

Amendments to the Dog Control Bylaw 2010

Trim No.: 2084092

Executive Summary

The Dog Control Bylaw 2010 (Bylaw) was workshopped by Council on 7 November 2018 where Council indicated their preferred option was to remove the dog exercise area adjacent to the Waihou River known as the Te Aroha Boat Ramp (Boat Ramp) due to conflicting use and replace it with a new dog exercise area known as the 'Spur Street Reserve', which is located on the eastern side of Spur Street, Te Aroha (corner of Stanley Ave and Spur Street).

To be clear the intended Spur Street Reserve is currently not a gazetted reserve (this is the intention outlined later in the report) but for ease and convenience we shall refer to the land as the 'Spur Street Reserve' throughout the report and if adopted it will be formally known as the Spur Street Reserve with the long title being Spur Street Reserve (corner of Spur Street and Stanley Avenue) (The two sections are joined by a connecting piece of land owned by and with the permission of KiwiRail).

The reason for the proposed removal of the Boat Ramp is because issues have been identified with this land, due to flooding and potential conflicts of uses between the dog exercise area and users of the Hauraki Rail Trail, the proposed new area doesn't have these concerns and would be useable year round. Additionally, it should be noted that the new area will require some remedial work to make it useable. Currently the proposed piece of land is being leased for grazing for a revenue of between \$2,000 and \$4,000 annually.

The Spur Street Reserve includes Lots 1 & part of 3 DPS:85778 held "for carparking and beautification or any other work that the Council is authorised to construct, undertake, establish, operate or maintain, or any use of the land so authorised to establish and continue". Council could declare and classify Lots 1 & 3 as Recreation Reserve subject to the Reserves Act 1977 and manage it as part of a Boyd Park.

There is also a minor amendment to be considered for Schedule 1 to add clarity to the prohibited area in Matamata CBD. It currently says 'Arawa Street – from Rawhiti Avenue to Tainui Street.' The suggested new wording is 'Arawa Street – from Rawhiti Avenue to Tainui/Tamihana Street.'

Another minor amendment is regarding the definition of "Urban Area". The Introductory Bylaw, Dog Control Bylaw and Public Safety Bylaw all have very slightly different definitions. The small amendment proposed will be to remove the definition in the Dog Control Bylaw and replace it with *Urban Area – refer to Introductory Bylaw for definition*. The same small amendment is proposed for the Public Safety Bylaw.

Attached to this report is the amended Bylaw and the Statement of Proposal for Council to approve, to be consulted on alongside a number of other document in March/April including the Legal Highs Policy, Gambling and TAB Board Venue Policies and General Policies Reserve Management Plan (RMP).

Recommendation

That:

1. This information be received.
2. Council determines that in accordance with section 155(1) of the Local Government Act 2002 that a bylaw is the most appropriate way and form of addressing the perceived problems and that it does not give rise to any implications under the New Zealand Bills of Rights Act.
3. Council approves lot 1 and part of lot 3 DPS:85778 up to the path to the walkbridge (including the area under designation for railway purposes) combined with a small section of KiwiRail land to become the Spur Street Reserve and be added to the draft Bylaw for consultation.
4. Council gives public notice of its intention to declare and classify Lot 1 DPS 85778, Lot 3 DPS 85778, and Section 90 Block IX Aroha as Recreation Reserve under sections 14 and 16 of the Reserves Act 1977.
5. Council decides whether or not to provide/upgrade fencing with 7 wire.
6. Council decides whether or not to level the ground.
7. Council decides whether or not to provide the area with 'doggy bags' and/or a rubbish bin and a gate counter.
8. Council removes the Te Aroha Boat Ramp area from the draft bylaw for consultation.
9. Council approves the minor amendment to Schedule 1 to add clarity to the prohibited area in Matamata CBD. Inclusion of the word 'Tamihana' into the description 'Arawa Street – from Rawhiti Avenue to Tainui/Tamihana Street.'
10. Council adopts the draft amendments to the Dog Control Bylaw 2010 and the Statement of Proposal for public consultation using the special consultative procedure in accordance with section 156 of the Local Government Act 2002.

Content

Background

The current Bylaw enables Council to have control over activities for dogs such as controlling dogs in public places, dog prohibited areas, leash control areas and dog exercise areas among other things. The Bylaw was last reviewed in September 2016 and does not need to be reviewed again until September 2026.

In 2016 Council discussed adding an additional dog exercise area to Te Aroha as at the time the Boat Ramp area was the only one in Te Aroha. During the discussions it was noted that the Boat Ramp area was prone to flooding, this creates issues around the availability, accessibility and adequacy of the area for residents of Te Aroha. Following consultation, Council decided to keep the Boat Ramp and add an additional the area called Spur Street Esplanade



Spur Street Esplanade

It is now proposed to remove the Boat Ramp area as a dog exercise area from Schedule 3 and add the Spur Street Reserve (detailed further in this report).

Spur Street Reserve.

This area includes one full parcel (Lot 1 DPS:85778) and part of a parcel (Lot 3 DPS:85778) owned by Council up to the path to the walkbridge and a small section of KiwiRail owned land in the middle which KiwiRail have agreed to us using for this purpose. This area would have a total approximate size of 7,699m². Both of these parcels as well as the KiwiRail land adjacent to the parcels is currently leased/subleased for grazing on a one month notice contract.



In regards to the proposed exercise area, there is parking beside the section capable of being used by users of the dog exercise area. There is also a pre-existing entrance which would be maintained for future use providing easy access for lawnmowers etc.

As this land is adjacent to Boyd Park it is recommended that it and any connecting land be managed as part of Boyd Park. Using part of the land along Spur Street as a dedicated dog exercise area may help reduce dog fouling at the Boyd Park sportsfields and issues regarding off leash dogs being exercised at the Wetlands Walk. It would also enable the land to be used for other recreational purposes should the need arise.



Issues

There are several issues that Council needs to consider:

Additional Area / Removal of Boat Ramp

There is the possibility that neighbours to the Spur Street Reserve may be unhappy with the exercise area being close to their homes. This potential complaint will be mitigated as Council is planning on the dog exercise area being 12m away from the adjacent neighbours through the railway corridor.

Plastic Bags and Bins

The potential provision of supplying plastic bags at the dog exercise area is an issue Council discussed in a workshop on the 7th of November. One of the issues is over what will be the environmental sustainability of Council's choice, biodegradable bags are generally considered better for the environment however when disposed of in a landfill they have difficulty breaking down and when they finally do they breakdown anaerobically producing methane gas. They are made to be composted. Bags made with high density polyethylene (regular plastic bags) take years to breakdown, or there is the option to provide no bags. Auckland Council used to provide bag dispensers and dog-shaped bins for dog waste but are now moving away from that towards a "clean up after your dog" philosophy or receive a \$300 fine. Education and enforcement may be an option instead of bag and bin provision, the problem with enforcement is that it is hard to regulate and requires an increase in staff time trying to regulate it. There is also the possibility that education and the threat of a fine may be enough for some dog owners but not be enough for other dog owners to encourage them to pick up after their dog.

It was noted in the August 2018 COC meeting that;

Council staff have also received complaints on dog-related issues from others in the community such as sports clubs (mainly fouling at Boyd Park), Fish & Game (dogs off leash in wetlands), and members of the public (dog fouling at boat ramp, dogs off leash at Boyd Park/Wetlands).

It is hoped that the inclusion of the Spur Street Reserve and removal of the Boat Ramp exercise area would reduce complaints such as the ones above, because it provides an area for dogs to be off leash and have a run around in an easily accessible area. Additionally, if bags were provided it may reduce the complaints of fouling or if no bags were provided hopefully fouling would be limited to the dog exercise area only.

District Plan and General Policies Reserve Management Plan (RMP)

Lot 1 DPS 85778 and Lot 3 DPS 85778 are held “for carparking and beautification or any other work that the Council is authorised to construct, undertake, establish, operate or maintain, or any use of the land so authorised to establish and continue”. The land does not however fall under the RMP because the land does not have reserve status under the Reserves Act 1977.

The land is within the Residential Zone of the District Plan. To use land in the Residential Zone as a dog exercise area would technically require resource consent. The cost of preparing a consent application and the processing fees is likely to be in the region of \$2,000-\$5,000. If publically notified the cost may be higher and may require consulting with other parties.

Council may wish to declare Lots 1 and 3 DPS 85778 to be Reserve and classify it as Recreation Reserve. The RMP will then apply to the land. The Draft RMP (see separate report) references the Dog Bylaw for matters regulating dogs at reserves.

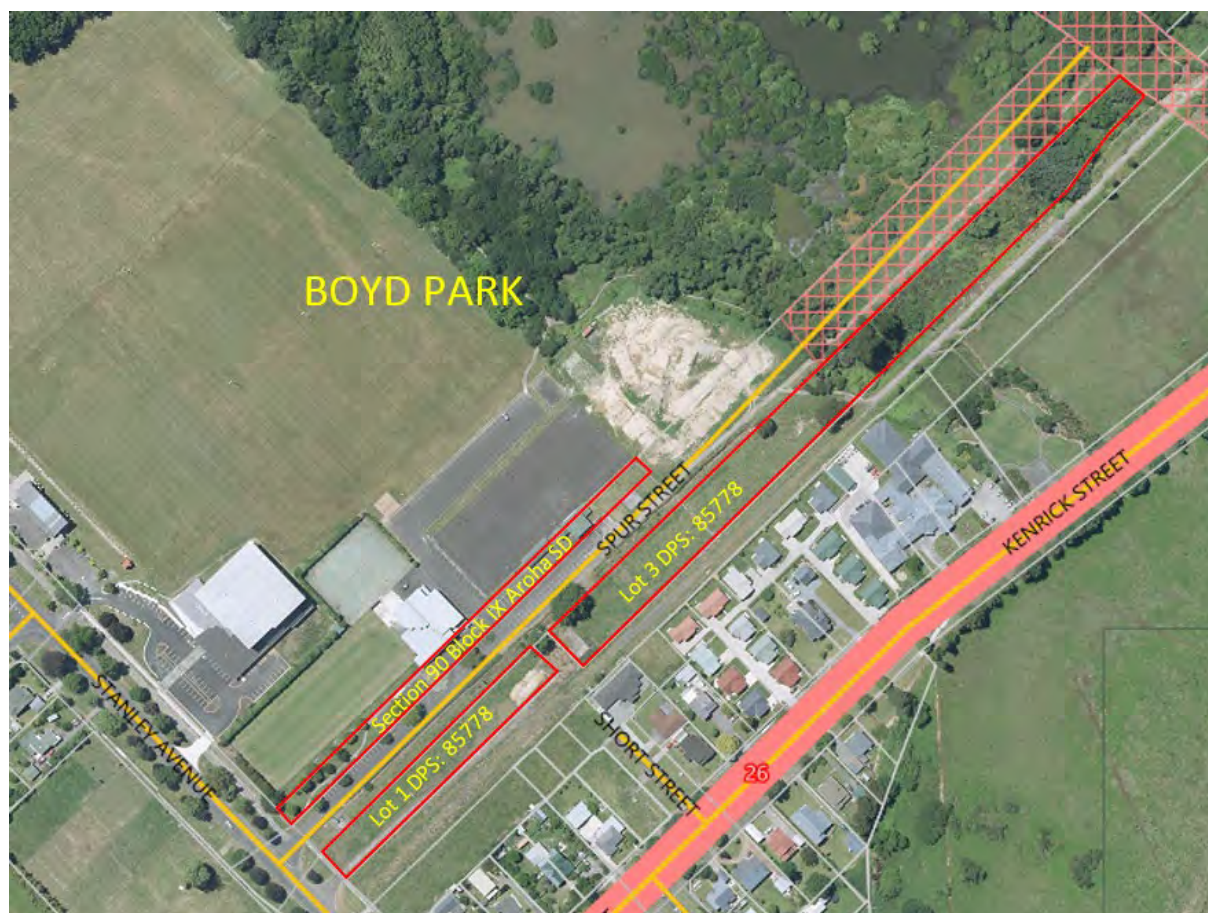
The process to gazette Lots 1 and 3 would involve:

- giving public notice of the intent to declare and classify the land as reserve
- allowing one month for objections
- considering any objections at a Council meeting
- placing a notice in the NZ Gazette.

Besides staff time, the costs would potentially include newspaper advertising (estimate \$200-300) and a notice in the gazette (\$80-100).

At the same time, Council may wish to declare and classify Section 90 Block IX Aroha SD a small parcel of land between the Boyd Park tennis courts and Spur Street which has yet to be gazetted (see following map). The RMP intends that Section 90 be classified Recreation Reserve to match the status of the adjoining land at Boyd Park. Adding Section 90 to the list would not incur any additional costs to the process.

Classifying all three parcels as Recreation Reserve would give consistent legal status to all the parcels of land forming part of a greater Boyd Park. It would also avoid duplication of process by avoiding the need for resource consent as the land would be reserve and the RMP would link to the bylaw consultation process.



Land Issues

If at any point Council intends on putting up agility features or planting trees then Council will have to consult with KiwiRail to make sure that the sightlines for the rail corridor are not interfered with as required under the Land Covenant that is attached to the land. Council will also have to make sure any structures don't fall within the designation that runs over the land (detailed below) or on the connecting piece of land owned by KiwiRail.

As mentioned above there is already a pre-existing entrance way, this would need to be retained to allow for the mower although this would be locked at all times to stop non-Council individuals driving onto the section. A pedestrian access would be required to allow access for the people wanting to use the area.

KiwiRail Land

There are three issues/options surrounding the KiwiRail land.

1. If Council decides to proceed KiwiRail have given written consent to use the small piece of land in between lots 1 and 3 DPS:85778 for connectivity provided it be fenced from the remaining KiwiRail land. The letter is attachment D.
2. There is no guarantee that we will have this lease of the Kiwirail forever, our only guarantee is that we are able to have it until 2030. KiwiRail did raise the possibility of Council entering into a license to occupy in the future for the small connecting section, however, this cannot be guaranteed only looked at as a possibility when the time requires. If we stop leasing the land in the future then the fence will have to be removed from around the middle connecting section and re-fenced accordingly.

3. There is a small part of Lot 3 DPS:85778 that has a designation for "Railway purposes" seen in the map below highlighted in blue. Council have obtained written confirmation from KiwiRail that they are accepting of us using the land under the designation (still within the Council owned lot of Lot 3 DPS:85778). The only requirement is that we don't put any structures on the designation, this confirmation has been received and is attached as attachment E.



Leased land

Currently the proposed piece of land is being leased for grazing for a revenue of between \$3,000 and \$4,000 annually.

Future Uses

Council should also consider the discussion had at the COC Meeting on the 28 November 2018 where the Chief Executive Report was presented and below is an excerpt from that report.

Staff met with representatives of the NZ Motorcaravan Association (NZMCA). The NZMCA members subsequently visited Rockford Street in Matamata and confirmed that the berm on Rockford Street is their preferred location for a new dump station in Matamata. Boyd Park and the Event Centre were also visited as they have events booked there next year. Following their visit to Boyd Park they have made enquiries about land next to Boyd Park (between Spur Street and the rail corridor). They think the land would be a good area to develop as an area for campervans that NZMCA could possibly lease and operate. This is the same land that has been identified as having potential for a future dog exercise area. A report will likely need to go to Council in the New Year to assess the feasibility of the land for these purposes and for Council to make a decision on the strategic future of the land.

Minor Amendment to Schedule 1

There is also a minor amendment to be considered for Schedule 1 to add clarity to the prohibited area in Matamata CBD. It currently says 'Arawa Street – from Rawhiti Avenue to Tainui Street.' The suggested new wording is 'Arawa Street – from Rawhiti Avenue to Tainui/Tamihana Street.' There are no issues from making this change as it is for clarity rather than changing any rules already enforced.



Minor Amendment to Definitions and interpretation Section

This minor amendment is regarding the definition of “Urban Area”. The Introductory Bylaw, Dog Control Bylaw and Public Safety Bylaw all have very slightly different definitions. The small amendment proposed will be to remove the definition in the Dog Control Bylaw and replace it with *Urban Area – refer to Introductory Bylaw for definition*. The same small amendment is proposed for the Public Safety Bylaw. This would allow for consistency between the bylaws and that if the definition needed to change in the future then there would only be one bylaw to amend rather than all three.

The definition within the Introductory Bylaw is the more comprehensive of the three definitions. *URBAN AREA includes all residential, business and industrial zones in accordance with the District Plan as well as the settlements of Waitoa, Waihou, Waharoa, Tahuna, Hinuera, Te Poi, Mangataparua, Motamohou, Rukumoana, and Te Aroha West; and any area where five or more dwellings are constructed within a 250 metre radius.*

Legal and Statutory Requirements

The LGA outlines the procedure for and nature of a bylaw amendment. Council must:

- Determine whether a Bylaw is the most appropriate way to address the problem and whether the Bylaw is the most appropriate form
- Determine whether the proposed Bylaw raises implications under the New Zealand Bill of Rights Act 1990 (NZBORA) and whether those implications are justified
- Consult the public.

Section 156(1) of the LGA requires that when making, amending or revoking a bylaw any changes must be consulted on if they are deemed to be either, of significant interest to the public; or, there is, or is likely to be, a significant impact on the public. Otherwise they can publicly notify the changes if s156(2) is met.

Staff consider this Bylaw amendment meets all criteria above and is required to be consulted on under s 156(1).

Since this is an amendment not a review it does not trigger the need for a review of the Dog Control Policy at the same time (this is triggered when a Dog Control Bylaw is reviewed, the Bylaw was previously reviewed and consulted on in 2016).

Section 14 of the Reserves Act 1977 enables a local authority to declare land vested in it to be a reserve. Section 16 of the Act deals with the procedures for the classification of reserves.

Analysis

Options considered

The options considered are included in the Statement of Proposal attached.

On top of the options outlined in the Statement of Proposal, Council must also consider some other options regarding getting the section to a useable standard. This includes the need for fencing and whether it goes around the entire section perimeter or part of the section and decisions on bins and bag dispensers, this could be decided at a later date following consultation however it would be beneficial to be able to provide potential submitters with this information especially neighbouring residents of the proposed new exercise area.

Analysis of preferred option

On 7 November 2018 Council visited the proposed site, following the visit Council workshopped this issue and indicated their preferred option was to include the Spur Street Reserve as a new dog exercise area and remove the Te Aroha Boat Ramp dog exercise area because it becomes inaccessible at times due to flooding and having conflicting use with the Rail Trail also running through it. The Spur Street Reserve was chosen over the other options due to its accessibility to local residents, its proximity to the wetlands where people already walk their dogs on leash and the size of the land intended.

The Animal Control Manager has previously presented to Council and has recommended that any area identified needs to be of sufficient size to cater for a number of users. Council informally discussed separating the area into smaller and bigger dogs or similar at a workshop previously, this can be done at a later date if desired after considering how well the dog exercise works/is used.

Waipa District Council indicated they have tended to stay away from separating dogs based on size as they don't want to give an impression that by having a small dog area they are partially taking responsibility and giving owners a false sense of security when in reality the responsibility is on the dog owners to have their dogs under control. If Council did like this option it would also require a second gate and additional fencing.

Impact on Bylaw

The outcome would result in the Bylaw (as well as the Consolidated Bylaw) being amended if Council accepts the proposal following consultation.

Consistency with the Long Term Plan / Annual Plan

This does not impact on the Annual Plan or Long Term Plan.

Impact on Significance and Engagement Policy

If Council approves the amendments as outlined in this report, formal consultation using the special consultative procedure would be used.

Communication, consultation and decision making processes

A communication plan will be created to make sure that Council consults with the affected parties such as the adjacent land owners due to their proximity to the area, the Waikato Regional Council and Fish and Game.

There are approximately 3,783 registered dogs in the Matamata-Piako District. Of that there are approximately 482 people with registered dogs that come under Te Aroha, it is these dog owners that would have the most interested in the proposed amendment. It is proposed that these people be directly consulted with via email if available or post, there is no requirement to contact dog owners directly but it is a good way to get them engaged in the consultation process.

Timeframes

Date	Key steps in amending the Bylaw
30 January 2019	Council approves amendments for consultation
20 March – 22 April 2019	Community consultation (submissions invited)
15 May 2019	Council Hearing
26 June 2019	Adopt Bylaw
10 July 2019	Bylaw in force

In order to add in the Spur Street Reserve as an exercise area there needs to be amendments made to the General Policies Reserve Management Plan as detailed earlier in this report which is proposed to be consulted on alongside this Bylaw and other key documents requiring consultation

Contribution to Community Outcomes

This project will contribute to the community outcomes as the amenity provides a positive space for people in the community to exercise their dogs and consequently themselves which promotes healthy communities.

Financial Impact

i. Costs

As stated above the proposed piece of land is being leased by Council to an individual, if the proposed area is converted to a dog exercise area then Council would be losing a revenue between \$2,000 and \$4,000 per annum (checking with Raewyn).

For the exercise area there are some costs that Council will need to decide on such as fencing and whether or not to provide dog foul bags and a bin.

One off Purchases/Operations	Costs are approximate
Upgrade fences to 7 wire standard + gate	\$16,300
Levelling of Ground	\$5,000
Clearing of land of old fencing if not up to standard	\$5,000
Signage	\$500
Purchasing Bin	\$1,250
Purchasing Dog Bag Dispenser	\$650
Gate Counter	\$5,000
Notice in local newspaper and NZ Gazette of gazetting of land	\$300-\$400
Total	\$34,000

Reoccurring Costs:

Reoccurring Costs	Costs
Mowing	\$150 per mow (\$3,900 per year)
Spray weeds along fence	\$1,000 per year
Operation costs for Bins & Dog Bag Dispenser	\$250 per year
Dog Foul Bags (regular or eco-friendly)	Between \$48 and \$68 per 1000
Total	\$5,218

ii. Funding Source

The source of the funding needs to be decided on by Council as it is currently unbudgeted.

Attachments

- A. Dog Control Bylaw Amendments
- B. Statement of Proposal - Dog Control Bylaw
- C. Land Leased off KiwiRail
- D. KiwiRail Letter confirming use of portion of their land for Dog Exercise Area
- E. KiwiRail RMA approval letter for Designation
- F. Public Notice - Classification of Reserve Land

Signatories

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Approved by	Sandra Harris Acting Strategic Policy Manager	
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Dog Control Bylaw 2010 (Amended 2016)

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1. INTRODUCTION

1.1 Scope

The purpose of the Bylaw is to balance the needs of dogs and their Owners against the need to ensure that the danger, distress and Nuisance of dogs and dog behaviour to the community is minimised.

This bylaw gives effect to the Council's Policy on Dogs, the objective of which is to:

- a) To minimise danger, distress and nuisance caused by dogs to the community.
- b) To minimise the nuisance created by dogs fouling in public places.
- c) To provide opportunities to fulfil the exercise and recreational needs of dogs and their owners.
- d) To promote and enhance community awareness of dog control issues and owner responsibility.
- e) To fund the cost of dog control activities from fees and charges levied on dog owners in accordance with Council's funding policy.

This Bylaw shall apply to the entire Matamata-Piako District unless specified otherwise in this Bylaw.

1.2 Enabling Enactments

This Bylaw is made pursuant and subject to the Local Government Act 2002, the Dog Control Act 1996 (and its amendments).

1.3 Title of this Bylaw

This Bylaw shall be cited and referred to as the Matamata-Piako District Council Dog Control Bylaw 2010 and shall come into operation on 28 November 2016. For expediency this Bylaw may be referred to as the Dog Control Bylaw.

2. DEFINITIONS AND INTERPRETATION

2.1

The provisions of the Matamata-Piako District Council Introductory Bylaw 2008 shall apply to this Bylaw. Words which refer to the singular include the plural and the plural includes the singular.

2.2

For the purposes of this Bylaw the following definitions shall apply, unless the context otherwise requires:

At Large means free, or at liberty in a Public Place, without any physical restraint by a Person, but shall not include a dog under the oral and visual command of a Person exercising the dog in a designated dog exercise area.

Confined means enclosed securely in a building or, tied securely to an immovable fixture on a Premises, or within an enclosure from which the dog cannot escape.

Companion Dog has the same meaning as in the Dog Control Act 1996.

Control means a dog physically restricted so that it is not At Large and includes any dog inside any enclosure, or a dog under the oral and visual command of a Person exercising the dog in a designated dog exercise area or on any private property.

Dog Control Officer and Dog Ranger mean a dog control officer and dog ranger appointed by the Matamata-Piako District Council under sections 11 and 12 of the Dog Control Act 1996.

Foul means the deposit of any faeces.

Guide Dog has the same meaning as in the Dog Control Act 1996.

Hearing Ear Dog has the same meaning as in the Dog Control Act 1996.

Leash means a length of cord, chain, or other material that at one end can be secured to a dog and the other end securely held by a Person and includes retractable leashes.

Owner in relation to any dog, means every Person who

- a) owns the dog; or
- b) has the dog in his or her possession, whether the dog is At Large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress or for the sole purpose of restoring a lost dog to its Owner; or
- c) the parent or guardian of a Person under the age of 16 years who:
- d) is the Owner of the dog pursuant to paragraph (a) or (b) of this definition; and
- e) is a member of the parent or guardian's household living with and dependent on the parent or guardian;

but does not include any Person who has seized or taken custody of the dog under the Dog Control Act 1996, the Animal Welfare Act 1999, the National Parks Act 1980, the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

Neuter means to spay or castrate a dog, but does not include vasectomising a dog.

Park means any land acquired or used by Council principally for community, recreational, environmental, cultural, or spiritual purposes regardless of whether or not that land is also gazetted as a Reserve in terms of the Reserves Act 1977.

Play area means an outdoor area intended for play activities that includes play equipment or surfaces intended for play, such as playgrounds, skate parks, obstacle courses and the like.

Public Place has the same meaning as defined in section 2 of the Dog Control Act 1996.

The Act refers to the Dog Control Act 1996.

Urban Area - refer to Introductory Bylaw for definition.

Urban Area includes:

- ~~a) all areas zoned as Residential or Business under the Matamata-Piako District Plan;~~
- ~~and~~
- ~~b) all the Rural settlements within the Matamata-Piako District including Waitoa, Waihou, Waharoa, Rukumoana, Tahuna, Hinuera and Te Poi; and~~
- ~~c) any area where five or more Dwellings are constructed within a 250 metre radius.~~

Working Dog has the same meaning as in the Dog Control Act 1996.

3. CONTROL OF DOGS IN PUBLIC PLACES

3.1

No dog shall be kept unless appropriate means are provided and used to ensure that the dog is confined to its Owner's property so that the dog is unable to gain uncontrolled access to any other property, Public Place or private way.

3.2

Except as stated in Schedule 1 (prohibited areas) and Schedule 3 (exercise areas) of this Bylaw the owner of any dog must ensure that the dog is under control at all times in Public Places.

3.3

Clauses 4 and 5 shall not apply to a Guide Dog, Hearing Ear Dog, Companion Dog or to any Working Dog while the dog is working.

4. AREAS PROHIBITED TO DOGS

4.1

The Council may designate by resolution any Public Place to be an area prohibited to dogs and added to schedule 1 this Bylaw. Prohibited areas may also be deleted from schedule 1 by an ordinary resolution of Council which is Publicly Notified.

4.2

The Owner of a dog shall not permit that dog to enter or remain in a prohibited area at any time or during such periods as specified in the resolution or this Bylaw, unless the Council is satisfied that the Owner has permitted a dog to enter or remain in a prohibited area for the purpose of attending a veterinary clinic, in which case that dog must be under the control of the Owner.

5. LEASH CONTROL AREAS

5.1

The Council may designate by resolution any Public Place to be a leash control area for dogs and added to schedule 2 of this Bylaw. Leash control areas may also be deleted from schedule 2 by an ordinary resolution of Council which is Publicly Notified.

5.2

The Owner of a dog shall not take that dog into any designated Leash control area unless the dog is controlled on a Leash by a Person capable of physically restraining the dog.

5.3

Nothing in clause 5 or Schedule 2 of this Bylaw authorises the Owner of any dog to permit that dog to enter or remain in a prohibited area at any time or during such periods as specified in a resolution pursuant to clause 4 or this Bylaw.

6. DOG EXERCISE AREAS

6.1

The Council may designate by resolution any Public Place to be a dog exercise area and added to schedule 3 of this Bylaw. Dog exercise areas may also be deleted from schedule 3 by an ordinary resolution of Council which is Publicly Notified.

6.2

Any dog may be exercised at large in a designated dog exercise area provided that it is under the control of a Person capable of physically restraining the dog and of exercising oral and visual control over the dog.

7. MINIMUM STANDARDS FOR ACCOMMODATION

7.1

Every Person shall, in respect of every dog in the care of that Person provide:

- a) Adequate kennelling or other housing so sited as to ensure adequate shade, warmth and dry conditions, and of a sufficient size to allow the dog to move freely, stretch out, stand up or recline.
- b) Such kennel or means of confinement shall be so situated as to ensure that the dog shall not, while in its kennel or otherwise confined, be within 2 metres of the boundary of the Owner's property.
- c) Proper care and attention, sufficient food and water, adequate exercise and ensure the provision of veterinary care when required.

8. LIMITATION ON THE NUMBER OF DOGS KEPT

8.1

No Occupier of a property within an Urban Area shall keep or permit to be kept on each separate premises more than two dogs of a greater age than three months without obtaining a permit under this clause.

8.2

Every application for a permit shall be accompanied by any fee prescribed by Council resolution and issued subject to such terms and conditions required to ensure that a Nuisance does not occur.

8.3

Council may cancel a permit where the holder fails to comply with any of the terms or conditions.

8.4

The applicant must seek the consent of the adjacent property owner(s) or occupier(s) most likely to be affected by the application. Such consent could be withdrawn at any time if there is a valid reason for doing so.

8.5

This clause does not apply to a registered boarding kennel, veterinary clinic or Animal hospital, permitted on the site under the Matamata-Piako District Plan.

9. FOULING IN PUBLIC PLACES

9.1

The Owner of any dog shall not permit that dog to foul any Public Place or land not the property of or Occupied by that Owner.

9.2

In the event that a dog Fouls in a Public Place, no Offence against this Bylaw shall be committed provided that the Owner immediately removes the Foulings to a suitable place of disposal. Where a Litter receptacle with a plastic liner is available, the Owner may dispose of the Foulings there in.

10. DUTY TO AVOID NUISANCES

10.1

A Person must not keep a dog on any land or premise if:

- a) the dog causes a demonstrable Nuisance; or
- b) the dog exposes a Significant risk to the health or safety of others; or
- c) the dog rushes at Persons or intimidates Persons lawfully on public or private property.

10.2

No Person shall allow a bitch in season to enter or remain in a Public Place or on any land or premise other than the land or premise of the Owner of the bitch, without the consent of the Occupier or Person in charge of that land or premise. The bitch shall be confined within a dog-proof enclosure on the Owner's property for the duration of her oestrous cycle. The bitch shall be regularly exercised under control during this period of confinement.

10.3

If in the opinion of a Dog Control Officer or Dog Ranger, any dog or dogs or the keeping of any dogs is creating or likely to create a Nuisance or a breach of this Bylaw the Dog Control Officer or Dog Ranger may, by notice in Writing, require the Owner or Occupier of the Premises to take such steps as are required to remove the Nuisance or comply with this Bylaw.

10.4

Any Person who is given a notice under clause 11.3 of this Bylaw shall comply with the notice within the time specified in the notice.

11. IMPOUNDING OF DOGS

11.1

Any dog found At Large (whether or not it is wearing a collar with the proper registration tag attached):

- a) in a Public Place or on any other land or premise without the consent of the Occupier in charge of that land or premise; or
- b) in any Public Place in breach of this Bylaw, may be seized by a Dog Control Officer or Dog Ranger and impounded or the Occupier or Person in charge of the land, premise or Public Place may seize the dog and deliver it into the custody of a Dog Control Officer or Dog Ranger for impounding.

11.2

Any dog impounded under clause 12.1 shall not be released until the impounding fees set by resolution of Council and the full registration fee, if the dog is unregistered, have been paid.

11.3

If a dog, impounded in accordance with this Bylaw is not claimed and the fees payable have not been paid within seven days after the Owner has received Written notice in accordance with section 69 of the Dog Control Act 1996, that dog may be destroyed, sold or otherwise disposed of by or on behalf of the Council.

11.4

If the Owner of a dog so impounded is not known and cannot be identified from the dog registration label or by any other means, the Council may, after the expiration of seven days after the date of seizure of the dog, destroy, sell or otherwise dispose of the dog.

12. OFFENSES AND PENALTIES

12.1

Every Person who fails to comply with the requirements of this Bylaw commits an Offence and is liable on summary conviction to a fine not exceeding \$20,000 or to an infringement fee prescribed under the Local Government Act 2002.

12.2

The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a Person from committing a breach of this Bylaw.

13. GENERAL

13.1

Any notice, order or other document which is required by this Bylaw to be served or given or sent to any Person shall be deemed to have been duly served if delivered to such Person or left at his or her residence or workplace or posted to such Person at his or her last known address.

14. FEES AND CHARGES

14.1

The Council may, in accordance with the Local Government Act 2002 and Dog Control Act 1996, prescribe fees or charges payable for any certificate, licence, approval, permit or consent form or inspection made by the Council under this Bylaw.

14.2

The Council may prescribe fees or charges by resolution.

SCHEDULE 1

Prohibited areas

The Owner of a dog shall not permit that dog to enter or remain in any of the prohibited areas listed below at any time or during such periods as are specified below unless the Council is satisfied that the Owner has permitted a dog to enter or remain in a prohibited area for the purpose of attending a veterinary clinic in which case that dog must be under the control of the Owner.

All parts of the District

Within 15 metres of any children's play area or individual item of play equipment.

Matamata

The central business area including associated service lanes and public parking areas, between the hours of 8.00am to 6.00pm namely:

- a) Arawa Street – from Rawhiti Avenue to Tainui/Tamihana Street.
- b) Broadway – from Hetana Street to Meura Street.
- c) Rewa Street – all of the street.
- d) Tainui Street – from Broadway to Arawa Street.
- e) Tui Street – from Arawa Street to Meura Street.

Firth Tower Reserve/Museum Site (excluding the carpark and camping/campervan area).

Kowhai Street Reserve

Morrinsville

The central business area including associated service lanes and public Parking areas, between the hours of 8.00am to 6.00pm namely:

- a) The area bounded by, but not including Anderson Street, Canada Street, Allen Street and Lorne Street.

Thomas Park

Te Aroha

The central business area including associated service lanes and public Parking areas, between the hours of 8.00am to 6.00pm namely:

- a) Boundary Street – from Church Street to Rewi Street.
- b) Kenrick Street – from Church Street to Rewi Street.
- c) Rewi Street – from Rolleston Street to Lawrence Avenue.
- d) Whitaker Street – from Rolleston Street to Burgess Street.
- e) Herries Memorial Park.

Hauraki Rail Trail - The Hauraki Rail Trail defined as being the area between the fences on either side of the formed Hauraki Rail Trail track and includes bridges, underpasses and farm access tracks. Dogs, excluding working dogs, are prohibited from the North Western most point where the Hauraki Rail Trail intersects with Farmer Street.

