

# Corporate and Operations Committee

## Open Agenda



Notice is hereby given that an ordinary meeting of the Corporate and Operations Committee will be held on:

**Date:** Wednesday 22 November 2017  
**Time:** 9:15am  
**Venue:** Council Chambers  
35 Kenrick Street  
TE AROHA

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### Membership

#### Mayor

Jan Barnes, JP

#### Councillors

Donna Arnold  
Teena Cornes  
Paul Cronin  
Neil Goodger  
Brian Hunter  
Peter Jager

James Sainsbury  
Ash Tanner  
Kevin Tappin  
James Thomas, JP  
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<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>PROCEDURAL</b>		
1	Meeting Opening	5
2	Present	5
3	Apologies	5
4	Notification of Urgent Business	5
5	Confirmation of minutes	5
<b>OFFICER REPORTS</b>		
6	Executive	
6.1	Appointment of electoral officer	7
6.2	Sport Waikato Update	11
6.3	Draft Policies on the Remission and Postponement of Rates - for consultation	13
7	Business Support	
7.1	Request for Special assessment for additional Storage Sheds at Waihou Street, Matamata	19
7.2	Request for Special Assessment - Longlands Freedom Village	27
7.3	Request for Special Assessment - Mathan Ltd for additional chicken sheds on Maiseys Road, Waharoa	35
8	Community Development	
8.1	Role of Hauraki Gulf Forum - Formalise Council Position	41
8.2	Waikato Regional Council Draft Implementation Plan for the Hauraki Gulf Marine Spatial Plan.	43
8.3	Hauraki Rail Trail Charitable Trust - Annual Report 2016-2017	45
8.4	Health & Safety report - October 2017	47
8.5	Chief Executive Officers Report for October 2017	49
9	Urgent Additional Business	



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**1 Meeting Opening**

**2 Present**

**3 Apologies**

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

**4 Notification of Urgent Business**

Pursuant to clause 3.7.5 and 3.7.6 of the Standing Orders NZS 9202:2003 and Section 6A (7) of the Local Government Official Information and Meetings Act 1987, the Chairman to enquire from members whether there are any additional items for consideration which qualify as extraordinary or urgent additional business.

**5 Confirmation of minutes**

Minutes, as circulated, of the Ordinary Meeting of the Corporate and Operations Committee, held on 25 October 2017



## Appointment of electoral officer

Trim No.: 1907437

### Executive Summary

Every Council must have an appointed Electoral Officer (EO) at all times, in accordance with Section 12 of the Local Electoral Act 2001 (the Act). This report seeks Council approval for the appointment of a new EO being Mr Dale Ofsooske of Independent Election Services Limited.

An EO, unless he or she dies, resigns, is dismissed from office, or becomes incapable of acting, remains in office until his or her successor comes into office.

### Recommendation

That:

1. **The information be received.**
2. **That in accordance with Section 12 of the Local Electoral Act 2001, Council appoints Dale Ofsooske of Independent Election Services Limited as Electoral Officer replacing Ms Sandy Barnes.**
3. **Council notes the intended appointment of Mr Niall Baker as Deputy Electoral Officer (to be appointed by the Electoral Officer) replacing Mr Dennis Bellamy.**

### Background

Sandy Barnes, Health and Safety/Quality Manager, was appointed as Council's EO (EO) and Mr Dennis Bellamy as the Deputy EO by Council at its meeting on 9 December 2009. Ms Barnes and Mr Bellamy acted in these roles for the 2010, 2013 and 2016 elections.

Due to internal adjustment of roles within Council the Corporate Strategy Manager now has responsibility for the community leadership (democracy) function within Council including the local body elections. As such it is now appropriate for Council to appoint a new EO.

The next triennial general election will be held on 12 October 2019.

### Proposal

It is recommended Dale Ofsooske of Independent Election Services Limited as be appointed as Councils EO.

It is proposed that a Council staff member (presently Niall Baker) will act as the Deputy EO as the on-site support and liaison for the elections. Sandy Barnes will provide support during the transition and with any electoral matters needing attention during the remainder of the triennium for example a by-election.

It is proposed that the EO will delegate particular functions and duties to the Deputy EO, for example receiving nominations as the EO will not be based on-site. It is proposed that other Council staff member/s also be given delegations to provide cover in the event the Deputy EO is unavailable and to assist with other electoral duties such as receipt of nominations etc.

Council staff will undertake training as and when available so the Deputy EO is able to step up at any time.

## Issues

Section 12 of the Act requires Council to have an appointed EO in place at all times.

Section 13 of the Act requires that every EO must appoint a Deputy EO. The deputy will act as EO if the EO dies, resigns, is dismissed, or becomes incapable of acting. The deputy EO has the full powers of an EO and must continue to act until the EO regains capability or a new EO is appointed.

Section 14 of the Act requires declarations to be made by both the EO and the Deputy EO to carry out the duties of the role in accordance with the Act. The EO and the Deputy EO shall not exercise any powers under the Act or Regulations unless they have made a declaration and the declaration is current (also applies to other electoral officials). The declaration required for the 2019 elections must be signed on, or as soon as possible after, 1 February 2019 and expiring on 31 January 2022. Such declarations remain in effect for 3 years, unless ended by dismissal or resignation.

The EO is also responsible for keeping returns of donations and expenses in the EO's office, or other place appointed by the local authority chief executive, for seven years, and to make them publicly available for inspection.

The territorial authority EO is the EO for any licensing trust in its area (Sale and Supply of Alcohol Act s310). There is currently no licensing trust in this area.

A District Health Board must appoint a constituent territorial authority EO as its EO (New Zealand Public Health and Disability Act schedule 2 cl. 9B).

The statutory principles in section 4 of the Act include public confidence in electoral processes through elections being managed independently from the elected body.

### Appointment of the EO

It is important for Council to note that section 14(1) of the Act provides that, once appointed, the EO and other electoral officials are not subject to the direction of the Council in the exercising of powers or the carrying out of duties. This means the duties are carried out independently of Council to prevent any intervention in the electoral process. Candidates for election cannot be appointed or act as electoral officials.

Section 14(5) of the Act provides that the Chief Executive of a Council must not be appointed as an EO, Deputy EO or an electoral official unless the local authority is satisfied that no other course of action is reasonably practicable in the circumstances.

Apart from the above requirements, there are no other restrictions on the appointment of an EO. The appointee may be a Council officer but does not have to be.

The EO is not required to be a council officer, nor must they perform all electoral functions themselves. Legislation also allows an EO to delegate almost any role or power to another person but must retain overall responsibility.

### General Duties and Responsibilities of an EO

Section 15 of the Act states the general duties and responsibilities of an EO as:

- the compilation and certification of electoral rolls:
- the publication of any public notice relating to elections and polls and the calling of nominations, required to be given:
- receiving nominations, candidate profile statements, and deposits required to be paid:



- issuing and receiving ordinary and special votes and other official documents:
- the processing and counting of votes:
- the declaration of results:
- receiving returns of electoral expenses:
- investigating possible offences and reporting alleged offences to the police.

Other non-statutory tasks include reporting to the local authority on electoral matters, including post-election reports, and providing statistical and other information on elections and polls to the Department of Internal Affairs.

## Analysis

### Options considered

There are a number of options available to manage local elections including completely managing most aspects of the election using internal resources (as previously done by Council) to appointing/contracting an external EO and only performing administrative/public facing roles locally (nominations, special votes etc.). There are advantages and disadvantages to both approaches.

Proposals were sought from companies to provide the elections support. Following this procurement process Council staff accepted a proposal by Dale Ofsoske of Independent Election Services Limited to provide election services for the local body elections in 2019.

Benefits to Council of appointing Dale Ofsoske of Independent Election Services Limited as its EO are to:

- fully utilise the considerable experience and knowledge of the company in electoral matters and provision of a service independent of Council;
- be able to respond quickly to electoral queries (from the council, candidates and the public generally) without the need to go elsewhere for answers or guidance;
- be able to respond to and communicate authoritatively with the media on any electoral matter or concern;
- manage any operational electoral issues that may arise and deal with these expediently.

A number of other councils and District Health Boards send returned voting documents out of the district for processing and counting and since 2004 Council has contracted vote counting service to Elections.Com.

### Analysis of preferred option

The preferred option is that Council appoints Mr Dale Ofsoske of Independent Election Services Limited as EO and that a Council staff members acts as the Deputy EO.

### Legal and statutory requirements

The legal requirements are covered elsewhere in this report.

### Impact on policy and bylaws

There is no policy or bylaw impact.

### Consistency with the Long Term Plan / Annual Plan

This matter does not relate to the Long-Term Plan or Annual Plan.

### Impact on Significance and Engagement Policy

This matter is not significant.

### Communication, consultation and decision making processes

The Waikato District Health Board and Waikato Regional Council will be advised of Councils appointment decision.

### Consent issues

There are no consent issues.

### Timeframes

Council must have an EO in place at all times.

## Financial Impact

### i. Cost

The majority of the budget will be spent are costs relating to the EO (external service provider) and advertising. Some election costs will be shared with the Waikato Regional Council and Waikato District Health Board.

No funding is currently provided for participation in any online voting trial and the current budget assumes the current postal voting method will be used.

### ii. Funding Source

Funding for elections is provided in the Long Term Plan. The available total budget for the triennial elections is \$145,000, and is made up as follows:

2017/18	\$35,000
2018/19	\$65,000
2019/20	\$45,000

## Attachments

There are no attachments for this report.

## Signatories

Author(s)	Niall Baker <b>Acting Senior Policy Planner</b>	
	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	

## Sport Waikato Update

Trim No.: 1950618

Item 6.2

### Executive Summary

9.30am Lou Beer will be attending to give an update on Matamata-Piako activities supported by Sport Waikato.

### Recommendation

That:

1. The information be received.

### Attachments

- A. Sport Waikato Update April - October 2017

### Signatories

Author(s)	Caroline Hubbard <b>Committee Secretary</b>	
Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	



## Draft Policies on the Remission and Postponement of Rates - for consultation

Trim No.: 1941861

Item 6.3

### Executive Summary

This purpose of this report is to seek adoption by Council of the Rates Remissions and Postponement Policies for consultation. The statement of proposal and draft policies have been circulated separately to Councillors.

Policies on the Remission and Postponement of Rates must be reviewed at least every six years. Council can only remit rates if they have adopted a rates remission policy under section 85 of the Local Government (Rating) Act 2002.

Remission of rates involves reducing the amount owing or waiving collection of rates altogether. Postponement of rates means that the payment of rates is not waived in the first instance but delayed for a certain time, or until certain events occur. The overall objective of remissions is to provide rates relief in situations to support both the fairness and equity of the rating system and the overall wellbeing of the community.

In order to allow rates relief where it is considered fair and reasonable to do so, Council is required to adopt policies specifying the circumstances under which rates will be considered for remission. There are various types of remission, and the circumstances under which a remission will be considered for each type may be different. The conditions and criteria relating to each type of remission are set out in the various remissions policies.

## Recommendation

That:

1. The information is received.
2. Council adopts the following policies and Statement of Proposal:
  - Policy on the remission of rates on land protected for conservation purposes
  - Policy on the remission of penalties on unpaid rates
  - Policy on the remission of rates: other categories
  - Policy on the remission of small rates balances
  - Policy on the remission of rates on Maori freehold land
  - Policy on the postponement of rates on Maori freehold land
  - Policy on remissions for metered water leaks
  - Policy on remissions of pan charge targeted rates based on water use
  - Policy on remissions of pan charge targeted rates for Educational Establishments
  - Draft Policy on the remission of rates on abandoned land
  - Draft Policy on the remission and postponement of rates for natural disasters and emergencies

(a) for public consultation purposes and proceed through the special consultative process in accordance with the Local Government Act 2002:

(b) in accordance with section 93G of the of the Local Government Act 2002, as information:

  - (i) relied on by the content of the Consultation Document
  - (ii) that provides the basis for preparing the Long Term Plan
  - (iii) is necessary to enable the auditor to give the opinion on the Consultation Document.
3. Council resolves that using this process will give effect to the 'Principles of consultation' set out in section 82 of the Local Government Act 2002.
4. The Statements of Proposal for the above policies be approved for consultation alongside the Consultation Document for the Long-Term Plan 2018-28

## Content

### Background

Council participated in workshops on 19 July 2017 and 1 November 2017 and were given an overview of the current remissions and postponement polices, with amendments and recommended additions identified.

Council last reviewed the policies alongside the Long Term Plan 2015-25. Although we are required by legislation to review our rates remissions and postponement policies at least every six years, reviewing and adopting the policies allows for the consistent application of rates remissions.

## Current Policies

1. Policy on the remission of rates on land protected for conservation purposes
2. Policy on the remission of penalties on unpaid rates
3. Policy on the remission of rates: other categories
4. Policy on remission of small rates balance
5. Policy on the remission of rates on Maori freehold land
6. Policy on the postponement of rates on Maori freehold land
7. Policy on remissions for metered water leaks
8. Policy on remissions of pan charge targeted rates based on water use
9. Policy on remissions of pan charge targeted rates for educational establishments

Council can only remit rates if they have adopted a rates remission policy under *section 85 of the Local Government (Rating) Act 2002*. Other legislation that applies is:

- Policy on the remission of rates: other categories - *Section 20 of the Local Government (Rating) Act 2002 states that Council must treat two or more rating units as one if they are owned by the same person(s), used as one unit, are contiguous or separated only by road, rail, drain, water race, river, or stream.*
- Policy on the remission of rates on Maori freehold land - *Statutory requirement under section 114 of the Local Government (Rating) Act 2002.*
- Policy on the postponement of rates on Maori freehold land - *Statutory requirement under section 115 of the Local Government (Rating) Act 2002.*

## **Issues**

### Proposed amendments

Policy on the remission of rates: other categories:-

1. Addition of full remission available for land value of less than \$500.
2. Removal of the remission of the Uniform Annual General Charge available on properties where the owners of one property are private individuals and the related property is held in the applicant's family trust.

### Proposed new policies

Draft Policy on remission of rates on abandoned land – To enable Council to avoid administration costs where it is unlikely that rates assessed on an abandoned rating unit will ever be collected.

Draft Policy on the remission and postponement of rates for natural disasters and emergencies – In the event of a natural disaster or other type of emergency affecting the capacity of one or more rating units to be used for an extended period of time.

## **Analysis**

### **Options considered**

- 1 Make amendments to Policy on the remission of rates: other categories.
- 2 Propose to introduce two new remission policies – Policy on abandoned land remission and Policy on natural disasters and emergencies remission.

### **Analysis of preferred option**

There is no preferred option. Council should consider the rates remissions and postponements it wishes to provide in the context of the Long Term Plan 2018-28.

### Legal and statutory requirements

Under section 102 of the Local government Act 2002 Council is required to adopt a policy on the remission and postponement of Maori freehold land and may adopt a policy on the remission of rates. In adopting these policies, it must do so under section 82 - principals of consultation.

#### *102 Funding and financial policies*

- (1) A local authority must, in order to provide predictability and certainty about sources and levels of funding, adopt the funding and financial policies listed in subsection (2).*
- (2) The policies are—*
  - (a) a revenue and financing policy; and*
  - (b) a liability management policy; and*
  - (c) an investment policy; and*
  - (d) a policy on development contributions or financial contributions; and*
  - (e) a policy on the remission and postponement of rates on Māori freehold land; and*
  - (f) in the case of a unitary authority for a district that includes 1 or more local board areas, a local boards funding policy.*
- (3) A local authority may adopt either or both of the following policies:*
  - (a) a rates remission policy;*
  - (b) a rates postponement policy.*
- (4) A local authority—*
  - (a) must consult on a draft policy in a manner that gives effect to the requirements of section 82 before adopting a policy under this section:*

It is proposed to undertake consultation in accordance with the section 82 principles of consultation (providing information, allowing affected people to present feedback to Council, being clear on the purpose of the consultation/scope of decisions to be made, Council having an open mind/giving due consideration to views, and providing clear records of decisions). It is proposed to consult on the fees and charges alongside the Long-Term Plan consultation document and other policies.

Where Council is required to consult in accordance with, or using a process or a manner that gives effect to, the requirements of section 82 it must make the following publicly available:

- the proposal and the reasons for the proposal; and
- an analysis of the reasonably practicable options, including the proposal, identified under section 77(1); and
- if a plan or policy or similar document is proposed to be adopted, a draft of the proposed plan, policy, or other document; and
- if a plan or policy or similar document is proposed to be amended, details of the proposed changes to the plan, policy, or other document.

Under section 77(1) of the LGA Council must, in the course of the decision-making process seek to identify all reasonably practicable options, assess the options in terms of their advantages and disadvantages. The 'statement of proposal' seeks to address these requirements by setting out the proposal and reasons for our policies and a discussion of the possible options Council has available. The full draft policies will also be made publicly available at Council offices, libraries and website.

### Impact on policy and bylaws

The outcome of this process will result in new policies for Council.



### Consistency with the Long Term Plan / Annual Plan

The policies have been developed alongside the Long Term Plan process.

### Impact on Significance and Engagement Policy

The proposed policies will be subject to public consultation in accordance with the Special Consultative Procedure (Section 83) of the LGA giving effect to the principles of consultation in section 82.

The special consultative procedure is not required for setting remissions and postponement policies and Council has a degree of flexibility as to how it achieves principles of consultation. It is proposed to use the special consultative procedure alongside the Long Term Plan.

### Communication, consultation and decision making processes

The draft policies will be promoted through 'Council in focus' newspaper advertisements separately to the Consultation Document.

The Policies on the Remission and Postponement of Rates will be produced alongside the draft Long Term Plan 2018-28 which is subject to community consultation.

### Consent issues

There are no consent issues.

### Timeframes

Process	Date
Council approve statement of proposal and Policies on the Remission and Postponement of Rates for public consultation	22 November 2017
Consult the community (alongside various Bylaws)	28 March – 29 April 2018
Council Hearing	16/17 May 2018
Adopt	27 June 2018
Policies come into effect	1 July 2018

### Contribution to Community Outcomes

Council has approved a new Vision, "Matamata-Piako – The Place of Choice," and outcomes for the Long Term Plan 2018-28.

Economic Opportunities - We provide leadership and advocacy is provided to enable our communities to grow.

Vibrant Cultural Values - We promote and protect our arts, culture, historic, and natural resources.

### Financial Impact

#### i. Cost

The cost of the review has been funded from existing budgets.

The operational cost of the Policies on the Remission and Postponement of Rates will be considered as part of Council's overall discussion on the Long Term Plan 2018-28 budgets.

ii. **Funding Source**

100% funded by rates.

**Attachments**

There are no attachments for this report.

**Signatories**

Author(s)	Vicky Oosthoek <b>Corporate Strategy Administration Officer</b>	
	Danny Anglesey <b>Finance &amp; Business Services Manager</b>	

Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Manaia Te Wiata <b>Group Manager Business Support</b>	

# Request for Special assessment for additional Storage Sheds at Waihou Street, Matamata

Trim No.: 1947581

## Executive Summary

Development contributions are a charge imposed on a developer by a council to recover some of the capital costs incurred by a council when providing infrastructure services for the development. This report seeks a decision from Council whether it wishes to enter into a special assessment process with the applicant, Storage Solutions, to waive or reduce the amount of Development Contributions payable on the construction of a storage shed.

Under the 2015-25 policy Council can make the decision as to whether a special assessment be undertaken for specific developments or whether the DC be upheld and the applicant can proceed with a reconsideration and/or objection process.

The applicant requests that the Water and Wastewater Development Contributions be waived. It also requests to waiver or reduce the Rooding Development Contributions.

Council previously considered a request for special assessment for an earlier stage of the development. The resolution was to waiver the Water and Wastewater Development Contributions and to uphold the Rooding Development Contribution.

## Recommendation

That:

1. Council receive the report; and
2. Council determine whether to enter into a special assessment with Kevin Thomas to waiver the Development Contributions for Water and Wastewater for the proposal to add a new storage shed at Waihou Street, Matamata.
3. Council determine whether to enter into a special assessment with Kevin Thomas to waiver or reduce the Development Contributions for Rooding for the proposal to add a new storage shed at Waihou Street, Matamata

## Content

### Background

Storage Solutions have obtained a building consent for the construction of an additional storage shed to their existing operation for Matamata Mini Storage, Waihou Street in Matamata. The total gross floor area of the storage shed building is 495m<sup>2</sup>.

The purpose of development contributions is to recover the costs of growth related capital expenditures (e.g. roads, water, wastewater etc) from participants in the property development process, rather than from general rates or any other indirect funding source. In accordance with Council's Development Contributions Policy (Policy) the building consent application for the Development has triggered an assessment for development contributions (DC). Water and Wastewater DCs for the Development have been assessed as following (inclusive of GST).

Development Contributions – LTP 2015-25				
Activity	Total m2	Credit m2	Extra m2	Total incl. GST
Water	495m2	0	495m2	\$4,842.88
Wastewater	495m2	0	495m2	\$6,664.09
Roading	495m2	0	495m2	\$4,277.87
<b>Total to be paid</b>	<b>GST inclusive</b>			<b><u>\$20,245.78</u></b>

### Issues

The current policy allows for a reconsideration and objection process for Development Contributions but it is requested that Council consider this development as a special assessment under 7.6.2 under the policy. The reason for this being that it has the potential to lie outside the standard Household Equivalent unit (HEU) development requirement. This is also based on previous Council decisions for objections before the policy changed and made this an independent process.

#### Special assessment

*Our policy on development contributions is based on the average infrastructure demands of a wide range of residential and non-residential developments. However, there may be instances where a development does not readily fit within the specified development categories, or where the infrastructure demands created by the development differ significantly from the averages upon which the policy is based. In these circumstances, we may undertake a special assessment at our sole discretion.*

*A decision on whether a special assessment will be undertaken will be made by Council at the application stage, once details of the development are known. Applicant will be expected to provide supporting information and detailed calculations of the likely demand for roading, water, wastewater and stormwater associated with the development. This information will be used to calculate the number of Household Equivalent Units for each activity for which the development will be liable.*

#### Water and Waste water Contributions

Under the Policy, Council may require DCs at the time of resource consent, building consent or at the time of a service connection request to one of our networks (clause 7.3.3 of the Policy).

The assessment for DCs for water was undertaken because the buildings have the potential to be supplied with water services from the existing connection to the site. DCs can therefore not be applied at the time of connection.

*The applicant has indicated that no water or wastewater will be required for the storage shed.*

A summary of the relevant applications for which a reduction has been applied for in the past are as following:

Andy Smith Limited, Thames Street, Morrinsville	Reassemble of shed from Thames Street	No DC – subject to Thames Street site confirming in writing that they surrender their credit. Credit from existing site on Thames Street was applied.
A Gurnick, Landsdowne	New shed	No DC until the time of connection to our water

Road, Matamata		services The building does not need to be supplied with water.
Cullen Engineering, 1 Mills Street, Te Aroha	New Fabrication Workshop	No DC until the time of connection to our water and wastewater services The building does not need to be supplied with water and wastewater.
Waharoa Properties Ltd, Dunlop Road, Waharoa	Relocation of existing coolstore and canopy to Waharoa Cold Store Site	DC was upheld Very minimal water required, but it will be connected to Council water services.
Garland Engineering, Waihou Street, Matamata	New Warehouse with a second level office/amenities	DC was upheld Very minimal water required, but it will be connected to Council water and wastewater services.
D B & J F Holdings Ltd, 5 Anderson Street, Morrinsville	2 New Storage Sheds	DC was waived (cannot be deferred until time of connection as it already has a connection to the property) The building does not need to be supplied with water.
Ryann Ltd 120 Avenue Road North, Morrinsville	New shed on existing site	DC was waived (cannot be deferred until time of connection as it already has a connection to the property) The building does not need to be supplied with water.
Secure Storage Solutions Ltd, Wild Street, Te Aroha	New sheds on existing site	DC was waived (cannot be deferred until time of connection as it already has a connection to the property) The building does not need to be supplied with water.
Mini Storage solutions Waihou Street, Matamata	New Storage Sheds	DC was waived (cannot be deferred until time of connection as it already has a connection to the property) The building does not need to be supplied with water.

### Roading Contribution

The site is located off Waihou Street in Matamata and it is proposed to construct an additional storage shed to add to their existing operation.

The assessment for roading is undertaken on a ward basis and assumes that a residential property (the basis for a Household Equivalent Unit) will generate 10 vehicle movements per day. This is multiplied for non-residential development by a factor of 0.4 for every additional 100 square metres of gross floor area.

Roading DCs are not effects based in the same way that an assessment of roading effects for a resource consent would be assessed. Roding DC's take a network wide approach. Roding DC's are calculated with network-wide supply and demand issues in mind. The additional floor area provided has the potential to increase the traffic volumes to and from the site, this traffic will not be confined to state highways.

The applicant has provided the following comments:

We currently have 150 units running at 90% capacity. This generates on average 11.5 (based on past 3 months survey) vehicle movements per day. We are building an addition 23 units, and losing 11 outside parking sites, one of these a Furniture Moving Business with Three Trucks. Based on a 90% capacity of the new units and the loss of the outside parking sites the net effect on daily vehicle movements will result in a reduction of 4.5 vehicle movements per day.

A summary of the applications for which a reduction has been applied for in the past are as following:

Piako Motors, 26 Thames Street, Morrinsville	New Car and Tractor workshop	50% reduction  Improving traffic flow on Thames Street (SH26) <ul style="list-style-type: none"><li>- Entrance was shifting from Thames Street (SH26) to McRae Street.</li></ul> Not a Greenfield site so not full impact of additional traffic.  The counter argument is that there is increased pressure on Thames/Avenue Road North/South intersection which is already at capacity during peak times. There is also additional traffic onto low volume local road (Mc Rae Street) which is not very wide and has thin road pavement. This could result in pavement failure much earlier than anticipated.
Landsdowne Road, Matamata	New shed	DC was upheld  No additional traffic proposed, but future use of the building was considered.
Cullen Engineering, 1 Mills Street, Te Aroha	New Fabrication Workshop	50% reduction  Improve traffic impact on Mills Street <ul style="list-style-type: none"><li>- New configuration of the site would decrease the number of trucks completing U-Turns on Hubbard Street and applicant advised surface will therefore have a longer life.</li></ul> The counter argument is that the site has the potential to increase activity and increase the traffic substantially in the future and there is no mechanism to receive further DC payments.
Andy Smith Limited, 2600 SH26, Morrinsville	Reassemble of shed from Thames Street	No DC – subject to Thames Street site confirming in writing that they surrender their credit.  Credit from existing site on Thames Street was applied. No additional traffic proposed overall.  The counter argument is that this proposal has no impact on local roads as site gains access off the SH.
Waharoa Properties Ltd, Dunlop Road, Waharoa	Relocation of existing coolstore and canopy to Waharoa Cold Store Site	DC was upheld  Very minimal additional traffic proposed, but future use of the building was considered.

Garland Engineering, Waihou Street, Matamata	New Warehouse with a second level office/amenities	DC was upheld  No additional traffic proposed, but future use of the building was considered.
D B & J F Holdings Ltd, 5 Anderson Street, Morrinsville	2 New Storage Sheds	DC was upheld  Very minimal additional traffic proposed, but future use of the building was considered.
Mc Davitt, 54 Clothier Road, Te Aroha	2 new chicken sheds	DC was reduced to \$1,694.50  Very minimal additional traffic proposed. It was determined that the future use of the building was not likely to change and therefore should not be considered.
Inghams, 2 Banks Road, Matamata	Expansion of the chicken hatchery and additional plant areas	DC was upheld  Very minimal additional traffic proposed, but future use of the building was considered.
Mini Storage solutions Waihou Street, Matamata	New Storage Sheds	DC was upheld  Very minimal additional traffic proposed, but future use of the building was considered.

## Analysis

### Options considered

1. Apply a special assessment to the development under Rule 7.6.2 in the policy which waivers or reduces the development contributions required on the development; or
2. Uphold the Development contributions and advise the applicant they can proceed with the reconsideration or objection process if they wish to pursue this matter further.

With respect to option 2, people who have concerns about the development contributions they are being charged have two avenues through which they can seek to have their concerns addressed:

- a) a *reconsideration process* whereby the person can formally request Council to reassess a development contribution because the person believes an error has been made or information that needed to be considered was incomplete; and
- b) a *development contribution objection process* whereby a person, regardless of whether or not they had sought a reconsideration, can formally object to a development contribution charge and have their objection considered by a commissioner selected from a register of independent commissioners appointed by the Minister of Local Government. The commissioners will have the power to make binding recommendations that the development contribution be quashed or amended, or may dismiss the objection.



## Previous Decisions

### Water and Wastewater

From the special assessments listed above, there has been a consistent approach. For a building that will be provided with a service connection, the DC's apply. For a building that will not require a service connection, the DC's payable have been delayed until such a connection is requested from Council. Irrespective of how much water or waste they will use and produce.

### Roading

Development contributions have tended to be waived where the applicant has submitted that the development will improve the adjoining roading network. This could be as a result of improvements made or by the re-configuration of the site. DCs have generally been upheld where additional traffic is created or the building has the potential to increase traffic in the future as a complying activity or there will be no trigger for a future DC.

## Analysis of preferred option

Council should only collect income from DCs where the development has a growth related component; however it should also be mindful that a failure to consistently apply the Policy to growth related costs may result in lower income for growth related projects which will need to be funded by the ratepayer.

It is often difficult to accurately identify growth and the need for new infrastructure when considering individual projects. The demand for new infrastructure is usually the result of the cumulative effects of development. The Policy uses Household Equivalent Units (HEU's), gross floor area and impervious surface area as an indicator of the demand likely to be caused from a development, and refines this through the identification of different uses (residential, commercial etc.). The use of this indicator allows Council to estimate the demand potential of a development regardless of its current use.

### Water and Wastewater

The following assessment can be made:

- There is no water or wastewater connection required for the storage shed.
- There is already an existing connection to the site and hence no further connection permitted in the future if needed, not triggering a Council connection.
- The use of the building is not likely to change but this could occur as a permitted activity. A building consent and/or resource consent may not be required and there would be no trigger to assess a development contribution (eg the building can be converted to a warehouse which may use water and/or waste water).

Using the criteria from the previous objections for storage sheds, it is recommended that Council decide to waive the DC for water and wastewater.

This aligns with the decision Council made in February for an earlier stage of the development.

### Roading

The following assessment can be made:

- There is an increase in traffic proposed when the storage sheds are fully utilised.
- There is no proposed improvement or likely detriment to the adjoining roading network.



- The change in use of buildings is unlikely but could occur in the future as a permitted activity. As there is no increase in Gross Floor area, it would not trigger a Development Contribution.

Using the criteria from the previous objections, and the decisions made, it is recommended that the Development Contributions be upheld as there is the potential increase in traffic and there is no opportunity to collect any contributions at any other times.

This aligns with the decision Council made in February for an earlier stage of the development.

*The applicant has provided the following comments with regards to the staff recommendation and assessment in this report.*

*I also believe that we have a case for at least a 50% reduction in the Roding DC, based on previous decisions for Piako Motors, Cullen Engineering and McDavitt;*

- Reduction in traffic*
- Building is not likely to change*
- This is not a greenfield site so not full impact of additional traffic.*

### **Legal and statutory requirements**

Council should make a decision that is consistent with the purpose of the Policy and follow the principles of natural justice. Should the Council consider that it requires a hearing to consider the views of Matamata Mini Storage more fully it should resolve to do so by upholding the DC's and advising the developer that they have the right to a reconsideration process or objection to an independent commissioner.

### **Impact on policy and bylaws**

Council's decision should be consistent with its Development Contributions Policy at the time of building consent. The Policy has been reviewed as part of the 2015-2025 LTP.

### **Impact on Significance and Engagement Policy**

If Council makes a decision in accordance with the Development Contributions Policy this matter is not considered significant in terms of Council's significance policy.

Background information provided with this report is intended to provide an indication of the potential impact of a decision to waive contributions as part of a special assessment. A decision to waive contributions that brings in to question the basis of past and future assessments may be considered significant.

### **Communication, consultation and decision making processes**

The Developer will be advised of Council's decision as per the policy.

### Timeframes

In accordance with the Policy, once Council makes the decision on the special assessment and whether any DC's are reduced or waived, the applicant will be advised and issued the DC assessment accordingly.

If Council determines that no special assessment is completed for this development and the DC's are upheld, the applicant will be advised that they can request a reconsideration and/or objection. Once the final DC's are issued, the applicant has 10 working days to request a reconsideration and Council has 15 days to get back to them. For an objection this goes through the independent commissioner process and the applicant is required to lodge this within 15 days.

### Attachments

- A. site plan

### Signatories

Author(s)	Susanne Kampshof <b>Asset Manager Strategy and Policy</b>	
Approved by	Manaia Te Wiata <b>Group Manager Business Support</b>	

## Request for Special Assessment - Longlands Freedom Village

Trim No.: 1947991

### .Executive Summary

A report was brought to a Council meeting on the 13 September 2017. There was some information that came in late so it was recommended to defer the report so that there was adequate time to review all the supporting information. Further to this Council has also asked for some professional advice from an external consultant which has also been attached to this report.

Development contributions are a charge imposed on a developer by a council to recover some of the capital costs incurred by a council when providing infrastructure services for the development. This report seeks a decision from Council whether it wishes to enter into a special assessment process with the applicant, Longlands Land Holdings Ltd, to waive or reduce the amount of Development Contributions payable on the construction of a lifestyle village.

Under the 2015-25 policy Council can make the decision as to whether a special assessment be undertaken for specific developments or whether the DC be upheld and the applicant can proceed with a reconsideration and/or objection process.

The applicant requests that the Water, Wastewater and Rooding Development contribution be reduced by 36% due to the lower occupancy of the dwellings.

### Recommendation

That:

1. Council receives the report;
2. Council determines whether it wishes to enter into a special assessment with Longlands Land Holdings Ltd to reduce the water, waste and roading development contributions for the new lifestyle village off Burwood Road in Matamata.

### Content

#### Background

Longlands Land Holdings Ltd have obtained a land use consent for the construction of a lifestyle village with 222 units off Burwood Road in Matamata.

As the Lifestyle Village has a maximum occupancy of 2 persons per unit. Based on similar villages the developer has established in other districts, the developer has advised the average occupancy of 1.6 is realistic.

A Lifestyle Village aims to provide 'affordable' and quality units for the over 50 age group. An existing village with the same principles is already set up in Papamoa and one currently under construction in Cambridge.

The proposed lifestyle village concept is not a traditional subdivision or unit title development. It does however retain elements of those land tenure types while achieving efficiencies. The lifestyle village concept is based on retaining unit "ownership" capital gains by the owners with an occupancy fee on the building site. The infrastructure on the site is managed by the land owner.

Attachment C outlines the proposal in more detail.

The purpose of development contributions is to recover the costs of growth related capital expenditures (e.g. roads, water, wastewater etc) from participants in the property development process, rather than from general rates or any other indirect funding source. In accordance with Council's Development Contributions Policy (Policy) the land use consent application for the Development has triggered an assessment for development contributions (DC). Water, Waste and Rooding DCs for the Development have been assessed as following (inclusive of GST).

<b>Development Contributions – LTP 2015-25</b>					
Activity	Total HEU's	Credit HEU's	Extra HEU's	Value	Total incl. GST
Water	222	1	221	3,762.92	831,605.32
Wastewater	222	1	221	5,178.01	1,144,340.21
Stormwater	222	NA	NA	NA	NA
Rooding	222	1	221	2,252.99	497,910.79
<b>Development Contribution - District Plan</b>					
Parks / Reserves	222	1	221	\$1,246.21	275,412.41
<b>Total to be paid</b>			<b>GST inclusive</b>	<b><u>2,749,268.73</u></b>	

**Issues**

The current policy allows for a reconsideration and objection process for Development Contributions but it is requested that Council consider this development as a special assessment under 7.6.2 under the policy. The reason for this being that it has the potential to lie outside the standard Household Equivalent unit (HEU) development requirement. This is also based on previous Council decisions for objections before the policy changed and made this an independent process.

*Rule 7.6.2*

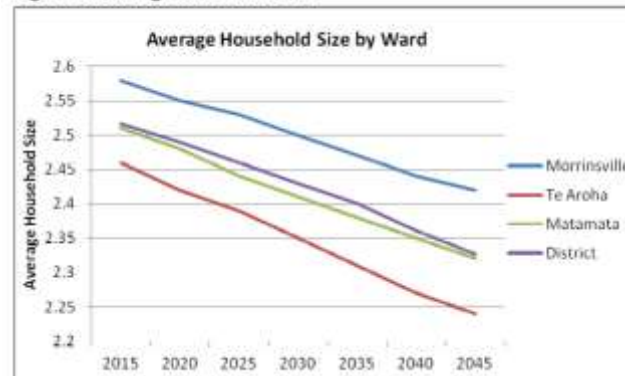
Special assessment

*Our policy on development contributions is based on the average infrastructure demands of a wide range of residential and non-residential developments. However, there may be instances where a development does not readily fit within the specified development categories, or where the infrastructure demands created by the development differ significantly from the averages upon which the policy is based. In these circumstances, we may undertake a special assessment at our sole discretion.*

*A decision on whether a special assessment will be undertaken will be made by Council at the application stage, once details of the development are known. Applicant will be expected to provide supporting information and detailed calculations of the likely demand for rooding, water, wastewater and stormwater associated with the development. This information will be used to calculate the number of Household Equivalent Units for each activity for which the development will be liable.*

**Household Equivalent Unit (HEU)** means an average residential dwelling occupied by a household of average size.

Figure 5: Average household size



#### Water, Wastewater and Rooding Contributions

Under the Policy, Council may require DCs at the time of resource consent, building consent or at the time of a service connection request to one of our networks (clause 7.3.3 of the Policy).

The assessment for DCs for water, wastewater and roading was based on the number of units created through the land use consent. Each unit equalling one HEU.

The site is located off Burwood Road in Matamata. A function centre is currently on part of the site which the units are proposed to be built on.

The assessment for roading is undertaken on a ward basis and assumes that a residential property (the basis for a Household Equivalent Unit) will generate 10 vehicle movements per day.

Rooding DCs are not effects based in the same way that an assessment of roading effects for a resource consent would be assessed. Rooding DC's take a network wide approach. Rooding DC's are calculated with network-wide supply and demand issues in mind.

*Both the Harrison Transportation and peer review assessment reflect the lower traffic generation associated with retirement units and the lower occupation rate.*

*The applicant has used the argument that based on assessments completed on other sites the waste generated, water usage and traffic generated (which all affect the infrastructure capacity requirement) would be roughly equivalent across the village as a whole as residential development across the same area. Due to the lower density of residential dwellings the standard residential development would have a lower number of sites to apply contributions to but would place at least the same demand on services.*

*As the retirement village has a maximum occupancy of 2 persons per unit there is no question that the average occupancy will be less than 2, and the average from the prior village of 1.6 would be a reasonable figure to use.*

*The basis for contributions on the other sites has been:*

*Average occupancy per retirement unit (1.6 persons) X standard contribution  
= approximately 64% standard contribution*

*“Dwelling Unit Equivalent” occupancy used for contribution or capacity calculation (generally around 2.5 per dwelling)*

A summary of the relevant applications for which a reduction has been applied for in the past are attached to this document.

## Analysis

### Options considered

1. Apply a special assessment to the development under Rule 7.6.2 in the policy which waives or reduces the development contributions required on the development; or
2. Uphold the Development contributions and advise the applicant they can proceed with the reconsideration or objection process if they wish to pursue this matter further.

With respect to option 2, people who have concerns about the development contributions they are being charged have two avenues through which they can seek to have their concerns addressed:

- a) a *reconsideration process* whereby the person can formally request Council to reassess a development contribution because the person believes an error has been made or information that needed to be considered was incomplete; and
- b) a *development contribution objection process* whereby a person, regardless of whether or not they had sought a reconsideration, can formally object to a development contribution charge and have their objection considered by a commissioner selected from a register of independent commissioners appointed by the Minister of Local Government. The commissioners will have the power to make binding recommendations that the development contribution be quashed or amended, or may dismiss the objection.

## Previous Decisions

The applicant has provided the following comments with regards to DC in other districts:

*The retirement or lifestyle villages we have been involved in over the past 5 years, including 2 sites in Papamoa (Tauranga City Council), Hamurana Road Village in Omokoroa (Western Bay of Plenty), Cambridge Oak Ltd Village in Cambridge (WAipa District Council) and other proposed village sites have been assessed on a "dwelling unit equivalent" basis.*

Council engaged an external consultant to provide some more context around what other Council's in New Zealand are doing with regards to DC's for retirement and lifestyle villages throughout New Zealand. It was found that about half the Councils in the sample taken include explicit provisions for assessing retirement village units, while the other half do not. The report is included in Attachment D. The report also reviewed the proposed development and clarified the DC concessions sought, reviewing the likely infrastructure demands.

The report concluded that the proposal is likely to create higher infrastructure demands than the applicant may appreciate. There are also the factors of setting a precedent and the long-term implications which must be carefully considered when reaching a decision. If the Council does decide to provide a discount, we consider a reduction of (say) 20% to 25% reasonable given the specific circumstances of the proposal identified.

A further extract from a hearings report is attached in Attachment E from Waikato District Council. They do not have a separate HEU calculation for retirement and/or lifestyle villages. The matter went through the objection process and the final decision was to uphold the DC's as per policy.

## Water and Wastewater

From the special assessments listed above, there has been a consistent approach. For a building that will be provided with a service connection, the DC's apply. For a building that will not require a service connection, the DC's payable have been delayed until such a connection is requested from Council. Irrespective of how much water or waste they will use and produce.

These are however all based on being industrial or commercial properties.

The occupancy of these units are likely to be less than the average and this will be reflected in the water and wastewater consumption. The policy has defined the HEU as the average residential dwelling occupied by a household of average size which has been based on our growth and demographic projections. It is an average used across the 3 wards, there have been no previous special assessment completed for lifestyle or retirement villages.

Up until now any dwelling or units have been charged one standard HEU. This includes the following applications of land use or subdivisional consents:

- Tasman Village, Morrinsville – 2 bedroom dwellings. Developed and subdivided over a number of years, latest in 2016.
  - o 1 HEU per unit was charged
- Kenwyn Home, Te Aroha – 2 bedroom dwellings. 2006.
  - o 1 HEU per unit was charged.



### Roading

Development contributions have tended to be waived where the applicant has submitted that the development will improve the adjoining roading network. This could be as a result of improvements made or by the re-configuration of the site. DCs have generally been upheld where additional traffic is created or the building has the potential to increase traffic in the future as a complying activity or there will be no trigger for a future DC.

Again, these are all based on being industrial or commercial properties.

The occupancy of these units are likely to be less than the average and this will be reflected in the roading use. The policy has defined the HEU as the average residential dwelling occupied by a household of average size which has been based on our growth and demographic projections. It is an average used across the 3 wards, there have been no previous special assessment completed for lifestyle or retirement villages.

Up until now any dwelling or units have been charged one HEU. This includes the following applications of land use or subdivisional consents:

- Tasman Village, Morrinsville – 2 bedroom dwellings. Developed and subdivided over a number of years, latest in 2016.
  - o 1 HEU per unit was charged
- Kenwyn Home, Te Aroha – 2 bedroom dwellings. 2006.
  - o 1 HEU per unit was charged.

### **Analysis of preferred option**

Council should only collect income from DCs where the development has a growth related component; however it should also be mindful that a failure to consistently apply the Policy to growth related costs may result in lower income for growth related projects which will need to be funded by the ratepayer.

It is often difficult to accurately identify growth and the need for new infrastructure when considering individual projects. The demand for new infrastructure is usually the result of the cumulative effects of development. The Policy uses Household Equivalent Units (HEU's), gross floor area and impervious surface area as an indicator of the demand likely to be caused from a development, and refines this through the identification of different uses (residential, commercial etc.). The use of this indicator allows Council to estimate the demand potential of a development regardless of its current use.

There is currently no special use identified for lifestyle or retirement villages in the policy.

### Water and Wastewater

The following assessment can be made:

- There is a connection required to service the units.
- The units do not have the potential to change without a land use or building consent being triggered and a re-assessment of DC's required.



### Roading

The following assessment can be made:

- There is an increase in traffic as a result of the development.
- There is some minor improvement to the adjoining roading network as part of the subdivision consents. A small section of new footpath is required on Burwood Road.
- The units do not have the potential to change without a land use or building consent being triggered and a re-assessment of DC's required.

### **Legal and statutory requirements**

Council should make a decision that is consistent with the purpose of the Policy and follow the principles of natural justice. Should the Council consider that it requires a hearing to consider the views of Longlands Holdings Land Ltd more fully it should resolve to do so by upholding the DC's and advising the developer that they have the right to a reconsideration process or objection to an independent commissioner.

### **Impact on policy and bylaws**

Council's decision should be consistent with its Development Contributions Policy at the time of building consent. The Policy has been reviewed as part of the 2015-2025 LTP.

### **Impact on Significance and Engagement Policy**

If Council makes a decision in accordance with the Development Contributions Policy this matter is not considered significant in terms of Council's significance policy.

Background information provided with this report is intended to provide an indication of the potential impact of a decision to waive contributions as part of a special assessment. A decision to waive contributions that brings in to question the basis of past and future assessments may be considered significant.

### **Communication, consultation and decision making processes**

The Developer will be advised of Council's decision as per the policy.

### **Timeframes**

In accordance with the Policy, once Council makes the decision on the special assessment and whether any DC's are reduced or waived, the applicant will be advised and issued the DC assessment accordingly.

If Council determines that no special assessment is completed for this development and the DC's are upheld, the applicant will be advised that they can request a reconsideration and/or objection. Once the final DC's are issued, the applicant has 10 working days to request a reconsideration and Council has 15 days to get back to them. For an objection this goes through the independent commissioner process and the applicant is required to lodge this within 15 days.

## Attachments

- A. Plan of proposal - Longlands
- B. List of previous special assessment decisions
- C. Documentation from applicant
- D. peer review of Development Contributions
- E. Decision of objection from Waikato District Council

## Signatories

Author(s)	Susanne Kampshof <b>Asset Manager Strategy and Policy</b>	
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Approved by	Manaia Te Wiata <b>Group Manager Business Support</b>	
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# Request for Special Assessment - Mathan Ltd for additional chicken sheds on Maiseys Road, Waharoa

Trim No.: 1951356

## Executive Summary

Development contributions are a charge imposed on a developer by a council to recover some of the capital costs incurred by a council when providing infrastructure services for the development. This report seeks a decision from Council whether it wishes to enter into a special assessment process with the applicant (Mathan Limited) to waive or reduce the amount of Development Contributions payable on the construction of one new Chicken Shed.

Under the 2015-25 policy Council can make the decision as to whether a special assessment be undertaken for specific developments or whether the DC be upheld and the applicant can proceed with a reconsideration and/or objection process.

The applicant requests that the Roding Development Contribution be reduced to \$1,413.17 (incl. GST) for the additional shed based on a Roding Impact Assessment Report.

## Recommendation

That:

1. Council receive the report; and
2. Council determine whether to enter into a special assessment with Mathan Limited to reduce the Development Contributions for Roding based on the Roding Impact Assessment Report. The assessment has been calculated at \$1,413.17 (incl. GST) for the additional shed.

## Content

### Background

Mathan Limited has obtained landuse consent and applied for a building consent for an additional Chicken Shed. The site is located at 247 Maiseys Road in Waharoa. The subject site is a 4.0265ha intensive farm operating as a commercial poultry farm. The property contains three existing broiler sheds and two dwellings. The combined gross floor area of the proposed 2 additional sheds is 2685m<sup>2</sup>.

