

# Kaunihera | Council

## Mēneti Wātea | Open Minutes



Minutes of an ordinary meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 13 March 2024 at 08:30.

---

### Ngā Mema | Membership

#### **Manuhuia | Mayor**

Adrienne Wilcock, JP (Chair)

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

James Thomas

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

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

## **Ngā whakapāha | Apologies**

There were no apologies

## **Members attending via Audio/Visual link**

There were no members attending by audio/visual link

## **Kaimahi i reira | Staff Present**

<b>Name</b>	<b>Title</b>	<b>Item No.</b>
Don McLeod	Chief Executive Officer	
Stephanie Hutchins	Governance Support Officer	
Kuljeet Kaur	Governance Support Officer	
Sandra Harris	Placemaking and Governance Team Leader	7.1, 7.2, 7.3, 7.4
Olivia Picard	Graduate Policy Advisor	7.4
Susanne Kampshof	Asset Manager Strategy and Policy	7.5
Manaia Te Wiata	Group Manager Business Support	7.5

## **I reira | In Attendance**

<b>Name</b>	<b>Position/Organisation</b>	<b>Item</b>	<b>Time In</b>	<b>Time Out</b>
Jo McDonald	Director, Strategic Property	7.5	8.40am	9.21am
Kennedy Taylor	Assistant Development Manager, Strategic Property	7.5	8.40am	9.21am
Angela Martin	Senior Property Consultant, The Property Group	7.5	8.44am	9.21am

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

Mayor Adrienne Wilcock welcomed everyone and declared the meeting open at 8.30am.

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

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

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

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

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

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

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

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

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

**4 Whākī pānga | Declaration of interest**

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

**5 Whakaaetanga mēneti | Confirmation of minutes**

**WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION**

That the minutes of the meeting of the ordinary meeting of Matamata-Piako District Council held on Wednesday, 14 February 2024, be confirmed as a true and correct record of the meeting and the Chairperson's electronic signature be inserted.

**Resolution number CO/2024/00001**

**Moved by: Cr C Ansell**

**Seconded by: Cr D Horne**

**KUA MANA | CARRIED**

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

There were no speakers scheduled to the Public Forum.

7 Pūrongo me whakatau | Decision Reports

## 7.1 Approval of Draft Smokefree Outdoor Spaces Policy for consultation

CM No.: 2828463

### Te Kaupapa | Purpose

The purpose of this report is to seek Council's adoption of the Draft 2024 Smokefree Outdoor Spaces Policy and associated Statement of Proposal for consultation.

### Rāpopotonga Matua | Executive Summary

Council introduced the Smokefree Outdoor Spaces Policy in 2019 as per the recommendations received from health authorities. There is no legal requirement for Council to have such a policy, however in continuing to have a Policy, Council is supporting its overall legislative mandate to promote the well-being of communities and achievement of its community outcomes.

This report recommends that Council adopt the Draft 2024 Smokefree Outdoor Spaces Policy and associated Statement of Proposal for community consultation. A copy of the policy with amendments and a 'clean copy' incorporating the proposed changes is attached. No major changes are proposed; only minor administrative updates have been made.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council approves the Statement of Proposal for the Draft 2024 Smokefree Outdoor Spaces Policy for consultation.
3. Council approves the Draft 2024 Smokefree Outdoor Spaces Policy (tracked change and clean copy version) for consultation.

Resolution number CO/2024/00002

Moved by: Cr C Ansell

Seconded by: Cr J Sainsbury

**KUA MANA | CARRIED**

## 7.2 Approval of Draft Legal Highs Policy (Local Approved Products Policy) for consultation

CM No.: 2828467

### Te Kaupapa | Purpose

The purpose of this report is to seek Council's adoption the Draft 2024 Legal Highs Policy (Local Approved Products Policy) and associated Statement of Proposal for consultation.

### Rāpopotonga Matua | Executive Summary

The Psychoactive Substances Act 2013 (the Act) received royal assent on 17 July 2013. The Act regulates the importation, manufacture and supply of psychoactive substances, which are the active ingredients in 'legal highs' - party pills, energy pills and herbal highs.

The Act allows Council to develop a Local Approved Products Policy (LAPP) to restrict the geographical location of where approved products can be sold. The LAPP is titled the 'Legal Highs Policy' for ease of understanding by the community and to distinguish it from Council's Local Alcohol Policy (LAP) however is referred to by its legal name of LAPP throughout this report.

This report recommends that Council adopt the Draft 2024 Legal Highs Policy (Local Approved Products Policy) and associated Statement of Proposal for community consultation. No major changes are proposed, only minor administrative updates have been made.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council approves the Statement of Proposal for the Draft 2024 Legal Highs Policy (Local Approved Products Policy) for consultation.
3. Council approves the Draft 2024 Legal Highs Policy (Local Approved Products Policy) (tracked change and clean copy versions) for consultation.