Kennedy Street Reserve

SCHEDULE 2

Leash control areas

The Owner of a dog shall not take that dog into any of the designated Leash control areas listed below unless the dog is controlled on a Leash by a Person capable of physically restraining the dog.

- a) The Urban Area, excluding those areas set out in schedule 3.
- b) Prohibited areas outside the period specified that dogs are prohibited from entering.
- c) All of the area known as and Occupied by the Waharoa (Matamata) Aerodrome.
- d) The Matamata, Maukoro, Old Morrinsville, Piako Lawn, Te Aroha and Waharoa Cemeteries.
- e) Te Miro Forest (Waterworks Road Reserve).
- f) The Te Aroha Domain and associated track network.
- g) All Parks except those that have been listed either as Prohibited Areas under Schedule 1 or as Dog Exercise Areas under Schedule 3.
- h) All walking and cycling tracks managed by Council except those listed either as Prohibited Areas under Schedule 1 or as Dog Exercise Areas under Schedule 3.

SCHEDULE 3

Dog exercise areas

A dog may be exercised free of restraint in any of the dog exercise areas listed below, provided that it is under the control of a Person capable of physically restraining the dog and of exercising visual and oral control over the dog.

Matamata

- a) Centennial Drive from Tainui Street to Broadway.
- b) Tom Grant Drive from Rawhiti Avenue to Tawari Street.
- c) Furness Reserve.
- d) Founders Park.

Morrinsville

- a) Murray Oaks Reserve – State Highway 26.
- b) The Morrinsville Recreation Grounds Polo Field area only at times when there is no Horse or Sports Activity.
- c) Holmwood Park (lower portion near the Piako River).

Te Aroha

- a) ~~The area adjacent to the Waihou River and Known as the Te Aroha Boat Ramp.~~ Spur Street Reserve (corner of Spur Street and Stanley Avenue) (The two sections are joined by a connecting piece of land owned by and with the permission of KiwiRail).
- b) Spur Street Esplanade (adjacent to the Wetlands under the Te Aroha Footbridge).

In compliance with the provisions of the Local Government Act 2002 and the Bylaws Act 1910, this Part of the Bylaw is passed by the Matamata-Piako District Council on 23rd June 2010 and confirmed by the Council on 23rd July 2011.

The common seal of the Matamata-Piako District Council was affixed on this 23rd day of June 2010 in the presence of



Mayor



Chief Executive

Record of Bylaw Amendments (from 2016)

Approved by Council:	14 September 2016
Amendments:	Clause 8, Schedules 1, 2 and 3 and other minor amendments.
Date Amendment came into force:	28 November 2016
Review Date:	14 September 2026



Statement of Proposal

Dog Control Bylaw 2010

Consultation 20 March – 22 April 2019

Executive Summary

The Matamata-Piako District Council (Council) has reviewed the Dog Control Bylaw 2010 (Bylaw), which is part of the Consolidated Bylaw and proposes to make amendments to all documents.

Included in this document are:

- the reasons for the proposal
- changes proposed
- a report on the relevant determinations by the Council under section 155 of the Local Government Act (LGA)
- where you can find more information and copies of all proposals
- how you can submit on the proposals

Drafts of the proposed Bylaw can be found at Council offices, libraries and website

www.mpdcc.govt.nz

This document constitutes the Statement of Proposal for the purposes of Section 83(1)(a) of the LGA.

We are undertaking consultation to assess public support for the proposal to amend the Bylaw. The decision to amend the Bylaw or leave it the same will be made following receipt of community feedback. This document explains the types of changes proposed and outlines the changes proposed. It also tells you how you can give us feedback.

Amendment scope

Council completed a full review of the Bylaw under section 158 to 160 of the LGA on the 14 September 2016, it is now not due for review again until 14 September 2026. The proposal here is an amendment to this bylaw under s156 of the LGA.

Council propose to make three minor amendments to the bylaw to help provide clarity to the community. Firstly Council is adding a description to the current Spur Street Esplanade of 'adjacent to the Wetlands under the Te Aroha Footbridge'. The second amendment is to amend Schedule 1 which outlines the areas that are prohibited to dogs, under the title Matamata in Paragraph (a) change *Arawa Street – from Rawhiti Avenue to Tainui Street* to *Arawa Street – from Rawhiti Avenue to Tainui / Tamihana Street* for more clarity.

The third minor amendment is to remove the definition of Urban Area and replace it with "refer to Introductory Bylaw for definition". Currently the Bylaw's definition of 'Urban Area' isn't consistent with the Introductory Bylaw's definition and changing it will align the bylaws and make them consistent and more user friendly.

The proposed change that we are consulting on includes removing the dog exercise area known as the Te Aroha Boat Ramp (Boat Ramp) and replacing it with a new dog exercise the Spur Street Reserve (on the corner of Spur Street and Stanley Avenue).

The nature and scope of changes proposed for the Bylaw above means following public consultation and consideration of the feedback received, Council would amend the current Bylaw (part of Council's Consolidated Bylaw) if they believe it is necessary.

Reasons for the proposal

The purpose of the Bylaw is to balance the needs of dogs and their owners against the need to ensure that the danger, distress and Nuisance of dogs and dog behaviour to the community is minimised.

Council have proposed this amendment be made to allow for a change in dog exercise areas in Te Aroha where dogs are allowed to be off leash. The amendments are proposed because it is important for the dog owning community that the Council provides adequate places where dogs can be exercised, this is especially necessary as not every dog owner will have a sufficient backyard for their dog to be exercised in.

Changes proposed

The key changes are outlined below:

Bylaw Clause	Recommend Amendments	Rationale for Amendment
Schedule 3	Under the title 'Te Aroha' Council would replace <i>The area adjacent to the Waihou River and known as the Te Aroha Boat Ramp</i> with the <i>Spur Street Reserve (corner of Spur Street and Stanley Avenue) (The two sections are joined by a connecting piece of land owned by and with the permission of KiwiRail).)</i>	Allows for the Spur Street Reserve to become a dog exercise area. The Boast Ramp area is often flooded and replacing it with the Spur Street Reserve area would be more suitable for the community allowing all year use.

Options considered by Council

The proposed amendment gives Council options to consider on what course of action they want to take in accordance with section 156 of the LGA. Council needs to have regard to the decision-making requirements of section 77 of the LGA and identify if they are reasonably practicable options.

For each option Council is required to consult with the community, either using the special consultative procedure or in accordance with section 82 of the LGA. The table below outlines Council's options and briefly highlights the advantages and disadvantages for each option:

Dog Bylaw – Schedule 3 Amendments:

Council has identified the following four options for the proposed Schedule 3 amendments:

- A. Amend the Bylaw to add the new area Spur Street Reserve and remove The Boat Ramp area.
- B. Amend the Bylaw to add Spur Street Reserve but keep The Boat Ramp area as well.
- C. Remove The Boat Ramp area and not include Spur Street Reserve.
- D. Keep the Bylaw the same.

Option	Advantages	Disadvantages
Option A - Amend the Bylaw to add Spur Street	<ul style="list-style-type: none"> Adds a larger dog exercise area for dog owners to use. Removes The Boat Ramp area which is susceptible to flooding 	<ul style="list-style-type: none"> Removal of the boat Ramp area as a dog exercise area for those that use it. New provisions of the Bylaw may

Option	Advantages	Disadvantages
Reserve and remove the Boat Ramp area (this is what Council is proposing)	<ul style="list-style-type: none"> and has conflicting uses. Plenty of parking available. Should mitigate fouling issues at the Boat Ramp area. 	<ul style="list-style-type: none"> cause disagreement from the neighbours to the proposed area.
Option B – Amend the Bylaw to add Spur Street Reserve but keep the Boat Ramp area as well.	<ul style="list-style-type: none"> Adds another dog exercise area for dog owners to use. Provides a bigger area and more places to exercise dogs on. Plenty of parking available. 	<ul style="list-style-type: none"> New provisions of the Bylaw may cause disagreement from the neighbours to the proposed area. The Boat Ramp area is susceptible to flooding and has conflicting uses. Would not mitigate the fouling issues at the Boat Ramp area.
Option C – Remove the Boat Ramp area and not include Spur Street Reserve	<ul style="list-style-type: none"> Should mitigate fouling issues at the Boat Ramp area. 	<ul style="list-style-type: none"> The removal of The Boat Ramp would leave Te Aroha with only one dog exercise area. Insufficient areas for the community to use. Could increase dogs being run off-leash in non exercise areas.
Option D - Keep the Bylaw the same.	<ul style="list-style-type: none"> No change to current situation, no changes for the community to adjust to. 	<ul style="list-style-type: none"> Does not provide the additional areas for dog exercise that the community has asked for.

Council is proposing Option A. The amended bylaw is attached.

Legal Requirements:

Council is required under the LGA to resolve that bylaws are the most appropriate way of addressing particular issues. The process for review required by section 155 of the LGA consists of the following two stages:

1. Section 155(1) requires us to determine whether a bylaw is the most appropriate way of addressing the perceived problem.
2. Sections 155(2) and (3) require us 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.

Council has resolved that the draft Bylaw is the most appropriate way of addressing the perceived problem for the proposed amendments; and that it does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.

It is not a legal requirement to have a bylaw. However there are a number of potential risks to the community which are most appropriately addressed through a bylaw for the control of dogs.

Section 146 of the Act allows the Council to make a bylaw to manage and regulate dogs for the purpose of protecting the community from the danger, nuisance and fouling of any dog.

The draft bylaw is the most appropriate form of bylaw because it meets the following tests:

- It is authorised by statutory authority under the Local Government Act 2002
- It is not repugnant to the general laws of New Zealand
- The bylaw is certain and provides clear direction

- The bylaw is reasonable
- The bylaw is not overly restrictive, onerous on any person, or impractical.

For further information on the section 155 determinations see the Matamata-Piako District Council agenda report 30 January 2019 which is available online at www.mpdcc.govt.nz or at Council offices and libraries. Alternatively this can be supplied on request.

Proposed Bylaw – from draft to adoption

The views of the community are vital to our success. Therefore, we invite the community to give us feedback on the draft Bylaw to assist us in the decision making process.

The submission process

Date	Key steps in reviewing the Bylaw
30 January 2019	Council adopt proposals for consultation
20 March 2019 – 22 April 2019	Community consultation (submissions invited)
15 May 2019	Council Hearing
26 June 2019	Adopt all documents
10 July 2019	Changes to Bylaw effective

Where can I find more information?

You can download the draft Dog Control Bylaw, Annual Plan 2019/2020, the Long Term Plan 2018-28 or any of the other documents at www.mpdcc.govt.nz and you can view a copy of these documents at our offices or libraries.

How can I have my say?

We actively encourage the community to contribute to the formation of these important documents and it is easy to have your say. Simply make a submission on any/all draft documents and return it to us by 22 April 2019.

You can make a submission:

Online - through our website at www.mpdcc.govt.nz

Email - submissions@mpdcc.govt.nz

Fax - 07 884 8865

Written- forms are available at any of our offices or libraries, or you can simply write your submission as a letter and either drop it off at one of our offices or

post it to: Submissions

PO Box 266

Te Aroha 3342

Note: Please be aware that submissions made to Council are public information. Your submission will be used and reproduced for purposes such as reports to Councillors, which are made available to the public and media.

If you advise in your submission that you wish to speak to your submission at the hearing on 15 May 2019, Council staff will contact you (please ensure to provide a day time contact) to arrange a time for you to speak at the meeting on 15 May 2019 (volume of submitters determines if the meeting will run 16 May 2019 also). If you advise on your submission assistance is required Council is able to offer assistance with special requirements such as New Zealand sign language and audio visual mechanisms.

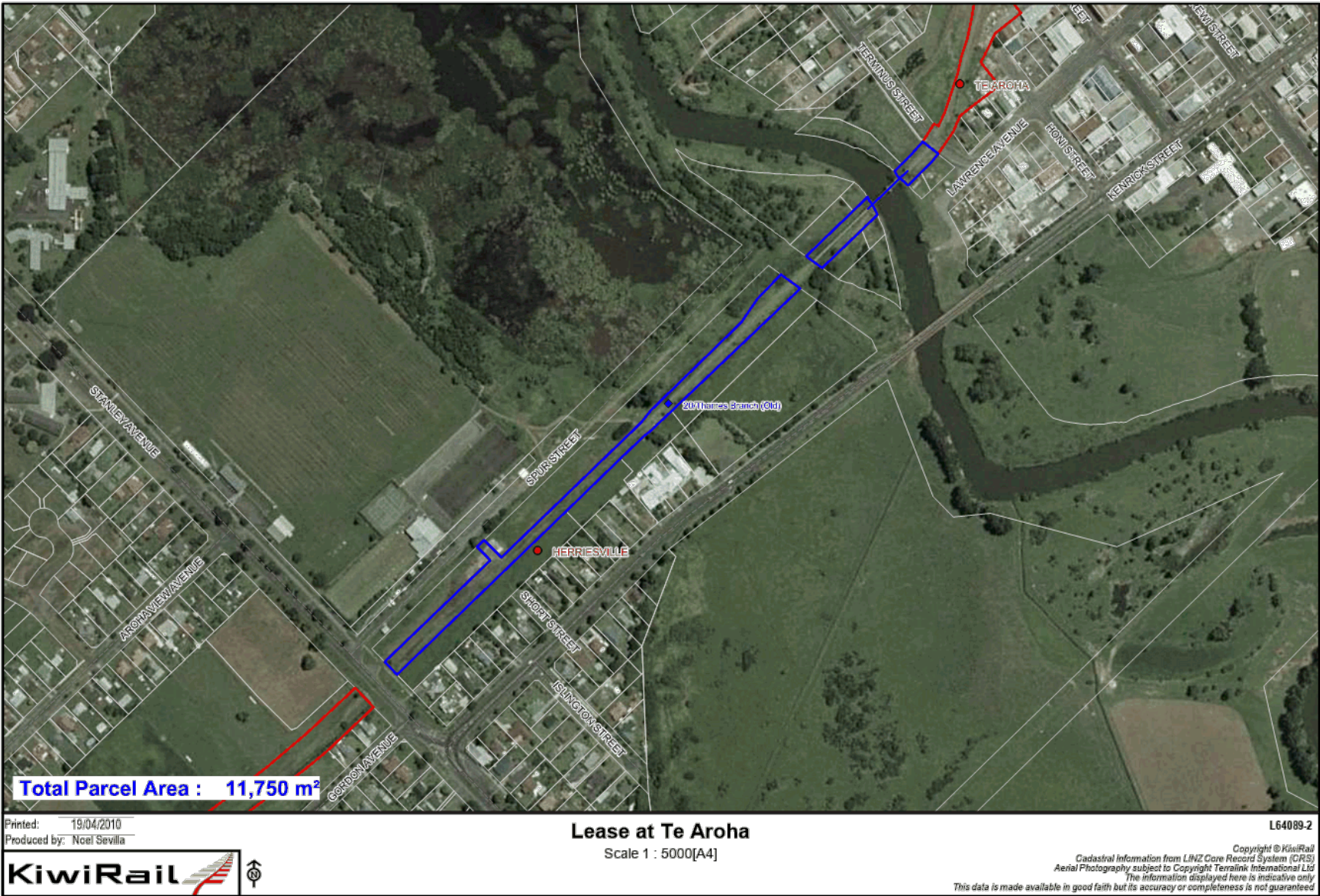
Office and library locations

- Te Aroha Council Office: Kenrick Street Te Aroha
- Te Aroha Library: Rewi Street, Te Aroha
- Morrinsville Area Office or Library: Canada Street, Morrinsville
- Matamata Area Office or Library: Tainui Street, Matamata

Any questions?

We are here to help - so if you have any questions about the submission process please let us know. Just call us on 07 884 0060 and let our friendly Customer Services staff know you have a question about the Dog Control Bylaw amendment.

You must have your submission back to Council by 22 April 2019.





19 December 2018

Matamata - Piako District Council
C/- Ellie Mackintosh
PO Box 266
Te Aroha, 3342

Dear Ellie,

L64089 – LEASE FOR CYCLEWAY AND PEDESTRAIN WALKWAY

Please let this letter serve as confirmation of KiwiRail's acceptance of Council's request to use a portion of their leased area, shown highlighted in yellow below, as a dog exercise area.



This is the only portion of the leased area that may be used for a dog exercise area. The dog exercise area must be fenced off from the cycleway/pedestrian walkway portion of the leased area.

A separate agreement is not required and we will note this on file. Upon termination of the lease agreement L64089, use of the dog exercise area will terminate as well. At that time, we can discuss the possibility of entering a licence to occupy for the dog exercise area if it is available.

Yours sincerely,

Debby Copeland
Lease Manager – Northern
DDI: 09 363 8272
Debby.copeland@kiwirail.co.nz



www.kiwirail.co.nz | 0800 801 070
8-14 Stanley Street, Auckland 1010
Private Bag 92138, Victoria St West, Auckland 1142, New Zealand



14 January, 2019

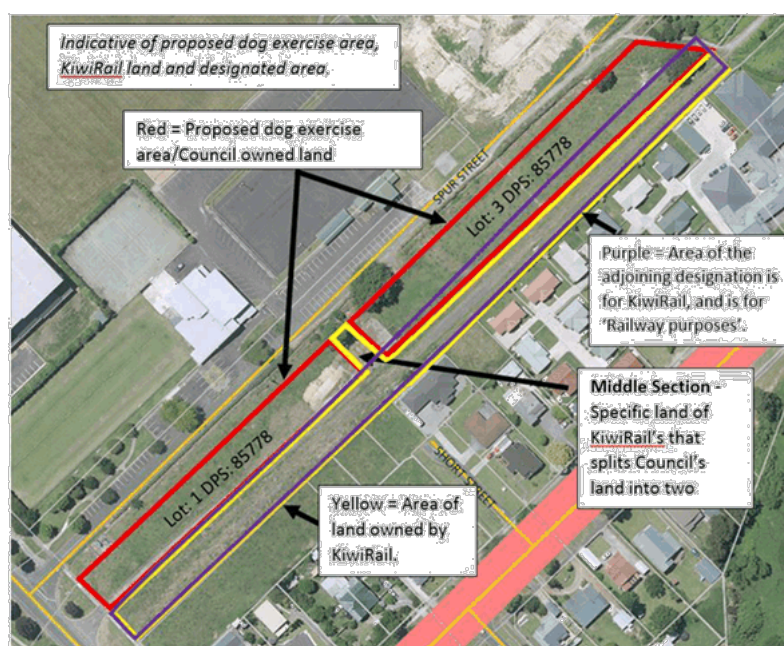
Matamata-Piako District Council
35 Kenrick Street
PO Box 266
Te Aroha 3342

By email to: Ellie Mackintosh emackintosh@mpdc.govt.nz

Dear Ellie

S176 RMA Approval from KiwiRail: Proposed dog exercise area at Spur Street, Te Aroha

Pursuant to Section 9(4) of the Resource Management Act 1991 (RMA) in relation to land that is subject to a designation for railway purposes in the Operative Matamata Piako District Plan ref 88, KiwiRail Holdings Limited (KiwiRail) as the requiring authority, approves under s176(1)(b) of the RMA, the use of land (refer diagram below) for the purposes of a public dog exercise area. The details of the proposal are shown in the diagram below, supplied by Matamata Piako District Council:



KiwiRail's designation 88 bisects the dog exercise area shown in red on the diagram where it juts out in a small rectangular area between the corridor and the Spur Street berm.

KiwiRail's designation is not intended to have any effect outside its ownership boundaries and while the supplied diagram shows KiwiRail's designation extending over part of Lot 3

DPS 85778 (shown in purple), this is incorrect and the only area affected by designation 88 is the area referred to in the previous paragraph.

On the basis that the KiwiRail land for the dog exercise area is leased by Council and will not result in any other than minor changes to the land (i.e. fencing), KiwiRail is happy to provide is s176RMA consent to the proposal.

If you have any queries please don't hesitate to contact me.

Yours faithfully,



Pam Butler
Senior RMA Advisor
KiwiRail

Classification of Reserve Land

Matamata-Piako District Council gives notice of its intention to declare and classify the land described in the Schedule to this notice as Recreation Reserve under sections 14 and 16 of the Reserves Act 1977.

Council intends to manage the land and connecting land located adjacent to Boyd Park, Spur Street, Te Aroha as part of Boyd Park (which already has the status of a Recreation Reserve under the Reserves Act 1977).

Any person wishing to comment on or object to the proposals may do so in writing addressed to the Chief Executive, Matamata-Piako District Council, 35 Kenrick Street, Te Aroha, 3320 or via our website www.mpdc.govt.nz. Comments/objections must be received before 5pm on **DATE**.

South Auckland Land District—Matamata-Piako District

Schedule

Area m ²	Description
2887	Lot 1 DPS 85778
9505	Lot 3 DPS 85778
258	Section 90 Block IX Aroha SD

Dated at Te Aroha this **XX** day of **XXX** 2018.

DONALD JOHN MCLEOD, Chief Executive, Matamata-Piako District Council.

Earthquake-prone Buildings - Identifying priority thoroughfares and strategic routes for public consultation

Trim No.: 2093378

Executive Summary

The Building (Earthquake-prone Buildings) Amendment Act 2016 came into force on 1 July 2017. This legislation changes the system for identifying and repairing earthquake-prone buildings to ensure consistency across New Zealand when it comes to identifying, mitigating and recording earthquake-prone buildings.

Under this legislation, Council must identify buildings that are potentially earthquake-prone and notify building owners. Earthquake-prone buildings that are of high risk to people's lives or are critical to recovery in an emergency are considered 'priority buildings'. Council must identify priority buildings within five years of legislation coming into effect (July 2022) and these buildings must be remediated within 12.5 years from issue of notice, half the time allowed for other earthquake-prone buildings.

There are two criteria for Council to consider for prioritisation:

1. Thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritising the identification of certain unreinforced masonry buildings and parts, if part of a building were to fall on to them in an earthquake.
2. Transport routes of strategic importance that would be impeded if buildings collapsed onto them in an earthquake.

Before Council decides, which buildings may be priority buildings, it must use the special consultative procedure to identify roads, footpaths or other thoroughfares on to which parts of high risk unreinforced masonry (URM) buildings could fall in an earthquake; and which have sufficient vehicle or pedestrian traffic to warrant prioritisation. This consultation is proposed to occur in conjunction with a number of other documents from 20 March 2019 – 22 April 2019.

The statement of proposal including maps is attached to this report.

Recommendation

That:

1. **The information be received.**
2. **Council approve the maps as detailed in this report for identifying thoroughfares for public consultation**
3. **Council approve not including any strategic routes for public consultation**
4. **Council approves the Statement of Proposal for Earthquake-prone Buildings – Identifying priority thoroughfares and strategic routes for public consultation.**

Content

Background

The new legislation introduced the concept of 'priority buildings'. These are certain types of buildings in high and medium seismic risk areas that are considered to present a higher risk to life or other property because of their construction, type, use or location. Priority buildings need to be identified and remediated within half the time allowed for other buildings in the same seismic risk areas.

Certain hospital, emergency and education buildings are prioritised in the Building Act 2004 because they are likely to be needed in an emergency or regularly occupied by more than 20 people.

Other buildings, such as unreinforced masonry (URM) buildings, may be considered a priority because, in an earthquake, parts of the building could fall on to thoroughfares with high pedestrian and vehicle traffic.

Further guidance on priority buildings is available at: <https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/resources/>

Matamata-Piako District has been categorised as a medium seismic risk area. This means that Council must identify priority buildings within 5 years and other potentially earthquake-prone buildings within 10 years. Affected building owners will be contacted by Council and must strengthen or demolish priority buildings within 12.5 years and other earthquake-prone buildings within 25 years¹.

More information about the new system can be found at:
<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

In order for Council to decide any other buildings that may be priority buildings, it must use the special consultative procedure set out in Section 83 of the Local Government Act 2002 to help identify these roads, footpaths or other thoroughfares where parts of URM buildings could fall in an earthquake; and which have sufficient vehicle or pedestrian traffic to warrant prioritisation.

Analysis

Options for priority thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritising the identification of certain unreinforced masonry buildings and parts, if part of a building were to fall on to them in an earthquake.

Option 1 – Prioritising the thoroughfares as per the following maps

This option provides thoroughfares that Council determines as high pedestrian areas and prioritising these areas will ensure buildings more likely to collapse during an earthquake will need to be assessed and strengthened quicker in these areas compared to other areas in the district. This option ensures that priority thoroughfares are identified and any remedial works needed are carried out in a shorter timeframe reducing the risk of damage and harm coming to the public in the event of an earthquake.

¹ from the date the earthquake-prone building notice is issued.

Option 2 – Prioritising MORE thoroughfares than those detailed in the following maps

This option provides more thoroughfares as high pedestrian areas and prioritising these areas will ensure buildings more likely to collapse during an earthquake will need to be assessed and strengthened quicker in these areas compared to other areas in the district. This option means that additional areas must be able to demonstrate a high pedestrian use and must have possible unreinforced masonry buildings present. This option ensures that more priority thoroughfares are identified and any remedial works needed are carried out in a shorter timeframe reducing the risk of damage and harm coming to the public in the event of an earthquake.

Option 3 – Prioritising LESS thoroughfares than those detailed in the following maps or prioritising NO thoroughfares

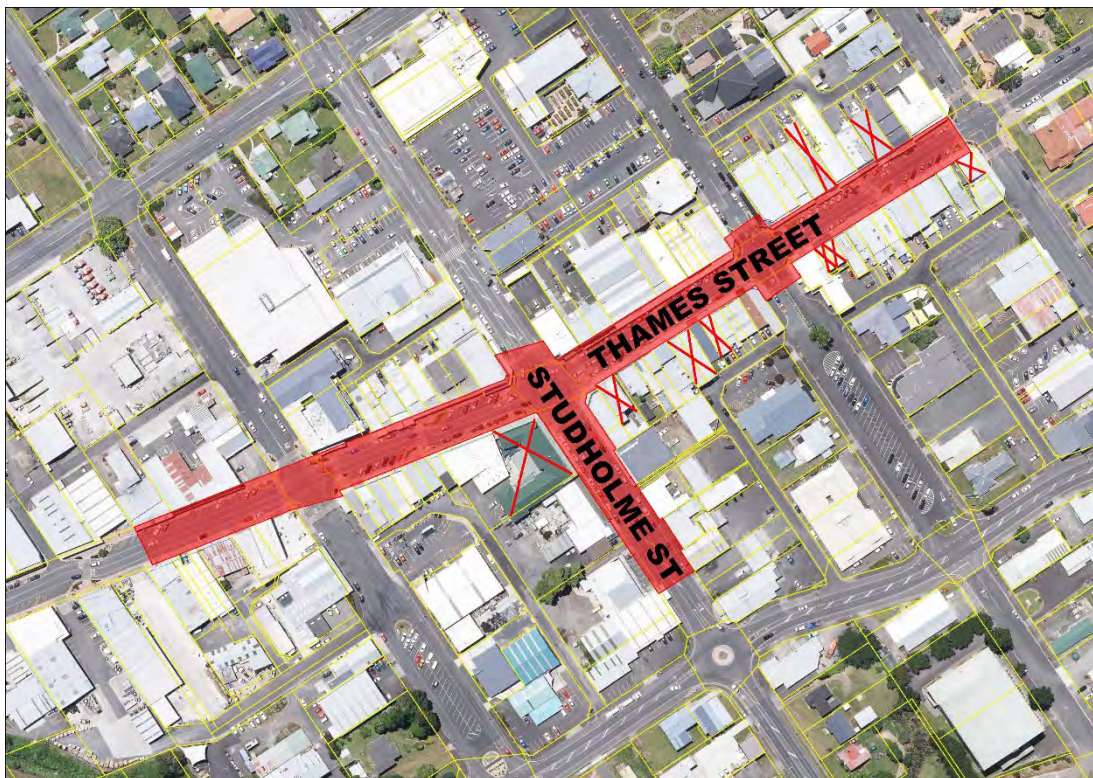
This option provides less/no thoroughfares as high pedestrian areas, if these areas are lessened or removed it may mean that our high pedestrian areas may pose a larger risk in an earthquake for a longer period of time. This option means that building owners within the proposed areas may not be required to provide assessments and/or complete remedial work in shorter timeframes.

This option provides less or no priority thoroughfares to be prioritised and assessed and strengthened in half the time, meaning these could potentially cause harm for a longer period of time should an earthquake occur.

Matamata



Morrinsville



Te Aroha



 Prioritised thoroughfare  – Possible unreinforced masonry buildings

Options considered for Strategic routes

Option 1 - NOT prioritising any strategic routes within the district

Council have determined that there are not any strategic routes within the district. Local fire brigades and civil defence consider that a building collapsing over a road would be unlikely to impede their access during an event. This would not place unnecessary burden on building owners. This option would mean though that there will be no other roads throughout our district that will be prioritised to be assessed and strengthened in half the time.

This option shows that the district does not have any strategic routes that could impact emergency services in the event of an earthquake.

Option 2 – Prioritising SOME strategic routes within the district

This option could mean some buildings are assessed and strengthened sooner making our communities safer during an earthquake. The suggested routes would need to be able to demonstrate the potential effect on strategic routes. This option may place unnecessary burden on building owners.

This option enables Council to reduce public harm through the identification of a strategic route or routes in the event of an earthquake though; local fire brigades and civil defence consider that a building collapsing over a road would be unlikely to impede their access during an event.

Legal and statutory requirements

These are detailed elsewhere in this report.

Impact on Significance and Engagement Policy

Consultation will be conducted in accordance with Section 83 of the LGA, special consultative procedure.

Communication, consultation and decision making processes

Council have already consulted with local fire brigades and civil defence in regards to strategic routes, which has been outlined in the statement of proposal.

Council also plan on conducting pre-consultation with potentially affected property owners.

The special consultative procedure set by section 83 of the Local Government Act will be followed. Council will consult with the public from 20 March 2019 until 22 April 2019 alongside a number of other documents.

Timeframes

Process	Date
Council approve statement of proposal for public consultation	30 January 2019
Consult the community (alongside other relevant Council documents)	20 March – 22 April 2019
Council hearing	15 May 2019
Adopt priority thoroughfares and strategic routes	26 June 2019
Priority thoroughfares and strategic routes become effective	26 June 2019

Contribution to Community Outcomes

Prioritising of earthquake-prone buildings contributes to:

Healthy Communities - Our community is safe, healthy and connected

Financial Impact

i. Cost

There are no budget implications associated with this report other than consultation which will be covered within existing budgets.

ii. Funding Source

Consultation costs are funded from the Strategies and Plans budget.

Attachments

A. Draft Statement of Proposal - Earthquake Prone

Signatories

Author(s)	Rebecca Shaw Graduate Policy Planner	
Approved by	Sandra Harris Acting Strategic Policy Manager	
	Dennis Bellamy Group Manager Community Development	
	Don McLeod Chief Executive Officer	



Statement of Proposal

Making our Communities Safer

Earthquake-prone Buildings

Identifying priority thoroughfares and strategic routes

Consultation 20 March 2019 – 22 April 2019

Introduction

A national system for identifying, assessing and managing earthquake-prone buildings came into effect on 1 July 2017. It targets buildings or parts of buildings that pose the greatest risk to public safety and other property in a moderate earthquake.

The system categorised New Zealand into three seismic risk areas: high, medium and low. It sets timeframes, based on the seismic risk area, for identifying potentially earthquake-prone buildings and doing seismic work on them.

It also provides information for people using earthquake-prone buildings, such as notices identifying earthquake-prone buildings and a public register.

Priority buildings

The new system introduced the concept of 'priority buildings'. These are certain types of buildings in high and medium seismic risk areas that are considered to present a higher risk to life or other property because of their construction, type, use or location. Priority buildings need to be identified and remediated within half the time allowed for other buildings in the same seismic risk areas.

Certain hospital, emergency and education buildings are prioritised in the Building Act 2004 because they are likely to be needed in an emergency or regularly occupied by more than 20 people.

Other buildings, such as unreinforced masonry (URM) buildings, may be considered a priority because, in an earthquake, parts of the building could fall on to thoroughfares with high pedestrian and vehicle traffic.

Further guidance on priority buildings is available at: <https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/resources/>

Matamata-Piako District has been categorised as a medium seismic risk area. This means that Council must identify priority buildings within 5 years and other potentially earthquake-prone buildings within 10 years. Affected building owners will be contacted by Council and must strengthen or demolish priority buildings within 12.5 years and other earthquake-prone buildings within 25 years².

More information about the new system can be found at:
<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

Why we're consulting

Your input is required to identify some priority buildings

To determine which other buildings may be priority buildings, Council must identify:

² from the date the earthquake-prone building notice is issued.

1. Thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritising the identification of certain URM buildings and parts, if part of a building were to fall on to them in an earthquake.
2. Transport routes of strategic importance that would be impeded if buildings collapsed onto them in an earthquake.

Your views on the acceptable level of risk, our buildings, and their uses will inform Council's decision on which thoroughfares and routes to identify.

This consultation is in accordance with section 133AF of the Building Act 2004, which requires Council to use the special consultative procedure in section 83 of the Local Government Act 2002 to identify these priority buildings.

Proposals

Vehicular and pedestrian thoroughfares with sufficient traffic to warrant prioritisation

Council has applied the following criteria to identify roads, footpaths or other thoroughfares to be prioritised:

1. High pedestrian areas (people not in vehicles)

Description of use	Description of area	Example of application to small town or rural area
Areas relating to social or utility activities	Areas where shops or other services are located	Areas such as the shopping area on the main street, the local pub, community centre
Areas relating to work	Areas where concentrations of people work and move around	Areas around businesses in small towns and rural areas where there is a concentration of workers in numbers larger than small shops or cafes
Areas relating to transport	Areas where concentrations of people access transport	Areas around bus stops, train stations, tourist centres
Key walking routes	Key walking routes that link areas where people are concentrated	Routes from bus stops or other areas relating to transport to areas where shops, other services or areas people work are located

and/or

2. Areas with high vehicular traffic (people in motor vehicles/on bikes)

Description of use	Description of area	Example of application to small town or rural area
Key traffic routes	Key traffic routes regularly used by vehicles including	Well trafficked main streets or sections of state highways, arterial

	public transport	routes
Areas with concentrations of vehicles	Areas ^[1] where high concentrations of vehicles build up	Busy intersections

and

3. Potential for part of an unreinforced masonry building to fall on to the identified thoroughfare³.

Analysis of reasonably practicable options

Option 1 – Prioritising the thoroughfares as detailed in this document and following maps (this is what we are proposing)

Advantages	Disadvantages
Identifies what Council determines as high pedestrian areas	Building owners within this area may be required to provide assessments and/or complete remedial work in shorter timeframes
Will ensure buildings more likely to collapse during an earthquake will need to be strengthened quicker in these areas compared to other areas in the district	

Option 2 – Prioritising MORE thoroughfares than those detailed in this document and following maps

Advantages	Disadvantages
Prioritising more thoroughfares could potentially make high thoroughfare areas safer during Earthquakes sooner and identifies what Council determines as high pedestrian areas	The additional thoroughfares must be able to demonstrate a high pedestrian use and must have possible unreinforced masonry buildings present
Will ensure buildings more likely to collapse during an earthquake will need to be strengthened quicker in these areas compared to other areas in the district	Building owners within this area may be required to provide assessments and/or complete remedial work in shorter timeframes

Option 3 – Prioritising LESS thoroughfares than those detailed in this document and following maps and prioritising NO thoroughfares

³ An unreinforced masonry (URM) building has masonry walls that do not contain steel, timber or fibre reinforcement. URM buildings are older buildings that often have parapets, as well as verandas, balconies, decorative ornaments, chimneys and signs attached to their facades (front walls that face on to a street or open space).

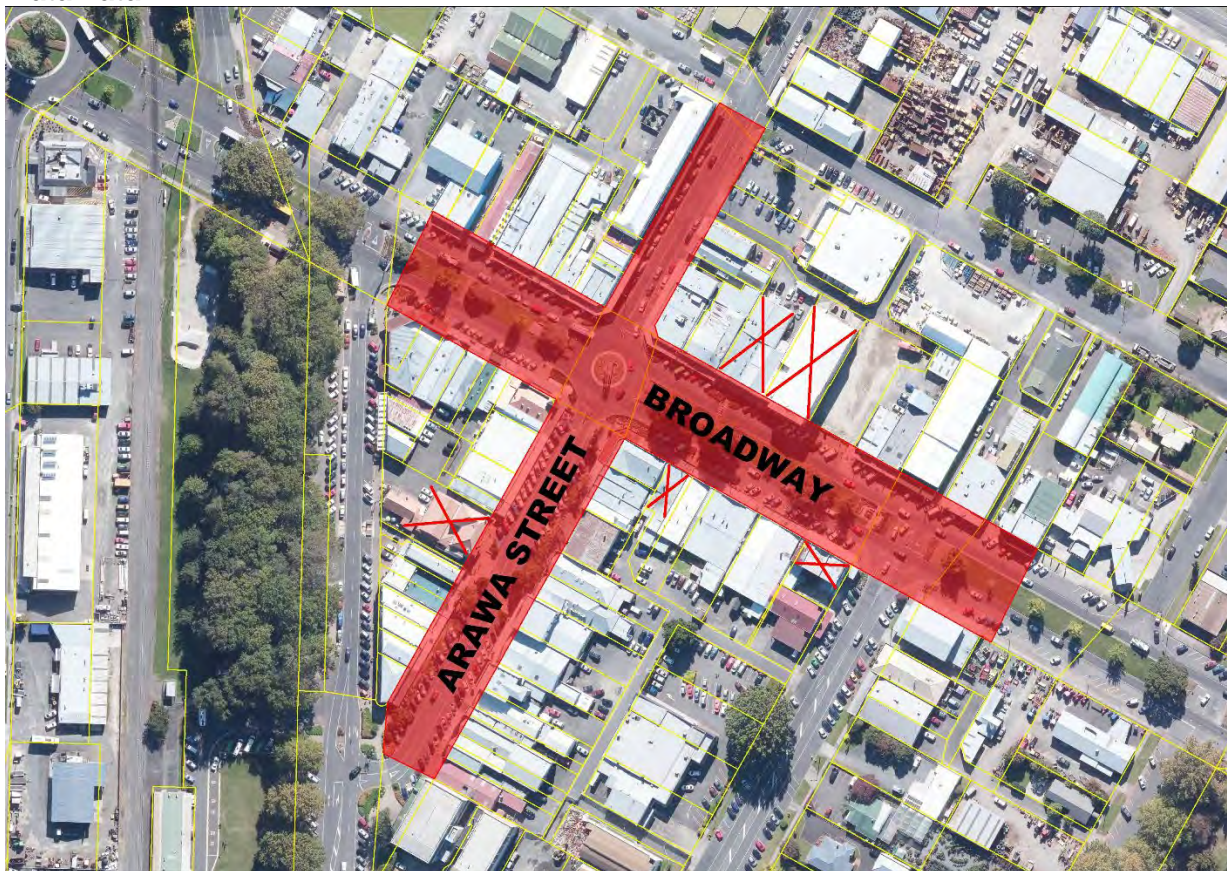
Advantages	Disadvantages
Building owners within this area may not be required to provide assessments and/or complete remedial work in shorter timeframes	Council believe that the following maps demonstrate high pedestrian thoroughfares and have possible unreinforced masonry, if these areas are lessened or removed it may mean that our high pedestrian areas may pose a larger risk in an Earthquake for a longer period of time

Council proposes the following thoroughfares be prioritised and seeks your views on whether these roads, footpaths and other thoroughfares warrant prioritisation. It also seeks your views on whether there are any other thoroughfares that should be included.

Questions

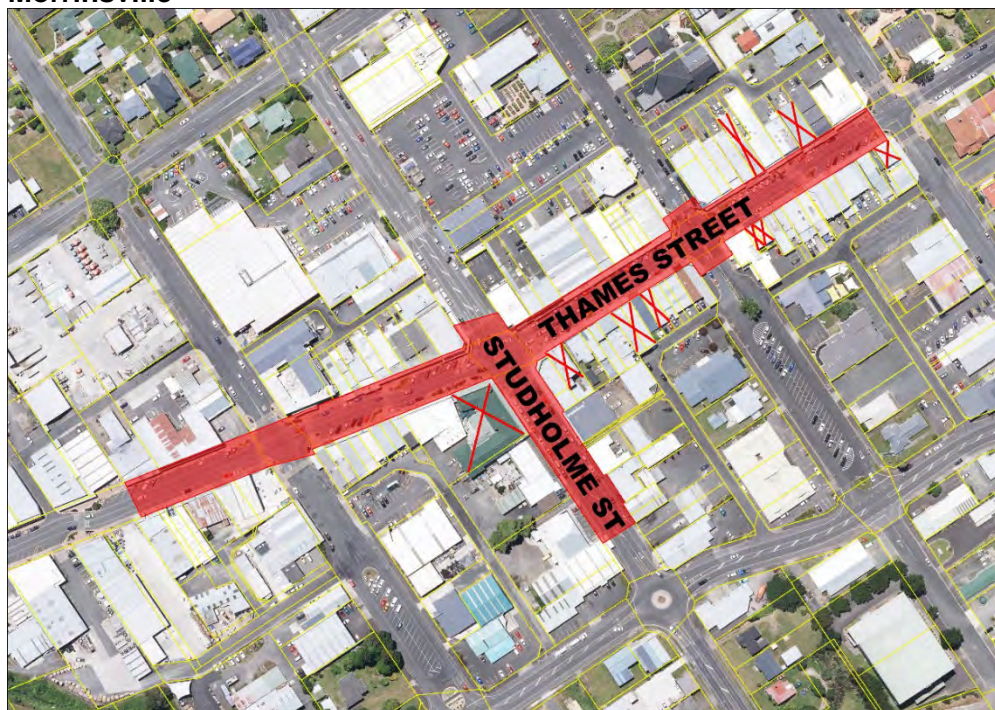
1. Do you agree with the thoroughfares identified for prioritisation?
2. If not, which thoroughfares do you disagree with and why?
3. Are there any other thoroughfares that you feel meet the criteria but are not listed?

Matamata



Prioritised thoroughfare **X** – Possible unreinforced masonry buildings

Morrinsville



 Prioritised thoroughfare  – Possible unreinforced masonry buildings

Te Aroha



 Prioritised thoroughfare  – Possible unreinforced masonry buildings

Buildings on a transport route of strategic importance

Access to emergency services in emergencies is essential for a number of reasons, including saving lives. Buildings that collapse on to a strategic transport route in an earthquake could impede an emergency response to the detriment of the community. For example, there could be loss of life, if access to emergency care is not possible.

Council has considered the following criteria to identify buildings on transport routes of strategic importance in an emergency for prioritisation:

- a. **Emergency routes** likely to be used by emergency services in:
 - i. travelling from their bases to areas of need in a major emergency, or
 - ii. travelling to central services such as hospitals, where there are no alternative routes available.

with

- b. at least one building located on them that, if it collapsed, would impede the route.

Analysis of reasonably practicable options

Option 1 – NOT prioritising any strategic routes within the district (this is what we are proposing)

Advantages	Disadvantages
Local fire brigades and civil defence consider that a building collapsing over a road would be unlikely to impede their access during an event	There will be no other roads throughout our district that will be prioritised to be assessed and strengthened in half the time
This would not place unnecessary burden on building owners	

Option 2 – Prioritising SOME strategic routes within the district

Advantages	Disadvantages
This could mean some buildings are assessed and strengthened sooner making our communities safer during an earthquake. The suggested routes would need to be able to demonstrate the potential effect on strategic routes.	This may place unnecessary burden on building owners
	Local fire brigades and civil defence consider that a building collapsing over a road would be unlikely to impede their access during an event

The Council has proposed, after consultation with the local fire brigades and civil defence, that there are no routes in the district that are considered to be strategic routes. The emergency services view is that a building collapsing over a road would be unlikely to impede their access during an event as there are a number of alternative routes that could be used.

Council seeks your views on whether there are emergency routes that should be prioritised.

Questions

1. Do you agree that there are no routes within the district that should be identified for prioritisation?
2. If not, which routes do you consider should be prioritised and why?

What happens next?

Once priority thoroughfares have been finalised, Council will look at buildings on those thoroughfares to determine whether they are potentially earthquake prone in accordance with the EPB methodology⁴. Affected building owners will be notified.

Owners of potentially earthquake-prone buildings, whether or not they are priority buildings, have 12 months to provide an engineering assessment. Council will then determine whether the building is earthquake prone, and notify the building owner of remediation requirements.

Further information

Further information on the system for managing earthquake-prone buildings can be found at: <https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

Have your say - The submission process

Process	Date
Council approve statement of proposal including maps and preferred options	30 January 2019
Communication with potentially effected land/property owners along the identified thoroughfares	February
Consult the community (alongside a number of other documents)	20 March – 22 April 2019
Council hearing (volume of submitters will determine if the meeting is required to run for both days)	15/16 May 2019
Submitters to be advised of outcome of hearing	17 May-22 June 2019
Adopt maps and preferred options	26 June 2019
New prioritised areas apply and Council will look at buildings on those thoroughfares to determine whether they are potentially earthquake prone	1 July 2019

⁴ The EPB methodology is a regulatory tool that sets out the types of buildings that Council must identify as potentially earthquake prone.

How can I have my say?

We actively encourage the community to contribute to the formation of these important documents and it is easy to have your say. Simply make a submission on this draft document and return it to us by 22 April 2019.

You can make a submission:

- Online - through our website at www.mpd.govt.nz
- Email - submissions@mpdc.govt.nz
- Fax - 07 884 8865
- Written - forms are available at any of our offices or libraries, or you can simply write your submission as a letter and either drop it off at one of our offices or post it to:
Submissions
PO Box 266
Te Aroha 3342

Note: Please be aware that submissions made to Council are public information. Your submission will be used and reproduced for purposes such as reports to Councillors, which are made available to the public and media.

If you advise in your submission that you wish to speak to your submission at the hearing on 15 May 2019, Council staff will contact you (please ensure to provide a day time contact) to arrange a time for you to speak at the meeting on 15 May 2019 (volume of submitters determines if the meeting will run 16 May also). If you advise on your submission assistance is required Council is able to offer assistance with special requirements such as New Zealand sign language and audio visual mechanisms.

Office and library locations

- Te Aroha Council Office: Kenrick Street Te Aroha
- Te Aroha Library: Rewi Street, Te Aroha
- Morrinsville Area Office or Library: Canada Street, Morrinsville
- Matamata Area Office/Library: Tainui Street, Matamata

Any questions?

We are here to help - so if you have any questions about earthquake prone buildings or thoroughfares or the submission process please let us know. Just call us on 07 884 0060 and let our friendly Customer Services staff know you have a question about earthquake prone buildings and thoroughfares.

You must have your submission back to Council by 5pm 22 April 2019

Refuse Transfer Station Improvements

Trim No.: 2103619

Executive Summary

This report is to update Council on the operations, safety issues and improvements to Council's Refuse Transfer Stations at Matamata, Morrinsville and Waihou.

Recommendation

That:

1. The refuse transfer station improvements report be received.
2. The identified Matamata Refuse Transfer Station improvements be approved.
3. The identified Morrinsville Transfer Station improvements be approved.
4. The identified Waihou Refuse Transfer Station improvements be approved.

Content

Background

As mentioned at Council's COC meeting in October 2018, a further report will be presented to Council on the proposed upgrades of the refuse transfer stations (RTSs) at Matamata, Morrinsville and Waihou. The issues of a Resource Recovery Centre (or second-hand goods area), e-waste collection and composting will be the subject of a further report to Council.

A number of issues have arisen from Councillors, staff and public (through customer request messages) regarding the conditions at the RTSs and the need to upgrade the facilities accordingly. Also safety audits have been recently carried out at all three of the RTSs. On 9 January 2019, audits were carried out on the Waihou and Matamata sites, and on 15 January 2019 an audit was carried out on the Morrinsville site. Issues from these audits have also been included in this report.

In the Long Term Plan budget for 2018/19, there is \$600,000 for capital development on the three refuse transfer stations. There is a further \$600,000 in 2019/20 and another \$600,000 in 2020/21.

Issues

In October 2018, site inspections were carried out with Smart Environmental's Refuse Transfer Stations Manager to identify issues to be addressed at Matamata-Piako Refuse Transfer Stations particularly from an operational and maintenance perspective. In January 2019, safety audits were carried out and issues identified to be addressed.

Therefore, operational, maintenance, safety and capital needs for each Refuse Transfer Station are as follows:

Matamata Refuse Transfer Station

This site is flat and has no real drainage outlet and often floods over winter. Work has been undertaken to investigate, survey and upgrade the existing stormwater system. An additional soakage pit has recently been installed to minimise future flooding. Also a major water leak has

been repaired and the site is now dry and there is no longer a health issue with stagnant water on site.

The roading surface of the site needs considerable repairs and a contract is proposed to carry out work as per attached plan (*refer to Attachment A – Matamata RTS Pavement Rehabilitation Plan*). The work involves a mixture of chipseal and asphalt surfacing. Once the surfacing has been completed appropriate road marking with directional arrows will be undertaken to improve the traffic flow including the entry and exit of vehicles. The value of this work is estimated at \$50,000.

The main refuse shed needs maintenance work undertaken. This work includes: cleaning and repairing guttering, repairing holes in the wall panels and improving the internal bracing of the building. The cardboard area within the shed needs to be gated in order to contain and improve tidiness of site by minimising scattering of cardboard. Estimated cost for remedial and new work is \$10,000.

Glass bunker area is too small and needs expanding to the south to improve storage and extending the concrete pad in front of the existing bunkers to improve public access. Estimated cost for concrete work is \$15,000.

During the safety visit, the site was messy with a lot of wind-blown rubbish strewn over the whole area. The green waste area does not have a designated bunkered area and it is hard to keep this area tidy. Therefore, it is proposed to have the green waste area along the western boundary with concrete interlocking blocks forming a bunker to contain the green waste. A wind screen is proposed on the western and southern boundaries to minimise blown rubbish around site. The estimated cost to do this work would be \$15,000.

The bulk plastic storage area needs side containments to improve and tidy the designated area and this is proposed to be undertaken within the existing Smart Environmental contract.

Public drop off area for recycling i.e. plastics, glass and cans needs improving and expanding with consideration for a new designated area to sell second hand goods (subject to a separate report). To facilitate this, the dangerous goods shed may need to be relocated. Estimated costs is \$5,000.

Other work includes: CCTV cameras to be checked and coverage improved, computer hard drive and software needs to be upgraded. An estimate to do this work is \$5,000.

Therefore, total cost for the improvements at Matamata RTS is estimated at \$100,000.

Morrinsville Refuse Transfer Station

This site had badly leaking old concrete water tank and this has recently been replaced with a new plastic tank. Now that a new water tank has been installed, there are no more water leaks and reinstatement of the considerable damaged road pavement can now be undertaken. A roading contract is proposed to carry out work as per attached plan (*refer to Attachment B – Morrinsville RTS Pavement Rehabilitation Plan*). The work involves a mixture of chipseal and asphalt surfacing. Road marking will be undertaken when surfacing is completed. Estimated cost to do this contract work is \$73,000.

The pit face gate was a safety hazard. The rail needed to be the retractable type and this new gate has been installed, however on the safety audit this is still an issue requiring heavy duty mountings. Damaged grates in front of this disposal area have been replaced. Roadway has had the urgent potholes repaired. The fire hose has recently been replaced and some repairs to the lower fence line have been repaired. During the safety audit it was noticed a manhole, next to the large refuse container was broken and this has been immediately replaced with a heavy duty one.

Green waste area needs to be doubled in size by extending the concrete pad towards the boundary and towards the dangerous goods shed. Area in front of the green waste area has recently been improved. The area in front of the metal collection needs the concrete pad extending to improve access. Total estimate for this work is \$20,000.

Bunker blocks have been square stacked and are in risk of tumbling. They need to be restacked using interlocking blocks – this is a Health and Safety issue and an instruction has been given to follow up and rectify this problem.

Other work includes: CCTV cameras to be checked and coverage improved, computer hard drive and software needs to be upgraded. An estimate to do this work is \$5,000.

Therefore total cost for the improvements at Morrinsville RTS is estimated at \$98,000.

Waihou Refuse Transfer Station

Safety rails at the pit face have recently been installed. Floodlighting has recently been repaired and upgraded with LED lamps. Steps to the glass container have been installed to improve access for the public.

This is a congested site that needs traffic flow improvement. Also the green waste area needs to expand. There is the option to move the green waste area to the rear of the transfer station where there was an old green waste site. However in the past there was trouble controlling this area and there was a lot of uncontrolled dumping occurring. Possibly the best option is to extend the existing green waste area and reorganise the recycling (plastics, cans, paper and cardboard) away from the congested area leading to refuse tip face. Estimate cost to change green waste area and reorganise site is \$ 14,000.

The roading surface of the whole site needs considerable repairs and a contract is proposed to carry out work as per attached plan (*refer to Attachment C – Waihou RTS Pavement Rehabilitation Plan*). The estimate to do this work is \$63,000.

Other work includes: CCTV cameras to be checked and coverage improved, computer hard drive and software needs to be upgraded. An estimate to do this work is \$5,000.

Therefore total cost for the improvements at Waihou RTS is estimated at \$82,000.

Compactor units at RTS

There is an issue at the RTS in regards to loading of refuse into open-top containers followed by the procedure for covering these containers. This issue has been exemplified as a result of the recent safety audits. An option to improve this situation is the introduction of a static refuse compactor and the associated closed container at each site. This option not only improves safety but improves the tidiness and appearance of the site. This matter will be subject to a separate report to Council.

Conclusion

In summarising the issues above, it is recommended that:

- the Matamata RTS works be approved to a value of \$100,000,
- the Morrinsville RTS works be approved to a value of \$98,000,
- the Waihou RTS works be approved to a value of \$82,000.

The total estimated cost for Refuse Transfer Stations improvements is \$280,000.

Legal and Statutory requirements

If the improvements to the RTS cause a reduction in waste to landfill, then the waste levy can be used to fund the required improvements. This requirement is under section 32 of the Waste Minimisation Act 2008, the waste levy funding is to be spent in accordance to Council's WMMP.

Financial Impact

In the Long Term Plan Budget for 2018/19, there is \$600,000 for upgrades to Council's refuse Transfer Stations. In addition to this funding, there is also a carried forward balance of \$50,851 for Matamata RTS and \$43,116 carried forward for Waihou RTS of which \$8,000 has been spent this financial year.

The cost for the proposed RTS improvements is \$280,000; of which \$100,000 is for Matamata, \$82,000 for Waihou and \$98,000 for Morrinsville.

Attachments

- A. Matamata RTS Pavement Rehabilitation Plan
- B. Morrinsville RTS Pavement Rehabilitation Plan
- C. Waihou RTS Pavement Rehabilitation Plan

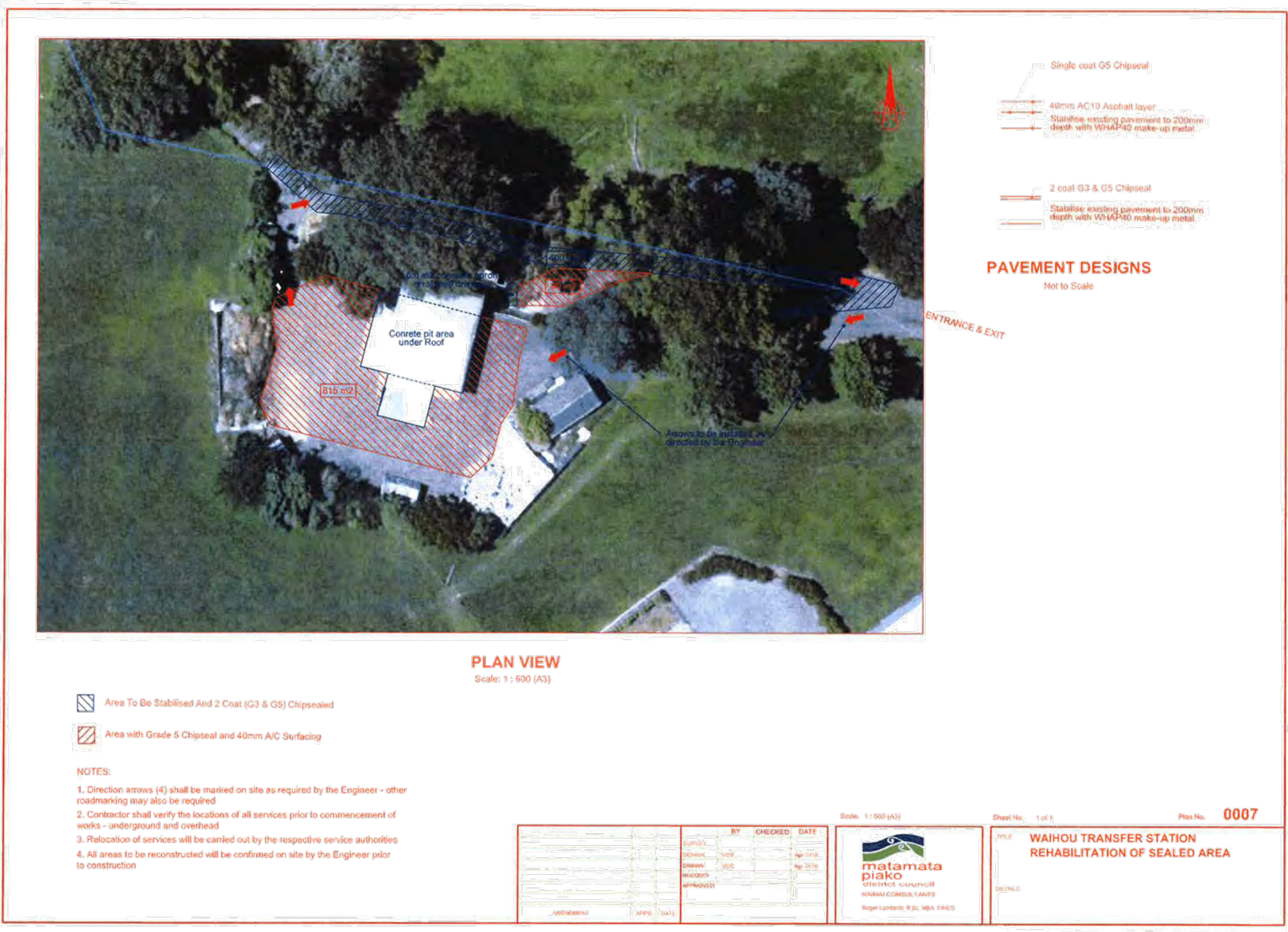
Signatories

Author(s)	George Ridley Solid Waste Project & Contract Advisor	
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Approved by	Fiona Vessey Group Manager Service Delivery	
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Sport Stadium Discussion

Trim No.: 2102370

Executive Summary

Lou Beer of Sport Waikato and representatives, in attendance to discuss Councils preferred Matamata Stadium site.

Ken Williamson of the Peak Recreation Centre at Rototuna, in attendance to discuss Hamilton sports facility.

Recommendation

That:

1. The information be received

Content

Background

On the 24 October 2018 Council resolved that its preferred site for the Future Matamata Stadium as Swap Park.

COMMITTEE RESOLUTION

That:

1. The report be received;
2. The Committee identifies its preferred site as Swap park for more detailed investigation.

Moved by: Cr P M Jager

Seconded by: Cr T M Cornes

CARRIED

Attachments

- A. Presentation to Council 30 January 2019
- B. Supporting letter to Council from Sport New Zealand
- C. Matamata College letter to Council in support of Sport Waikato
- D. Matamata futures letter to Council for Sports waikato Matamata Stadium report

Signatories

Author(s)	Meghan Lancaster Committee Secretary	
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Approved by	Sandra Harris Acting Strategic Policy Manager	
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	Don McLeod Chief Executive Officer	
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FUTURE INDOOR COURT PROVISION – MATAMATA-PIAKO DISTRICT COUNCIL MEETING – 30 JANUARY 2019

SUMMARY

Sport Waikato and Sport New Zealand share concerns for the proposed investment in two separate indoor facilities for the Matamata Community and the proposed location of the new facility.

BACKGROUND – Waikato Regional Sports Facilities Plan (WRSFP)

Sport Waikato and Sport New Zealand base their opinion on the Key Principles in the newly updated Waikato Regional Sports Facilities Plan (WRSFP) which aligns to the Sport New Zealand National Sporting Facilities Framework. Specifically, both organisations believe that the current approach fails to align with three key principles:

- **Meets Needs** – Based on the evidence for indoor facility provision for the region, identified in the WRSFP, three courts for Matamata will exceed current and future demand
- **Sustainability** – With provision likely to exceed need; the provision of two separate facilities with the associated duplication of management, operating, maintenance and depreciation costs; and a location that is likely to limit off-peak utilisation of the new facility, if not sustainable the associated risks and impact will likely fall back to Council and ratepayers
- **Collaboration, Integration and Flexibility** – Have limited opportunity to be incorporated under the current proposal but increase significantly if the college site can be made to work

It is important to be aware that the WRSFP Key Principles guide Sport Waikato and Sport NZ in making recommendations to funders for projects and when projects do not align Sport Waikato is unable to support funding applications.

The Waikato Regional Sports Facilities Plan is regarded as one of the leading partnered facilities plans in New Zealand which is a testament to our local authority partners of which Matamata-Piako District Council is a partner.

NEW DEVELOPMENTS:

- Matamata College, Matamata Intermediate and Firth Primary actively wish to be engaged and are excited at the prospect of Matamata College being reconsidered for further investigation as the number one ranked site. The schools have collaboratively provided a letter of support
- Futures Trust wish to reconsider the school site following engagement by the schools and have provided a letter of support

RECOMMENDATIONS:

To achieve the best outcome for the Matamata-Piako District Council and the Matamata Community Sport Waikato recommend:

1. Council resolve to re-prioritise Matamata College site as the preferred site for a two-court indoor facility in Matamata **and** review the development of Heaton Stadium to avoid duplication of facilities and indoor court oversupply. *(SW do not believe that the two projects can be considered in isolation and the development of Heaton Stadium may negatively impact on the future success of a two court indoor facility)*
2. Formalise a Community/School Partnership between Matamata-Piako District Council, Futures Trust, MOE, Matamata College, Matamata Intermediate, Firth Primary School and Sport Waikato



Sport Waikato thank the Council for the opportunity to present to council on the 30th January. For any further information regarding the above please do not hesitate to contact Sport Waikato's Matthew Cooper or Leanne Stewart.

Regards,



Matthew Cooper
CEO
Sport Waikato

Email: matthewc@sportwaikato.org.nz
Mobile: 027 545 0005



Leanne Stewart
Regional Facilities Advisor
Sport Waikato

Email: leannes@sportwaikato.org.nz
Mobile: 021 170 6118



10 December 2018

Your Worship
Mayor Jan Barnes
Matamata-Piako District Council
PO Box 266
Te Aroha 3342

Tēnā koe Mayor Jan

Re: Future Indoor Court Provision – in the Matamata Piako District

I am writing to you regarding future indoor court provision in Matamata and the recent decision of the Matamata-Piako District Council (the Council).

Sport New Zealand (Sport NZ) shares the concerns held by Sport Waikato in regard to future investment in two separate indoor court facilities in Matamata and supports further communication with Council to further consider its investment decision.

I am aware that Sport Waikato has been closely involved with Council providing guidance and support, project peer review and stakeholder consultation to assist the Council in its deliberations about both Heaton Stadium and the Matamata Futures Trust Indoor Facility. Sport NZ is aware of the Matamata Futures Trust plans and investment for a new, two court, indoor sports facility at an estimated cost of \$5.1m and that Futures Trust had requested the Council's investment for upgrades to Heaton Stadium contribute toward the costs for a two-court facility.

Sport NZ supports the view that development of two separate facilities on two separate sites does not align to the principles of both the Waikato Regional Sports Facilities Plan and Sport NZ's National Sporting Facilities Framework. Both the Plan and the Framework are accepted by the sport and recreation sector as guiding documents that enable better investment decisions when community sport infrastructure projects are being considered.

Of specific relevance to the Council for consideration are:

Meeting an identified need – some of the best outcomes are achieved when all potential users of the facility are identified, and a deep understanding gained of the range of needs that they will have now and in the future.

Sustainability – the most sustainable outcomes are achieved when the 'whole of life' costs of the facility (capex and opex) are considered. The possibility that the Council would own, operate and maintain four indoor facilities, Te Aroha, Morrinsville and Matamata (2) is not considered the most sustainable long-term.

newzealand.govt.nz

Partnering and Collaboration – the best outcomes are achieved when partnerships are developed with others and this increases the likelihood that the facilities will be used to their full potential, maximising the return on investment. Sport NZ supports the view that a community-school partnership between Matamata College, Matamata Intermediate and Firth Primary School would provide wider community benefit if located on the High School campus. It is understood that the development of a two-court facility on this site was the recommendation of an independent feasibility study undertaken including a review of locations.

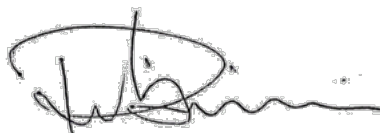
A very successful example of this is the four-court indoor sports centre (The PEAK) at the Rototuna Senior and Junior High Schools campus in the north-east in Hamilton.

Sport NZ is aware that such decisions are difficult and complex, needing to account for a wide range of community views and expectations. Also important is respecting the past commitment and contributions of individuals and organisations that have been made to the provision of community facilities. In this regard Mrs E M Headon (Headon Sports Stadium) is acknowledged.

Both Sport Waikato and Sport New Zealand wish to support Council to review the existing decision with a view to optimising the long-term utilisation of indoor facilities in the greater Matamata Piako District and ensuring sustainable future provision.

We at present, do not support the proposed investment in two facilities for the Matamata Community or the location of the new facility, proposing instead a partnership with Matamata College would provide an enhanced outcome for the community.

Nāku noa, nā



Peter Miskimmin
Chief Executive

Cc Don McLeod, Chief Executive, Matamata-Piako District Council
Matthew Cooper, Chief Executive, Sport Waikato
Jamie Delich, Sport NZ



17 January 2019

Mayor Jan and Matamata-Piako District Councillors,

Matamata College, Matamata Intermediate and Firth Primary School are excited that Council would re-consider Matamata College and adjoining schools as the site for a new two court indoor sport and recreation facility.

A community-school partnership to develop the sport and recreation centre would re-enforce all our local schools as the focal point of the community and strengthen the role of education in health and well-being.

For future students it will develop a life-long relationship with the facility and draw them back to it as they progress through their life stages.

The best outcomes are achieved when organisations collaborate and this increases the likelihood that the facilities will be used to their full potential, maximising the return on investment. School-community partnerships not only achieve educational outcomes but also strong and vibrant communities. A key focus is encouraging the shared use of school facilities by the community and collaborating with partners to service a broader range of community needs at a single location. By combining our collective effort, funds and resources, partnerships expand the possibilities available to schools and other community organisations.

As a collective we urge Council to reconsider its decision to further investigate Swap Park as its preferred site and further investigate the College campus as the preferred site for development of a new Community/School partnered indoor sport and recreation centre for Matamata.

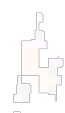
We look forward to the opportunity of attending the 30th January Council meeting to show our united support and collective excitement.

PTO

Yours sincerely,

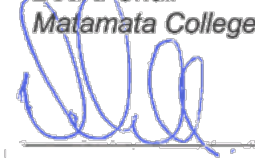
Tracy Brown
Board Chair
Matamata Intermediate




Serena Pilmore-Evans
Board Chair
Firth Primary School



Deborah Nowell
Board Chair
Matamata College



Debbie Currie
Principal
Matamata Intermediate



Alan Munro
Principal
Matamata College



17 January 2019

Matamata Futures Trust Inc

c/- Candy Gilliespie

Matamata

Sport Waikato
P O Box 46
Hamilton

Att: Matthew Cooper

Dear Matthew,

Thank you for meeting with Matamata Futures trustees on Tuesday to discuss the demand and potential sighting of a stadium(s) in Matamata.

We acknowledge the key concerns Sport Waikato have regarding the proposed redevelopment of Headon stadium and the construction of a two court stadium on another site in Matamata :

1. That the current proposal of redeveloping Headon, plus constructing a two court stadium will exceed the capacity requirements of Matamata.
2. That Sports Waikato and Sport NZ would not support an external funding application from the likes of Lotto, Trust Waikato, Lion Foundation, for the new stadium if Headon was also being redeveloped. This will likely mean that the new stadium will not proceed as we won't be able to raise the extra funds locally.
3. Sport Waikato is concerned that the proposed location of the new facility in Swap Park will restrict the day time use by school groups – College, Firth Primary, Intermediate (some 1400 pupils) which will put further strain on meeting operating costs.
4. The operation of two stadiums will split the community user groups rather than encouraging inclusive group sharing of facilities.
5. Two stadiums will require additional overseeing, cleaning, maintenance, thus significantly increasing the annual running costs.

After discussing issues with you, Matamata Futures support your preference that the Matamata Community construct one, two court stadium on Matamata College grounds and that a smaller pavilion fit for outdoor sport be constructed at Pohlen Park. To assist with the viability of the two court stadium, Matamata Futures believe that the funds allocated to Headon, after meeting the cost of a pavilion should be reassigned to the two court stadium.

A Station Road facing site, on Matamata College grounds, had not been considered by Matamata Futures. On reflection, we agree that it would be an appropriate site and provides the following advantages.

1. Provides access to the three school groups and their 1400 students
2. Provides a sense of community independence while being situated on school grounds
3. Is likely to receive the support of Sport NZ and Sport Waikato in any application of external funding support. We note this funding will be critical for the financial viability of building the facility.

4. Allows an opportunity for Naming Rights sponsor
5. The site has sufficient space for future expansion to a three-court stadium, if required.
6. Would allow the transfer of around \$1m from the Headon stadium project to the Station Rd project, adding to its viability and potentially increasing the services the stadium could provide.

Matamata Futures realises that Pohlen Park and Headon Stadium are part of a legacy from prior days, and that this legacy shouldn't be destroyed. We believe however that the community should have facilities fit for purpose, and that replacing Headon stadium with a pavilion that can accommodate outdoor sports would be an appropriate way of preserving the Pohlen / Headon legacy.

Matamata Futures would also support the relocation of the current sports floor from Headon, or part thereof, into the two court stadium, which could provide a venue for indoor bowls and gymnastics.

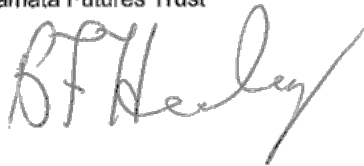
Matamata Futures believe that the rationalisation that Sport Waikato is promoting makes sense regarding ongoing operation and also in maximising the return on capital invested. Matamata Futures are in full support of this proposal.

We have copied this letter to the Matamata Paiko District council and would support you including it in your submission to the council.

Yours Faithfully

Matamata Futures Trust

Per



Frank Healey

Chairman

Private Plan Change 51 - Milk Processing Site, Waharoa

Trim No.: 2102281

Executive Summary

Private Plan Change 51 seeks to introduce a Development Concept Plan (DCP) for the Open Country Dairy milk processing site in Factory Road, Waharoa.

The purpose of the DCP is to provide for the integrated and coordinated development of the Open Country Dairy site, in advance of its current resource consents, to allow for additional growth and development of the milk processing facility.

This report seeks that Council accepts the submissions received and approves the plan change as outlined in the Section 42A report.

Recommendation

1. The report be received and the staff recommendations on the submissions to the plan change and the proposed amendments to the plan change be considered.
2. Pursuant to clause 10 of Schedule 1 of the Resource Management Act 1991, Council accepts the submissions received as outlined in Appendix A of the Hearing Report.
3. Pursuant to clause 29(4) of Schedule 1 of the Resource Management Act 1991 the Council makes its decision to approve the plan change as outlined in the report.

Content

Background

Council accepted the request for the private plan change at the meeting held 23 August 2017. The plan change was notified on 27 September 2017, with six submissions and one further submission received. As no parties wanted to be heard, a hearing is not required.

However, Council still needs to make a decision on the plan change and the matters raised in the submissions. This decision, once notified, will then be subject to a 30 working day appeal period. Should no appeals be received, the plan change can then be made operative by Council.

To assist Council in making its decisions, a Section 42A report has been produced. The report includes background to the plan change, analysis of the submissions, recommendations on each submission point, proposed amendments to the DCP, and a further evaluation of the proposed amendments under Section 32AA.

The report and accompanying documents will be circulated prior to the Council meeting in accordance with the provisions of the Resource Management Act 1991 and its amendments.

The report can be viewed in conjunction with the following appendices:

- **Appendix A:** Summary of submissions and further submissions.
- **Appendix B:** Recommended changes to DCP (track changes), and other consequential changes to the District Plan proposed as a consequence of the Plan Change.

All other documents related to the plan change are available on the Council website.

Analysis

Options considered

The plan-making process has now progressed to the stage where it is referred back to the Council for its decisions on:

- (i) Acceptance of the late submission from Kiwirail Holdings Limited (Kiwirail);
- (ii) The submissions; and
- (iii) The outcome of the Plan Change request.

In making the decision on the late submission from Kiwirail, Council has the following options:

- (i) Accept the late submission; or
- (ii) Decline the receipt of the late submission

In making the decision on the submissions from the six submitters, Council has the following options:

- (i) Accept the submissions; or
- (ii) Accept the submissions in part and modify the plan change; or
- (iii) Reject the submissions.

In making the decision on the plan change, Council has the following options:

- (i) Accept the plan change; or
- (ii) Accept the plan change with modifications to the plan change; or
- (iii) Reject the plan change.

Analysis of preferred option

Late Submission

The recommendation of this report is to accept the late submission from Kiwirail for the following reasons:

- (i) The only person affected by the extension is OCD. OCD has reached agreement with the Kiwirail based on the relief sought in the late submission. Therefore OCD has accepted the late submission.
- (ii) The acceptance of the late submission will enable the relief sought by Kiwirail to be included in the modified Plan Change. Therefore the interests of the community will be better served by acceptance of the late submission.
- (iii) The submission was received prior to notification of the summary of submissions and as such has not caused a delay in the processing of the Plan Change.

Submissions

The recommendation of this report is to accept the submissions of support, without amendment, from submitters Waharoa Park Ltd and the New Zealand Transport Agency. Powerco Ltd were neutral in their submission to the plan change, whilst Ngati Haua withdrew their submission.

Submissions where amendments sought

Two submissions of support to the private plan change were also received from submitters Kiwirail and Matamata-Piako District Council staff who sought amendments to the DCP.

The recommendation of this report is to accept the submission from Kiwirail, and to modify Private Plan Change 51 as shown in part 6 of the Section 42A report for the following reasons:

- (i) The Level Crossing Safety Impact Assessment undertaken subsequent to notification of the Plan Change has identified the need for additional safety measures to be implemented at the Hawes Street Crossing in order to mitigate adverse effects associated with development envisaged under the DCP.
- (ii) The proposed amendments to the DCP as shown in Appendix B will ensure the implementation of the safety measures required at the crossing, at the appropriate time.

The recommendation of this report is to accept the submission from Matamata-Piako District Council staff, and to modify Private Plan Change 51 as shown in part 6 of the Section 42A report for the following reason:

- (i) The amendments proposed in the submission will improve the clarity of the DCP provisions, without altering the intent of the provisions as notified.

Impact on policy and bylaws

If the recommendation for this report is adopted it will result in changes to the Operative District Plan.

Impact on significance policy

There will be no impact on the significance policy.

Communication, consultation and decision making processes

Consultation on this plan change has been carried out in accordance with the Resource Management Act 1991. Further details in regards to this consultation are provided for in the Section 42A report.

Consent issues

There are no consent issues in regards to this plan change.

Timeframes

Timeframes in regards to this plan change are specified in the Resource Management Act 1991. However, further details of the specific timeframes that relate to this plan change are contained within the Section 42A report.

Financial Impact

i. Cost

Plan Change 51 – Development Concept Plan for Milk Processing Site, Waharoa is a private plan change and therefore all costs fall with the applicant, Open Country Dairy Limited.

Attachments

There are no attachments for this report.

Signatories

Author(s)	Mark Hamilton Environmental Policy Planner	
Approved by	Ally van Kuijk District Planner	
	Dennis Bellamy Group Manager Community Development	

Nettro Subdivision Road Naming in Matamata off Jellicoe Road

Trim No.: 2099403

Executive Summary

Council is requested to choose and approve two new road name as a result of the Netro Subdivision in Matamata. Refer to the attachment for the location of the roads.

One road is a continuation of Road One which is partially in Peakedale Estate Subdivision. The Peakedale Estate Road Names had by Council Resolution been agreed in principal to be named Archford Road. Subject to meeting with local Iwi and the chair of Te Manawhenua Forum. Iwi suggested Archford Road be named Wati Street instead but it is not acceptable by LINZ as we have similar named roads and streets already in our District. For consistency we recommend it be called Archford Street as it will be an urban street.

For the second Road, it is requested Council consider naming it a continuation of Hampton Terrace, Beau Street or Hinerangi Drive.

Recommendation

That:

1. The report be received;
2. Council approves the road name of Road One of Archford Street for Netro Subdivision;
3. Council chose and approves the road name of Road Two a continuation of Hampton Terrace, Beau Street or Hinerangi Drive for Netro Subdivision.

Content

Background

Nettro applied to complete a subdivision and are creating 29 new Residential Lots off Jellicoe Road.

Nettro were not aware of the Road naming process. They have referred to their Subdivision as Hampton Heights as it was at the intersection of Hampton Terrace and Jellicoe Road.

There are two new Streets to be named.

Road One

It is proposed that the new road that connects this development to the Peakedale Subdivision and Eldonwood Ltd development site continue with the same road name as named in the Peakedale subdivision.

Originally this was approved in principal by Council as Archford Road but requested staff check the names with local Iwi and the chair of Te Manawhenua Forum. Subsequently the forum recommended Wati Road be used instead of Archford Road.

Wati was not acceptable to Land Information NZ (LINZ) as we have a Waiti Rd in MPDC and it may create confusion.

Staff Recommend the vested roads are called Streets in the urban area for consistency, therefore it is recommended it be named Archford Street.

Road Two

The names, in order of preference, being submitted for approval for the new road off Jellicoe Road (currently shown on the plan as "Hampton Tce Extension") are:

- 1) Hampton Heights. "Hampton Heights" as a continuation from Hampton Terrace.
- 2) Beau Street "Beau" is Brook Nettleton's son
- 3) Lincoln Road. "Lincoln" is the name of the road Mr Troost's wife was brought up on in Auckland. "Lincoln" is also the name of Mr and Mrs Troost's grandson

A report went to Te Manawhenua Forum on the 5 June 2018 with the same Road Naming options.

The resolution from the meeting is as following:

Te Manawhenua Forum Mo does not accept the proposed road name and offers iwi representative to meet with Developers within the ten day time limit to discuss and conclude appropriate road names.

Subsequently the Developer, Staff and the Mayor met to discuss possible Road Names. Iwi Representatives suggested naming the new road Hinerangi Drive. Hinerangi is associated and represents Ngāti Hinerangi. The main hub of Ngāti Hinerangi iwi is in the Waikato with the inclusion of the Matamata township, the Kaimai Ranges and through to the harbour of Tauranga Moana.

The one of the Developer does not want to name the new Road Hinerangi Drive.

The following are assessments of the proposed new Roads:

<u>Proposed Name</u>	<u>Existing Streets or Roads with the same names</u>
Hampton Heights	Conflicts with Hampton Terrace and is not elevated NOT acceptable to Land Information New Zealand (LINZ) as will cause confusion with the numbering and naming. Te Manawhenua Forum does not approve of this Road Name.
Beau Drive	Developers son's name. Otherwise no relativity. Te Manawhenua Forum did not approve this Road Name.

Lincoln Drive	Developers Grandson. There already is a Lincoln Street in Morrinsville and therefore not accepted by LINZ. Manawhenua Forum does not approve of this Road Name
Hinerangi Drive	No conflicting road names but the Developer does not approve of this Road Name.

Both Roads are public and vested with Council.

Options

Road One

- | | |
|--------------------|---|
| 1. Archford Street | Acceptable to LINZ. Archford Road originally proposed by the Peakedale Estate Developer |
|--------------------|---|

Road Two

- | | |
|--------------------|--|
| 1. Hampton Heights | Conflicting road name and would need to be called Hampton Terrace and continue on from the current numbering of Hampton Terrace. |
| 2. Beau Drive | Acceptable to LINZ |
| 3. Lincoln Drive | Conflicting Road Name not acceptable to LINZ |
| 4. Hinerangi Drive | Ngati Hinerangi Iwi's preferred choice. Acceptable to LINZ |

Impact on policy and bylaws

Hampton Heights does not comply with Council's policy as there is already an adjoining Hampton Terrace and this would cause confusion for emergency services and NZ post. It is therefore recommended that if Council prefers this name it should be named Hampton Terrace as well and the current numbering continued.

Communication, consultation and decision making processes

Te Manawhenua Forum have been consulted on with regards to the Proposed New Road Names and they have suggested alternative road names.

Consent issues

The Naming of vested roads is not part of a resource consent condition but is requested through the resource consent process. In order for Addresses to be given to new properties built Council must approve a formal Road Name for any new roads.

Timeframes

The road name should be approved by Council prior to 224 of the subdivision is awarded.

Attachments

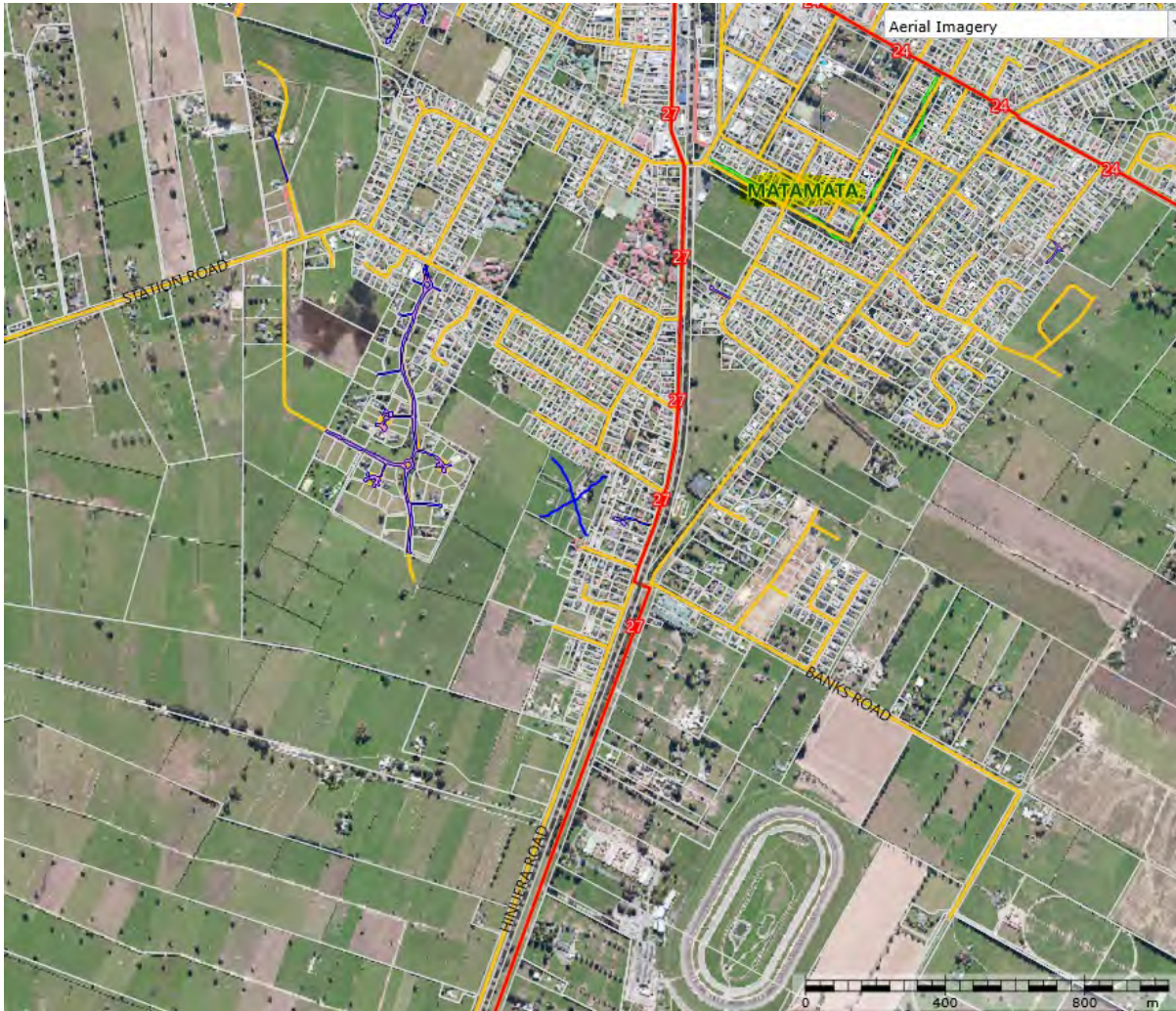
- A. Netro Location
- B. Netro Developments Subdivision Plan
- C. Hampton Terrace Numbering

Signatories

Author(s)	Raymond Short Roading Asset Engineer	
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Approved by	Susanne Kampshof Asset Manager Strategy and Policy	
	Manaia Te Wiata Group Manager Business Support	

The Blue "X" marks the location of the new subdivision in Matamata





BARR + HARRIS
LAND SURVEYORS

Matamata Telephone 07 888 8777
124 Broadway, P.O.Box 112 Facsimile 07 888 8484

Putaruru Telephone 07 883 3050
Waihi Beach Telephone 07 863 6622
P.O.Box 47

LOTS 1 - 33 BEING A PROPOSED SUBDIVISION ON LOT 2 DP 471184

CLIENT: Netro Developments Ltd
Jellicoe Road - Matamata

DATE: Feb 2017 REF: 2657 SCALE: @A3 1:1000

DRAWING BY: M.Haumu DRAWING NUMBER: 2657 - cpt04 REV: A

Hampton Terrace Highlighted

New subdivision is at the bottom of the page where Hampton Terrace terminates, marked with a highlighted "X"

Please note the confusing numbering system on Hampton Terrace

Land Information New Zealand does not like to have similarly named roads in the same district



Chairperson - District Licensing Committee

Trim No.: 2091056

Executive Summary

Councillor Teena Cornes has, in accordance with Section 194 of the Sale and Supply of Alcohol Act 2012, resigned from her role as Chair of the Matamata-Piako District Licensing Committee. Council now needs to appoint a person that is a member of the territorial authority to the Chair or in accordance with section 194(2) recommend the appointment of a Commissioner to carry out all the functions, powers, and duties of the chairperson of the licensing committee.

The Mayor, after consultation with the outgoing Chair, has recommended that Councillor Adrienne Wilcock be appointed as Chair of the District Licensing Committee.

Recommendation

That:

1. **Councillor Adrienne Wilcock be appointed as Chair of the Matamata-Piako District Licensing Committee.**

Content

Background

Each territorial authority must appoint 1 or more licensing committees to deal with alcohol licensing matters for its district. Each committee must consist of 3 members.

A territorial authority can appoint a Chairperson who must be a member of the territorial authority or can appoint a person, who is of good standing in the community and has the necessary knowledge, skill, and experience relating to matters that are likely to come before the committee, as a Commissioner.

Council has resolved to have 1 District Licensing Committee and appointed Councillor Teena Cornes as the Committee Chair. Councillor Neil Goodger was appointed both as Deputy Chair, to act in the place of the Chair if the Chair is unable to act, and as a list member. The other 2 members are appointed from the territorial authority's list maintained under section 192.

Issues

Councillor Cornes has resigned from her appointment as Chair of the Committee and Council now has a number of options to consider in her replacement.

The sections from the Sale and Supply of Alcohol Act 2012 that relate to licensing committees are set out below for information.

186 Territorial authorities to appoint district licensing committees

Each territorial authority must appoint 1 or more licensing committees as, in its opinion, are required to deal with licensing matters for its district.

189 Composition of licensing committees

(1) Each licensing committee consists of 3 members appointed by the territorial authority for that territorial authority's district.

(2) A territorial authority must appoint 1 member as the chairperson and that person must be a member of that territorial authority or a commissioner appointed to the licensing committee.

(3) A territorial authority may appoint a member of that territorial authority to be deputy chairperson, and act in place of the chairperson if the chairperson is unable to act because of illness or absence from New Zealand, or for other sufficient reason.

(4) While acting in place of the chairperson, the deputy chairperson is a member of the committee and has all the powers and duties of the chairperson.

(5) No act done by the deputy chairperson serving as acting chairperson in the chairperson's absence, and no acts done by the committee while the deputy chairperson is so serving, can in any proceedings be questioned on the ground that the occasion for his or her so serving had not arisen or had ceased.

(6) The other 2 members of each licensing committee must be appointed from the territorial authority's list maintained under section 192.

(7) For the purposes of subsection (2), a member of a territorial authority means an elected member of a territorial authority and, in relation to the Auckland Council, includes a member of the governing body (as defined in section 4 of the Local Government (Auckland Council) Act 2009) or a member of a local board established under section 10 of that Act.

193 Appointment of commissioners

(1) The chief executive of a territorial authority may, on the recommendation of the territorial authority, appoint a commissioner or commissioners to any of the territorial authority's licensing committees and any person so appointed has all the functions, powers, and duties of the chairperson of the licensing committee.

(2) The chief executive may only appoint a person as a commissioner if that person is of good standing in the community and has the necessary knowledge, skill, and experience relating to matters that are likely to come before the committee.

(3) A person must not be appointed as a commissioner if—

- (a) the territorial authority believes that person has, directly or by virtue of his or her relationship with another person, such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias; or*
- (b) the person is a constable, a Medical Officer of Health, an inspector, or an employee of the territorial authority.*

(4) A commissioner appointed under this section holds office for a term, stated when the commissioner is appointed, of up to 5 years and may be reappointed for 1 or more further periods of up to 5 years.

194 Resignation or removal

(1) A member of a licensing committee or a commissioner appointed to a licensing committee may resign from office at any time by written notice to the relevant territorial authority.

(2) A chairperson of a licensing committee ceases to be a chairperson if he or she ceases to be a member of the licensing committee's territorial authority.

(3) The territorial authority may at any time remove a member of a licensing committee or a commissioner appointed to a licensing committee for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to the territorial authority's satisfaction.

Analysis

Options considered

The options to consider are:

1. Appoint Councillor Goodger to the Chair and appoint a new Deputy Chair - Councillor Goodger has advised that he would prefer to remain as Deputy as work commitments would preclude him from taking a more active role in licensing matters.
2. Appoint another Councillor as Chair – Appointing a Councillor to the Chair gives a local community flavour to the Committee as the other 2 members are appointed for their expertise in alcohol matters and do not necessarily reside within the District. It would be preferable for the person appointed to have completed the RMA 'Making Good Decisions' qualification as licensing hearings have some similarities to resource consent hearings.
3. Appoint a Commissioner to deal with the licensing matters for the District – It is unlikely that a Commissioner with the appropriate skills could be found locally. The majority of the licensing committees work is done 'on the papers' without the need for the committee to meet. The mechanics of getting papers/decisions to and from the Commissioner could result in delays.

Analysis of preferred option

Section 41A of the Local Government Act 2002 gives the Mayor authority to establish committees of council and to appoint the chairperson of those committees. The Council had previously established a Hearings Committee and it was considered that the Chair of that committee was an appropriate person to chair the District Licensing Committee.

As Councillor Cornes, Chair of the Hearings Committees, is no longer available to chair the Licensing Committee, Mayor Barnes considers that another member of the Hearings Committee that has attained the 'Making Good Decisions' qualification would be a suitable person to chair the Licensing Committee and has recommended that Councillor Wilcock be appointed to that role.

Attachments

There are no attachments for this report.

Signatories

Author(s)	Dennis Bellamy Group Manager Community Development	
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Approved by	Don McLeod Chief Executive Officer	
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Waikato Plan Leadership Group Terms of Reference and Committee

Trim No.: 2092884

Executive Summary

This report provides an update to Council on the Waikato Plan Leadership Committee (WPLC) meetings held on 15 October 2018 and 3 December 2018.

Following Council meeting on 14 November 2018, staff asked Waikato Regional Council to confirm no change to the Terms of Reference can be made without consultation with the Territorial Authorities. This will be reported to the first Waikato Regional Council meeting of the year, on 28 February 2019, and the response will be shared with Council following this.

Recommendation

That:

1. The information be received.

Background

Waikato Plan review

In 2018 Peter Winder from McGredyWinder, undertook a 'Review of the Waikato's 4 Well Beings Implementation Structures and Processes' which included a suite of recommendations that provided direction for a refreshed approach to the Waikato Plan. A full copy of the review report was previously provided at Councils 2 July 2018 meeting.

Following the review, both the Mayoral Forum and the Waikato Plan Leadership Group Joint Committee endorsed the refreshed approach to the Waikato Plan. This included:

- a) Making changes to the Terms of Reference for the Waikato Plan Leadership Group to reflect the refined role and function of the Group as a clearinghouse, facilitator and influencer, encouraging the allocation of resources rather than as the place that directs other people's resources.
- b) Stripping out implementation funding out of the Waikato Plan budget and secure implementation funding on a project-by-project basis based on the merits of the business case and the willingness of the partners to fund the activity.
- c) Allocating specific resources through Waikato Regional Council to undertake the critical project manager, programme development, programme coordination, and business case work that is required to advance implementation.
- d) Waikato Regional Council to establish a core Waikato Plan project team and manage an appropriate transition from the existing contracted project support resources to the new team.
- e) Establishing project-specific governance, reporting and funding arrangements for each implementation activity that reflect the nature of the activity and the partners.

Previous Council decisions

One of the key changes to the Waikato Plan was amending the Terms of Reference and changing the Waikato Plan Leadership Group from being a Joint Committee of each participating council to a Waikato Plan Leadership Committee that becomes a Committee of Waikato Regional Council. Each Council who was a party to the Joint Committee needed to pass a resolution that disestablishes the Joint Committee.

At the Council meeting on 14 November 2018 Council did not agree to disestablish the Joint Committee to make way for the new Waikato Plan Leadership Committee of the Waikato Regional Council. Instead Council indicated they wanted more information on the intent of the changes and what outcome they would lead to. Council resolved:

That:

Council request more information and that Toby Adams and Waikato Regional Council be invited to a Council meeting.

Accordingly, Vaughan Payne (Waikato Regional Council Chief Executive), Jo Bromley (Waikato Plan Transition Manager, of Waikato Regional Council), Toby Adams (Hauraki District Deputy Mayor & Waikato Plan Representative) and Bev Gatenby (Chair, Waikato Plan Leadership Group) attended the Council meeting on 5 December 2018 to discuss the matters.

Following the presentation/discussions Council passed the following resolution:

That:

1. *The information be received.*
2. *Pursuant to Clause 30(7), Schedule 7 of the Local Government Act 2002, the Waikato Plan Leadership Group Joint Committee be disestablished.*
3. *Council notes the Waikato Plan Leadership Committee is a Committee of Waikato Regional Council.*
4. *Council confirms the appointment of Toby Adams, Deputy Mayor of Hauraki District Council as its representative on the new Waikato Plan Leadership Committee.*
5. *Waikato Regional Council be requested to confirm no change to the Terms of Reference can be made without consultation with the Territorial Authorities.*

Council staff requested a letter or resolution from Waikato Regional Council to satisfy number 5 above. This will be reported to the first Waikato Regional Council meeting of the year, on 28 February 2019, and the response will be shared with Council following this.

New Terms of Reference

The WPLC has been established to facilitate and encourage the implementation of the Waikato Plan and undertake any reviews or updates to the Plan. The new terms of reference are attached.

As a Committee of Waikato Regional Council, it is not able to make decisions on behalf of other Councils. This is reflected in the revised terms of reference for the Committee which sets out its objective as being a clearinghouse, facilitator and influencer, encouraging the allocation of resources rather than as the place that directs other people's resources.

It is noted that the Committee shall "*Oversee the ongoing selection and appointment of representatives to the Waikato Plan Leadership Group*". It is assumed this means they can appoint members within the structure of the Terms of Reference (such as if one members resigns they can select a replacement) but not change the structure itself (for example removing the position representing Matamata-Piako, Hauraki, and Thames-Coromandel).

The WPLC will not endure and will be discharged at the point of the next election period in accordance with Clause 30(7), Schedule 7 of the Local Government Act 2002.

The WPLC membership structure is summarised below:

Chairperson's	
<i>(The Iwi Co-Chair and Deputy Co-Chair is appointed by the Iwi representatives on the Committee with the other Co-Chair and Deputy Co-Chair appointed by the Committee at large).</i>	
Chair	Bev Gatenby
Deputy Chairperson	Mayor Brian Hanna
Co-Chair (Appointed by Iwi representative)	Rukumoana Schaafhausen
Deputy Co-Chair (Iwi)	Weo Maag
Local Government Members	
<i>(5 representatives appointed in geographical sub-groups)</i>	
Waikato Regional Council	Chair Alan Livingston
Hamilton City Council	Mayor Andrew King
Eastern Sub-region	Deputy Mayor Toby Adams
Future Proof Sub-region	Mayor Allan Sanson
Southern Sub-region	Mayor Brian Hanna
Community / Business Members	
<i>(4 seats, noting 1 vacancy)</i>	
Community	Bev Gatenby
Waikato Means Business/ Business	Dallas Fisher
Agenda Waikato/Business	Lale Ieremia
Vacant	Vacant (previously Eric Souchen)
District Health Board Member	
<i>(1 seat, non-voting)</i>	
Waikato District Health Board	Pippa Mahood
Central Government Members	
<i>(non-voting)</i>	
New Zealand Transport Agency	Parekawhia McLean (or nominee)
Ministry of Social Development	Te Rehia Papesch / Manujon Pemerika (alternate)
Ministry of Education	Vacant
Ministry of Business Innovation and Employment	Kathy Mansell
Tāngata whenua Members	
<i>(4 seats, noting 2 vacancies)</i>	
Maniapoto	Weo Maag
Raukawa	Vanessa Eparaima
Te Arawa River Iwi Trust	Eugene Berryman-Kamp
Waikato-Tainui	Rukumoana Schaafhausen

Matamata-Piako District Council is represented in the Eastern sub-region through Hauraki District Council Deputy Mayor Toby Adams.

Issues

The Waikato Plan website <https://waikatoplan.co.nz/> has further information about the plan. As from the inaugural meeting of the WPLC meeting on 15 October 2018, agendas and minutes for this committee will now be posted on the main Waikato Regional Council's website: <https://www.waikatoregion.govt.nz/>

The WPLC met on 15 October 2018 and 3 December 2018. A copy of the agendas has also been made available in the Big Tin Can (Councillor hub). Both sets of minutes are attached to this report.

Key points from the 15 October 2018 Committee Meeting:

- The resignation of Eric Souchon was noted
- Confirmation of members to the new Committee
- Bev Gatenby appointed as Co-Chair and Mayor Hanna as Deputy Co-Chair
- The Regional Housing Stocktake project plan was noted. This project is sponsored by Lale Ieremia on behalf of the Waikato Plan Leadership Group. The aim is that Local communities have sufficient, timely, appropriate and affordable housing located within well-structured, serviced and integrated settlements. The Committee have formed a working group and resolved that a project outline, including budget and funding strategy, and project responsibilities is developed and brought back to the next meeting.

Key points from the 3 December 2018 Leadership Meeting:

- Rukumoana Schaafhausen was appointed as Co-Chair and Weo Maag as Deputy Co-Chair (as recommended by the iwi representatives of the Committee).
- Kathy Mansell, was appointed for the Ministry for Business, Innovation and Employment (MBIE) as a new non-voting member on the Committee. MBIE is a strategic partner for the Waikato Plan with regards to economic leadership and development for the regions. Kathy Mansell is Deputy CE of Land Information NZ and acts as the Senior Regional Official for the Waikato region on the Provincial Growth Fund.
- An update from Waikato Regional Economic Development Agency (Waikato REDA) was given – refer attached minutes for discussion.
- An update of the progress of the Waikato Plan for 2017-18 was provided. In summary:

Implementation – Foundation Work (September 2017 – May 2018)

An implementation programme was approved by the WPLC in October 2017. This included a timeline to implement the projects and actions contained in the Waikato Plan with a particular focus on the first two years of implementation.

Since May 2018, the implementation programme was in abeyance whilst the independent review of the project was undertaken (refer under 'Background' heading).

However, a number of actions have been achieved in order to establish the framework for implementation. These include:

- Securing iwi representation on the WPLC
- Securing Ministry of Social Development representation on the WPLC
- Virtual health - facilitating
- Index of Multiple Deprivation – knowledge sharing
- Raising profile – networking
- Raising connectivity and collaboration

- Aligned Planning – resource consent project completed and in implementation phase through Waikato Local Authority Shared Services (LASS)
- A Central Government Engagement Strategy for the Waikato Plan.

The agenda contains more detail on these achievements.

Since May 2018 work has focused on implementing the Waikato Plan Review of Implementation Structure and Processes and also on the 2018 Priority Areas identified by the WPLC.

Waikato Plan Refresh update

Following the review of the Waikato Plan a programme was put in place to refresh the project.

The first phase of the implementation plan included a refresh of the terms of reference for the WPLC.

The second phase includes developing the necessary framework, structure and disciplines are placed around the project.

Phase three is centred on ensuring that project 'infrastructure' is established to ensure the ongoing durability of the Waikato Plan (project structure, budget, funding model etc.). Measures of success and an effectiveness framework will be developed to feed into an 'annual report' of Waikato Plan success in June 2019.

Phase four signals the conclusion of the transition phase and completes the reset of the project. The project re-set was anticipated to be complete by the end of 2018 so that the Waikato Plan begins 2019 afresh.

Progress of the 2018 Priority Projects

In June 2018, the Committee agreed to focus the following priority actions:

- The development of a regional housing stock profile
- Developing a project that looks at youth and employment
- Understanding better mental health across the region.

Housing project

The initial focus is to develop a regional housing stock profile to collect co-ordinated regional housing data to clearly represent current demand, supply and location of housing across the spectrum and then to create a regional platform for all parties to easily access current and accurate data.

This will result in a well-documented framework that identifies the gap between housing needs and supply in the short (0 to 3 years) medium (3-10 years) and the longer term (10 - 30 years) of different groups in the community in three broad areas social, affordable and market. Progress is being made to finalise a project plan around this.

Developing a project that looks at youth and employment

Youth education, training and employment is a priority action for the Waikato Plan. Councillor Toby Adams is sponsoring this priority action on behalf of the Committee. Councillor Adams is supported by a small implementation team.

One of the issues for organisations working in this space of youth education, training and employment is a lack of funding stability. Early scoping has identified:

- The role of the Waikato Plan for this priority action is to broker better outcomes by building on existing initiatives and supporting those organisations already doing excellent work.
- An opportunity for the Waikato Plan to support organisations such as Smart Waikato, to gain medium term funding stability (3 year).

The team met with Smart Waikato's Chief Executive, Mary Jenson, in October to start scoping the issues around youth and employment. Further work will be done with Mayor Baxter and Councillor Toby Adams to further scope the role of the Waikato Plan in supporting this issue.

Understanding better mental health across the region

The focus of the implementation team has been on implementing the report recommendations noted earlier in this report and the first two priority actions. However as these gather momentum, the implementation team will meet with the WPLC sponsor for this priority action, Pippa Mahood to start scoping what role the Waikato Plan can have in this space.

One of the main pieces of work that will help scope this work is report on the government's inquiry into mental health and addiction.

Waikato Region Cycle Trails Network Programme Business Case Endorsement

An Regional Cycling Programme Business Case was endorsed by the Regional Transport Committee in 2017 which provided the strategic case for investing in cycling across the region.

'Regional cycle trails' are a component of the wider Regional Cycling Programme and include the Hauraki Rail Trail, Timber Trail, Waikato River Trails, the Great Lakes Trail and Te Awa River Ride.

A regional programme business case (PBC) considering a fully realised Waikato regional cycle trails network (WRCTN) and what needs to be done in order to leverage the benefits of the trails locally and regionally is now complete and is being socialised to determine agreement to proceed.

The preferred "transformational" scenario in the PBC shows significant benefits of taking a regional approach including:

- Growing international and national visitors annually by an estimated 110,000+ over 10 years
- Creating up to 160 new jobs across the region by 2029
- Growing visitor daily spend from \$215 to \$330 per day and increases multiday stays
- Having a conservative Benefit-Cost Ratio of 1.5.

As individual members of the WRCTN, local authority consideration of the business case are now being sought. If there is unanimous agreement by WRCTN members to proceed, the members sign a memorandum of understanding to progress the transformational" scenario.

Further consultation is required to agree funding arrangements if the WRCTN members do support the PBC as in the long term, WRCTN members will probably need to contribute at least a portion of the investment cost. Depending on funding arrangements (including regional and central government contribution) the PBC indicates commitments could range between \$6,500-\$27,000 per annum, per member from Year 4 onward (*this assumes 14 members would make a cash contribution: 11 councils, Te Waka, and 3 Regional Tourism Offices, less the member providing in-kind support and excluding cycle trails*).

In the short term, there is a potential issue with timing. Councils have adopted their 2018–2028 Long Term Plans and may have limited ability to contribute funding WRCTN over the next 1–3 years. The proposed approach is to apply to the Provincial Growth Fund and regional funders for a significant proportion of the funding requirements through to 2020/2021 (approximately \$0.737 million in total). If successful, this will provide short-term funding and also an opportunity to engage with stakeholders about longer-term funding opportunities.

Financial Impact

i. Cost

The Waikato Plan Implementation budget agreed in 2017 identifies Council's contributions between 2017/18 and 2019/20 as follows:

2017/18 - \$35,873

2018/19 - \$31,200

2019/20 - \$19,800

Funding has been included in the draft 2019/20 Annual Plan budget to cover Council's contributions as per the Implementation budget above.

Attachments

- A. New Waikato Plan Committee Terms of Reference
- B. Waikato Plan Leadership Group Minutes - 15 October 2018
- C. Waikato Plan Leadership Committee Minutes - 3 Dec 2018

Signatories

Author(s)	Niall Baker Acting Senior Policy Planner	
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Approved by	Sandra Harris Acting Strategic Policy Manager	
	Don McLeod Chief Executive Officer	

Attachment 1: Waikato Plan Leadership Group – DRAFT Revised WRC Committee Terms of Reference Case

Waikato Plan Leadership Committee

Reporting to: Waikato Regional Council, and partner agencies

Constitution: The membership shall be comprised as follows:

- One voting member appointed by the Waikato Regional Council
- One voting member appointed by the Future Proof Group (Hamilton City Council, Waipa District Council, Waikato District Council)
- One voting member jointly appointed by Hauraki District Council, Matamata-Piako District Council and Thames Coromandel District Council.
- One voting member jointly appointed by Otorohanga District Council, South Waikato District Council, Taupo District Council, and Waitomo District Council
- One voting member appointed by Hamilton City Council
- Up to six voting members appointed by Tāngata whenua and confirmed as members by the Waikato Regional Council
- Up to four voting members being business and/or community representatives confirmed as members by the Waikato Regional Council
- One non-voting member being a representative of the Waikato District Health Board
- One non-voting member being a representative of the
 - New Zealand Transport Agency
 - Ministry of Social Development
 - Ministry of Education

Non-voting members being representatives of relevant Government Agencies as required.

The Leadership Committee will be co-chaired by one iwi representative and any other voting member of the Leadership Group. Both Chair Roles will have deputies appointed. ⁵

⁵ (Note: the Waikato Plan Leadership Group will be guided in its selection of the Iwi Chair roles by Iwi representatives)

The Co-Chairpersons and Deputy Chairpersons will be selected from the members of the Leadership Committee and appointed by the voting members of the Group at its first meeting after each local government election. The term of appointment for the Chairpersons and Deputy Chairpersons will be until the next local government election.

A vacancy in membership of the Leadership Committee shall not limit its ability to meet and fulfil its purpose.

Quorum: The quorum will be half of the appointed voting members of the Leadership Committee.

Any vacancy in an appointed voting member position will result in the quorum being reduced accordingly.

Meeting Frequency Bi monthly or as necessary and determined by the Co-Chairs of the Leadership Committee

Objectives: The Leadership Committee has been established to facilitate and encourage the implementation of the Waikato Plan and undertake any reviews or updates to the Plan.

The Leadership Committee will function as a clearinghouse, facilitator and influencer, encouraging the allocation of resources to achieve agreed regional priorities. It will also act as the facilitator of the Waikato message, building the authority and influence the Waikato has by encouraging the many legitimate voices in the region to say the same thing and advocate for the same outcomes for the region.

As a Committee of Waikato Regional Council, the Leadership Committee is not able to make decisions on behalf of other local authorities

SCOPE OF ACTIVITY

1. Implementation, Monitoring and Reporting

- Provide regional leadership on the strategic direction and priorities identified in the Waikato Plan.
- Oversee, facilitate and encourage the implementation of the Waikato Plan, in particular the actions.
- Develop and recommend to Council partners any finalised changes or amendments to the Waikato Plan for adoption.
- Oversee the development of business cases targeting the implementation of Waikato Plan actions.
- Act as a clearinghouse and reporting forum for implementation actions, ensuring that partners understand what each other is doing and can identify opportunities for effective collaboration.
- Champion the integration of partner strategies, programmes, and plans and encourage partnerships with other sectors such as health, education and business.
- Encourage consistent, collaborative and/or coordinated activity designed to implement the Waikato Plan actions and to achieve optimal outcomes.
 - Monitor and regularly report progress against Waikato Plan actions and Key Performance Indicators to partner organisations and the public.
 - Encourage partners and other organisations to allocate the resources necessary to implement the Waikato Plan actions.

2. Advocacy, Engagement and Consultation

- Facilitate and encourage the many legitimate voices in the Waikato to say the same thing when advocating for the Waikato and agreed Waikato Plan priorities.
- Develop and recommend to partners draft submissions to decision makers and advocacy plans designed to support the implementation of the Waikato Plan.
- Formulate, manage and have oversight of the running of any special consultative procedure or any other consultation, including those associated with any changes or amendments to the plan.
- Undertake early engagement with plan partners, the Waikato Mayoral Forum and other entities in respect of undertaking any changes or amendments to the adopted plan.
- Prepare and consult with partner agencies each year on a draft workplan.
- Report to partner agencies annually on progress with implementing the Waikato Plan and the annual work programme.

3. Leadership Group Operations

- Oversee the ongoing selection and appointment of representatives to the Waikato Plan Leadership Group.
- Implement any Memorandum of Understanding agreed between the partners.

DELEGATIONS

1. To oversee the implementation, monitoring and review of the Waikato Plan
2. To report back to Council and partner agencies on Waikato Plan implementation

ADMINISTRATION

The Waikato Regional Council will provide administration and support for the Leadership Group.

RESOURCING

The members of the Leadership Group will each bear their own costs of participation and those members whose participation is not part of their other governance or employment arrangements may receive appropriate remuneration from the Waikato Regional Council.

COMMUNICATION

Communication with the media and the wider public will be in accordance with an agreed communications protocol to be approved from time to time by the Leadership Committee.

REVIEW

A review of the Leadership Committee and its Terms of Reference will be undertaken at the beginning of each electoral term as part of the development of the Waikato Triennial.



Waikato Plan Leadership Committee OPEN MINUTES

Minutes of a meeting of the Inaugural Waikato Plan Leadership Committee held on 15 October 2018 at 1.00pm in the Waikato Regional Council Chambers, 401 Grey Street, Hamilton East.

	Present
Chair	B Gatenby (from Item 7)
Deputy Chairperson	Mayor B Hanna
Waikato Regional Council	Chair A Livingston
Future Proof Sub-region	Mayor A Sanson
Southern Sub-region	Mayor B Hanna (until 3.00pm)
Business/ Community Members	L Ieremia (from 1.55pm)
Waikato-Tainui	R Schaafhausen (until 3.00pm)
Raukawa	V Eparaima (until 2.45pm)
Te Arawa	E Berryman-Kamp
Waikato District Health Board	P Mahood
New Zealand Transport Agency	P McLean
Ministry of Social Development	M Pemerika
In Attendance	
Waikato Regional Council	Cr B Quayle – Councillor
	V Payne – Chief Executive
	T May – Director, Science and Strategy
	G Dawson – Democracy Advisor

Doc # 13228146

Minutes of Waikato Plan Leadership Committee 15 October 2018

SECTION A: COMMITTEE HAS DELEGATED AUTHORITY TO MAKE DECISION

Welcome

(Agenda Item 1)

The Mayor of the Waitomo District Council (B Hanna) opened the meeting and welcomed everyone present. The Chief Executive of Waikato Regional Council (V Payne) followed with a mihi and karakia.

Apologies

(Agenda Item 2)

The resignation of Eric Souchon was noted and the Committee thanked him for his work and time spent on the former Waikato Plan Leadership Group Joint Committee.

Mayor Hanna moved/Cr Livingston seconded

WPLC18/01

RESOLVED

THAT the apologies from Lale Ieremia for lateness, and Mayor Andrew King, Councillor Toby Adams, Dallas Fisher, Te Rehia Papesch, and Weo Maag for absence, be accepted.

The motion was put and carried (WPLC18/01)

Confirmation of Agenda

(Agenda Item 3)

Cr Livingston moved/Mayor Hanna seconded

WPLC18/02

RESOLVED

THAT the agenda of the meeting of the Waikato Plan Leadership Committee of 15 October 2018, as circulated, be confirmed as the business for the meeting.

The motion was put and carried (WPLC18/02)

Disclosures of Interest

(Agenda Item 4)

There were no disclosures of interest.

Inaugural Meeting Report and Procedures

(Agenda Item 6) Doc #13146232

This report was presented by the Director of Science and Strategy (T May). The Committee was provided with information on the procedures that needed to be completed, as it was the inaugural meeting of the Waikato Plan Leadership Committee.

Minutes of Waikato Plan Leadership Committee 15 October 2018

The Mayor of the Waitomo District Council (B Hanna) called for nominations for a temporary Chair of the Waikato Plan Leadership Committee to conduct the election of members and officers of the Committee.

Cr Livingston nominated Mayor Hanna as temporary Chair. The nomination was seconded by B Gatenby.

In the absence of any other nominations, Mayor Hanna was declared as the temporary Chair of the Committee.

Cr Livingston moved/B Gatenby seconded

WPLC18/03

RESOLVED

THAT Mayor Brian Hanna be appointed as temporary Chair of the Waikato Plan Leadership Committee.

The motion was put and carried (WPLC18/03)

The temporary Chair of the Committee asked for the membership of the Waikato Plan Leadership Committee to be confirmed, as listed in the Terms of Reference, with reference to the related resolution of the final meeting of the former Waikato Plan Leadership Group Joint Committee.

V Eparaima moved/Cr Livingston seconded

WPLC18/04

RESOLVED

THAT the following individuals are confirmed as members of the Waikato Plan Leadership Committee:

- Chair Alan Livingston Waikato Regional Council
- Mayor Allan Sanson - Future Proof Group (Hamilton City Council, Waipa District Council, Waikato District Council)
- Cr Toby Adams - Hauraki District Council, Matamata-Piako District Council, Thames Coromandel District Council
- Mayor Brian Hanna - Otorohanga District Council, South Waikato District Council, Taupo District Council, and Waitomo District Council
- Mayor Andrew King - Hamilton City Council
- Rukumoana Schaafhausen, Weo Maag, Vanessa Eparaima, Eugene Berryman-Kamp – (4 of the 6 seats) Tāngata whenua
- Bev Gatenby, Dallas Fisher, Lale Ieremia – Business and/or community representatives, (3 of the 4 seats, noting 1 vacancy)
- Pippa Mahood - Waikato District Health Board
- Parekawhia McLean- New Zealand Transport Agency
- Te Rehia Papesch - Ministry of Social Development.

The motion was put and carried (WPLC18/04)

The Director Science and Strategy took the Committee through the provisions of Standing Orders as they relate to the appointment of Committee Chairs. It was noted that in accordance with Standing Orders 5.2 Voting system for Chairpersons

Minutes of Waikato Plan Leadership Committee 15 October 2018

and Committee Chairs of the Standing Orders the Committee needed to resolve to use either System A or System B for the appointment of the Co-chair elected by the Committee.

The Committee resolved to use System B to elect the Committee appointed Co-Chair.

Mayor Sanson moved/Mayor Hanna seconded

WPLC18/04A

RESOLVED

THAT in accordance with Clause 5.2 of Standing Orders System B be used to elect the Committee appointed Co-Chair of the Waikato Plan Leadership Committee.

The motion was put and carried (WPLC18/04A)

The temporary Chair of the Committee called for nominations for two Co-Chairs of the Committee, to be appointed according to the Terms of Reference of the Committee. It was noted that Iwi had not come to a decision on which member they would appoint and the matter would be deferred to the next meeting.

Cr Livingston nominated B Gatenby as Co-Chair. The nomination was seconded by Mayor Sanson.

In the absence of any other nominations, the temporary Chair declared B Gatenby as one of the two Co-Chairs.

Cr Livingston moved/Mayor Sanson seconded

WPLC18/05

RESOLVED

THAT Bev Gatenby be appointed as Co-Chair of the Waikato Plan Leadership Committee.

The motion was put and carried (WPLC18/05)

The temporary Chair of the Committee called for nominations for two Deputy Co-Chairs of the Committee, to be appointed according to the Terms of Reference of the Committee. It was noted that Iwi had not come to a decision on which member they would appoint and the matter would be deferred to the next meeting.

Mayor Sanson nominated Mayor Hanna as Deputy Co-Chair. The nomination was seconded by B Gatenby.

In the absence of any other nominations, the motion was put and Mayor Hanna was declared as the Deputy Co-Chair.

Minutes of Waikato Plan Leadership Committee 15 October 2018

Mayor Sanson moved/B Gatenby seconded

WPLC18/06

RESOLVED

THAT Mayor Brian Hanna be appointed as one of the two Deputy Co-Chairs of the Waikato Plan Leadership Committee.

The motion was put and carried (WPLC18/06)

Cr Livingston moved/B Gatenby seconded

WPLC18/07

RESOLVED

THAT the report 'Inaugural meeting on the Waikato Plan Leadership Committee' (Doc # 13146232 dated 03 October 2018) be received.

The motion was put and carried (WPLC18/07)

Following the election of the Co-Chair B Gatenby, the temporary Chair Mayor Hanna vacated the Chair. B Gatenby assumed the Chair.

Te Waka - Waikato Region Economic Development Agency

(Agenda Item 7) Doc #13153974

This report was presented by Mr H Brooks and Mr M Basset-Foss. The report provided an update on the activities of the Waikato Regional Economic Development Agency.

The following matters were raised:

- Approaches to effective regional development were discussed. It was noted that there was a need to work with all stakeholders from within and outside the Waikato region.
- The positive outcomes from the Waikato Economic Summit were discussed. It was noted that the event was well attended and a number of priorities and potential projects were discussed, along with potential approaches to meet the priorities and projects.
- It was noted that any priorities and projects would be worked on in a timely and measured way to ensure that the projects being worked are provided with adequate resources to be a success.

L Jeremiah entered the meeting at 1.55pm.

- It was noted that the Agency has an economic development focus, with public policy considerations integrated into economic development plans through its integrated partnerships.

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B Gatenby moved/Cr Livingston seconded

WPLC18/08

RESOLVED

THAT the 'Te Waka: Anga Whakamua Waikato (Waikato Moving Forward) - Waikato Regional Economic Development Agency update'(Doc # 13153974 dated 03 October 2018) be received.

The motion was put and carried (WPLC18/08)

Waikato Plan Refresh Update

(Agenda Item 8) Doc #1356252

This report was presented the Director of Science and Strategy (T May) with support from the Waikato Plan Transition Manager (J Bromley). The report was updated on the activities and progress to date.

The following matters were raised:

- The role of the Committee as a clearing house and information sharing forum, along with the terms of reference of the Committee was discussed. It was noted that the new structure provided clarity around the role of the Committee and it provided an opportunity to advance the Plan in a meaningful way.
- It was noted that work was beginning to frame up a project to support the Committee priority of youth development, with a focus on providing opportunities for the Waikato region to develop the capacity and competency of young people through a range of networks.
- It was noted that the Plan could advance further through relationships and activities with philanthropic organisations and the work was ongoing in that area.
- It was noted that there is a need for the Committee to demonstrate value for money and demonstrate meaningful performance outcomes and outputs.

E Berryman-Kamp moved/Mayor Sanson seconded

WPLC18/09

RESOLVED

THAT the report 'Waikato Plan Project Refresh Update' (Doc # 13156252 dated 03 October 2018) be received.

The motion was put and carried (WPLC18/09)

Housing Priority Update

(Agenda Item 9) Doc #13155491

This verbal report was presented by the Community and Business Representative (L Ieremia). The report updated the Committee on the Regional Housing Stocktake.

The following matters were discussed:

- The need to develop low cost building solutions through the supply of local labour and supplies was discussed, along with other local and national level responses to the ongoing policy issue.

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- Ensuring that this project links to initiatives already in progress, such as the healthy homes project.
- It was noted that appropriately located and healthy housing were important factors in the development of a strong and vibrant Waikato region.
- The various roles and dynamics in relation to development and provision of housing by the public and private sector was discussed. It was noted that there was a need to be more holistic in the design, planning, and building of future housing developments.

V Eparaima left the meeting at 2.45pm.

- The need for a common vision by all stakeholders from around the Waikato region on housing was discussed.
- It was noted how the data collection component of the project will provide a more accurate assessment of what has happened within the housing sector in the Waikato region.
- The important role that the private sector had in the development of the Waikato region was noted, along with need for greater levels of collaboration between all levels of government and the private sector.

Cr Livingston moved/E Berryman-Kamp seconded

WPLC18/10

RESOLVED

1. **THAT the report 'Regional Housing Initiative' (Doc # 13155491 dated 09 October 2018) be received.**
2. **THAT the Regional Housing Initiative Project Plan attached as Appendix 1 be noted.**
3. **THAT the Committee note that the project technical group will meet on the 25th of October, and ask that at this meeting the following is considered:**
 - a) **That a regional strategic governance group is part of the project**
 - b) **That strong connectedness of the project is maintained with the priority setting programme of Te Waka**
 - c) **That the role and responsibilities, including staff time and duration, in respect of the Waikato DHB involvement are clarified**
 - d) **That a project outline, including budget and funding strategy, and project responsibilities is developed and brought back to the next meeting of this Committee.**

The motion was put and carried (WPLC18/10)

Hamilton to Auckland Corridor Plan Update

(Agenda Item 10) Doc #13153880

This report was presented by the Executive Director, Special Projects, Hamilton City Council (B Bowcott). The report updated the Committee on the Hamilton to Auckland Corridor Plan.

The following matters were discussed:

Minutes of Waikato Plan Leadership Committee 15 October 2018

- The size and scope of the corridor was described and discussed.
- It was noted that an innovative, inclusive, and integrated approach was needed, in order for the corridor to be developed successfully for current and future generations.

Mayor Hanna and R Schaafhausen left the meeting at 3pm.

- It was noted that the corridor is part of a wider national urban growth agenda that has progressed through the Cabinet, and the need for an enduring and sustainable approach was needed.
- It was noted that there was a need for both the Auckland and Waikato regions to work together in genuine partnership, to achieve more strategic and lasting outcomes throughout the corridor.

It was noted that quorum was lost and the resolution to receive the report could not be passed and would be deferred to the next meeting. Also in order to have a comprehensive conversation in regard to item number 11, 'National Waterscape Report', this matter will also be referred to the next Committee.

Meeting closed with a karakia at 3.25pm.

Doc #13228146

Item 10.9

Attachment B



**Waikato Plan Leadership Committee
OPEN MINUTES**

Minutes of a meeting of the Waikato Plan Leadership Committee held on 3 December 2018 at 1.00pm in the Waikato Regional Council Chambers, 401 Grey Street, Hamilton East.

	Present
Chair	B Gatenby
Deputy Chairperson	Mayor B Hanna
Future Proof Sub-region	Mayor A Sanson
Southern Sub-region	Mayor B Hanna
Business/ Community Members	L Ieremia
	D Fisher
Waikato-Tainui	R Schaafhausen
Te Arawa	E Berryman-Kamp
Waikato District Health Board	P Mahood
New Zealand Transport Agency	P McLean
Ministry of Social Development	M Pemerika
In Attendance	
Waikato Regional Council	V Payne – Chief Executive
	J Bromley – Waikato Plan Transition Manager
	G Dawson – Democracy Advisor

Doc # 13454661

Minutes of Waikato Plan Leadership Committee 3 December 2018

SECTION A: COMMITTEE HAS DELEGATED AUTHORITY TO MAKE DECISION

Welcome and Opening Karakia

(Agenda Item 1)

The Co-Chair (B Gatenby) welcomed everyone present and the Chief Executive of the Waikato Regional Council (V Payne) opened the meeting with a karakia.

Apologies

(Agenda Item 2)

E Berryman-Kamp moved/W Maag seconded.

WPLC18/11

RESOLVED

THAT the apologies from Councillor Alan Livingston, Mayor Andrew King, Vanessa Eparaima, Kathy Mansell for absence, and Ruku Schaafhausen for lateness, be accepted.

The motion was put and carried (WPLC18/11)

Confirmation of Agenda

(Agenda Item 3)

B Gatenby moved/E Berryman-Kamp seconded.

WPLC18/12

RESOLVED

THAT the agenda of the meeting of the Waikato Plan Leadership Committee of 3 December 2018, as circulated, be confirmed as the business for the meeting.

The motion was put and carried (WPLC18/12)

Disclosures of Interest

(Agenda Item 4)

There were no disclosures of interest.

Confirmation of Minutes from the Previous Meeting of the Committee

(Agenda Item 5) Doc #13228146

There were no amendments recommended and the minutes were taken as a true and accurate record.

It was suggested and agreed that it would be helpful for all stakeholders to be able to see the other officials and attendees that attended the meeting. It was agreed that attendees would be included on the front page of the next set of minutes.

Minutes of Waikato Plan Leadership Committee 3 December 2018

Mayor B Hanna moved/ E Berryman-Kamp seconded.

WPLC18/13

RESOLVED

THAT the minutes from the 15 October 2018 meeting of the Waikato Plan Leadership Committee be received, and accepted as a true and accurate record.

The motion was put and carried (WPLC18/13)

It was noted that at the last meeting of the Committee, quorum was lost in last part and the Committee was unable to receive a report that had been presented. It was agreed that the report be received now that the Committee had reconvened and had quorum. The motion was put and carried.

L Ieremia moved/E Berryman-Kamp seconded.

WPLC18/14

RESOLVED

THAT the update on the 'Hamilton to Auckland Corridor Plan update' (Doc # 13153880 dated 03 October 2018) be received.

The motion was put and carried (WPLC18/14)

With consent of the meeting, the agenda was amended to allow for the late arrival of R Schaafhausen.

Appointment of Ministry for Business, Innovation, and Employment Non-Voting Member

(Agenda Item 7) Doc #13421484

This report was presented by the Waikato Plan Transition Manager (J Bromley). The report advised the Committee of the appointment process for members, and the various roles of voting and non-voting members, in relation to the Terms of Reference for the Committee. The appointment process was undertaken by the Committee.

The following matters were raised:

- The role of the Ministry for Business, Innovation, and Employment at all levels of government was described and discussed.
- The opportunities for collaboration between all central and local government agencies was discussed.

Minutes of Waikato Plan Leadership Committee 3 December 2018

W Maag moved/ D Fisher seconded.

WPLC18/15

RESOLVED

1. THAT the report 'New non-voting member of the Waikato Plan Leadership Committee (Doc # 13421484 dated 22 November 2018) be received.
2. THAT the Ministry for Business, Innovation and Employment be a non-voting member of the Waikato Plan Leadership Committee.
3. THAT Kathy Mansell from the Ministry for Business, Innovation and Employment be confirmed as the member representative on the Waikato Plan Leadership Committee.

The motion was put and carried (WPLC18/15)

Overview and Progress of the Waikato Plan 2017- 2018

(Agenda Item 8) Doc #13420568

This report was presented by the Waikato Plan Transition Manager (J Bromley). The report updated the Committee on the milestones that had been achieved to date.

The following matters were raised:

- It was noted that the Plan had worked towards the progression of positive outcomes for the Waikato region, and that the future work programme will build on previous achievements. Projects noted included the anti-meth programme and the Waipa Heritage Trail project.

R Schaafhausen joined the meeting at 1.15pm.

- It was noted that the Virtual Health project is ongoing and would be developed further by the Waikato District Health Board.

Mayor B Hanna moved/ E Berryman-Kamp seconded.

WPLC18/16

RESOLVED

THAT the report "An Overview and Update of the Progress of the Waikato Plan for 2017-2018 (Doc #13420568 dated 22 November 2018) be received.

The motion was put and carried (WPLC18/16)

Appointment of Co-Chair and Deputy Co-Chair from Iwi

(Agenda Item 6) Doc #13421585

This report was presented by the Waikato Plan Transition Manager (J Bromley). The report advised the Committee of the appointment process for Iwi members, and the various roles of voting and non-voting members, in relation to the Terms of Reference for the Committee. The appointment process was undertaken by the Committee.

Minutes of Waikato Plan Leadership Committee 3 December 2018

The following matters were raised:

- It was noted that Iwi play an important part in the effective implementation of the plan.
- The appointed members were introduced and a vote for each vacant position taken.

The Committee moved to receive the report.

R Schaafhausen moved/Mayor B Hanna seconded.

WPLC18/17

RESOLVED

THAT the report 'Appointment of Co-Chair and Deputy Co-Chair from Iwi' (Doc # 13421585 dated 22 November 2018) be received.

The motion was put and carried (WPLC18/17)

Eugene Berryman-Kamp nominated Rukumoana Schaafhausen as Iwi Co-Chair for the Committee. Weo Maag seconded the nomination.

E Berryman-Kamp moved/W Maag seconded.

WPLC18/18

RESOLVED

THAT Rukumoana Schaafhausen be confirmed as the Co-Chair of the Waikato Plan Leadership Committee.

The motion was put and carried (WPLC18/18)

R Schaafhausen nominated Weo Maag as Iwi Deputy Co-Chair. Eugene Berryman-Kamp seconded the nomination.

R Schaafhausen moved/E Berryman-Kamp seconded.

WPLC18/19

RESOLVED

THAT Weo Maag be confirmed as the Deputy Co-Chair of the Waikato Plan Leadership Committee.

The motion was put and carried (WPLC18/19)

The new appointees were congratulated by the Committee.

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Waikato Plan Project Refresh Update

(Agenda Item 9) Doc #13419430

This report was presented by the Waikato Plan Transition Manager (J Bromley). The report updated the Committee on the progress to date on refresh of the Waikato Plan since the previous meeting of the Committee.

The following matters were raised:

- The reforms to the governance structure of the Plan to date was described and discussed.
- It was noted that the terms of reference and assessment framework for the Committee and other decision making entities such as the Chief Executives Advisory Group, were in the process of being developed and the matter was ongoing.
- The political, financial and social opportunities and challenges of the implementation of the Plan was described and discussed. It was noted that there is wide support across the Waikato region and the need to collaborate in a meaningful way was emphasised.
- It was noted that a communications plan which will highlight the progress to date, key milestones, and successful outcomes was being developed. The need to tell a positive story of the Plan was emphasised along with the need to demonstrate value for money and genuine public good.
- The work between Central Government and Local Government was discussed. It was noted that Central Government is aware of the Plan and is it has indicated that it is willing to journey and collaborate, where appropriate, with the Waikato region in its implementation.

W Maag moved/Mayor B Hanna seconded.

WPLC18/20

RESOLVED

That the report 'Waikato Plan Project Refresh Update' (Doc # 13419430 dated 22 November 2018) be received.

The motion was put and carried (WPLC18/20)

Progress of the 2018 Priority Projects

(Agenda Item 10) Doc #13421456

This report was presented by the Waikato Plan Transition Manager (J Bromley). The report updated the Committee on the progress to date of the priority projects for 2018.

The following matters were raised:

- The Housing Stocktake Project was discussed. It was noted that the project had progressed well, with a range of positive outcomes achieved to date. The ongoing collaboration and sharing data was highlighted, along with the genuine cross sector and party support that the project has received to date through consultation rounds and other activities.

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- The Youth Development Project was discussed. It was noted that the aim of the Project is connect agencies, groups, and communities working in the sector, which would enable the Sector to achieve greater outcomes for young people in the Waikato region as it progressed.
- The Mental Health Project was discussed. It was noted that the Project is still in an early predatory stages pending the recommendations and finding from the Ministers review of the mental health sector.
- It was noted that the Waikato District Health Board have submitted a proposal to the Ministry of Health on the subject, and that it presented the Committee with opportunities for involvement.
- It was noted that a visual diagram that demonstrated how the three mentioned projects, and the other aspect of the Plan, were connected and fit together.
- The issue of the high rates of drug use and the negative impact that it has on the Waikato region was discussed. It was noted that the Committee may make a statement on the matter in the future, pending further information and advice from District Health Board officials in February 2019.

B Gatenby moved/E Berryman-Kamp seconded.

WPLC18/21

RESOLVED

THAT the report 'Progress of the 2018 Priority Projects' (Doc # 13421456 dated 22 November 2018) be received.

The motion was put and carried (WPLC18/21)

Te Waka Update

(Agenda Item 11) Doc #13421456

The presentation updated the Committee on the activities and progress to date of Te Waka.

The following matters were raised:

- It was noted that the role of Te Waka was to provide advice to all sectors and stakeholders and to connect them, to enable a connected, collaborative, and strategic approach to the development and implementation of development plans.
- It was noted that Te Waka played an important facilitator role in the regional development and need to work in partnership and collaboration.
- It was noted that agency had progressed well to date and achieved a number of successes with stakeholders, with plans such as the South Waikato Sub-region development plan and the Maori Business Action Plan being discussed as examples of the positive outcomes to date.
- The Provincial Growth Fund was discussed. It was noted that there is a need to focus on large projects or pull together a number of small project to create large collaborative projects. Along with the need to carefully examine the criteria for successful projects.

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Cr T Adams moved/ R Schaafhausen seconded.

WPLC18/22

RESOLVED

THAT the 'Te Waka: Anga Whakamua Waikato (Waikato Moving Forward) - Waikato Regional Economic Development Agency update'(Doc # 13436830 dated 22 November 2018) be received.

The motion was put and carried (WPLC18/22)

Cycleways

(Agenda Item 12) Doc #13437296

This report was introduced by the Waikato Plan Transition Manager (J Bromley), and presented by the staff from Te Waka as noted above in Agenda Item 11. The report updated and informed the Committee on the cycleway network project and sought the support for the project from Committee.

The following matters were raised:

- It was noted that expanding and further developing the existing network would have positive outcomes for the Waikato region, and that the existing network has high usage rates to date, that provide a strong indicator that the expansion of the network would be a good investment for the region.

R Schaafhausen left the meeting at 2.50pm.

- It was noted that it important to tell the story of the experiences that the cycleway and to communicate and/or promote the stories in a strategic and meaningful manner.
- The need to secure sustainable and durable funding and resourcing was discussed. It was noted that there was need to ensure that visitors to the region had attractions or reasons to stay for longer periods of time.
- It was noted that the Cycleways Project integrated into the current transport plans and policies of Central and Local Government.
- It was noted that the there is a high level of collaboration between interested parties and stakeholders on the current cycleway network

D Fisher moved/Mayor B Hanna seconded.

WPLC18/20

RESOLVED

1. **THAT the report "Waikato Region Cycle Trails Network Programme Business Case Endorsement" (Doc # 13437296 dated 22 November 2018) be received.**
2. **THAT Waikato Plan Leadership Committee support the concept of the Waikato Region Cycle Trails Network.**
3. **THAT the Committee note that the local government partners will be asked to individually endorse this project.**

The motion was put and carried (WPLC18/20)

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Meeting closed at 3.05pm.

Doc #13454661

Doc # 13454661

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Matamata-Piako District Plan

Proposed Private Plan Change 51 – Development Concept Plan for Milk Processing Site, Waharoa (Open Country Dairy Ltd)

Section 42A Report on: Section 32AA further evaluation, recommendation on submissions and proposed Plan Change

16 January 2019

Ref: 160119

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Appendices:-

Appendix A

Summary of submissions and further submissions.

Appendix B

Recommended changes to DCP (track changes), and other consequential changes to the District Plan proposed as a consequence of the plan change.

1. Purpose of the report

This report has been prepared by consultant planner Marius Rademeyer assisted by Matamata-Piako District Council (“**MPDC**”) planning staff. The report concerns Private Plan Change 51 (“**Plan Change**”) to the Operative Matamata-Piako District Plan (“**District Plan**”).

The Plan Change has been lodged by DCS Planning Consultants (“**DCS**”) on behalf of Open Country Dairy Ltd (“**OCD**”) and relates to OCD’s dairy processing site in the Waharoa industrial area.

The Plan Change seeks to establish a customised Development Concept Plan (“**DCP**”) for the site to provide more regulatory certainty for future development while ensuring that appropriate controls are in place to avoid, remedy or mitigate adverse effects.

The Plan Change process commenced in 2016 when MPDC planners held discussions with OCD regarding a suitable framework that would provide for the integrated resource management for the site. At this stage MPDC planners first mooted the concept of a site-specific DCP as a mechanism to regulate the future development of the site.

The discussions culminated in OCD appointing DCS to draft a proposed DCP for the site and to prepare a private Plan Change request to seek that the DCP be incorporated into the District Plan.

During September 2016, OCD submitted a first draft of the proposed DCP and Plan Change request for review by MPDC planners. Subsequently, OCD’s consultant worked collaboratively with MPDC planners to refine the draft.

Following further reiterative refinements of the draft, the final Plan Change request was lodged on 8 August 2017 for the decision of the Matamata-Piako District Council (“**Council**”).

Council considered the matter at its meeting held on 23 August 2017 and resolved to accept the Plan Change request (“**Request**”) as a private Plan Change in accordance with clause 25(2)(b) of Part 2 of Schedule 1 of the Resource Management Act 1991 (“**RMA**”).

The Plan Change was subsequently notified for submissions and further submissions. Following closure of submissions, OCD consulted with submitters. The parties have reached agreement whereby all matters in dispute can be resolved through amendments to the Plan Change as set out in this report. As a result, no parties want to be heard in relation to the Plan Change. Therefore, the Council is not required to hold a hearing.

The next step in the process is for Council to make its decisions on the submissions and to determine the outcome of the Plan Change.

This report has been prepared in accordance with section 42A RMA to assist Council in making its decisions. As such, the report will summarise the Plan Change, the matters to be considered by Council, the section 32 analysis undertaken and the submissions received. In addition, the report will make recommendations on the submissions, recommend changes to the Plan Change, undertake a further evaluation of these changes under section 32AA RMA and consider the merits of the Plan Change within the RMA’s statutory framework.

Under clause 29(4) of the First Schedule to the RMA, Council has the authority to decline, or approve, or to make modifications to the Plan Change.

Upon considering the matters and having regard to a further evaluation, staff's recommendation as set out in this report is that Council accepts the Plan Change subject to amendments aimed at improving clarity of the DCP provisions. The modifications relate predominantly to amendments to the DCP's activity status classification, performance standards, and the matters of control, and discretion.

The recommended modifications, if accepted by Council, will resolve the matters raised by submitters, in full.

2. Overview

OCD, established in 2001 and currently the second largest global exporter of premium whole milk powders, is a privately owned dairy company with processing plants in Waharoa (Waikato), Wanganui (Manawatu) and Awarua (Southland).

The Waharoa site located in the Industrial Area off Factory Road has been processing milk and whey powders, cheese and other specialist dairy products under OCD's ownership since 2004. Over time, OCD has expanded its Waharoa land holdings to comprise approximately 14 ha of land located partly in the Industrial and partly in the Rural Zones (see Figure 1).

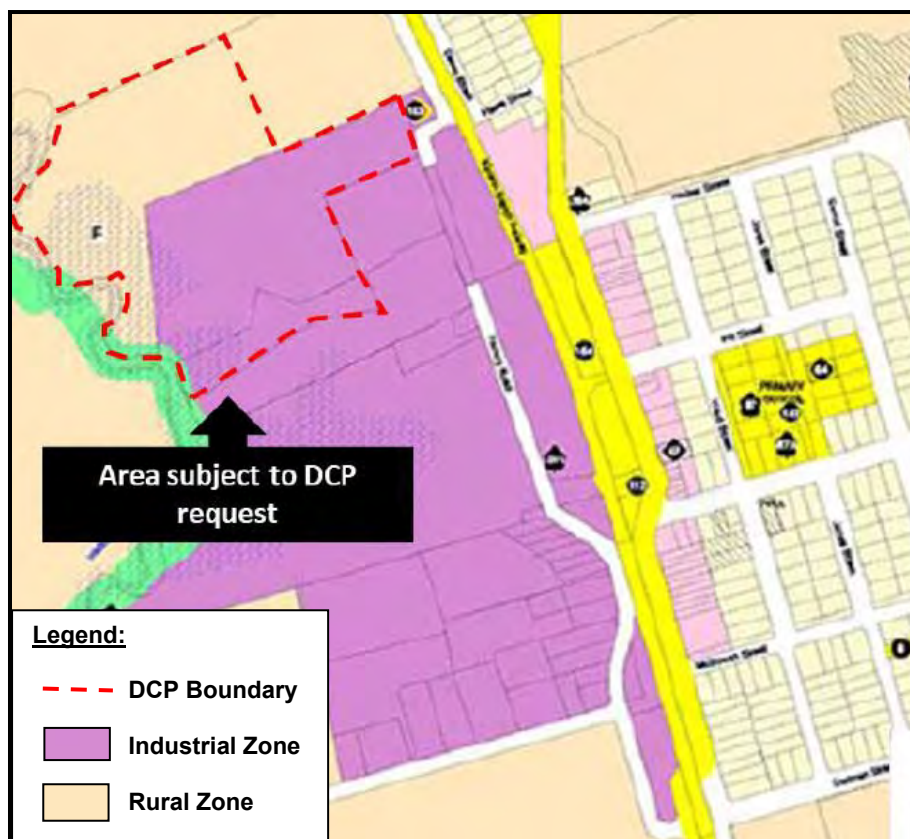


Figure 1: Location Plan

Under the District Plan, milk processing is not a Permitted Activity in the Industrial and Rural zones. Therefore, the existing facility operates under a suite of land-use consents granted by MPDC over the years as the plant expanded.

To date OCD has invested some \$250 million in developing a modern milk processing plant on the site. Currently the plant processes approximately 475 million litres of milk per year and employs more than 100 staff and contractors. OCD plans to more-than-double its current capacity over time to ultimately process up to 1.25 billion litres of milk per year. The planned expansion will require a further \$100 million investment and will provide employment for an additional 50 staff.

For OCD, the current regulatory regime, whereby new resource consents are required for every stage of the site's development, does not provide sufficient confidence to justify the multi-million dollar investment and long-term commitment to staff and local milk suppliers that will be required to expand the site to its full potential.

From MPDC's perspective, the current regulatory regime also has short-comings in that the piecemeal assessment of consecutive development stages at the site is inefficient and prevents an integrated, holistic, evaluation of the long-term consequences.

The DCP approach proposed by OCD is consistent with the way in which the District Plan currently manages most of the District's large processing sites including the Waitoa, Morrinsville, and Tātuanui dairy processing plants, the Inghams poultry processing site, and the Wallace and Greenlea meat processing sites.

To provide more regulatory certainty and efficiency for the future development of the site, OCD has applied for a private Plan Change. The Plan Change seeks to overlay the site's current zoning with a customised DCP. Under the proposed DCP, expansion of the site will be subject to site-specific development controls that reflect the actual activities and the management of their effects, rather than to rely on the more generic underlying zoning controls and the resource consents process.

3. Plan Change proposal

OCD's Request seeks to establish a site-specific DCP for its Waharoa dairy processing site, within the District Plan.

The proposed DCP:

- Provides for a staged increase in milk production from the current 475 million litres per year up to 750 million litres as a Permitted Activity, up to 1 billion litres per year as a Controlled Activity, to an eventual maximum of 1.25 billion litres as a Restricted-Discretionary Activity;
- Enables consequential expansion/development of the existing facilities on the site by providing for future development areas (i.e. the areas where buildings, infrastructure, access and parking are envisaged);
- Rationalises site access;
- Sets building height control limits;
- Sets noise emission control boundaries (i.e. the boundaries subject to higher noise limits) that reflect current and future predicted noise emissions;

- Provides clarity and certainty on the relevant performance standards, matters of control, and discretion; and
- Aligns the updated DCP with the existing resource consent conditions.

The Plan Change, once operative, will enable the site to be managed through a single, comprehensive planning instrument (“one-stop shop”) without having to reference separate sections of the District Plan and previous consent conditions.

The site specific DCP proposed by the Plan Change (see **Appendix B**)¹ comprises seven sheets as follows:

- **Sheet 1** (see Figure 2) shows the boundaries of the DCP, proposed development areas and associated height limits (Areas A – C), areas reserved for parking and water/wastewater treatment, building setbacks, and vehicle entrances.

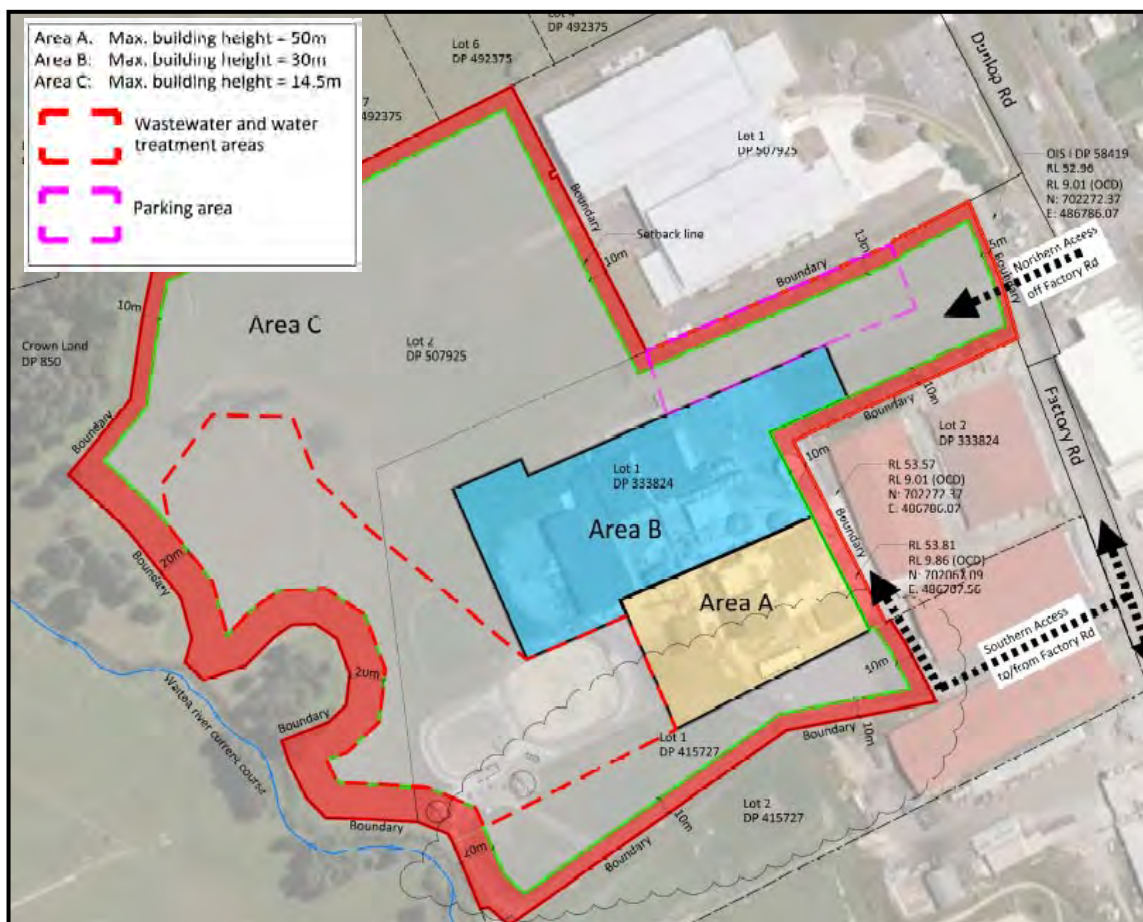


Figure 2: DCP – Sheet 1

- **Sheet 2** contains the activity schedule and describes the activities that are permitted without resource consent, and the status (Controlled, Restricted-Discretionary, Discretionary and Non-Complying) of activities that will require resource consents.

¹ Note the track changes in Appendix B show proposed amendments to the DCP since it was notified. These amendments are proposed in response to submissions and are discussed later in this report.

- **Sheets 3 and 4** describe the performance standards that all Permitted Activities are required to comply with.
- **Sheet 5** describes the matters to which the DCP has reserved control and restricted discretion for Controlled and Restricted-Discretionary resource consent applications.
- **Sheet 6** describes the site's landscaping requirements; and
- **Sheet 7** shows the location of the Noise Emission Control Boundaries (NECBs) being the lines that control permitted noise levels generated at the site.

In summary, the DCP will provide for expansion of dairy processing and associated activities at the site, within defined areas, and subject to performance standards and development controls. In addition the DCP will clarify the matters of control and discretion that will apply when future activities trigger a requirement for resource consents.

4. Process to date and the next steps

During 2016 MPDC planners held discussions with OCD regarding a suitable framework that would provide for the integrated resource management for the site, while ensuring an appropriate degree of certainty to justify sustained long-term investment in the future development and expansion of the site. At this stage MPDC planners first mooted the concept of a site-specific DCP as a mechanism to regulate the future development of the site.

The discussions culminated in OCD appointing consultant planner Colin Hopkins of planning consultancy DCS to draft a proposed DCP for the site and to prepare a private Plan Change request to seek that the DCP be incorporated into the District Plan.

During September 2016, OCD submitted a first draft of the proposed DCP and Plan Change request for review by MPDC planners. Thereafter, OCD's consultant worked collaboratively with MPDC planners to refine the draft. During the refinement of the initial draft, staff sought independent advice on traffic issues from transportation consultants Gray Matter Ltd.

Following further reiterative refinements of the draft, the final documentation was lodged on 8 August 2017 for Council's decision on the Plan Change request.

Council considered the matter at its meeting held on 23 August 2017 and resolved to accept the request as a private Plan Change in accordance with clause 25(2)(b) of Schedule 1 of the RMA.

The Plan Change was notified on 27 September 2017, with 26 October 2017 as the deadline for submissions. In response to the notification, MPDC received six submissions. The submissions were from Ngati Haua Iwi Trust ("**Ngati Haua**"), Powerco Limited ("**Powerco**"), Waharoa Park Ltd ("**WPL**"), Matamata-Piako District Council Staff ("**MPDC**"), Kiwirail Holdings Ltd ("**Kiwirail**") and the New Zealand Transport Agency ("**the Agency**").

Of the parties Ngati Haua, WPL, MPDC and Kiwirail wanted to be heard in support of their submissions.

The Ngati Haua submission was in opposition to the Plan Change, requesting that the Council should decline the Plan Change or, alternatively, to provide further information and opportunity for consultation with iwi.

The Powerco submission was neutral to the Plan Change, seeking assurance that the company's electricity assets will be protected.

The remaining four submissions were in support of the Plan Change, subject to amendments.

The summary of submissions was notified on 29 November 2017 with 13 December 2017 as the deadline for further submissions. One further submission, made by the Agency in support of the Kiwirail submission, was received.

A summary of submissions and further submissions is attached as **Appendix A** to this report. Copies of the actual submissions can be found on MPDC's public website².

Following closure of submissions, OCD consulted with submitters with a view to seek agreement on proposed changes to the Plan Change as notified, in order to resolve submitters' concerns.

On 15 June 2018, Ngati Haua confirmed via email that it wished to withdraw its submissions.

By 12 November 2018, agreement had been reached with the remaining submitters whereby all matters in dispute could be resolved through amendments to the Plan Change as notified. The submitters have confirmed that, subject to the changes to the DCP recommended in this report (i.e. the track changes shown in **Appendix B**), they no longer want to be heard.

The purpose of the upcoming meeting is for the Council to consider the Plan Change, the submissions received, and the amendments proposed to the notified version to resolve submitters' concerns, so that Council can make its decisions on submissions. Thereafter, Council's decisions will be publicly notified (as required under the RMA), thereby notifying parties of their right to appeal the Council's decisions to the Environment Court.

Provided that the Council's decisions are not appealed, the Plan Change can be made operative. Once Council makes a decision on the Plan Change, weighting can be given to the changes, prior to it becoming operative.

The Plan Change will take legal effect from the operative date and from this date the DCP will be included in the District Plan, thereby completing the Plan Change process.

5. Plan Change documentation

The documentation lodged in support of the Request as publicly notified, comprise:

- Statutory Assessment including an Assessment of Environment Effects

² See <http://www.mpd.govt.nz/component/content/article/105-news-a-events/news-a-have-your-say/2964-plan-change-51-development-concept-plan-for-milk-processing-site-waharoa?Itemid=647>

- Appendix 1: Proposed Development Concept Plan
- Appendix 2: Applicant's Statement – Open Country Dairy
- Appendix 3: Landscape & Visual Assessment: MGLA Landscape Architects
- Appendix 4: Traffic Assessment: Traffic Design Group
- Appendix 5: Noise Assessment: Hegley Acoustics
- Appendix 6: Stormwater and Infrastructure Assessment – S&L Consultants
- Appendix 7: Indicative Master plan
- Appendix 8: Copy of Current Resource Consent: 102.2013.10649
- Appendix 9: Certificate of Title
- Appendix 10: Certificate of title – Private portion of Factory Road
- Appendix 11: Consultation with NZTA
- Appendix 12: Landscaping Plan

A copy of the above mentioned documentation is available on the Council's public website³.

The documentation includes a comprehensive assessment that:

- Summarises the proposed Plan Change, the site, and the relevant background to the Request;
- Explains the proposed DCP, and provides a comparison between the proposed DCP provisions and the conditions of the site's existing resource consent;
- Assesses the proposal against the relevant statutory matters; and
- Provides a conclusion and summary of the assessment.

The appendices include specialist reports that provide an assessment of:

- Landscape and visual effects;
- Traffic effects;
- Noise effects; and
- Effects relating to the provision of infrastructure and stormwater disposal.

The specialist reports include strategies to avoid, remedy or mitigate the adverse effects of the future development of the site. The performance standards and matters of control/discretion that are proposed to apply to the DCP have been informed by the mitigation strategies recommended in the specialist reports.

The documentation includes an assessment of the statutory requirements that Council need to address in considering the Plan Change request, including:

- The purpose of the RMA (i.e. the "Part 2 RMA assessment");
- The relevant planning documents (Hauraki Gulf Marine Park Act, National Environmental Policy Statements and Standards, the Waikato Regional Policy Statement, the Waikato Regional plan, and the Matamata-Piako District Plan);
- Assessment of environmental effects (landscape, amenity, traffic, noise, odour and other discharges to air, infrastructure, and hazardous substances);
- Analysis of the options, efficiency and effectiveness of the proposed Plan Change provisions (i.e. the Section 32 RMA evaluation);

³ See <http://www.mpd.govt.nz/component/content/article/105-news-a-events/news-a-have-your-say/2964-plan-change-51-development-concept-plan-for-milk-processing-site-waharoa?Itemid=647>

This report will reference relevant sections of the documentation and will provide a summary of the parts that are particularly relevant to the assessment of the Plan Change.

In addition to the documentation referenced above, the following information pertaining to the part of the process subsequent to notification of the Plan Change is relevant:

- **Appendix A:** Summary of submissions and further submissions received in response to notification⁴.
- **Appendix B:** Recommended changes to DCP (track changes), and other consequential changes to the District Plan proposed as a consequence of the Plan Change.

The submissions, further submissions, and the amendments to the DCP recommended in this report in response to submissions are discussed below.

6. Submissions and further submissions

6.1 New Zealand Transport Agency

- **Submission**

The New Zealand Transport Agency (the Agency) submission relates to traffic effects and specifically the traffic effects on the intersections of Link Road and Hawes Street with State Highway 27.

The Agency's submissions states that it is satisfied that:

- the traffic volumes expected as a result of future development in accordance with the proposed DCP have been assessed; and
- that the assessment shows that the capacity of the two State Highway 27 intersections serving the site is sufficient to cater for the traffic projected to be generated by the expansion of the factory.

Consequently, the Agency is in support of, and wants the Council to accept the Plan Change without any amendments.

- **Discussion**

It is agreed that the transportation assessment submitted in support of the Plan Change has appropriately assessed the traffic volumes expected as a result of future development provided for under the DCP.

⁴ Copies of the actual submissions and further submissions are available on the Council's public website.

The assessment shows that the capacity of the two state highway intersections serving the site is sufficient to cater for the traffic projected to be generated by the expansion of the factory.

The DCP makes provision, as a matter for discretion, for the actual traffic generation to be reviewed over time and for further mitigation measures to be required should future development impact on the road network including state highways.

Overall OCD's transportation assessment reaches the conclusion that the *"proposed additional activities at the OCD factory....can be established with no more than minor effects on the safe and efficient operation of the road network"*.

An independent review of the transportation assessment submitted in support of the Plan Change was undertaken for the Council by transportation engineers Gray Matter Ltd. The review is generally accepting of the findings of OCD's transportation assessment. Most the recommendations of the review have been implemented through changes to the DCP as discussed later in this report.

No changes to the Plan Change as notified are recommended, or required in response to the Agency's submission.

6.2 Powerco Limited

• Submission

Powerco Limited (Powerco) is the electricity network provider for the site. Powerco has made two submissions on the Plan Change. The submissions relate specifically to the Company's electricity assets, and the security of electricity supply to the site.

Both Powerco submissions are neutral to the Plan Change, but Powerco wants to ensure that its electricity assets are appropriately protected and provisions are included to enable the ongoing development, operation, maintenance and upgrading of its electricity distribution network. To this end, Powerco wants the Council to take the following matters into account when the Plan Change is considered:

- Major changes to ground level: Changes to ground level in the vicinity of underground and above ground utilities should be minimised and/or the relevant utility provider should be consulted.
- Location of new buildings: Developers should be encouraged to use the "Dial Before U Dig" service (www.beforeudig.co.nz) before undertaking works in proximity to underground assets.

The two submissions are the same, except that the initial Powerco submission wanted easements in gross to be registered to protect the existing electricity cables that traverse the OCD site. However, the second (replacement) submission requests that this requirement be deleted as the cables are owned by OCD, and therefore not Powerco assets.

Therefore, the Powerco submission no longer seeks any changes to the Plan Change as notified.

- **Discussion**

It is noted that the location of the assets and sub-transmission lines owned by all electricity utility providers (including Powerco) are already identified on the Operative District Plan Maps. In addition, the preamble to “Part C: Maps and Plans” in the Operative District Plan⁵ already encourages developers to consult Powerco when undertaking works in proximity to sub-transmission lines and to obtain accurate information from the *beforeudig* website.

It is therefore considered that the Council can be satisfied that the matters outlined in the Powerco submission as described above, have been taken into account and are already appropriately addressed in the Operative District Plan, without the need for any changes to the DCP as notified.

6.3 Matamata-Piako District Council Staff

- **Submission**

Matamata-Piako District Council (MPDC) staff submitted in support of the Plan Change, subject to minor changes to the wording of the DCP provisions, notably the following changes shown in blue text in the track changes on Sheets 2, 4, and 5 of the DCP attached as **Appendix B**:

- Permitted activities c) – delete “medical rooms, child care centres and recreational activities for staff”.
- Performance standard 1.1.12 – delete requirement for front yard landscaping.
- Performance standard 1.1.14 b), d) and f) – clarify the requirement for staff car parking, loading, and parking formation and add a new performance standard (h) for assessable parking.
- Performance standard 1.1.15 – include a requirement for vehicle access to be designed by qualified engineer.
- Matters of control 1.2.3 a), c) and e) – clarify the matters of control relating to staff parking, loading space, and traffic generation.
- Matters of discretion 1.3.2 a), c), e) and f) – clarify the matters of discretion relating to staff parking, loading space, and traffic assessment and generation.

In addition MPDC’s staff submission notes that a number of land owners/occupiers in the Waharoa industrial area (including OCD) rely on the private section of Factory Road as a transportation link or strategic connection. The submission expresses concerns regarding the road surface and pavement strength of the private road given the projected increase in heavy vehicle movements envisaged under the Plan Change.

⁵ See http://www.mpdcc.govt.nz/index.php?option=com_content&view=article&layout=view&id=2645

- **Discussion**

The amended wording proposed in the MPDC submission serves predominantly to clarify the DCP provisions and does not materially change the intent of the provisions as notified. The amendments proposed by MPDC are supported by OCD.

The concern expressed in the MPDC staff submission regarding the formation and status of the private section of Factory Road is noted.

However, the traffic safety and efficiency effects of future development envisaged under the DCP have been considered in the transportation assessment (TA) submitted by OCD in support of the Plan Change. In regard to the whole of the Factory Road Corridor (including the private road section), the TA states that the development envisaged under the DCP (subject to implementation of the DCP provisions) *“is expected to have less than minor effects on the continued safe and efficient operation of traffic on this road”*.

The Gray Matter transportation review undertaken on behalf of MPDC has commented that OCD holds easements for access across the private section of Factory Road, but has questioned whether *“it would be desirable for these [easements] to clearly articulate responsibilities for [road formation] condition monitoring, maintenance and renewal, and a complaints procedure for users”*. In addition, the review has questioned whether it would *“be desirable for Council to enter in to a Private Developer Agreement that allows cost-recovery by Council for any maintenance they complete on the privately owned section of Factory Road”*.

It is acknowledged that Factory Road is a strategic link, connecting the two State Highway 27 intersections which serve the Waharoa industrial area. It is also acknowledged that the severance of the corridor by the intervening section of private road is not optimal.

However, the OCD site, the sections within the WPL subdivision and most of the other properties in the Waharoa industrial area have right of way easements that entitle them to unencumbered access over the private section of Factory Road. As such, there is a high level of certainty that the continuation of the strategic link via the full length of the Factory Road corridor can be relied on, at least for the majority of the Waharoa industrial properties that have registered easements over the private way.

It is also acknowledged that the formation standard of the private road section is not optimal and that maintenance of the formation could become a contentious issue, given the large number of easement holders. However, the rights, responsibilities, and liabilities for maintenance are set out in the terms of the registered easement documents. Legally, the Council does not have a liability to contribute to maintenance, although it is acknowledged that it is in Council’s interest that the private roadway must be well maintained in order to ensure the effective functioning of the Factory Road corridor.

Ultimately, it is considered that the severance of the Factory Road corridor by the section of private roadway is beyond the scope of this Plan Change and cannot be solved by this Plan Change alone, because it affects the whole of the Waharoa industrial development.

As such, and given that the proposed OCD development is not anticipated to result in a detrimental impact on the private section of roadway, it is considered appropriate that the long-term future of the private roadway and options for ensuring its maintenance be deferred to be considered in an integrated context as part of Plan Change 49 that will deal with the whole of the Waharoa township area.

It is understood that MPDC staff are generally in support of the suggested approach whereby the issue of the private section of Factory Road will be revisited as part of the Plan Change 49 process.

6.4 Waharoa Park Limited

- **Submission**

Waharoa Park Limited (WPL) is the developer of the industrial-style subdivision located along Dunlop Road and Mowatt Street, to the north of the Plan Change site. The WPL subdivision is currently only partly developed.

WPL's submission supports the Plan Change subject to the Council:

- ensuring that the assessment of infrastructure effects attributable to the Plan Change, has taken into account the impact of the previously consented WPL subdivision when developed to its full capacity; and
- recognising the prior mitigation works previously implemented and funded by WPL to cater for the full development potential of the WPL subdivision.

- **Discussion**

Except for the use of the road network, the OCD site and the WPL subdivision are both largely self-sufficient in terms of infrastructure provision. Therefore, the WPL submission is in essence seeking assurance that the traffic effects of proposed development under the DCP has taken into account future traffic volumes that could result when the WPL subdivision has been developed to its full potential.

In order to resolve WPL's concerns, traffic consultants Stantec (formerly TDG) has revised OCD's traffic modelling as submitted in support of the Plan Change, to include the projected traffic volumes for the WPL subdivision when developed to full capacity.

Upon completing the revised modelling, traffic consultant Will Hyde on behalf of Stantec has advised that:

"I can confirm that including the traffic expected from full development of Waharoa Park in both the baseline and 'with Open Country expansion' scenarios results in effects of the same level as those previously assessed, and the conclusion reached in our TA remains unchanged, i.e. no more than minor effects on the safe and efficient operation of the road network."

WPL's consultant has confirmed that the above findings of the revised traffic modelling have resolved this submitter's concerns.

With the results of the revised traffic modelling now formally documented in Council's records relating to this Plan Change (see MPDC Doc #2101790), it is accepted that no further relief or changes to the DCP as notified is sought by WPL in response to its submission.

6.5 Ngati Haua Iwi Trust

- **Submission**

Ngati Haua Iwi Trust's (Ngati Haua) submission opposes the whole of the Plan Change on the basis that it:

- has not taken into account Maori cultural values; and
- that further development of the site will lead to further pressures on natural resources and present a threat to the *mauri* of the area.

Ngati Haua's submission wants the Council to decline the Plan Change, or if not declined to require that further information be provided and that further opportunity for consultation with iwi and more time to consider an appropriate response to the Plan Change, be allowed for.

Subsequent to making the submission, OCD and Ngati Haua have come to an agreement whereby Ngati Haua has formally withdrawn its submission⁶, and have elected to address its concerns through a Memorandum of Agreement outside of the Plan Change process.

Therefore, Ngati Haua's submission can be disregarded and is not addressed further in this report.

6.6 Kiwirail Holdings Limited and further submission in support by the New Zealand Transport Agency

- **Recommendation in regard to late submission**

Kiwirail Holdings Limited's (Kiwirail) submission was received by Council on 6 November 2017, on the seventh working day following the close of submissions on 26 October 2017.

The Council has the discretion under section 37 RMA to accept the late submission, after taking into account:

- The interests of any person who, in its opinion, may be directly affected by the extension;

⁶ See letter of withdrawal at <http://www.mpdc.govt.nz/component/content/article/105-news-a-events/news-a-have-your-say/2964-plan-change-51-development-concept-plan-for-milk-processing-site-waharoa?Itemid=647>

- The interests of the community in achieving adequate assessment of the effects of the Plan Change; and
- Its duty under section 21 RMA to avoid unreasonable delay.

Staff recommend that the late submission can be accepted, for the following reasons:

- The only person affected by the extension is OCD. OCD has reached agreement with the Kiwirail based on the relief sought in the late submission. Therefore OCD has accepted the late submission.
- The acceptance of the late submission will enable the relief sought by Kiwirail to be included in the modified Plan Change. Therefore the interests of the community will be better served by acceptance of the late submission.
- The submission was received prior to notification of the summary of submissions and as such has not caused a delay in the processing of the Plan Change.

In view of the above recommendation, Kiwirail's submission and the relief sought have been taken into account and are discussed below.

- **Submission and further submission**

Kiwirail's submission relates to the safety risks and safe operation of the two road/railway crossings in the vicinity of the site (i.e. the level crossings in Hawes Street and State Highway 27) that could be affected by the increase in traffic associated with the increased production at the OCD factory envisaged under the Plan Change.

Kiwirail's submission supports the Plan Change subject to safety issues at the road/rail crossings being assessed and addressed.

Kiwirail wants the Council to require that OCD undertake an assessment of the impact of future development on the safety of the level crossings under different development thresholds, and to require that appropriate mitigation measures be implemented (see the Summary of Submissions in **Appendix A** for further details).

The Transport Agency has made a further submission, supporting the Kiwirail submission in its entirety.

- **Discussion**

It is agreed that the Plan Change as notified did not address the impact of the proposed development envisaged by the DCP on the safety and safe operation of the two road/railway crossings in the vicinity of the site.

To address this deficiency, OCD commissioned a Level Crossing Safety Impact Assessment in March 2018. The Assessment recommended that additional safety measures be implemented at the Hawes Street Crossing.

To ensure the implementation of the measures, it is recommended that changes be made to the DCP's Performance Standards and Matters of Control. The proposed amendments are shown in red text in the tracked changes version of the DCP attached as **Appendix B**. Kiwirail has confirmed that the proposed amendments as shown in **Appendix B** resolves its concerns in full.

7. Proposed modification of the Plan Change

These proposed amendments to the notified version of the DCP as agreed to by all parties and detailed in the previous section of this report, are shown in the track changes version of the modified Plan Change attached within **Appendix B**.

The description below compares the Notified Version of the DCP with the modifications now proposed:

- **Sheet 1: Development Concept Plan**

No modifications are proposed to Sheet 1.

- **Sheet 2: Activity schedule**

Sheet 2 lists the Permitted, Controlled, Restricted-Discretionary, and Discretionary activities. The only modification proposed on Sheet 2, is deletion of "medical rooms, childcare centres and recreational activities for staff", from Clause c).

- **Sheets 3 and 4: Performance standards**

Sheets 3 – 4 set out the DCP's Performance Standards that all Permitted Activities must comply with.

The following modifications to Sheet 4 are proposed:

- Deletion of Performance Standard 12 (Front yard landscaping).
- Performance Standard 14 (Car parking, loading, fleet parking, and formation and manoeuvring) - Amendments to Clauses b) and f), and inclusion of a new Clause h).
- Performance Standard 15 (Access) - Amendments to Clauses c) and inclusion of a new Clause d).

- **Sheet 5: Matters of control and discretion**

Sheet 5 sets out the matters over which the DCP has control and discretion when resource consents are sought for respectively Controlled and Restricted Discretionary Activity resource consents.

Minor modifications, as shown in tracked changes in **Appendix B**, are proposed to the wording of the Matters of Control in Clause 1.2.3 a), c), and e). In addition, minor amendments are also proposed to the Matters of Discretion in Clauses 1.3.2 a), c), e) and f). A new Clause 1.3.2 g) is also proposed.

- **Sheet 6: Landscaping requirements**

No alterations are proposed to Sheet 6.

- **Sheet 7: Noise Emission Control Boundary**

No alterations are proposed to Sheet 7.

In regard to the modified DCP as described above, the following documents will be available to view at the upcoming Council meeting:

- Copies of the notices from submitters withdrawing their right to be heard, subject to the amendments as described above being accepted by Council; and
- A “clean version” of the modified DCP, including the track changes described above.

- **Consequential changes**

In addition to the changes to the DCP as outlined above, two consequential changes to the Operative District Plan are also recommended.

These changes are:

- **Schedule 5 to the District Plan:** This Schedule lists the sites that are subject to a Development Concept Plan. It is recommended that Schedule 5 be amended to include the title of this DCP and the legal description of the properties that are subject to the DCP provisions.
- **Planning Map 31:** For the purposes of transparency and ease of reference, it is proposed that Planning Map 31 be amended to show the DCP boundaries, the location of the outermost Noise Emission Control Boundary (NECB) around the site and include the addition of the letters “DCP” within the site boundary.

The consequential changes as described above are shown in **Appendix B** attached to this report.

The merits of the proposed DCP and the modification of the Plan Change as set above are assessed in the next paragraph of this report.

8. Assessment

The RMA requires the Council to consider a number of matters when developing proposed Plan Changes. These requirements⁷ and staff’s assessment of the Plan Change as notified, the submissions received, matters raised by MPDC staff, and modifications to the Plan Change described in the previous paragraph, can be summarised as follows:

⁷ See the Environment Court’s First Interim Decision in *Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council* (Decision A078/2008).

8.1 General requirements

RMA requirement 1

A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.

Assessment

The purpose of the RMA (as set out in Part 2) is to promote the sustainable management of natural and physical resources. The functions of territorial authorities (Section 31 RMA) are the establishment, implementation and review of objectives, policies and methods to achieve integrated management of land and natural and physical resources and to control the effects of the use, development, or protection of land.

The Plan Change itself does not introduce any new objectives. However, it supports a number of the objectives and policies of the District Plan.

An assessment of the relevant objectives and policies is included in the documentation that accompanied the Plan Change Request⁸.

The assessment refers to the objectives and policies relating to “significant resource management issues”, “integrating land-use and infrastructure”, “amenity”, and “transportation”.

Based on the assessment, the Plan Change Request reaches the conclusion that *“no changes are considered necessary to the objectives and policies or general rules. The proposed DCP is considered to be able to operate in accordance with the structure of the District Plan, which currently provides for the operation and management of industrial activities of the nature consented on the site, and to the extent proposed by the DCP”*.

Staff agree with the above conclusion.

The Plan Change Request furthermore assesses the DCP and its associated rules (i.e. the Activity Schedule, Performance Standards, Matters of Control, Matters of Discretion and Landscaping Requirements).

The assessment notes that the DCP includes performance standards and matters of control/discretion relating to development, traffic, parking, loading, access, air emissions, visual effects, landscaping, signage, noise, vibration, lighting and glare, disposal of stormwater and wastewater, and the use/ storage of hazardous substances.

The assessment reaches the conclusion that *“the proposed DCP seeks to provide the scope for an appropriate built form that reasonably relates to the appropriate and efficient use of the site as a milk processing facility”* whereas *“the general provisions of the District Plan as they relate to industrial activities are not considered to provide the most practical or efficient limits for controlling the reasonable form of industrial activities on the site”*.

⁸ See the Statutory Assessment at <http://www.mpd.govt.nz/component/content/article/105-news-a-events/news-a-have-your-say/2964-plan-change-51-development-concept-plan-for-milk-processing-site-waharoa?Itemid=647>

Staff agree with the above conclusion and are satisfied that the matters addressed by the DCP fall within the scope of the Council's functions of controlling the effects of the use and development of land.

Section 32AA further evaluation

In addition, staff consider that the Plan Change modifications recommended in the previous paragraph will better assist the Council to carry out its functions so as to achieve the purpose of the RMA. In particular, the changes proposed by MPDC assists in clarifying the DCP provisions and will provide certainty as to the implementation of the DCP requirements. Incorporating the changes proposed by Kiwirail will ensure the safe operation of the level rail crossings and will therefore promote the integrated management of land-use and infrastructure.

RMA requirement 2

When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement (section 75(3) RMA).

Assessment

The following National Policy Statements are currently in place:

- National Policy Statement on Urban Development Capacity
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission
- New Zealand Coastal Policy Statement.

In addition, the sections of the Hauraki Gulf Marine Park Act 2000 that deal with the recognition and management of the Hauraki Gulf have, under the RMA, the same status as a national policy statement.

The OCD request includes an assessment of the Plan Change under the Hauraki Gulf Marine Park Act and concludes that *"the proposed DCP is not anticipated to give rise to any adverse effects on the Hauraki Gulf, and does not conflict with the recognition of the national importance or management of the Gulf"*. Staff agree with this conclusion.

The NPS on Urban Development Capacity came into effect after the request was received, and have some relevance to the Plan Change. The objectives and policies of the NPS that are relevant to the Plan Change seek to ensure that adequate and appropriately zoned and serviced housing and business land development capacity exist within urban areas, at any point in time. The Plan Change is considered to be consistent with the policy direction sought by the NPS on Urban Development Capacity because the DCP will identify adequate land with the appropriate development controls to serve the future needs of OCD's milk processing facility.

