

# Kaunihera | Council

## Kaupapataka Wātea | Open Agenda



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

**Ko te rā | Date:** Wednesday 30 October 2024  
**Wā | Time:** 9:00  
**Wāhi | Venue:** Council Chambers  
35 Kenrick Street  
TE AROHA

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### Ngā Mema | Membership

#### Manuhua | Mayor

Adrienne Wilcock, JP (Chair)

#### Koromatua Tautoko | Deputy Mayor

James Thomas

#### Kaunihera ā-Rohe | District Councillors

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

**Waea | Phone:** 07-884-0060  
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## 1 Whakatūwheratanga o te hui | Meeting Opening

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

That the apology from Cr P Jager be accepted and leave of absence be granted.

## 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

Minutes, as circulated, of the ordinary meeting of Matamata-Piako District Council, held on 25 September 2024

## 6 Papa ā-iwi whānui | Public Forum

Name	Position/Organisation	Topic
Graeme Brewer	Morrinsville Menzshed	Certificate of appreciation

7 Pūrongo me whakatau | Decision Reports

## 7.1 Proposed Lease Expansion for Kaitiaki Trap N Train Trust at Waharoa Domain, Waharoa

CM No.: 2950229

### Te Kaupapa | Purpose

To seek a decision from Council to publicly notify the proposal of the Kaitiaki Trap N Train Trust at Waharoa Domain to expand its lease area.

### Rāpopotonga Matua | Executive Summary

This report seeks a decision on the proposal of the Kaitiaki Trap N Train Trust, located at Waharoa Domain, to expand its lease area. The Trust's current lease, issued in October 2021 for a 10-year term with two five-year renewal options, was incorrectly processed under the Reserves Act 1977. The proposed expansion offers an opportunity to rectify this error in accordance with the Conservation Act 1987. The lease expansion proposal requires public notification prior to making a final decision.

Waharoa Domain is Crown owned land, managed by the Council as the Administering Body under an appointment to control and manage the land. The proposed lease expansion needs to be assessed under Part 3 B of the Conservation Act due to this appointment to control and manage (as per section 59A of the Reserves Act 1977).

The expansion of the lease area would facilitate further development, including community garden expansion and building renovations.

The report assesses the effects of the proposed lease expansion as positive, as recreational values and visual amenity will likely improve. The proposal is also aligned with Council strategic direction and policies. Two options are considered: maintaining the status quo or granting the application.

The recommended option is to proceed with public notification, allowing the Trust to apply for necessary consents and secure funding for improvements, fostering community engagement and development.

### Tūtohunga | Recommendation

That:

1. **The report is received;**
2. **Pursuant to an Instrument of Delegation from the Minister of Conservation dated 12 June 2013, Council exercises the functions of the Minister under section 59A of the Reserves Act 1977 and Part 3B of the Conservation Act 1987 with respect to an application for a concession over Waharoa Recreation Reserve;**
3. **Council exercises its power as Administering Body of the Reserve under the Reserves Act 1977 and resolves to publicly notify the application for a lease concession over part of the Waharoa Recreation Reserve, pursuant to section 17SC of the Conservation Act 1987;**
4. **Council Staff are Authorised to undertake the required administrative actions to give effect to the decisions.**

## Horopaki | Background

This report has been drafted by Xyst on behalf of Council.

### Current Lease

Council has received a request from Kaitiaki Trap N Train Trust (the Trust) to expand its lease area at Waharoa Domain, over part of Section 26 Waharoa Township, to enable the expansion of the facilities and services the organisation offers. The Trust holds a current lease for part of the Reserve, issued in October 2021. The initial term of the lease was 10 years, with two further rights of renewal for five year, bringing the final expiry date of the lease to 31 October 2041. The lease was incorrectly issued under section 54 of the Reserves Act 1977.

The ownership of the 'Old Waharoa Bowling Club Pavillion' was taken over by the Trust at the time of the lease. The Trust is responsible for all aspects of the building and Council, as is the lessor of the land, is not responsible for any costs associated with the building. The building is to be removed by the Lessee at the end of the lease.

### The Reserve

The Waharoa Recreation Reserve (also known as Waharoa Domain) is Crown Land, classified as a Recreation Reserve under the Reserves Act 1977. Council holds an appointment to 'control and manage' the Reserve under the Reserves Act 1977. Council is the Administering Body of the Reserve for the purposes of the Reserves Act 1977.

### Processing of the Lease Application Under the Conservation Act 1987

As a delegate of the Minister of Conservation under the Council may consider a lease over part of a Reserve that is Crown Land which Council 'controls and manages' but must follow the concession process prescribed by Part 3B of the Conservation Act 1987 as modified by Section 59A of the Reserves Act 1977. Ministerial Powers under Section 59A of the Reserves Act have been delegated to local authorities as per the Instrument of Delegation from the Minister of Conservation dated 12 June 2013.

A concession in the form of an easement is required for the proposed expansion of the lease area, in line with statutory requirements of the Reserves Act 1977 and Part 3B of the Conservation Act 1987.

Section 17SC of the Conservation Act requires public notification for leases and licences. As the delegate of the Minister of Conservation, under the above-mentioned delegation instrument, Council needs to make a decision on this.

The delegation to decide whether to grant a lease over reserve land currently sits with Council and has not been delegated to staff.

If Council supports the proposal, it would enable staff to initiate the public notification process for the proposed lease.

The current lease issued to the Trust in 2021 was incorrectly issued under section 54 of the Reserves Act 1977, instead of under the Part 3B of the Conservation Act 1987. The proposal to expand the lease area presents an opportunity to correct this administrative error and issue the lease under the correct section of the relevant legislation, subject to the relevant public notification processes and following a hearing, if required.

Attachment A shows a location map of the reserve. Attachment B shows the current lease area of the Trust (in blue) and the proposed lease area (in red).

## Ngā Take/Kōrerorero | Issues/Discussion

### Overview of the Area, including Land Status

Waharoa Recreation Reserve (also known as Waharoa Domain) is located on the corner of Mowbray Road and Mill Street in the south-east of Waharoa.

The 5.2785 hectare Reserve consists of large flat grassed area, with a former bowling green and clubrooms, now leased to the Trust. This area also contains some significant lime trees.

The Waharoa Athletic Club also uses the Domain as does the Rugby Club, on occasion. The existing sportsfield area is currently mown by Council, and the surrounding area grazed

The Reserve also features a hard surface for skateboards and skate rail. Toilet facilities are available if the park is booked for an event. Much of the Reserve is grazed, with the grazing licence having been surrendered in October 2024.

The Reserve is Crown Land classified as a Recreation Reserve under the Reserves Act 1977. Council holds an appointment to 'control and manage' the Reserve under the Reserves Act 1977.

### **Leasing Powers and Requirement to Publicly Notify**

As the Reserve is Crown Land and Council is appointed to control and manage the land, Section 59A of the Reserves Act 1977 applies to any proposed lease. Section 59A empowers the Minister for Conservation, in accordance with Part 3B of the Conservation Act 1987, to grant a concession (such as a lease) in respect of any Reserve controlled or managed by an Administering Body.

An Instrument of Delegation signed by the Minister for Conservation in 2013 has delegated the powers under Section 59A to territorial authorities so that an Administering Body may apply Part 3B of the Conservation Act 1987 as though references in that Part to the Minister and/or Director-General are references to the Administering Body.

In practice, this means that Council may, as a delegate of the Minister of Conservation, consider a lease over part of a Reserve that it 'controls and manages' but must follow the concession process prescribed by the Conservation Act 1987 as modified by Section 59A of the Reserves Act 1977. Under the Conservation Act process, an application for a lease must be publicly notified unless it is an extension or exercise of a right of renewal of an existing lease. As this is a new lease, public notification is required.

### **Regulatory matters**

Various improvements are planned to be undertaken on the 'Old Bowling Club Pavillion' by the Trust, which are likely to require resource consents under the Resource Management Act 1991. Building consent is also required under the Building Act 2004.

These consents are to be obtained by the Trust, following a decision by Council on the proposed lease expansion.

In order to give effect to any consents that might be granted landowner permission is required in order to exercise the consent. In this case, Council fulfils the role of landowner's representative in its capacity as the Administering Body of the Reserve.

Resource and building consents may not be exercised unless Council agrees to it in its capacity as the Administering Body of the Reserve.

It is recommended that Council grants the landowner approval permission at the same time it makes a decision on the lease concession, following the public notification and hearings process.

### ***Assessment of Lease Application/ Effects on the Reserve***

Staff have assessed the expected effects on the reserve based on:

- information provided by the applicant
- the requirements of the Conservation Act 1987 and Reserves Act 1977
- the classification of the land as Recreation Reserve
- relevant objectives and policies of the General Policies Reserve Management Plan 2019, and

- relevant objectives and policies, and reserve specific guidance for Waharoa Domain as per the Active Reserves Management Plan 2009.

The table below provides a summary of the assessment.

Overall the proposed easement activity is assessed as having positive impacts on the recreational values of the reserve.

Type of Effect/ Considerations	Assessment	Comments/ Explanation
<b>Effects on users of the reserve/ Recreational Activities</b>	+ Positive effect	The current leased area is over the former bowling green and clubrooms, which were derelict. The proposed area to be leased has no current other uses. Further development of the community garden and clubrooms will provide additional opportunities for use and recreational activity in the reserve. There is sufficient open green space remaining in the reserve to allow for other uses.
<b>Visual effects/ amenity</b>	+ Positive effect	Likely positive effect due to proposed renovation of the building and landscaping and planting of the area proposed to be leased.
<b>Enjoyment of the reserve by the public</b>	+ Positive effect	Likely positive effect due to proposed redevelopment and positive effects on visual amenity and activation of the area proposed to be leased.
<b>Effects on freedom of access</b>	Neutral	A lease by nature restricts the access to an area of a reserve, however, anyone in the community will be able to join the organisation and gain access.
<b>General Policies RMP</b>	✓	The proposal complies with the relevant policies/ activities contemplated to be appropriate on Recreation Reserves, as per the General Policies RMP, specifically, Section 9 Occupation of Reserves, including leasing of Recreation Reserves and the use of undeveloped reserves grazing or gardening.
<b>Active Reserves RMP</b>	✓	The proposal complies with the general objectives and policies for active reserves as outlined in Section 4.0.
	✓	The proposal is aligned with the specific Management Intentions for Waharoa Domain, specifically the intention to find an alternative use for the bowling clubrooms and green.
<b>Is activity contrary to</b>	✓	Reserves Act provides powers to grant

<p><b>the provisions of the Conservation Act or the Reserves Act</b></p>		<p>concessions in form of a lease, licence or easement in respect to activities.</p> <p>Public Notification is required for the proposed lease expansion in line with the provisions of Part 3B of the Conservation Act 1987.</p>
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### Engagement with iwi

Council has sought seek feedback from Ngāti Hauā on the proposed lease expansion and Ngāti Hauā representatives have confirmed that they have no issues with this proposal.

### Mōrearea | Risk

Risks associated with the proposal are detailed in the Options below.

### Ngā Whiringa | Options

1. Decline the application – Status Quo
2. Grant the application in line with Section 48 of the Reserves Act

A description of each option, including advantages, disadvantages are outlined below.

Option One – Decline the application	
Description of option	
Do not support the proposed lease expansion	
Advantages	Disadvantages
No costs or staff time are incurred	Not supporting the Trust’s proposal will negatively impact the community and not allow for the recreation opportunities at the reserve.

Option Two – Grant Application	
Description of option	
<p>Council publicly notifies the proposed lease expansion. Submissions are received. Council makes final decision on lease after hearing submissions. The Trust may apply, if required, for required consents and funding. Provided lease is granted and consents obtained, the Trust may make improvements to the building and facilities within the reserve and expand its operation as per the 5-year plan.</p>	
Advantages	Disadvantages
Legal process is followed	Staff time and costs of public notification and consultation process (estimated in the region of \$1000 if no hearing is required, \$5000 if an independent hearings commissioner is used).
Community views are sought.	

### Recommended option

**Option 2** is the preferred option.



Effects of the proposal have been assessed to have a positive impact on the recreation opportunities at the reserve.

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

*Granting of an easement over Reserve land vested in Council*

See information outlined above under Assessment of Easement Application.

Section 48 of the Reserves Act 1977 regulates such matters. Section 9.3.1 of the General Policies Reserve Management Plan 2019 outlines Council’s policies to guide decision-making about easements for utility assets on Reserves. These policies apply to grants of new easements over Reserves that are already vested in Council

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

Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is assessed as having a **low** level of significance.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the views of Interested/affected people	<p><b>Decision making under the Reserves Act and Conservation Act 1987 (under delegation from the Minister of Conservation)</b></p> <p>In making this decision, Council is acting as the Minister of Conservation, under the Instrument of Delegation from the Minister of Conservation dated 12 June 2013. The proposal has been assessed in line with the requirements outlined in Part 3 B of the Conservation Act.</p> <p>Public consultation is required in line with section 17SC of the Conservation Act.</p>
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	<p>The Significance and Engagement Policy is considered above.</p> <p>This issue is assessed as having a <b>low</b> level of significance.</p>
Section 82 – this sets out principles of consultation.	See Section 78

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**Policy Considerations**

1. 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.

**Timeframes**





<b>Key Task</b>	<b>Dates</b>
Approval to publicly notify the proposed lease	30 October 2024
Public Notice	November 2024
At least 20 working days to receive submissions	November 2024
Hearing (if required)	December 2024/ February 2025
Decision on lease	December 2024/ February 2025

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

None known.

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

Matamata Piako District Council’s Community Outcomes are set out below:

<b>MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO   OUR PLACE</b>	<b>MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI   STRATEGIC DIRECTION</b>		
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>			
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.			
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>			
			

He wāhi kaingākau ki te manawa   A place with people at its heart	He wāhi puawaitanga   A place to thrive	He wāhi e poipoi ai tō tātou taiao   A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga   A place to belong and create
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The community outcomes relevant to this report are as follows:

- A place with people at its heart
  - “be the connector between community, iwi, NGOs and government agencies”.
- A place to thrive
  - “seek opportunities to realise Matamata- Piako’s economic potential”.
- A place that embraces our environment
  - “Educate and exemplify continues improvement in waste minimisation
  - create and maintain green and natural and open spaces
  - demonstrate and advocate for climate friendly and community resilient initiatives”.
- A place to belong and create

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

Cost for public notices are likely to be in the region of \$1000.

A hearing is only required, if submitters wish to be heard. If an independent hearings commissioner is used for the hearing, the costs are likely to be in the region of \$5000.

If a commissioner is not used the costs would be limited to venue and catering costs. No funding source for this has been identified. Costs would need to be funded from the asset management operational budget.

**Ngā Tāpiritanga | Attachments**

- [A](#). Attachment A- Waharoa Domain Location Map
- [B](#). Attachment B - Proposed Community Garden Lease Area
- [C](#). Attachment C - Kaitiaki Trap N Train - Proposed Community Garden Lease Area

**Ngā waitohu | Signatories**

Author(s)	Arshia Tayal <b>Parks &amp; Facilities Advisor</b>	
Approved by	Susanne Kampshof <b>Assets and Projects Manager</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	

Attachment A - Waharoa Domain Location Map



**Waharoa Domain**  
WAHAROA

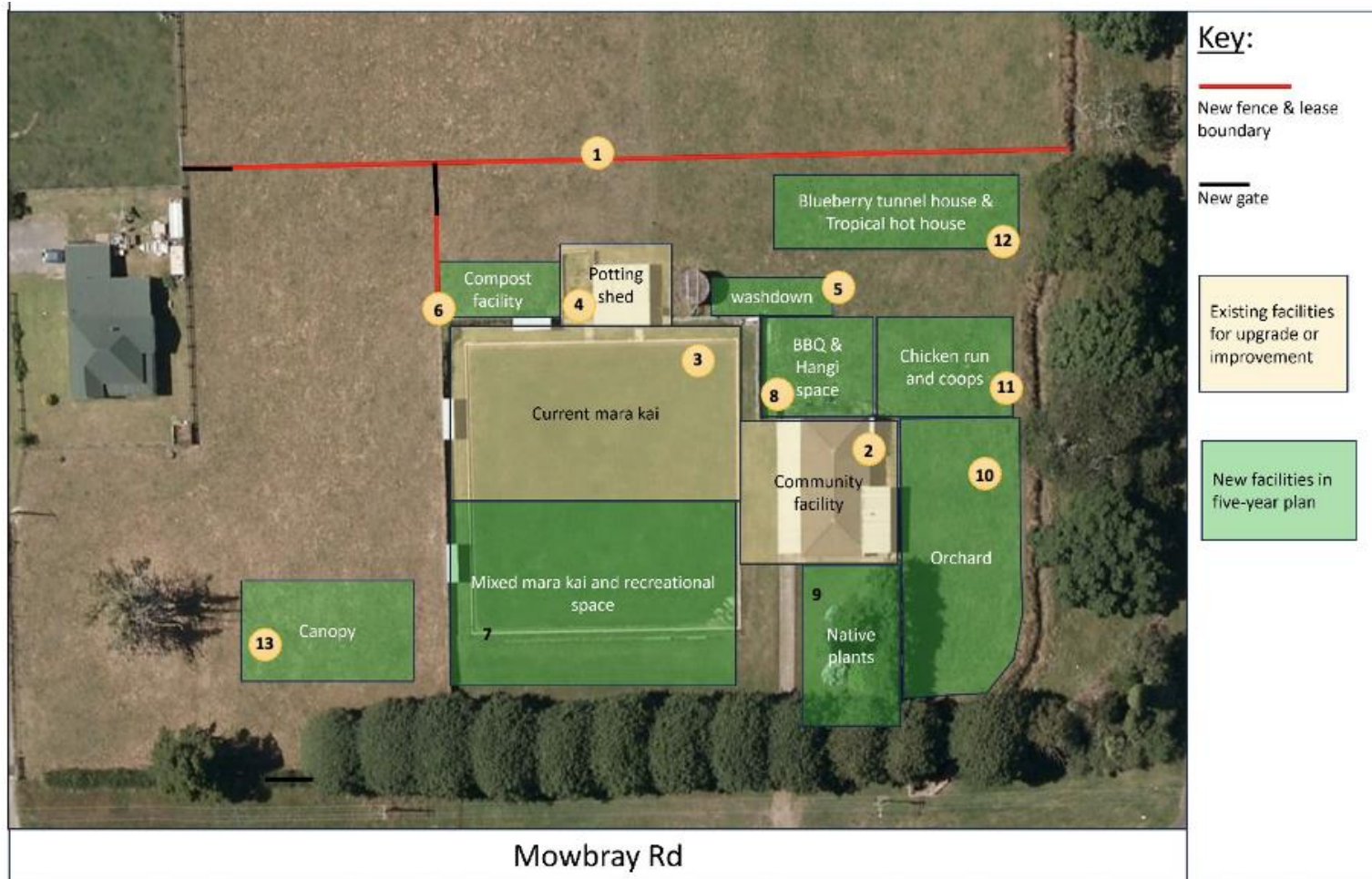
Attachment B – Proposed Community Garden Lease Area



Attachment C – Kaitiaki Trap N Train - Proposed Community Garden and Facility 5-year Plan

Item 7.1

Attachment C



## 7 Pūrongo me whakatau | Decision Reports

# 7.2 Council Delegations 2024

CM No.: 2929663

### Te Kaupapa | Purpose

The purpose of this report is to seek Council adoption of the Delegation Policy and Delegation Register 2024.

