering how these may be enabled by the District Plan's provisions.

Private Plan Change 57 Calcutta

On 3 July 2022, Matamata-Piako District Council received an application for Private Plan Change 57 – Calcutta. This plan change seeks to rezone approximately 41ha of rural land along the southern side of Tauranga Road, Matamata to Industrial Zone. This plan change proposes to introduce a new General Industrial Zone into the District Plan in accordance with the National Planning Standards. On 11 October 2022, submissions opened for the Calcutta private plan change and closed at 4:30pm on Wednesday 9 October 2022. Matamata-Piako District Council received 28 submissions in total. The Council summarised the submissions received and opened for further submissions on the 7 March 2023 with a closing date of 21 March 2023. During this submission phase, a further 20 submissions were received. A preliminary hearing date has been scheduled for early December 2023.

Private Plan Change 58 - Avenue Industrial Park

A private plan application was lodged with the Council on 22 December 2022 to rezone 14ha of rural land on the western side of Morrinsville, between Avenue Road North and State Highway 26 to Industrial Zone. The proposed private plan change is expected to adopt the same General Industrial Zone provisions as the proposed Calcutta private plan change under the National Planning Standards. The application was publicly notified on 15 June 2023, with the submission period closing on 17 July 2023. Thirteen submissions were received. The Council summarised the submissions received and opened for further submissions on the 17 August 2023. This submission period had a closing date of 31 August 2023. One further submission was received. A preliminary hearing date has been scheduled for early December 2023.

Private Plan Change 55 - “Fonterra –Waitoa”

On 13 November 2020, Council received a private plan change application regarding the Waitoa manufacturing site Development Concept Plan. The proposal is to amend the current noise

emission control boundary in the Operative District Plan and replace it with a new Noise Emission Control Boundary and amend the associated rules. Council made a request, on 22 January 2022, for further information under Clause 23, RMA Schedule 1. Council received a response to this further information request at the end of November 2022 and have been working with the applicant to finalise this information.

Hauraki Gulf Forum

The Hauraki Gulf Forum (HGF) is a statutory body, which promotes and facilitates integrated approach to the management and protection of the Hauraki Gulf, under the Hauraki Gulf Marine Park Act 2000. The forum's current focus is on three priorities which are to improve integrated management through collaborative planning, restoring water quality values by addressing land use activities that degrade those values and lastly recognising those critical marine values and ecosystems through advocating for protection, restoration and enhancement. As part of its advocacy, the forum used last year's surplus funds to carry out Natural Capital Valuations on the marine park. This work was carried out by the New Zealand Institute of Economic Research (NZIER) and can be found at this link: <https://gulfjournal.org.nz/the-hauraki-gulf-forum/>. At the latest meeting on 11 September, we received presentations on the State of our Seabirds, Bioremediation using Seaweed, Forestry and Traces of Heavy Metals in the Gulf.

National Planning Standards (NPS)

The Council is currently reformatting its District Plan to comply with the National Planning Standards (NPS). The purpose of the National Planning Standards is to make council plans and policy statements easier to prepare, understand and comply with. They do this by improving the consistency of the format and content across all resource management documents throughout New Zealand. Any proposed changes that are simply a reformatting of the current Operative District Plan into the new format do not require a plan change, however there will be some changes that will be required to be notified. The Council is working to have this completed and notified by April 2024 in accordance with the relevant NPS legislation. As part of complying with the National Planning Standards, the District Plan is required to have a Tangata whenua/Mana whenua chapter. This is to be developed in conjunction with mana whenua. On 18 July 2023, a Te Manawhenua Forum workshop was held at the Silver Fern Events Centre to discuss the title and contents of the chapter. A draft Mana whenua chapter has been produced based on this discussion and the Council is currently talking with individual iwi regarding the contents of this chapter.

National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect in October 2022. Its objective is to restrict inappropriate subdivision and development on highly productive land, so that it can be retained and used for food production. However, since its release, stakeholders have raised two key issues regarding its restrictions. These relate to a lack of a consenting pathway for:

1. Specified infrastructure, such as solar farms.
2. The establishment and expansion of intensive indoor farming activities and green houses.

The Ministry for the Environment and the Ministry for Primary Industries are currently looking for feedback from iwi, local government, interested organisations and individuals regarding an amendment of the NPS-HPL to make allowances for these activities. The consultation period for this closes on 31 October 2023.

National Policy Framework

The Government is currently undertaking a reform that will replace the Resource Management Act 1991 (RMA) with three new pieces of legislation, those being:

- The Natural and Built Environment Act
- The Spatial Planning Act; and,
- The Climate Adaptation Act.

The Natural and Built Environment Act and the Spatial Planning Act have both been given royal assent and are now in effect. However, the RMA will remain until in force while a new planning framework under these two Acts is developed. This new framework will look quite different to the current system, with the key planning documents now including:

1. Regional Spatial Strategies
2. Natural and Built Environment Plans; and
3. A National Planning Framework

Central Government will develop the National Planning Framework, with its purpose being to provide national guidance and direction for regional planning. This framework is expected to be in place by 2025 to inform the first Regional Spatial Strategies and Natural and Built Environment Plans, which will be put together at a regional level. The Ministry for the Environment recently released a draft of the transitional National Planning Framework for targeted consultation with local government and Māori. This consultation period closes on 13 December 2023.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Kumeshni Burr Graduate RMA Policy Planner	
Approved by	Ally van Kuijk District Planner	
	Dennis Bellamy Group Manager Community Development	

8 Ngā Pūrongo Whakamārama | Information Reports

8.5 Te Manawhenua Forum Work Programme - Update October 2023

CM No.: 2775842

Te Kaupapa | Purpose

The purpose of this report is to provide an update to Te Manawhenua Forum on the work programme as confirmed for 2023.

Rāpopotonga Matua | Executive Summary

The 2023 Work Programme is attached. It is intended this is a standing item for each meeting.

WHAKATAUNGA Ā-KOMITI | COMMITTEE RESOLUTION

That:

1. The information be received.

Resolution number AC/2023/00008

Moved by: M Baker

Seconded by: W Ngamane

KUA MANA | CARRIED

Horopaki | Background

Prior to the commencement of each calendar year the Forum sets itself a work programme. While priorities can shift during the year as unexpected issues arise, the work programme is a useful tool to enable Forum members to set their direction and to allow staff to understand the work priorities that need to be achieved.

Ngā Tāpiritanga | Attachments

- A. Te Manawhenua Forum Work Programme - Update October 2023

Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
Approved by	Sandra Harris Placemaking and Governance Team Leader	

11.33 am

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

CONFIRMED AS A TRUE AND CORRECT RECORD
OF THE MEETING OF TE MANAWHENUA FORUM
MO MATAMATA-PIAKO HELD ON 3 OCTOBER 2023

KO TE RĀ | DATE:

TIAMANA | CHAIRPERSON: