

# 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 14 February 2024  
**Wā | Time:** 9:00 am  
**Wāhi | Venue:** Council Chambers  
35 Kenrick Street  
TE AROHA

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### Ngā Mema | Membership

#### **Manuhuia | Mayor**

Adrienne Wilcock, JP (Chair)

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

James Thomas

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

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

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

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

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

**3 Pānui i Ngā Take 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 24 January 2024

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

Name	Position/Organisation	Topic
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## 7 Pūrongo me whakatau | Decision Reports

### 7.1 Earthquake Prone Council Buildings

CM No.: 2808870

#### Te Kaupapa | Purpose

The purpose of this report is firstly, to inform Council on progress with respect to Seismic Assessment of key council buildings.

Secondly, to seek approval to commence physical changes to the Morrinsville Area Office and Library.

#### Rāpopotonga Matua | Executive Summary

This report is a summary of progress to date with respect to key council buildings. It is ongoing work. Recommendations with options will be the subject of further reports but likely to be presented to the April 2024 meeting.

It also requests consideration to proceeding with physical works in the Morrinsville Area Office and Library. This complex has been assessed as achieving a 70% National Building Standard (NBS) rating.

#### Tūtohunga | Recommendation

That:

1. The information be received
2. The Seismic Rating Assessment of 70% National Building Standard (NBS) for Morrinsville Area Office and Library is acceptable to Council.
3. Physical works can now proceed to refurbish and upgrade the Front of House area.

#### Horopaki | Background

At the Council meeting held 23 August 2023 a resolution was passed to undertake **Initial Seismic Assessments** (ISA) on key council buildings. If the result was below 67%NBS then a **Detailed Seismic Assessment**, (DSA) was to be undertaken.

The buildings involved were Te Aroha Library (known to have an ISA of 35%NBS) Te Aroha Main Office; Morrinsville Area Office and Library (known to have an ISA of 40%NBS) and Morrinsville Events Centre.

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

The formal report on the ISA undertaken for Te Aroha (TA) main office was received on 31<sup>st</sup> October and returned an assessment of 25%NBS. This categorised the building as earthquake prone. The area of concern is unrestrained masonry walls on the ground floor around the toilet area adjacent to the boardroom. Of concern was also the linkage between the 1959 building; (IT and FABS wings and Boardroom & Executive Suite and the 1981 build. This latter part includes records area and cafeteria on the ground floor and Assets, H&S, Risk and Planning on the upper floor.

During November further investigation, including invasive inspection was carried out to obtain a better understanding of the effect of one building against the other.

This has resulted in an agreed phasing of the DSA. This has already commenced.

1. North-West wing of 1959 building (Boardroom & Executive suite) and 1959 staircase

Dependant on the result

2. Remainder of 1959 building
3. 1981 building

It is expected to take eight working weeks for the report for phase 1 to be completed.

The DSA for TA Library commenced late January 2024 and includes the use of Ground Penetrating Radar (GPR ) technology used horizontally. (This provides location and size of reinforcement within the concrete or masonry walls)

The consultant engineer has recommended that council go straight to a DSA for Morrinsville Events Centre. He has viewed the building; it was built mid 1990's and is likely to be at the higher end of NBS rating. It has been recommended that we wait until the potential use for Civil Defence purposes is confirmed before going straight to a DSA.

The DSA for Morrinsville Area Office and Library has determined a NBS70% rating. Below 34%NBS is considered Earthquake Prone, below 67%NBS is considered Earthquake Vulnerable.

A decision on whether this rating is acceptable to Council needs to be considered and if so refurbishment and upgrade works can be commenced. The planned work incorporates Health & Safety requirements for staff safety when dealing with members of the public. It will also prevent unauthorised access to the back office when the Customer Services desk is closed but the Library is still open, especially Saturdays.

## **Mōrearea | Risk**

This is an ongoing activity with no immediate risks identified. MPDC are working within the statutory regulations with respect to Earthquake Prone buildings

## **Ngā Whiringa | Options**

Options will be discussed for most of these affected buildings in a subsequent report once the results of the DSA's are known

### **Recommended option**

For Morrinsville Area Office and Library to proceed with the refurbishment of the Front of House Area

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

Considerations will be discussed in a future report once NBS% levels are known

## Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

To be discussed once ratings are known.

### Timeframes

Key Task	Dates
Delivery of reports outlining DSA assessment NBS% rating	February/March 2024

### Ngā take ā-lhinga | Consent issues

Building Consents will be required for any structural strengthening work identified.

Resource Consent will be required to any proposed changes to the external elevations of TA Library (Category 2 Heritage building)

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

The relevant Community Outcomes are set out below:

<b>Economic opportunities</b>	We are a business friendly Council	Our future planning enables sustainable growth in our District.	We provide leadership and advocacy is provided to enable our communities to grow.
<b>Healthy communities</b>	Our community is safe, healthy and connected.	We encourage the use and development of our facilities.	We encourage community engagement and provide sound and visionary decision making.

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

Funding will be from Operational Budgets. Aspects that result in physical works can be capitalised.

### Ngā Tāpiritanga | Attachments

There are no attachments for this report.

### Ngā waitohu | Signatories

Author(s)	Roger Lamberth <b>Property and Community Projects Manager</b>	
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Approved by	Manaia Te Wiata <b>Group Manager Business Support</b>	
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7 Pūrongo me whakatau | Decision Reports

## 7.2 Proposal by Raungaiti Sports Body Incorporated to relocate a building to Waharoa Domain and lease part of the Reserve

CM No.: 2809309

### Te Kaupapa | Purpose

To determine whether Council, in its capacity as Administering Body of the Reserve, supports the proposal in principle. The proposal requires resource and building consents as well as a grant of a lease over reserve land. The authority to grant leases over reserves and to provide landowner approval for buildings on reserves rests with Council and is currently not delegated to staff. A Council decision is therefore required before any administrative actions can be taken regarding a potential grant of lease or exercise of consents relating to the proposal.

### Rāpopotonga Matua | Executive Summary

A community group, Raungaiti Sports Body Incorporated, would like to relocate a building onto the Waharoa Recreation Reserve (also known as Waharoa Domain). The group would ultimately like to develop the building to enable it to be used for storage, clubrooms, and changing rooms.

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. While Council is the Administering Body of the Reserve under the Reserves Act there are additional legislative requirements that apply in this case because the land is Crown Land and has not been vested in Council.

The proposal would require the grant of a lease under the Reserves Act 1977 for the area occupied by the building. The delegation to decide whether to grant a new lease over reserve land currently sits with Council. If Council supports the proposal it would enable staff to initiate the public notification process for the proposed lease. Public notification of a proposed lease is required in this particular case because the Reserve is Crown Land and has not been vested in Council.

The proposal would also require resource consent under the Resource Management Act 1991 and building consent under the Building Act 2004. An applicant may only exercise a consent if the landowner has provided permission to do so.

Council is asked to consider the proposal, in its roles as Ministerial Delegate and as Administering Body of the Reserve.

## Tūtohunga | Recommendation

That:

1. The report is received;
2. Council provides (or declines to provide) approval in principle, subject to regulatory requirements being met, to Raungaiti Sports Body Incorporated to relocate a building to Waharoa Recreation Reserve to be used to support sports and recreation activities;
3. 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;
4. Council exercises its powers as Administering Body of the Reserve under the Reserves Act 1977 and resolves to publically notify the application for a lease concession over part of the Waharoa Recreation Reserve, pursuant to section 17SC of the Conservation Act 1987;
5. Council Staff are authorised to undertake the required administrative actions to give effect to the decisions.

## Horopaki | Background

Waharoa Domain is currently used for athletics. There are no enclosed changing facilities at the Reserve. Raungaiti Sports Body Incorporated would like to relocate onto the Reserve, a 9 x 18 m shed that they have recently been gifted (Attachments A & B). They would like to develop this shed to enable it to be used for storage, clubrooms, and changing rooms.

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.

The delegation to decide whether to grant a new 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 proposal requires resource and building consents which, if granted, may not be exercised unless Council agrees to it in its capacity as the Administering Body of the Reserve. If Council supports the proposal it would enable Raungaiti Sports Body to apply for the necessary consents.

## Ngā Take/Kōrerorero | Issues/Discussion

### Land Status

The Waharoa Recreation Reserve (also known as Waharoa Domain) is Crown Land classified as a Recreation Reserve under the Reserves Act 1977. The Reserve is not vested in Council.

Council holds an appointment to 'control and manage' the Reserve under the Reserves Act 1977. This appointment passed down from the former Waharoa Recreation Reserve Board when Matamata-Piako District was constituted as part of the reorganisation of local government in 1989. Council is the Administering Body of the Reserve for the purposes of the Reserves Act 1977.

### **Leasing powers**

As the Reserve is Crown Land and is not vested in Council, 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. In such cases, Section 59A modifies the wording of Part 3B of the Conservation Act 1987 as if references in Part 3B to a Conservation Area were references to a Reserve. An Instrument of Delegation signed by the Minister for Conservation in 2013 has further 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 (Attachment C).

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 publically 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.

The investigation to the land status and leasing powers has highlighted that there may be some administrative issues with other lease arrangements at the Reserve which will need to be investigated further.

### **Regulatory matters**

Under the District Plan, relocated buildings, and 'any building on a public reserve' are Discretionary Activities. The proposed activity therefore requires resource consent under the Resource Management Act 1991. Building consent is also required under the Building Act 2004.

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. If Council supports the proposal it would enable Raungaiti Sports Body to apply for the necessary consents.

### **Timings**

Raungaiti Sports Body have indicated that the building is currently sited on land that is being subdivided and that they therefore need a decision as soon as practicable to enable them to plan whether they can move the shed onto the reserve or may need to store it elsewhere until such time as approval has been granted.

The statutory requirement to publically notify the lease will unfortunately add time to the process before any consents can be exercised hence why direction is sought 'in principle' to enable the notification and consent processes to start as soon as practicable.

## Building site

At this stage, a specific building site has not been identified beyond an area of Reserve off McGowan Road in the vicinity of the current toilet block. More specific site investigation and planning would occur as part of the consent processes provided Council supports the proposal.

## Mōrearea | Risk

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

## Ngā Whiringa | Options

Option One – Status Quo	
Description of option	
Council declines to provide approval in principle. Raungaiti Sports Body is unable to relocate the building onto the Reserve.	
Advantages	Disadvantages
No cost to Council	No storage/shelter facilities
Time to seek and consider further information	Potentially a lost opportunity for Raungaiti Sports Body to acquire a building free of charge

Option Two – Council provides approval in principle	
Description of option	
Council provides approval 'in principle'. Public notice of proposed lease occurs. Submissions are received. Council makes final decision on lease after hearing submissions. Raungaiti Sports Body may apply for resource and building consents and if granted exercise those consents. Provided lease is granted and consents obtained, Raungaiti Sports Body may erect the building at the Reserve.	
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	
The environmental effects of the activity are considered as part of the consenting process	
A facility is provided at little cost to Council	



Option One – Status quo	
Impact assessment	
Legal Implications	None
Risk	Reputational Risk – Some people may think that Council is selective in which community groups it supports. Some people may think that Council is not supporting a proposal that they consider to align with Council strategies or the community outcomes.
Policy Implications / Strategic Links	<p>Waharoa Domain is a Recreation Reserve under the Reserves Act 1977. The proposal is considered to align with the management principles for Recreation Reserves as outlined in Section 17 of the Reserves Act 1977.</p> <p>The Parks &amp; Open Spaces Strategy 2021-51 allocated Waharoa Domain to the Sport and Recreation park management category. The proposal aligns with the purpose of this category.</p> <p>If Council does not support the proposal some people may think that Council is acting contrary to its strategies and policies. Council may however have valid reasons to decline a proposal that aligns with its strategies and policies e.g. unacceptable level or risk or insufficient information.</p>
Costs and benefits	Low cost but no benefit to Raungaiti Sports Body
Financial Implications	Low cost
Annual Plan / LTP Implications	There is no impact on the Long Term Plan or Annual Plan as no CAPEX funding is sought from Council.
Community Outcomes	This option could contribute to community outcomes if the intent is to defer the decision and consider potentially better alternatives.
Community Views	See Attachment A. As part of the Waharoa Plan Change process the community has expressed a desire for recreational facilities. A decision not to support might be seen by some people as not supporting community views.
Customer impact	If Council does not support the proposal customers who use the Reserve will remain without built facilities to support recreation at the Reserve.

Option Two – Approval in Principle	
Impact assessment	
Legal Implications	<p>Approval 'in principle' and 'subject to regulatory requirements' allows the relevant statutory processes to occur.</p> <p>It enables staff to give public notice of a proposed lease and seek public feedback on it. This may aid decision-making by gauging community support for the project. Council decides whether or not to grant a lease after</p>



	<p>hearing submissions.</p> <p>It enables consents to be applied for. The building consent process addresses building safety. The resource consent process addresses environmental effects of the activity.</p> <p>If statutory processes are not followed, Council decision-making could potentially be overturned by judicial review.</p>
Risk	<p>Safety Risk – Construction and buildings carry safety risks. The Building Act process addresses building safety.</p> <p>Reputational Risk – Some people may think that Council is selective in which community groups it supports. If the community group is unable to complete the building work this may reflect poorly on Council.</p> <p>Financial Risk – There is always a risk that community groups may fold and that Council may ‘inherit’ a building to maintain. This risk can be minimized by having a written lease agreement and by the fact that the building is relocatable.</p>
Policy Implications / Strategic Links	<p>Waharoa Domain is a Recreation Reserve under the Reserves Act 1977. The proposal is considered to align with the management principles for Recreation Reserves as outlined in Section 17 of the Reserves Act 1977.</p> <p>The Parks &amp; Open Spaces Strategy 2021-51 allocated Waharoa Domain to the Sport and Recreation park management category. The proposal aligns with the purpose of this category.</p>
Costs and benefits	Low cost but no benefit to Raungaiti Sports Body
Financial Implications	Low cost
Annual Plan / LTP Implications	There is no impact on the Long Term Plan or Annual Plan as no CAPEX funding is sought from Council.
Community Outcomes	This option could contribute to community outcomes if the intent is to defer the decision and consider potentially better alternatives.
Community Views	See Attachment A. As part of the Waharoa Plan Change process the community has expressed a desire for recreational facilities. A decision not to support might be seen by some people as not supporting community views.
Customer impact	If Council does not support the proposal customers who use the Reserve will remain without built facilities to support recreation at the Reserve.

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

### Reserves Act 1977

As noted above, Council may, as a delegate of the Minister of Conservation, 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 Part3B of the Conservation Act 1987 as modified by Section 59A of the Reserves Act 1977.

### **Conservation Act 1987**

The Conservation Act 1987 requires that a proposed lease is publically notified and prescribes the process for considering, granting or declining, a concession such as a lease.

### **Resource Management Act 1977**

Relocated buildings and all buildings on public reserves require resource consent under the operative District Plan.

### **Building Act 2004**

The shed is a building in terms of the Building Act 2004 and building consent would be required to relocate it.

### **Parks and Open Spaces Strategy 2021-51**

Waharoa Domain is assigned to the Sport and Recreation Park category. The primary purpose of this park management category is, "...set aside and developed for organised sport and recreation activities, recreation facilities and buildings, often multiple use....'

### **General Policies Reserve Management Plan 2019**

The General Policies Reserve Management Plan 2019 (GP-RMP) is the overarching policy document for reserves managed by MPDC. Its objectives and policies apply to all Reserves unless a site-specific RMP differs on an issue. The GP-RMP outlines objectives and policies Council has adopted concerning buildings on Reserves (Attachment D). Council is asked to consider these when making its decision, bearing in mind that, at this stage, the approval sought is 'in principle'. Should the proposal proceed, there would still be opportunities, through the lease and consent processes, to address more specific details such as the exact building site, any colour schemes, landscaping etc.

### **Active Reserves Management Plan 2009**

The Active Reserves Management Plan 2009 contains the site-specific policies for sports parks and applies to Waharoa Domain. Relevant extracts include:

- That athletics and rugby continue to use Waharoa Domain
- That ancillary facilities are shared where ever possible, or added only if necessary
- That applicable leases are entered into by all users

The proposal is considered to be consistent with the intent of the site-specific reserve management plan.

### **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.

<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	Public notification of a proposed lease and the consideration of submissions considers this. The resource consent process would also consider affected parties.
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 given its localised nature and the regulatory consultation process that applies.
Section 82 – this sets out principles of consultation.	There is a statutory requirement to publically notify the proposed lease in the manner prescribed by the legislation.

### **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**

A proposed lease over Waharoa Domain would need to be publically notified in accordance with the Conservation Act 1987.

### **Timeframes**

<b>Key Task</b>	<b>Dates</b>
Approval in Principle	14 February 2024
Public Notice	February/March 2024
At least 20 days to receive submissions	March/April 2024
Hearing	April/May 2024
Grant of lease	May 2024

The statutory processing timeframes for building and resource consents are twenty working days.

## Ngā take ā-lhinga | Consent issues

Resource and building consent would be required.

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

The relevant Community Outcomes are set out below:

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

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

If the approval is granted, public notices are likely to cost in the region of \$1000. If there are no submitters who wish to be heard, a hearing is not required. If there is to be a hearing there may be costs associated with it. If an independent hearings commissioner is used 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 is identified. Costs would need to be funded from the asset management operational budget.

The community group may apply for a grant towards resource consent costs.

## Ngā Tāpiritanga | Attachments

- A [↓](#). A. Proposal
- B [↓](#). B. The Building
- C [↓](#). C. Part 3B Conservation Act 1987 as modified by s.59A Reserves Act 1977 and Instrument of Delegation 2013
- D [↓](#). D. Extract from General Policies Reserve Management Plan 2019

## Ngā waitohu | Signatories

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

10 January 2024

Matamata-Piako District Council  
PO Box 266,  
Te Aroha 3342

Teena koe e te manu kaahui Mayor Wilcox me ngā kaikaunihera kei te rohe o Matamata Piako.  
Teena koutou katoa.

A collective of the community of Waharoa is seeking the support and approval of Matamata Piako District council and elected members to:

- Enter a lease arrangement with Matamata Piako District Council to have use of Waharoa Domain grounds for the purpose of promoting and running sports programmes and events.
- Relocate a building to Waharoa Domain to support community sporting programmes and events.

The collective includes Raungaiti Marae, Raungaiti Sports Body Incorporated, Waharoa Athletic club, Whakakuutia Mai health and fitness, Kaweitiki RL Club. The lease will be entered into and held with Raungaiti Sports Body Inc to coordinate and manage domain use with users. We anticipate that council will continue its maintenance programme and mowing of lawns and public toilets.

In addition to the lease the collective is also seeking support and approval to relocate a building for the general use and purpose of providing changing rooms, showers, and toilets to domain users. The collective is very fortunate to have had a building donated by Ngaati Hauaa Iwi Trust at no cost to support the revitalisation and aspirations goals of the Waharoa Community. The collective has initiated preliminary discussions with Matamata Piako District council staff and relocation of the building.

The collective is happy to address any questions to elected members of council in response to any of the above.

Therefore, the collective seeks.

1. Council decision in principle to enter a lease agreement, and
2. Council approval in principle to relocate a building to Waharoa Domain for the purpose of providing changing room, showering and toilet facilities for users of Waharoa Domain.

Heoi anoo, nei ngā ki a koutou katoa.

Regards

Adrein Wharawhara **(on behalf of collective)**





### Building for potential relocation

Approx. dimensions 9 x 18 m





**Part 3B Conservation Act 1987 as modified by s.59A Reserves Act 1977  
and an Instrument of Delegation from the Minister of Conservation 2013  
with respect to Reserves ‘controlled and managed’ by a territorial authority  
under the Reserves Act 1977.**

**Part 3B Concessions**

**17O Application**

(1)

This Part applies to every **RESERVE**.

(2)

Except as provided in subsection (3) or subsection (4), no activity shall be carried out in a **RESERVE** unless authorised by a concession.

(3)

A concession is not required in respect of—

(a)

any mining activity authorised under the [Crown Minerals Act 1991](#) (including the transitional provisions of that Act); or

(b)

any activity that is otherwise authorised by or under this Act or any Act specified in [Schedule 1](#); or

(c)

any action or event necessary for the purposes of saving or protecting life or health, or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment; or

(d)

any activity that is carried out by the **ADMINISTERING BODY** or **ADMINISTERING BODY** in the exercise of his or her functions, duties, or powers under this Act or any other Act.

(4)

An individual or organised group undertaking any recreational activity, whether for the benefit of the individual or members (individually or collectively) of the group, does not require a concession if the individual or group is undertaking the activity without any specific gain or reward for that activity, whether pecuniary or otherwise.

(5)

A group of the kind to which subsection (4) applies may impose on its members a reasonable charge in order to recover the reasonable expenses in organising the recreational activity.

(6)

Subsection (3)(b) shall not apply to any sports fishing guide or game hunting guide who conducts any activity in a **RESERVE**.

(7)

This Part is subject to [Part 2](#) of the Forests (West Coast Accord) Act 2000, in relation to land that is a **RESERVE** as a result of a declaration under [section 8\(1\)](#) of that Act.

**17P Relationship with Natural and Built Environment Act 2023**

(1)

This Part does not relieve any person from any obligation to obtain a resource consent under the [Natural and Built Environment Act 2023](#).

(2)

However, [section 22](#) and [Part 10](#) of the Natural and Built Environment Act 2023 do not apply to any lease granted by the **ADMINISTERING BODY**.

### 17Q Powers to grant concessions

(1)

Subject to this Part, the **ADMINISTERING BODY** may grant a concession in the form of a lease, licence, permit, or easement in respect of any activity.

(2)

The **ADMINISTERING BODY** shall not grant an easement in respect of an activity if a lease, licence, or permit may be granted in respect of the activity and the **ADMINISTERING BODY** considers that a lease, licence, or permit is more appropriate in that case.

(3)

[Part 4A](#) does not apply to any lease or licence granted under this Part.

### 17R Applications for leases, licences, etc

(1)

Any person may apply to the **ADMINISTERING BODY** for a concession to conduct an activity in a **RESERVE**.

(2)

However, a person must not apply to the **ADMINISTERING BODY** for a concession if—

(a)

the **ADMINISTERING BODY** has exercised a power under [section 17ZG\(2\)\(a\)](#) to initiate a process that relates to such an application for a concession; and

(b)

the application would be inconsistent with the process.

### 17S Contents of application

Every application for a concession must include the following information:

(a)

a description of the proposed activity;

(b)

a description identifying the places where the proposed activity will be carried out (including the status of those places);

(c)

a description of—

(i)

the potential effects of the proposed activity;

(ii)

any actions that the applicant proposes to take to avoid, remedy, or mitigate any adverse effects of the proposed activity;

(d)

details of the type of concession for which the applicant is applying;

(e)

a statement of—

(i)

the proposed duration of the concession; and

(ii)

the reasons for the proposed duration;

(f)

relevant information relating to the applicant, including any information relevant to the applicant's ability to carry out the proposed activity;

(g)

if the applicant applies for a lease, a licence granting an interest in land, or an easement,—

(i)

reasons for the request; and

(ii)

sufficient information to satisfy the **ADMINISTERING BODY** that, in terms of [section 17U](#), it is both lawful and appropriate to grant the lease, licence, or easement (as the case may be).

**17SA ADMINISTERING BODY may return application that lacks required information**

(1)

If the **ADMINISTERING BODY** is satisfied that an application does not contain all of the information required by [section 17S](#), he or she may return the application to the applicant.

(2)

The **ADMINISTERING BODY** may only do so within 10 working days after receiving the application.

(3)

If the **ADMINISTERING BODY** returns an application, he or she must give the applicant reasons for the decision to do so.

(4)

If an application is resubmitted after having been returned, the application is to be treated as a new application.

Section 17SA: inserted, on 18 October 2017, by [section 202](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

**17SB ADMINISTERING BODY may decline application that is obviously inconsistent with Act, etc**

(1)

If the **ADMINISTERING BODY** is satisfied that an application obviously does not comply with, or is obviously inconsistent with, the provisions of this Act or any relevant **RESERVE MANAGEMENT PLAN** or **RESERVE MANAGEMENT PLAN**, he or she may decline the application.

(2)

The **ADMINISTERING BODY** may make his or her decision on the basis of the information provided in or with the application, and without making further inquiry.

(3)

The **ADMINISTERING BODY** may only do so within 20 working days after the expiry of the period referred to in [section 17SA\(2\)](#).

(4)

If the **ADMINISTERING BODY** declines an application, he or she must inform the applicant and give the applicant reasons for the decision.

Section 17SB: inserted, on 18 October 2017, by [section 202](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

**17SC Public notification of application for leases, licences, permits, or easements**

(1)

The **ADMINISTERING BODY** must publicly notify every application for—

(a)

a lease; or

(b)

a licence for a term (including renewals) of more than 10 years.

(2)

The **ADMINISTERING BODY** may publicly notify any other application for a licence if, having regard to the effects of the licence, he or she considers it appropriate to do so.

(3)

The **ADMINISTERING BODY** may publicly notify any application for a permit or an easement if, having regard to the effects of the permit or easement, he or she considers it appropriate to do so.

(4)

However, this section does not apply to—

(a)

an application that—

(i)

does not comply with [section 17R\(2\)](#); or

(ii)

is returned under [section 17SA](#) or [17SD](#); or

(iii)

is declined under [section 17SB](#):

- (b)  
an application for the grant of a lease or licence resulting from the exercise of a right of renewal or extension, or a right to a new lease or licence, that is contained in a lease or licence.

**17SD ADMINISTERING BODY may require applicant to provide further information**

- (1)  
The **ADMINISTERING BODY** may, by notice in writing, require an applicant for a concession to supply any further information (including an assessment of environmental effects) that the **ADMINISTERING BODY** considers necessary to enable a decision to be made.

- (2)  
The applicant must provide the information within any reasonable time that is specified in the notice.

- (3)  
An assessment of environmental effects that is provided for the purposes of this section must—  
(a)  
contain the information required by [Schedule 9](#) of the Natural and Built Environment Act 2023 to be in an assessment of environmental effects under that Act; or

- (b)  
be in a form that the **ADMINISTERING BODY** requires.

- (4)  
If the applicant does not provide all of the information within the specified time and the **ADMINISTERING BODY** determines that the information not provided is necessary to enable a decision to be made on the application, the **ADMINISTERING BODY** may return the application to the applicant with the reasons for the determination.

- (5)  
However, the **ADMINISTERING BODY** cannot return the application under subsection (4) if—

- (a)  
the applicant, within the specified time, advises the **ADMINISTERING BODY** that some or all of the requested information will not be provided and requests that the application be considered anyway; or  
(b)  
the application has been publicly notified.

**17SE ADMINISTERING BODY may commission report or advice**

- (1)  
The **ADMINISTERING BODY** may, at the applicant's expense,—  
(a)  
commission a report or seek advice from any person (including the **ADMINISTERING BODY**) on any matters raised in relation to an application:

- (b)  
obtain, from any source, any existing relevant information on the proposed activity (or structure) that is the subject of the application.

- (2)  
The **ADMINISTERING BODY** must—

- (a)  
provide the applicant with a copy of any information obtained under subsection (1); and

- (b)  
provide the applicant with any reasonable time that the **ADMINISTERING BODY** considers appropriate in which to comment on the information provided.

- (3)  
To avoid doubt, the report or advice under subsection (1) may include a review of the application and any information provided by the applicant.

**17T ADMINISTERING BODY to consider applications**

(1)

The **ADMINISTERING BODY** must consider an application for a concession if the application—

- (a) complies with [section 17R\(2\)](#); and
- (b) is not returned under [section 17SA](#); and
- (c) is not declined under [section 17SB](#); and
- (d) is not returned under [section 17SD\(4\)](#).

(2)

The **ADMINISTERING BODY** must consider the application when,—

- (a) if public notification is required or the **ADMINISTERING BODY** considers it appropriate under [section 17SC](#), [section 49](#) has been complied with; and
- (b) if the **ADMINISTERING BODY** sought further information under [section 17SD](#),—
  - (i) the information has been provided; or
  - (ii) the time specified in the notice for providing the information has expired and the information has not been provided; and
- (c) if the **ADMINISTERING BODY** obtained any information under [section 17SE](#), section 17SE(2) has been complied with.

Section 17T: replaced, on 18 October 2017, by [section 202](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

#### **17U Matters to be considered by ADMINISTERING BODY**

(1)

In considering any application for a concession, the **ADMINISTERING BODY** shall have regard to the following matters:

- (a) the nature of the activity and the type of structure or facility (if any) proposed to be constructed:
- (b) the effects of the activity, structure, or facility:
- (c) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity:
- (d) any information received by the **ADMINISTERING BODY** under [sections 17S](#), [17SD](#), and [17SE](#):
- (e) any relevant environmental impact assessment, including any audit or review:
- (f) any relevant oral or written submissions received as a result of any relevant public notice issued under [section 49](#):
- (g) any relevant information which may be withheld from any person in accordance with the [Official Information Act 1982](#) or the [Privacy Act 2020](#).

(2)

The **ADMINISTERING BODY** may decline any application if the **ADMINISTERING BODY** considers that—

- (a) the information available is insufficient or inadequate to enable him or her to assess the effects (including the effects of any proposed methods to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or
- (b)

there are no adequate methods or no reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility.

(3)

The **ADMINISTERING BODY** shall not grant an application for a concession if the proposed activity is contrary to the provisions of this Act or the purposes for which the land concerned is held.

(4)

The **ADMINISTERING BODY** shall not grant any application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where he or she is satisfied that the activity—

(a)

could reasonably be undertaken in another location that—

(i)

is outside the **RESERVE** to which the application relates; or

(ii)

is in another **RESERVE** or in another part of the **RESERVE** to which the application relates, where the potential adverse effects would be significantly less; or

(b)

could reasonably use an existing structure or facility or the existing structure or facility without the addition.

(5)

The **ADMINISTERING BODY** may grant a lease or a licence (other than a *profit à prendre*) granting an interest in land only if—

(a)

the lease or licence relates to 1 or more fixed structures and facilities (which structures and facilities do not include any track or road except where the track or road is an integral part of a larger facility); and

(b)

in any case where the application includes an area or areas around the structure or facility,—

(i)

either—

(A)

it is necessary for the purposes of safety or security of the site, structure, or facility to include any area or areas (including any security fence) around the structure or facility; or

(B)

it is necessary to include any clearly defined area or areas that are an integral part of the activity on the land; and

(ii)

the grant of a lease or licence granting an interest in land is essential to enable the activity to be carried on.

(6)

No lease may be granted unless the applicant satisfies the **ADMINISTERING BODY** that exclusive possession is necessary for—

(a)

the protection of public safety; or

(b)

the protection of the physical security of the activity concerned; or

(c)

the competent operation of the activity concerned.

(7)

For the purposes of subsection (6), the competent operation of an activity includes the necessity for the activity to achieve adequate investment and maintenance.

(8)

Nothing in this Act or any other Act requires the **ADMINISTERING BODY** to grant any concession if he or she considers that the grant of a concession is inappropriate in the circumstances of the particular application having regard to the matters set out in this section.

### 17V Limitations on concessions and leases over marginal strips

(1)

Without limiting the power of the **ADMINISTERING BODY** to grant a concession over a **RESERVE** that is a marginal strip, the **ADMINISTERING BODY** may decline to grant a concession in any case if he or she is satisfied that it is more appropriate in that case to enter into any agreement or arrangement under [section 24H](#).

(2)

No concession may authorise the owner of any land adjoining a marginal strip to use the marginal strip for farming purposes or forestry purposes or any purpose associated with or incidental to any farming or forestry carried out on the adjoining land; but nothing in the preceding provisions of this subsection limits or affects [section 24H](#).

(3)

The **ADMINISTERING BODY** shall not grant a lease (other than a lease that formalises an occupation of the land, where that occupation existed before 10 April 1990) over a marginal strip unless he or she is satisfied that—

(a)

the grant is permitted by this Part; and

(b)

the activities authorised by the lease require the use of both the marginal strip and the adjacent water; and

(c)

the land, structures, and facilities to which the lease relates are essential to the carrying out of such activities.

### 17W Relationship between concessions and conservation management strategies and plans

(1)

Where a **RESERVE MANAGEMENT PLAN** or **RESERVE MANAGEMENT PLAN** has been established for a **RESERVE** and the strategy or plan provides for the issue of a concession, a concession shall not be granted in that case unless the concession and its granting is consistent with the strategy or plan.

(2)

Where—

(a)

there is no **RESERVE MANAGEMENT PLAN** or **RESERVE MANAGEMENT PLAN** for a **RESERVE**; or

(b)

the relevant **RESERVE MANAGEMENT PLAN** or **RESERVE MANAGEMENT PLAN** does not make any provision for the activity to which the application relates in a **RESERVE**,—

the **ADMINISTERING BODY**, after complying with the provisions of [sections 17S](#), [17T](#), and [17U](#), may grant a concession.

(3)

The **ADMINISTERING BODY** may decline any application, whether or not it is in accordance with any relevant **RESERVE MANAGEMENT PLAN** or **RESERVE MANAGEMENT PLAN**, if he or she considers that the effects of the activity are such that a review of the strategy or plan, or the preparation of a strategy or plan, is more appropriate.

(4)

On declining an application under subsection (3), the **ADMINISTERING BODY**, if requested by the applicant to do so and after consultation with the relevant Conservation Board, may initiate a review of the strategy or plan pursuant to [section 17H](#) or the preparation of a strategy or plan under this Act.

(5)

The **ADMINISTERING BODY** may require the applicant to pay all or part of the reasonable costs of such a review or the preparation of a strategy or plan.

(6)

Subsection (4) does not affect the power of the **ADMINISTERING BODY** to initiate a review or an amendment to a strategy or plan under [section 17H](#) or [section 17I](#).

(7)

It shall be a condition of every concession document that the concessionaire must act in accordance with every relevant **RESERVE MANAGEMENT PLAN** and **RESERVE MANAGEMENT PLAN** for the time being in force, including any amendments to the strategy or plan, whether the strategy or plan or amendment was approved before or on or after

the date on which the concession became effective; and that condition shall be deemed to be included in every concession document.

(8)

Any provision of a concession document that contravenes or allows expressly or by implication any action or default on the part of the concessionaire in contravention of the strategy or plan shall have no effect and any breach or contravention of the strategy or plan shall be deemed to be a breach or contravention of the concession and concession document.

### **17X Power of ADMINISTERING BODY to impose and enforce conditions**

In granting any concession, the **ADMINISTERING BODY** may impose such conditions as he or she considers appropriate for the activity, structure, or facility, including (but not limited to) conditions relating to or providing for—

(a)

the activity itself, the carrying out of the activity, and the places where it may be carried out:

(b)

the name and full address of every person or body to whom the concession is granted and who may carry out the activity:

(c)

the payment of rent, fees, and royalties as provided in [section 17Y](#):

(d)

the payment of compensation for any adverse effects of the activity on the Crown's or public interest in the land concerned, unless such compensation has been provided for in the setting of rent:

(e)

the provision by the concessionaire of bonds—

(i)

to cover any costs incurred by the **ADMINISTERING BODY** in carrying out work that the concessionaire has failed to carry out and that was required by the concession document to be carried out; or

(ii)

to mitigate any adverse effects arising from but not authorised by the concession or not reasonably foreseen at the time the concession was granted:

(f)

the waiver or reduction of any rent, compensation, or bond where—

(i)

the concessionaire makes any contribution to the management of the lands or the public interest in those lands; or

(ii)

there is any other non-commercial public benefit from the activity; or

(iii)

any circumstances of the concession justify such waiver or reduction; or

(iv)

the costs of setting and collecting the rent exceed any rent which may be collected:

(g)

the restoration of the site and the removal of any structure or facility at the expense of the concessionaire or the vesting in the Crown of any structure or facility at the end of the term of the concession:

(h)

periodic reviews of the terms and conditions (including rents) of the concession:

(i)

a covenant that on any transfer, sublease, sublicence, or assignment of a concession, the concessionaire shall remain liable throughout the term (including renewals) of the lease or licence or easement and shall procure from the transferee or sublessee or sublicensee or assignee a covenant to be bound by the conditions of the lease or licence or easement:

(j)

the payment of any fees (including legal fees) in respect of the preparation of the concession document and its registration (where necessary), being fees payable in addition to any fees payable under [sections 60A to 60D](#).

### **17Y Rents, fees, and royalties**

(1)



It shall be a condition of the **ADMINISTERING BODY**'s granting a concession under this Part that the person or body to whom the concession is granted—

(a)  
shall pay any specified rents, fees, and royalties to the **ADMINISTERING BODY**; and

(b)  
shall pay any other levy or charge made on an occupier or owner of land, as a result of the grant of a lease, licence, or easement, either to the **ADMINISTERING BODY** or as directed by the **ADMINISTERING BODY**.

(2)  
The rent, fee, or royalty may be fixed at the market value, having regard to—

(a)  
any circumstances relating to the nature of the activity; and

(b)  
the effects of the activity on the purposes of the area affected; and

(c)  
any contractual conditions, covenants, or other encumbrances placed upon intrinsic resources, natural resources, or historic resources by the concession.

(3)  
Rent, fees, and royalties for a concession shall be reviewed at intervals not exceeding 3 years.

#### **17ZTerm of concession**

(1)  
A lease or a licence may be granted for a term (which term shall include all renewals of the lease or licence) not exceeding 30 years or, where the **ADMINISTERING BODY** is satisfied that there are exceptional circumstances, for a term not exceeding 60 years.

(2)  
A permit may be granted for a term not exceeding 10 years but shall not be renewable.

(3)  
An easement may be granted for a term not exceeding 30 years, but—

(a)  
in exceptional circumstances, the **ADMINISTERING BODY** may grant a term not exceeding 60 years:

(b)  
where the easement provides a right of way access to a property to which there is no other practical access, the term may be for such longer period as the **ADMINISTERING BODY** considers appropriate:

(c)  
where the easement is for a public work (as defined in the [Public Works Act 1981](#)), the term may be for the reasonably foreseeable duration of that public work.

#### **17ZAAConcession may continue after application for new concession**

(1)  
This section applies if—

(a)  
a concession is due to expire; and

(b)  
the concessionaire applies for a new concession for the same activity; and

(c)  
the application complies with [section 17R](#) and includes the information required by [section 17S\(1\)](#) and (2); and

(d)  
the application meets the timing requirement in subsection (2) or (3); and

(e)  
the concessionaire has complied with the terms and conditions of the existing concession.

(2)  
The application meets the timing requirement if it is made at least 6 months before the existing concession expires.

(3)

The application also meets the timing requirement if—

(a)

it is made in the period starting 6 months before, and ending 3 months before, the existing concession expires; and

(b)

the **ADMINISTERING BODY**, in his or her discretion, allows the application to be made within that period.

**ADMINISTERING BODY** decides to grant new concession

(4)

Subsection (5) applies if—

(a)

the **ADMINISTERING BODY** decides to grant the new concession; and

(b)

the concessionaire does not apply for reconsideration under [section 17ZJ\(b\)](#) before 1 of the following things happens:

(i)

the new concession document is signed by the parties:

(ii)

the specified deadline is reached.

(5)

The concessionaire may continue to operate under the existing concession until 1 of the things described in subsection (4)(b)(i) and (ii) happens.

(6)

Subsection (7) applies if—

(a)

the **ADMINISTERING BODY** decides to grant the new concession; and

(b)

the concessionaire applies for reconsideration under [section 17ZJ\(b\)](#) before 1 of the following things happens:

(i)

the new concession document is signed by the parties:

(ii)

the specified deadline is reached.

(7)

The concessionaire may continue to operate under the existing concession until 1 of the following things happens:

(a)

the new concession document is signed by the parties:

(b)

the **ADMINISTERING BODY** completes or declines to carry out the reconsideration.

**ADMINISTERING BODY** declines to grant new concession

(8)

Subsection (9) applies if—

(a)

the **ADMINISTERING BODY** declines to grant the new concession; and

(b)

the concessionaire does not apply for reconsideration under [section 17ZJ\(a\)](#) before the specified deadline.

(9)

The concessionaire may continue to operate under the existing concession until the specified deadline.

(10)

Subsection (11) applies if—

(a)

the **ADMINISTERING BODY** declines to grant the new concession; and

(b)

the concessionaire applies for reconsideration under [section 17ZJ\(a\)](#) before the specified deadline.

(11)

The concessionaire may continue to operate under the existing concession until the **ADMINISTERING BODY** completes or declines to carry out the reconsideration.

(12)

This section does not apply to an existing concession if [section 17ZAAB](#) already applies to the concession.

*Meaning of specified deadline*

(13)

In this section, **specified deadline** means the sooner of the following times:

(a)

the end of the day that is 1 month after the day of the **ADMINISTERING BODY**'s decision to grant or to decline to grant the new concession;

(b)

the end of any time limit for the concessionaire to apply for reconsideration under [section 17ZJ](#) that is prescribed by regulations made under [section 48AA](#), including any extension of the time limit.

#### **17ZAAB Concession may continue after process initiated under section 17ZG(2)(a)**

(1)

This section applies if—

(a)

a concession is due to expire; and

(b)

the **ADMINISTERING BODY** has exercised a power under [section 17ZG\(2\)\(a\)](#) to initiate a process that relates to an application for a concession; and

(c)

an application by the concessionaire for a new concession for the same activity would be inconsistent with the process if the application were made when written notice is given under paragraph (d); and

(d)

the concessionaire gives written notice to the **ADMINISTERING BODY** that the concessionaire wants to continue to operate under the existing concession under this section; and

(e)

the written notice meets the timing requirement in subsection (2) or (3); and

(f)

the concessionaire has complied with the terms and conditions of the existing concession.

(2)

The written notice meets the timing requirement if it is given at least 6 months before the existing concession expires.

(3)

The written notice also meets the timing requirement if—

(a)

it is given in the period starting 6 months before, and ending 3 months before, the existing concession expires; and

(b)

the **ADMINISTERING BODY**, in his or her discretion, allows the written notice to be given within that period.

(4)

The concessionaire may continue to operate under the existing concession until—

(a)

the **ADMINISTERING BODY** has decided to grant or to decline to grant a concession for each application made in accordance with the process initiated under [section 17ZG\(2\)\(a\)](#); and

(b)

each applicant's right to apply for reconsideration under [section 17ZJ](#) has been resolved as described in subsection (6), (8), (10), or (12).

**ADMINISTERING BODY decides to grant applicant's concession**

(5)

Subsection (6) applies if—

- (a) the **ADMINISTERING BODY** decides to grant the applicant's concession; and
- (b) the applicant does not apply for reconsideration under [section 17ZJ\(b\)](#) before 1 of the following things happens:
  - (i) the concession document is signed by the parties:
  - (ii) the specified deadline is reached.

(6) The applicant's right to apply for reconsideration is resolved when 1 of the things described in subsection (5)(b)(i) and (ii) happens.

(7) Subsection (8) applies if—

- (a) the **ADMINISTERING BODY** decides to grant the applicant's concession; and
- (b) the applicant applies for reconsideration under [section 17ZJ\(b\)](#) before 1 of the following things happens:
  - (i) the concession document is signed by the parties:
  - (ii) the specified deadline is reached.

(8) The applicant's right to apply for reconsideration is resolved when 1 of the following things happens:

- (a) the concession document is signed by the parties:
- (b) the **ADMINISTERING BODY** completes or declines to carry out the reconsideration.

**ADMINISTERING BODY declines to grant applicant's concession**

(9) Subsection (10) applies if—

- (a) the **ADMINISTERING BODY** declines to grant the applicant's concession; and
- (b) the applicant does not apply for reconsideration under [section 17ZJ\(a\)](#) before the specified deadline.

(10) The applicant's right to apply for reconsideration is resolved when the specified deadline is reached.

(11) Subsection (12) applies if—

- (a) the **ADMINISTERING BODY** declines to grant the applicant's concession; and
  - (b) the applicant applies for reconsideration under [section 17ZJ\(a\)](#) before the specified deadline.
- (12) The applicant's right to apply for reconsideration is resolved when the **ADMINISTERING BODY** completes or declines to carry out the reconsideration.

(13) This section does not apply to an existing concession if [section 17ZAA](#) already applies to the concession.

*Meaning of specified deadline*

(14) In this section, **specified deadline** means the sooner of the following times:

(a)  
the end of the day that is 1 month after the day of the **ADMINISTERING BODY**'s decision to grant or to decline to grant the relevant applicant's concession:

(b)  
the end of any time limit for the relevant applicant to apply for reconsideration under [section 17ZJ](#) that is prescribed by regulations made under [section 48AA](#), including any extension of the time limit.

Section 17ZAAB: inserted, on 31 August 2012, by [section 4](#) of the Conservation Amendment Act 2012 (2012 No 61).

#### 17ZA Registration of easements

(1)  
For the purpose of granting any easement over any **RESERVE**, the **ADMINISTERING BODY** is hereby deemed to be the registered owner of that **RESERVE**.

(2)  
*[Repealed]*

(3)  
*[Repealed]*

(4)  
*[Repealed]*

#### 17ZB Accounts

(1)  
The **ADMINISTERING BODY** may, to assist himself or herself in verifying any rent, fees, or royalties, or amount of any compensation or bond, require any body or person who has been granted a concession under this Part in respect of any activity to provide a complete statement of audited financial accounts and any other relevant information for that part of the activity that is carried out under the concession on or in any **RESERVE**.

(2)  
The accounts shall be forwarded to the **ADMINISTERING BODY** not later than 3 months after the end of the financial year in respect of which they are required.

(3)  
The contravention of or failure to comply with subsection (2) shall be a breach of the concession.

#### 17ZC Changing conditions

(1)  
The **ADMINISTERING BODY** and the concessionaire may at any time, by agreement in writing and without any public notification, vary any conditions in the concession document where—

(a)  
the variation is of a minor and technical nature and does not materially increase the adverse effects of the activity or the term of the activity or materially change the location of the activity; or

(b)  
the variation will result in a reduction of the adverse effects or the duration of the activity.

(2)  
The concessionaire may at any time apply to the **ADMINISTERING BODY** for a variation or extension to the concession and such application shall be treated as if it were an application for a concession; and the provisions of [sections 17S to 17ZB](#) shall apply accordingly.

(3)  
The **ADMINISTERING BODY**, on request or on his or her own motion, may vary the conditions of a concession where—

(a)  
the variation is the result of a review provided for in the concession document; or

(b)  
the variation is necessary to deal with significant adverse effects of the activity that were not reasonably foreseeable at the time the concession was granted; or

(c)

the variation is necessary because the information made available to the **ADMINISTERING BODY** by the concessionaire for the purposes of the concessionaire's application contained inaccuracies that materially influenced the decision to grant a concession and the effects of the activity permitted by the concession require more appropriate conditions;—

and the concessionaire shall be bound by every such variation.

(4)

An instrument of any variation or extension must be executed by the **ADMINISTERING BODY** and by the concessionaire and, if it relates to a lease or licence or easement registered under the [Land Transfer Act 2017](#), must be registered under that Act.

(5)

If the instrument of variation or extension relates to a lease for which a record of title has been issued, the memorandum must be noted on the record of title.

(6)

If the interest of the concessionaire is at the time of registration of the instrument of variation or extension subject to a mortgage, the instrument shall not be binding on the mortgagee unless the mortgagee has consented to the variation or extension in writing in the instrument.

#### **17ZD Failure to execute or exercise concession document**

(1)

If any applicant for a concession who has been granted a concession fails to sign the applicant's concession document within 1 month after being required by written notice to do so, the **ADMINISTERING BODY** may cancel the grant of the concession to that person.

(2)

A concession lapses on the expiry of 2 years after the date of commencement of the concession, or after the expiry of such longer period as the **ADMINISTERING BODY** may allow, unless the concession is exercised before the end of that period.

(3)

Any money paid under the concession (including any money paid under any of [sections 60A to 60D](#)) shall, unless the **ADMINISTERING BODY** otherwise directs, be forfeit to the **ADMINISTERING BODY**.

(4)

Any activity carried on by the concessionaire under a concession that has been cancelled under subsection (1) or has lapsed under subsection (2) shall be deemed to be an activity carried on without the authority of the **ADMINISTERING BODY** for the purposes of [section 39](#).

#### **17ZE Transfers, subleases, and mortgages**

(1)

Where a concession document includes a right to transfer, sublease, assign, mortgage, or otherwise dispose of the concessionaire's interest, the concessionaire shall not transfer, sublease, assign, mortgage, or otherwise dispose of the concessionaire's interest or any part thereof without the consent of the **ADMINISTERING BODY**.

(2)

The **ADMINISTERING BODY** shall at all times have power in the public interest, and in his or her discretion, to refuse any application for consent whatever or to grant his or her consent subject to such conditions as he or she thinks fit.

(3)

Unless the concession document otherwise provides, the provisions of [sections 17P, 17S, 17T, 17U, 17W, 17X, 17ZB, and 17ZC](#) apply to any application to transfer, sublease, assign, mortgage, or otherwise dispose of a concessionaire's interest in a concession or any part of a concession.

#### **17ZF Aircraft**

(1)

No aircraft shall land or take off from any site within a **RESERVE** that is not a certified aerodrome unless—

(a)

there is an emergency arising from—

- (i) mechanical or structural or operational defects in the aircraft or its equipment; or
- (ii) weather conditions or other causes not under the control of the pilot in command; or
- (b) the action is necessary to establish, construct, operate, maintain, repair, or replace a maritime navigational aid; or
- (c) a concession has been obtained for the purpose from the **ADMINISTERING BODY**.

(2) Any concession document granted for such purpose by the **ADMINISTERING BODY** shall be in the possession of the operator and have been sighted by the pilot in command of the aircraft prior to landing or taking off.

(3) This section does not apply to any aircraft operated by the New Zealand Defence Force or the Civil Aviation Authority of New Zealand.

(4) Nothing in this section implies any responsibility by the **ADMINISTERING BODY** or liability for the safety of any aircraft or person aboard an aircraft while the aircraft is in the air or landing.

(5) For the purposes of this section, **landing** includes the hovering of any aircraft and the setting down or taking on of goods or persons from an aircraft.

#### 17ZG Management activities

(1) Subject to this Act, nothing in this Part shall affect or limit the proper exercise by the **ADMINISTERING BODY** or **ADMINISTERING BODY** of any power to manage any land held or managed under this Act or any Act specified in [Schedule 1](#).

(2) Without limiting any power exercisable by the **ADMINISTERING BODY**, the **ADMINISTERING BODY** may—

- (a) tender the right to make an application, invite applications, or carry out other actions that may encourage specific applications:
- (b) include in any concession provisions for the concessionaire to carry on activities relating to the management of any **RESERVE** on behalf of the **ADMINISTERING BODY** or at any time enter into any agreement providing for the concessionaire to carry out such activities.

Section 17ZG: inserted, on 1 July 1996, by [section 7\(1\)](#) of the Conservation Amendment Act 1996 (1996 No 1).

#### 17ZH Powers of **ADMINISTERING BODY** where services are provided by the **ADMINISTERING BODY** or the **ADMINISTERING BODY**

Where any community service, benefit, or facility has been provided by the **ADMINISTERING BODY** or the **ADMINISTERING BODY**, whether within or outside a **RESERVE**, for the benefit of concessionaires either occupying any part of the **RESERVE** or undertaking any activity within the area under any concession document—

- (a) the **ADMINISTERING BODY** may, in accordance with this section and the relevant concession document, assess the amount of contribution to be paid to the **ADMINISTERING BODY** by the concessionaires towards the cost of providing and maintaining that service, benefit, or facility:
- (b) the contribution assessed under paragraph (a) in respect of the capital cost of providing any such service, benefit, or facility shall be apportioned by the **ADMINISTERING BODY** among those concessionaires in such manner as he or she thinks fit and shall be paid in 1 amount or over a period of years as the **ADMINISTERING BODY** may determine, and the **ADMINISTERING BODY** may in like manner apportion among those concessionaires an annual contribution

to be paid by them to the **ADMINISTERING BODY** to meet the cost of maintaining any such service, benefit, or facility:

- (c) the amount apportioned by the **ADMINISTERING BODY** to be paid by any concessionaire shall be due and payable to and recoverable by the **ADMINISTERING BODY** on the expiration of 3 months after the service of a demand made on the concessionaire by the **ADMINISTERING BODY** or the **ADMINISTERING BODY**;
- (d) if the amount so apportioned is not paid by the due date, interest shall be payable by the concessionaire from the due date until payment in full at such rate as is from time to time fixed by the **ADMINISTERING BODY**;
- (e) where any amount so apportioned is not paid in full by the due date, the concessionaire shall be deemed to have committed a breach of his or her or its concession;
- (f) the **ADMINISTERING BODY** may exempt any concessionaire from payment of the whole or any part of any amount apportioned by the **ADMINISTERING BODY** or the **ADMINISTERING BODY** under the foregoing provisions of this section, or may grant such relief to the concessionaire as he or she considers appropriate in the circumstances.

#### 17ZI Records

The **ADMINISTERING BODY** shall keep reasonably available for public inspection during usual business hours at such office or offices in the locality where the relevant concession applies, as may be specified by the **ADMINISTERING BODY**,—

- (a) records of each application for a concession received by the **ADMINISTERING BODY**; and
- (b) details of any public notification of the application; and
- (c) the decision made on the application.

#### 17ZJ Reconsideration of decisions

Without limiting any other provision in this Part, upon application by an applicant for a concession,—

- (a) where the **ADMINISTERING BODY** has declined to grant a concession to the applicant, the **ADMINISTERING BODY** may reconsider that decision;
- (b) where the **ADMINISTERING BODY** has decided to grant a concession to the applicant, the **ADMINISTERING BODY** may reconsider any decision made by the **ADMINISTERING BODY** in relation to the proposed concession if the application under this section is made before a concession document is executed.



## 7.2 Buildings and structures

It is important to ensure that buildings and structures do not compromise the recreational or open space values of the reserve, unless the provision of buildings and structures supports the use and enjoyment of the reserve.

The District Plan regulates buildings on public reserves and should be consulted if a building or structure is contemplated. Buildings are also regulated by the Building Act. Structures that are not buildings may or may not require resource or building consent depending on the nature and scale of the structure.

### Objectives

- A To ensure that the design and scale of any new buildings or structures are appropriate to the character and purpose of the reserve.
- B To facilitate public recreation and enjoyment in keeping with the purpose of the reserve.
- C To optimise the use of existing buildings where practicable.

### Policies

#### 7.2.1 Buildings and structures in general

- 1. Buildings may be provided for the specific proven needs of the users where this does not detrimentally affect the appearance or utilisation of the park.
- 2. Where practicable existing buildings should be utilised.
- 3. New buildings will only be allowed if it is not practicable or suitable to use an existing building; modify an existing building; or share existing facilities with other users.
- 4. New buildings should only be located where:
  - a. The new building (and any associated car parking) does not unduly restrict use of the remaining area for outdoor recreation.
  - b. The new building does not obstruct entrances or exits to the reserve.
  - c. The new building does not detract from the open nature of the park, especially as seen from surrounding properties and roads.

5. The design of all buildings and structures proposed to be erected shall be referred to Council or its delegated representative for approval prior to construction.
6. All new buildings and structures shall be of a size and design that:
  - a. Is appropriate to the purpose of the reserve;
  - b. Is appropriate to the character of the reserve; and
  - c. Is of an appropriate architectural standard for a public building or structure.
7. Structures which do not require resource or building consent shall only be installed if they have been approved in writing by the Asset Manager (or their delegated representative).
8. Buildings shall be designed or modified to facilitate multi-purpose use and adaptation wherever practicable.
9. Existing buildings that have become surplus to requirements shall, where practicable, be removed from the reserve prior to the construction of new buildings.
10. Buildings that are occupied or intended to be occupied by third parties shall be subject to an appropriate occupation agreement (see Occupation section).

#### **7.2.2 Donated or memorial structures**

*See 11.6 Donated assets and memorials*

7 Pūrongo me whakatau | Decision Reports

## 7.3 Adoption of Solid Waste Management and Minimisation Bylaw Following Further Consultation

CM No.: 2814880

### Te Kaupapa | Purpose

The purpose of this report is to recommend that Council adopt its Solid Waste Management and Minimisation Bylaw 2024 (Bylaw). Consultation was held in March/April 2023, with further consultation held in December 2023 regarding the proposal to include a requirement for construction site waste management and minimisation plans.

This report contains a summary of feedback received. Following consideration of this feedback, and noting that there is no further indication as to planned changes to the Building Act 2004, staff recommend that the Bylaw be adopted with clause 7.36 retained.

### Rāpopotonga Matua | Executive Summary

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

This report recommends that Council adopt the Bylaw as consulted on with the community with the continued inclusion of clause 7.36. Staff propose that construction site waste management and minimisation plans are required for all builds with an estimated value of \$500k and above.

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## Tūtohunga | Recommendation

That:

1. The information be received.
2. Note that on 8 March 2023 Council determined, pursuant to section 155(1) of the Local Government Act 2002, that a bylaw is the most appropriate way of addressing the perceived problems.
3. Council determines that the proposed Solid Waste Management and Minimisation Bylaw 2024 meets the requirements of section 155 of the Local Government Act 2002, in that it:
  - i. Is the most appropriate form of bylaw;
  - ii. Does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
4. Council considers the further feedback received in December 2023 with respect to clause 7.36, and as a result resolves to include the clause in its Solid Waste Management and Minimisation Bylaw 2024 as follows:

*Any person applying for a building consent for ~~non-residential~~ all building work with an estimated value of \$500,000 or higher must also submit a construction site waste management and minimisation plan to Council for approval.*
5. Council adopts the Solid Waste Management and Minimisation Bylaw 2024.
6. Council resolves that the Solid Waste Management and Minimisation Bylaw 2024 will come into effect on 1 July 2024.
7. Council resolves that the Solid Waste Management and Minimisation Bylaw 2017 is revoked on 1 July 2024.
8. Council authorises minor editorial changes if required prior to publication of the Solid Waste Management and Minimisation Bylaw 2024 (if required).

## Horopaki | Background

### Purpose of a Bylaw

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

- a) Prohibiting or regulating the deposit of waste;
- b) Regulating the collection and transportation of waste;

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

Bylaws can be used to:

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

### Review of Bylaw

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

Council's bylaw was adopted under the WMA, therefore is only required to be reviewed every ten years. However, as part of a wider review of its Consolidated Bylaw 2008, Council identified an opportunity to review its bylaw to ensure it is fit for purpose in relation to Council's new waste and recycling service delivery, and to align with changing government rules and regulations.

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

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

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

- Inception process;
- Development of bylaw scope;
- Industry engagement with key stakeholders – early engagement was undertaken to identify the issues that a solid waste management and minimisation bylaw should address such as event waste, construction/demolition waste, advertising material, backyard burning, and multi-unit dwellings (MUDs);
- Development of the bylaw clauses;
- Public consultation;
- Hearing and consideration of submissions received.

The following is to be completed prior to adopting the amended Bylaw:

- Implementation processes – development of internal guidance, procedures, roles and responsibilities and schedules to facilitate implementation of the Bylaw.

- Enforcement framework.

The proposed Bylaw has a wide scope, which is the same as that used in the preparation of the Council's WMMP. This includes all waste and diverted material in the Matamata-Piako District (District), with the exceptions of some liquid and gas wastes that are already managed through other policies. Council believes this is necessary to ensure waste is managed in the most effective and efficient way possible, as required by the WMA.

The following issues/problems have been addressed in the Bylaw:

- Abandoned vehicles – covered by multiple clauses, including public health protection;
- Construction – site waste management plan requirements included;
- Waste services – definitions and provisions aligned;
- Burning of waste;
- Waste operators – performance requirements outlined;
- Multi-unit developments;
- Event site waste management plans;
- Supporting the Litter Act 1979 (litter and illegal dumping);
- Donation collection points;
- Unaddressed mail.

#### LGA Determination

The process for review required by section 155 of the LGA consists of the following two stages:

1. Section 155(1) requires Council to determine whether a bylaw is the most appropriate way of addressing the perceived problem; and,
2. Sections 155(2) and (3) require Council to consider whether the format of the bylaw is appropriate, and whether any aspect is in conflict with the New Zealand Bill of Rights Act 1990.

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

1. Council determines that in accordance with section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problems; and
2. Council determines that the proposed Solid Waste Management and Minimisation Bylaw 2023 meets the requirements of section 155 of the Local Government Act 2002, in that it:
  - i. is the most appropriate form of bylaw;
  - ii. does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

Following the proposed changes made, Council is required to consider the above determinations again in consideration of the updates made to the draft Bylaw following further consultation in December 2023.

It is still considered that the proposed Bylaw is the most appropriate form to address some waste management and minimisation issues because it meets the following tests:

- It is authorised by statutory authority under the LGA;
- It is not repugnant to the general laws of New Zealand;
- The proposed Bylaw is certain and provides clear direction;
- The proposed Bylaw is reasonable; and
- The Bylaw is not overly restrictive, onerous on any person, or impractical.

The current bylaw, and the proposed Bylaw, are largely taken from the standard template bylaw that was developed in partnership between the Waikato and Bay of Plenty Regional Councils, and all the territorial authorities of the two regions. The aim of the template bylaw was to:

- Have a more consistent approach to regulation across the two regions;
- Reduce associated paperwork and duplication of effort;
- Develop a comprehensive template with reliable definitions;
- Be consistent with the National Waste Data Framework; and
- Access cost-effective legal review.

Following analysis, the issues noted during pre-consultation were considered appropriate for regulation through a bylaw and a draft Bylaw as proposed to the community and consulted on in March/April 2023 and further targeted consultation in December 2023 was prepared on that basis.

Staff consider that the draft Bylaw does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990. The proposed Bylaw is consistent with the provisions prescribed under both the LGA and the WMA.

#### Summary of the Draft Bylaw

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

- Managing and regulating Council's collection services;
- Regulating private collection services to ensure they are aligned with Council's WMMP, and to access data on privately-controlled waste streams;
- Minimising the potential for waste to create a public nuisance; and
- Protecting waste management assets.

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

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

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

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

#### Consultation March-April 2023

Initial consultation was undertaken with the community from 14 March 2023 to 14 April 2023 alongside a number of other documents. Due to the timing of the Business after 5 events in Morrinsville and Matamata, Council extended the deadline to 21 April 2023 for these groups. 13 submissions were received in respect to the Bylaw.

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



to present their submission to Council relating to the Bylaw. Following the hearing, Council requested further information from staff in order to inform deliberations and decision-making.

On 24 May 2023, Council deliberated on the submissions received and resolved to seek further feedback from the sector around the proposed requirement for construction site waste management and minimisation plans before adopting the Bylaw. (Clause 7.36):

*‘Any person applying for a building consent for non-residential building work with an estimated value of \$500,000 or higher must also submit a construction site waste management and minimisation plan to Council for approval’.*

#### Further Consultation December 2023

In December 2023, an online survey was sent to relevant stakeholders to seek further feedback on the proposed requirement for construction site waste management and minimisation plans to be submitted for non-residential building work with an estimated value of \$500,000 or higher. The survey was open for two weeks, from 4 to 15 December 2023.

12 responses were received. 58% of respondents thought that Council should only include the clause in its Bylaw if/when this is introduced by Central Government, with 42% stating that Council should continue as planned and include this requirement in its updated Bylaw.

A detailed discussion around the themes from both consultations is provided below in the Issues/Discussion section of this report.

## Ngā Take/Kōrerorero | Issues/Discussion

### Consultation Feedback March-April 2023

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

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

Do you agree with the proposed bylaw?	
<b>Yes – 6 (46.2%)</b>	<b>No – 7 (53.8%)</b>
Suggest to require multi-unit developments of five or more (rather than the 10 as proposed in the bylaw) are required to develop a waste management and minimisation plan - 1	<p>Need to ensure that waste minimisation measures are simple, and avoid red tape to achieve the best outcome for the community and environment – 4</p> <p>Concerns about new rubbish collection – there will be more trucks collecting rubbish in CBDs – 1</p> <p>There are already laws in place to protect environmental and public health. Bylaw will result in increased costs - 1</p>

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

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

Do you agree that waste collectors/operators must have a waste licence if they handle/collect/transport more than 30 tonnes of waste in a year?		
Yes – 5 (38.5%)	No – 7 (53.8%)	I'm not sure – 1 (7.7%)
Support the licencing system - 1	<p>The definition for waste collectors is too broad. Businesses such as lawn mowing, gardeners should not require a waste licence – 5</p> <p>Council should provide the application forms and information required for people to be able to comment on the suitability of the bylaw – 4</p> <p>Further compliance is not needed for good operators – 1</p> <p>Concerned about cost increases – 1</p> <p>Do not think it should be within the remit of Council to licence private operators - 1</p>	

Do you have any other comments you'd like us to consider about the Solid Waste Management and Minimisation Bylaw?
<p>The impact of the proposed changes on the community needs to be fully considered – 3</p> <p>The bylaw is of discouragement and burden rather than to encourage and empower the community when it comes to waste minimisation/adds further red tape – 3</p> <p>Waste pick up areas should be revised to incorporate growing areas – 1</p> <p>Concerned about the cost of the new waste collection bins – 1</p> <p>Concerned about the hygiene of the food waste bins – 1</p> <p>There needs to also be a strong revamp within our local schools around Waste Minimisation Programs, including Maara Kai – 1</p> <p>Need to adopt a Te Ao Māori approach to Papatuanuku and Council should work closely with local iwi around waste minimisation – 1</p> <p>Council should find a way for the recycling and rubbish bins to be clamped shut so in the event of high winds, there is no spillage – 1</p>

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

#### Consideration of Submissions

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

#### *General Comments*

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

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

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

There are multiple benefits to the implementation of the Bylaw as consulted on, including protecting the health and safety of the public and waste contractor's health and safety, and regulating the safe deposit, removal, collection, transport and processing of waste.

The Bylaw is expected to assist Council and the community to reduce the amount of waste going to landfill. This has multiple benefits for all, including a reduction in cost (the waste levy is progressively increasing). Some of the other costs to waste disposal include:

#### Environmental costs

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

#### Economic costs

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

#### Social costs

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

#### *Definition of Waste Collector*

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

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

In response to this feedback, Council approved the following wording in its Bylaw to assist in clarity as below:

*'A person who collects or transports waste **as their primary business** and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-*

*profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, a person taking household garden waste to a landfill).'*

### *Licensing Regime*

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

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

Therefore, it was advised to retain the relevant clause within the Bylaw and if Council choose to adopt a licensing system in the future, the details of this will be subject to a robust, targeted consultation process.

### *Reporting Requirements*

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

### *Specifications for Vehicles*

One submitter noted concern about the proposed introduction of a clause to allow for the "...specifications of the vehicles, equipment, and containers to be used for the handling of waste". The submitter noted that vehicles are already closely regulated through various agencies, including the New Zealand Police, and are licensed, inspected and roadworthy, with waste transported in a secure manner in order to comply with existing legislation and regulations.

This clause already exists in Council's current bylaw (2017), however has not been implemented. The rationale for the inclusion of this clause is around the requirement of minimum performance standards. Council approved a wording change (as below) to provide clarification and assist in understanding:

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

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

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

Council acknowledged the feedback and concerns received around this, in particular concerns that the proposed requirement may result in further costs, compliance and time for businesses to implement.

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

The proposed clause addresses a major challenge. The Ministry for the Environment estimates that construction and demolition waste is the largest source of waste to Class 1 landfills - at 33 per cent and a recent study found the construction sector creates almost half of all waste going into

landfills. The study noted that twenty-five thousand tonnes of construction plastic is going straight into landfills every year in Auckland alone (equating to 3.6 billion single use plastic bags).  
<https://www.1news.co.nz/2023/05/08/scientist-studies-how-much-construction-plastic-ends-up-in-landfill/>

In consideration of these challenges, staff advised the continued inclusion of this clause is prudent. Central Government are working through legislation which will make this a mandatory requirement of the Building Act 2004 as part of resource consent requirements.

Additionally, other local councils have included or are planning to include, this provision in their relevant bylaws, e.g.

- Hauraki District Council (All builds with estimated total value of \$500,000 or higher)
- Waipa District Council (Non-residential builds with an estimated value of \$500,000 or higher)
- South Waikato District Council (requirement is included, however the criteria has not been set)
- Hamilton City Council (all building consent applicants)

Therefore, construction companies that work across multiple districts/cities will already be familiar with this requirement.

Following deliberations, Council requested further feedback from the sector as to whether this clause should be retained, and if so, to determine appropriate thresholds.

#### *Event Waste Management and Minimisation Plans*

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

Council acknowledged the service that event organisers provide for our community and the important role these events have in building vibrancy, improving wellbeing, and attracting visitors to our district.

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

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

#### *Implementation*

The new clauses as proposed to our community in March/April 2023, will take time to implement, and Council will take a planned approach. It is expected that many of the new processes will be integrated with the current processes, e.g. working with the building team to implement the requirement to submit a site waste management and minimisation plan (if Council decided to include this clause in the final Bylaw (as recommended in this report).

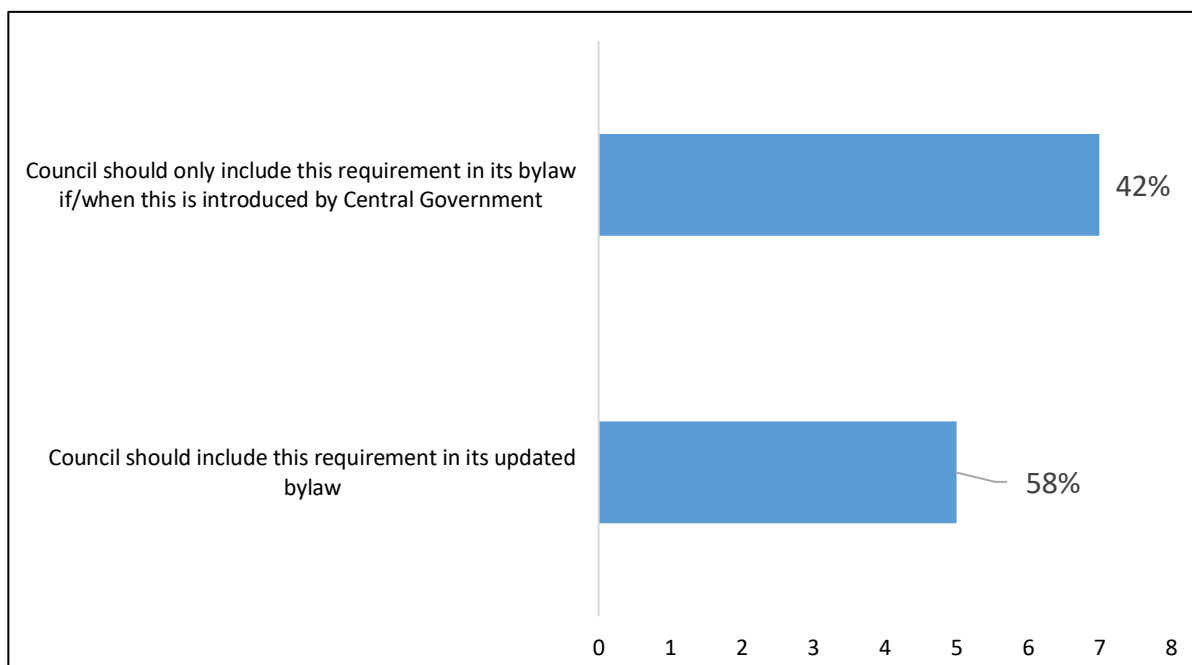
Staff determine that the feedback received during the initial consultation phase remains valid and represents a reliable indication of community views.

### Consultation Feedback December 2023

An online survey was sent to relevant stakeholders including those who submitted during the initial consultation period, and interested parties who have signed up for updates from Council regarding building matters as well as builders listed on our AlphaOne system, to assist in Council's decision whether or not to include a clause requiring construction site waste management and minimisation plans.

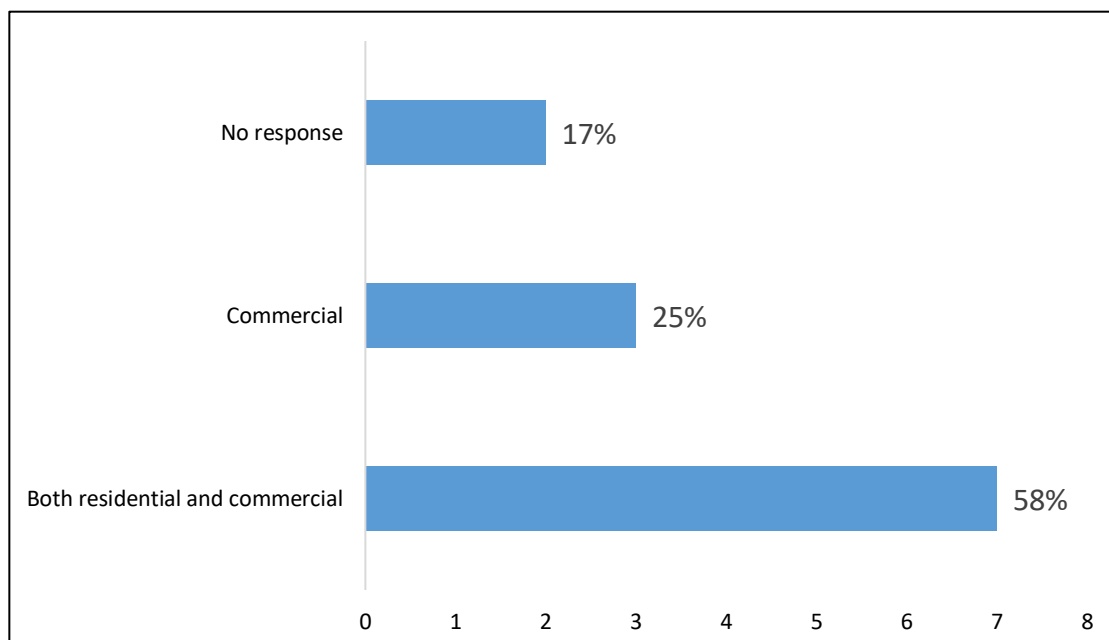
Council received 12 responses to the survey. The following questions assisted submitters in providing feedback:

#### **Do you agree with Council's proposal to require building consent applicants to submit a site waste management and minimisation plan?**

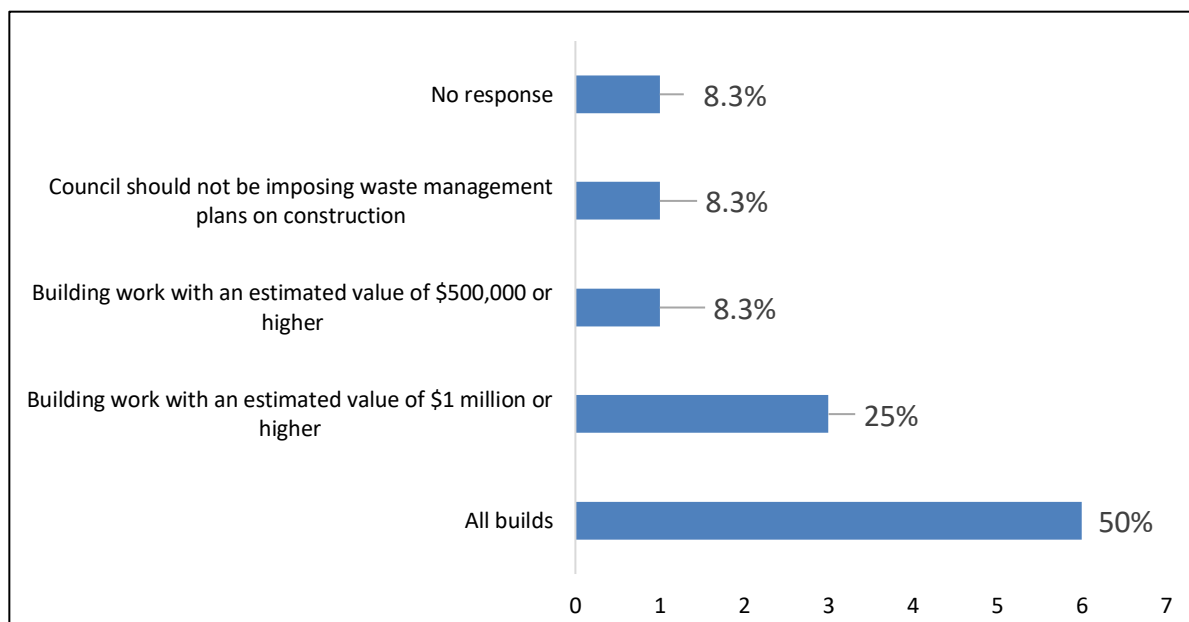




**If Council were to include a requirement for building consent applicants to submit a site waste management and minimisation (as proposed), what builds should require a construction site waste management and minimisation plan?**



**If Council were to include a requirement for building consent applicants to submit a site waste management and minimisation (as proposed), what is an appropriate financial threshold for Council to require a construction site waste management and minimisation plan?**



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**Are there any further comments you would like Council to consider?**

Finally, Council asked if there were any further comments that submitters would like Council to consider. The verbatim comments are attached in full to this report and have been analysed with themes identified below:

**Waste Management:**

Council should approach waste management and minimisation similarly to the increase in health and safety responsibilities over the last decade.

Emphasise the need for education and gradual implementation to better prepare for potential future government regulations.

**Concerns about Red Tape in Construction Industry:**

Oppose the proposed clause, seeing it as adding more barriers to development.

Recommend education over imposing additional paperwork to minimise waste in the construction industry.

Concerns expressed about high construction costs and the potential negative impact on building costs.

**Distinguishing Between Commercial Buildings and Renovations/Residential Builds:**

Commercial buildings produce considerably less waste than renovations and residential builds.

Suggestion that additional red tape should not be applied uniformly and Council should consider the differences in waste generation between types of construction projects.

**Clarity on Waste Disposal and Recycling:**

Request for clarity on the Council website regarding the fate of items (e.g. whiteware) accepted at waste transfer centres.

Recommendation to make the distinction clearer between items accepted for recycling and those accepted for potential reuse or sale.

**Opposition to Site Waste Management Plan for Major Events:**

Major events should not be required to have a site waste management plan, citing existing compliance requirements making events more challenging.

No observed issues noted with waste management at major events.

**Wait for Legislation and Consider Financial Implications:**

Suggestion to wait until national legislation is passed to determine the specific requirements before implementing a bylaw.

Concerns raised about the financial impact on the construction sector, particularly during a period of slowed construction and falling house prices.

Suggest to find ways to incentivise recycling on building sites rather than relying solely on bureaucratic measures.

**Recycling Solutions for Building Material Waste:**

Noted the lack of recycling services for certain building materials in the district.

Recommend to the Council to leverage existing waste management connections to provide recycling solutions for building sites.

### Clear Outline of Supply Chains and Waste Streams:

Recommendation to clearly outlining supply chains and waste streams to make it easier for tradesmen.

Concern raised that additional costs and red tape may make the district less appealing for builders.

### Support for Transition to Circular Economy:

Supportive of the idea of transitioning to a low waste, low emissions circular economy by 2050.

Support expressed for alignment with regional and national waste prevention plans and Council's efforts in waste prevention and minimisation.

Supportive of the proposed Bylaw requiring building consent applications to submit site waste management plans.

In summary, the comments reflect a variety of opinions and concerns regarding waste management, with some supporting the introduction of construction site waste management and minimisation plans, while others have expressed concerns about potential negative impacts on the construction industry and argue for clearer communication and alternative solutions.

### Mōrearea | Risk

There is a risk to public perception that Council has not acted upon the feedback. This report discusses the feedback received during both rounds of consultation and Council are required pursuant to section 82 of the LGA to consider public feedback with an open mind and should be given due consideration in making a decision.

Given the advice to retain clause 7.36, it is recommended that the Bylaw is implemented in a planned and measured way alongside a communications plan, to assist in understanding of why Council has included the new clauses. We will work with our community, and will focus on education and providing assistance to the sector in implementing the Bylaw.

If the Bylaw is not adopted as amended, and therefore the current bylaw remains in force, Council are at risk of falling behind the latest legislative updates and the bylaw as it stands currently will not contain all necessary clauses as determined by this comprehensive review. In addition, approving the Bylaw as amended ensures that it is in alignment with our WMMP and complies with relevant legislation.

### Ngā Whiringa | Options

The following options have been identified by Council staff:

#### Option One – Adopt the Solid Waste Management and Minimisation Bylaw 2024 as proposed

#### This option adopts the Bylaw as proposed with the community following two rounds of consultation

Council can choose to adopt the draft Bylaw as attached to this report. This contains new clauses to bring Council into alignment with regulations and best practice and assists in waste minimisation including:

- The ability for Council to require an event waste management and minimisation plan for

<p>major events;</p> <ul style="list-style-type: none"> <li>• A requirement for construction site waste management and minimisation plans when applying for a building consent for all building work with an estimated value of \$500,000 or higher;</li> <li>• Rules around the delivery of unaddressed mail or advertising material.</li> </ul>	
Advantages	Disadvantages
The Bylaw will legislation, Council's WMMP and new kerbside collection contract and will be fit for purpose.	Council has received feedback in disagreement with some of the new clauses meaning there may be some pushback/reluctance from the sector to implement.
Council is preparing well for the future and proactively addressing waste minimisation.	

### Option Two – Adopt the Solid Waste Management and Minimisation Bylaw 2024 with amendments

#### This option allows for Council to adopt the Bylaw as consulted on with further changes

Council may identify further amendments required to the Bylaw and can either:

1. Advise staff of minor amendments to be made and then adopt the bylaw;
2. Advise staff of significant amendments to be made. This may require further community consultation before the Bylaw can be adopted.

Advantages	Disadvantages
This option allows Council to identify any further amendments that may be required to the Bylaw.	Depending on the nature of any changes proposed, this may require further community consultation. This requires further time and staff resources

### Option Three – Do not adopt the Solid Waste Management and Minimisation Bylaw 2024

#### This option allows for Council to NOT adopt the Bylaw

Council can choose not to adopt the Bylaw as consulted on. Therefore, the current Solid Waste Management and Minimisation Bylaw 2017 would remain in effect.

Advantages	Disadvantages
No implementation/education activities would be required as the current bylaw would remain.	The Solid Waste Management and Minimisation Bylaw 2017 would remain in place and changes to reflect legislation would not take effect.
	The resources and time spent on reviewing the bylaw would result in no changes and Council would be required to review this again in 2027.

### Recommended option

Staff recommend Option 1 – Adopt the Solid Waste Management and Minimisation Bylaw 2024 as proposed. The Bylaw reflects both community health and wellbeing benefits, fulfils Council's requirements, and is fit for purpose. The clauses proposed and consulted on ensure that Council is future focussed in its planning and responsive to regulation. The Bylaw also reflects alignment with Council's WMMP adopted in 2021.

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

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

The LGA notes that solid waste is a core function of Council (section 11A). The WMA provides for Council to make a bylaw for the regulation of waste. The Act provides for a bylaw to license persons who carry out the collection and transportation of waste, and to set conditions for licensees. A bylaw must not be inconsistent with the Council's WMMP.

The LGA requires Council to consider a range of matters when setting bylaws. The LGA outlines the procedure for, and nature of a bylaw review. Council must:

- Identify the perceived problem to be addressed by the bylaw;
- Determine whether a bylaw is the most appropriate way to address the problem;
- Determine whether the proposed bylaw is the most appropriate form;
- Determine whether the proposed bylaw raises implications under the New Zealand Bill of Rights Act 1990 and whether those implications are justified;
- Consult the public.

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

As the most recent piece of legislation relating specifically to waste management, the WMA is considered to take precedence over the requirements of the LGA where the two Acts address similar issues. Therefore, the review provisions of the WMA will apply in this case and the Bylaw will be adopted under the WMA. Although the Bylaw will be adopted under the authority of the WMA, sections 151, 155 and 156 of the LGA apply. These include general provisions applying to bylaws, determinations and consultation requirements and are addressed in this report.

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

As the Bylaw will be adopted under the WMA, it will require review within ten years (by 2034 at the latest).

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

Having regard to the decision making provisions in the LGA and Council's Significance and Engagement Policy 2023, a decision in accordance with the recommendations is assessed as having a **medium** level of significance. This is due to the following:

- There has been a substantial review of the Bylaw and a number of changes were proposed;

- The Bylaw applies to the entire district, thus covers a large group of people and a major aspect of Council's service delivery; although the proposed changes only affect sub groups, e.g. builders, event organisers, etc.
- There is moderate-low public interest in this issue as evidenced by the relative low number of submissions;
- The views of our community are known, having consulted in March/April 2023 on the proposed changes and then in December 2023 on a specific clause.
- The decision does not have a financial impact. Ongoing education and implementation is covered by existing budgets.

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. 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	Council undertook consultation in March/April 2023 and again in December 2023. The requirements of the LGA were adhered to.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	Council's Significance and Engagement Policy 2023 is considered above.  This issue is assessed as having a medium level of significance.
Section 82 – this sets out principles of consultation.	Consultation was undertaken in accordance with section 82 of the LGA.  Council used a range of different tools to encourage submissions including newspaper adverts, directly contacting interested stakeholders, and online tools such as Facebook/Antenno.

### **Policy Considerations**

To the best of the writer's knowledge, the recommendations contained within this report are 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 LGA or any other enactment.

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

The formal consultation process that was undertaken is outlined below:

Milestone	Date
Documents approved by Council for consultation	8 March 2023





including: - Draft Solid Waste Management and Minimisation Bylaw 2023 - Statement of Proposal (These documents are available on Council's website)	
Consultation Period	14 March – 14 April 2023 (extended to 21 April 2023)
Hearing Date	3 May 2023
Deliberations	24 May 2023
Further consultation regarding clause 7.36	4 - 15 December 2023
Consideration of further consultation and adoption of Bylaw	14 February 2024
New Bylaw to apply from	1 July 2024

Following the adoption of the Bylaw, staff will write to each submitter/survey respondent to inform them of the outcome and provide specific responses to queries where required.

Information will be made available to the public to inform them of the decisions made.

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

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	
TŌ MĀTOU WHAKAKITENGA   OUR VISION			
Matamata-Piako District is vibrant, passionate, progressive, where opportunity abounds. ‘The heart of our community is our people, and the people are the heart of our community.			
TŌ MĀTOU WHĀINGA MATUA   OUR PRIORITIES (COMMUNITY OUTCOMES)			
			
He wāhi 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 Bylaw is expected to benefit the community as a whole and supports the achievement of Council's Community Outcomes.

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

The cost of the external consultancy to review the Bylaw is \$8,249.00 excluding GST. This is funded from the solid waste budget.

The remaining costs relate to the consultation process, being advertising and staff time. These costs are funded within existing budgets through the strategies and plans activity as outlined in Council's Long Term Plan 2021/31.

### Ngā Tāpiritanga | Attachments

- A [↓](#). DRAFT Solid Waste Management and Minimisation Bylaw for Approval by Council 14 February 2024
- B [↓](#). Verbatim survey comments received December 2023
- C [↓](#). Attachment C Waikato Regional Council Letter December 2023

### Ngā waitohu | Signatories

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



# Matamata-Piako District Council

## Solid Waste Management and Minimisation Bylaw 2024

**FOR COUNCIL APPROVAL 14 February 2024**

Department	Strategic Partnerships and Governance
CM Reference	<b>TBC</b>
Council Resolution Date	<b>14 February 2024</b>
Bylaw Effective From	<b>1 July 2024</b>
Engagement Required	Special Consultative Procedure (Local Government Act 2002)
Policy Supersedes	Matamata-Piako District Council Solid Waste Management and Minimisation Bylaw 2017 – <b>Revoked 1 July 2024</b>
Review Frequency	Waste Minimisation Act 2008: (a) not later than 10 years after the bylaw was made; and (b) then at intervals of not more than 10 years after the last review.
Next Review Date	<b>14 February 2034</b>

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## 1. Title

- 1.1. The title of this bylaw is the “Matamata-Piako District Council Solid Waste Management and Minimisation Bylaw 202~~3~~4”.

## 2. Commencement

- 2.1 This bylaw comes into force on ~~xxx-(date)~~ 1 July 2024.

## 3. Purpose

- 3.1 The purpose of this bylaw is to support:
- (a) The promotion and delivery of effective and efficient waste management and minimisation in Matamata-Piako district as required under the Waste Minimisation Act 2008;
  - (b) The implementation of Matamata-Piako District Council’s waste management and minimisation plans;
  - (c) The purpose of the Waste Minimisation Act and the goals in the New Zealand Waste Strategy;
  - (d) The regulation of the collection, transport, and processing of waste;
  - (e) The protection of the health and safety of waste collectors, waste operators and the public; and
  - (f) The management of litter and nuisance in public places.
- 3.2 This bylaw is made pursuant to the Waste Minimisation Act 2008, Local Government Act 2002, Heath Act 1956, and the Litter Act 1979.

## 4. Compliance with Bylaw

- 4.1 No person may deposit, collect, transport, sort, store, process or dispose of waste in the Matamata-Piako district other than in accordance with this bylaw.
- 4.2 To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law. .

## 5. Interpretation

- 5.1 In this bylaw, unless the context requires otherwise, the following definitions apply:

Term	Means:
Act	Waste Minimisation Act 2008
Advertising material	Any material which includes advertising, as defined by the Advertising Standards Authority.
Approved	Authorised in writing by the Council.
Approved collection points	Council-approved places, facilities, or receptacles where approved containers may be left for collection, or waste may be deposited.
Approved container	Any receptacle, bin, bag, or other container that has been approved by the Council for the collection of any type of waste or diverted material, with approval intended to support the prevention of nuisance, the protection of the health and safety of waste collectors and the

Term	Means:
	public, and the achievement of effective waste management and minimisation.
Authorised Officer	A person appointed by Council for the purposes of ensuring compliance with the Bylaw, pursuant to section 76 of the Act, section 177 of the Local Government Act (2002), and section 5 of the Litter Act 1979.
Building work	As defined in the Building Act 2004
Bylaw	This Solid Waste Management and Minimisation Bylaw
Class 1-5 fills	As defined by government regulations
Cleanfill material	As defined by government regulations
Cleanfill site	A Class 5 fill as defined by government regulations
Commercial waste	Waste that results from a commercial enterprise and includes waste generated by the carrying on of any business, manufacture, process, trade, market, or other activity or operation of a similar nature.
Construction and demolition waste	Waste generated from any building work (including renovation and repair) and includes but is not limited to concrete, plasterboard, insulation, wood, metals, brick, cardboard, metals, plastic or glass; as well as any waste originating from site preparation such as dredging materials, tree stumps, asphalt and rubble.
Council	The Matamata-Piako District Council or any person delegated or authorised to act on its behalf
Cover material	Means material specified by the Council under clause 7.19(d) as suitable for use as cover material at a class 1-5 fill site.
Deposit	To cast, place, throw or drop any waste or diverted material
Dispose or disposal	As defined in the Act
Diverted material	As defined in the Act
Domestic waste	Waste consisting of refuse, recyclable material or organic matter (food waste and/or greenwaste) originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.
Donation collection point	Place where approved types of waste may be deposited for the purposes of raising funds from the waste items.

Term	Means:
Estimated value	As defined in the Building Act 2004
Event	Any organised temporary activity of significant scale and/or occurring over multiple days that is likely to create litter including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.
Food scraps	Waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish, bone, and shell discards, and any other similar food scraps.
Green waste	Compostable plant material excluding flax, palm, and cabbage trees.
Handling waste	Removing, collecting, transporting, storing, sorting, treating, processing or disposing of waste
Hazardous waste	<p>Waste that:</p> <ul style="list-style-type: none"> <li>(a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or</li> <li>(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or</li> <li>(c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.</li> </ul> <p>It does not include domestic waste, commercial-domestic waste, inorganic material, construction and demolition waste or commercial waste</p>
Home composting	The activity of creating decaying organic matter from domestic green waste and/or food waste into compost.
Inorganic material	<p>Waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as domestic waste in an approved container, and that is specified by the council as suitable for:</p> <ul style="list-style-type: none"> <li>(a) collection from a public place by the council;</li> </ul>

Term	Means:
	(b) collection from any premises by the council; or (c) delivery to a resource recovery facility
Landfill	Class 1 – 4 landfill or industrial monofill as defined by government regulation.
Licence	A licence, consent, permit or approval to do something under this bylaw and includes any conditions to which the licence is subject.
Litter	As defined in the Litter Act (1979)
Litter container	A receptacle provided for the collection of litter.
Manager	A person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.
Multi-unit development	A development consisting of 10 or more residential or residential and commercial units on any premises. It includes a unit title development and any development with controlled or restricted access.
Nuisance	A nuisance in terms of the Health Act 1956
Occupier	In relation to any property or premises, the inhabitant occupier of that property or premises and, in any case where a property or premise is unoccupied, includes the owner.
Organic matter	Food waste and/or green waste that is specified by the council under clause 7.19(a) as organic matter.
Owner	In relation to any property or premises, the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent; and where such a person is absent from New Zealand includes their attorney or agent.
Person	An individual, a corporation sole, a body corporate, and an unincorporated body
Premises	Any separately occupied land, building, or part of the same.
Prohibited waste	Waste containing- (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury; (b) any material capable of causing damage to the approved container or

Term	Means:
	<p>likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;</p> <p>(c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;</p> <p>(d) any radioactive wastes, but excluding domestic smoke detectors;</p> <p>(e) any used oil and lead-acid batteries;</p> <p>(f) any hazardous waste;</p> <p>(g) medical waste;</p> <p>(h) any material prohibited by the council under clause 7.19</p>
Public place	<p>(a) A place that is-</p> <p>(i) under the control of the council or a council-controlled organisation and/or</p> <p>(ii) that is open to or being used by the public, whether or not there is a charge for admission and</p> <p>(b) includes:</p> <p>(i) a road, whether or not the road is under the control of the council and including the berm and footpath, and</p> <p>(ii) any part of the public place.</p>
Recovery	As defined in the Act
Recyclable material or recyclables	Waste specified by the council under clause 7.19 as suitable for recycling.
Recycling	As defined in the Act
Refuse	<p>Waste which:</p> <p>(a) subject to (b), is not organic matter, recyclable material, prohibited waste, construction and demolition waste or inorganic material;</p> <p>(b) may include organic matter and/or recyclable material that does not exceed the maximum allowable limits specified by the council under clause 7.19 of this bylaw.</p>
Reuse	As defined in the Act
Rural	Any areas zoned and/or defined in the Matamata-Piako District Plan as rural.
Specified intended life	As defined in the Building Act 2004



Term	Means:
Treatment	As defined in the Act
Waste	As defined in the Act
Waste collector	A person who collects or transports waste as their primary business and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, a person taking household garden waste to a landfill).
Waste management facility	A facility which primarily provides waste treatment and disposal services or waste remediation and materials recovery services, in relation to solid waste.
Waste management facility operator	A person who owns or manages a waste management facility.
Waste management and minimisation plan	As defined in the Act
Waste operator	A person who is a waste collector or operates a waste management facility.
Waste remediation and materials recovery services	The remediation and clean-up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.
Waste treatment and disposal services	The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, compost dumps and other treatment facilities (except sewage treatment facilities), and waste transfer stations.

## 6. Controls

- 6.1 Any control specified by the council to support the implementation of this bylaw:
- (a) must, after consultation pursuant to the Local Government Act 2002, be made by a resolution that is publicly notified; and
  - (b) may:
    - i. prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case;
    - ii. apply to all waste or to any specified category of waste;
    - iii. apply to Matamata-Piako or to a specified part of Matamata-Piako; and/or
    - iv. apply at all times or at any specified time or period of time

## 7. Collection, Transportation, Processing, and Disposal of Waste

### GENERAL RESPONSIBILITIES

- 7.1 The occupier and the manager of a premises must ensure that waste from the premises is separated into waste types as determined by Council, and deposited for collection in the correct approved container. No person may deposit in a container material that is not approved for that type of container.
- 7.2 The occupier and the manager of any premises must ensure that:
- (a) reasonable steps are taken to prevent the waste escaping from any waste container;
  - (b) waste from the premises has no more than a minimal adverse effect on neighbouring occupiers;
  - (c) any waste container is regularly emptied when it is full; and
  - (d) the contents of any waste container, excluding containers for green waste, are protected from rain or ingress or egress of flies and animals;
- 7.3 The occupier and the manager of any premises who is in control of an approved container must ensure that:
- (a) All containers are kept in a safe location, hygienic, in good repair, and without any modifications or alterations to their appearance;
  - (b) if required, waste is deposited in the container in a manner that allows the whole of the contents to fall out easily and cleanly when the container is emptied;
  - (c) the container is placed for collection in an upright position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible (unless the container is placed at a council collection point or an authorised office has approved placement of approved containers in a location other than directly outside the premises);
  - (d) reasonable steps are taken to prevent the container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises; and
  - (e) the container is placed for the collection of waste and retrieved in accordance with any applicable control specified by Council under this bylaw.
- 7.4 No person may:
- (a) Deposit waste in a container that is damaged or otherwise likely to cause injury to the waste operator;
  - (b) Deposit waste in a container that is not approved or is in a condition that allows spillage of waste or is not of sufficient size to contain the waste;
  - (c) put waste into an approved container provided to any other person, without that other person's consent;
  - (d) remove waste from, or interfere with any waste deposited in, an approved container, except the council, a licensed waste collector or the person who deposited the waste;

- (e) remove a container provided by the council from the premises to which it has been allocated, except with the prior written approval of the council.
- 7.5 The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected, including any waste that is not collected due to non-compliance with any part of this Bylaw.
- 7.6 Any waste that has not been collected for any reason shall be removed from the roadside by the occupier and returned to their premises by noon on the day following normal collection, or within such other time period as is specified by a control made under this Bylaw.
- 7.7 Where the conditions of clauses 7.1 through 7.6 have been breached, waste operators are not obliged to collect the waste.
- 7.8 No waste shall be transported through, over or upon any road or public place unless it is sufficiently and adequately secured to prevent any waste from falling or otherwise escaping.

#### LICENSING WASTE COLLECTION AND WASTE MANAGEMENT FACILITY OPERATORS

- 7.9 Any:
  - (a) waste collector who collects and/or transports more than 30 tonnes of waste in any one twelve month period from land in Matamata-Piako District; and
  - (b) waste management facility operator with a facility in the district of Matamata-Piako that handles more than 30 tonnes of waste in any one twelve month period;must have a waste operator licence issued by the Council, and may not collect waste or operate the waste management facility (as the case may be) without such a licence.
- 7.10 An application for a waste operator licence must be made on the application form which is available from Council, and must be accompanied by any application fee and the information required by the council to process the application.
- 7.11 The holder of an existing licence may apply to Council for a renewal of that licence.
- 7.12 A licence is personal to the holder and is not transferable.
- 7.13 A licence may be granted or refused at the discretion of Council, and if granted may be on such terms and conditions as Council thinks fit.
- 7.14 When considering a licence application, the Council may take into account the following non-exhaustive list of factors:
  - a) The extent to which the licenced activities will promote public health and safety, and support achievement of the Council's waste management and minimisation plan, including goals and initiatives within that plan;
  - b) The quantity and type of waste to be handled;
  - c) The methods employed for the handling of the waste including the identity of the waste management facility at which it is proposed that recycling, recovery, sorting, storage, treatment, or disposal will occur;
  - d) The frequency and location of the waste collection, removal and transportation services;
  - e) The specifications of the vehicles (e.g. size/weight of vehicle and signage provisions), equipment, and containers to be used for the handling of waste;
  - f) The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions; and
  - g) The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.

- 7.15 A licenced waste operator must comply with all terms and conditions of the licence. These may include, but are not limited to, the following matters:
- (a) Term – a licence may be granted for a term of up to five years;
  - (b) Licence fee – the licensee must pay an annual licence fee in an amount determined by Council from time to time;
  - (c) Bond – Council may, from time to time and on a case by case basis, require a licence holder to post a bank-guaranteed bond;
  - (d) Compliance with standards – the licence holder must comply with any standards or policies Council has set for waste handling such as:
    - i. Provision of waste collection services within reasonable times specified by Council;
    - ii. Provision of waste collection services at a minimum frequency as specified by Council;
    - iii. Ensuring that any approved containers provided clearly provide the name and contact details of the waste operator;
    - iv. The collection of any litter within a specified distance of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation, or disposal process;
  - (e) Provision of information – the licence holder must provide data relating to waste they have handled to Council during the term of their licence, in the form and at the times determined by the Council from time to time such as the quantities of various waste categories that have been handled by the waste operator during a period of time (e.g. a three month period, including the source and destination of each waste type and method of processing (recycling, recovery, treatment, disposal etc. Council will take all reasonable steps to keep commercially sensitive information confidential, for example by aggregating such information for reporting purposes.
- 7.16 Council may suspend or revoke a licence if the licence holder fails to comply with this bylaw, any of the terms or obligations of the licence, any relevant controls made under this bylaw, or acts in a manner which Council considers, on reasonable grounds and in light of the purpose of this bylaw, is not suitable for the holder of a waste operator licence.

## **GENERAL CONTROLS ON THE COLLECTION, TRANSPORTATION AND DISPOSAL OF WASTE**

### **Collections from a public place**

- 7.17 Waste may not be placed on a public place for collection unless it is a type of waste specified and approved by Council as able to be placed on or in a public place for collection, and is placed in an approved container for collection by a waste operator.
- 7.18 Prohibited waste, diverted waste, construction and demolition waste or commercial waste may not be placed on a public place for collection unless authorised by Council under this Bylaw.
- 7.19 Any waste operator who collects or transports waste from a public place must:
- (a) make available to the occupier or manager of a premises one or more approved containers to enable separate collection of each of the waste types required to be separately collected from the premises;
  - (b) clearly identify its name and contact details on all receptacles;
  - (c) not collect for disposal any domestic waste which has not been separated into refuse and recyclable material, and other waste types as may be subsequently specified by Council. However, this does not apply where the amount of

recyclable material and/or organic matter mixed with the refuse, or the amount of the recyclable material mixed with the organic matter or vice versa, does not exceed the maximum allowable limits specified by the council under clause 7.14(b);

- (d) not dispose to a class 1 – 5 fill any waste type that is capable of being reused or recycled.

7.20 Council may specify controls for the following matters in relation to the collection or transportation of waste from a public place:

- (a) the area to which the control applies;
- (b) the type, size, colour, and construction of approved containers that may be used for the storage and collection of waste;
- (c) the types of waste that may be collected in various types of approved container;
- (d) the categories of wastes that may be deposited at or collected from a public place;
- (e) the conditions applicable to any collection service from a public place - including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
- (f) requirements to ensure the correct separation of categories of wastes into approved containers;
- (g) the locations, access times and conditions of use of Council waste collection points;
- (h) any other operational matter required for the safe and efficient operation of a collection service from a public place.

7.21 Any person providing or using a waste collection service in or from a public place must comply with all controls made under this bylaw by Council relating to that collection.

#### GENERAL CONTROLS

7.22 Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste from any property:

- (a) types of domestic waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable, organic, or refuse;
- (b) maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved container for refuse and that subsequently may be disposed of;
- (c) maximum allowable limits of a waste type that may be placed in an container approved for another waste type;
- (d) types of waste that may be handled at any class 1 – 4 landfill and material that may be used as cover material at any such site;
- (e) materials that may be used as natural or other hardfill material at a clean fill site;
- (f) types of waste that are prohibited.

#### COUNCIL COLLECTION POINTS

7.23 No person may deposit waste at a Council collection point other than in accordance with any applicable control.

7.24 Council may specify:

- (a) any place or receptacle in a public place as a Council collection point for the collection of domestic waste; and
- (b) controls relating to the deposit of waste at the Council collection point including the use of specified containers.

#### MULTI-UNIT DEVELOPMENTS

- 7.25 The owner and manager of a multi-unit development must make provision for the management of all waste generated within the property.
- 7.26 Subject to clause ~~7.27~~, the owner and manager of a multi-unit development must obtain approval from Council for a development waste management and minimisation plan.
- 7.27 A development waste management and minimisation plan must include but is not limited to:
- (a) identification of an adequate area on the premises for the storage of containers that is readily accessible to the occupiers of units and to a licensed waste operator to enable separate collection and transportation of refuse, recyclable material and/or organic matter;
  - (b) the methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism;
  - (c) identification of the means and route of access and egress to the waste storage area;
  - (d) an estimate of the volumes of refuse, recyclable material and organic matter that will be generated;
  - (e) the steps which will be taken to further the objective of waste minimisation.
- 7.28 Any person who owns, occupies or manages a multi-unit development must comply with the approved development waste management and minimisation plan for that development.
- 7.29 Council may, on application, grant a written exemption from compliance with all or any the requirements of this clause if:
- (a) in the opinion of Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or
  - (b) the manager or owner demonstrates to the satisfaction of Council that refuse, recyclable material and organic waste are separately and regularly collected.
- 7.30 Council may specify controls for the following matters in relation to the collection or transportation of waste from multi-unit developments:
- (a) the categories of recyclable material, organic matter and refuse that may be deposited at or collected from a multi-unit development;
  - (b) the times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of containers for collection, collection times and restrictions on the number and weight of approved containers;
  - (c) requirements to ensure the correct separation of refuse, organic matter and recyclable materials into containers;
  - (d) any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.
- 7.31 Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation and management of waste in the multi-unit development made by the council.



## EVENTS

- 7.32 Any organiser of a significant event must obtain prior approval from Council to an event waste management and minimisation plan for the event.
- 7.33 The council may require an event waste management and minimisation plan to set out:
- (a) an estimate of the types and amounts of waste to be generated by the event;
  - (b) how waste generated by the event is to be minimised;
  - (c) the steps to maximise the collection and use of recyclables and reusable material;
  - (d) the equipment to be provided for the storage, collection and transportation of waste and diverted material;
  - (e) the person responsible for the collection and disposal of waste and the methods to be used;
  - (f) the requirement to provide a waste analysis following the conclusion of the event; and
  - (g) any other matters relating to event waste management and minimisation that may be specified by Council.
- 7.34 The organiser of an event must comply with the approved event waste management and minimisation plan.
- 7.35 On completion of the event, the organiser must provide Council with a report on the implementation of the event waste management and minimisation plan, including a waste analysis which sets out the predicted and actual types and amounts of waste generated by the event, and which waste management facility was used to recover, recycle, treat or dispose of this waste.

## CONSTRUCTION SITE WASTE MANAGEMENT AND MINIMISATION PLANS

- 7.36 Any person applying for a building consent for ~~non-residential~~ all building work with an estimated value of \$500,000 or higher must also submit a construction site waste management and minimisation plan to Council for approval.
- 7.37 A construction site waste management and minimisation plan must set out:
- (a) The name of the client, principal contractor, and person who prepared the site waste management and minimisation plan;
  - (b) The location of the site;
  - (c) The estimated total cost of the building work;
  - (d) A description of each type of waste expected to be produced;
  - (e) An estimate of the quantity of each type of waste; and
  - (f) The proposed method of waste management for each type of waste (e.g. recovery, recycling, disposal).
- 7.38 While the building work is being carried out, the principal contractor will:
- (a) Review the plan as necessary;
  - (b) Record quantities and types of waste produced; and
  - (c) Record the types and quantities of waste that have been:
    - i. Reused (on or off site)
    - ii. Recycled (on or off site)
    - iii. Sent to other forms of recovery (on or off site)
    - iv. Sent to landfill
    - v. Otherwise disposed of.

- 7.39 Within three months of completion of the building work the principal contractor must add to the plan:
- (a) Confirmation that the plan has been monitored and updated;
  - (b) A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;
  - (c) An explanation of any deviation from the plan;
  - (d) An estimate of any cost savings that have been achieved by completing and implementing the plan.
- 7.40 The principal contractor must ensure that a copy of the plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.

#### **INORGANIC MATERIAL**

- 7.41 Council may specify controls for the following matters in relation to the collection of inorganic material from a public place:
- (a) the weight, size and nature of inorganic materials that may be deposited for collection by the council;
  - (b) the categories of inorganic waste that may be deposited for collection by the council;
  - (c) the times, locations and conditions applicable to the collection by the council of inorganic material from a public place;
  - (d) the methods by which the inorganic material may be collected; and
  - (e) any other operational matters required for the safe and efficient collection by the council of inorganic material from a public place.
- 7.42 Any person who deposits inorganic material for collection on, or collects or transport inorganic material from, a public place must comply with the controls made by the council.

#### **NUISANCE AND LITTER**

- 7.43 No person may:
- (a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
  - (b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.
- 7.44 Except as provided for under this bylaw, no person may:
- (a) burn or allow to be burnt on any property they own, occupy or manage any waste except organic matter in rural areas;
  - (b) bury or allow to be buried on any property they own, occupy or manage any waste except:
    - i. organic waste, including dead farm animals in rural areas;
    - ii. dead companion animals and nuisance pests; or
    - iii. for the purposes of home composting.
  - (c) dispose of any waste on any premises except at –
    - i. a class 1-5 fill, or
    - ii. any premises they own, occupy or manage, for the purposes of home composting.
- 7.45 No person may:



- (a) deposit any waste arising from that person's household or that person's business activities in any litter receptacle provided by Council in any public place;
- (b) remove any waste from any litter receptacle provided by Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by Council to do so;
- (c) deposit or attempt to deposit any litter in any receptacle provided by Council in any public place if:
  - i. the receptacle is full; or
  - ii. the litter is likely to escape.
- (d) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by Council in any public place; or
- b) damage any litter receptacle provided by Council in any public place.

7.46 The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of Council to prevent it becoming litter and to clean it up in the event that it does become litter.

#### **DONATION COLLECTION POINTS**

7.47 Anyone intending to establish a donation collection point must notify Council in advance and must operate the donation collection point in compliance with any requirements Council specifies including but not limited to: location, vehicle access, type of waste which may be deposited, use of approved containers, removal of deposited waste from the collection point, clean up of any litter or illegal dumping, and clean up or removal of any graffiti.

#### **UNADDRESSED MAIL AND ADVERTISING MATERIAL**

7.48 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material in any letterbox that is clearly marked 'no circulars', 'no junk mail', 'addressed mail only' or with words of similar effect, or around or near any such letterbox or associated vehicle accessway, or on any vehicle parked in a public place.

### **8. General Offences and Penalties**

- 8.1 A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002 and/or the Health Act 1956.
- 8.2 A person who commits a breach of this bylaw that is also an offence under the Litter Act 1979 is liable to a penalty under that Act.

### **9. Other Enforcement Powers**

#### **LICENCED WASTE OPERATORS**

- 9.1 Where a licence holder does not comply with the terms and conditions of a waste operator licence, Council may take one or more of the following steps:
  - (a) Issue a written warning to the licence holder, which may be treated as evidence of a prior breach of a licence condition during any subsequent review of the licence;
  - (b) Review the licence, which may result in:
    - i. amendment of the licence; or
    - ii. suspension of the licence; or

- iii. withdrawal of the licence.
  - c) Have recourse to any bond where Council has incurred any cost as a result of the breach of the licence condition, including where Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
  - d) Review the amount and nature of the performance bond or security, which may result in:
    - i. an increase of the amount of the performance bond or security;
    - ii. a change to the nature of the security that has been provided.
  - e) Enforce any offence that may have been committed under the Litter Act 1979; and
  - f) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.
- 9.2 Where a person does not comply with any of clauses 7.1 to 7.6 the waste collector may:
- a) Reject (i.e. not collect) the contents of any approved container left out by that person for collection from a public place, if the contents or placement of the container is non-compliant;
  - b) Remove the contents of any approved container left out for collection from a public place, where the contents or placement of the container is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount payable for the collection of the largest available size of approved container of refuse from that premises;
  - c) Withdraw or suspend the collection service provided by the waste collector to that person.
- 9.3 Where a person does not comply with a control made by Council under clauses 6.1 to 7.31 Council may:
- a) Suspend that person's use of any service provided by Council at any or every waste collection service;
  - b) Enforce any offence that may have been committed under the Litter Act 1979;
  - c) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.
- 9.4 Where a person does not comply with any of clauses 7.14 to 7.18 Council may:
- a) Enforce any offence that may have been committed under the Litter Act 1979;
  - b) Enforce breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

#### **SITE WASTE MANAGEMENT AND MINIMISATION PLANS**

- 9.5 Where a person does not comply with any of clauses 7.36 to 7.40, Council may take one or more of the following steps:
- a) Enforce any offence that may have been committed under the Litter Act 1979; and
  - b) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

#### **INORGANIC MATERIAL**

- 9.6 Where a person does not comply with a control made by the council under clauses 7.41 and 7.42, Council (or a licensed waste operator where applicable) may:
- a) Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;

- b) Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by the council;
- c) Enforce any offence that may have been committed under the Litter Act 1979; and/or
- d) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

**10. Exceptions and Saving Provisions**

- 10.1 A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the directions of an authorised Council officer.
- 10.2 A product stewardship scheme accredited under the Act may be exempted from the requirements of this bylaw.

**11. Revocation**

- 11.1 This bylaw repeals the Matamata-Piako Council Solid Waste Management and Minimisation Bylaw 2017.

**Comments received regarding proposed amendments to Solid Waste Management and Minimisation Bylaw – December 2023.**

**Are there any further comments you would like Council to consider?**

<p>Waste management &amp; minimization should be approached the same as the increase in H&amp;S responsibility over the last 10-15 years - it is unavoidable and in the best interests of both the current &amp; future communities it affects. We are better to gradually educate and implement waste minimization &amp; management to be better prepared and successful when this does eventually get introduced by Central Government. It is never too early to start, but it can be too late.</p>
<p>Council should be looking ways to support the construction industry not adding to the already stifling amount of red tape. This proposal seeks to place yet more barriers to development. Should council deem it necessary to minimise waste in the construction industry then I suggest that education is a better method rather than imposing time wasting documents and plans. Construction costs are already well beyond other developed countries this will just add to the raising costs of buildings with little to no benefit to our communities, end user or environment.</p> <p>Please note that Commercial buildings produce considerably less waste than renovations and residential builds and neither should be bogged down with additional red tape.</p> <p>I feel that the recent election has provided a clear mandate from the public that we do not need additional red tape. This mandate should be considered to be a mandate for local governance also.</p>
<p>In terms of waste diverting from landfill, items such as Tetrapak cartons ideally should be recyclable as should all plastic (appropriately numbered) lids of any size. All waste transfer centres should take items that can be reused and passed on/sold, it isn't clear from the MPDC website that accepting eg, whiteware, means it is going to be potentially given away/sold rather than accepting to be tossed in the pit for landfill. The difference between accepting and recycling should be made clearer.</p>
<p>I do not think a site waste management plan should be required for major events, there is already too much compliance requirements that are making such events more and more difficult to provide for the publics/communities benefit, and I have not witnessed any issues with waste at any such events.</p>
<p>all building consents should cover waste Disposal - this should not be limited to high value or commercial only builds</p>

Wait until legislation has passed then see what is required and write the bylaw accordingly.  
It would be a waste of councils time and the industries time and money passing a bylaw which is then going to be superseded or amended later.

Council also needs to consider the financial implications of this decision on the sector at this time as new construction has Significantly slowed house prices have fallen construction margins have been significantly squeezed  
Increasing the cost of bureaucracy on new construction only ever has a detrimental effect on house prices.

I am not anti waste management but instead of just wanting consultants reports which nobody will read or implement and only add to bureaucratic cost  
Council should look for other ways to encourage or incentivise recycling on building sites to reduce construction waste.

We also don't have the ability to Recycle some building material waste such as wood waste, hardis and gib board as there is no service that covers the district for these products  
That will need to be resolved also.

Council could through its existing connections with waste management could look to implement this and see if they would provide a building site recycling solution ie multiple bins which could be offered to builders within the district.

If you clearly outlined supply chains and waste streams to make it easier for tradesmen. Otherwise it's just an additional cost and more red tape that will make the district less appealing for builders.

Please see our letter emailed to Louisa Palmer for further detail on our submission. (Attachment C)

Central government has indicated that by 2050, Aotearoa New Zealand will have a low waste, low emissions circular economy<sup>12</sup>. It has been identified that local government hold a key role in enabling the transition to a high functioning circular economy. We support measures local government can put into effect to support this transition ensuring healthy people and environment.

Waikato Regional Council contributes to waste prevention through the Waste Prevention Action Plan 2020-2025. The changes proposed by MPDC Solid Waste Bylaw align with Focus area 1 from this plan: collaboration and partnerships; Action area 1.5: Work alongside industry and business to support circular economy. We have previously partnered with Hamilton City Council during the roll out of the changes in its Solid Waste Bylaw. This included engaging with industry about the new regulation to create construction waste minimisation and management plans. Alongside this engagement, resources were created by HCC to support industry. This includes a Design for waste guide, Building without waste guide and a video about the industry already working toward these goals. From the positive conversations we had through this engagement, we believe industry players are well placed to support waste prevention and minimisation.

We support the work MPDC is doing to prevent and minimise waste in accordance with the waste hierarchy and in alignment with transitioning to a circular economy. These key concepts are clearly articulated in MPDCs WMMP 2021-2027. We support the Bylaw to require building consent applications to submit a site waste management and minimisation plan for both residential and commercial builds on all estimated values. This will help design waste out from their processes and plan for whatever waste is generated. Education and engagement will help the industry manage the change this represents. Other councils, such as HCC, have experience and resource to draw on.



File No: 22 02 498  
Document No: 28115692  
Enquiries to: Valerie Bianchi

14 December 2023

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Tēnā koe

**RE: Matamata-Piako Solid Waste Management and Minimisation Bylaw**

Central government has indicated that by 2050, Aotearoa New Zealand will have a low waste, low emissions circular economy<sup>12</sup>. It has been identified that local government hold a key role in enabling the transition to a high functioning circular economy. We support measures local government can put into effect to support this transition ensuring healthy people and environment.

Waikato Regional Council contributes to waste prevention through the *Waste Prevention Action Plan 2020-2025*. The changes proposed by MPDC Solid Waste Bylaw align with Focus area 1 from this plan: collaboration and partnerships; Action area 1.5: Work alongside industry and business to support circular economy. We have previously partnered with Hamilton City Council during the roll out of the changes in its Solid Waste Bylaw. This included engaging with industry about the new regulation to create construction waste minimisation and management plans. Alongside this engagement, resources were created by HCC to support industry. This includes a [Design for waste guide](#), [Building without waste guide](#) and a [video](#) about the industry already working toward these goals. From the positive conversations we had through this engagement, we believe industry players are well placed to support waste prevention and minimisation.

We support the work MPDC is doing to prevent and minimise waste in accordance with the waste hierarchy and in alignment with transitioning to a circular economy. These key concepts are clearly articulated in MPDCs WMMP 2021-2027. We support the Bylaw to require building consent applications to submit a site waste management and minimisation plan for both residential and commercial builds on all estimated values. This will help design waste out from their processes and plan for whatever waste is generated. Education and engagement will help the industry manage the change this represents. Other councils, such as HCC, have experience and resource to draw on.

Ngā mihi



Brent Sinclair  
Director – Resource Use

<sup>1</sup> [Aotearoa New Zealand's first emissions reduction plan \(environment.govt.nz\)](https://environment.govt.nz/aotearoa-new-zealand-first-emissions-reduction-plan/)

<sup>2</sup> [Te-rautaki-pa-ara-Waste-strategy.pdf \(environment.govt.nz\)](https://environment.govt.nz/te-rautaki-pa-ara-waste-strategy/)

7 Pūrongo me whakatau | Decision Reports

## 7.4 Te Whare Whakapakari - Matamata Stadium Grant Applications

CM No.: 2820467

### Te Kaupapa | Purpose

The report seeks Council approvals in relation to grant applications for the Te Whare Whakapakari – Matamata Stadium project.

### Rāpopotonga Matua | Executive Summary

Council approvals are requested for the lodgement of grant applications for Te Whare Whakapakari – Matamata Stadium project.

The approvals are necessary to meet the requirements of the Funding bodies.

### Tūtohunga | Recommendation

That:

1. Council approve the lodgement of a grant application of \$600,000 to the Four Winds grant fund for the purposes of the construction of Te Whare Whakapakari – Matamata Stadium
2. Council confirm that the lodgement of a grant application of \$300,000 by Kirstin Tye to the Grassroots grant fund for the construction of Te Whare Whakapakari – Matamata Stadium is consistent with its intent to expedite grant applications for the project as per its resolution of 8 August 2023.
3. Council retrospectively approve the grant application of \$300,000 to the Grassroots grant fund for the construction of Te Whare Whakapakari – Matamata Stadium.

### Horopaki | Background

Council is undertaking a project to build a sports stadium at Matamata College.

Project partners include Matamata Indoor Sports and Recreation Hub Charitable Trust (the Trust) Matamata Futures, Matamata College, Sports Waikato, Iwi, and the Ministry of Education (MOE).



Council will own the building and will operate the complex.

Grant funding has been targeted as a funding source for the project by the Trust.

As owner of the building, Funders may require Council to lodge the grant applications.

In August 2023 Council passed the following resolution to expedite applications:

*Council delegate the authority to the Chief Executive Officer to approve funding applications for the proposed Matamata Sports Stadium where Council approval is required.*

It has been found that some Funders have specific requirements in relation to the resolutions to apply for grants.

It has been necessary to get separate resolutions passed for applications to the New Zealand Community Trust and the Lion Foundation.

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

#### **Grassroots grant funding**

An urgent need arose to lodge an application to this fund. Kirsten Tye is a member of the Project Steering Group and has been undertaking various roles on the project for the Trust. Kirsten was authorised to lodge a grant to the fund on Council's behalf to enable the grant to be considered before the end of the Fund's financial year.

This authorisation was considered to be consistent with the resolution passed on 8 August 2023 (ie the Chief Executive Officer agreed to the application being lodged).

Retrospective approval is sought for this action to ensure that the application will meet the Funder's requirements with respect to resolutions.

#### **Four Winds**

A grant application is to be lodged with this organisation and Council approval is requested.

The grant applications have been determined by the Trust.

### **Mōrearea | Risk**

This matter is considered to be low risk. Council staff are involved in all grant applications for the project. Council can reject a grant if there is any condition or aspect that it is not prepared to accept.

It is highly probable that grant applications will be rejected without Council approving the lodgement of the applications.

### **Ngā Whiringa | Options**

<b>Option One – Approve the recommendations</b>
<b>Description of option</b>

Approve the lodgement of the grant applications as recommended	
<b>Advantages</b>	<b>Disadvantages</b>
The grant applications can be lodged in accordance with the Funder requirements for resolutions.	
<b>Option Two – Decline the recommendation</b>	
<b>Description of option</b>	
Decline to approve the lodgement of the grant applications as recommended	
<b>Advantages</b>	<b>Disadvantages</b>
	Council will not be able to apply for a grant from the respective funders

### **Recommended option**

Option one is the recommended option.

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

There are no 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.

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	It is expected that the community would want Council to access any available source of funds to reduce the reliance on rates funding.

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 low level of significance.</p>
Section 82 – this sets out principles of consultation.	<p>Given the low level of significance, consultation is not necessary.</p>

### **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 Tāpiritanga | Attachments**

There are no attachments for this report.

### **Ngā waitohu | Signatories**

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

## 7 Pūrongo me whakataua | Decision Reports

# 7.5 Draft Long Term Plan 2024 - Debt to Revenue Ratio for Three Waters Activities

CM No.: 2820612

### Te Kaupapa | Purpose

To provide Council with an opportunity to consider a change to the Draft Long Term Plan.

### Rāpopotonga Matua | Executive Summary

The Draft 2024 Long Term Plan has been approved by Council for submission to the auditors.

Once the audit is completed, Council will be in a position to release a consultation document to the community.

The draft Financial Strategy high-lights the significant financial impact Three Waters capital and operating expenditure has on the plan.

Staff have assessed this impact beyond what is normally undertaken. Debt-to-Revenue ratios for Three Waters have been calculated and are included in the report. The Financial strategy only includes the Debt-to-Revenue ratio for the whole of Council.

The analysis suggests that Three Waters revenue at the end of the ten year period is too low given the high level of capital investment in the plan.

Council is invited to consider whether to:

- Monitor the situation over successive plans or
- Take action to address this situation in the draft long term plan

### Tūtohunga | Recommendation

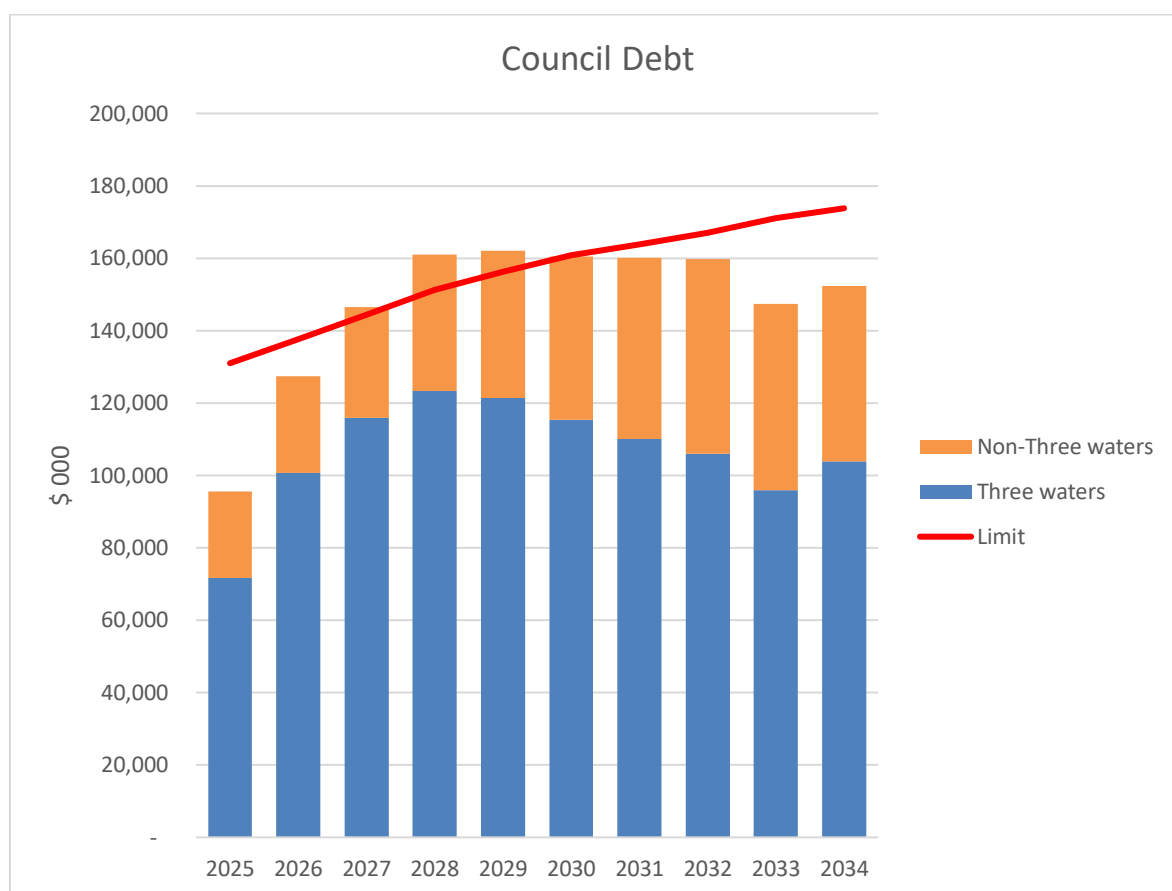
That Council:

1. Take no further action and monitor the situation in preparation for the next Long Term Plan or
2. Make a strategic decision to increase Three Waters rates beyond the level shown in the last 4 years of the draft plan to reduce the Debt-to-Revenue ratio to more prudent levels.

### Horopaki | Background

Council reviewed the draft long term plan (LTP) and approved the content for review by Council auditors at its meeting on 24 January 2024.

The content included the financial strategy. This strategy attempts to highlight the impact on Council overall finances of Three Waters capital and operational costs over the 10 year period.



Graph 1 Draft LTP 2024 – Council Debt to Revenue

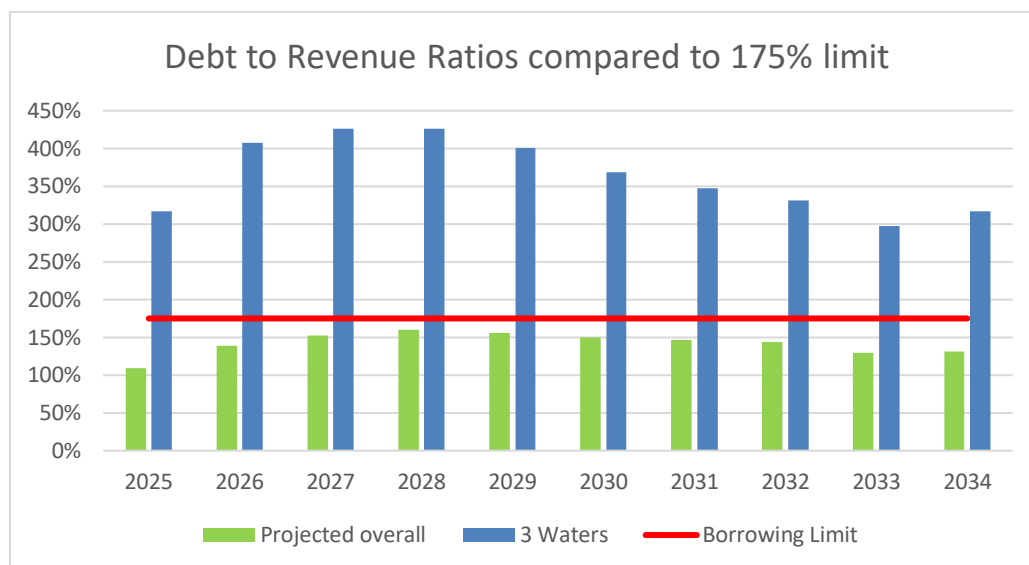
The table above indicated that Council debt would exceed the 150% Debt to Revenue ratio limit included in the 2021 Financial strategy.

It is not a significant breach and debt is projected to fall below the limit by year 6 of the plan.

In discussions on the Investment and Liability Management Policy at the Council meeting, it was decided to increase the Debt to Revenue ratio to 175% for the 2024 LTP.

This focus in the strategy prompted Staff to drill down into the debt revenue ratio for Three Waters activities. This is not something that Council is required to do.

This analysis is summarised in the table below.



Graph 2 Draft LTP Debt to Revenue Ratios for 3 waters versus all of Council

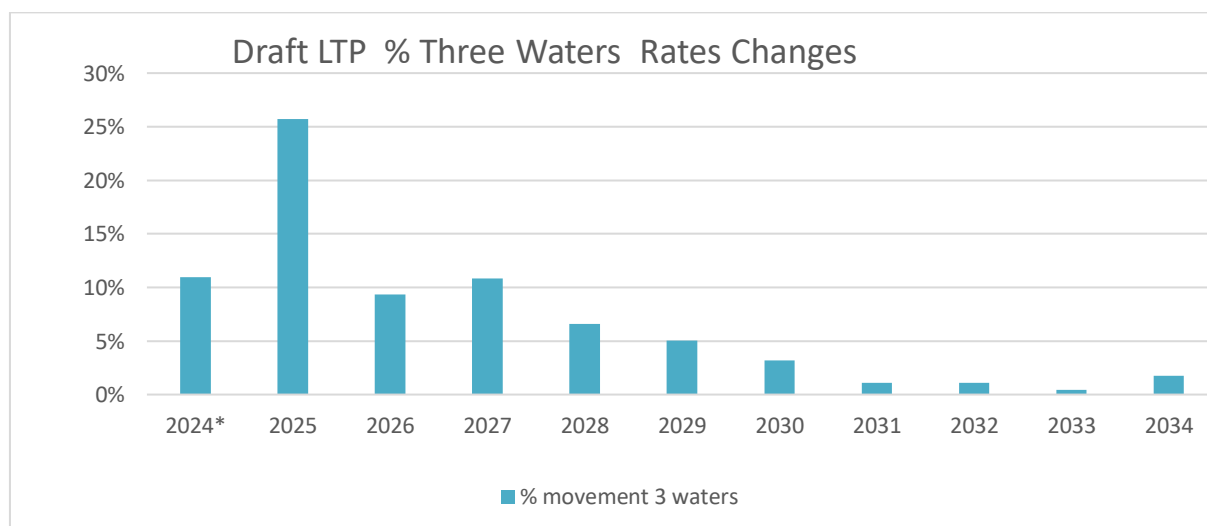
The graph reveals that the Three Waters ratios are significantly higher than the “all of Council” position. This is fully expected and is driven by the large capital works programme for Three waters.

Our auditors and Lenders will focus on the “all of Council” position.

The issue is flagged to Council for consideration as a strategic matter.

Council is aware that there are large rate increases proposed for Three Waters in the draft plan.

The following Graph illustrates the projected level of annual change.



Graph 3

Graph 3 depicts very high rate increases in the first 3 years of the plan, tapering off to particularly low movements in the last four years.

The strategic issue is whether the Debt to Revenue ratios for Three Waters activities should be reduced beyond what is projected.

This could be implemented by increasing Three Waters rates over the last four years beyond the levels projected in the LTP.

The financial information provided in this report is derived from various sections of the LTP. This is currently being reviewed by the auditors and some information may change.

The information in this report is considered sufficient to high-light the underlying issue.

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

### **Does Council have to do anything?**

There is no requirement for Council to take any action on this matter. Staff have raised it as the Financial Strategy clearly shows the significant impact that Three Waters is having on Council's financial position.

### **Should Council do anything?**

The revised Debt-to-Revenue ratio (175%) is a level accepted by the Local Government Funding Agency as prudent for Councils without a credit rating (e.g. MPDC).

Council's overall debt position sits below that level for the 10 year period.

There will be no interest rate advantage if Council reduces debt further than projected.

What the analysis reveals is that Three Waters rates are probably too low, given the capital works programme that is being undertaken.

Debt-to-Revenue is only one indicator and staff will consider other measures to further test whether the financial situation is prudent. Staff will also assess the capital programme beyond the 10 years of the LTP to try to provide a longer term view. This information will be tabled at the Council meeting.

Council may want to take some action (however small) as a tactical move to position against future price shocks ie a series of small increases.

It is acknowledged that increasing rates beyond what is essential is a bold move. It may well be a matter that Council would prefer to signal for discussion in this or future LTPs.

The issue is now on Council's radar and can be revisited in those LTPs.

### **If Council decides to make a change, how much should that change be?**

The low Three Waters rates increases in the last four years of the plan might signal that Three waters are in a robust and sound financial situation.

It is suggested that any change should demonstrate an intent to progressively address an undesirable financial situation.

With this context, the changes could be small additional percentage increases.

### **Is Council alone in this situation?**

Staff have received anecdotal comment from a credit rating agency that the situation is not unique to this Council.

## Mōrearea | Risk

The matter is not considered to be a high risk issue. The LTP process is the appropriate time to consider the matter.

Any decision to make a change can be disclosed and consulted on as part of that process.

## Ngā Whiringa | Options

Option One – Status Quo	
Description of option	
Take no further action and monitor the situation in preparation for the next LTP.	
Advantages	Disadvantages
No change required to the draft LTP.	The rates increases for Three Waters in the Financial Strategy do not reflect the underlying financial situation.
Will avoid any criticism of increasing rates beyond the required level.	
Council has time with future LTPs to make an adjustment.	

Option Two – Make a change	
Description of option	
Make a strategic decision to increase Three Waters rates beyond the level shown in the last 4 years of the draft plan to reduce the Debt-to-Revenue ratio to more prudent levels.	
Advantages	Disadvantages
Will signal an intent in the LTP to improve an un-desirable financial situation.	Further changes will be required to the Draft LTP.
	May invite criticism of Council increasing rates beyond the required level.

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



Staff are reviewing any legal issues in the event that Council decides to make a change.

### **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 medium 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	It is expected that this will be an issue of wide general interest to the community. It would be appropriate that any change is disclosed in the long term plan.
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 medium level of significance.
Section 82 – this sets out principles of consultation.	Any change will be part of the consultation on the long term plan.

### **Policy Considerations**

To the best of the writer's knowledge, the options for Council consideration are not significantly inconsistent with nor are 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**

This would be addressed through the LTP consultation process.

## 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 Staff Long Service Presentation

CM No.: 2809179

### Rāpopotonga Matua | Executive Summary

Sheree O'Brien (30 years) and Lance Gwynne (40 years) to be presented with Long Service Awards in recognition of service to Matamata-Piako District Council.

### Tūtohunga | Recommendation

That:

1. The information be received.

### Ngā Tāpiritanga | Attachments

There are no attachments for this report.

### Ngā waitohu | Signatories

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

## 8.2 Civil Defence and Emergency Management Quarterly Report

CM No.: 2798871

### Te Kaupapa | Purpose

To inform Council of the activity undertaken in the emergency management function during the period October to December 2023

### Rāpopotonga Matua | Executive Summary

This report is to update Council of the activity undertaken in the Matamata-Piako District Council (MPDC) emergency management function as well as significant matters relating to the Waikato CDEM Group and which affect MPDC during the period October to December 2023.

### Tūtohunga | Recommendation

That:

1. The information be received

### Horopaki | Background

MPDC entered into a service level agreement with Waikato Regional Council to meet its obligations under the Civil Defence and Emergency Management Act 2002. The service is delivered through the Group Emergency Management Office (GEMO) and this arrangement was established in August 2019

The last CDEM report to Council was in October 2023.

This report covers the period October to December 2023 (inclusive)

### Ngā Take/Kōrerorero | Issues/Discussion

#### MPDC Work plan:

The work programme for the 2023/2024 financial year has been agreed by the Group Manager Community Development and has been structured to incorporate and align the actions and recommendations of the:

- a. MPDC monitoring and evaluation report recommendations (2019 & 2022)
- b. Waikato CDEM Group<sup>1</sup> Plan actions prioritised by Coordinating Executive Group (CEG)<sup>2</sup>
- c. COVID-19 after action report recommendations (2020) prioritised by CEG
- d. Corrective action identified from activations and exercise debriefs and assessments.

<sup>1</sup> The Waikato CDEM Group has overall responsibility for the governance of CDEM including establishment and oversight of the CEG and GEMO. The CDEM Group (-Joint Committee) functions and general powers are covered in the [CDEM Act 2002 s17 & 18](#).

<sup>2</sup> The CEG is responsible to the CDEM Group for functions detailed in [CDEM Act 2002 s20 \(2\)](#).

The plan identifies where Council units other than “emergency management” take a lead or support activities. Through this a “whole of council” approach to emergency management will develop.

### **2023/24 Work Plan summary**

High priority activity areas of the work plan include:

#### ***Plan maintenance:***

- Ongoing check and adjust of progress and priorities with senior members of staff.

#### ***Communications and ICT:***

- Systems and processes to ensure warnings to the public can be issued
- Deployment of Group wide communication platform (WHISPIR) to ensure fast and consistent communication to staff and stakeholder agencies
- On going development and improvement of electronic communication and record keeping in the Emergency Operations Centre (EOC)

#### ***Iwi / Māori partnership:***

- Engaging with Māori to enable knowledge and alignment with their response capacity
- Māori representation on Local Welfare Committee

#### ***Readiness for response and recovery:***

- Continual Improvement and development of systems and processes and resources to enable effective response and recovery
  - Maintaining sufficient trained and competent staff (training and exercise plan)
  - Generic response plans for known hazards with high consequences
  - Responding to lessons learnt from around the CDEM Group and NZ
  - Maintenance and delivery of the Local Welfare business plan and specifically ensuring the needs of disproportionately affected communities are considered.

#### ***Resilience building:***

- Work with priority communities to support them to develop community response and resilience plans
- Public education and engagement

All actions in the plan have been prioritised as High, Medium or Low. The GEMO<sup>3</sup> and MPDC's priority is on high priority actions and these work areas focus on response and recovery capability. Below is an aggregated report on those work areas.

#### ***Update on work plan progress - June to September:***

Key:

Status	Description
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<sup>3</sup> The GEMO supports the delivery of the Waikato CDEM Group strategy and work programme (Group Plan p82)

Green	On track
Orange	Off track in respect of timing and / or scope. No risk to the work area
Red	Off track in respect of timing and / or scope. Help needed or has been requested

LTP Measures	Status	Comments
The evaluation of annual exercise as a measure of effectiveness of training.		<ul style="list-style-type: none"> <li>Planning for an exercise in 2024 will commence and this will provide opportunity for the local controller to exercise their capabilities.</li> </ul>
Work area	Status	Comments
Welfare		<ul style="list-style-type: none"> <li>MPDC has a current welfare business plan which is in alignment with the Group Welfare Plan. The local plan is reviewed annually.</li> <li>The Welfare team have had their first local community of practice to start actioning components of the welfare business plan.</li> </ul> <p><b>Next steps:</b></p> <ul style="list-style-type: none"> <li>develop an Animal Welfare Plan</li> <li>increase numbers and provide training to welfare teams.</li> <li>Re-assess identified Civil Defence Centres</li> <li>Engage and develop partnership with Iwi and Maori throughout MPDC</li> </ul> <p><b>Current state:</b></p> <p>The new Welfare Manager and EMO are working together to review the welfare arrangements in MPDC and to audit the planning and arrangements for establishment of Civil Defence Centres. Here to Help U (needs assessment tool) integration into the MPDC Welfare team procedures has begun. A gaps analysis of community organisations and groups represented on Local Welfare Committee has been started.</p>
Training & exercising		<p>The drafting of an MPDC Training and Exercise Plan has highlighted insufficient numbers of trained staff.</p> <p>An initial training program for MPDC already involved in CDEM has commenced in the form of local communities of practice on a six to eight weekly basis. The purpose being to maintain engagement, increase staff capability and meet regularly.</p> <p><b>Next step:</b></p> <p>Present the issues and recommendations to the Executive Team for their consideration</p>
Recovery		<ul style="list-style-type: none"> <li>Throughout the Group area the deployment of the Group Recovery work plan has been halted due to recovery</li> </ul>

		focus from Cyclone Gabrielle. <i>(no change from last report)</i>
Operational readiness (staff, facilities & functions)		<ul style="list-style-type: none"> <li>• Activation guideline to enable appropriate levels of EOC activation is complete.</li> <li>• Staff have practiced setting up emergency operations centre.</li> </ul> <p><b>Next steps:</b></p> <ul style="list-style-type: none"> <li>• Define and agree EOC staffing levels to align with the activation guideline</li> <li>• Increase depth of staff trained and available to operate the emergency operations centre on an ongoing basis. This will be supported by the CEG approved capability development strategy.</li> <li>• Development of contingency plans for reasonably foreseeable scenarios – focus on manmade hazards</li> <li>• Development of local process relating to the Group Deployment Policy</li> </ul>
Communications / ICT		<p>In the reporting quarter no progress has been made in implementing IT related recommendations.</p> <p>During this reporting period</p> <ul style="list-style-type: none"> <li>• Deployment and use of the WHISPIR communications platform was completed through a drill activation of the EOC.</li> <li>• A Microsoft Teams Channel has been set-up to support CDEM training initiatives in BAU periods. This is to provide opportunity for IMT members to engage with the software outside of response to improve familiarisation with the platform.</li> </ul> <p><b>Next steps:</b></p> <ul style="list-style-type: none"> <li>• Work with the IT team in implementing system recommendations from the recent activation debrief.</li> <li>• Decide alternate communication solutions in collaboration with a Group wide radio communications project and lessons learnt from recent weather events.</li> </ul>

### **Group and GEMO activity:**

The following section is to inform Council about activities the Waikato Group Emergency Management Office (GEMO) have been involved in with MPDC and other Group members.

### **Government Reforms Project**

CEG agreed to give focus to five priority reforms identified as having the most impact on emergency management; the priority reforms are:

- Local Government Reforms
- Resource Management Reform
- Climate Change Response Programme
- National Adaptation Plan
- Emergency Management Reform (Trifecta Programme)

The Group have made submissions where the reforms are impacted by the emergency management system.

### **Emergency Management Reform (Trifecta Programme)**

- a. Emergency Management Bill was introduced to Parliament on 6 June 2023, submissions closed 3 November 2023. Review of the Emergency Management Bill was undertaken with oversight of the Submission Subcommittee. The Waikato CDEM Group submission was endorsed by the Joint Committee on 30 October 2023 - *submission lodged 30 October 2023*.
- b. Review of National CDEM Plan Order 2015 and the accompanying Guide – May 2023 NEMA put *on hold*, current indication from NEMA that the review will not be completed prior to June 2024.
- c. Development of Roadmap to the National Disaster Resilience Strategy - May 2023 NEMA put *on hold*, current indication from NEMA that the review will not be completed prior to June 2024.
- d. With the change of Government the sector has not had an indication if the EM Reform is a priority or how it will deal with the current state of the Bill.

### **Group Policies and Strategies:**

#### **1. Capability Development –**

- a. The CEG approved the Group Capability Development Strategy at its November 2023 meeting. It provides direction to the Group members and makes consistent the requirements to provide competent and confident staff to the emergency management system. It aligns with the Group Plan actions and with the National Plan 2015.
- b. A full training calendar for the 2014 calendar year supports the strategy delivery. New courses continue to be developed where they are not available on the Integrated Training Framework (ITF).
- c. National Exercise “Ru Whenua” is scheduled to be played in June 2024 and is based on an Alpine Earthquake scenario. Involvement and Tas and partner agencies will continue to be developed over the coming months.

#### **2. Deployment Policy –** this policy was first approved in July 2021 and was reviewed at the last CEG meeting. The policy has been strengthened to meet a council’s obligations under Health and Safety at Work Act 2015 and Employment Relations Act 2000. Councils have obligations to:

- a. Ensure staff deployed have the necessary safety equipment (PPE), capability to call home and to pay for expenses while away from home.
- b. Ensure deployed staff travel and accommodation arrangements are fit for purpose and in place prior to departing.

Deployment requests may now include a two week duration.

#### **3. Recovery Manager Policy –** this was reviewed and amended to address resilience of the Recovery Manager cadre and improve sustainability of Recovery leadership during extended transition periods, within a local authority; by mirroring the Tiered Appointment structures in the CDEM Group Controller Policy. Recovery Manager will be able to have powers during a transition to recovery over other council areas. It is not intended to cover long term recovery and this remains the responsibility of the affected TA.

### **NI severe weather event After Action Report (AAR):**



- The AAR for the North Island severe weather events was conducted by consultant “Simplexity”
- The report was provided to local authorities for fact checking
- The final report was presented by Simplexity and discussed at CEG on 17 November. There are 20 recommendations.
- CEG have instructed GEMO to do an analysis of the recommendations against the current CEG priority actions from the Group Plan and report back on the implications.

The National Emergency Management Agency (NEMA) AAR and Government Inquiry are both ongoing and there is no indication when either will be received by the emergency management sector. It is anticipated there will be impact from recommendations from both reports for CDEM Groups.

### **Hazard and Risk analysis**

Work on the development on the Groups hazard and risk assessment was commenced last year and has made slow progress (8 hazards and risks are complete). There will be a push to complete this work in anticipation of it being a fundamental part of the next iteration of Group Plan. A study to understand the implications of a major rupture on the Hikurangi Subduction Zone is being commissioned.

Local contingency plans are being developed for each TA's top three hazards. Because many Group members share the same hazards this work is being done collaboratively across the region. A focus area in this work for MPDC will be major hazardous facilities (as defined by Work Safe) located in or beside urban areas. Earthquake and severe weather are the two other hazards MPDC will be working on.

### **Alternative communications project**

GEMO are working on a project to provide alternative regional communications network in case of systems failures. This includes production of a strategy which guides thinking about alternate communications in the fast paced world of technology and to ensure we are meeting our basic obligations and needs. So far a regional stocktake of existing resources has been done and now procurement of a fit for purpose digital system is underway.

### **Coordinating and Executive Group (CEG)**

The CEG are the executive group who oversee the work of the GEMO and local authorities and recommend policy decisions to Joint Committee. Dennis Bellamy is the MPDC CEG member.

CEG met on 17 November 2023 and the next one is 8 March 2024.

### **CDEM Group Joint Committee (JC)**

The last meeting of JC was 4 December 2023

Of significance the JC discussed and approved:

- Reviewed Recovery Policy
- Reviewed Deployment Policy
- New Capability Development Strategy
- Appointed Local Controllers for Hamilton City, Taupō District and Western Waikato (Waipā, Waitomo & Ōtorahanga Districts)

They received information on:

- Waikato Group after action report
- Unbudgeted response and recovery costs from 2013 to 2023
- The Group priority action plan

The Chair of the JC is Councillor Anna Park from Taupō District Council and the MPDC representative is Councillor Smith (delegated by the Mayor).

### **Service Level Agreement**

CDEM for MPDC is delivered through a service level agreement with Waikato Regional Council (delivered through GEMO). The term of agreement finishes in June 2024 and discussion between the parties has commenced.

### **Ngā Tāpiritanga | Attachments**

There are no attachments for this report.

### **Ngā waitohu | Signatories**

Author(s)	Loren Molloy <b>Emergency Management Officer</b>	
Approved by	Dennis Bellamy <b>Group Manager Community Development</b>	

8 Ngā Pūrongo Whakamārama | Information Reports

## 8.3 Chief Executive Officer's Report

CM No.: 2801172

### Te Kaupapa | Purpose

The purpose of this report is to provide Council with the Chief Executive Officer's report from the previous month. This report includes the months of December 2023 and January 2024.

### Rāpopotonga Matua | Executive Summary

The Chief Executive Officer's report for the period ending January 2024 is attached to the agenda.

### Tūtohunga | Recommendation

That:

1. The information be received.

### Ngā Tāpiritanga | Attachments

A [↓](#). CEO report for period ending January 2024

B [↓](#). Project Report December 2023

C [↓](#). December 2023 Financial Report to Council

### Ngā waitohu | Signatories

Author(s)	Debbie Burge Executive Assistant to the Mayor & CEO	
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Approved by	Don McLeod Chief Executive Officer	
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**Chief Executive Report  
For the period ending  
January 2024**

Item 8.3

Attachment A

## Corporate Overview

### 1.1 CEO overview

The last month has been focussed on developing the material underpinning the Long Term Plan, preparing for Audit and the summer break.

As well, a number of milestone projects are underway with, as examples;

- The Procurement Plan for the Matamata Waste Water Plant has been approved and an invitation to register interest with the initial earthworks is being advertised for interest
- The construction of the new Lockerbie Water Treatment Plant is advancing well
- Progress on elements of the Matamata Sports Stadium are underway
- Completion of the Matamata Pool Roof cover
- A range of roading projects underway

Operational demands are ongoing with KVS dealing with all the summer maintenance demands and expectations.

While our Building Consent numbers have fallen we are still having to contract out Consent Processing to ensure our time frames are being met.

Development Planning applications and ongoing work from previous Consents continues at pace and while we are seeing some respite in attracting resource it is in a number of areas still demanding with vacancies across the organisation.

Our Restructure is nearing its final stages and the new General Managers formally take their roles up in late February.

Our six month financial position is under preparation. Preliminary information suggest that Revenue is down in Water and Building Consents . Expenditure control is tighter but we continue to empathise to Managers to show restraint. Sometimes things are not within our control e.g. reserve mowing has not eased and this affects both standards and costs.