Staff are satisfied that the Plan Change will give effect to the NPS on Urban Development Capacity and that none of the other national policy statements are particularly relevant to the assessment of the Plan Change.

RMA requirement 3

Every local authority and consent authority must observe national environmental standards (section 44A(7) RMA).

Assessment

The Plan Change Request has considered the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and the National Environmental Standard for Air Quality.

OCD's assessment notes that the NES for managing contaminants in soil will continue to apply to the site, in parallel to the DCP rules. The NES for air quality relates to the Waikato Regional Council's functions in regard to managing the discharge of contaminants to air and are not relevant to the Plan Change.

The other National Environmental Standards (i.e. the Standards for Sources of Drinking Water, Telecommunication Facilities, Electricity Transmission Activities, and Plantation Forestry) are not relevant to the proposed DCP request.

RMA requirement 4

When preparing its district plan (change) the territorial authority shall:

- a) have regard to any proposed regional policy statement (section 74(2) RMA);*
- b) must give effect to the operative regional policy statement (section 75(3)(c) RMA).*

Assessment

OCD's request includes an assessment of the Plan Change under the Waikato Regional Policy Statement ("**RPS**"). The RPS provisions most relevant to the Plan Change are the protection of regionally significant infrastructure, the integration of land-use with infrastructure, and enabling the operation and development of regionally significant industry.

The assessment provided as part of the request reaches the conclusion that "*enabling a DCP to be established for the activity gives effect to the RPS direction to co-ordinate and provide the appropriate provisions for the development of a regional significant industry*" and that "*the proposed request for a plan variation is considered to be consistent with the direction and objectives and policies, and therefore gives effect to the RPS*".

Staff agree with the above assessment.

Section 32AA further evaluation

Staff consider that the proposed modifications to the Plan Change will not change the intent of the provisions as notified. The proposed new requirement to consider safety measures at the railway level crossings will assist in ensuring that the rail network, identified in the RPS as "regionally significant infrastructure" is better protected. Therefore, the modifications improve the extent to which the Plan Change will give effect to the RPS.

RMA requirement 5

In relation to regional plans:

- a) *the district plan (change) must not be inconsistent with an operative regional plan (section 75(4) RMA); and:*
- b) *must have regard to any proposed regional plan on any matter of regional significance (section 74(2) RMA).*

Assessment

OCD's request includes an assessment of the Plan Change under the provisions of the Operative Waikato Regional Plan ("**WRP**").

The assessment notes that the WRP *"provides direction for the use, development and protection of natural and physical resources in the Waikato Region, and provides for the implementation of the strategic framework set out in the RPS"*.

In addition the assessment notes that the site holds a number of resource consents under the WRP for the discharges from the factory to land, air and water.

The assessment reaches the conclusion that there are no inconsistencies between the Plan Change and the WRP.

Staff agree with the above conclusion. In regard to the discharge to air of odour, it is noted that proposed Performance Standard 5 of the DCP requires that *"the management of activities shall ensure that there is no odour nuisance at or beyond the boundary of the property"*.

The above standard needs to be complied with by OCD at all times. Non-compliance with the standard places OCD in breach of the DCP provisions and the standard is able to be enforced by the Council and/or the Waikato Regional Council (who has primary responsibility for the control of discharges to air).

Section 32AA further evaluation

Staff consider that the modifications to the Plan Change recommended in this report do not raise any additional issues with regard to consistency with the WRP.

RMA requirement 6

When preparing its district plan (change) the territorial authority must also (section 74(2) RMA):

- a) *have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register; and to consistency with plans and proposed plans of adjacent territorial authorities;*
- b) *take into account any relevant planning document recognised by an iwi authority; and*
- c) *not have regard to trade competition.*

Assessment

OCD's request includes an assessment of the Plan Change under the Waikato Regional Land Transport Strategy. Under the Strategy, the key consideration *"to have regard to"* in relation to the Plan Change, is the integration of land-use with the Region's transport system. In this regard, the Plan Change Request notes that *"the scope of activities provided for by the DCP is anticipated to be able to be managed so that any potential adverse effects on State Highway 27 are appropriately mitigated or avoided"*. Staff agree with this conclusion and considers that the Plan Change has had appropriate regard to the Strategy.

The Plan Change Request does not reference any other strategies, entries in the Historic Places Register, or the plans of adjacent territorial authorities. Staff agree that there are no other strategies that are particularly relevant to the Plan Change. The site does not contain any items on the Historic Places Register.

The Plan Change addresses site-specific issues. Therefore, staff consider that consistency with the plans of adjacent territorial authorities is not a relevant consideration in this instance.

The Plan Change Request does not reference any of the iwi management plans.

However, since notification, OCD has engaged with Ngati Haua who has subsequently prepared a Cultural Response Report relating to the Plan Change. The report states that the cultural response has been reviewed against the relevant iwi planning documents, particularly Ngati Haua's "Rautaki Taiao Environmental Plan". The report makes a number of recommendations, the implementation of which will ensure that iwi values are appropriately recognised. Ngati Haua and OCD have elected to implement the recommendations through a Memorandum of Agreement, outside of the DCP.

Staff are satisfied that the MoU proposed as a consequence of the Plan Change process will ensure that the DCP takes account of relevant iwi planning documents.

Section 32AA further evaluation

Staff consider that the modifications to the Plan Change recommended in this report do not raise any further issues with regard to relevant management plans and strategies.

RMA requirement 7

A district plan (change) must state its objectives, policies and the rules (if any) and may state other matters (section 75(1) and 75(2) RMA).

Assessment

As noted previously, the Plan Change does not introduce new objectives and policies but relies on the District Plan's existing objectives and policies. Staff agree that the existing objectives and policies provide support for the Plan Change and that there is no need to introduce new or amended objectives and policies into the District Plan.

Staff are also satisfied that the Plan Change provides a comprehensive suite of new rules that, in turn, support a number of the District Plan's existing objectives (outcomes) and policies (strategies).

Section 32AA further evaluation

Staff consider that the modifications to the Plan Change recommended in this report do not raise any additional issues with regard to the requirement that the Plan Change must state its objectives, policies and rules.

8.2 Section 32 and Section 32AA evaluation

The RMA requirement is as follows:

RMA requirement 8

32 Requirements for preparing and publishing evaluation reports

- (1) *An evaluation report required under this Act must—*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
 - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

32AA Requirements for undertaking and publishing further evaluations

- (1) *A further evaluation required under this Act—*
 - (a) *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
 - (b) *must be undertaken in accordance with section 32(1) to (4); and*
 - (c) *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
 - (d) *must—*
 - (i) *be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy*

- statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
- (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

Assessment

The Plan Change Request contains a comprehensive section 32 evaluation. The evaluation includes an assessment of four alternative options:

- Option 1 – Status Quo (Do Nothing);
- Option 2 – Await a Council initiated update of the District Plan;
- Option 3 – Relocate to an Alternative Site; and
- Option 4 – Apply for a Plan Change to introduce a Site Specific DCP for the Site.

The Plan Change (Option 4) as outlined previously demonstrates the benefits over the other options in terms of the objective of providing for orderly and sustainable development, while avoiding, remedying, or mitigating adverse effects.

In summary, the benefits of Option 4 are that it provides for future growth, provides certainty to both OCD and neighbouring land owners, enables the efficient use of the site, and ensures that adverse effects are addressed through targeted provisions.

The Plan Change Request reaches the conclusion that *“the option of pursuing a change to the MPDC District Plan to establish a DCP for the site is considered to be the most efficient, practical and cost-effective option. Importantly, it provides a higher level of certainty for OCD, takes advantage of an existing industrial location, and enables the future development of the site in a timely and integrated manner”* and that Option 4 *“will continue to provide employment options for Waharoa and the surrounding area”*. Staff agree with this conclusion.

The Plan Change Request highlights the environmental, economic and social benefits that will stem from providing for the future development of the site through the DCP, while ensuring the effective management of environmental effects through site-specific performance standards.

Staff agree that Option 4 is the most efficient and effective option. Staff are also satisfied that the analysis submitted in support of the Plan Change provides a level of detail that corresponds to the scale and significance of the proposal and meets the requirements of Section 32 RMA.

Staff consider that the modifications to the Plan Change proposed in this report, will further improve the efficiency and effectiveness of the provisions as will be discussed below:

Section 32AA further evaluation

Staff considered two options prior to recommending the modifications to the Plan Change as set out in this report, namely:

- Option 1 – Retain the Plan Change as notified;
- Option 2 – Accept the submissions in part, and amend the Plan Change as notified by making the changes as shown in the attached track changes version (**Appendix B**).

Staff consider that Option 2 is beneficial because the amendments that the MPDC submission seek to include will ensure better clarification of the DCP provisions, and a higher level of certainty that the provisions are clearly understood and easily enforceable.

In addition, the changes that Kiwirail seek to introduce will ensure the safe and efficient operation of the rail crossing affected by the proposal.

8.3 Actual and potential effects

RMA requirement 9

In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment (section 76(3) RMA).

Assessment

OCD's request includes a comprehensive assessment of the effects of the Plan Change on the environment. The assessment is supported by various specialist studies attached as appendices to the request.

A summary of the findings of the specialists as documented in the Plan Change Request is as follows:

- **Amenity effects**

Seen within the context of existing surrounding industrial development, the Plan Change Request concludes that *"the proposed activities provided for under the DCP are considered to be consistent with the existing amenity on the site and surrounding environment, and are not anticipated to give rise to any adverse amenity effects"*.

- **Effects arising from built form**

The Plan Change Request has considered potential effects arising from shading and visual effects. The assessment notes that the DCP includes a landscape mitigation strategy and a number of performance standards and matters of control/discretion to avoid, remedy, or mitigate adverse visual and landscape effects.

The assessment comes to the conclusion that *"the range of visual effects associated with...the development...can be accommodated and will not have any unacceptable visual effects on the surrounding environment. It is considered that the proposed mitigation strategy has been suitably incorporated in to the matters for control and performance standards so that any adverse effects are managed appropriately"*.

In addition it is noted that Civil Aviation was advised of the Plan Change and did not raise any concerns with regard to potential effects of the proposed building height on the flight paths of the Waharoa Aerodrome.

- Traffic effects

The Plan Change Request includes a specialist Transportation Assessment that has considered the impact on the roading network, site access, parking, and loading.

Having regard to the specialist assessment, the Plan Change request comes to the conclusion that the *“range of effects associated with....the development...can be accommodated and will not unreasonably impact on the safe and efficient operation of the road network. Furthermore, suitable matters of control and discretion are included, along with performance standards to ensure that any adverse traffic effects can be managed appropriately”*.

An independent peer review of the Transportation Assessment on behalf of the Council has not identified any significant disagreement with the above conclusion. Furthermore, the New Zealand Transport Agency has submitted in support of the Plan Change and has not raised any issues of concern.

- Effects on stormwater

The Plan Change Request includes a specialist stormwater methodology and effects assessment.

The specialist assessment *“has demonstrated that the system can manage the proposed expansion enabled by the DCP and can continue to operate in accordance with the consents held with Waikato Regional Council. As such, the expansion is not anticipated to give rise to any adverse effects on stormwater. Performance standards require the stormwater to be via the existing wetland as shown on DCP, and managed in accordance with the MPDC Development Manual”*.

- Noise effects

The Plan Change Request notes that the noise effects have been assessed by Hegley Acoustic Consultants and that the DCP includes a methodology to manage noise effects by means of the establishment of noise emission control boundaries (NECBs).

In relying on the expert noise assessment, the Plan Change Request comes to the conclusion that there will be *“no adverse noise effects, and that through the implementation of the NECB and the proposed noise limits that the outcome achieved with respect to the management of noise effects on the site will be consistent with those anticipated for similar activities under the MPDC District Plan”*.

- Odour effects including odour from wastewater

In regard to odour effects, The Plan Change Request notes that:

“Primarily any odour effects are anticipated to arise from the operation of the energy centre and from the management of discharges of treated wastewater. These activities are all subject to compliance with the regional consents held with the Waikato Regional Council. Any odour effects associated with the activity on the site will continue to be managed in accordance with the regional consents held for the site”.

- Effects associated with hazardous substances

In regard to the storage and use of hazardous substances, it is noted that the DCP includes a Performance Standard that requires compliance with the HASNO Act and the regulations made under the Act.

The Plan Change Request notes that any future earthworks on the site, where there is the potential for disturbance of contaminated soil, will be subject to resource consent under the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (2011).

- Discussion

Staff generally agree with the effects assessment submitted in support of the Plan Change and consider that the DCP rules are the appropriate methods to manage the actual and potential adverse effects that could stem from development under the DCP.

With regard to odour effects, staff note that the DCP includes as a Performance Standard, a requirement that there must be no nuisance odour beyond the site boundary. Nuisance odour beyond the site boundary, as has occurred in the past, is not authorised by the proposed DCP. OCD will need to take such measures as may be necessary to ensure that nuisance odour effects do not spread beyond the site boundary. Failing this, OCD will be in breach of the DCP rules and the Council and/or the Waikato Regional Council will need to enforce compliance with the standard.

Section 32AA further evaluation

Staff consider that the DCP with the amendments proposed in this report, are the appropriate methods to ensure that the actual and potential effects associated with the proposed development of the site can be avoided, remedied, or mitigated.

8.4 Part II RMA matters

RMA requirement 10

All decisions under the RMA are subject to Part II. Should there be a conflict between Part II matters, and other requirements of the RMA, then Part II prevails.

Assessment

OCD's request includes a comprehensive assessment of the Plan Change under Part II.

The assessment notes that Section 5 of Part 2 identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The assessment considers that section 6 is not particularly relevant, but identifies the following the section 7 matters that are relevant to the Plan Change:

- The efficient use of resources; and
- The maintenance/ enhancement of amenity values and the quality of the environment and:

OCD's assessment of Part II matters concludes that:

"The proposed Plan Change to introduce a DCP for the site will assist Council in achieving the purposes of the Act. Fundamentally, this Plan Change request to establish a DCP for the site enables the comprehensive and integrated use and development of the Factory Road site.

Through enabling a site specific planning framework to manage the increase in productivity of the existing milk processing facility will provide certainty for investment to OCD, and will in turn have a direct positive contribution to the social, economic and cultural wellbeing of the local community through providing access to employment opportunities, whilst also contributing to the efficient use and development of industrial land.

This Plan Change request to establish a DCP for the site will assist the Council to achieve the purpose of the Act...by enabling the integrated and coordinated development of an industrial site, enabling an efficient use of the land resource. Additionally,...amenity values of the surrounding environment will be maintained through the appropriate management of the development of the site through the DCP".

Overall the assessment concludes that Council can be satisfied that the request to establish a DCP for the site will meet the purpose of the RMA, and that it will avoid, remedy or mitigate any adverse effects on the environment.

Staff generally agree with the Part II assessment and conclusion as set out above.

Section 32AA further evaluation

Staff consider that the amendments to the DCP proposed in this report are consistent with Part II RMA. This is the case as the changes will improve certainty for both OCD and the Council, improve the clarity and enforceability of the DCP provisions and enable safety effects on the rail crossings to be appropriately managed.

9. Conclusion and recommendations

Private Plan Change 51 - Development Concept Plan for Milk Processing Site, Waharoa was requested by Open Country Dairy Limited. The Plan Change seeks to establish a customised Development Concept Plan for the company's site located in the Waharoa Industrial Township, in order to provide more regulatory certainty for future development while ensuring that appropriate controls are in place to avoid, remedy or mitigate adverse effects. The site included in the Plan Change is partly in the Industrial zone, and partly in the Rural zone.

The Council accepted the Plan Change in August 2017. Subsequently, the Plan Change was notified. In response to the notification, submissions were received from the New Zealand Transport Agency, Powerco Limited, Waharoa Park Limited, Matamata-Piako District Council Staff, and Kiwirail Holdings Limited. A submission was also received from

Ngati Haua Trust. However this submission has now been withdrawn and has therefore been disregarded.

The submissions that have not been withdrawn are in support of the Plan Change, subject to changes or subject to clarification. Matamata-Piako District Council Staff submission requests amended wording of the DCP provisions in order to improve clarity. The Kiwirail submission wants the safety impacts on the rail crossings to be assessed and where necessary, provisions included in the DCP to avoid, remedy, or mitigate safety effects. Waharoa Park Limited wants assurance that the Plan Change has appropriately considered the infrastructure effects of the proposed development, taking into account the full development potential of the nearby Waharoa Park industrial-style subdivision. Powerco wants assurance that its assets will be protected should development occur in proximity to the electricity network.

Open Country Dairy has consulted with submitters on the matters of concern. The outcome of the discussions is that Powerco and Waharoa Park have been provided with clarification of the matters outlined in their submissions. The safety assessment required by Kiwirail has been undertaken and the DCP modified to include new provisions to manage safety effects on the Hawes Street rail crossing. The amended DCP wording requested by MPDC staff has been accepted by Open Country Dairy and is now reflected in the modified DCP discussed in this report.

As a result, the parties that originally wanted to be heard, have agreed that the modification of the Plan Change as set out in this report will resolve all matters in dispute. As a result they have advised that they no longer want to be heard and there is no need for Council to hold a hearing.

Staff have reviewed the Plan Change Request and consider that the modified Plan Change as set out in this report meets the legislative requirements under the RMA and can be approved.

The plan-making process has now progressed to the stage where it is referred back to the Council for its decisions on:

- Acceptance of the late submission from Kiwirail;
- The submissions; and
- The outcome of the Plan Change request.

Staff's recommendations on the matters to be considered by Council are outlined below:

9.1 Late submission by Kiwirail Holdings Limited (Section 37 RMA)

That pursuant to section 37 of the Resource Management Act 1991 the Matamata-Piako District Council resolves to accept the late submission by the Kiwirail Holdings Limited, received on 26 October 2017.

Reasons

- (i) *Open Country Dairy Limited has reached agreement with Kiwirail Holdings Limited based on the relief sought in the late submission. Therefore the interests of Open Country Dairy Ltd will not be affected by the acceptance of the late submission.*

- (ii) *The acceptance of the late submission will enable the appropriate methods to avoid, remedy, or mitigate adverse effects on the rail network to be included in the DCP as modified by Council's decisions. Therefore the interests of the community will be served by acceptance of the late submission.*
- (iii) *The submission was received shortly after the closing date and as such has not caused a delay in the processing of the Plan Change.*

9.2 Submissions (Clause 10 of the First Schedule to the RMA)

- A.** *That pursuant to clause 10 the First Schedule to the Resource Management Act 1991 the Matamata-Piako District Council resolves to accept the submission in support of Private Plan Change 51 by the New Zealand Transport Agency, noting that the DCP provisions have, in response to submissions by other parties, been modified by Council's decisions.*

Reason

- (i) *The Council is satisfied that Plan Change 51 has appropriately assessed the traffic effects of the development envisaged under the DCP, on the state highway network.*
- B.** *That pursuant to clause 10 the First Schedule to the Resource Management Act 1991 the Matamata-Piako District Council resolves to accept the submission in support of Private Plan Change 51 by Powerco Limited, noting that the DCP provisions have, in response to submissions by other parties, been modified by Council's decisions.*

Reasons

- (i) *The matters raised by Powerco's submission have been taken into account in the assessment of Plan Change 51.*
 - (ii) *The matters raised by Powerco's submission are already appropriately addressed in the Operative Matamata-Piako District Plan so that further modifications to the DCP in response to Powerco's submission are not needed.*
- C.** *That pursuant to clause 10 the First Schedule to the Resource Management Act 1991 the Matamata-Piako District Council resolves to accept the submission in support of Private Plan Change 51 by Waharoa Park Limited, noting that the DCP provisions have, in response to submissions by other parties, been modified by Council's decisions.*

Reason

- (i) *The revised traffic modelling supplied by Open Country Dairy Limited has now appropriately assessed the traffic effects of future development under the DCP, taking into account the projected traffic volumes for the Waharoa Park Limited subdivision when developed to full capacity.*

- D.** *That pursuant to clause 10 the First Schedule to the Resource Management Act 1991 the Matamata-Piako District Council resolves to accept the submission in support of Private Plan Change 51 by Kiwirail Holdings Limited and the further submission by the New Zealand Transport Agency in support of the Kiwirail Holdings Limited submission and to modify the DCP as shown in Appendix B in response to the submission and further submission.*

Reasons

- (i) The Level Crossing Safety Impact Assessment undertaken subsequent to notification of the Plan Change has identified the need for additional safety measures to be implemented at the Hawes Street Crossing in order to mitigate adverse effects associated with development envisaged under the DCP.*
 - (ii) The proposed amendments to the DCP as shown in Appendix B will ensure the implementation of the safety measures required at the crossing, at the appropriate time.*
- E.** *That pursuant to clause 10 the First Schedule to the Resource Management Act 1991 the Matamata-Piako District Council resolves to accept in part the submission in support of Private Plan Change 51 by Matamata-Piako District Council Staff and to modify the DCP as shown in Appendix B, in response to the submission.*

Reasons

- (i) The amendments proposed in the submission will improve the clarity of the DCP provisions, without altering the intent of the provisions as notified.*
- (ii) Concerns regarding the private section of Factory Road can be addressed in a more holistic and integrated context, through Proposed Plan Change 49.*

9.3 Decision on Plan Change 51 (Clause 29 of the First Schedule to the RMA)

That pursuant to clause 29 of the First Schedule to the Resource Management Act 1991 the Matamata-Piako District Council resolves to approve Private Plan Change 51 subject to the modifications shown in Appendix B.

Reasons

- (i) The amendments will assist the Council to carry out its functions so as to achieve the purpose of the Resource Management Act 1991.*
- (ii) The modification will ensure that the Plan Change aligns with the Operative and Proposed Waikato Regional Policy Statements, and the Operative Matamata-Piako District Plan.*
- (iii) The changes are required to ensure that all of the actual and potential adverse effects on the environment are considered and that provisions are in place to ensure that the adverse effects are avoided, remedied, or mitigated.*

- (iv) The section 32 and section 32AA RMA evaluation and further evaluation have shown that the Plan Change as modified represents the most appropriate way to achieve the purpose of the Resource Management Act 1991.*
- (v) The Plan Change as modified by Council is in accordance with the purpose and principles of the Resource Management Act 1991.*

Appendix A

Summary of Submissions and Further Submissions

PROPOSED PLAN CHANGE 51 TO THE OPERATIVE MATAMATA-PIAKO DISTRICT PLAN

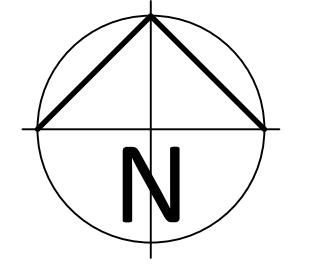
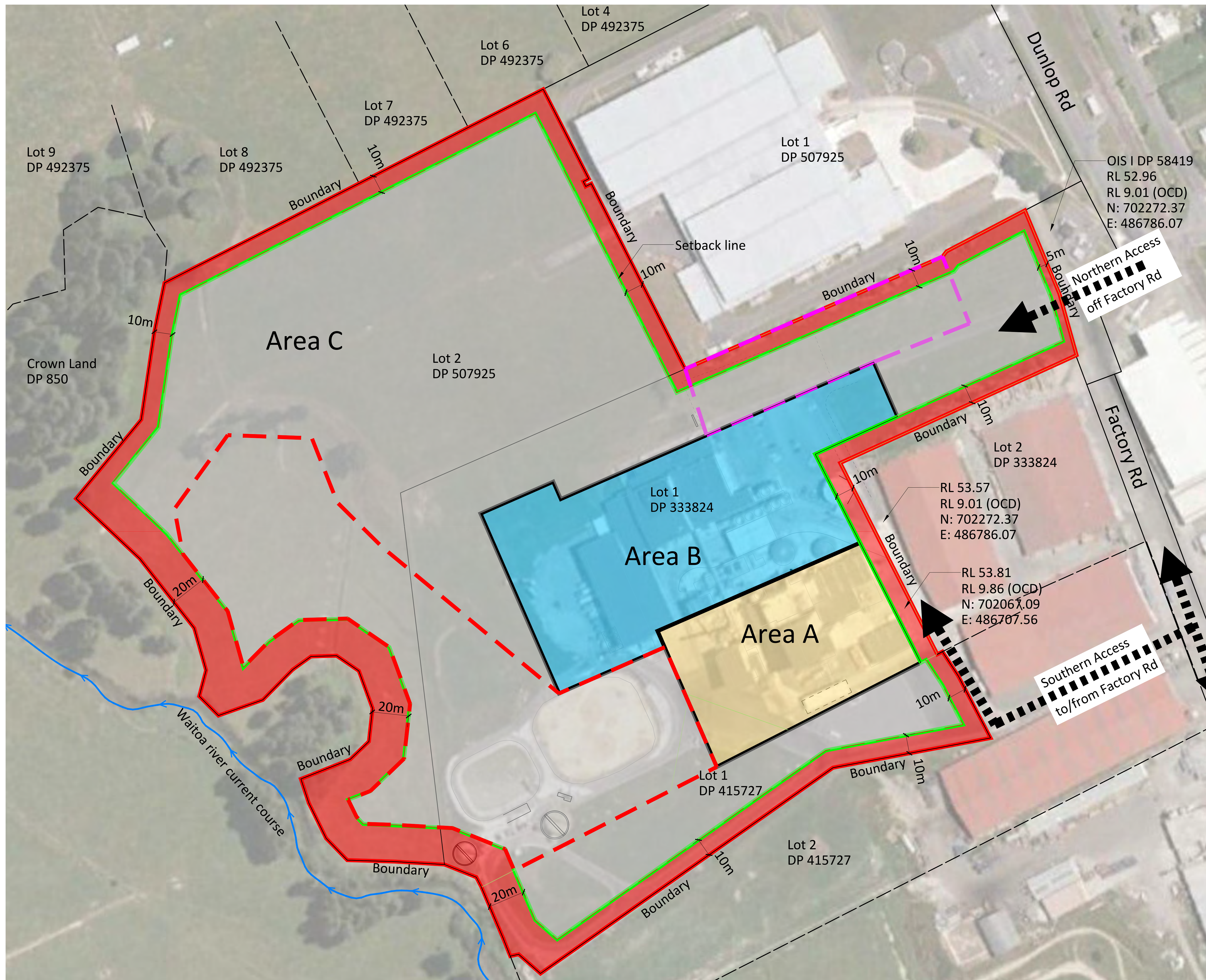
Proposed Development Concept Plan for Milk Processing Site, Factory Road, Waharoa (Open Country Dairy) – Summary of Submissions and Further Submissions Received

Submitter	Specific provisions of the plan change that the submission relates to	Position (Support/ Oppose/ Neutral)	Details of Submission	Decision that the Submitter wants Council to make	Further Submissions	Submitter to be heard?
1. New Zealand Transport Agency PO Box 973 Waikato Mail Centre Hamilton, 3240 Att: Claudia Jones claudia.jones@nzta.govt.nz	Traffic effects, specifically on the intersections of Link Road and Hawes Street with State Highway 27.	Support	Traffic volumes expected as a result of the proposed plan change have been assessed and it has been determined that the capacity of the two State Highway 27 intersections is sufficient to cater for the traffic projected to be generated by the expansion of the factory.	Accept plan change.		No
2. Powerco Limited Private Bag 2061 New Plymouth, 4342 Att: Simon Roche simon.roche@powerco.co.nz (Original Submission) 2. Powerco Limited Private Bag 2061 New Plymouth, 4342 Att: Simon Roche simon.roche@powerco.co.nz (Revised Submission)	The company's electrical assets and security of electricity to the site.	Neutral	<ul style="list-style-type: none"> Powerco has electricity assets within the site including underground cables, distribution transformers, and high voltage switch boxes. The underground cable in the north of the site is protected by easement. However, another cable in the centre of the site does not currently have an easement. Powerco seeks to ensure that its electricity assets are appropriately protected and provisions are included to enable the ongoing development, operation, maintenance and upgrading of its electricity distribution network. 	Powerco seeks to ensure that the following matters are taken into account when the plan change is considered: <ul style="list-style-type: none"> Major changes to ground level – changes to ground level in the vicinity of underground and above ground utilities should be minimised, and/or the relevant utility provider should be consulted. Location of new buildings – the “Dial Before You Dig” service (www.beforeudig.co.nz) should be used before undertaking works in proximity to underground assets. Easements – an easement in gross should be created to protect the existing electricity cable through the site. <i>Note – the requirement to create the easement referred to above has been deleted in Powerco's Revised Submission, because the asset is understood to be owned by OCD, and not Powerco.</i> 		No
3. Matamata-Piako District Council PO Box 266 Te Aroha, 3342 Att: Mark Hamilton mhamilton@mpdc.govt.nz	<ul style="list-style-type: none"> Permitted activities – c). Performance standards 1.1.12; 1.1.14; & 1.1.15. Matters of control – 1.2.3; Matters of discretion 1.3.2. Factory Road 	Support, subject to amendments	<ul style="list-style-type: none"> Permitted activities c) – delete “medical rooms, child care centres and recreational activities for staff”. Performance standard 1.1.12 – delete requirement for front yard landscaping. Performance standard 1.1.14 b), d) and f) – clarify the requirement for staff car parking, loading, and parking formation and add a new performance standard (h) for accessible parking. Performance standard 1.1.15 – include requirement for vehicle access to be designed by qualified engineer. Matters of control 1.2.3 a), c) and e) – clarify the matters of control relating to staff parking, loading space, and traffic generation. Matters of discretion 1.3.2 a), c), e) and f) – clarify the matters of discretion relating to staff parking, loading space, and traffic assessment and generation. Reliance on private section of Factory Road as transportation link/ strategic connection for a number of land owners/ occupiers and concerns regarding road surface/ pavement strength given the projected increase in heavy vehicle movements. 	Accept plan change subject to amendments as requested in the submission and consideration of the impact on the private section of Factory Road.		Yes
4. Waharoa Park Limited c/- Barr & Harris Surveyors Ltd PO Box 112; Matamata, 3440 Att: Gavin Harris gavin@barrharris.co.nz	Assessment of infrastructure capacity and recognition of industrial land use on Waharoa Park Limited's Dunlop Road/ Mowatt Street industrial-style subdivision.	Support, subject to amendments.	<ul style="list-style-type: none"> Waharoa Park Limited's Dunlop Road/ Mowatt Street industrial-style subdivision was subject to traffic and servicing requirements including off-site upgrades, funded by Waharoa Park Limited. The submission seeks to ensure that the assessment of effects for the plan change recognises the consented and previously mitigated infrastructure effects of the Waharoa Park Limited subdivision. 	Accept the plan change with the following amendments: <ul style="list-style-type: none"> Assessment of infrastructure effects in terms of the full impact of the previously consented Waharoa Park Limited subdivision, recognising the prior mitigation works for the fully developed subdivision funded by Waharoa Park Limited. 		Yes

<p>5. Ngati Haua Iwi Trust 19A Allen Street Morrinsville, 3700 Att: Weka Pene weka@ngatihauaiwitrust.co.nz</p> <p>WITHDRAWN 15 June 2018</p>	<ul style="list-style-type: none"> • All Permitted, Controlled, Restricted Discretionary, Discretionary and Non-Complying Activities. • Performance Standards 1, 2, 3, 5, 10, 17, 18, 19, 20 and 21. 	Oppose	<ul style="list-style-type: none"> • Waharoa is a place of significance to Ngati Haua, particularly the hapu of Ngati Rangi To Oro. • There are several traditional pa sites adjacent to the Site, where Te Waharoa and his people settled. • Raungaiti Marae and its members hold kaitiakitanga over the area within which the Site is located. • Tangata Whenua are concerned with the decline in life-force of the environment, surface water and groundwater quantity, and water quality of the Waitoa River (where food gathering and swimming is no longer recommended); and the decline in air quality. • Further development of the Site will lead to further pressures on natural resources and present a threat to the mauri of the area. 	Decline the plan change, or if not declined: <ul style="list-style-type: none"> • Provide further opportunity for consultation with iwi; • Provide further information; • Provide the iwi with further opportunity to consider an appropriate response to the plan change request. 		Yes
<p>6. Kiwirail Holdings Limited Level 1 Wellington Railway Station Bunny Street PO Box 593 Wellington, 6140 Pam.butler@kiwirail.co.nz (Late Submission)</p>	Safety risks and safe operation at the two railway level crossings that could be affected by an increase in production at the Site.	Support, subject to road/rail safety issues being addressed.	<ul style="list-style-type: none"> • Provide an assessment of the impact of the proposal on the two railway level crossings (Hawes Street and State Highway 27) in terms of risks and safe operations. • Confirm whether the existing level crossings are adequate to accommodate the proposed increase in traffic, or if additional mitigation measures are required. • Use the “Level Crossing Safety Impact Assessment” process (LCSIA) to assess the risks. • In assessing the risks, use the “Level Crossing Safety Score” (LCSS) together with the traditional ALCAM level crossing risk model score to consider the three additional data sources associated with crash risk being: <ul style="list-style-type: none"> – historical crash and incident data; – safety observations made by locomotive engineers and road controlling authority engineers; and: – a more detailed site assessment of the impact of the existing level-crossing lay-out on traffic/cyclists/pedestrians, and their interaction with it and the surrounding transport network . 	<ul style="list-style-type: none"> • Primary relief sought: Undertake the LCSIA assessment prior to consideration of the plan change, and identify whether any safety mitigation measures are required now, or could be staged as part of the Site’s future development. This will enable the increase in traffic from the currently consented 475 million litres per annum to the permitted activity limit of 750 million litres per annum proposed in the plan change, to be considered. • Secondary relief sought: As a minimum, require that level crossing risk is assessed at the Controlled and Restricted-Discretionary stages (for growth from 750 million litres and beyond), by adding the following clause as 1.2.3(f), 1.3.2(g), and 1.1.15 of the DCP: <ul style="list-style-type: none"> – “Undertake a Level Crossing Safety Impact Assessment LCSIA for the Hawes and Seddon Road level crossings with SH27, to determine whether upgrades or treatment are required to achieve safe operating levels for road users, pedestrians, and cyclists. If mitigation is required identify how it will be delivered to avoid adverse impacts.” 	<p>NZ Transport Agency</p> <p>The Agency supports the submission of Kiwirail Holdings Limited (submitter 6) in its entirety. The assessments identified by the submitter are necessary to ensure the effects of the development are appropriately avoided, remedied or mitigated. The Transport Agency does not wish to be heard in support of its original and further submissions.</p>	Yes

Appendix B

Recommended changes to DCP (tracked changes),
and other consequential changes to the District
Plan proposed as a consequence of the plan
change



SITE SURVEY NOTES

1. All contour levels are in terms of the Moturiki vertical datum 1953.
2. All coordinates are in terms of the NZ GD2000 datum.
3. OIS I DP 58419 (Origin)
-Moturiki vertical datum RL 52.96
-Open Country datum RL 9.01

Area A: Max. building height = 50m
Area B: Max. building height = 30m
Area C: Max. building height = 14.5m



ACTIVITY SCHEDULE – MILK PROCESSING FACILITY, FACTORY ROAD, WAHAROA

Permitted Activities

The following activities are Permitted subject to compliance with the performance standards outlined within Section 1.1 of the DCP:

- a) The operation of a milk processing facility, involving the processing of up to 750 million litres per annum;
- b) The following buildings, structures and activities accessory and/or ancillary to permitted, controlled, or restricted discretionary milk processing:
 - Facilities for the packing and distribution of any products produced on site;
 - Transport servicing depots and workshops;
 - Operation, maintenance, and upgrade water and wastewater treatment plants (within the area shown on the DCP);
 - Offices, laboratories and research facilities;
 - Car parking within the demarcated parking areas shown on the DCP;
 - Energy production including boilers, power plants and co-generation plants;
- c) Ancillary activities to the operation of the milk processing facility including: canteens, dining rooms, **and** ablution facilities, ~~medical rooms, child care centres and recreational activities for staff;~~
- d) Earthworks associated with the construction and development of buildings, structures and activities accessory and/or ancillary to any permitted, controlled, or restricted discretionary activity;
- e) Storage of hazardous substances relating to a permitted, controlled, or restricted discretionary activity for a milk processing facility.