The purpose of development contributions is to recover the costs of growth related capital expenditures (e.g. roads, water, wastewater etc) from participants in the property development process, rather than from general rates or any other indirect funding source. In accordance with Council's Development Contributions Policy (Policy) the building consent application for the Development has triggered an assessment for development contributions (DC). DCs for the Development have been assessed as following (inclusive of GST):

Development Contributions – LTP 2015-25					
Activity	Total m2	Credit m2	Extra m2	Value per 100m2	Total incl. GST
Roading	2685	0	2685	\$901.20	\$24,197.22
<b>Total to be paid</b>	<b>GST inclusive</b>				<b><u>\$24,197.22</u></b>

### Issues

The current policy allows for a reconsideration and objection process for Development Contributions but it is requested that Council consider this development as a special assessment under 7.6.2 under the policy. The reason for this being that it has the potential to lie outside the standard Household Equivalent Unit (HEU) development requirement. This is also based on previous Council decisions for objections and special assessments.

#### Rule 7.6.2

##### Special assessment

*Our policy on development contributions is based on the average infrastructure demands of a wide range of residential and non-residential developments. However, there may be instances where a development does not readily fit within the specified development categories, or where the infrastructure demands created by the development differ significantly from the averages upon which the policy is based. In these circumstances, we may undertake a special assessment at our sole discretion.*

*A decision on whether a special assessment will be undertaken will be made by Council at the application stage, once details of the development are known. Applicant will be expected to provide supporting information and detailed calculations of the likely demand for roading, water, wastewater and stormwater associated with the development. This information will be used to calculate the number of Household Equivalent Units for each activity for which the development will be liable.*

##### Roading Contributions

The site is located on Maiseys Road and it is proposed to construct one new chicken shed. The traffic engineer for Mathan Limited submits that the additional chicken shed will have a minimal impact on the traffic to the site (see attachment).

The assessment for roading is undertaken on a ward basis and assumes that a residential property (the basis for a Household Equivalent Unit) will generate 10 vehicle movements per day. This is multiplied for non-residential development by a factor of 0.4 for every additional 100 square metres of gross floor area. Roding DCs are not effects based in the same way that an assessment of roading effects for a resource consent would be assessed.

A summary of chicken or duck shed applications for which a reduction has been applied for in the past are as follows:

Mc Davitt, 54 Clothier Road, Te Aroha	2 new chicken sheds	DC was reduced to \$1,694.50 Very minimal additional traffic proposed. It was determined that the future use of the building was not likely to change and therefore should not be considered.
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Inghams, 2 Banks Road, Matamata	Expansion of the chicken hatchery and additional plant areas	DC was upheld  Very minimal additional traffic proposed, but future use of the building was considered.
Van Hellemond Family Trust, 315 Paeroa-Tahuna Road, Te Aroha	Expansion - 2 new chicken sheds	DC was reduced to \$1,268.80  Very minimal additional traffic proposed. It was determined that the future use of the building was not likely to change and therefore should not be considered.
Ratuhi Investment Limited  1709A-1709B Morrinsville-Tahuna Road	Expansion – 4 additional Free Range Chicken Sheds	DC was reduced to \$1,194.10  Very minimal additional traffic proposed. It was determined that the future use of the building was not likely to change and therefore should not be considered.
Kili Farm Limited (De Veris)   198 Harbottle Road, RD2, Morrinsville	3 new duck rearing sheds	DC was reduced to \$5,553.27  Very minimal additional traffic proposed. It was determined that the future use of the building was not likely to change and therefore should not be considered.
Van de Heuvel  351 Wairakau Road, Te Aroha	Expansion - 2 new chicken sheds	DC was reduced to \$1,093.20 for both sheds  Very minimal additional traffic proposed. It was determined that the future use of the building was not likely to change and therefore should not be considered.

## Analysis

### Options considered

1. Apply a special assessment to the development under Rule 7.6.2 in the policy which waives or reduces the development contributions required on the development; or
2. Uphold the Development contributions and advise the applicant they can proceed with the reconsideration or objection process if they wish to pursue this matter further.

With respect to option 2, people who have concerns about the development contributions they are being charged have two avenues through which they can seek to have their concerns addressed:

- a) a *reconsideration process* whereby the person can formally request Council to reassess a development contribution because the person believes an error has been made or information that needed to be considered was incomplete; and
- b) a *development contribution objection process* whereby a person, regardless of whether or not they had sought a reconsideration, can formally object to a development contribution charge and have their objection considered by a commissioner selected from a register of independent commissioners appointed by the Minister of Local Government. The

commissioners will have the power to make binding recommendations that the development contribution be quashed or amended, or may dismiss the objection.

### Previous Decisions

#### Roading

Development contributions have tended to be waived where the applicant has submitted that the development will improve the adjoining roading network. This could be as a result of improvements made or by the re-configuration of the site. DCs have generally been upheld where the building has the potential to increase traffic in the future as a complying activity, however this is not the case for chicken rearing sheds.

### Analysis of preferred option

Council should only collect income from DCs where the development has a growth related component; however it should also be mindful that a failure to consistently apply the Policy to growth related costs may result in lower income for growth related projects which will need to be funded by the ratepayer.

It is often difficult to accurately identify growth and the need for new infrastructure when considering individual projects. The demand for new infrastructure is usually the result of the cumulative effects of development. The Policy uses Household Equivalent Units (HEU's), gross floor area and impervious surface area as an indicator of the demand likely to be caused from a development, and refines this through the identification of different uses (residential, commercial etc.). The use of this indicator allows Council to estimate the demand potential of a development regardless of its current use.

#### Roading

The following assessment can be made:

- There is a very small increase in traffic which was calculated to be equivalent to 0.458HEU for the new shed.
- There is no proposed improvement or likely detriment to the adjoining roading network.
- In practical terms it is unlikely that the proposed buildings could be used for any other purpose without significant modification which would trigger a building consent and therefore the ability to charge further DC's.

Using the criteria from the previous objections, Council has reduced the development contributions for chicken sheds in the rural area and this application for chicken rearing sheds can be assessed the same way. The attached traffic report recommends that the roading contribution be reduced to \$1413.17 (incl. GST) per shed has been assessed on an increase in 0.458 HEU per shed.

### Legal and statutory requirements

Council should make a decision that is consistent with the purpose of the Policy and follow the principles of natural justice. Should the Council consider that it requires a hearing to consider the views of Mathan Limited more fully it should resolve to do so by upholding the DC's and advising

the developer that they have the right to a reconsideration process or objection to an independent commissioner.

### **Impact on policy and bylaws**

Council's decision should be consistent with its Development Contributions Policy at the time of building consent. The Policy has been reviewed as part of the 2015-2025 LTP.

### **Consistency with the Long Term Plan / Annual Plan**

If Council makes a decision in accordance with the Development Contributions Policy this matter is not considered significant in terms of Council's significance policy.

Background information provided with this report is intended to provide an indication of the potential impact of a decision to waive contributions as part of a special assessment. A decision to waive contributions that brings into question the basis of past and future assessments may be considered significant.

### **Impact on Significance and Engagement Policy**

If Council makes a decision in accordance with the Development Contributions Policy this matter is not considered significant in terms of Council's significance and engagement policy.

Background information provided with this report is intended to provide an indication of the potential impact of a decision to waive contributions as part of a special assessment. A decision to waive contributions that brings into question the basis of past and future assessments may be considered significant.

### **Communication, consultation and decision making processes**

Mathan Limited will be advised of Council's decision as per the policy.

### **Timeframes**

In accordance with the Policy, once Council makes the decision on the special assessment and whether any DC's are reduced/waived, the applicant will be advised and issued the DC assessment accordingly.

If Council determines that no special assessment is completed for this development and the DC's are upheld, the applicant will be advised that they can request a reconsideration and/or objection. Once the final DC's are issued, the applicant has 10 working days to request a reconsideration and Council has 15 days to get back to them. For an objection this goes through the independent commissioner process and the applicant is required to lodge this within 15 days.

### **Attachments**

- A. Traffic Assessment - Mathan Ltd

### Signatories

Author(s)	Susanne Kampshof <b>Asset Manager Strategy and Policy</b>	
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Approved by	Manaia Te Wiata <b>Group Manager Business Support</b>	
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# Role of Hauraki Gulf Forum - Formalise Council Position

Trim No.: 1949669

## Executive Summary

The purpose of this report is to formally record Council's position in relation to its preferred role for the Hauraki Gulf Forum following a Forum request to provide options into its operation under The Hauraki Gulf Marine Spatial Plan. Councillor Cronin will brief Council on this report.