The 3 Waters reform and future is a debate that I believe will be ongoing. The infrastructure needs across all asset classes for NZ Inc will leave us competing for the same resources. This will not be good for the industry nor will it be good for contractors. Further advice on this will be reported on in due course and understanding the Ministers approach – exemplified in the case of Wellington Water, will be instructive

### Projects

Removal of the last business bubble zone seating from Morrinsville's main street happened on Thurs 1 Feb at 6.30am. Affected businesses were advised the day before. The removal of this seating will see the space return to car parking.

A new permanent version of our StoryWalk is now installed in Swap Park, Matamata. It was funded in partnership with National Libraries to promote literacy. This story will be in place until around March, and the libraries welcome suggestions for future stories.

Our Facebook ads campaign continues with a series of videos raising awareness on the value our rates provide. This is part of the lead-in to the 2024-2034 LTP and will be promoted further over coming weeks. For 'My Rates' information and to watch the videos - <https://www.mpd.govt.nz/rates/my-rates>.

### Nationwide Recycling Standards

- Government enforced, NZ-wide regulations are came into force from February 1.
- Our new kerbside collection is already aligned to these standards, so no big changes.
- A couple of small things that are new to our district:
  - Aerosol cans (steel and aluminium) must go in the rubbish bin, not recycling.

- Pizza boxes can now be recycled, but they must be clean with no food inside.

### Transport Choices

Waka Kotahi NZTA has confirmed no further funding for the Transport Choices programme will be available. In October 2023, Waka Kotahi NZTA paused funding until it received clear direction on the incoming government's priorities for transport investment. The Minister of Transport has now advised all local authorities that no further funding for the Transport Choices programme will be approved.

For our district, this means no further funding is available to progress work on: accessibility improvements, bus stop upgrades, Matamata inner green route and Matamata connectivity. There is some internal budget available for us to implement some of the activities under these projects but at a very reduced scope. We are working now to prioritise which activities can be implemented based on the available budget.

*Transport Choices project updates:*

- [Matamata Pride of Place Plan](#) - laneway and social seating projects in planning phase and will continue. Enquiries to Tamara/Jennifer

### Water

Water restrictions

Level 1 water restrictions were introduced just before Christmas, and are in place across the district asking people to use water sensibly. Level 1 water restrictions mean:

- Water supply is expected to come under pressure in the future.
- Sprinklers can be used from 6-8am and 6-8pm only.
- Watering by hand can take place anytime but avoiding the hottest part of the day reduces the amount of water that evaporates which is good for the plants and uses every drop well.
- Trigger nozzles on hoses are recommended.
- Stage 3 of the **Lockerbie gravity sewer** is underway at the western end of Allen Street. Traffic Management is in place, but is only a shoulder closure - so no disruption to traffic. Due to delivery delays, completion will now be March 2024 (not mid-Jan).

### Roading

- PowerCo has been advised of a number of streets in Morrinsville where street lights are not working. At this stage we do not have a repair date.
- McLaren Rd, Manawaru - The pavement repair work has now been completed and the stabilised patches sealed. The patches will get a second seal over them near the end of summer.
- Kenrick Street (SH26), Lawrence Avenue, Whitaker Street (SH26), Boundary Street, Rewi Street – Te Aroha will be closed on Sat 3 Feb from 11am - 1am Sun 4 Feb. This will allow the Aroha Cruise In Society to conduct the 2024 Twilight Aroha Cruise-In classic car, motorcycle, hot rod and retro caravan event.
- Canada Street, at the intersections of Thames St & Anderson St. Access from Flex Fitness and Presbyterian Church to Canada St will be closed on Sat 10 Feb from 7am - 12.30pm. This will allow the Yankee Haulers to conduct the 2024 Motorama event.

### Coming up

- At the time of writing, it is anticipated that from Sat 3 Feb, Swim Zone Matamata's leisure pool (the old indoor pool) will re-open to the public. An opening event is planned for 9 February.
- The first Citizenship Ceremony for 2024 is happening on Monday 26 February, 5.30pm at the SFFEC.
- Piarere Hall – Following the fire which occurred just before Christmas, council insurers have advised that the building has been written off. The assessor will be managing the site during "Dirty Demolition" of what remains. Once this has been completed and declared contamination free, the site will be handed back to MPDC. Over the next few

months consultation will occur with the Halls Committee and the targeted ratepayers regarding the future.

#### Ongoing

- Consultation on the **Matamata Domain Playground** in partnership with Matamata Futures has closed. We'll report back soon with what's happening next.
- Letters have been sent out to the construction industry and past submitters, seeking further feedback on rules for construction site waste management and minimisation plans. This is a continuation of the consultation earlier this year on the Solid Waste Management and Minimisation Bylaw (seeking clarification on whether Council should introduce this requirement through the Bylaw, or wait until central government introduce these rules). Consultation took place 4-15 Dec.
- Battery and e-waste recycling collection sheds are now available at all transfer stations. These collection sheds are safe facilities to recycle any of the following items: batteries, power tools, TVs, computers, cell phones, electronics and small appliances. By recycling your batteries and electronics, not only does it divert a lot of waste from landfill, but it also keeps our workers safe.
- We're currently creating a new Ashes wall at Matamata Cemetery for future internments. All remaining plots in the existing wall are reserved. The concrete base that will provide space for ashes walls for the next 15 years is complete. Landscaping to be provided by KVS. The first wall will be built Feb/March.
- We have temporarily closed some mountain bike trails in Te Aroha to protect kauri. The main trail that is affected is 'One Man's Work' as well as some minor offshoot loops off it. There are a number of kauri trees in this area that we will need to protect in order to comply with new regulations to protect kauri from the *Phytophthora agacidiae* pathogen (Kauri Dieback). We ask people to respect these closures. We are working with DOC and Ngati Tumutumu on options to protect the kauri trees in this area. This may involve trail surface improvements and possibly some re-alignment of trails so that they are not so close to the kauri trees. Most of the mountain bike trails are not affected and remain open.
- Thompsons Track is temporarily closed due to a number of slips and drop outs. Staff will inspect the track in the coming weeks to assess the damage. There is no estimated date at this stage for re-opening.
- Firth Tower - The Tower will remain closed until the decision on the extent of any work has been determined, and its priority in relation to other Earthquake prone/vulnerable buildings that Council own. Isolation plan agreed with HNZPT. Involves painted picket fence and signage to delineate prohibited area. More specific engineering design required and Resource Consent to be obtained including HNZPT sign off to strengthen Tower to above Earthquake Prone status.

#### From our partners

- Department of Conservation have advised that construction works will begin on the Wairere Falls track to upgrade multiple structures along the track during February, March and April 2024. There will be periodic closures during this work. On Tuesday 30 January at 9am Ngāti Hinerangi, Ngāti Hauā and Ngāti Raukawa held a karakia at the base of the Wairere Falls track in preparation of the structural upgrades commencing.
- The Hauraki Rail Trail Charitable Trust will host the inaugural Hauraki Bike Fest on Saturday, 6 April 2024 at the Paeroa Maritime Park. There are six specially curated rides that will depart the festival hub (Paeroa Maritime Park) and a seventh ride on Sunday, 7 April from the Bay View Hotel, Kaiaua. Each ride will showcase the scenery, local cuisine and hospitality. Riders on the Sculpture Trail stop for lunch at the Old Forge in Te Aroha West, then ride back into Te Aroha to visit the Adrian Worsley Historic Creations Gallery before riding to Earth Produce Berry Farm for ice cream or coffee and a shuttle pick up
- NZTA Waka Kotahi have advised that State Highway 29 at Hinuera (near Matamata) will be closed during the day for almost three weeks for road rehabilitation work. From Wednesday 7 February until Monday 26 February the road will be closed between 6am and 6pm on weekdays, with traffic detoured north along SH27 and Hopkins Road. The detour is expected to add around 10 minutes to journeys along SH29. Access to

properties and businesses within the closure zone will be maintained during the daytime closure, while Hinuera School can be accessed from Hinuera Road. The work is scheduled to be complete on Monday 26 February however bad weather or other unforeseen circumstances may see this extended.

- NZTA Waka Kotahi have advised SH29 over the Kaimai Ranges will be closed overnight (8pm - 4.30pm) from Sunday 25 February till Thursday 29 February (opening the morning of Friday 1 March) to conduct road surface repairs. The closure points in our district are at the intersections of SH29 and SH24, as well as at SH29 and SH28. See our [roading page](#) for more info.
- **Future Proof** is consulting on their draft Strategy from 15 January - 19 February (5pm) 2024. Future Proof is a comprehensive plan for growth jointly developed by Waikato District Council, Waipā District Council, Matamata-Piako District Council, Hamilton City Council, Waikato Regional Council, tangata whenua, central government partners and Tamaki Makaurau partners (South Auckland iwi and Auckland Council). It was last updated in 2022 but requires further updates due to government changes and the addition of MPDC as a partner. Information is available on the [Future Proof website](#) and a drop in session took place on Wednesday 7 February at the Waikato Regional Council offices (160 Ward Street, Hamilton) between 3pm and 6pm.

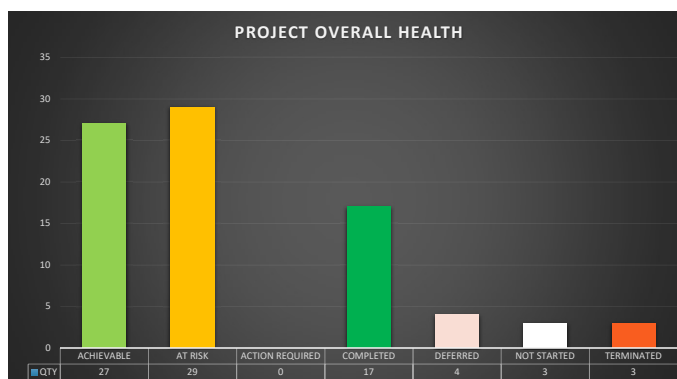
### Financials

A brief summary of the Operational expenditure and income until the end of December 2023 is attached.



NUMBER OF PROJECTS CURRENTLY REPORTED	84
DATE OF LAST UPDATE	Period ending December 2023

Overall Status Classifications:	
<b>ACHIEVABLE</b>	Overall Project progressing as expected or with minimal to low areas of risk that are not expected to impact one or more of the following: objectives, timeframe, scope, budget, resources.
<b>AT RISK</b>	Project has moderate areas of risk that if not addressed will impact on one or more of the following: objectives, time, scope, budget, resources. Project requires direction, decisions, assistance or support for project to progress as expected.
<b>ACTION REQUIRED</b>	Project has multiple areas of risk or significant high risk that will impact any one or more of the following: objectives, time, scope, budget, resources. Project may have stalled requiring direction, decisions for project to progress. If significant risk consideration may be required for project to be deferred or terminated to reduce risk to Council or failure of project.
<b>COMPLETED</b>	Project completed
<b>DEFERRED</b>	Project deferred due to conflicting priorities, capacity, or budget reassigned.
<b>NOT STARTED</b>	Project schedule not commenced or in initial stage of identify. The need for the project, objectives, scope, budget may not be available or determined
<b>TERMINATED</b>	Project objectives will not or cannot be met, or the need for the project no longer exists



Report Summary may not contain all projects, is work in progress and currently a mixture of BAU, operational and capital projects

PORTFOLIO CATEGORY	PROJECT ID	PROJECT NAME	OVERALL PROJECT HEALTH	PROJECT SUMMARY
Cemeteries		Te Aroha Ashes Wall	ACHIEVABLE	Progressing, wall scheduled to be built February / March 2024
Cemeteries		Matamata Ashes Wall	ACHIEVABLE	Progressing, first wall to be constructed February 2024.
Cemeteries		Te Aroha Cemetery Expansion	AT RISK	Risk to scope, budget. Budget exhausted. Awaiting quote for Hinuera stone entranceway and lockable gates to see whether additional budget available to allocate
Community Venues		Te Aroha - Cadman House - new balustrade	ACHIEVABLE	Requires Heritage approval. Awaiting design to be finalised and custom made Temporary handrail installed.
Community Venues	240	Matamata Indoor Stadium	AT RISK	Risks to budget, scope, timeframe. Multiple stakeholders involved. Progressing discussion for budget confirmation and build type. Consultants have been engaged, procurement plan and resource consent process underway. Budget not available until 24/25 financial year
Community Venues		Matamata - Firth Tower - Earthquake Assessment	AT RISK	Risks to timeframe, scope, budget. To be isolated with exclusion zone in a more sympathetic manner to the location. Physical remedy to be discussed with Heritage NZ and then prioritised against all other seismically compromised council buildings.
Community Venues		Te Aroha - Domain House renewals	COMPLETED	Complete
Community Venues		Matamata - Firth Tower - Church/Jailhouse Roof Replacement	COMPLETED	Complete
Housing & Property		Waihou Water Supply	ACHIEVABLE	The three private residences previously supplied from Depot bore supply now have their own collection system and have been disconnected from Council supply. Fulton Hogan and KVS will have new tanks filled by Tanker.
Housing & Property		Building Renewals Programme 22/23	ACHIEVABLE	Progressing, team working on programme for 2022/23
Housing & Property		MPDC Housing - 15/87 Centennial	ACHIEVABLE	Refurbs progressing as expected
Housing & Property		MPDC Housing - 7/4 McPherson	ACHIEVABLE	Refurbs progressing as expected
Housing & Property		MPDC Offices - Ventilation Project	AT RISK	Risks to timeframe, scope, budget. On hold until Detailed Seismic Assessment results are known. Report to Council 24th January 2024.
Housing & Property		MPDC Offices - Planning area review	AT RISK	Risks to timeframe, scope, budget. Planning office alterations on hold until Detailed Seismic Assessment results are known. Report to Council 24th January 2024.
Housing & Property		MPDC Offices - TA Front Desk	AT RISK	Risks to timeframe, scope, budget. Front Desk alterations on hold until Detailed Seismic Assessment results are known. Report to Council 24th January 2024.
Housing & Property		MPDC Offices - MVL Front desk/Library	AT RISK	Risks to timeframe, scope, budget. Front Desk on hold and Te Aroha Library on hold pending Detailed Seismic Assessment - expected result Feb March 2024
Housing & Property		Te Aroha - Tui Mine Remediation Works - Wananga	AT RISK	Following up queries from Waikato Regional Council regarding MPDC's obligations for maintenance work
Libraries		Te Aroha Library Improvement project 19/20 carried forward	AT RISK	Risks to timeframe, scope, budget. On hold until Detailed Seismic Assessment results are known. Report to Council 24th January 2024.
Libraries		Libraries - Future Proofing (Adaptation to Future Use and Needs) 2018/19 carried forward	AT RISK	Risks to timeframe, scope, budget. On hold until Detailed Seismic Assessment results are known. Report to Council 24th January 2024.
Parks & Open Spaces		Te Aroha I-Site - Bike rack	ACHIEVABLE	Bike rack purchased and installation to be complete once location determined
Parks & Open Spaces		Matamata - Banks Road - Paths, Park furniture, Shade, Additional Play Items	ACHIEVABLE	Planting done at end of winter/spring to finish job. Property have attended meeting with SPAG and sent design to Parks and Facilities for review.
Parks & Open Spaces		Signage for Parks and Facilities 2018/19 - carried forward	ACHIEVABLE	Parks & Facilities team schedule of signs complete and progressing to design stage.
Parks & Open Spaces	247	Matamata Domain Playground	AT RISK	Risks to budget, scope, timeframe. Project manager assigned but not available until early 2024, community consultation work continuing and progressing in partnership with Matamata Future Trust. Budget not available until 24/25 financial year
Parks & Open Spaces		Matamata - Kowhai St Playground 19/20 Remove and replace Playground Equipment	COMPLETED	Complete
Parks & Open Spaces		Te Aroha - Herries Park - Playground Renewal	COMPLETED	Complete
Parks & Open Spaces		Matamata - Tom Grant Dr Playground 19/21 Remove and Replace Playground Equipment	COMPLETED	Complete. Asset update form to be completed
Parks & Open Spaces		Te Aroha Domain - Demolition of Skate Park and reinstatement of area around the old skate park building	COMPLETED	Complete
Parks & Open Spaces		Morrinsville - 100 Morrinsville-Walton Road - Site Clean Up	DEFERRED	N/A
Parks & Open Spaces		Waioa Playground	NOT STARTED	N/A
Pools & Spas		Swim Zone Morrinsville - Renewals list for facility upgrade works	ACHIEVABLE	Progressing as expected, disabled shower and toilet complete.
Pools & Spas		Swim Zone Morrinsville - Reception door replacement	ACHIEVABLE	Progressing as expected, steel door to be fitted.
Pools & Spas		Swim Zone Matamata - Renewals	AT RISK	Project requires prioritisation to be set with other planned projects.
Pools & Spas		Swim Zone Te Aroha - No: 2 bath	DEFERRED	Deferred: Budget. No. 2 bath house budget reallocated to replace heat pump as an urgent priority. No.2 bath house project to be a priority for next financial year unless alternative budget becomes available sooner.
Pools & Spas		Te Aroha Spa - New Facility	DEFERRED	In December 2023, Council requested the project be included in the 2024 Long Term Plan. Council has budgeted \$200,000 in 2025/26 and \$5 million in 2026/27 for investigations and potential development of the existing Te Aroha Spa.

PORTFOLIO CATEGORY	PROJECT ID	PROJECT NAME	PROJECT HEALTH	PROJECT SUMMARY
Pools & Spas		Swim Zone Te Aroha - Replace waterproofing membrane under tiles on porch outside reception	NOT STARTED	Previously deferred due insufficient budget for additional scope to complete previously unknown asbestos works. New updated quotes required for asbestos removal, deck and hand rails also rotting. This project to be incorporated with 23/24 f/year confirmed budget to improve accessibility.
Public Toilets		Te Aroha Domain New Toilets	ACHIEVABLE	Toilets installation completed. Assets & Parks to meeting to occur in January 2024 to discuss landscaping for completion of the area.
Public Toilets		Piako Cemetery - New Exelon	COMPLETED	Complete
Public Toilets		Matamata Cemetery - New Exaloo	COMPLETED	Complete
Planning	241	Transport Choices - Project 5-7 Matamata Place Plan	ACHIEVABLE	Staff exploring options for social seating and laneway activation in Matamata. Two activities remain under this project.
Planning	243	Transport Choices - Project 6-7 School Travel Plans	ACHIEVABLE	All 5 draft school travel plans have been provided by the consultant to staff for review before it is issued to schools for their feedback.
Planning	226	Transport Choices - Project 1-7 Matamata Connectivity (previously called Matamata Connectivity Project 22/23)	AT RISK	Risks to scope, budget. Safe system audit review of proposed improvements underway by design consultant Gray Matter Ltd and council staff. Funding for pre-implementation activities is still available from NZTA and will be used to complete pre-implementation activities such as design and safe system audits.
Planning	237	Transport Choices - Project 2-7 Matamata Linkages	AT RISK	Risks to scope, budget. Project descopeing work underway and looking at available local funding to complete some of the smaller activities that have already been designed.
Planning	238	Transport Choices - Project 3-7 Bus Stop Improvements	AT RISK	No progress this month.
Planning	242	Transport Choices - Project 4 -7 Accessibility Improvements	AT RISK	Risks to scope, budget. Tender for the Accessibility Improvements project has been cancelled following announcement from NZTA that implementation funding has been cut. Tenderers have been advised.
Planning	227	Transport Choices - Project 7-7 Morrinsville Rec Ground Walkways	COMPLETED	The Activation event to celebrate the new shared path and pump track at the Rec was held on the 10th December. This was a very successful event and was well attended by the community.
Planning	231	Schools - Speed Management (Manawaru, Tahuna, Stanley Ave, Walton and Springdale Schools)	NOT STARTED	N/A
Planning	229	Transport Choices Programme	TERMINATED	NZTA through an email to the CEO has confirmed no further funding for the Transport Choices programme will be available. The new Minister of Transport has advised all local authorities that no further funding for the Transport Choices programme will be approved. The MM Connectivity, MM Inner Green Route, Bus Stop Improvement and Accessibility Improvements implementation funding from NZTA is no longer available.
Waste & Recycling	232	Kerbside Collection Contract Mobilisation 2023	ACHIEVABLE	Mobilisation of contract complete, progressing plans and documentation to be completed before end of f/year.
Waste & Recycling	249	Refuge Transfer Stations Management & Operations - External to MPDC In-house	AT RISK	Risk to timeframe, schedule. Project manager to be assigned, project brief to be completed, investigating options for delivery of service, existing contract ending at the end of June 24.
Stormwater		Morrinsville Stormwater Management Plan	AT RISK	Timeframe/schedule at risk, awaiting completion of further survey data input to update MPDC modelling to progress
Stormwater		Morrinsville: Avenue Road (Toyota Stormwater)	COMPLETED	Complete
Strategy & Plans	234	Long Term Plan 2024-34	ACHIEVABLE	In December 2023 the new government announced they would be repealing the 3W reforms of the previous government. Transitional options for Long Term Plans would be provided. Information is being finalised for Council to approve for Audit at the January meeting. Audit is to commence 30 January 2024.
Strategy & Plans	380	Annual Report 2023/2024	ACHIEVABLE	Staff working towards gathering data for 6 month report
Strategy & Plans	245	Annual Report 2022/2023	COMPLETED	Complete. The Annual Report 2022/23 was adopted by Council on 25 October 2023. The only outstanding piece of work is the Audit Management Report. Staff are collating comments to provide back to Audit. This will be presented to the Risk & Assurance Committee in March 2024.
Support Services	236	Data Domain Upgrade and Isolated Recovery	ACHIEVABLE	Progressing as expected.
Support Services	239	Quality Management System Revitalisation	ACHIEVABLE	Progressing, departments gradually reviewing and updating processes where necessary
Support Services	228	MPDC Organisational Review 2023	AT RISK	Risks to budget. Implementation underway and prioritising new positions in approved completed detailed structure. New group managers transitioning to new positions in February 24
Support Services	233	System Upgrades - CM & Authority	COMPLETED	Upgrades complete. All on-going outstanding items have been moved onto to our contracted service support system
Support Services	248	Risk Management Software	TERMINATED	Terminated, scope objectives not obtainable as no available budget. To be integrated into Digital Strategy Project implementation as part of 24/34 Long Term Plan
Support Services	235	Proof of Concept for Applying RPA Technology to Accounts Payable	TERMINATED	Terminated, scope objectives not obtainable within available budget. To be integrated into Digital Strategy Project implementation as part of 24/34 Long Term Plan
Wastewater	244	Matamata Wastewater Treatment Plant Upgrade	ACHIEVABLE	Progressing with agreed approach. Moving to NZS3910 approach whilst budget confirmed through 2024/34 LTP. Upgrade to be sited on reclaimed pond land. Peer review on consenting process to be undertaken
Wastewater		District-Wide Wastewater Reticulation Renewals	ACHIEVABLE	Progressing, team focusing on Morrinsville. Budget for Te Aroha has been exhausted.
Wastewater		Te Aroha: College/Ritchie St Pump station access way	ACHIEVABLE	Progressing, KVS to remove a 5m section and replace due to boxing movement during concrete pour. Front apron and new driveway to be installed.
Wastewater		Waihou Wastewater Treatment Plant: Decommissioning and Rising Main	AT RISK	Progressing, procurement underway for pump and transformer. Contract document being drafted. Risk to timeframe, requires KiwiRail authority and permits and pending Archaeological authority.
Wastewater		Te Aroha Wastewater Treatment Plant: Fine Screening	AT RISK	Timeframe/schedule at risk, budget confirmation required, internal teams working through to resolve for project to progress. Progressing with updated procurement plan and risk assessment following review. can proceed once budget confirmed.
Wastewater		Tahuna Wastewater Treatment Plant: Caustic	AT RISK	Timeframe/schedule at risk, budget confirmation required, internal teams working through to resolve for project to progress. Works to be completed with the Burwood Caustic Tank replacement.
Wastewater		Matamata - Tawari Wastewater Treatment Plant: Caustic	AT RISK	Timeframe/schedule at risk, budget confirmation required, internal teams working through to resolve for project to progress. Progressing Project Brief for sign off.
Wastewater		Te Aroha - Terminus Street Sewer Pump Station	AT RISK	Timeframe/schedule at risk, budget confirmation required, internal teams working through to resolve for project to progress. Progressing project Brief for installation of a flow meter at Terminus Sewer pump station. RFQ to be issued once budget confirmed
Wastewater		Morrinsville Wastewater Treatment Plants: Decant the Pond Liner	AT RISK	Timeframe/schedule at risk. 5 contractors expressing interest in response to ROI. Design advice sitting with Consultant to progress as soon as possible, anticipated contract being approved in next 2 months.
Wastewater		District-Wide Wastewater Treatment Plant Renewals Programme	AT RISK	Timeframe/schedule at risk, budget confirmation required, internal teams working through to resolve for project to progress. Projects brief underway and to be confirmed once available budget known
Wastewater		Morrinsville - Allen St: Sewer Realignment	COMPLETED	Complete
Wastewater		Matamata Wastewater Treatment Plant: Inlet Screens	COMPLETED	Works complete. Asset update form to be completed.
Water		Morrinsville - Lockerbie Water Treatment Plant	ACHIEVABLE	Ground works progressing, permanent plant infrastructure getting installed i.e.: Stormwater, wastewater and water connections
Water		Morrinsville -Lockerbie Stage 2. Gravity Main	ACHIEVABLE	Progressing, contract underway
Water		Morrinsville -Lockerbie Stage 3. Howie Park Pump Station	ACHIEVABLE	Progressing, electrical site connection done, building being constructed
Water		Morrinsville Water Treatment Plant - Chlorine room	ACHIEVABLE	Progressing, at commissioning stage
Water		District-Wide Water Reticulation Renewals	ACHIEVABLE	Progressing, contractor has agreed to a one year extension completed by NTC process that will commence in August 2024

PORTFOLIO CATEGORY	PROJECT ID	PROJECT NAME	PROJECT HEALTH	PROJECT SUMMARY
'ater		Te Aroha - Water Treatment Plant: Retaining Wall	AT RISK	Timeframe/schedule at risk, budget confirmation required, internal teams working through to resolve for project to progress. Engineered retaining wall design required before installation.
'ater		District-Wide Water Treatment Plant Renewals Programme	AT RISK	Timeframe/schedule at risk, budget confirmation required, internal teams working through to resolve for project to progress. Projects brief underway and to be confirmed once available budget known
'ater		Operations Improvement Project	AT RISK	Project manager to be assigned. BAU improvement project, operational processes, procedures, risk and WHS. Progressing is tracking behind E-Team expectations due to conflicting resource priorities.
'ater		Morrinsville - Allen Street Watermain Renewals	COMPLETED	Complete
'ater		Te Aroha Water Treatment Plant: Sludge & PACL	COMPLETED	Complete
'ater		Morrinsville: Fonterra Flowmeter	COMPLETED	Complete
'ater		Water Treatment Plants: Lime dosing tanks	DEFERRED	Te Aroha – Timeframe/schedule at risk - project to be deferred until budget available

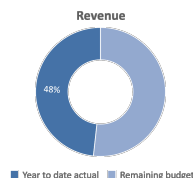
## MONTHLY FINANCIAL REPORT - DECEMBER 2023

### SUMMARY FINANCIALS BY ACTIVITY

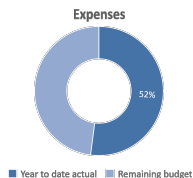
At the end of December, we are 50% of the way through the 2023/24 financial year. The graphs below show how our operating and capital budgets are tracking at this point per activity. Areas of pressure are highlighted in red. The Funding Impact Statement follows these graphs, showing how we are going against budget in funding our operating expenditure and our capital expenditure on an overall basis.