Resolution number CO/2024/00003

Moved by: Deputy Mayor J Thomas

Seconded by: Cr J Sainsbury

**KUA MANA | CARRIED**

## 7.3 Approval of Draft Dangerous, Affected and Insanitary Buildings Policy for consultation

CM No.: 2828471

### Te Kaupapa | Purpose

The purpose of this report is to seek Council's adoption of the Draft 2024 Dangerous, Affected and Insanitary Buildings Policy and associated Statement of Proposal for consultation.

### Rāpopotonga Matua | Executive Summary

Section 131 of the Building Act 2004 requires all territorial authorities to adopt a policy on dangerous and insanitary buildings within its district. This policy must be reviewed every five years, it was last reviewed in 2019, therefore is due for review.

This report recommends that Council adopt the Draft 2024 Dangerous, Affected and Insanitary Buildings Policy and associated Statement of Proposal for community consultation.

Updates have been made to streamline the Policy, however no significant changes have been made to the policy principles. The Draft Policy and Statement of Proposal will be circulated separately to this report.

#### WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION

That:

1. The information be received.
2. Council adopts the Statement of Proposal for the Draft 2024 Dangerous, Affected and Insanitary Buildings Policy for consultation.
3. Council adopts the Draft 2024 Dangerous, Affected and Insanitary Buildings Policy (tracked change and clean copy versions) for consultation.

Resolution number CO/2024/00004

Moved by: Cr C Ansell

Seconded by: Cr R Smith

**KUA MANA | CARRIED**

#### ATTACHMENTS

- A DRAFT Statement of Proposal Dangerous, Affected and Insanitary Buildings Policy For Approval for Consultation
- B DRAFT 2024 Dangerous, Affected and Insanitary Buildings Policy - Tracked Changes - For Approval for Consultation
- C DRAFT 2024 Dangerous, Affected and Insanitary Buildings Policy - Clean Copy - For Approval for Consultation

## 7.4 Approval of Draft Fees and Charges 2024/25 for consultation

CM No.: 2831457

### Te Kaupapa | Purpose

The purpose of this report is to seek Council approval of the draft Fees and Charges for 2024/25 for public consultation. The Statement of Proposal is attached and the Draft Fees and Charges is circulated separately to the agenda.

### Rāpopotonga Matua | Executive Summary

Fees and Charges are reviewed and adopted by Council each financial year. Fees and Charges are required to align with the Revenue and Finance Policy, which is updated in line with the Long Term Plan. Council has reviewed the proposed changes to the Fees and Charges for the 2024/25 financial year while reviewing the budgets. Input from managers was requested, and incorporated where appropriate.

### Tūtohunga | Recommendation

That:

1. The report is received
2. Council adopts the Statement of Proposal for the Draft Fees and Charges 2024/25 for consultation.
3. Council adopts the proposed Draft Fees and Charges 2024/25 for consultation.

### Item Deferred

*This report has been deferred until the next available meeting.*

## 7.5 Road Stopping – Carroll Street, Waharoa

CM No.: 2828647

### Te Kaupapa | Purpose

To seek approval from Council to undertake a partial road stopping of the unformed section of Carroll Street, Waharoa in order to facilitate a subdivision of adjoining land owned by Te Whata A Tamihana Limited (Ngāti Hauā). This report sets out the two legislative options available for road stopping, along with the considerations and risks of each to enable Council to make an informed decision as to the appropriate process to stop the road.

### Rāpopotonga Matua | Executive Summary

Council staff have received an application from Te Waharoa Investments Limited Partnership (the Applicant) to stop part of Carroll Street, Waharoa in order to facilitate a subdivision and development on their adjoining land. As part of the subdivision, the road will be realigned to provide a loop road accessing McGowan Street and closing road access from Carroll Street to Cadman Street. All affected road is unformed. The Applicant has requested Council undertake the road stopping in accordance with section 116 Public Works Act 1981 and has provided legal advice to support this request. Council staff have obtained legal advice that suggests the road stopping should be undertaken in accordance with section 324 and the 10th Schedule of the Local Government Act 1974. This report presents both options to Council and seeks approval to proceed with the road stopping.

### Tūtohunga | Recommendation

That:

1. The report is received.
2. Council provides (or declines to provide) approval in principle to the request to partially stop Carroll Street.
3. Council staff are authorised to commence the process to undertake the road stopping in accordance with s342 and the 10<sup>th</sup> Schedule of the Local Government Act 1974, or section 116 of the Public Works Act 1981.
4. The stopped road to be disposed of to the adjoining landowner, Te Whata a Tamihana Limited, in accordance with s345 of the Local Government Act 1974 and following the approval of their resource consent.



**WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION**

**That:**

- 1. The report is received.**
- 2. Council provides approval in principle to the request to partially stop Carroll Street.**
- 3. Council staff are authorised to commence the process to undertake the road stopping in accordance with section 116 of the Public Works Act 1981.**
- 4. The stopped road to be disposed of to the adjoining landowner, Te Whata a Tamihana Limited, in accordance with s345 of the Local Government Act 1974 and following the approval of their resource consent.**
- 5. All costs are the responsibility of the applicant.**

***Cr Kevin Tappin, Deputy Mayor James Thomas, Cr Sue Whiting and Mayor Adrienne Wilcock voted against the motion, because it was contrary to Council's legal advice received, and wished their vote to be recorded.***

**Resolution number CO/2024/00005**

**Moved by: Cr B Dewhurst**

**Seconded by: Cr G Thompson**

**KUA MANA | CARRIED**

## 7.6 Request for Extraordinary Council Meeting - 20 March 2024

CM No.: 2830418

### Te Kaupapa | Purpose

The purpose of this report is to allow Elected Members to call an Extraordinary Council Meeting on 20 March 2024 at 9.00am in the Council Chambers, 35 Kenrick Street, Te Aroha in accordance with the Local Government Act 2002.

### Rāpopotonga Matua | Executive Summary

It has been identified that an Extraordinary Council Meeting is required on 20 March 2024 to provide approval of the following reports to meet timeframes for consultation on the Matamata-Piako District Council Long Term Plan 2024-2034 Consultation Document and other applicable business:

- Risk and Assurance Committee Report of 19 March 2024
- Six Month Report – July to December 2023
- Approval of Draft Rates Remission and Postponement Policy for consultation
- Approval of Draft Revenue and Finance Policy 2024 for consultation
- Approval of Draft Development Contributions Policy for consultation
- Adoption of Supporting Information and Consultation Document for the Long Term Plan 2024-2034

Under the Local Government Act 2022, Schedule 7, Clause 9, an extraordinary meeting may be called by:

- (a) *Resolution of the council, or*
- (b) *A requisition in writing delivered to the chief executive which is signed by:*
  - i. *The Mayor or chairperson; or*
  - ii. *Not less than one third of the total membership of the council (including vacancies).*

Therefore it is recommended Council call an extraordinary meeting by resolution.

### Tūtohunga | Recommendation

That:

1. **Council resolves to hold an Extraordinary Council Meeting on Wednesday 20 March 2024 at 9.00am in the Council Chambers, 35 Kenrick Street, Te Aroha. This meeting is required to provide approval of the following reports to meet timeframes for consultation on the Matamata-Piako District Council Long Term Plan 2024-2034 Consultation Document and other applicable business:**
  - **Risk and Assurance Committee Report of 19 March 2024**
  - **Six Month Report – July to December 2023**
  - **Approval of Draft Rates Remission and Postponement Policy for consultation**
  - **Approval of Draft Revenue and Finance Policy 2024 for consultation**
  - **Approval of Draft Development Contributions Policy for consultation**
  - **Adoption of Supporting Information and Consultation Document for the Long Term Plan 2024-2034.**
  - **Adoption of Supporting Information and Consultation Document for the Long Term Plan 2024-2034.**

**WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION**

**That:**

1. Council resolves to hold an Extraordinary Council Meeting on Wednesday 20 March 2024 at 9.00am in the Council Chambers, 35 Kenrick Street, Te Aroha. This meeting is required to provide approval of the following reports to meet timeframes for consultation on the Matamata-Piako District Council Long Term Plan 2024-2034 Consultation Document and other applicable business:
  - Risk and Assurance Committee Report of 19 March 2024
  - Six Month Report – July to December 2023
  - Approval of Draft Rates Remission and Postponement Policy for consultation
  - Approval of Draft Revenue and Finance Policy 2024 for consultation
  - Approval of Draft Development Contributions Policy for consultation
  - Adoption of Supporting Information and Consultation Document for the Long Term Plan 2024-2034
  - Approval of Draft Fees and Charges 2024/25 for consultation

Resolution number CO/2024/00006

Moved by: Cr C Ansell

Seconded by: Cr S-J Bourne

**KUA MANA | CARRIED**

9.24 am

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

CONFIRMED AS A TRUE AND CORRECT RECORD  
OF THE MEETING OF KAUNIHERA | COUNCIL  
HELD ON 13 MARCH 2024.

**KO TE RĀ | DATE:** .....

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