**Rāpopotonga Matua | Executive Summary** Under the Local Government Act 2002, Council may delegate its statutory powers and its functions to a committee or other subordinate decision-making body, or member or officer of the local authority. The Delegation Policy and Delegation Register provides the framework for this and illustrate all the delegations made to staff across multiple legislations.

### Tūtohunga | Recommendation

That:

1. **The information be received.**
2. **Council accepts the amendments and the new delegations for inclusion in the Delegations Register.**
3. **Council adopts the Delegations Register as circulated under separate cover.**

### Horopaki | Background

#### The Local Government Act 2002

Section 48 of the Local Government Act 2002 (LGA) provides that delegations must be carried out in accordance with Part 1 of Schedule 7 of the LGA. Clause 32(1) of Part 1 to Schedule 7 of the LGA provides that, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, or member or officer of the local authority any of its responsibilities, duties, or powers excepting the powers specified under paragraphs (a)-(f) of that sub-clause.

These delegated powers fall broadly into three categories:

- Financial
- Warranted powers
- Statutory

On 24 July 2024, staff undertook Phase One of the delegation review to reflect the changes required from the restructure of the organisation including new positions and changes to reporting lines. Phase Two of the delegation review, being the purpose of this report, reflects the annual review that is undertaking by staff, this is outlined further below.

### Ngā Take/Kōrerorero | Issues/Discussion

#### Delegations Policy

The Policy focuses on two policy issues:

- Efficient and effective decision making - good management practice is to encourage delegation of decision making to the lowest competent level.
- Managing risk - Council has identified the 'top five risks' which are to be considered by Council and staff when making a delegation.

The Policy contains information on:

- Powers retained by Council
- Mayoral powers under the LGA
- Powers delegated to Council committee's under its governance structure
- Powers delegated to Council's hearing commission under its governance structure
- Financial delegations (held by finance)
- Warranted appointments
- Statutory delegations (delegations where the highest risk has been initially assessed have been highlighted throughout the delegations document)

Amendments made to Delegations Policy and Register in July 2024 (Phase 1) included:

- Delegation Policy – wording/legislation/replacement updates. Reflect up to date staff changes.
- Organisational Review – As of 1 July 2024 the changes of the organisational review came into effect, these have been reflected in the delegations with:
  - Updates to position titles
  - Addition of new positions (e.g. two new Group Managers, Community Protection and Compliance Manager etc.), and
  - Removal of defunct positions
- Financial delegations – Held and managed by the finance department. New executive team members added to the financial delegations.
- Statutory delegations – Reviewed alongside the legislative compliance checklist. For clarity some have been separated out to show the difference in powers to issue or serve an infringement notice as different roles will undertake these.
  - Some delegations have been compared to what other Councils have done (e.g. the Dog Control Act 1996) and additional sections have been included. This will be completed for all acts within our delegations in the coming months.

Amendments made to Delegations Policy and Register October 2024 (Phase 2) include:

- Delegation Policy –
  - Update to the general delegations, clarification on what must go before Council for approval and what may be sub-delegated by the Chief Executive in their role and take effect immediately upon it being received in writing.
  - Update to allow the delegation of the Chief Executive's powers to the Group Manager for Business Support in the Chief Executive's absence. This relates to general delegations, financial delegations and warrants of appointment.
- Committee delegations – No changes since July 2024 update.
- Financial delegations – No changes since July 2024 update (held and managed by the finance department).
- Statutory delegations –
  - Reviewed against the Christchurch City Council delegations available online.
  - Additional changes not identified in the July 2024 update made (e.g. new Community Protection and Compliance Manager received additional powers under the Building Act not initially supplied with).
  - Removal of warranted powers that do not relate to the warrant holders position e.g. Resource Management Act 1991 only provided to the Planning and Community Protection team members.
  - Addition of the Electricity Act 1992.



Update the Privacy Act from the previous 1993 version to the new 2020 Act.

The following feedback was received from Risk and Assurance;

1. Staff to review the CEO delegation to the Group Manager of Business Support (GMBS) and place more parameters around this. This has now been discussed with the CEO and GMBS and the following wording was agreed;

*The Chief Executive provides delegation to the Group Manager of Business Support to undertake the duties of the Chief Executive Officer in their absence and when there is sufficient urgency to require the power to be used. The Chief Executive Officer shall be considered absent if:*

- *They are at a course/conference/meeting, on annual leave or incapacitated;*  
*or*
- *the position is vacant.*

*The action shall be considered urgent when;*

- *There are significant time constraints that mean that the task is unable to wait until the Chief Executive is back in office, and*
- *It is assessed that the consequence of delaying action will be detrimental to Council.*

2. Staff to outline how amendments to the delegations register are to work. Assuming this amendment is approved by Council, staff have put into place a Promapp process outlining how new delegations are included and when reports are required to go to Risk and Assurance. A spreadsheet will be created to track the changes that are approved by a CEO.

### Mōrearea | Risk

This is a high risk activity, due to the fact that if there is a mistake it could mean that duties undertaken by staff are not valid and potentially illegal.

This risk is mitigated through the continuous ongoing review and yearly reporting to this Audit and Risk Committee and Council.

### Ngā Tāpiritanga | Attachments

- A. Delegation Policy and Delegation Register - Council 30 October 2024 - With Tracked Changes (*Under Separate Cover*)

### Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh <b>Legal Counsel</b>	
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Approved by	Ally van Kuijk <b>General Manager Growth &amp; Regulation</b>	
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7 Pūrongo me whakatau | Decision Reports

## 7.3 Adoption of Enforcement Policy

CM No.: 2952482

### Te Kaupapa | Purpose

Council staff have been developing an Enforcement Policy with the aim of providing clarity, consistency and transparency to staff and our community on how investigation and enforcement will be undertaken. This report seeks Council's endorsement of the proposed Enforcement Policy.

**Rāpopotonga Matua | Executive Summary** The proposed Enforcement Policy has been developed to help provide clarity, consistency, community reassurance and fairness across investigation and enforcement action at Council. The purpose of this report is to:

- provide an overview of the proposed Enforcement Policy;
- discuss why an Enforcement Policy is necessary;
- enable discussion with Council on the options/content; and
- adoption of the policy

A copy of the proposed Enforcement Policy is attached and Ellie Mackintosh and Ryan Johnston will be in attendance to present and have a discussion on this policy. This was previously discussed at the workshop on 16 October 2024.

### Tūtohunga | Recommendation

That:

1. **Council adopts the Enforcement Policy.**

### Horopaki | Background

Over the years, council staff have had situations arise where:

- people have questioned why we are investigating / undertaking enforcement action with them and not others that they may know to be non-compliant; and/or
- approaches to investigation / enforcement have not been as consistent as they could have been across the organisation.

Having an Enforcement Policy will enable Council to be transparent to the community on the framework for investigations and enforcement while also providing the framework to enable consistency. It will also provide documentation to support the approach / actions that staff are undertaking.

### Ngā Take/Kōrerorero | Issues/Discussion

A copy of the proposed Enforcement Policy is attached to this report.

As previously stated this policy aims to ensure that there is consistency in Council's approach to complaints and will provide reassurance to the community of Council's processes.

The policy is a high level framework of the investigation / enforcement processes. The following are some key aspects to the policy:

- First and foremost, staff will generally endeavour to educate the community before resorting to enforcement;
- The Enforcement Policy framework is based on risk to people, community and our environment;

- The principles of decision-making that underpin Council’s actions. This includes a separation of governance from the process.
- Customers are our most efficient and effective monitoring officers, and we rely on them to help notify us when there are breaches.
- Subsequently, compliance monitoring is primarily completed on a complaint/enquiry based approach, however there are some exceptions to this.
- How complaints are managed ensuring, they are recorded, privacy maintained, well communicated with all parties, staff neutrality; and
- The three stages of enforcement

As the policy is an overarching framework, it is broad enough that it allows for any future changes / development of legislation or Council bylaws etc. In addition, the risk assessment within the policy, allows for staff to assess each case on its individual merits and determine what the right action to take is, if any in accordance with the Policy.

### Mōrearea | Risk

By not having a policy it does not provide certainty to the public when they query why Council is or isn’t taking action for an issue that has been brought to its attention. It will also outline an overarching process for staff to follow, promoting consistency. The key risk of not having a consistent and transparent approach is reputational and the adoption of this policy will likely help alleviate some of this risk.

### Ngā Whiringa | Options

Council have three options in regards to this matter.

Option One – No Enforcement Policy

Option Two – Adopt an amended version of this Enforcement Policy

Option Three – Adopt this Enforcement Policy

It is our recommendation that Council adopt the proposed Enforcement Policy as it provides clarity, consistency and transparency to staff and our community on how investigation and enforcement will be undertaken.

### Ngā Tāpiritanga | Attachments

[A↓](#). Draft Enforcement Policy - September 2024

### Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh <b>Legal Counsel</b>	
	Ryan Johnston <b>Community Protection and Compliance Manager</b>	

Approved by	Ally van Kuijk <b>General Manager Growth &amp; Regulation</b>	
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## Enforcement Policy

**Department:** Community Protection and Compliance



**Date, RM number and version number:** [date the policy was adopted, the RM number and the version number]

### Introduction

Local government in New Zealand is responsible for ensuring compliance with a variety of laws and regulations that are aimed at achieving positive community outcomes. Matamata-Piako District Council has a role in ensuring enforcement of a number of pieces of legislation, these are outlined in Schedule One.

We need to meet our obligations under these pieces of legislation and to the community, while working within the corporate values, and towards the vision and mission of the wider organisation.

The purpose of this enforcement policy is to provide guidance to officers, elected members, and the public on how we will carry out its enforcement duties. The policy sets out the principles that we will follow when exercising our enforcement powers.

All delegations for staff to undertake the actions outlined in this policy are maintained in the delegations register.

### Audience

All staff, Councillors, contractors, ratepayers

### Policy

Matamata-Piako District Council has a 'spectrum' approach to encouraging positive behaviour change and ensuring the highest levels of compliance possible.

Our approach to ensuring compliance with their legislative requirements includes the following:

- Education on the responsibilities of the person/entity and the reasons for those obligations as well as providing understanding of our enforcement process and what can be expected when contraventions occur; and
- Enforcement using any of the number of enforcement tools that can be applied to people who have committed breaches see Schedule Two.

This policy applies to all enforcement activities carried out by us. This includes enforcement of local by-laws, planning regulations, environmental health standards, licensing conditions, and other relevant legislation or regulations.

Principled decision-making is the cornerstone of a good enforcement policy. The principles below act to underpin those process and outcomes and will guide employees when undertaking enforcement activities. They also reflect what is in the Ministry for

the Environment's (MfE) Best Practice Guidance on Compliance, Monitoring and Enforcement.

Responsive and effective

We will consider all alleged non-compliance to determine the necessary interventions and action to minimise impacts on the environment and the community and maximise deterrence. We will respond in an effective and timely manner in accordance with legislative and organisational obligations.

Collaborative

We will work with and, where possible, share information with other regulators and stakeholders to ensure the best compliance outcomes for our district. We will engage with the community and consider public interest, those we regulate, and government to explain and promote environmental requirements, and achieve better community and environmental outcomes.

Fair, reasonable, and proportional approach

We will apply regulatory interventions and actions appropriate for the situation. We will use our discretion justifiably and ensure our decisions are appropriate to the circumstances and that our interventions and actions will be proportionate to the risks posed to people and the environment, and the seriousness of the non-compliance.

Transparency

We will provide clear information and explanation to the regulated community about the standards and requirements for compliance. We will ensure that the community has access to information about industry environmental performance as well as actions taken by us to address environmental issues and non-compliance.

Consistency of process

Our actions will be consistent with the legislation and within our powers. Compliance and enforcement outcomes will be consistent and predictable for similar circumstances. We will ensure that our staff have the necessary skills and are appropriately trained; and that there are effective systems and policies in place to support them.

Evidence based, informed

We will use an evidence-based approach to our decision-making. Our decisions will be informed by information gathered e.g. photos, sound science or information received from other regulators, members of the community, industry and interest groups.

Lawful, ethical, and accountable

We will conduct ourselves lawfully and impartially and in accordance with these principles and relevant policies and guidance. We will document and take responsibility for our regulatory decisions and actions. There will be a separation of elected members from this process and it will be operated independently by staff to ensure it is impartial and fair.

Targeted

Due to Council's limited resources the community is often the best source of monitoring. We will act on a response based approach based on when complaints/concerns and information is received. Focus will be on the most important issues and problems to achieve the best environmental outcomes. Targeting regulatory intervention at poor performers and illegal activities that pose the greatest

risk to the environment. Employees will endeavour to apply the right tool for the right problem at the right time.

### **Monitoring, Measurement and Review**

#### Monitoring and Compliance

We will monitor and review its enforcement activities regularly to ensure that they are effective, efficient, and in line with this policy. We will seek to continually improve our enforcement approach to ensure that it remains fit for purpose. We will also evaluate the impact of its enforcement activities to ensure that they are achieving their intended outcomes.

Compliance monitoring is completed on a complaint/enquiry based approach, this means that due to staffing capacity, compliance with requirements will generally only occur when complaints about the activity are received. Exceptions to this are;

1. Where we become aware of the non-compliance while undertaking other activities or through other channels; and/or
2. Where the type of activity is deemed to have a high enough risk to require regular scheduled monitoring; and/or
3. Monitoring of resource consents; and/or
4. When the prior compliance history and/or actions of a resident/consent holder/applicant/operator gives us enough concern and belief that compliance may not be met; and/or
5. Where legislation requires us to undertake regular or intermittent inspections of monitoring

See Schedule Three for the risk profile matrix.

#### Complaints

With our reliance on the community to notify of breaches when active monitoring is unable to be undertaken, customers are welcome to notify us about a potential non-complying activity or breach and we will ensure that complaints are handled in accordance with standards outlined below.

Complaints can be made to us via a number of methods, including phone, website and email. Customers should include as much information as they can including the address at which the alleged breach has taken place, a description of the unauthorised activity, and the harm that is considered to be caused. Complainants may also be encouraged to send in dated photographs of the alleged breach as required.

We will ensure that:

- All valid complaints are properly recorded and investigated.
- The personal details of the complainant are held in the strictest confidence.
- In cases involving a serious and/or irreversible harm to a person, animal or the environment, the complaint is investigated as a matter of priority, as soon as possible.
- The complainant is updated on any subsequent action that may result as soon as reasonably practicable.
- Council and its employees remains neutral in a dispute; however will take what action is appropriate according to the evidence, particular circumstances, impact on people and the built or natural environment, relevant policies, and legislation.

#### Enforcement Decision-Making

This policy covers three key phases. The immediate response, the investigative tasks and the decision-making processes that follows. These phases are set out below.

##### **1. Immediate and urgent response stage**

At the time an offence is detected, immediate responses may be required to protect life and property or to curtail or otherwise remedy or mitigate effects. This may include issuing relevant notices or engaging contractors to do emergency works. The nature of all actions and decisions should be carefully documented.

**2. The investigation stage**

If the breach requires an urgent response, then concurrent with or following that response is an investigation to establish all the facts that will inform a decision on which action to take (or which actions should follow those already done). If urgent work is not required then an investigation will occur before any decisions made or actions taken.

**3. Decision-making stage**

On completion of the initial investigation, decisions must be made on what action to take. These decisions may be iterative or may be multi-staged depending on the nature of the response.

An example of an effective enforcement process is;

- a. Site visit is undertaken,
- b. Non-compliance is detected,
- c. Consent holder will be sent a letter advising them of the non-compliance with a reasonable time period given for them to achieve compliance.
- d. Recheck site on date stipulated to check for compliance. If it complies no further action will be taken\*
- e. If non-complying, the consent holder will be sent another letter, again a reasonable time period for compliance will be given, the letter should also inform the consent holder that if compliance is not met by the due date an Authorised Officer will issue an abatement notice.
- f. Site visit on date provided to check for compliance, if complies no further action will be taken\*.
- g. If non-compliant an enforcement officer shall issue a relevant notice stipulating a date for compliance.
- h. Site visit on due date, if complies no further action will be taken\*, if not an Enforcement Officer will issue an infringement notice

*\*depending on the severity of the non-compliance, we may consider it is appropriate to still undertake enforcement action even if the non-compliance has been remedied.*

This policy will be reviewed every three years by the Community Protection and Compliance Department.

**Authorisation**

Authorised by: Donald John McLeod  
Chief Executive Officer  
Matamata-Piako District Council

Signed: \_\_\_\_\_  
Donald John McLeod

\_\_\_\_\_  
Ally van Kuijk – Group Manager  
Growth and Development

## Schedule One: Key Legislation

- Resource Management Act (RMA) 1991 – The RMA promotes the sustainable management of our natural and physical resources. The RMA sets out specific duties for councils which apply to Compliance Monitoring and Enforcement (CME) activities. These include a responsibility to implement the RMA, duty to collect information on implementing the RMA and a duty to observe and enforce their policy statements, plans and national environmental standards.
- Dog Control Act 1996 – The purpose of the Dog Control Act is to ‘make better provision for the care and control of dogs, stock, poultry, domestic animals and protected wildlife’. Any act enforcement against under the Dog Control Act must be read and undertaken in conjunction with the Policy on Dogs. Any conflicts between this policy and the Policy on Dogs, the latter will prevail.
- Impounding Act 1955 – Enabling Council to establish and manage public pounds, trespassing and wandering stock, and the impounding of stock.
- Reserves Act 1977 – The purpose of the Reserves Act is to provide, ‘for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand’.
- Building Act 2004 (BA) – The purpose of the BA is to ensure that people who use buildings can do so safely and without endangering their health, and to ensure that buildings are designed and built to ensure safety, sustainable and to promote accountability to the building code. There are several duties for a Council to carry out, including monitoring Dangerous, Insanitary and Earthquake Prone buildings, as well as monitoring for unconsented work or work that is not built within the Building Consent. Finally, Council must also monitor Swimming Pools and Spa Pools.
- Fencing of Swimming Pools Act 1987
- Local Government Act (LGA) 1974 and 2002 – Empowers Council to create bylaws which then need to be enforced, e.g. prohibition of alcohol in public places under the Sale and Supply of Alcohol Act 2012, as well as Council regulations, plans and bylaws including rules around roads, storm water, drains and animals.
- Food Act 2014 – Allow Council to appoint Food Safety Officers as required, to achieve the safety and suitability of food for sale.
- Sale and Supply of Alcohol Act 2012 – to ensure licensed venues operate accordingly to the law and regulations.
- Health Act 1956 and Regulations – Environmental Health Officers and other officers help to achieve the safety and suitability of food for sale and ascertain if any nuisances, or any conditions likely to be injurious to health or offensive, exist in the district.
- Hazardous Substances and New Organisms Act 1996 (HSNO) – Council has to ensure the provisions of HSNO are enforced in or on any premises situated in the district other than those premises assigned to other regulations by Section 97 of HSNO. Council has the discretion to enforce HSNO in or on any premises when the Council is there for the purpose of enforcing the RMA. HSNO also provides for the enforcement function in or on any premises to be transferred to a territorial authority, in which case the duty to enforce is mandatory.
- Land Transport Act 1998 – Parking violations as regulated by Council.
- Gambling Act 2003 – Controlling the growth of gambling to minimise the harm from gambling through clear authorisation.
- Freedom Camping Act 2011 – to help Council manage camping by individuals on land owned or managed by Council.
- Miscellaneous – There is also additional legislation, various Regulations, Council plans and bylaws, licenses that have an enforcement aspect but are not included within the list such as litter under the Litter Act 1979 and the Amusement Device



Regulations 1978 to ensure that carnival rides are safe. This does not cover staff as it relates to the Employment Relations Act 2000.