Controlled Activities

The following activities are Controlled subject to compliance with the performance standards outlined within Section 1.1 of the DCP:

- a) The operation of a milk processing facility, involving the processing of up to 1 billion litres per annum.

Note:

Controlled Activities are subject to the matters for control outlined in Section 1.2 Matters of Control in the DCP.

Restricted Discretionary Activities

The following activities are Restricted Discretionary subject to compliance with the performance standards outlined within Section 1.1 Performance Standards of the DCP:

- a) The operation of a milk processing facility, involving the processing of up to 1.25 billion litres per annum;
- b) Any activity that is provided for in this DCP as a Permitted, Controlled, or Restricted Discretionary activity that does not meet the performance standards within Section 1.1 Performance Standards.

Note:

Restricted Discretionary Activities are subject to the matters for discretion outlined in Section 1.3 Matters of Discretion of the DCP.

Discretionary Activities

The following activities are proposed as Discretionary activities:

- a) Any activity that is not provided for in this DCP as a Permitted, Controlled, or Restricted Discretionary activity that meets the performance standards within Section 1.1 of the DCP;
- b) New wastewater treatment plants (outside of the location shown on the DCP);
- c) New water treatment plants (outside of the location shown on the DCP).

Non- Complying Activities

The following activity is proposed as a Non-complying activity:

- a) Any activity that is not provided for in this DCP as a Permitted, Controlled, or Restricted Discretionary activity and that does not meet the performance standards within Section 1.1 Performance Standards.

1.1 Performance Standards											
1. Noise	<p>Noise from operational activities on the site shall not exceed:</p> <ul style="list-style-type: none"> - When measured at the inner noise control boundary: At all times: 65dB L_{aeq} - When measured at the outer noise control boundary: 7.00am to 10.00pm: 50 dB L_{aeq} 10.00pm to 7.00am. 40dB L_{aeq} and 75dB L_{afmax} <p>The Inner and Outer Noise Emission Control Boundaries are as defined on the DCP plan.</p> <p>The noise levels shall be measured in accordance with the requirements of NZS6801:2008 "Measurement of Environmental Sound" and assessed in accordance with NZS6802:2008 Acoustics - Environmental Noise.</p>										
2. Construction Noise	<p>All construction noise shall meet the limits recommended in Table 1 of NZS6803P:1984. The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work and shall be measured in accordance with NZS6803P:1984. Adjustments provided in Clause 6.1 of NZS6803P:1984 shall apply, and references in the Tables of NZS6803P:1984 to "NZS6802" shall read as references to Clause 4.2.2 of NZS6802:1991.</p>										
3. Vibration	<p>Vibration shall not exceed the following average levels:</p> <p>a) At or within the boundary of any site zoned residential, or within 20m of any dwelling in the rural or rural-residential zones:</p> <table border="1"> <thead> <tr> <th>Time</th><th>Average Weighted Vibration Level (Wb or Wd)</th></tr> </thead> <tbody> <tr> <td>Monday to Saturday 7.00 - 6.00pm (0700 - 1800)</td><td>45 mm/s²</td></tr> <tr> <td>At all other times</td><td>15 mm/s²</td></tr> </tbody> </table> <p>b) At or within the boundary of any adjacent site zoned business or industrial:</p> <table border="1"> <thead> <tr> <th>Time</th><th>Average Weighted Vibration Level (Wb or Wd)</th></tr> </thead> <tbody> <tr> <td>At all times</td><td>60 mm/s²</td></tr> </tbody> </table> <p>c) The weighted vibration levels Wb and Wd shall be measured according to BS6841:1987. The average vibration shall be measured over a time period not less than 60 seconds and not longer than 30 minutes. The vibration shall be measured at any point where it is likely to affect the comfort or amenity of persons occupying an adjacent site.</p>	Time	Average Weighted Vibration Level (Wb or Wd)	Monday to Saturday 7.00 - 6.00pm (0700 - 1800)	45 mm/s ²	At all other times	15 mm/s ²	Time	Average Weighted Vibration Level (Wb or Wd)	At all times	60 mm/s ²
Time	Average Weighted Vibration Level (Wb or Wd)										
Monday to Saturday 7.00 - 6.00pm (0700 - 1800)	45 mm/s ²										
At all other times	15 mm/s ²										
Time	Average Weighted Vibration Level (Wb or Wd)										
At all times	60 mm/s ²										

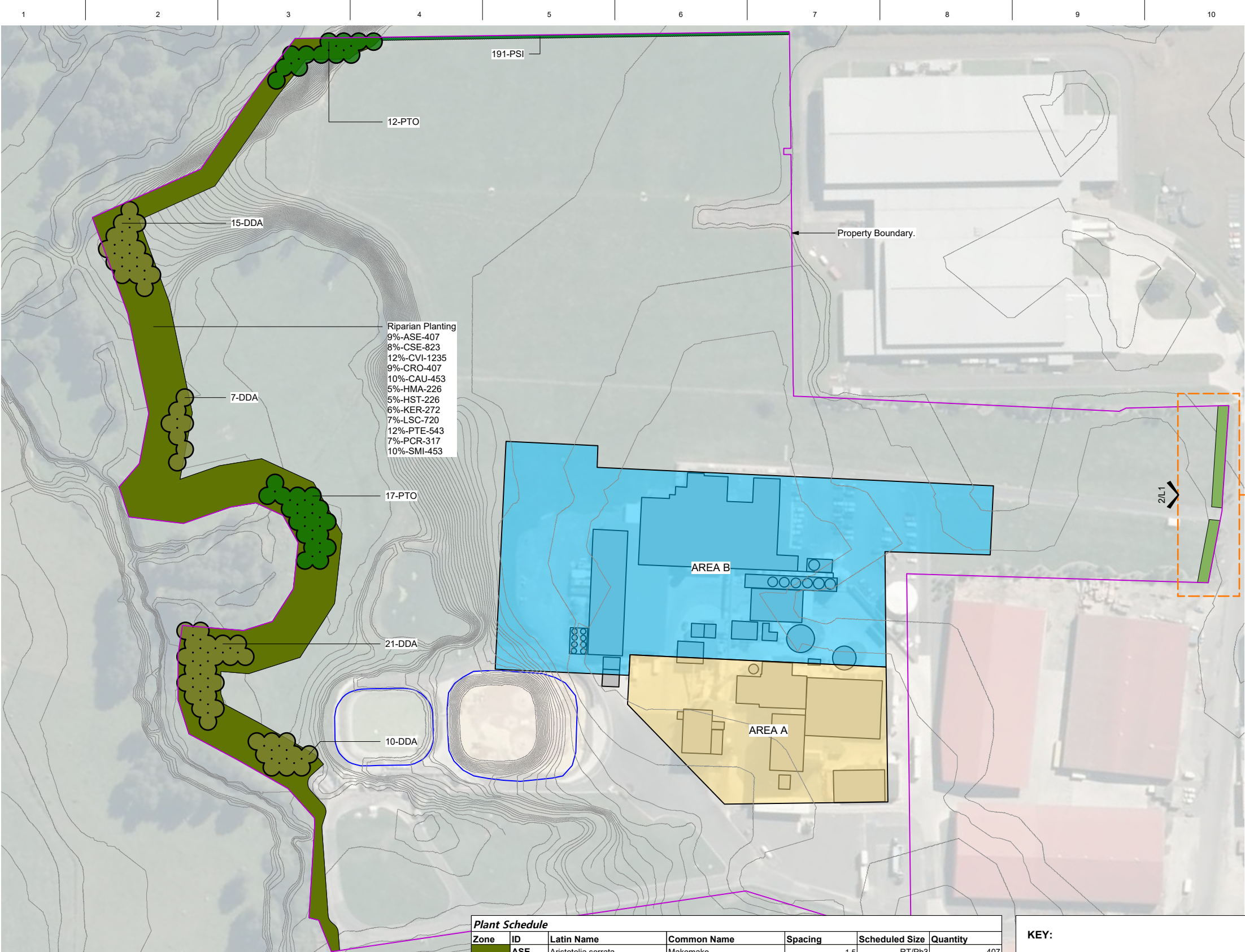
4. Lighting and Glare	<p>a) At no time between 7.00am and 10.00pm shall any outdoor lighting be used in a manner that causes an added illuminance in excess of 125 lux, measured horizontally or vertically at the boundary of any non-industrial zoned site adjoining;</p> <p>b) At no time between the hours of 10.00pm and 7.00am shall any outdoor lighting be used in a manner that causes:</p> <ul style="list-style-type: none"> i. An added illuminance in excess of 10 lux measured horizontally or vertically at any window of an adjoining building within a non-industrial zone. ii. An added illuminance in excess of 20 lux measured horizontally or vertically at any point along any non-industrial zone boundary; <p>c) Where measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting;</p> <p>d) The outdoor lighting on any site adjoining any non-industrial zoned site shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause a significant level of discomfort to any occupants of the non-industrial site;</p> <p>e) No reflective material or unpainted surface that creates glare to the extent that it causes discomfort shall be used;</p> <p>For the purpose of this standard, the discomfort level is defined as one that can be detected and determined to be a nuisance by an appropriately experienced Council Officer who is able to apply a frequency, intensity duration, and offensiveness assessment objectively to their observations.</p>
5. Air Emissions	<p>a) Odour: The management of activities shall ensure that there is no odour nuisance at or beyond the boundary of the property.</p> <p>b) Dust and Particulate: The management of activities shall ensure that there is no discharge of dust or particulate to the extent that it causes an adverse effects at or beyond the property.</p> <p>For the purpose of this rule an odour nuisance is defined as one that can be detected and determined to be a nuisance by three observers who are neutral to the issue, able to apply the frequency, intensity, duration and offensiveness to their observations and who are able to report these accurately; or an appropriately experienced Council or Regional Council Officer after having considered objectives, policies and guidelines of assessment as provided in the relevant sections of a Regional Air Plan or consideration of the provisions in Section 17 and Part XII of the RMA.</p>
6. Use and storage of hazardous substances	<p>The use and storage of hazardous substances shall comply with the Hazardous Substances and New Organisms Act 1996 (HASNO) as amended and the regulations made under the HASNO Act.</p>

7. Building Envelope (Areas as shown on the DCP Plan)	<p><u>Area A:</u></p> <p>Maximum height: 50m.</p> <p><u>Area B:</u></p> <p>Maximum height: 30m.</p> <p><u>Area C:</u></p> <p>Maximum height: 14.5m.</p>
8. Yard	10m.
9. Front Yard	5m.
10. Waitoa River Yard	20m setback (as measured from the river bank).
11. Height Relative to Boundary	Height (h) shall not exceed one quarter the distance (d) to the closest boundary adjoining (h = d/4) for site boundaries adjoining any non-Industrial zone.
12. Front Yard Landscaping	50% of required Front Yard
13. Building Design	<p>External appearance, colour scheme and cladding:</p> <ul style="list-style-type: none"> i. Reflective of Industrial environment, with buildings typically pre-cast concrete panels, Coloursteel roofing and stainless steel milk storage tanks; ii. Reflective materials on buildings shall be avoided to reduce impact of glare.
14. Car Parking, loading, Fleet Parking, and Formation and Manoeuvring	<ul style="list-style-type: none"> a) A minimum of 45 staff parking spaces shall be provided on the site in association with permitted activities; b) Each application to increase the milk processing capacity of the facility shall be accompanied by details outlining the staff increases associated with the capacity increase. Provision shall then be made for staff parking at a rate equivalent to the staff requirement for each consented increase in the milk processing capacity The number of car parks provided shall not be less than the number of staff expected on site at any one time; c) 10 visitor parking spaces shall be provided at all times; d) 1 parking/loading space shall be provided for a courier van at all times; e) All visitor parking and loading spaces shall be clearly identified; f) All parking dimensions spaces shall be, formed and surfaced in accordance with the dimensions required by the MPDC Development Manual 2010; g) Parking shall be located in the areas shown on the DCP; h) Four accessible parking spaces shall be provided at all times. The dimensions of the accessible spaces shall be in accordance with NZS4121:2001.

15. Access	<ul style="list-style-type: none"> a) Vehicle access is to be provided and maintained at both the northern and southern boundaries of the site on Factory Road (and as shown on the DCP); b) The Northern access off Factory Road shall be maintained as a single driveway access (i.e. shared by light and heavy vehicles); c) All vehicle accesses shall be designed by an appropriately qualified engineer and constructed in accordance with the MPDC Development Manual 2010; d) Prior to the commissioning of any expansion in milk production capacity on the site, above the currently consented level of 475 million litres per annum, the following works at Hawes Street Level Crossing, Waharoa, included as part of the recommendations in the March 2018 Report entitled: Open Country Dairy Limited, Hawes Street Level Crossing, Waharoa, Level Crossing Safety Impact Assessment, and its Addendum reports ("the March 2018 Report"), shall be completed namely: <ul style="list-style-type: none"> i. Installation of LEDs on existing flashing light boards (as required) ii. Automation/electrical upgrades to the warning system to increase warning time (software update) <p>The funding of these works will be the responsibility of the Milk Processing Facility.</p>
16. Signage	<ul style="list-style-type: none"> a) Signage attached to or forming part of the principal building, its walls or canopies shall not exceed 30m². b) In addition, free standing signs are permitted where the surface area viewed from any one direction does not exceed 16m².
17. Landscaping	<p>To be maintained in accordance with the site landscaping plan (and the staging of that plan) that forms part of the DCP.</p> <p>Stages of Landscaping to be implemented:</p> <ul style="list-style-type: none"> • Stage 1: Amenity planting and Specimen tree planting (required with the operation of a milk processing facility of up to 750 million litres per annum); • Stage 2: Riparian planting (required with the operation of a milk processing facility of up to 1 billion litres per annum).
18. Earthworks	Earthworks must be undertaken in accordance with the MPDC Development Manual (2010) and the Waikato Regional Council's Guidelines for Soil Disturbing Activities (2009).
19. Wastewater Treatment Plants	To be limited to the location shown on the DCP.
20. Water Treatment Plants	To be limited to the location shown on the DCP.
21. Stormwater Discharge	All stormwater discharge to be via the on-site stormwater wetland and be managed in accordance with the MPDC Development Manual.

1.2 Matters of Control	
1. General	<ul style="list-style-type: none"> a) Location relative to the DCP; b) Confirmation of compliance with the performance standards of the DCP, including confirmation of staff numbers for the purpose of demonstrating compliance with parking standards.
2. Visual	<ul style="list-style-type: none"> a) Building Design <ul style="list-style-type: none"> - Scale and bulk: consistency with performance standards; - External appearance, colour scheme and cladding: reflective of Industrial environment, with buildings typically pre-cast concrete panels, Coloursteel roofing and stainless steel milk storage tanks. Reflective materials on buildings shall be avoided to reduce impact of glare; b) Scale, including the height and bulk of the building; c) Incorporation and appropriate scale of signage and provision of lighting.
3. Traffic and Parking	<ul style="list-style-type: none"> a) Staff P-parking to be provided at a rate as per the performance standards (being at a rate equivalent to the number of staff on site at any one time numbers, plus 10 visitor spaces); b) All parking spaces (including any Fleet Parking) shall be designed to meet the standards in 1.1 Performance Standards; c) Provision Allocation of a loading space for a courier van adjacent to the office building; d) Provision of safe and efficient operation of existing access/exits; e) Traffic generation: to be demonstrated to be in general accordance with the following estimated truck delivery movements per year (based on cumulative production capacity): 1 billion litres/year – 76,000 vehicles/year.
4. Landscaping	<ul style="list-style-type: none"> a) Stage 2 Landscaping (Riparian Planting – as shown on DCP Plans) to be implemented; b) Stage 1 Landscaping (Amenity Planting and Specimen Tree Planting) to be maintained.

1.3 Matters of Discretion – Restricted Discretionary Activities.	
1. General	<ul style="list-style-type: none"> a) Location relative to the DCP; b) Confirmation of compliance with the performance standards of the DCP, including confirmation of staff numbers for the purpose of demonstrating compliance with parking standards; c) Extent of compliance with the matters of control.
2. Traffic and Parking	<ul style="list-style-type: none"> a) Staff P parking to be provided at a rate as per the performance standards (being at a rate equivalent to the number of staff on site at any one time numbers, plus 10 visitor spaces); b) All parking spaces (including any Fleet Parking) shall be designed to meet the standards in 1.1 Performance Standards; c) Provision Allocation of a loading space for a courier van adjacent to the office building; d) Provision of safe and efficient operation of access/exits; e) Provide a Traffic Assessment (including surveys) to determine the existing level of service at the time of expansion for the intersections at Factory Road/Hawes Street and SH27, and Link Road and SH27. This assessment shall demonstrate that this level can be maintained (and may include mitigation, such as a Fleet Management Strategy to limit impacts on the intersections during peak times, or physical mitigation to the intersections). e) Provide a Transportation Assessment (including traffic surveys) to determine that the actual trip generation is consistent with the anticipated volumes of 1.3.2 f). This assessment shall also demonstrate that the existing level of service (being no worse than level of service D, from the Waikato Regional Transportation Model) at the intersections of Factory Road/Hawes Street and SH27, and Link Road and SH27 can be maintained (and may include mitigation, such as a Fleet Management Strategy to limit impacts on the intersections during peak times, and/or physical mitigation to the intersections); f) Traffic generation: to be demonstrated to be in general accordance with the following estimated truck delivery movements per year (based on cumulative production capacity): 1.25 billion litres/year – 95,000 vehicles/year; g) The extent to which the level crossing improvements at Hawes Street Level Crossing, Waharoa, included as part of the recommendations in the March 2018 Report have been implemented.
3. Landscaping	<ul style="list-style-type: none"> a) Stage 1 and Stage 2 Landscaping to be maintained in accordance with DCP Plans).



1 Planting Overview
Scale: 1:1000



3 Riparian Planting Typ. (Section-Elevation)
Scale: 1:100

Plant Schedule						
Zone	ID	Latin Name	Common Name	Spacing	Scheduled Size	Quantity
	ASE	Aristotelia serrata	Makomako	1.5	RT/Pb3	407
	CSE	Carex secta	Purei	1	RT/Pb3	823
	CVI	Carex virgata	Pukio	1	RT/Pb3	1235
	CRO	Coprosma robusta	Karamu	1.5	RT/Pb3	407
	CAU	Cordyline australis	Cabbage Tree	1.5	RT/Pb3	453
	DDA	Dacrycarpus dacrydioides	Kahikatea	7	2m	53
	FPR	Fuchsia procumbens	Creeping Fuchsia	0.75	Pb3	103
	HFL	Hebe 'Flame'	Hebe 'Flame'	0.7	Pb5	92
	HMA	Hebe macrocarpa	Koromiko	1	RT/Pb3	226
	HST	Hebe stricta	Koromiko	1.5	RT/Pb3	226
	KER	Kunzea ericoides	Kanuka	1.5	RT/Pb3	272
	LSC	Leptospermum scoparium	Manuka	1	RT/Pb3	720
	LLO	Lomandra longifolia	Lomandra longifolia	0.9	Pb5	86
	PTE	Phormium tenax	Harakeke	1.5	RT/Pb3	543
	PSI	Pittosporum Stephens Island	Pittosporum Stephens Island	1	1m	268
	PCI	Poa cita	Silver tussock	0.7	Pb3	132
	PTO	Podocarpus totara var. totara	Totara	7	2m	29
	PCR	Pseudopanax crassifolius	Lancewood	1.5	RT/Pb3	317
	SMI	Sophora microphylla	Kowhai	1.5	RT/Pb3	453
					Total	6845

KEY:

Amenity plant and specimen tree labels:

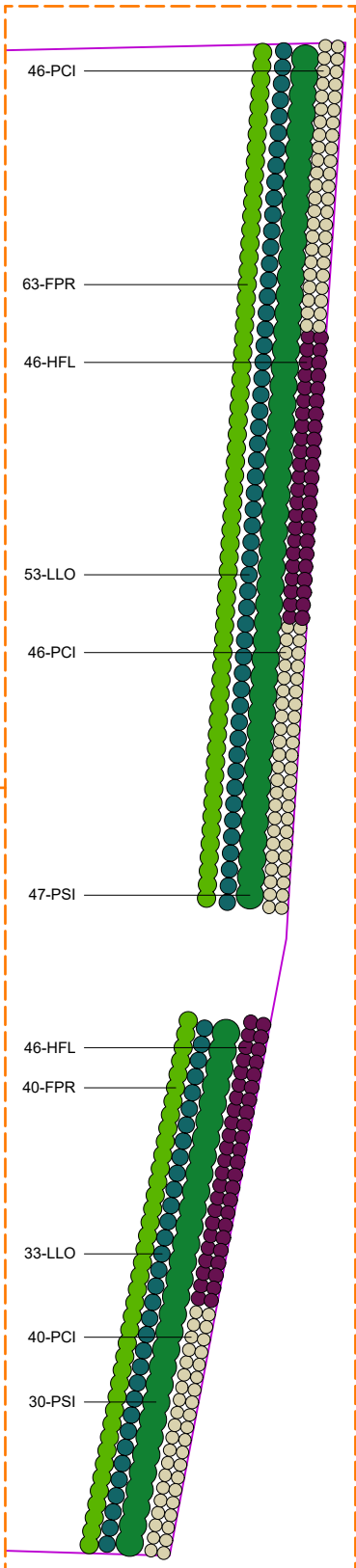
21-DDA
Quantity Plant species code (refer schedule)

Riparian planting labels:

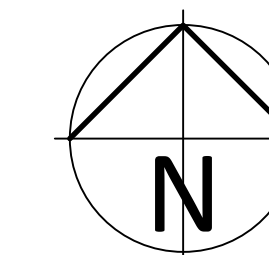
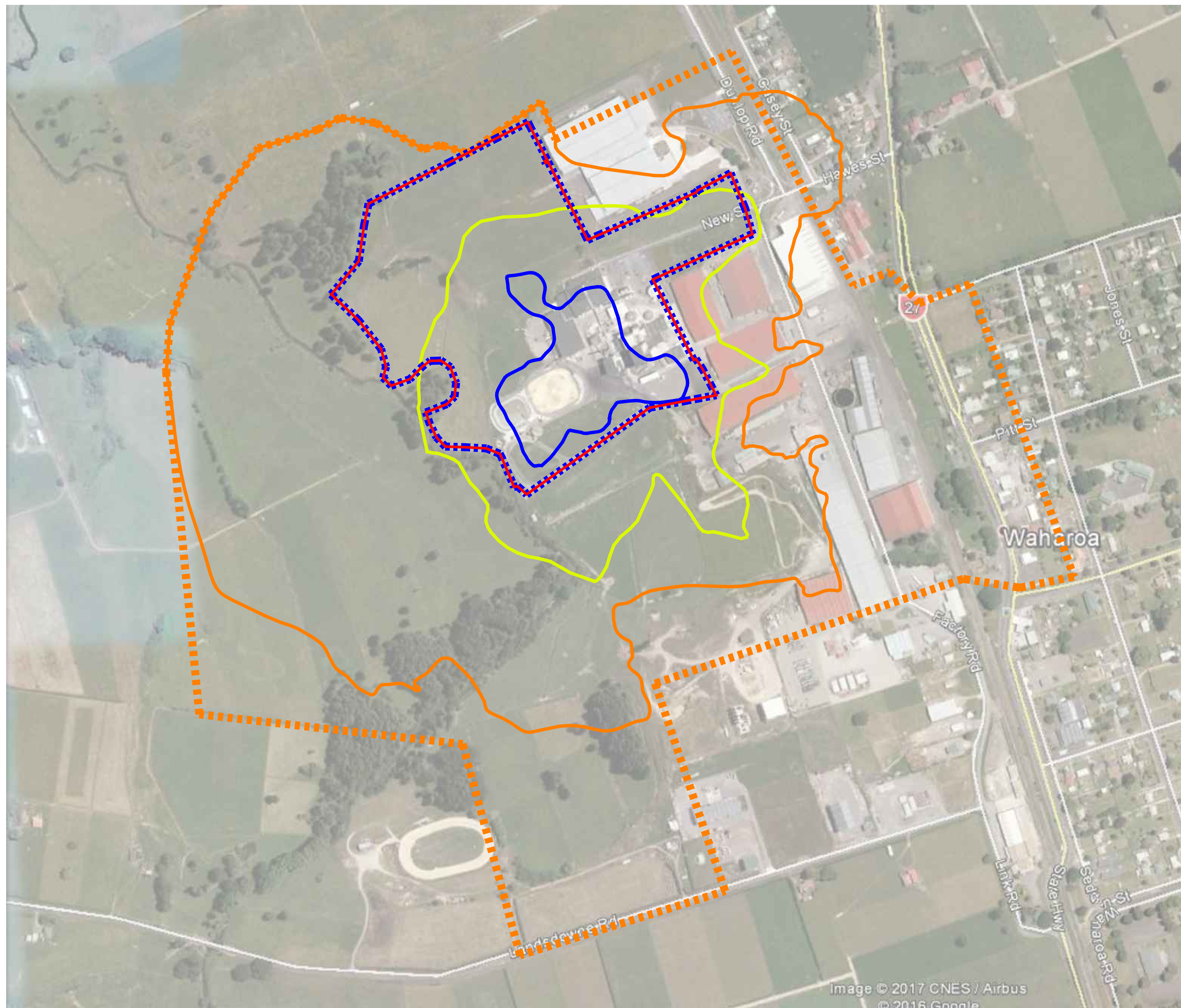
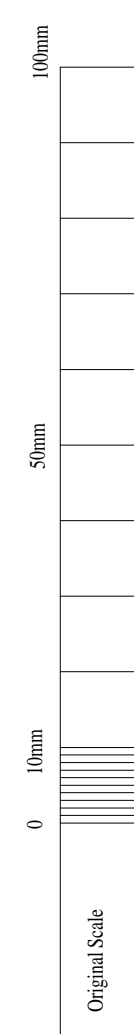
10%-CAU-458
% of total plants within planted area Plant species code (refer schedule) Quantity

Plant types indicated in planting schedule:

- Amenity Planting - Stage 1
- Specimen Tree - Stage 1
- Riparian planting - Stage 2



2 Amenity Planting Detail.
Scale: 1:200 (A1)



LEGEND	
—	Area subject to DCP request
—	60dB L_{Aeq} contour line
- - -	Inner NECB (coincides with DCP boundary)
—	50dB L_{Aeq} contour line
—	40dB L_{Aeq} contour line
- - -	Outer NECB

Te Aroha Skin Processors Limited

Lot 8 DPS 33821, Block XI Aroha SD.

Totara Springs Christian Centre

Part Section 1A Mangawhero Settlement, SO 13998, Lot 1 DPS 34763, Block III Tapapa SD.

New Zealand Mushrooms Limited – Snell Street, Morrinsville

Section 1 SO 55982, Lot 7A DP 2465 and PT Lot 1 DP 16287, all being part of the Motumaoho No. 2 Block.

New Zealand Mushrooms Limited – Taukoro Road, Morrinsville

Lot 1 DP 36969, Block II Maungakawa SD.

IB and JP Diprose – Barton Road, Okauia

Part Okauia 1 Block being Part DP7148, Okauia 4B Block, Lot 1 DPS 24315 Blocks IV and VIII Tapapa SD.

DL and JL Swap

Part Section 126, Block II, Tapapa East Survey District (CT SA5B/22).

Richmonds Limited

Part Section 6 DP 18461 and Lot 1 DPS17578, Part Sections 12, 21, 32, 33, 34, 35, 36 and 37 Block XI, Aroha SD, and Part Section 6 Block XI Aroha SD.

Greenlea Premier Meats Limited Morrinsville



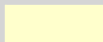












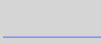

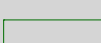





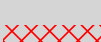












Motumaoho Number 2 block and lots 1 and 2 and part lot 2 DP 17820, Section 1, SO Plan 5384, Lots 3 and 4 DP 20396 and Part Lot 100A DP 2461.

Milk Processing Site, Factory Road, Waharoa

Lot 1 DP 333824, Lot 2 DP 507925 and Lot 1 DP 415727




Advice note: See Part C: Planning Maps for the Development Concept Plans.

Matamata-Piako District Plan Legend

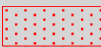
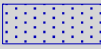

	INDUSTRIAL		BUSINESS/RESIDENTIAL INTERFACE AREA
	RESIDENTIAL		TE AROHA HERITAGE CHARACTER AREA
	RURAL		RESIDENTIAL INFILL AREA
	BUSINESS		FUTURE RESIDENTIAL POLICY AREA
	RURAL RESIDENTIAL 1		PEAT SOIL
	RURAL RESIDENTIAL 2		FLOOD HAZARD
	KAITIAKI (CONSERVATION)		WATER COURSE
	OUTSTANDING OR SIGNIFICANT		DETENTION PONDS & SPILLWAYS
	NATURAL FEATURES AND		CROWN LAND RESERVED FROM SALE
	OTHER PROTECTED ITEMS		RESERVE
	DESIGNATED SITE		FIRE LINE EDGE
	HERITAGE SITE		FIRE HAZARD BUFFER
	PROTECTED TREE		DISTRICT BOUNDARY
	WAAHI TAPU SITE		PARCEL BOUNDARY
	STRUCTURE PLAN		ROAD
	PRINCIPAL ROAD LANDSCAPING AREA		DESIGNATION
	SHOP FRONTAGE		NOISE EMISSION CONTROL BOUNDARY
	WATER CATCHMENT ZONE		(REFER TO DEVELOPMENT CONCEPT PLAN)
	INSTABILITY AREA		DEVELOPMENT CONCEPT PLAN AREA

Third Party Works and Utility Features



Waikato Regional Council

	FLOODGATE
	PUMP STATION
	EMBANKMENT

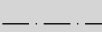
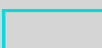

Powerco

	SITE
	SUB TRANS OVERHEAD LINE CORRIDOR
	SUB TRANS UNDERGROUND CABLE CORRIDOR

Transpower

	SITE
	TRANSMISSION LINE

Vector Gas

	GAS PIPELINE
	GAS STATION SITE
	GAS PIPE CORRIDOR

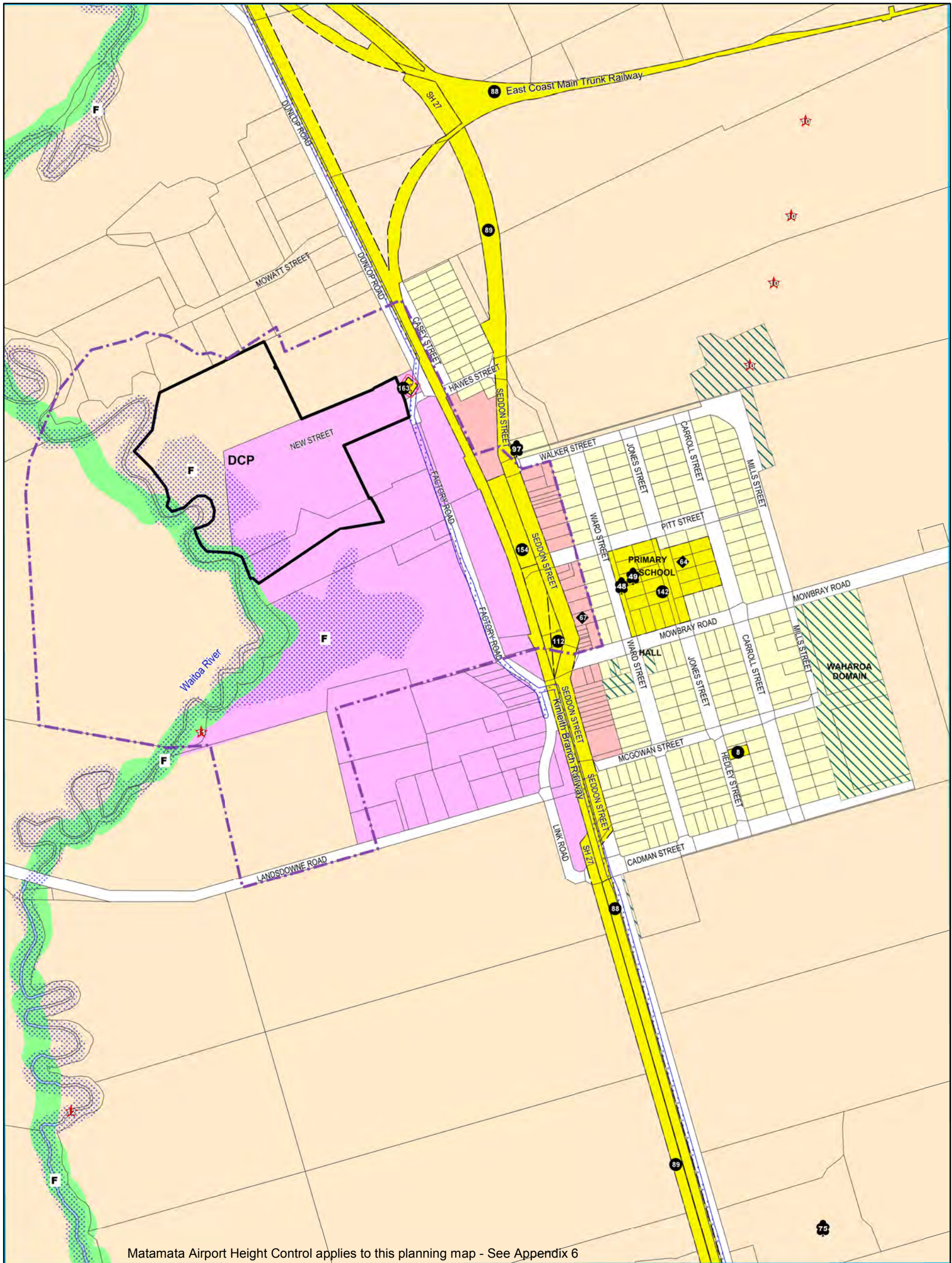
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MATAMATA-PIAKO DISTRICT PLAN LEGEND

Version 5 -- Operative 6 April 2018

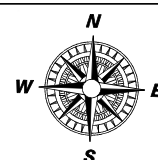




WAHAROA

Scale 1:8,000

Version 9 -- Operative 24 May 2017



11	11/12	12
	31	
	14	