## Recommendation

That:

**Council formally record its position in support of the 'Passive' role, or status quo, for the Hauraki Gulf Forum.**

## Content

### Background

A Hauraki Gulf Forum meeting in February 2017 requested the Forum's Executive Officer and Technical Officers' Group provide options to the Forum to "promote and implement the vision and pathways identified in the Sea Change Plan (The Hauraki Gulf Marine Spatial Plan) within its powers and functions under the Hauraki Gulf Marine Park Act 2000."

A June 29<sup>th</sup> Hauraki Gulf Forum agenda item noted the following:

- "The Forum has a broad purpose and enabling powers and functions under the Hauraki Gulf Marine Park Act 2000. The scope of actions it could take in response to the Sea Change Tai Timu Tai Pari marine spatial plan recommendations and/or other contextual changes and opportunities can be determined by the ambition of its members and support of its member agencies.
- This paper identifies operating model options, utilising functions and powers enabled under the Hauraki Gulf Marine Park Act, and indicates corresponding resourcing for a secretariat to support them."

Four operating models representing possible paths of action were presented.

A summary of the four operating model options with varying 'packages' of actions, including costs, that the Forum could adopt and agencies' responses to date is provided from Hauraki Gulf Forum agenda from 29<sup>th</sup> June and is included as an attachment.

The Forum sought the input of its constituent members and at the Forum meeting on 29<sup>th</sup> June 2017, Council's representative, Councillor Cronin abstained against the motion that the Hauraki Gulf Forum:

- a) Note the options to reorganise and resource its work, taking into account the purpose of the Act and the purposes of the Forum, and utilising the powers and functions of the Forum under the Hauraki Gulf Marine Park Act.
- b) Instruct its executive officer to further refine the scope of the options and their resourcing implications to build on the Forum's work, to enable enhanced impact and accountabilities of the Forum, for subsequent approval by the Forum within 12 months.

- c) Approve the inclusion of \$40,000 in the 2017/18 work plan to support this work.

Councillor Cronin's recommendation is for the Forum to retain the status quo option, or 'Passive' role, in order to retain this Council's representation on the Forum, as the prospect of reduced representation by current Forum members in favour of a co-governance arrangement was a possibility under the alternative operating models.

This report has been tabled before Council to allow Council debate and to ensure Councillor Cronin's decision can be formally recorded in the Council's minutes.

### Legal and statutory requirements

Council must give effect to the Hauraki Gulf Marine Park Act 2000.

### Financial Impact

i. **Cost**

There will be no financial impact.

### Attachments

- A. Four Hauraki Gulf Forum model options - summary and costs  
B. Summary of the current status of agency response to Sea Change

### Signatories

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

# Waikato Regional Council Draft Implementation Plan for the Hauraki Gulf Marine Spatial Plan.

Trim No.: 1949863

## Executive Summary

The Hauraki Gulf Marine Spatial Plan – Sea Change was released in December 2016. The Waikato Regional Council subsequently drafted an implementation plan to identify actions to facilitate Sea Change and circulated it to territorial authorities for their comment. This report seeks approval for a response to the Waikato Regional Council draft Implementation Plan for Sea Change.

## Recommendation

That:

**Council approve the draft response to Waikato Regional Council for their draft Implementation Plan for Sea Change - the Hauraki Gulf Marine Spatial Plan.**

## Content

### Background

The Hauraki Gulf Marine Spatial Plan – Sea Change, or Tai Timu Tai Pari, is a collaborative and co-governance process tasked with preparing a marine spatial plan for the Hauraki Gulf Marine Park to help reverse the decline “in the mauri, environmental quality and abundance of resources” of the Gulf. Sea Change, a non-statutory and non-binding plan was released in December 2016.

In July 2017, Waikato Regional Council wrote to territorial authorities in the region that are also members of the Hauraki Gulf Forum, seeking feedback on their draft Implementation Plan for Sea Change. In October 2017, Waikato Regional Council Senior Policy Advisor Ben Bunting presented an overview of the draft Implementation Plan for Sea Change to a Council workshop.

A response to the draft Implementation Plan has been prepared in conjunction with Councillor Cronin, Council’s representative on the Hauraki Gulf Forum, and Council staff and approval is sought from Council to send this to the Waikato Regional Council.

### Issues

Some of the implementation methods incorporated into the draft Implementation Plan affect activities in our district. Consequently, the Regional Council seeks the input of those territorial authorities affected by the draft plan.

Council will need to consider whether to approve the response drafted for the Waikato Regional Council’s draft Implementation Plan.

## Analysis

### Legal and statutory requirements

Council must give effect to the Hauraki Gulf Marine Park Act 2000

### Impact on policy and bylaws

There are no impacts on policies or bylaws.

### Consistency with the Long Term Plan / Annual Plan

This matter is not inconsistent with either the Annual Plan or Long Term Plan.

### Impact on Significance and Engagement Policy

This matter does not trigger the Significance and Engagement Policy.

### Communication, consultation and decision making processes

Councillor Cronin is Matamata-Piako District Council's representative on the Hauraki Gulf Forum.

In October 2017, Waikato Regional Council Senior Policy Advisor Ben Bunting presented an overview of the Regional Council's draft Implementation Plan for Sea Change to a Council workshop.

The Regional Council will be sent a reply incorporating Council's feedback on the draft Implementation Plan.

### Consent issues

There are no consent issues.

## Financial Impact

### i. Cost

There is no financial impact to Council.

## Attachments

- A. Sea Change Hauraki Gulf Marine Spatial Plan - WRC Draft Implementation Plan - Reply

## Signatories

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

# Hauraki Rail Trail Charitable Trust - Annual Report 2016-2017

Trim No.: 1951389

Item 8.3

## Executive Summary

The purpose of the report is to receive the Annual Report for the Hauraki Rail Trail Charitable Trust.

## Recommendation

That:

1. The report be received.

## Content

### Background

Council has previously received a presentation from Hauraki Rail Trail Charitable Trust on its financial results for the previous financial year and its business plan for 2017/18.

At its meeting on 8 November 2017, Council resolved to grant the Trust an exemption from the general Council Controlled Organisation requirements of the Local Government Act 2002, under section 7(3) of that Act (this has subsequently been reviewed and extended to 8 November 2020).

### Issues

Trust reporting obligations to Council

The Trust and Councils are still discussing the appropriate reporting mechanisms and a new funding agreement going forward. This will be reported back to Council in 2018.

## Analysis

### Impact on policy and bylaws

There are no policy or bylaw considerations.

### Consistency with the Long Term Plan / Annual Plan

Funding for the Hauraki Rail Trail has been included in the Long Term Plan 2018/28.

### Impact on Significance and Engagement Policy

This matter is not considered significant.

### Consent issues

There are no consent issues.

### Attachments

A. Hauraki Rail Trail Charitable Trust Annual Report FY2017

### Signatories

Author(s)	Vicky Oosthoek <b>Corporate Strategy Administration Officer</b>	
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Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	

## Health & Safety report - October 2017

Trim No.: 1950089

Item 8.4

### Executive Summary

The health & safety report for the month of October 2017 is attached.

The H&S/Quality Manager will be in attendance to discuss the report with Council.

### Recommendation

That the information be received.

### Attachments

A. H&S report - October 2017

### Signatories

Author(s)	Sandy Barnes <b>Health &amp; Safety/Quality Manager</b>	
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Approved by	Dennis Bellamy <b>Group Manager Community Development</b>	
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## Chief Executive Officers Report for October 2017

Trim No.: 1950996

Item 8.5

A copy of the Chief Executive Officer's report for October is attached.

### Recommendation

That the report be received.

### Attachments

- A. Chief Executive Officers Report
- B. Annual Report Performance Measures for the first quarter
- C. Consents received for October 2017

### Signatories

Author(s)	Don McLeod <b>Chief Executive Officer</b>	
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Approved by	Don McLeod <b>Chief Executive Officer</b>	
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