### Schedule Two: Enforcement Options

Sets out the range of tools available to Council and when it is appropriate to be used. These lists are not exhaustive; they outline the most common actions taken by Council regarding enforcement. Further enforcement tools are available to Council through the relevant legislation.

For dog control matters refer to the Policy on Dogs 2010.

#### RMA enforcement

Tool	Description	Purpose	Appropriate for....
Excessive noise direction	Formal direction requiring a party to stop contravening noise standards	Issues directions that are legally enforceable. Failure to comply with an abatement notice constitutes an offence under the RMA.	Used specifically for a breach of noise standards
Formal warning	A formal warning is a letter issued that documents a culpable party having received advisement that they have committed an offence.	Non-statutory but provides a record of non-compliance that may be relevant in future instances.	<ul style="list-style-type: none"> <li>- minor breaches (including technical)</li> <li>- minor environmental effects</li> <li>- first time offender</li> <li>- the matter is easily addressed/resolved</li> </ul>
Abatement Notice	A formal written direction asking that someone undertake an activity or cease an activity or prohibit them from commencing one. There is a form for an abatement notice that is set in statute.	Issues directions that are legally enforceable. Failure to comply with an abatement notice constitutes an offence under the RMA	<ul style="list-style-type: none"> <li>- further offences may occur</li> <li>- action is required to remedy or mitigate the effects of non-compliance</li> <li>- can also be issued for excessive noise</li> </ul>
Impounding	The formal taking of a device that is the source of the noise causing a breach after failures to adhere to an abatement notice	To ensure that any non-compliance is addressed and remedied	<ul style="list-style-type: none"> <li>- excessive noise</li> </ul>
Infringement Notice	Written notice requiring that a fine be paid to council, value is depending on the nature of the offence (and this is prescribed in law).	No further action will be taken in respect of that stated breach, but fine provides a record of non-compliance that may be relevant in future instances.	<ul style="list-style-type: none"> <li>- clear evidence of a breach of the law</li> <li>- an isolated instance of non-compliance that is minor and able to be easily addressed</li> <li>- where a fine will influence behaviour to return to compliance</li> </ul>
Enforcement Order	A formal written direction asking that someone undertake an activity or cease an activity or prohibit them from commencing one. Distinct from an abatement notice because an application must be made to the Environment Court for an enforcement order (may also be issued during a prosecution process).	Issues directions that are legally enforceable. Failure to comply with an abatement notice constitutes an offence under the RMA	<ul style="list-style-type: none"> <li>- further offences may occur</li> <li>- action is required to remedy or mitigate the effects of non-compliance</li> </ul>

Prosecution	A process through the criminal courts (meeting all evidential standards for criminal cases). RMA prosecutions are heard by a District Court Judge holding an RMA warrant.	Prosecutions may result in conviction, a range of possible penalties and a potential award of costs. A prior prosecution provides a record of non-compliance that may be relevant in future instances.	<ul style="list-style-type: none"> <li>– serious enough issues to warrant criminal procedures</li> <li>– evidential and public interest tests satisfied</li> </ul>
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Options for Non-RMA Matters - General

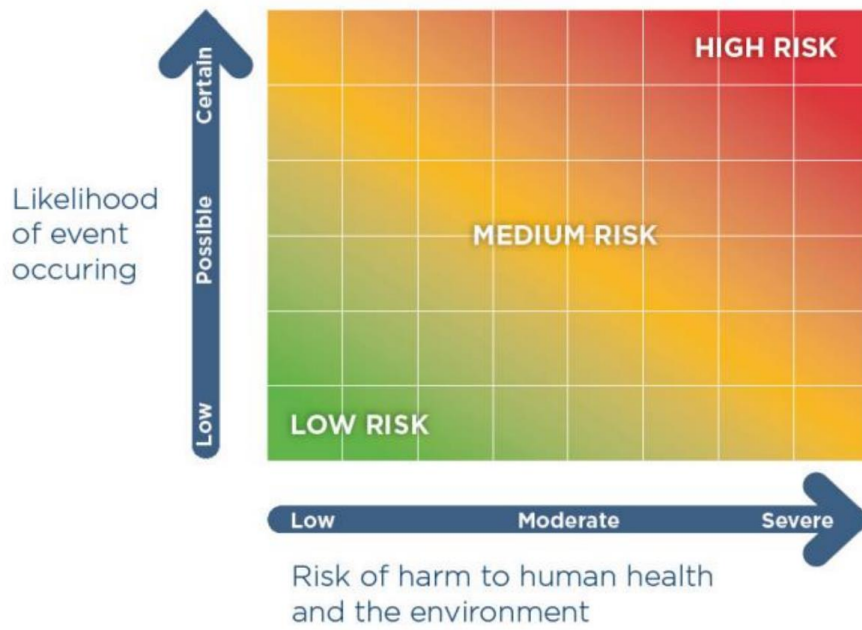
Tool	Description	Purpose	Appropriate for....
Formal Warning	A formal warning is a letter issued that documents a culpable party having received advisement that they have committed an offence.	Non-statutory but provides a record of non-compliance that may be relevant in future instances.	<ul style="list-style-type: none"> <li>– minor breaches (including technical)</li> <li>– first time offender</li> <li>– the matter is easily addressed/resolved</li> </ul>
Abatement Notice, Notice to Fix	A formal written direction asking that someone undertake an activity or cease an activity or prohibit them from commencing one. There is a form for an abatement notice that is set in statute.	Issues directions that are legally enforceable. If an abatement notice is not complied with, that constitutes an offence under the Health Act	<ul style="list-style-type: none"> <li>– further offences may occur</li> <li>– action is required to remedy or mitigate the effects of non-compliance</li> <li>– can also be issued for excessive noise</li> </ul>
Infringement Notice	Written notice requiring that a fine be paid to council the amount depending on the nature of the offence (and this is prescribed in law).	No further action will be taken in respect of that stated breach, but fine provides a record of non-compliance that may be relevant in future instances.	<ul style="list-style-type: none"> <li>– clear evidence of a breach of the law</li> <li>– an isolated instance of non-compliance that is minor and able to be easily addressed</li> <li>– where a fine will influence behaviour to return to compliance</li> </ul>
Impounding	The formal taking of an animal that is non-compliant with the act or has caused damage	Ensuring dangerous or non-compliant animals are off the streets for safety. This may be the action taken before prosecution.	<ul style="list-style-type: none"> <li>– escaped stock</li> <li>– failure of dog owners to comply with the act</li> <li>– where a dog(s) is found unconfined from its home</li> <li>– where there is a threat to public safety.</li> </ul>
Cancellation of Licences/Trading	Council is to cancel a licence or right to trade (e.g. liquor or food)	Through either repetitive or serious non-compliance, the risk to the public is large enough that their licence is revoked.	<ul style="list-style-type: none"> <li>– where after prior notices no changes have been made by the business</li> <li>– there is a serious enough risk to the public health and safety.</li> </ul>
Prosecution	A process through the criminal courts (meeting all evidential standards for criminal cases).	Prosecutions may result in convictions, a range of possible penalties and a potential award of costs. A prior	<ul style="list-style-type: none"> <li>– serious enough issues to warrant criminal procedures</li> <li>– evidential and public interest tests satisfied</li> </ul>

		prosecution provides a record of non-compliance that may be relevant in future instances.	
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**Specific Compliance Monitoring Enforcement Tools Under Other Acts**

<b>Tool</b>	<b>Description</b>	<b>Purpose</b>	<b>Appropriate for....</b>
Closing Order (Health Act)	Formal direction requiring a party to take steps to clean property/close the Building for cleaning	Issues directions that are legally enforceable. It is an offence not to comply with and can be escalated.	– Used for dirty / contaminated properties.
Dangerous / Insanitary Notice	A formal Notice advising that the Property is either Dangerous or Insanitary and needs to be repaired or demolished.	Gives notice to owners to take steps to repair or demolish dangerous or Insanitary buildings. An offence to fail to comply and can see Council apply to the Court for permission to complete the work	– Any building that is Dangerous and or Insanitary and the owner has failed to take steps during the earlier stages of the Compliance Monitoring and Enforcement
Compliance Order (Food Act)	A formal written direction requiring a Food provider to take steps to stop serving Food and to take steps to clean/destroy and retrain	Issues directions that are legally enforceable. If an abatement notice is not complied with, that constitutes an offence under the Food Act	– Serious noncompliance with Food Control Plans or programmes and risks to public safety

### Schedule Three: Risk-based Compliance Monitoring Matrix



Source: Ministry for the Environment Best Practice Guidelines

## 7 Pūrongo me whakataurua | Decision Reports

# 7.4 Legislative Compliance 2023/24

CM No.: 2929666

### Te Kaupapa | Purpose

The purpose of this report is to seek approval from Council on the annual legislative 'warrant of fitness'. This legislative compliance framework is one way of ensuring that Council is undertaking its activities in accordance with legislation. Ellie Mackintosh will be in attendance to present this item and answer any questions.

**Rāpopotonga Matua | Executive Summary** The legislative compliance 'warrant of fitness' (WOF) is completed annually by staff alongside the Annual Report, to ensure that Council is meeting its legal obligations. A copy of this framework has been attached for review by Council.

### Tūtohunga | Recommendation

That:

1. Information be received.

### Horopaki | Background

Council members should note that all changes from the 2022/23 year to the 2023/24 year have been left tracked in the document. The key points for 2023/24 are noted below.

#### What is the legislative compliance framework?

The Council's legislative compliance framework describes how the Council ensures its activities are undertaken within the law. In line with other Council frameworks (e.g. Delegations, Risk Management and Procurement) managers (Legislation Owners) have been assigned responsibilities to ensure Council compliance with relevant New Zealand legislation and associated regulations.

#### Why do we need a legislative compliance framework?

The Council could face severe penalties for failing to comply with legislation. Consequences can include:

- loss of reputation
- loss of accreditation
- civil and criminal proceedings
- investigation and censure from monitoring bodies
- breaches of banking and other key covenants

#### Who is a Legislation Owner?

A 'Legislation Owner':

- is usually a member of the Management Team
- is accountable for ensuring that requirements under legislation are met
- reviews changes to legislation and informs staff of any impact of these changes
- is responsible for reporting to Executive Team on an annual basis or when a serious breach is identified
- is someone who ensures that, on a day to day basis, compliance is achieved and has processes in place that enables regular monitoring to occur

- providing access to training for key staff
- ensuring that inspections have been conducted and situations assessed as appropriate
- reports of instances of breaches including the outcomes of any such instance, what steps have been taken to prevent further breaches, and where there are on-going compliance issues

The WOF sets out:

- The key Acts and other legal obligations or requirements
- The general elements which have a duty or compliance requirement
- The member of staff responsible for each element, any delegations under legislation.
- What the Promapp process is to make sure Council is in compliance.
- Whether Council complies with the requirements or not and comments on this are provided.

For reporting on compliance, legislation has been grouped per the major functions of the Council. The reference to any Statute includes all relevant amendments.

Every effort has been made to identify the legislation which staff and others are likely to encounter in the normal course of their employment. It is imperative to note that the Council, its staff, agents and contractors must comply with all New Zealand statute law and common law obligations.

The list of statutes and other obligations set out in this Legislative Compliance Framework cannot hope to be exhaustive. If staff and others learn of legislation (including new statutes or regulations) of relevance to their roles within the Council, such legislation should be referred to the Legal Counsel, for review and possible inclusion in this document.

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

### New legislation

#### *Changes to the Resource Management Act 1991*

Last time this was provided to Council there had been the recent adoption of the Spatial Planning Act 2023 and Natural and Built Environments Act 2023. These have since been repealed by the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act.

### Under Review/Underway

Council is in the process of obtaining compliance or reviewing the process to see if/how it can be better addressed.

- Health Act 1956, Search and Surveillance Act 2012 and Council Bylaws - Council are currently in the process of developing an enforcement policy which will sit alongside the requirements for these pieces of legislation. A recent update has been circulated to staff for comment. It is noted that the Enforcement Policy covers additional legislation over and above those listed above.
- Walking Access Act 2008 - There are numerous paper roads within the district. There is currently no enforcement of the requirements under this legislation and council deals with compliance on a one off basis where complaints have been received.

### Not Compliant

There are other areas where Council is aware they are:

- (a) not compliant and due to certain situations this may not change, OR  
(b) are majority compliant for the reasons outlined below.

The areas where Council are non-compliant are:

- Public Bodies Leases Act 1969 - A significant portion of the land Council owns is not put out for public tender every time a lease ends as section 8 requires. This is mostly due to the costly process that would be involved for each piece of land.

- Biosecurity (National PA Pest Management Plan) Order 2022 – Staff are working on gathering the required data on where there are kauri trees on Council managed land. Once this is completed an action plan will be developed in order to comply.
- Building Act – In 2023/24, 728 building consents were processed, 655 (90%) were completed within the statutory timeframe.
- Local Government Official Information and Meetings Act 1987 - In 2023/24, five LGOIMAs were responded to past the 20 day deadline without justification.
- Public Records Act 2005 - Council are working towards complying with this Act by capturing logs on the MPDC website of who made changes, when, and what the changes were. Council storage of hardcopy documentation onsite does not comply (this is the situation for most councils across the country) with the above legislation. In a step towards compliance, there is now an archiving solution that manages our social media and Council website.
- Resource Management Act 1991 –
  - Resource Consent Applications – During the 2023/24 financial year, Council received 280 consents of those 239 (85%) were processed with timeframe and 41 processed outside the timeframe.
  - Compliance with RCs issued to MPDC – Compliance with regional consents is monitored annually. Overall, MPDC maintains an overall high level of compliance (low risk non-compliances). Non-compliances are often technical and represent a low environmental risk.
  - The District Plan became operative in 2005 and Council has since operated a rolling review of the Plan rather than a full review. Given the changes in legislation and subsequent repeals, not all parts of the District Plan have been reviewed every 10 years.
- Health Act 1956 – MPDC was as of October 2023 not fully compliant with the drinking water standards for New Zealand (DWSNZ), Council is taking a proactive stance towards full compliance.

The following feedback was received from Risk and Assurance, Council's actions have been included below;

- The legislative compliance table should include a column for identifying high risks / low risks. This will ensure that if there is a non-compliance it is escalated and give the appropriate weight. Staff will be implementing this going forward.
- Staff to consider a system to help ensure compliance is tracked and met e.g. ComplyWith system for reporting. Staff will investigate this further and take an item to E-Team for discussion regarding benefits and costs.
- Breaches of compliance, where would these be identified and who gets to choose what is major. Consider a framework for legislation compliance risk and how it is being reported. Staff have already begun taking a quarterly item to the Executive Team outlining all of Council's claims (notified and active). From this the Executive Team will identify when reporting to Risk and Assurance as necessary.
- Requested a statement saying to best of our knowledge should there be a potential breach to uphold our insurance. This will be included in all registers going forward.

In addition to the above, Council has just identified its key risks and one was Legislative Compliance. This framework will also be considered as part of this process as one of the controls. This may lead to further review / improvements of this Legislative Framework over the next financial year.

### **Mōrearea | Risk**

The key risk is legislative non-compliance which could have an impact(s) of:

- loss of reputation
- loss of accreditation



- civil and criminal proceedings
- investigation and censure from monitoring bodies
- breaches of banking and other key covenants

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

For reporting on compliance, legislation has been grouped per the major functions of the Council. The reference to any statute includes all relevant amendments.

### **Ngā Tāpiritanga | Attachments**

- A. Legislative Warrant of Fitness Compliance (WOF) 2024 - Risk and Assurance and Council  
- Tracked Changes (*Under Separate Cover*)

### **Ngā waitohu | Signatories**

Author(s)	Ellie Mackintosh <b>Legal Counsel</b>	
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Approved by	Ally van Kuijk <b>General Manager Growth &amp; Regulation</b>	
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## 7 Pūrongo me whakatau | Decision Reports

# 7.5 Dog Control Annual Report 2023/24

CM No.: 2954626

### Te Kaupapa | Purpose

The purpose of this report is to adopt the 2023/24 Annual Dog Control Report.

**Rāpopotonga Matua | Executive Summary** The Dog Control Act 1996 requires a territorial authority to report annually on its dog control operations.

The attached report includes all the information required under section 10A(2) of the Act for the 2023/24 financial year

### Tūtohunga | Recommendation

That:

1. The Annual Dog Control Report 2023/24 be adopted and publicly notified.

### Horopaki | Background

Section 10A of the Dog Control Act 1996 requires a territorial authority to report annually on the administration of:

- a) Its dog control policy adopted under section 10, and
- b) Its dog control practices.

The Act sets out the information that must be included in the report and further requires the authority to give public notice of where the report can be obtained.

### Ngā Take/Kōrerorero | Issues/Discussion

The attached 2023/24 report includes all the required information as well as other information about the animal control operation that may be of interest to the public. A copy of the adopted report will be placed on Council's website and will be available at each office.

### Mōrearea | Risk

There is no risk associated with this report.

### Ngā Whiringa | Options

The options in respect to this report are:

1. That the attached report be adopted and publically notified
2. That the report be further considered or amended before being adopted and publically notified.

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

The attached report is required by section 10A of the Dog Control Act 1996.

### Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

The Act requires public notification to be given of where the report can be viewed or obtained

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

This report has no financial implications

### Ngā Tāpiritanga | Attachments

[A↓](#). Dog Control Policy and Practices 2023/2024 FINAL

### Ngā waitohu | Signatories

Author(s)	Ryan Johnston <b>Community Protection and Compliance Manager</b>	
Approved by	Ally van Kuijk <b>General Manager Growth &amp; Regulation</b>	



## Dog Control Policy and Practices 2023/2024



35 Kenrick Street - PO Box 266 - Te Aroha 3342 - [www.mpd.govt.nz](http://www.mpd.govt.nz)  
Morrinsville & Te Aroha 07 884 0060 - Matamata 07 881 9050 - Fax 07 884 8865

## 2023/2024 Annual Report

### 1. The Dog Control Act

Section 10A of the Dog Control Act 1996 requires territorial authorities to report annually on:

- the administration of its dog control policy and its dog control practices; and
- a variety of dog control related statistics.

Section 10A(3) and (4) requires Council to give public notice of the report and to send a copy of the report to the Secretary for Local Government within one month after it has been formally adopted by Council.

### 2. Policy and Bylaw

Council's Dog Control Policy and Bylaw was reviewed and adopted in 2009/10 and then again in 2016/17. During 2021/22 Council made amendments to Schedule 3 of the Bylaw – Dog Exercise Areas but this was not considered a full review of the Bylaw. No further changes have been made.

### 3. Operational Functions

The Council employ two Animal Control Officers to cover the district, one fulltime and one officer who works 30 hours a week. These officers are primarily stationed at the Morrinsville and Matamata offices respectively. Administrative support is provided by the customer services team across the district including a dedicated customer services staff member for two hours per day. The Animal Control Activity is managed by our Community Protection and Compliance Manager.

A part-time person is also employed for two hours over the weekends and public holidays to manage our pound. Their duties involve cleaning the pound and looking after the dogs.

Council provides a 24 hour 7 day a week service using external contractors to cover the after-hour duties. Calls are taken by our in house after hours' team and Allied Security New Zealand are contracted to respond when an onsite response is required between 5pm and 8am weekdays, all weekends and Public Holidays.

Council has a pound and stock yards in the Matamata-Piako District. The pound and yards were built in 2010 to collectively replace its old pounds in Matamata and Morrinsville.

Council quality system and Long Term Plan performance measures requires officers to respond to the various types of complaints within set timeframes. Those timeframes are set out below.

Expected response times				
Complaint type	Incident type	0800–1700 hrs	1700-0800 hrs	Weekend/holiday
Dog bite person	*Current	1 hour	1 hour	1 hour
	*Reported	4 Hours	NWD*	NWD
*Aggressive dog	Current	1 hour	1 hour	1 hour
	Reported	4 hours	NWD	NWD
Attacked stock	Current	1 hour	1 hour	1 hour
	Reported	4 hours	NWD	NWD
Attacked other animal/bird	Current	1 hour	1 hour	1 hour
	Reported	4 hours	NWD	NWD
Barking dog	Current	1 hour	1 hour	1 Hour
	Reported	4 hours	NWD	NWD
Wandering dog	Current	1 hour	1 hour	1 hour
	Caught in trap	1 hour	1 hour	1 hour
	Reported	NWD	NWD	NWD
Unregistered	Current/reported	24 hours	NWD	NWD
Animal welfare	Current/reported	4 hours	NWD	NWD
Wandering stock	Current	1 hour	1 hour	1 hour
	Reported	NWD	NWD	NWD

\***Aggressive** means rushed person/vehicle or displayed threatening behaviour.

\***Current incident** means the incident is happening now and the dog may be an immediate danger to the public.

\***Reported incident** is when someone reports an incident that happened sometime in the past, but is not a current threat to the public.

**4. Performance Measures**

The performance measures adopted by Council are set out in the 2021 - 31 Long Term Plan and the results reported in this year's Annual Report are listed below.

Performance Measure	Target Level	Result	Comments
<p>Complaints will be investigated within set timeframes (See 3.0 above)</p> <p><b>Dogs</b></p> <p><b>Stock</b></p> <p><b>Total</b></p>	95% within adopted timeframes	<p>▼</p> <p>97.10% (737 out of 759)</p> <p>94.83% (55 out of 58)</p> <p>96.94% (792 out of 817)</p>	<p>One of our main responsibilities is following up complaints made about animals, from wandering stock to barking or aggressive dogs. We aim to investigate the complaint and let the complainant know what action we have taken or intend to take within adopted timeframes. While some complaints can be resolved quickly; others can take time to work through with animal owners and may involve court action. These figures include complaints responded to by our After Hours contractors. When we are not able to or it is not practical to attend immediately, these complaints are followed up the next working day.</p>
Number of property visits per year	600 property visits per year	<p>✓</p> <p>666</p>	<p>Property visits let us check that dogs are appropriately housed and secured on their property. All applications for 'responsible owners licenses' and "more than two dogs" include a property inspection, as does the unregistered dog checks. This helps to reduce the number of problems caused by animals in our community.</p> <p>Total property checks 666: (Matamata 225, Morrinsville 262 and Te Aroha 179).</p>
Number of street patrols undertaken in each of the three main towns	Average of 10 per month, per town	<p>▼</p> <p>Average per town 29/mth</p>	<p>Street patrols allow our staff to check if there are wandering animals that could pose a risk to our community. This helps to reduce the number of problems caused by animals in our community.</p> <p>Total street patrols 1044 (Matamata 402 Morrinsville 363, Te Aroha 279).</p>

### 5. Funding

Section 2.6 of the Dog Control Policy directs the dog control operation to be primarily funded from fees and charges. All income from fees and infringements are to be allocated to fund dog control activities in accordance with the Long Term Plan. Council aim for this activity to be funded 80-100% from the charges collected.

The cost of the total animal control function, including dog control, for the 2023/24 financial year is shown below as reported in Council's Annual Report.

	*2023/24		2022/23
	Budget	Actual	Actual
Operating cost	\$502,122	\$572,715	\$490,450
Income	\$331,635	\$359,752	\$333,621
<b>Net cost of service</b>	<b>\$170,487</b>	<b>**\$212,963</b>	<b>\$156,829</b>

Approximately 10% of the operating cost is used for the control of other animals such as wandering stock.

*\*registration fees in 2024 have increased for the 24/25 registration year and these will be reported on in the 24/25 report.*

*\*\*the increase in net cost is largely due to an increase in 'overhead' expenditure.*

### 6. Registration and Impounding

The dog registration fee is made up of a base fee and rebates are used to reward responsible dog owners.



The base registration fee for 2023/24 was \$120, however, the registration fee for dog owners that qualify for all of the rebates was \$40.



In summary the rebates for this year were:

- No Complaints Rebate (\$35) - Every owner was automatically eligible for this rebate unless Council had received a genuine complaint about their dog, impounded their dog or they paid their previous year's registration late. This rebate reflects Council's aim of reducing costs for owners of dogs which cause the least problems.
- De-sexed, Working or Dogs New Zealand registered owners (\$30) - This rebate reflects Council's aim of reducing the unplanned litters in the District.
- Responsible Owner Rebate (\$15) - Owners who hold a Responsible Owner Licence are eligible for this rebate provided there have been no complaints registered against their dog and/or their dog has not been impounded during the previous registration year. The owner needs to take a short test and their property needs to have been inspected and fully fenced. This rebate reflects Council's aim of rewarding responsible dog ownership.

A penalty fee of 50% of the registration fee (due before 31 July 2023) was charged for late payments.

The impounding fees adopted by Council were:	(GST inclusive)
• 1st Impounding	\$50.00
• 2nd Impounding	\$80.00
• 3rd and subsequent impounding in the same registration year	\$125.00
• Daily sustenance	\$12.50

## 7. Statistical Information

The statistical information required by s10A is listed below.

Category	*For the period 1 July 2023 to 30 June 2024	As at 30 June 2024
Number of registered dogs	6030	5509
Number of probationary owners	0	0
Number of disqualified owners	1	1
Number of dogs classified as dangerous (s31)	5	4
Number of dogs classified as menacing	96	87
▪ Under section 33A (Menacing behaviour)	69	62
▪ Under section 33C (Breed or type)	27	25
Number of infringement notices issued	153	**144
Number of notice of complaints issued	199	199
Number of prosecutions under the Act	0	0

\*This figure includes all dogs that have departed or died during the registration year.

\*\*Number decreases due to infringement notice withdrawals.

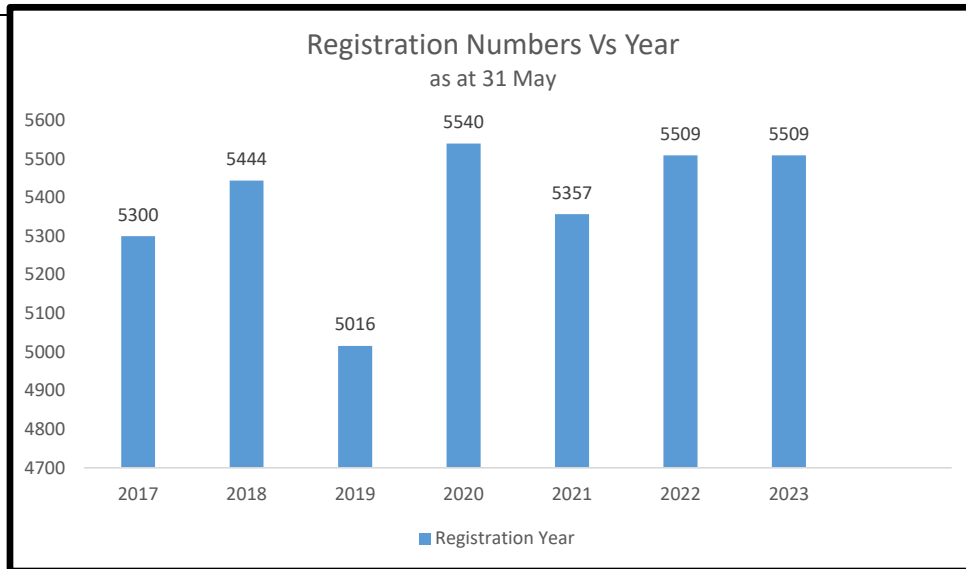
Complaints received				
Complaint	Matamata	Morrinsville	Te Aroha	District
Dog bite person	9	10	2	21
Aggressive dog	24	18	9	51
Attacked stock	4	3	1	8
Attacked other animal/bird	7	16	13	36
Barking dog	45	55	54	154
Wandering dog	161	179	114	454
Unregistered	1	1	2	4
Animal welfare	7	8	11	26
Dog fouling	0	0	0	0
Breach of the Bylaw	0	2	3	5
<b>Totals</b>	<b>258</b>	<b>292</b>	<b>209</b>	<b>759</b>

Pound register				
	Impounded	Returned	Re-homed	*Destroyed
<b>Matamata</b>	50	15	3	32
<b>Morrinsville</b>	47	23	0	24
<b>Te Aroha</b>	41	19	1	21
<b>District</b>	<b>138</b>	<b>57</b>	<b>4</b>	<b>77</b>

*\*26 of the destroyed dogs during the 2023/24 year were surrendered by owners who could no longer keep them.*

**Dogs registered versus year**

The following graph shows the number of dogs (National Dog Database statistics) registered in Matamata-Piako District Council on 31 May each year since 2017. The graph shows that registered dog numbers have not change significantly over the last five years. 2019-2020 was an exception, Covid may have impacted registration numbers.



*\*2022 and 2023 numbers have been double checked and it is a coincidence that they are the same figure.*

7 Pūrongo me whakatau | Decision Reports

## 7.6 Staff Long Service Presentation

CM No.: 2941863

### Te Kaupapa | Purpose

The purpose of this report is to provide recognition to staff for their years of service.

**Rāpopotonga Matua | Executive Summary** Staff member, Raewyn Ellison, to be presented with Long Service Award in recognition of 20 years' service to Matamata-Piako District Council.

### Tūtohunga | Recommendation

That:

1. The information be received.

### Ngā Tāpiritanga | Attachments

There are no attachments for this report.

### Ngā waitohu | Signatories

Author(s)	Kuljeet Kaur <b>Governance Advisor</b>	
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Approved by	Tamara Kingi <b>Governance Team Leader</b>	
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## 7 Pūrongo me whakatau | Decision Reports

### 7.7 Road naming: Private access way within Maea Fields - Stage 2, Matamata

CM No.: 2942237

#### Te Kaupapa | Purpose

While following up on subdivision numbering, Council staff found that a private access way (part of the earlier 3 July 2024 scheme plan from which Council had approved public roads) had been inadvertently overlooked. Therefore, as the access way services 7-lots it is required to be named in accordance with policy.

Council is responsible and has the power under sections 319, 319A and 319B of the Local Government Act 1974 to name formed roads, including private access ways that are intended for use by the public and, for the numbering of land and buildings.

#### Rāpopotonga Matua | Executive Summary

Tim Kidd, Project Manager for Classic Developments (the Applicant) is seeking council approval to name a new 'private' access way shown in the scheme plan provided below, under Background.

In accordance with (*Section 4: Application of the policy*), for each road to be named the applicant must submit a preferred name plus two alternative names. The applicant has below appropriately submitted the following preferred name as well as alternative names.

#### Preferred name – Te Tiwha Lane

Alternate #1 – Tangata

Alternate #2 – Kura

#### Tūtohunga | Recommendation

That:

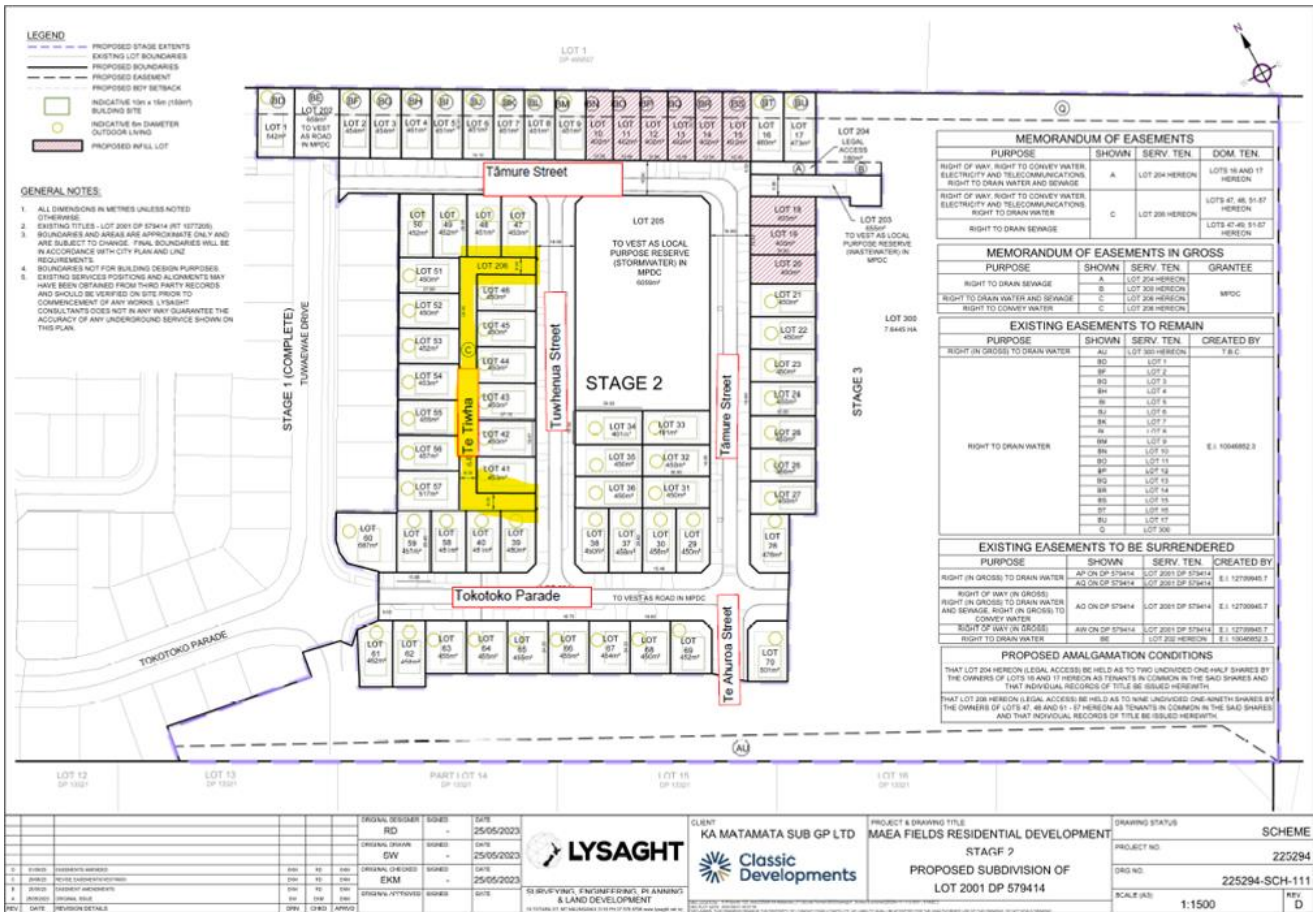
1. Council approves the new preferred 'private' access way Te Tiwha Lane as part of Stage 2 of the Maea Fields subdivision.

#### 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 and internet). For these reasons, it is both appropriate and necessary that individual properties have a formalised and unique address from which they can be identified.

Important road naming objectives include:

- Ensuring district-wide consistency for the naming of public roads and private access ways.
- Clarifying the meaning of private 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 the ease of property identification.



Above: The private access way Te Tiwha is highlighted for clarity – access will be available from Tuwhenua Street.

### Ngā Take/Kōrerorero | Issues/Discussion

Upon council receiving a request for road naming from the applicant, Council staff initially check the suitability of chosen road names against Council’s street register and road naming policy. Staff then request a further search from Land Information New Zealand (LINZ) and checks against their database. This quality process ensures that the proposed road names meet with policy criteria; specifically that throughout our district and neighbouring districts road names aren’t duplicated or preferably don’t sound similar to existing road names.

In terms of the correct consultation procedures with Mana Whenua, staff encourage Applicants to initially refer to Council’s road naming policy for guidance, then for:

- *Public road names to be vested in council:* Applicants are encouraged to obtain information about the cultural identity of select locations/areas within the district.
- *Private access way names (not vested in Council):* The process differs, in that the same consultative requirements don’t apply in terms of Mana Whenua’s involvement – developers/applicants aren’t required to consult.

In terms of road sign installations and their subsequent maintenance:

- *Public road names which are vested in Council:* Become Council’s cost.
- *Private access ways not vested in Council:* Are a cost on private land owners (the Applicant).

### Mōrearea | Risk

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

### Ngā Whiringa | Options

As the access way is private it did not require consultation with Mana Whenua per the policy. However, the applicant was aware of the road naming theme that had earlier been applied to public roads as part of stage 2 and therefore chose to select roads aligning with that theme. Preferred and alternative road names were selected in accordance with **6. Naming considerations** of the attached road naming policy.