#### Community Facilities

##### OPERATING

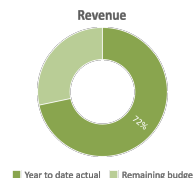


Overall, revenue is slightly behind budget. Revenue from fees and charges is below budget by \$357,000 which is due to seasonal demand for facilities like the pools and Firth Tower, the Matamata roof structure project has reduced patronage, and reduced income in the spas and Domain House Beauty due to staff shortages and slower shop sales.

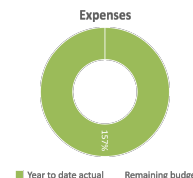


Overall, expenses are slightly ahead of budget. Operating costs for gardening, arborist work, toilets, pools and cemeteries are slightly above budget, offset by savings in employee costs at our facilities that will increase over the summer season. Finance costs are \$12,000 higher than budgeted due to higher than budgeted interest rates.

##### CAPITAL



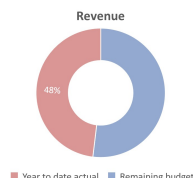
Transport Choices funding of \$666,000 has been received to date that was not budgeted for and financial contributions received are \$116,000 ahead of budget.



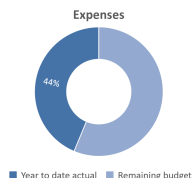
Significant projects in progress include the Morrinsville Rec Grounds perimeter walkway, the Morrinsville and Matamata cemetery toilets, playground upgrades and the Matamata Swimzone roof structure. The budgets for some of these projects were carried forward from last year or in the case of the Transport Choices projects, attracted unbudgeted funding.

#### Rubbish and Recycling

##### OPERATING

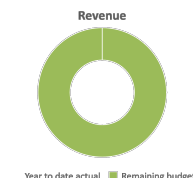


Revenue from fees and charges is almost 30% behind budget, largely due to RTS recoveries in Te Aroha, Morrinsville and Matamata being \$197,000 less than budgeted. This offset slightly by higher Waste Minimisation subsidies received for the year to date (\$72,000 more than

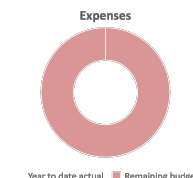


Expenditure is currently \$362,000 less than budgeted but this is a timing issue – the Smart Environmental contract CPI adjustment for the second quarter has yet to be received which will likely bring expenditure more in line with the budget.

##### CAPITAL



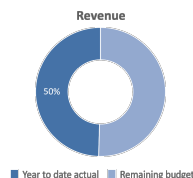
There is no additional capital funding budgeted for this activity other than depreciation.



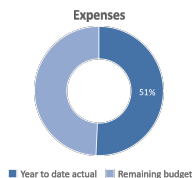
Planned capital work on the Te Aroha Transfer Station has yet to begin

#### Roading

##### OPERATING

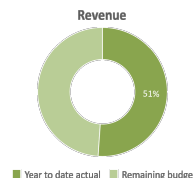


Waka Kotahi subsidies received are \$82,000 lower than budgeted which is a normal seasonal variation.

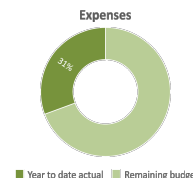


Operating costs are \$40,000 higher than budgeted at this point. Subsidised roading costs are \$51,000 higher than budgeted and unsubsidised roading costs are \$12,000 lower than budgeted. Interest costs are \$24,000 higher

##### CAPITAL



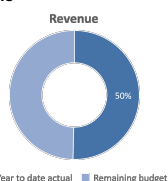
NZTA Subsidies received are \$66,000 lower than budgeted, this will balance out as the year progresses. Development contributions are \$187,000 higher than budgeted.



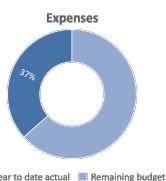
Timing of works is dependant on the weather, this will balance out over the summer months when majority of works are completed. This is a usual seasonal variation for Roving capital work.

## Stormwater

### OPERATING

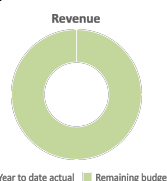


Rates income is in line with budget

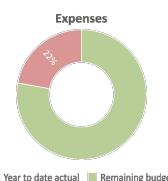


Budgeted maintenance has not been required to date

### CAPITAL



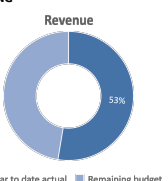
There is no additional capital funding budgeted for this activity other than depreciation.



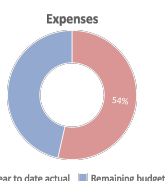
While 70% of the planned capital improvement works have been completed (\$175,000), asset renewal works of \$145,000 have not yet progressed.

## Wastewater

### OPERATING

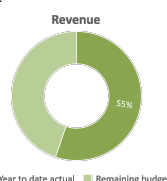


Trade waste charges are \$113,000 higher than budgeted

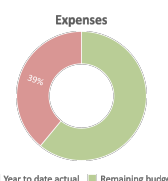


Consultant costs for Matamata Wastewater Pump Station Overflow project are \$138,000 higher than budgeted, (noting that some of this may be recoverable from insurance). Interest costs are also \$28,000 more than budgeted at this point.

### CAPITAL



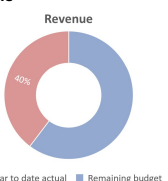
Development contributions are \$159,000 higher than budgeted.



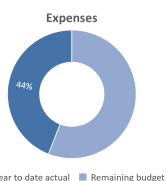
There was a delay in the initial progress with the capital programme which is currently \$1.4m behind budget, but it is expected to catch up as the year progresses.

## Water

### OPERATING

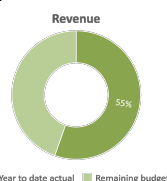


Income from metered water is \$500,000 below budget at the 6 month mark. We budgeted to apply \$400,000 from the Better Off funding towards this activity (\$800,000 for the full year). There is a risk that this funding will not eventuate if DIA do not approve this.

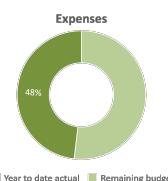


Operating costs are \$403k less than budgeted at this point. Interest costs are \$36,000 higher than budgeted.

### CAPITAL



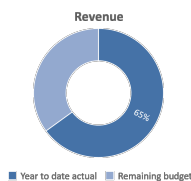
Development contributions received for water are \$192,000 ahead of budget to date.



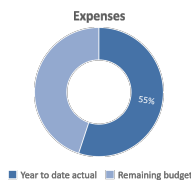
Capital spending is just slightly behind budget at this point.

Strategies and Engagement

OPERATING

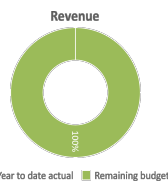


Better-off funding of \$432,000 and 3 Waters transition funding of \$225,000 has been received to date that was not budgeted. And income from Events has exceeded budget by \$41,000 to date. Interest received is \$104,000 higher than budgeted.

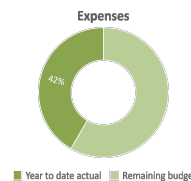


Spending from reserve funds of \$652,000 to date is not budgeted for, and includes costs for the Te Aroha Spa Development, Matamata Stadium, Freedom camping bylaw and Organisation restructure projects. This is offset by costs that will be incurred later in the year (eg audit fees, grants etc).

CAPITAL



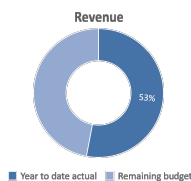
There is no additional capital funding budgeted for this activity other than depreciation.



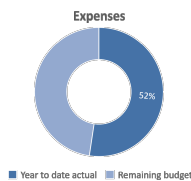
Capital spend includes Council-wide plant and IT replacements. Spending will likely balance out over the year.

Consents and Licencing

OPERATING



Dog registration fees are \$147,000 higher than budgeted due to being received at the start of the financial year, so will balance out over the year. Building consents have slowed down resulting in fee income being \$172,000 behind budget. Planning consent fees are \$181,000 higher than budget.



Operating expenses are \$149,000 over budget due to consultant costs for processing resource and building consent submissions.

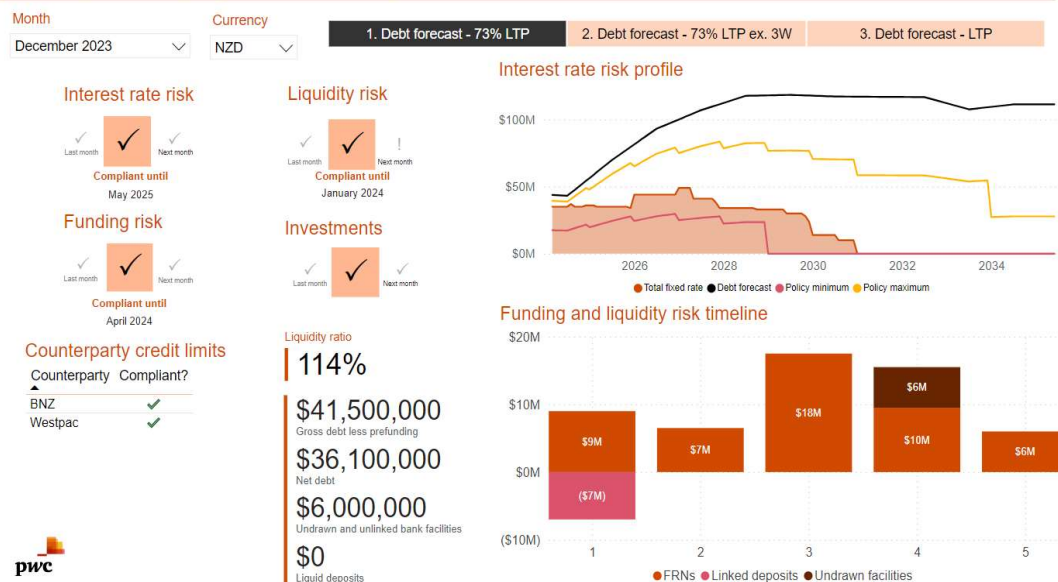
COUNCIL-WIDE FUNDING IMPACT STATEMENT

	YTD Budget \$000	YTD Actual \$000	Variance \$000
<b>Sources of operating funding</b>			
General rates, uniform annual general charges, rates penalties	16,113	16,153	41
Targeted rates (includes metered water)	9,452	8,941	(511)
Subsidies and grants for operating purposes	2,157	2,562	405
Fees and charges	5,462	4,985	(477)
Interest and dividends from investments	955	304	(651)
Local authorities fuel tax, fines, infringement fees, and other receipts	145	122	(23)
<b>Total operating funding</b>	<b>34,283</b>	<b>33,067</b>	<b>(1,216)</b>
Less budgeted depreciation that is funded from rates and used to fund capital	(9,298)	(9,298)	-
Less reserve funding that comes from rates	-	-	-
<b>Cash available to fund operating</b>	<b>24,986</b>	<b>23,769</b>	<b>(1,216)</b>
<b>Applications of operating funding</b>			
Payments to staff and suppliers	25,786	24,936	(851)
Finance costs	1,045	1,156	111
Other operating funding applications	-	-	-
<b>Total applications of operating funding</b>	<b>26,831</b>	<b>26,092</b>	<b>(739)</b>
Less operating expenditure funded from reserves	(267)	(267)	-
<b>Cash used to fund operating</b>	<b>26,564</b>	<b>25,825</b>	<b>(739)</b>
<b>Cash surplus/(deficit) from operating (A)</b>	<b>(1,578)</b>	<b>(2,055)</b>	<b>(477)</b>
<b>Sources of capital funding</b>			
Subsidies and grants for capital expenditure	1,641	2,242	601
Development and financial contributions	879	1,520	641
Add budgeted depreciation that is funded from rates and used to fund capital	9,298	9,298	-
Add any operating cash surplus available to fund capital (A)	-	-	-
<b>Cash available to fund assets</b>	<b>11,818</b>	<b>13,060</b>	<b>1,242</b>
<b>Applications of capital funding</b>			
<b>Capital expenditure</b>			
—to meet additional demand	-	-	-
—to improve the level of service	9,362	9,865	504
—to replace existing assets	7,987	6,076	(1,911)
<b>Cash used to fund assets</b>	<b>17,348</b>	<b>15,941</b>	<b>(1,407)</b>
Remaining cash from capital available to reduce debt OR (debt funding of capital required)	(5,530)	(2,881)	2,649
Add any operating cash deficit that needs to be funded from debt (A)	(1,578)	(2,055)	(477)
<b>Total (increase)/decrease in internal/external debt</b>	<b>(7,108)</b>	<b>(4,937)</b>	<b>2,172</b>
<b>Total (increase)/decrease in reserves</b>	<b>267</b>	<b>267</b>	<b>-</b>

TREASURY MANAGEMENT - REVIEW OF COMPLIANCE WITH TREASURY POLICIES

Treasury summary - positions and compliance

Matamata Piako District Council



List of loans and deposits

Matamata Piako District Council

List of live instruments

Instrument	Description	Counterparty	Maturity	Drawn	Limit	Interest rate	Margin	Comm. fee	Comments
Linked Deposit (pre-funding)		BNZ	12 April 2024	7,000,000	7,000,000	6.25%			
Floating Rate Note		LGFA	15 April 2024	7,000,000	7,000,000		0.85%		
Term Deposit		BNZ	20 May 2024	5,400,000	5,400,000	6.40%			
Floating Rate Note		LGFA	15 July 2024	2,000,000	2,000,000		0.65%		
Floating Rate Note		LGFA	15 April 2025	6,500,000	6,500,000		0.79%		
Floating Rate Note		LGFA	15 April 2026	13,500,000	13,500,000		0.75%		
Floating Rate Note		LGFA	15 October 2026	4,000,000	4,000,000		0.61%		
Floating Rate Note		LGFA	15 April 2027	7,500,000	7,500,000		0.77%		
Standby Facility		Westpac	30 April 2027	4,700,000	6,000,000	1.25%		0.40%	
Floating Rate Note		LGFA	15 October 2027	2,000,000	2,000,000		0.76%		
Floating Rate Note		LGFA	15 May 2028	6,000,000	6,000,000		0.75%		



## 8 Ngā Pūrongo Whakamārama | Information Reports

# 8.4 Civic Financial Services Limited Statement of Intent

CM No.: 2818765

### Te Kaupapa | Purpose

The purpose of this report is to inform Council of the Civic Financial Services Limited Statement of Intent for 2024.

### Rāpopotonga Matua | Executive Summary

Civic Financial Services Limited have provided their Statement of Intent for 2024 for Council's information.

### Tūtohunga | Recommendation

That:

1. The information be received.

### Horopaki | Background

Civic Financial Services Limited (Civic) provides superannuation and risk financing solutions to the local government sector.

There are 73 shareholders, including 72 local authorities and TrustPower. Matamata-Piako District Council (Council) holds 1.09% shares in the company.

The company has developed strategies setting out their future direction: positioning, promoting and protecting their brand as a trusted and preferred superannuation provider to the local government sector. The strategies are underpinned by Civic's people-centric model, an approach that cares about its members and their whānau and aims to maximise their retirement funds.

### Ngā Take/Kōrerorero | Issues/Discussion

The key points from the Statement of Intent are:

- The primary source of income for 2024 will come from fees for providing superannuation administration for the local government sector;
- The Board's current policy is not to pay a dividend to their shareholders. In 2010, it was agreed by shareholders that the funds which could otherwise be provided as dividends to shareholders, should be used to reduce the administration fees applied to the Civic Financial Services Limited superannuation schemes.
- From 1 April 2024, the base administration fee for the two superannuation schemes (SuperEasy KiwiSaver Superannuation Scheme and Local Government Superannuation Scheme) will reduce from 0.35% per annum to 0.33% per annum.

Civic Financial Services Limited has set the following performance measures:

1. To provide superannuation and savings products and services to at least 90% of local authorities;

2. To be retained as administration manager for the Local Authority Protection Programme, Riskpool, Civic Liability Pool and Civic Property Pool.

Civic Financial Services Limited will provide an annual report for the 2023 year by 30 April 2024, and this will be provided to Council for information.

## Mōrearea | Risk

New Zealand Mutual Liability Riskpool (Riskpool) was a service offered by Civic Financial Services Limited and provided public liability and professional indemnity cover for participating councils. The company is in the process of being wound up. As reported on 13 December 2023, Council were advised of the call for additional contributions to be made which Council, alongside all participating councils, was required to fulfil. This related to high cost claims and a recent Supreme Court decision and amounted to \$94,180.00 plus GST.

There is the potential that further calls may be made in the future as member councils continue to share in the liability of residual claims.

## Ngā Whiringa | Options

### Recommended option

It is recommended that Council note Civic Financial Services Limited Statement of Intent for 2024.

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

Civic Financial Services Limited is exempt from being a Council Controlled Organisation (CCO) in accordance with section 6(4)(f) of the Local Government Act 2002 (LGA) and therefore, the requirements of CCO reporting. However their Statement of Intent 2024 is reported formally to Council for information.

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

Having regard to the decision making provisions in the LGA and Council's Significance and Engagement 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. 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.	The recommended option is to note the attached Statement of Intent.
Section 78 – requires consideration of the views of Interested/affected people	Consultation is not required.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to	This issue has been assessed against Council's Significance and Engagement Policy as having a low level of significance.





the significance of the issue	
Section 82 – this sets out principles of consultation.	Consultation is not required.

### **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 LGA or any other enactment.

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

The Community Outcomes are relevant to all of Council's Community Outcomes as 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

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

There is no financial impact as superannuation administration services are paid for by employees who have subscribed to the scheme.

### **Ngā Tāpiritanga | Attachments**

[A↓](#). Civic Financial Services Statement of Intent 2024

### **Ngā waitohu | Signatories**

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

8 December 2023

Don McLeod  
Chief Executive  
Matamata-Piako District Council  
PO Box 266  
TE AROHA3342  
dmcleod@mpdc.govt.nz

Kia ora Don

**Civic Financial Services - Statement of Intent for 2024**

Please find enclosed a copy of Civic's Statement of Intent for 2024.

The Company's major source of income in 2024 will come from providing superannuation administration services for the local government sector through the SuperEasy KiwiSaver Superannuation Scheme and Local Government Superannuation Scheme. Additional income will be derived from the services provided to the Local Authority Protection Programme, Riskpool, Civic Liability Pool and Civic Property Pool.

The 2020 Special General Meeting of the Company agreed that instead of providing dividends to shareholders, future surplus funds should be applied to reduce the administration fees for members of the SuperEasy KiwiSaver Superannuation Scheme and Local Government Superannuation Scheme.

We are again pleased to announce that a further reduction in the schemes' base administration fee will apply from 1 April 2024, reducing the fee from the current rate of 0.35% per annum to 0.33% per annum.

We have updated the communication section incorporated in the Statement of Intent to keep you informed of the changes we have implemented as we strive to improve the information provided to our members.

Thanks for your continued support, I look forward to working with you in 2024.

Ngā mihi



Charlie Howe  
Chief  
Executive  
Email: [charlie.howe@civicfs.co.nz](mailto:charlie.howe@civicfs.co.nz)



# Civic Financial Services Ltd Statement of Intent

For the year to 31 December 2024

Item 8.4

Attachment A

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## Contents

1.0	What we do	3
2.0	Mission Statement	3
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4.0	Performance Measures	4
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7.0	Member Communication	5

## 1.0 What we do

- 1.1 We provide superannuation services for the local government sector through our SuperEasy KiwiSaver Superannuation Scheme and Local Government Superannuation Scheme.
- 1.2 We also provide high-quality, low-cost administration services to our client boards (Local Authority Protection Programme, Riskpool, Civic Liability Pool and Civic Property Pool).

## 2.0 Mission Statement

- 2.1 Civic will be a trusted and preferred financial services provider to the local government sector:
  - Dedicated to our shareholders.
  - Committed to our members.
  - A sound and successful business.

## 3.0 Financial Projections

- 3.1 Our primary source of income in 2024 will come from fees for providing superannuation administration for the local government sector through the SuperEasy KiwiSaver Superannuation Scheme and Local Government Superannuation Scheme. We also receive fees from providing administration, accounting and other services to the Local Authority Protection Programme, Riskpool, Civic Liability Pool and Civic Property Pool.
- 3.2 Our other source of income in 2024 will come from returns on our investments.
- 3.3 The Boards current policy is not to pay a dividend to our shareholders. It was agreed at the 2020 Special General Meeting that the funds which could otherwise be provided as dividends to shareholders should be used to reduce the administration fees applied to our two superannuation schemes.
- 3.4 Fee reduction: We will reduce the SuperEasy KiwiSaver Superannuation Scheme and Local Government Superannuation Scheme base administration fee from 0.35% per annum to 0.33% per annum from 1 April 2024.



3.5 Financial projections for the years 2024 to 2026 are:

	2024 \$000's	2025 \$000's	2026 \$000's
Administration Income	2,162	2,173	2,230
Investment Income	525	530	597
Total Revenue	2,687	2,703	2,827
Expenses	2,563	2,600	2,572
Surplus before tax	124	103	255
Surplus after tax	89	74	183

Note - these are projections, not firm predictions.

## 4.0 Performance Measures

- 4.1 We aim to provide superannuation and savings products and services to at least 90% of local authorities.
- 4.2 We plan to be retained as administration manager for the Local Authority Protection Programme, Riskpool, Civic Liability Pool and Civic Property Pool.

## 5.0 Reporting to Shareholders

- 5.1 We will provide an audited report for the 2023 year by 30 April 2024. The report will contain a review of our operations during the year and audited annual accounts.
- 5.2 We will provide a report on the first half of 2024 by 30 September 2024. The report will contain a review of our operations during the half-year and unaudited half-yearly accounts.

## 6.0 Transactions with Related Parties

- 6.1 Civic has 73 shareholders, comprising 72 local authorities and TrustPower.
- 6.2 Local Government Superannuation Trustee Limited and Local Government Mutual Funds Trustee Limited are wholly owned subsidiaries of Civic. Because it is sharing management resources, the Local Authority Protection Programme, Riskpool, Civic Liability Pool and Civic Property Pool are also considered to be related parties to Civic..
- 6.3 Transactions with shareholder members include risk-financing services and superannuation and savings-related financial services.
- 6.4 Charges to and from shareholder members will be made for services provided as part of the normal trading activities of Civic and its subsidiaries. All transactions with shareholder members are made on a purely commercial basis.

## 7.0 Member Communication

- 7.1 We have developed strategies setting out the future direction of Civic which focus on three key areas; positioning, promoting and protecting our brand as a trusted and preferred superannuation provider to the local government sector. The strategies are underpinned by Civic's people-centric model, an approach that cares about its members and their whānau and aims to maximise their retirement funds.
- 7.2 This has involved reviewing Civic's processes and product information to ensure it follows the BRACS formula: Believable, Relevant, Actionable, Compelling and Simple.
- 7.3 More regular and informative newsletters have become an important part of Civic's member-centric approach. As part of this, we have created presentations that better describe our purpose and the superannuation product range. The website has also undergone a refresh, the content and navigation being revised to provide easy access to product information, including automated sign-up forms to ensure a more efficient and user-friendly service for members and potential members.
- 7.4 We will be conducting our second member survey early next year to continue to monitor ongoing member satisfaction and assess the opportunity for better provision of services. Regular and targeted communications will provide members with the information requested in the surveys.
- 7.5 We are also investing into a completely new Website for SuperEasy next year which will improve communicating to members.

Item 8.4

Attachment A



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