Option One – a new <i>preferred</i> road name	
<b>Description of option</b>	
Preferred: <b>Te Tiwha Lane</b> <i>As Ngāti Hauā explained – Our tupuna lived along the Puketutu Block from Hinuera, Buckland Road, Te Tapui, Peria area to Mangapapa (Walton). The names are <b>Te Tiwha</b>, Tuwhenua, Te Ahuroa.</i>	
<b>Advantages</b>	<b>Disadvantages</b>
Not be duplicated in the Matamata-Piako District.	None
Names share a common theme.	None
Option Two – <i>Alternative</i> names (assessed per Council's policy)	
<b>Description of option</b>	
Alternative #1: <b>Tangata Lane</b> and Alternative #2: <b>Kura Lane</b> <i>As Ngāti Hinerangi explained - Tāmure was the son of Waikato chief Taungakitemarangai and his wife Hinerangimarino of Te Arawa. Tāmure married Kōperu's daughter Tuwaewae and went on to have Tokotoko, Te Rīha and <b>Tangata</b>. They also had their daughters <b>Kura</b> and Whakamaungarangi.</i>	
<b>Advantages</b>	<b>Disadvantages</b>
Preferably, be short (generally no longer than 12 characters).	None
Be easy to spell and pronounce.	None

### Recommended option

Option One: lists the *preferred* name Te Tiwha. Consistency of theme and the originality of these names are obvious advantages offsetting any disadvantages highlighted above.

### Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations Local Government Act 2002 (LGA 2002) Decision-making requirements

The Executive Summary referenced that Council is responsible and has the power under sections 319, 319A and 319B of the Local Government Act (LGA) 1974 to name formed roads, including private roads, that are intended for the use of the public generally and, for the numbering of land and buildings.

Also, Council’s policy covers both the naming of public roads and the naming of private access ways, to ensure consistency and to comply with The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011.

Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is assessed as having a **low level of significance**.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

<b>Local Government Act 2002 decision making requirements</b>	<b>Staff/officer comment</b>
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the views of Interested/affected people	Consultation with Mana Whenua is not a requirement for private access ways. However the applicant has extended consideration to embrace the earlier feedback from Mana Whenua to maintain the theme applied to public road names. Consideration of the needs of residents who ultimately will reside in homes on Lots 51 to 57 is also acknowledged.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This decision was assessed as having a <b>[low]</b> level of significance.
Section 82 – this sets out principles of consultation.	The Applicant’s earlier efforts with public road naming of Stage 2 involved extensive consultation and fully supported the approval process of Council.

**Policy Considerations**

1. 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**

As soon as possible after the meeting, Council staff will phone or email the applicant to notify of Council’s resolution, enabling them to progress orders for signage etc.







Later, upon the release of Council’s minutes, Council staff will prepare the “Official Group Email Notification of Committee Resolution for New Road Names – Council, October 2024”, which is a group email to numerous contacts e.g. to LINZ, NZ Post, Core Logic NZ Ltd, internal staff and other relevant parties.

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

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

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

Matamata Piako District Council’s Community Outcomes are set out below:

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO   OUR PLACE		MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI   STRATEGIC DIRECTION	
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>			
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.			
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>			
			
He wāhi kaingākau ki te manawa   A place with people at its heart	He wāhi puawaitanga   A place to thrive	He wāhi e poipoi ai tō tātou taiao   A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga   A place to belong and create

The community outcomes relevant to this report are as follows:

- A place to belong and create
- A place to thrive

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

As private roads/access ways aren’t vested in Council, road sign installations and their subsequent maintenance become a cost on the Applicant.

## Ngā Tāpiritanga | Attachments

- [A↓](#). Stage 2 Maea Fields Survey Plan
- [B↓](#). Final Road Naming Policy Adopted 2 October 2019

## Ngā waitohu | Signatories

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

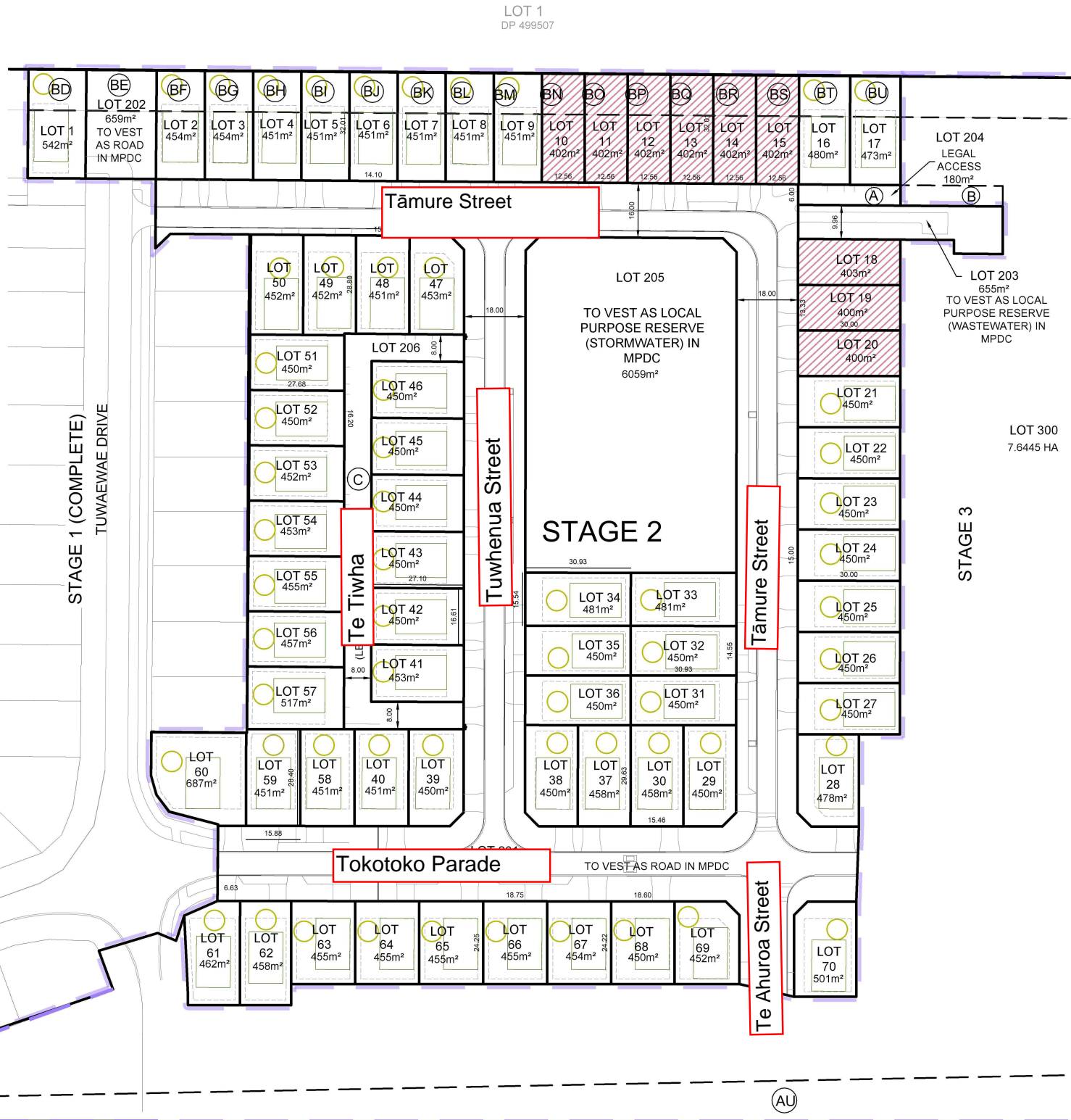


**LEGEND**

- PROPOSED STAGE EXTENTS
- EXISTING LOT BOUNDARIES
- PROPOSED BOUNDARIES
- PROPOSED EASEMENT
- PROPOSED BDY SETBACK
- INDICATIVE 10m x 15m (150m<sup>2</sup>) BUILDING SITE
- INDICATIVE 6m DIAMETER OUTDOOR LIVING
- PROPOSED INFILL LOT

**GENERAL NOTES:**

- ALL DIMENSIONS IN METRES UNLESS NOTED OTHERWISE.
- EXISTING TITLES - LOT 2001 DP 579414 (RT 1077205).
- BOUNDARIES AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO CHANGE. FINAL BOUNDARIES WILL BE IN ACCORDANCE WITH CITY PLAN AND LINZ REQUIREMENTS.
- BOUNDARIES NOT FOR BUILDING DESIGN PURPOSES.
- EXISTING SERVICES POSITIONS AND ALIGNMENTS MAY HAVE BEEN OBTAINED FROM THIRD PARTY RECORDS AND SHOULD BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS. LYSAGHT CONSULTANTS DOES NOT IN ANY WAY GUARANTEE THE ACCURACY OF ANY UNDERGROUND SERVICE SHOWN ON THIS PLAN.



**MEMORANDUM OF EASEMENTS**

PURPOSE	SHOWN	SERV. TEN.	DOM. TEN.
RIGHT OF WAY, RIGHT TO CONVEY WATER, ELECTRICITY AND TELECOMMUNICATIONS, RIGHT TO DRAIN WATER AND SEWAGE	A	LOT 204 HEREON	LOTS 16 AND 17 HEREON
RIGHT OF WAY, RIGHT TO CONVEY WATER, ELECTRICITY AND TELECOMMUNICATIONS, RIGHT TO DRAIN WATER	C	LOT 206 HEREON	LOTS 47, 48, 51-57 HEREON
RIGHT TO DRAIN SEWAGE			LOTS 47-49, 51-57 HEREON

**MEMORANDUM OF EASEMENTS IN GROSS**

PURPOSE	SHOWN	SERV. TEN.	GRANTEE
RIGHT TO DRAIN SEWAGE	A	LOT 204 HEREON	MPDC
RIGHT TO DRAIN WATER AND SEWAGE	B	LOT 300 HEREON	
RIGHT TO CONVEY WATER	C	LOT 206 HEREON	

**EXISTING EASEMENTS TO REMAIN**

PURPOSE	SHOWN	SERV. TEN.	CREATED BY
RIGHT (IN GROSS) TO DRAIN WATER	AU	LOT 300 HEREON	T.B.C.
RIGHT TO DRAIN WATER	BD	LOT 1	E.I. 10046852.3
	BF	LOT 2	
	BG	LOT 3	
	BH	LOT 4	
	BI	LOT 5	
	BJ	LOT 6	
	BK	LOT 7	
	BL	LOT 8	
	BM	LOT 9	
	BN	LOT 10	
	BO	LOT 11	
	BP	LOT 12	
	BQ	LOT 13	
	BR	LOT 14	
	BS	LOT 15	
	BT	LOT 16	
BU	LOT 17		
	Q	LOT 300	

**EXISTING EASEMENTS TO BE SURRENDERED**

PURPOSE	SHOWN	SERV. TEN.	CREATED BY
RIGHT (IN GROSS) TO DRAIN WATER	AP ON DP 579414	LOT 2001 DP 579414	E.I. 12709945.7
	AQ ON DP 579414	LOT 2001 DP 579414	
RIGHT OF WAY (IN GROSS)			
RIGHT (IN GROSS) TO DRAIN WATER AND SEWAGE, RIGHT (IN GROSS) TO CONVEY WATER	AO ON DP 579414	LOT 2001 DP 579414	E.I. 12709945.7
RIGHT OF WAY (IN GROSS)	AW ON DP 579414	LOT 2001 DP 579414	E.I. 12709945.7
RIGHT TO DRAIN WATER	BE	LOT 202 HEREON	E.I. 10046852.3

**PROPOSED AMALGAMATION CONDITIONS**

THAT LOT 204 HEREON (LEGAL ACCESS) BE HELD AS TO TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 16 AND 17 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED HEREWITH.

THAT LOT 206 HEREON (LEGAL ACCESS) BE HELD AS TO NINE UNDIVIDED ONE-NINTH SHARES BY THE OWNERS OF LOTS 47, 48 AND 51 - 57 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED HEREWITH.

LOT 12 DP 13321	LOT 13 DP 13321	PART LOT 14 DP 13321	LOT 15 DP 13321	LOT 16 DP 13321																																	
<table border="1"> <tr> <td>ORIGINAL DESIGNER</td> <td>SIGNED</td> <td>DATE</td> <td rowspan="4"> <p>19 TOTARA ST, MT MAUNGANUI 3116 PH 07 578 8798 www.lysaght.net.nz</p> </td> <td rowspan="4">                 CLIENT  <b>KA MATAMATA SUB GP LTD</b>  </td> <td rowspan="4">                 PROJECT &amp; DRAWING TITLE  <b>MAEA FIELDS RESIDENTIAL DEVELOPMENT</b>                  STAGE 2                  PROPOSED SUBDIVISION OF                  LOT 2001 DP 579414             </td> <td colspan="2">DRAWING STATUS</td> <td><b>SCHEME</b></td> </tr> <tr> <td>ORIGINAL DRAWN</td> <td>SIGNED</td> <td>DATE</td> <td>PROJECT NO.</td> <td>225294</td> </tr> <tr> <td>ORIGINAL CHECKED</td> <td>SIGNED</td> <td>DATE</td> <td>DRG NO.</td> <td>225294-SCH-111</td> </tr> <tr> <td>ORIGINAL APPROVED</td> <td>SIGNED</td> <td>DATE</td> <td>SCALE (A3)</td> <td>1:1500</td> </tr> <tr> <td>REV.</td> <td>DATE</td> <td>REVISION DETAILS</td> <td>DRN</td> <td>CHKD</td> <td>APRVD</td> <td></td> <td></td> <td>REV. D</td> </tr> </table>					ORIGINAL DESIGNER	SIGNED	DATE	<p>19 TOTARA ST, MT MAUNGANUI 3116 PH 07 578 8798 www.lysaght.net.nz</p>	CLIENT <b>KA MATAMATA SUB GP LTD</b> 	PROJECT & DRAWING TITLE <b>MAEA FIELDS RESIDENTIAL DEVELOPMENT</b> STAGE 2 PROPOSED SUBDIVISION OF LOT 2001 DP 579414	DRAWING STATUS		<b>SCHEME</b>	ORIGINAL DRAWN	SIGNED	DATE	PROJECT NO.	225294	ORIGINAL CHECKED	SIGNED	DATE	DRG NO.	225294-SCH-111	ORIGINAL APPROVED	SIGNED	DATE	SCALE (A3)	1:1500	REV.	DATE	REVISION DETAILS	DRN	CHKD	APRVD			REV. D
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## Numbering of Properties, Naming of Roads, Access Ways and Open Spaces

**Department(s):** Assets, Policy and Strategy  
Corporate Strategy (Iwi Liaison)  
Regulatory Planning

**Policy Type:** External Policy

**Council Resolution Date:** 02 October 2019

### 1. Introduction

The Council is responsible for the naming of roads and numbering of land and buildings, under section 319, 319A and 319B of the Local Government Act 1974.

Road names and property numbers are used by a wide array of users for the accurate and quick identification of properties including; emergency services, postal and delivery services, personal visitors, service deliveries such as power, telephone and water. It is essential that properties have a formal and unique address by which they can be identified.

This policy covers both the naming of access ways and the naming of roads to ensure there is consistency.

### 2. Objectives

- a. To ensure consistency in naming of roads and access ways in the district.
- b. To clarify the meaning of access ways and to provide clear rules for the naming of these.
- c. To ensure roads are named to reflect the identity of the local areas as well as ensuring ease of identification for the Council, emergency services and others.

### 3. Definitions

Developer	An individual or entity, which is making an application. This may include Council, a consent holder or the party developing the infrastructure including
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	but not limited to a Developer.
Council	Matamata-Piako District Council.
Culturally significant	Ancestral land, water, wahi tapu, valued flora and fauna, and other taonga significant to Mana Whenua.
Name	The word or name used to identify a road, open space or Council facility. Name excludes the road type (see definition: road types).
Open space	Includes all parks and reserves administered by Council. This includes Reserve As defined under s 2 of the Reserves Act 1977 and land owned by Council with a primary recreation function, not held under the Reserves Act 1977.
Access Ways	A single 'lot', right of way or a series of right-of-ways that will be occupied by a physical driveway, providing vehicle access to a minimum of six lots. This also includes common access lots, retirement village roads and common property within a Unit Development as defined under section 5 of the Unit Titles Act 2010.
Road	Road as defined in section 315 of the Local Government Act 1974, and any square and any public place intended for the use of the public generally.
Road types	Road types in accordance with The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011 (outlined in Schedule 1 below).

#### 4. Application

The developer must submit their preferred name(s) plus two alternatives for each road or access way<sup>1</sup>. A plan identifying all roads or access ways and each property number must be included in the proposal. All proposed roads or access ways to be named must be clearly labelled.

Developers must consider property numbers and road/open spaces names at the early stages of their resource consent application to ensure there are no delays to the process.

#### 5. Property numbering

Property numbers for both public roads and access ways must adhere to the relevant New Zealand standards issued by LINZ. In general:

- a. Addresses on the left side of the road should be ordered by number, using odd numbers beginning with "1" at the start of the road/access way.

<sup>1</sup> Proposals must be submitted in writing to Council's Asset Manager – Strategy and Policy.



- b. Addresses on the right side should be ordered by number, using even numbers starting with “2”.
- c. When numbering a cul-de-sac, the same “odd on the left, evens on the right” approach should be used. Incremental numbering around the cul-de-sac should not be used.
- d. Rural numbering is based on the distance down the road. The distance in metres is divided by 10 and rounded to the nearest odd number (left side) or even number (right side).

**6. Naming considerations**

A proposal to name or rename a road, or an open space must include evidence that the name(s) reflect one or more of the following:

- a. The identity of the Matamata-Piako District and/or local identity.
- b. The historical significance of particular locations.
- c. The cultural significance of the area to Mana Whenua.
- d. People important in the history of an area.
- e. Events, people and places significant to a community or communities locally, nationally or internationally.
- f. Flora and Fauna significant or important to the history of an area.

**7. Consultation with Mana Whenua**

Prior to submitting a proposal applicants are to request Council staff<sup>2</sup> provide guidance as to the appropriate Mana Whenua of an area. Applicants are to provide each Mana Whenua group with at least 15 working days to identify if the area has cultural significance and provide 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 to Mana Whenua. The applicant must provide evidence that they have given Mana Whenua an opportunity to provide feedback in accordance with this section.

For the avoidance of doubt consultation requirements with Mana Whenua do not apply to private access ways.

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<sup>2</sup> Council’s Corporate Strategy Team in their role as Iwi Liaison will provide the relevant contact details to Developers in consultation with Mana Whenua on request.



## 8. Criteria for all road and access way names

Any proposed road and access way names will preferably meet the following criteria:

- a. Not be duplicated in the Matamata-Piako District
- b. Preferably, be short (generally not longer than 12 characters).
- c. Be single words to avoid cartographic problems.
- d. Be easy to spell and pronounce.
- e. Not sound similar, or be similar in spelling, to an existing road name.
- f. Not include a preposition, e.g. Avenue of the Allies.
- g. Not be abbreviated or contain an abbreviation excepting that “St” can be used for “saint” and ‘Mt’ can be used for “mount”.
- h. Names must not include a numeral (e.g. 5 Oaks Drive) but can include a number as a word (e.g. Five Oaks Drive).
- i. Not be in poor taste or likely to cause offense.
- j. Not lead with ‘The’.
- k. The name ‘Lane’ cannot be used for a public road. “Lane” is for private access ways only.
- l. If more than one road or access way is being named, consideration must be given to the names sharing a common theme. Where there is an existing theme or grouping of names in an area, consideration should be given to new names having an appropriate association with existing names in the area.
- m. Road types must comply with Schedule 1

## 9. Renaming of roads

The name of an existing road or access way may only be changed if a clear benefit to the community can be demonstrated. Examples of this are the incorrect spelling of a name, eliminating duplication in spelling or sound, preventing confusion arising from major changes to road layout or to make geographical corrections

## 10. Private Access Ways

For the naming of an access way, the following rules also apply:

- a. The name chosen for an access way must be a ‘Lane’ (e.g. Oaks Lane)



- b. If the access way currently services other existing properties then the property owners must be consulted and evidence of this consultation provided to Council.
- c. The private access way must not be vested in Council
- d. The access way must service a minimum of six lots.
- e. The numbering of the street where the access way is created must not be altered with the exception of the lot being subdivided in its entirety.
- f. The numbering of the lots within the subdivision that will be serviced by the access way must follow Council's existing numbering system.
- g. Council is not responsible for any external agencies refusal to acknowledge the access way name.
- h. Council's refuse collection service will only collect from the road (not up the access way).
- i. Signage displaying the name must be within the boundaries of the access way or as agreed on private property created by the subdivision. This signage must be in reverse colours to that used by the public street name system. Supplementary signage must be fixed to the access way name blade stating that the access way is 'Private Access' and 'No Exit'.
- j. Council will not be responsible for any costs associated with the construction and maintenance of the access way or any related signage.

#### 11. Open spaces

For the naming of an open space, the following rules also apply:

- a. Any naming or renaming of open spaces must consider the obligations set out in Part 6 of the Local Government Act 2002.
- b. Reserves must be named or renamed by resolution of Council and in accordance with the Reserves Act 1977.
- c. The Naming of Reserves should also follow the policies as outlined in the General Policies Reserve Management Plan 2019 (see 11.11 of the GPRMP) or any subsequent replacement policies. The naming of open spaces (those that are not reserves) should use the General Policies RMP criteria as a guideline when naming an open space.





## 12. Decisions on names

Subject to LINZ approval, the final decision on road, access way and open spaces names rests with Council. Council may, at its sole discretion, delegate this decision making function to another body or member of staff.<sup>3</sup>

## 13. Relevant Legislation

Matamata-Piako District Council is responsible for the naming of roads under the Local Government Act 1974 Section 319.

Where a reserve is vested in Council, the Minister of Conservation or Council may specify or change the name of a reserve by notice in the Gazette (Section 16(10) Reserves Act 1977).

## 14. Related Policies, Strategies or Guidelines

This Policy complies with The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011.

## 15. Audience

- a. Council
- b. Council staff
- c. Developers
- d. Mana Whenua
- e. The community

## 16. Measurement and Review

This policy will be reviewed yearly by the Asset Manager – Strategy and Policy.

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<sup>3</sup> Delegations will be made by Council resolution and recorded in Council's delegations register.



Schedule 1

Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Alley	Aly	Usually narrow roadway in a city or towns.	√	√	
Arcade	Arc	Passage having an arched roof or covered walkway with shops along the sides.			√
Avenue	Ave	Broad roadway, usually planted on each side with trees.	√		
Boulevard	Blvd	Wide roadway, well paved, usually ornamented with trees and grass plots.	√		
Circle	Cir	Roadway that generally forms a circle; or a short enclosed roadway bounded by a circle.	√	√	
Close	Cl	Short enclosed roadway.		√	
Court	Crt	Short enclosed roadway, usually surrounded by buildings.		√	
Crescent	Cres	Crescent shaped roadway, especially where both ends join the same thoroughfare.	√		
Drive	Dr	Wide roadway without many cross- streets.	√		
Glade	Gld	Roadway usually in a valley of trees.	√	√	
Green	Grn	Roadway often leading to a grassed public recreation area.		√	
Grove	Grv	Roadway that features a group of trees standing together.		√	
Highway	Hwy	Main thoroughfare between major destinations.	√		
Lane	Lane	Narrow roadway between walls, buildings or a narrow country roadway. (reserved exclusively for non-public roads)	√	√	√
Loop	Loop	Roadway that diverges from and rejoins the main thoroughfare.	√		
Mall	Mall	Wide walkway, usually with shops along the sides	√		
Mews	Mews	Roadway having houses grouped around the end.		√	
Parade	Pde	Public roadway or promenade that has good pedestrian facilities along the side.	√		
Place	Pl	Short, sometimes narrow, enclosed roadway.		√	
Promenade	Prom	Wide flat walkway, usually along the water's edge.			√
Quay	Qy	Roadway alongside or projecting into the water.	√	√	
Rise	Rise	Roadway going to a higher place or position	√	√	
Road	Rd	Open roadway primarily for vehicles. In general rural roads should be called road.	√		
Square	Sq	Roadway which generally forms a square shape, or an area of roadway bounded by four sides.	√	√	
Steps	Stps	Walkway consisting mainly of steps.			√
Street	St	Public roadway in an urban area, especially where paved and with footpaths and buildings along one or both sides.	√		
Terrace	Tce	Roadway on a hilly area that is mainly flat.	√	√	
Track	Trk	√ Walkway in natural setting.			√
View	View	A road with a view	√	√	
Walk	Walk	Thoroughfare for pedestrians			√
Way	Way	Short enclosed roadway. (reserved exclusively for non-public roads)		√	
Wharf	Whrf	A roadway on a wharf or pier.	√	√	√



## 7 Pūrongo me whakataurua | Decision Reports

### 7.8 Road naming: Private access way to residential subdivision off 3 Barker Street, Waihou

CM No.: 2949596

#### Te Kaupapa | Purpose

Council is responsible and has the power under sections 319, 319A and 319B of the Local Government Act 1974 to name formed roads including private access ways that are intended for the use of the public generally, and for the numbering of land and buildings.

#### Rāpopotonga Matua | Executive Summary

This 7-lot residential subdivision accessed off 3 Barker Street, Waihou is being developed by applicant Brian Johnson of Barker Street Properties Limited. Brian has previously been involved in other small scale developments. Brian refers to Waihou as “having a village like atmosphere” and appears to be very connected with the area.

#### Tūtohunga | Recommendation

That:

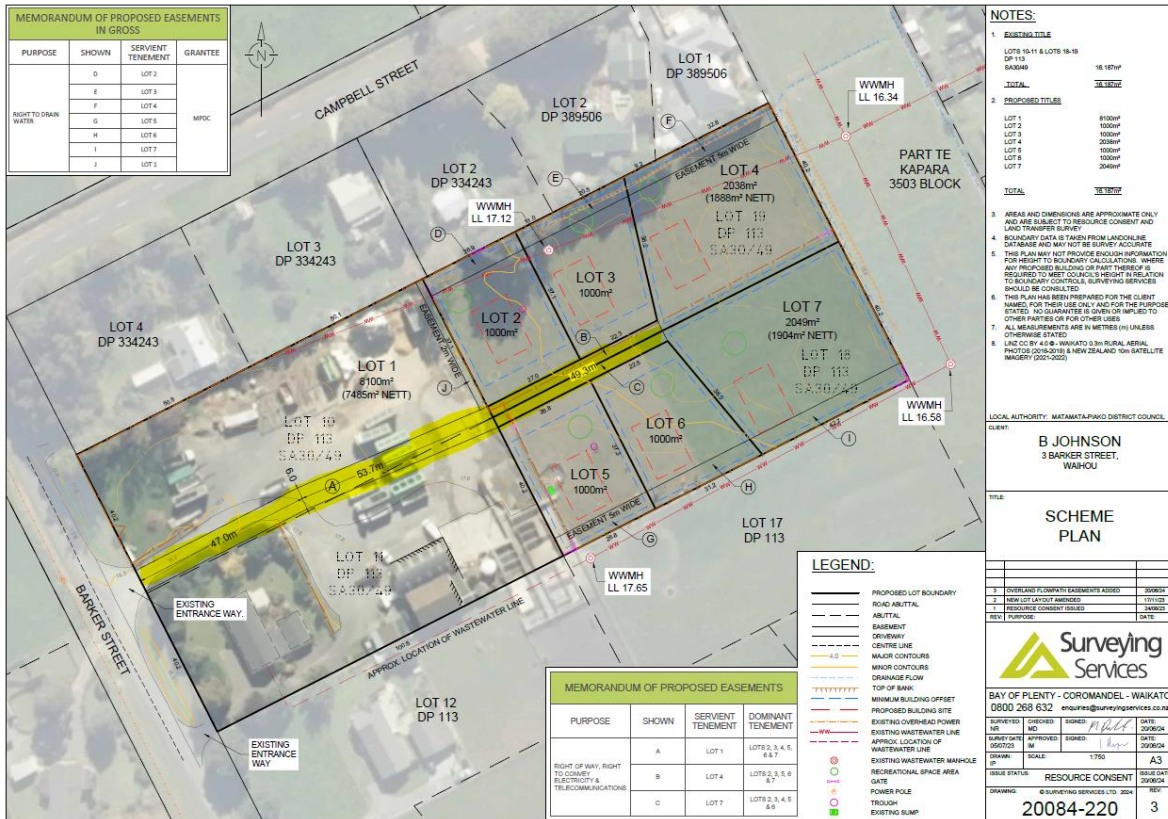
1. Council approves one preferred private access way name (Ahimanu Lane) listed below for the 7-lot residential subdivision at 3 Barker Street, Waihou

#### 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 and internet). For these reasons, it is both appropriate and necessary that individual properties have a formalised and unique address from which they can be identified. Important road naming objectives include:

- Ensuring district-wide consistency for the naming of public roads and private access ways.
- Clarifying the meaning of private 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 the ease of property identification.

Below is a surveyor’s scheme plan of the proposed site with the access way highlighted. A larger plan will be attached to this report for ease of viewing.



### Ngā Take/Kōrerorero | Issues/Discussion

Once a request for road naming has been received from the applicant, Council staff check the suitability of chosen preferred and alternative names against the street register and road naming policy. Staff then requested from LINZ checks against their database. This quality process ensures that the proposed road names meet with policy criteria; specifically that throughout our district and neighbouring districts road names aren't duplicated or preferably don't sound similar to existing road names.

In terms of the correct consultation procedures with Mana Whenua, staff encourage applicants to initially refer to Council's road naming policy for guidance, then for:

- *Public road names to be vested in council:* Applicants are encouraged to obtain information about the cultural identity of select locations/areas within the district.
- *Private access way names (not vested in Council):* The process differs in that the same consultative requirements don't apply in terms of Mana Whenua's involvement – developers/applicants aren't required to consult.

In terms of road sign installations and their subsequent maintenance:

- *Public road names which are vested in Council:* Become Council's cost.
- *Private access ways (not vested in Council):* Are a cost on private land owners.

### Mōrearea | Risk

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

### Ngā Whiringa | Options

The access way being private did not require consultation with Mana Whenua per the policy. However, the applicant chose to consult with the local Kaumatua about Ahimanu, referencing a concept or entity having relevance and meaning. Preferred and alternative road names were selected in accordance with **6. Naming considerations** of the attached road naming policy.

Option One – Preferred names (assessed per Council's policy)	
Description of option	
<p>Preferred: <b>Ahimanu Lane:</b></p> <p><i>A tribute to Māori practices in the region where fire and birds played essential roles in daily life and spiritual connections. It reflects the Māori concept of kaitiakitanga (guardianship) over the land and natural resources, which remain integral to this day.</i></p> <p><i>Ahimanu broadly translates as 'Firebird' or 'Phoenix', which encompasses resurrection and the ability for one to be reborn or "rise from the ashes". The use of Ahimanu also acknowledges the historical significance of ahi kā – the fires of occupation – representing the continuous presence of Tangata Whenua to this area. By naming Ahimanu we're honouring the region's past, its people, and hopefully fostering a sense of identity and pride within the Matamata-Piako community.</i></p>	
Advantages	Disadvantages
Be a single word to avoid cartographic problems	None
Not be duplicated in the Matamata-Piako District.	None
Option Two – Alternative names (assessed per Council's policy)	
Description of option	
<p>Alternative #1: <b>Kingston Lane</b> and Alternative #2: <b>Soul Lane</b></p> <p><i>Kingston references a 12-year old boy who very sadly passed away a few years ago in his father's arms following a severe asthma attack. His name (Kingston) is honored around the Te Aroha area in various ways. However this would be a serious tribute to the funny, witty, cheeky little boy who left us too soon.</i></p> <p><i>Soul is a name the applicant came up with signifying the aura the name has to this subdivision land in the Waihou area.</i></p>	

Advantages	Disadvantages
Preferably, be short (generally no longer than 12 characters).	None
Be easy to spell and pronounce.	None

### **Recommended option**

Option One: lists the preferred name for the access way to be named. Option Two: lists alternatives as back-ups should the preferred name be deemed unsuitable.

Name originality is an obvious advantage for those names highlighted above.

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

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

Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is assessed as having a [**low**] level of significance.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the views of Interested/affected people	There was no requirement to involve Mana Whenua as this is a private development. The applicant decided to consult local Kaumatua.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This issue is assessed as having a [ <b>low</b> ] level of significance.
Section 82 – this sets out principles of consultation.	Informal consultative steps were followed, but weren't a requirement based on policy.

### **Policy Considerations**

1. 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**





As soon as possible after the meeting, Council staff will phone or email the Developer/Applicant or Agent to notify of Council’s resolution, enabling them to progress orders for road signage etc. Later, upon the release of Council’s minutes, Council staff will prepare the “Official Group Email Notification of Committee Resolution for New Road Names – Council, October 2024”, which is a group email to numerous contacts e.g. to LINZ, NZ Post, Core Logic NZ Ltd, internal staff and other relevant parties.

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

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

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

Matamata Piako District Council’s Community Outcomes are set out below:

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO   OUR PLACE		MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI   STRATEGIC DIRECTION	
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>			
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.			
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>			
			
He wāhi kaingākau ki te manawa   A place with people at its heart	He wāhi puawaitanga   A place to thrive	He wāhi e poipoi ai tō tātou taiao   A place that embraces our environment	He wāhi whakapapa, he wāhi hangahanga   A place to belong and create

The community outcomes relevant to this report are as follows:

- A place with people at its heart
- A place to belong and create

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

As private access ways aren't vested in Council, road sign installations and their subsequent maintenance become the developer's cost.

### **Ngā Tāpiritanga | Attachments**

[A↓](#). 3 Barker Street, Waihou - Survey Plan (20084-220)

[B↓](#). 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>Assets and Projects Manager</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	



MEMORANDUM OF PROPOSED EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
RIGHT TO DRAIN WATER	D	LOT 2	MPDC
	E	LOT 3	
	F	LOT 4	
	G	LOT 5	
	H	LOT 6	
	I	LOT 7	
	J	LOT 1	



**NOTES:**

- EXISTING TITLE**  
 LOTS 10-11 & LOTS 18-19  
 DP 113  
 SA30/49  
 16.187m<sup>2</sup>  
**TOTAL** 16.187m<sup>2</sup>
- PROPOSED TITLES**  
 LOT 1 8100m<sup>2</sup>  
 LOT 2 1000m<sup>2</sup>  
 LOT 3 1000m<sup>2</sup>  
 LOT 4 2038m<sup>2</sup>  
 LOT 5 1000m<sup>2</sup>  
 LOT 6 1000m<sup>2</sup>  
 LOT 7 2049m<sup>2</sup>  
**TOTAL** 16.187m<sup>2</sup>
- AREAS AND DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO RESOURCE CONSENT AND LAND TRANSFER SURVEY
- BOUNDARY DATA IS TAKEN FROM LONDONLINE DATABASE AND MAY NOT BE SURVEY ACCURATE
- THIS PLAN MAY NOT PROVIDE ENOUGH INFORMATION FOR HEIGHT TO BOUNDARY CALCULATIONS. WHERE ANY PROPOSED BUILDING OR PART THEREOF IS REQUIRED TO MEET COUNCIL'S HEIGHT IN RELATION TO BOUNDARY CONTROLS, SURVEYING SERVICES SHOULD BE CONSULTED
- THIS PLAN HAS BEEN PREPARED FOR THE CLIENT NAMED, FOR THEIR USE ONLY AND FOR THE PURPOSE STATED. NO GUARANTEE IS GIVEN OR IMPLIED TO OTHER PARTIES OR FOR OTHER USES
- ALL MEASUREMENTS ARE IN METRES (m) UNLESS OTHERWISE STATED
- LINZ CC BY 4.0 © - WAIKATO 0.3m RURAL AERIAL PHOTOS (2016-2019) & NEW ZEALAND 10m SATELLITE IMAGERY (2021-2022)

LOCAL AUTHORITY: MATAMATA-PIAKO DISTRICT COUNCIL  
 CLIENT:  
**B JOHNSON**  
 3 BARKER STREET,  
 WAIHOU

TITLE:  
**SCHEME PLAN**

**LEGEND:**

- PROPOSED LOT BOUNDARY
- ROAD ABUTTAL
- ABUTTAL
- EASEMENT
- DRIVEWAY
- CENTRE LINE
- 4.0 MAJOR CONTOURS
- MINOR CONTOURS
- DRAINAGE FLOW
- TOP OF BANK
- MINIMUM BUILDING OFFSET
- PROPOSED BUILDING SITE
- EXISTING OVERHEAD POWER
- EXISTING WASTEWATER LINE
- APPROX. LOCATION OF WASTEWATER LINE
- EXISTING WASTEWATER MANHOLE
- RECREATIONAL SPACE AREA
- GATE
- POWER POLE
- TROUGH
- EXISTING SUMP

MEMORANDUM OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, RIGHT TO CONVEY ELECTRICITY & TELECOMMUNICATIONS	A	LOT 1	LOTS 2, 3, 4, 5, 6 & 7
	B	LOT 4	LOTS 2, 3, 5, 6 & 7
	C	LOT 7	LOTS 2, 3, 4, 5 & 6

3	OVERLAND FLOWPATH EASEMENTS ADDED	20/06/24
2	NEW LOT LAYOUT AMENDED	17/11/23
1	RESOURCE CONSENT ISSUED	24/08/23
REV:	PURPOSE:	DATE:



BAY OF PLENTY - COROMANDEL - WAIKATO  
 0800 268 632 enquiries@surveyingservices.co.nz

SURVEYED: NR	CHECKED: MD	SIGNED: <i>M. Duff</i>	DATE: 20/06/24
SURVEY DATE: 05/07/23	APPROVED: IM	SIGNED: <i>I. Hays</i>	DATE: 20/06/24
DRAWN: IP	SCALE: 1:750		A3

ISSUE STATUS: **RESOURCE CONSENT** ISSUE DATE: 20/06/24  
 DRAWING: © SURVEYING SERVICES LTD. 2024; REV: **20084-220** **3**



## Numbering of Properties, Naming of Roads, Access Ways and Open Spaces

**Department(s):** Assets, Policy and Strategy  
Corporate Strategy (Iwi Liaison)  
Regulatory Planning

**Policy Type:** External Policy

**Council Resolution Date:** 02 October 2019

### 1. Introduction

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- b. To clarify the meaning of access ways and to provide clear rules for the naming of these.
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	but not limited to a Developer.
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Property numbers for both public roads and access ways must adhere to the relevant New Zealand standards issued by LINZ. In general:

- a. Addresses on the left side of the road should be ordered by number, using odd numbers beginning with "1" at the start of the road/access way.

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- b. Addresses on the right side should be ordered by number, using even numbers starting with “2”.
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#### 7. Consultation with Mana Whenua

Prior to submitting a proposal applicants are to request Council staff<sup>2</sup> provide guidance as to the appropriate Mana Whenua of an area. Applicants are to provide each Mana Whenua group with at least 15 working days to identify if the area has cultural significance and provide 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 to Mana Whenua. The applicant must provide evidence that they have given Mana Whenua an opportunity to provide feedback in accordance with this section.

For the avoidance of doubt consultation requirements with Mana Whenua do not apply to private access ways.

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<sup>2</sup> Council’s Corporate Strategy Team in their role as Iwi Liaison will provide the relevant contact details to Developers in consultation with Mana Whenua on request.



## 8. Criteria for all road and access way names

Any proposed road and access way names will preferably meet the following criteria:

- a. Not be duplicated in the Matamata-Piako District
- b. Preferably, be short (generally not longer than 12 characters).
- c. Be single words to avoid cartographic problems.
- d. Be easy to spell and pronounce.
- e. Not sound similar, or be similar in spelling, to an existing road name.
- f. Not include a preposition, e.g. Avenue of the Allies.
- g. Not be abbreviated or contain an abbreviation excepting that “St” can be used for “saint” and ‘Mt’ can be used for “mount”.
- h. Names must not include a numeral (e.g. 5 Oaks Drive) but can include a number as a word (e.g. Five Oaks Drive).
- i. Not be in poor taste or likely to cause offense.
- j. Not lead with ‘The’.
- k. The name ‘Lane’ cannot be used for a public road. “Lane” is for private access ways only.
- l. If more than one road or access way is being named, consideration must be given to the names sharing a common theme. Where there is an existing theme or grouping of names in an area, consideration should be given to new names having an appropriate association with existing names in the area.
- m. Road types must comply with Schedule 1

## 9. Renaming of roads

The name of an existing road or access way may only be changed if a clear benefit to the community can be demonstrated. Examples of this are the incorrect spelling of a name, eliminating duplication in spelling or sound, preventing confusion arising from major changes to road layout or to make geographical corrections

## 10. Private Access Ways

For the naming of an access way, the following rules also apply:

- a. The name chosen for an access way must be a ‘Lane’ (e.g. Oaks Lane)



- b. If the access way currently services other existing properties then the property owners must be consulted and evidence of this consultation provided to Council.
- c. The private access way must not be vested in Council
- d. The access way must service a minimum of six lots.
- e. The numbering of the street where the access way is created must not be altered with the exception of the lot being subdivided in its entirety.
- f. The numbering of the lots within the subdivision that will be serviced by the access way must follow Council's existing numbering system.
- g. Council is not responsible for any external agencies refusal to acknowledge the access way name.
- h. Council's refuse collection service will only collect from the road (not up the access way).
- i. Signage displaying the name must be within the boundaries of the access way or as agreed on private property created by the subdivision. This signage must be in reverse colours to that used by the public street name system. Supplementary signage must be fixed to the access way name blade stating that the access way is 'Private Access' and 'No Exit'.
- j. Council will not be responsible for any costs associated with the construction and maintenance of the access way or any related signage.

#### 11. Open spaces

For the naming of an open space, the following rules also apply:

- a. Any naming or renaming of open spaces must consider the obligations set out in Part 6 of the Local Government Act 2002.
- b. Reserves must be named or renamed by resolution of Council and in accordance with the Reserves Act 1977.
- c. The Naming of Reserves should also follow the policies as outlined in the General Policies Reserve Management Plan 2019 (see 11.11 of the GPRMP) or any subsequent replacement policies. The naming of open spaces (those that are not reserves) should use the General Policies RMP criteria as a guideline when naming an open space.



## 12. Decisions on names

Subject to LINZ approval, the final decision on road, access way and open spaces names rests with Council. Council may, at its sole discretion, delegate this decision making function to another body or member of staff.<sup>3</sup>

## 13. Relevant Legislation

Matamata-Piako District Council is responsible for the naming of roads under the Local Government Act 1974 Section 319.

Where a reserve is vested in Council, the Minister of Conservation or Council may specify or change the name of a reserve by notice in the Gazette (Section 16(10) Reserves Act 1977).

## 14. Related Policies, Strategies or Guidelines

This Policy complies with The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011.

## 15. Audience

- a. Council
- b. Council staff
- c. Developers
- d. Mana Whenua
- e. The community

## 16. Measurement and Review

This policy will be reviewed yearly by the Asset Manager – Strategy and Policy.

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<sup>3</sup> Delegations will be made by Council resolution and recorded in Council's delegations register.



Schedule 1

Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Alley	Aly	Usually narrow roadway in a city or towns.	√	√	
Arcade	Arc	Passage having an arched roof or covered walkway with shops along the sides.			√
Avenue	Ave	Broad roadway, usually planted on each side with trees.	√		
Boulevard	Blvd	Wide roadway, well paved, usually ornamented with trees and grass plots.	√		
Circle	Cir	Roadway that generally forms a circle; or a short enclosed roadway bounded by a circle.	√	√	
Close	Cl	Short enclosed roadway.		√	
Court	Crt	Short enclosed roadway, usually surrounded by buildings.		√	
Crescent	Cres	Crescent shaped roadway, especially where both ends join the same thoroughfare.	√		
Drive	Dr	Wide roadway without many cross- streets.	√		
Glade	Gld	Roadway usually in a valley of trees.	√	√	
Green	Grn	Roadway often leading to a grassed public recreation area.		√	
Grove	Grv	Roadway that features a group of trees standing together.		√	
Highway	Hwy	Main thoroughfare between major destinations.	√		
Lane	Lane	Narrow roadway between walls, buildings or a narrow country roadway. (reserved exclusively for non-public roads)	√	√	√
Loop	Loop	Roadway that diverges from and rejoins the main thoroughfare.	√		
Mall	Mall	Wide walkway, usually with shops along the sides	√		
Mews	Mews	Roadway having houses grouped around the end.		√	
Parade	Pde	Public roadway or promenade that has good pedestrian facilities along the side.	√		
Place	Pl	Short, sometimes narrow, enclosed roadway.		√	
Promenade	Prom	Wide flat walkway, usually along the water's edge.			√
Quay	Qy	Roadway alongside or projecting into the water.	√	√	
Rise	Rise	Roadway going to a higher place or position	√	√	
Road	Rd	Open roadway primarily for vehicles. In general rural roads should be called road.	√		
Square	Sq	Roadway which generally forms a square shape, or an area of roadway bounded by four sides.	√	√	
Steps	Stps	Walkway consisting mainly of steps.			√
Street	St	Public roadway in an urban area, especially where paved and with footpaths and buildings along one or both sides.	√		
Terrace	Tce	Roadway on a hilly area that is mainly flat.	√	√	
Track	Trk	√ Walkway in natural setting.			√
View	View	A road with a view	√	√	
Walk	Walk	Thoroughfare for pedestrians			√
Way	Way	Short enclosed roadway. (reserved exclusively for non-public roads)		√	
Wharf	Whrf	A roadway on a wharf or pier.	√	√	√





## 7 Pūrongo me whakatau | Decision Reports

# 7.9 25 Waihou Road - Options Report

CM No.: 2957244

### Te Kaupapa | Purpose

The purpose of the report is to present Council with options on the future of the property at 25 Waihou Road, Te Aroha.

### Rāpopotonga Matua | Executive Summary

Council purchased a property at 25 Waihou Road, Te Aroha in June 2022 to address a need for industrial land in the town.

A feasibility study was undertaken to assess rezoning the property and developing it for industrial purposes. It concluded that while the the land could be developed for this purpose, it would not be economically viable.

Council decided not to proceed with the proposal.

The property was purchased for \$1.29 million and Council incurred approximately \$341,000 in costs to 30 June 2024. The costs included the feasibility study, interest and operating costs.

The property is projected to cost Council approximately \$50,000 per year which is due mainly to the interest expense to fund the purchase.

Council's decision on what to do with the property should link to its objectives.

The property was purchased to meet the need for industrial land now and in the future. This objective can be achieved without Council owning the land.

It is unlikely that Council will financially break-even if the property is held for future development.

### Tūtohunga | Recommendation

That:

1. Council place 25 Waihou Road on the market for sale.

### Horopaki | Background

Council purchased a property at 25 Waihou Road Te Aroha in June 2022 to provide industrial land for the town.

The drivers for the purchase were:

- the property was available for sale
- there is a lack of suitable undeveloped industrial land in Te Aroha.

In making a decision on the purchase Council resolved as follows:

1. Council purchase the land with an unconditional offer.
2. Council give delegation to the Chief Executive Officer of up to \$1.3 million.

3. *Purchase of the land will result in due diligence to determine if a plan change/development is feasible.*
4. *Council has considered their Significance and Engagement Policy and has considered that it does not meet the criteria of a significant activity. Council's reasoning for this decision includes the following:*
  - a. *If the due diligence does not indicate development and plan changes are successful options then the Council has the ability to sell the land.*
  - b. *Council has identified a need for industrial or such land in Te Aroha.*
  - c. *Council has undertaken this kind of activity previously.*

The Property Group (TPG) was engaged to undertake the feasibility assessment to rezone and develop the land for industrial use.

The following information is based on a report prepared by TPG for Council in March 2023:

*The Site is legally described as Lot 1 Deposited Plan South Auckland 12117, Lot 1 Deposited Plan South Auckland 11281 and Part Lot 1 Deposited Plan 37114 and contained within Record of Title (RT) SA55A/853.*

*The Site is located in a rural zoned part of Te Aroha on a lifestyle block and is approximately seven hectares (7.21 ha) in area. An existing dwelling is located at the front of the Site (northern boundary), and a barn/stable structure is located further to the west. The remainder of the Site comprises open pasture of gentle, undulating slopes and is currently sectioned into paddocks demarcated by timber fencing*

*The site is currently being leased for grazing purposes, and the dwelling is occupied separately by a tenant.*

### **Industrial supply**

*The Matamata-Piako Operative District Plan (ODP) contains two key zones that provide for urban business activity. These are the Business Zone and the Industrial Zone, which form the parameters of the urban capacity assessment within the district's urban townships. Te Aroha consists of currently 2.71 ha of Business Zone and 7.7 ha of Industrial Zone.*

*Te Aroha contains a significant residential and Business Zone area, but only a minor area of Industrial Zone.*

*Three-quarters (5.7 ha) of the Industrial Zone area is located around 1.7 kilometres south-east of Te Aroha's urban edge on Stanley Road South. It is an area of zoning covered by a Development Concept Plan (DCP) for an agricultural manufacturing/processing operation (Silver Fern Farms) and, therefore, is not available to the general market for development. The rear portion of the Site also falls within the flood hazard overlay area and is, therefore, unsuitable for development.*

*The remaining 1.9 ha of industrial land is currently fully occupied by existing industrial uses. There are no undeveloped areas for future development. The northern portion of the Site is also within the flood hazard overlay area.*

#### *Industrial demand*

*According to M.E. Consulting, which provided MPDC with a Business Development Capacity and Demand Assessment in May 2022, there is a projected demand for an additional 11.1 ha to 17.7 ha of Industrial Zone space across the district's main urban townships in the short Term. In the long term, this is projected to increase to 71.4 ha to 114.3 ha of Industrial Zone space.*

*Faster growth is projected to continue to occur within the urban townships, with the largest net growth in the main urban townships of Morrinsville and Matamata. Together with Te Aroha, these form the key urban nodes in the north and south of the district*

The following is a summary of the economic feasibility to rezone and develop the property:

- Total area 7.21 hectares
- Expected realised industrial land for sale 3.1 to 3.27 hectares
- Development costs \$11.978 to \$12.148 million
- Expected sale proceeds \$4.07 to \$4.217 million

TPG included the following conclusions in the March 2023 report:

*The findings of this due diligence suggests that:*

- Albeit challenged with site specific constraints, the Site can ultimately be developed.*
- Less than half of the total Site can be developed into industrial lots. This is predominantly due to the ecological features present (natural wetlands and WRC drains) and buffer requirements.*
- Industrial market sale rate per m<sup>2</sup> is considerably lower in Te Aroha (\$100 m<sup>2</sup> - \$150 m<sup>2</sup>) than those achieved in Matamata or Morrinsville (\$350 m<sup>2</sup> - 450 m<sup>2</sup>). These lower m<sup>2</sup> rates significantly impact the Net Realisation of the proposed industrial development.*
- Even if an alternative site was identified within Te Aroha, the industrial market sale rate per m<sup>2</sup> would struggle to get close or even meet the cost to develop, therefore making it unfeasible.*
- There is a demand for additional Industrial zoned land within Te Aroha and several potential end users have registered their interest with MPDC to be accommodated within the proposed development. Noting that none are contractually committed to land purchases/leases.*
- Neither of the lot layout options can realise MPDC's objective of achieving a cost neutral outcome.*
- It is considered that a proposed Plan Change of the subject Site from Rural Zone to Industrial Zone would give effect to the higher order statutory documents and would not be inconsistent with any National Policy Statement or Environmental Standard. For these reasons, it is considered that the Site is a suitable location for future Industrial zoning.*
- It is considered that the environmental, social, cultural and economic benefits of rezoning the Site could outweigh the environmental, social, cultural and economic costs associated*

*with the loss of highly productive land, or the rezoning of another similar landholding in Te Aroha.*

*ix. The Net Realisation of this high-level feasibility assessment has not considered the consequential benefits to the wider Te Aroha community*

Upon receiving the report from TPG, Council resolved not to proceed with the development at this time.

Council expenses and revenue for the property from the date the property was purchased to 30 June 2024 are summarised below.

Property Purchased 29 June 2022	\$1,290,000
Interest on capital 366 days to 30 June 2023	\$ 61,184
Interest on capital 365 days to 30 June 2024	\$ 65,790
Development Investigations (see separate worksheet)	\$ 219,018
Operational costs incurred 29 June 2022 to 30 June 2024 (includes all repairs, annual costs etc )	\$ 40,565
	<hr/>
Total Operational costs to 30 June 2024	<u>\$ 386,558</u>
<b>Revenue</b>	
Grazing Lease to 30 June 2024	\$ 27,571
House rental to 30 June 2024	<u>\$ 17,400</u>
	<hr/>
	<u>\$ 44,971</u>
	<hr/>
<b>Net operational costs of ownership to 30 June 2024</b>	<u><u>\$ 341,587</u></u>

The estimated expenses and revenues for the property for 2024/2025 are listed below.

**Expenses**

Rates MPDC	\$ 3,718
Rates WRC	\$ 2,124
Insurance	\$ 1,000

Sundry	\$ 1,500
Property Team Administration	\$ 1,500
Interest on purchase	<u>\$ 64,500</u>
	\$ 74,342
<b>Revenue</b>	
House Rental	\$ 15,600
Grazing lease	\$ 7,992
	<u>\$ 23,592</u>
<b>Estimated net cost 2024/2025</b>	<u>\$ 50,750</u>

The interest costs to fund the purchase of the property result in expenses exceeding revenue on an annual basis.

## Ngā Take/Kōrerorero | Issues/Discussion

### The original decision to purchase the land

When Council considered the purchase of the property, one of the factors for consideration was the reversibility of the decision. The resolution noted that Council could sell the property if the due diligence proved that the plan change and development were not successful options.

The due diligence concluded that there was a strong case to support rezoning the property. However, this would potentially come at a significant cost to the community, which had not been factored into the long-term plan.

Council's resolution might be considered to imply that the property would be sold if the due diligence was unfavourable.

### Council's objective

Council purchased the property with the objective of addressing the shortfall of suitable industrial land in Te Aroha.

At this stage, developing the land for that purpose is not economically viable.

It is not necessary for Council to own land to rezone it.

Work is proposed to develop a new Urban Growth strategy for the district to cover a period of 30-50 years.

25 Waihou Road could form part of a larger future industrial zone for the town (i.e. incorporating multiple properties). Development costs could potentially be shared over a large number of sections and be more economically viable.

The TPG due diligence report has useful information if that transpires.

### **Have the circumstances regarding Costs and potential revenue changed since March 2023?**

There has been no formal review of sales data undertaken.

The TPG March 2023 report projected a gap between development costs and potential revenue of \$7.9 million.

For the development to break even, costs would have to decrease by 66%, or sales revenue would have to increase by 190%.

In all likelihood, development costs have increased since March 2023.

It is highly unlikely that market demand has changed to the extent that potential sales revenue would increase by 190%.

### **Increase in capital value**

The value of the property would have to increase by 42% over a 5-year period to recover Council's investment in the property. This outcome is considered unlikely in the current economic climate.

### **Partial sale of property**

The Property team has had discussions with the Planning team about the feasibility of subdividing the house lot off the property. The concept being to sell the house separately to recover some of Council's investment.

It is understood that this would be problematic and may not succeed due to the implications to other rural zoned land.

### **Mōrearea | Risk**

Council decided that it would not undertake the rezoning and development of the property as it was not economically feasible. The risk of financial losses was considered to be too high.

The risks now relate to the decision whether to sell or retain the property.

If Council decides to sell the property there is no guarantee it will receive the price that was paid in June 2022. There is also the possibility that it will take some time to sell. Ongoing financial deficits related to the property will cease when the property is sold.

If Council decides to retain the property for some future gain or development opportunity it will continue to accrue financial deficits. There would have to be dramatic changes in financial circumstances (as noted in the issues section) for Council to achieve a break-even point.

Council will have greater certainty of outcomes by selling the property.

### **Ngā Whiringa | Options**

#### **Option One – Sell the property**

##### **Description of option**

Council place 25 Waihou Road on the market for sale.

Advantages	Disadvantages
Sale of the property will ensure Council does not incur any further financial deficits.	Council will not have direct control of the development potential of the site.
Council can still investigate options to address the deficit of industrial land for Te Aroha.	
Council does not have to sell the property if it considers an offer is unacceptable.	

### Option Two – Retain the property

#### Description of option

Council would retain the property to develop or sell at some future time.

Advantages	Disadvantages
Council will have control of the timing and extent of any development (subject to appropriate plan change processes).	Council will continue to incur financial deficits unless financial circumstances change dramatically in Council's favour.

### Recommended option

Council place 25 Waihou Road on the market for sale.

The property is not feasible to develop for industrial purposes in isolation now or in the medium term (eg 10 years). The new Urban Growth Strategy will allow for a more comprehensive approach to meet the demand for industrial land for the town.

Council has incurred significant costs to complete the feasibility study and annual deficits are accruing for the property.

It is difficult to envisage that the deficits will be recovered through some future development opportunity.

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

There are no legal or policy issues.

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

Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is assessed as having a low level of significance. The recommendation relates directly to one of Council's significance considerations when it resolved to purchase the property.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.

Section 78 – requires consideration of the views of Interested/affected people	The recommendation aligns with one of Council’s considerations when it resolved to purchase the property. Council’s position on community input or views was established when it decided to purchase the property.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above.  This issue is assessed as having a low level of significance.
Section 82 – this sets out principles of consultation.	Consultation is not considered necessary as Council determined it was not necessary when it purchased the property.

**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**





There is no separate engagement proposed for this matter.

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

Matamata Piako District Council’s Community Outcomes are set out below:

MATAMATA-PIAKO TŌ MĀTOU WĀHI NOHO   OUR PLACE	MATAMATA-PIAKO DISTRICT COUNCIL TE ARA RAUTAKI   STRATEGIC DIRECTION
<b>TŌ MĀTOU WHAKAKITENGA   OUR VISION</b>	
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.	
<b>TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)</b>	



			
<p>He wāhi kaingākau ki te manawa   A place with people at its heart</p>	<p>He wāhi puawaitanga   A place to thrive</p>	<p>He wāhi e poipoi ai tō tātou taiao   A place that embraces our environment</p>	<p>He wāhi whakapapa, he wāhi hangahanga   A place to belong and create</p>

The community outcomes relevant to this report are as follows:

- Support and encourage quality, sustainable and varied development.

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

The projected annual operating costs and revenue are identified in the report. There will also be selling costs if Council approves the recommendation.

### Ngā Tāpiritanga | Attachments

There are no attachments for this report.

### Ngā waitohu | Signatories

Author(s)	Manaia Te Wiata <b>Group Manager Business Support</b>	
Approved by	Manaia Te Wiata <b>Group Manager Business Support</b>	

## 7 Pūrongo me whakatau | Decision Reports

# 7.10 Te Whare Whakapakari - Matamata Stadium Grant Application Grassroots Trust Limited

CM No.: 2957266

### Te Kaupapa | Purpose

The purpose of the report is to obtain resolutions from Council to allow a grant application to be made to the Grassroots Trust Limited.

**Rāpopotonga Matua | Executive Summary** Council is managing grant applications to various funding organisations for the proposed Matamata stadium.

An application lodged with the Grassroots Trust Limited has been held up for two reasons:

- The resolution passed in August 2024 incorrectly stated the application be lodged with the Grassroots Grant fund
- The Grassroots Trust Limited requires the grant application signatories to be elected members. The application that was lodged was signed by the Chief Executive Officer and Group Manager Business Support.

Council is requested to pass new resolutions to allow the grant to be re-submitted by 31 October 2024.

### Tūtohunga | Recommendation

That:

1. That Council authorise a grant application to be lodged with the Grassroots Trust limited for \$250,000 for the Te Whare Whakapakari – Matamata Stadium
2. Council authorise the Mayor and Deputy Mayor to be signatories for the application.

### Horopaki | Background

Council is managing grant applications for the stadium as many funders require the asset owners to submit applications.

Funders are often very strict in the compliance requirements for the grant applications.

### Ngā Take/Kōrerorero | Issues/Discussion

The next funding round closes on 31 October 2024 and it is necessary to provide proof of the appropriate resolutions.

### Mōrearea | Risk

There is considered to be no risk in Council passing the required resolutions.

### Ngā Tāpiritanga | Attachments

There are no attachments for this report.

### Ngā waitohu | Signatories

Author(s)	Manaia Te Wiata <b>Group Manager Business Support</b>	
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Approved by	Manaia Te Wiata <b>Group Manager Business Support</b>	
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8 Ngā Pūrongo Whakamārama | Information Reports

## 8.1 Mayoral Diary for August and September 2024

CM No.: 2948176

### Te Kaupapa | Purpose

The purpose of this report is to provide Council with an update.

### Rāpopotonga Matua | Executive Summary

A summary of the Mayoral diary is attached for the months of August and September 2024.

### Tūtohunga | Recommendation

That:

1. The information is received.

### Ngā Tāpiritanga | Attachments

[A↓](#). Mayoral diary for August and September 2024

### Ngā waitohu | Signatories

Author(s)	Debbie Burge <b>Executive Assistant to the Mayor &amp; CEO</b>	
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Approved by	Adrienne Wilcock <b>Mayor</b>	
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**Mayoral Diary**  
**August 2024**

<p><b>Thursday 1 August</b></p>	<p><b>Meeting with Morrinsville resident</b></p> <p><b>CEO recruitment discussion</b> I met with a consultant who the review committee is considering using for the recruitment process for our new CEO</p> <p><b>Te Aroha College Culture evening</b> I was a guest judge for the performances from the many cultures represented by the school community.</p> <p>We were treated to food from the different cultures.</p>
<p><b>Friday 2 August</b></p>	<p><b>Future Proof Public Transport Subcommittee meeting</b></p> <p><b>Metro Spatial Plant PF Pathways meeting</b></p>
<p><b>Monday 5 August</b></p>	<p><b>Meeting with Matamata College</b> I met with the college principal. We discussed a range of matters including the proposed stadium.</p>
<p><b>Tuesday 6 August</b></p>	<p><b>Te Manawhenua Forum</b></p> <p><b>Meeting regarding CEO recruitment process</b> With the Group Manager who oversees HR to ensure we are conducting a robust process.</p> <p><b>Meeting with Morrinsville Resident</b> This meeting was to talk about footpaths in the Morrinsville CBD</p>
<p><b>Wednesday 7 August</b></p>	<p><b>Meeting with Council staff</b></p> <p><b>Meeting with Te Aroha resident</b> This meeting was to talk about various concerns and matters.</p>
<p><b>Thursday 8 August</b></p>	<p><b>Meeting with consultant</b> One of the businesses who we may potentially work with for the CEO recruitment process.</p> <p><b>Meeting with business owner</b> I met with a builder about his Resource Consent.</p> <p><b>Meeting with developers</b> Our Group Manager Growth and Regulation and I met with Matamata Developers to talk about their proposal.</p> <p><b>LGNZ roundtable webinar – physical security and safety</b> We heard from safety and security experts on how to better secure physical locations, use security technology, and look after ourselves and our family.</p>
<p><b>Monday 12 August</b></p>	<p><b>Meeting with Business Owner</b> Our Group Manager Growth and Regulation and I met with a Te Aroha Business owner to talk about planning implications and their business.</p> <p><b>Local Water Done Well information session</b></p>

	<p>This session provided further details of the Local Water Done Well ending during the 2024-25 financial year, including the new water service delivery models, financing options, changes to the regulatory regime, and what this information means for councils as we consider future plans for the delivery of water services.</p>
<p><b>Wednesday 14 August</b></p>	<p><b>Council workshop</b></p> <p><b>Morrinsville Community Patrol</b> I attended the AGM held at Loxie &amp; Co Café and thanked them for their commitment.</p>
<p><b>Thursday 15 August</b></p>	<p><b>Risk and Assurance update</b> Check in with our CEO Don and Chair Jaydene.</p> <p><b>Mayor's Taskforce for Jobs (MTFJ) Visit</b> Mayor's Taskforce for Jobs Chair Max Baxter met with me to talk about the programme.</p> <p><b>Morrinsville Chamber of Commerce and MPDC Liaison meeting</b> Each quarter the Morrinsville elected members and I alongside CEO Don meet with the chamber to discuss what has been happening in the council space and what their business partners have concerns about. It is always a productive meeting, where concerns are raised and solutions found.</p>
<p><b>Friday 16 August</b></p>	<p><b>Future Proof meeting</b> At this meeting we discussed regional proposals, economic strategies and had a 3 Waters update.</p>
<p><b>Saturday 17 August</b></p>	<p><b>Matamata College</b> I attended the final rugby game for Matamata College where they took out the Ian Foster Shield after winning the Division 1 Secondary School Final over St Johns. It was a great game played in some wet conditions.</p> <p>I found the engagement on the side line with the college community very beneficial, and was able to answer questions about the stadium project and other matters.</p>
<p><b>Monday 19 August</b></p>	<p><b>Public meeting</b> MP, Tim van de Molen hosted a public meeting in Matamata. There were council matters raised so it was helpful to be in attendance. Councillors Sue Whiting and Caleb Ansell were also there.</p>
<p><b>Tuesday 20 August</b></p>	<p><b>Matamata Citizens Advice Bureau AGM</b> I acknowledged their service to the community and noted the increase in workload due to the current economic situation.</p>
<p><b>Wednesday 21 August to Friday 23 August</b></p>	<p><b>Local Government New Zealand Annual Conference</b> Councillors Thomas, Jager and Horne and our CEO Don were my travel colleagues to the annual conference held in Wellington.</p> <p>The AGM was held and there were a number of presenters over the days.</p> <p><b>Meeting with Taumata Arowai</b> While we were in Wellington for the conference, Don and I met with Allan Pragnell, the CEO of Taumata Arowai.</p>


It was a most productive meeting, and we came away with clarity on a number of issues.


<p><b>Monday 26 August</b></p>	<p><b>Powhiri</b> Stephanie O'Sullivan, the new Chief Executive Officer for Waipa District Council, was welcomed to the council with a powhiri held at the Don Rowlands Centre at Karapiro.</p> <p><b>Meeting with councils staff</b> To discuss a request to speak at an upcoming public forum, and to over other requests and queries.</p> <p><b>Citizenship Ceremony</b> Held at the Silver Fern Farms event centre, we formally welcomed our new citizens to our district.</p>
<p><b>Tuesday 27 August</b></p>	<p><b>Te Aroha Citizens Advice Bureau</b> Held at the St John training room, two members were presented with long service awards. I thanked them and their members for their service and noted the increase in enquiries due to the high cost of living.</p>
<p><b>Wednesday 28 August</b></p>	<p><b>Council meeting</b></p> <p><b>Matamata College Business Sector evening</b> The college is looking to work more closely with the wider Matamata community and understand what their aspirations are as a community for the school and for the students as they become young adults and enter the workforce.</p> <p>Council's People and Wellness team leader joined me at the evening which was an opportunity to have open discussion and share thoughts and ideas around what the school should be focusing on to prepare students for the future. This was very worthwhile.</p>
<p><b>Thursday 29 August</b></p>	<p><b>Talent Quest</b> I was invited to be a guest judge at the show held at the Soul Church where a number of contestants showed off their musical talents. It was challenging to pick a winner.</p>
<p><b>Friday 31 August</b></p>	<p><b>Community planting day</b> I was invitee to celebrate the centenary of the Fagus sylvatica (Copper Beech) plantation at Stanley Avenue in Te Aroha</p> <p>To commemorate the trees 100th anniversary, there was planting five copper beech trees to replace those that have been lost in storms over the years.</p> <p>The initiative, led by Keep Te Aroha Beautiful was very well attended and afterwards we shared food and company at the Silver Fern Farms event centre.</p> <p>I met up with the site manager of Silver Fern Farms which was a great opportunity to connect and understand their challenges at present.</p>




<p><b>Monday 2 September</b></p>	<p><b>King Tuuheitia's tangihanga</b> He kura tangihia, he maimai aroha ki te matenga o te Kiingi Maaori.</p> <p>It was with deep sadness we mourned the passing of Kiingi Tuuheitia Pootatau Te Wherowhero VII, Māori King.</p> <p>We conveyed our deepest condolences to his whaanau and iwi whaanau.</p> <p>Group Manager People, Governance and Relationships Kelly Reith and I attended Turangawaewae with other local government mayors and staff to pay our respects.</p>
<p><b>Tuesday 3 September</b></p>	<p><b>LGNZ webinar – Water Services Delivery Plans</b> This was a practical session about how to go about developing Water Services Delivery Plans. It will covered:</p> <ul style="list-style-type: none"> <li>• The process for developing, adopting and review/acceptance of a Plan</li> <li>• How to approach the development of a Plan</li> <li>• Information on ring-fencing, financial sustainability and determining financial projections</li> <li>• Materials and support available to councils in the development of their Plans.</li> </ul> <p><b>Natural Hazards meeting</b> I joined our planning team who were holding a series of meetings with owners of Te Aroha properties who were effected by flooding after the series of events in 2023. This was the first one.</p>
<p><b>Wednesday 4 September</b></p>	<p><b>Council Workshop</b></p> <p><b>Discussion with resident</b> Regarding earthquake prone buildings.</p> <p><b>Natural Hazards meeting</b> I joined our planning team for the second meeting with owners of Te Aroha properties who were effected by flooding after the series of events in 2023.</p>
<p><b>Friday 6 September</b></p>	<p><b>Regional Transport Committee meeting and workshop</b> Following the meeting a workshop was held on the Customer Experience Roadmap.</p>
<p><b>Saturday 7 September</b></p>	<p><b>Matamata Menz Shed open day</b> The Theme of the Day was “Send them down to the Shed” where people can mingle and talk to someone and use their skills to support others in the</p>



	<p>community.</p>
	<p>It was a chance to show what MENZSHED Matamata are doing for the community in regards to the health and wellbeing of the older and not so old men, and their wives and families.</p> <p>They signed up a number of new members on the day, many were quite new to the community, so it was a great opportunity to connect with them also.</p> <p><b>Bowling Club opening day</b> The Matamata and Rewa clubs have recently merged. The new club held an opening day to celebrate and I attended at the end of the day to meet the members and handed out some of the day's prizes.</p>
<p><b>Monday 9 September</b></p>	<p><b>Lockerbie Water Treatment Plant opening ceremony</b> Nearly four years of work came to fruition with the official opening of the new permanent Lockerbie Water Treatment Plant (WTP). The opening marks one of the final significant steps towards the establishment of a more secure water supply for Morrinsville.</p> <p>The new permanent WTP complements the existing plant at Waterworks Road.</p> <p>Drinking water is a vital component of our daily lives and this creates greater resilience for the town. I'm really proud that we've managed to get this done. We have been talking with the community about increasing the resilience of the Morrinsville water supply since 2019 and it's really good to have progressed from the temporary plant to what we have now.</p>  <p>Cutting the ribbon to the plant</p> <p><b>Meeting with staff</b> Catch up about upcoming meetings, replying to emails and working on the CEO recruitment time line.</p> <p><b>Morrinsville Community House AGM</b> I met their new manager and thanked the team for their efforts and services they provide to the community.</p>
<p><b>Tuesday 10 September</b></p>	<p><b>Risk and Assurance committee meeting</b></p> <p><b>Water Services Delivery webinar</b> This webinar was on delivery models and financing options.</p>
<p><b>Wednesday 11 September</b></p>	<p><b>Council workshop</b></p> <p><b>Matamata Lions</b> I was invited to the group's monthly dinner and was the guest speaker.</p>

	<p><b>Te Aroha Red Cross</b> Unfortunately, this group are no longer able to maintain a membership as this was the last meeting. I thanked the committee for their dedication to the organisation that recently had its 85<sup>th</sup> anniversary celebration. The services provided will continue under the Te Aroha Community Support Inc.</p>
<p><b>Monday 16 September</b></p>	<p><b>Waikato Regional Airport announcement</b> Jetstar, a subsidiary of Qantas, announced it will offer three return flights per week between Hamilton and the Gold Coast and four return flights per week between Hamilton and Sydney. The first flights will take off in June 2025, in time for the New Zealand school holidays</p>  <p>At the media announcement with Carolyn Eyre – Deputy Mayor of Waikato District</p> <p><b>Future Proof Implementation Committee meeting</b></p>
<p><b>Tuesday 17 September</b></p>	<p><b>Meeting with council staff</b> To go over agenda items for upcoming council meetings</p> <p><b>Regional Deals strategic framework webinar - DIA</b> This session provided further information on the Strategic Framework for Regional Deals, and the process for councils to submit regional deals proposals.</p>
<p><b>Wednesday 18 September</b></p>	<p><b>Meeting with developers</b> I was invited to meet with the developers to celebrate the commencement of their subdivision in Matamata.</p>
<p><b>Thursday 19 September</b></p>	<p><b>Matamata Futures Meeting</b> I attended the meeting to make a presentation to one of their members.</p>
<p><b>Friday 20 September</b></p>	<p><b>Walton School Speech Competition</b> Councillor James Sainsbury and I were guest judges at the annual speech contest. There are some very talented talkers in our district! You always learn some interesting facts.</p>



<p><b>Monday 23 September</b></p>	<p><b>Meeting with Waikato Regional Council</b> Our CEO Don and I met with WRC Chair Pamela Storey and CEO Chris McLay to discuss matters of interest.</p> <p><b>Meeting with council staff</b> To talk about upcoming meeting items.</p>
<p><b>Tuesday 24 September</b></p>	<p><b>Morrinsville Library Story Walk opening</b> Libraries have recently installed a Storywalk at Lockerbie Park in Morrinsville, with funding received from National Library (NZLPP) and support from the Morrinsville Menzshed to construct the panels.</p> <p>They partnered with Morrinsville Intermediate school to create a first major installation and story for the Storywalk boards.</p> 
	<p><b>Meeting with council staff</b> I meet with several staff about upcoming meetings and requests.</p> <p><b>LGNZ roundtable online meeting</b> We heard from Andrew Hampton, Director General at the NZSIS, on the nature of the national security environment. He covered foreign interference, espionage, violent extremism and terrorism.</p>
<p><b>Wednesday 25 September</b></p>	<p><b>Meeting with staff</b> About the upcoming business night out being held at the end of October.</p> <p><b>Council meeting</b></p>

**NZ Police remembrance day service**

Each year a service is held to remember those serving and former employees of the NZ Police who passed away in the last year.

This includes:

- Reading of the roll of honour that bears the names of Police and Traffic Officers who have been slain on duty.
- Police employees that have died as a result of their police duties
- Those who died as a result of their police duties in Australia and the Pacific.
- Serving and former employees of the NZ Police who have died in the past year.



**Waharoa Aerodrome discussion**

An online meeting with three iwi members to listen to their aspirations in relation to their treaty settlement.

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

The following motion is submitted for consideration:

That the public be excluded from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

### C1 Appointment of Directors - Waikato Regional Airport Limited (WRAL)

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. .	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

### C2 Recruitment of Chief Executive Officer

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. .	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.