Regulatory Committee Public Agenda - 22 March 2023

Council Chambers
Waipā District Council
101 Bank Street
Te Awamutu

Chairperson
ML Gower

Members
LE Brown, RDB Gordon, CS St Pierre, EM Stolwyk

22 March 2023 10:00 AM

Agenda Topic		Presenter	Time	Page
1.	Apologies	Chairperson	10:00 AM-10:01 AM	2
2.	Disclosure of Members' Interests	Chairperson	10:01 AM-10:02 AM	3
3.	Late Items	Chairperson	10:02 AM-10:03 AM	4
4.	Confirmation of Order of Meeting	Chairperson	10:03 AM-10:04 AM	5
5.	Confirmation of Minutes	Chairperson	10:04 AM-10:05 AM	6
	5.1 Unconfirmed Regulatory Committee Open Minutes - 12 December 2022			7
6.	Quarterly Report 1 Dec 2022 to 28 Feb 2023	Quentin Budd	10:05 AM-10:15 AM	12
7.	Civil Defence Emergency Management Report for 1 October 2022 to 28 February 2023	Dave Simes	10:15 AM-10:25 AM	57
	7.1 Appendix 1 - Waikato Civil Defence Emergency Management Group Joint Committee unconfirmed minutes from 12 December 2022			66
8.	Resolution to Exclude the Public	Chairperson	10:25 AM-10:26 AM	75

COMMITTEE AGENDA

Waipā DISTRICT COUNCIL

APOLOGIES

COMMITTEE AGENDA

Waipā DISTRICT COUNCIL

DISCLOSURE OF MEMBERS' INTERESTS

Members are reminded to declare and stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interest they may have.

COMMITTEE AGENDA

Waipā DISTRICT COUNCIL

LATE ITEMS

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be dealt with at a subsequent meeting on the basis of a full agenda item. It is important to note that late items can only be dealt with when special circumstances exist and not as a means of avoiding or frustrating the requirements in the Act relating to notice, agendas, agenda format and content.

COMMITTEE AGENDA

Waipā DISTRICT COUNCIL

CONFIRMATION OF ORDER OF MEETING

Recommendation

That the order of the meeting be confirmed.

COMMITTEE AGENDA

Waipā DISTRICT COUNCIL

To:	The Chairperson and Members of the Regulatory Committee
From:	Governance
Subject:	**CONFIRMATION OF MINUTES**
Meeting Date:	22 March 2023

1 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the prima facie evidence of the proceedings they relate to.

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

2 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the open minutes of the Regulatory Committee meeting held on 12 December 2022, having been circulated, be taken as read and confirmed as a true and correct record of that meeting.

3 ATTACHMENTS - ĀPITITANGA

Regulatory Committee Open Minutes – 12 December 2022.

COMMITTEE MINUTES

Waipā DISTRICT COUNCIL

Committee: Regulatory Committee

Time: 10.00am

Date: Monday, 12 December 2022

Venue: Council Chambers
101 Bank Street
Te Awamutu

PRESENT

Chairperson
M Gower

Members
RDB Gordon, CS St Pierre

1 APOLOGIES

RESOLVED
4/22/16
That the apologies for non-attendance from Councillors Brown and Stolwyk be received.

Councillor St Pierre / Councillor Gordon

2 DISCLOSURE OF MEMBERS' INTERESTS

Nil

3 LATE ITEMS

Nil

4 CONFIRMATION OF ORDER OF MEETING

RESOLVED
4/22/17
That the order of the meeting be confirmed.

Councillor Gordon / Councillor St Pierre

5 REGULATORY QUARTERLY REPORT

The purpose of this report was to provide the Committee with an update on activities related to the Committee's purpose of managing the regulatory aspects of Council's business.

Consents Team Leader, Quentin Budd advised the Committee of a webpage on the Council website to provide members of the public with a summary of the National Policy Statement for Highly Productive Land and advice about what applicants needed to consider when submitting land use or subdivision consent applications, or private plan change requests, in rural areas on highly productive land. The Committee acknowledged the webpage was a useful tool but recommended that Mr Budd work with the Communications team to better promote it.

No hearings were required under the:

- Resource Management Act 1991
- Reserves Act 1977
- Fencing of Swimming Pools Act 1987
- Building Act 2004
- Part II of the Health Act 1956
- Impounding Act 1955
- Land Drainage Act 1908
- Litter Act 1979

RESOLVED
4/22/18
That the Regulatory Committee *receive the report of Quentin Budd, Consents Team Leader titled Quarterly Report 1 Sept to 30 Nov 2022 [ECM 10924294];*

Councillor St Pierre / Councillor Gordon

6 CIVIL DEFENCE EMERGENCY MANAGEMENT QUARTERLY REPORT 1 JULY TO 30 SEPT 2022

Emergency Management Operations Manager, David Simes asked that the Civil Defence Emergency Management Quarterly Report for 1 July to 30 September 2022 be taken as read.

The purpose of this report was to provide the Committee with a quarterly update on matters relating to Civil Defence Emergency Management (Civil Defence Emergency Management) in the Waipā District. This included matters arising at national, regional and district levels including emergency management activities under the shared service arrangement between Waipā, Ōtorohanga and Waitomo District Councils.

The Committee asked Mr Simes if there was any work being done on the response required with rising levels of COVID. Mr Simes advised that from a local level there was logistical support with the foodbanks however this still sat with Ministry of Social Development to co-ordinate.

The Committee sought clarification of the Waikato Civil Defence and Emergency Management minutes and noted the lack of detail in them. The Committee acknowledged that Councillor L Brown would normally provide an update during the meeting. It was noted that Mr Allan would follow up with the CDEM Group to get more detail provided in future Joint Committee minutes.

Chairperson Gower / Councillor Gordon

RESOLVED
4/22/19
That the Regulatory Committee *receives the report of David Simes, Emergency Management Operations Manager titled Civil Defence Emergency Management Quarterly Report for 1 July to 30 September 2022 (ECM #10929479).*

COMMITTEE MINUTES

Waipā DISTRICT COUNCIL

7 APPROVAL OF 2023 MYSTERY CREEK EVENTS CENTRE NOISE EVENTS CALENDAR

The purpose of this report was to consider and approve the 2023 Mystery Creek Events Centre Noise Events Calendar.

RESOLVED
4/22/20
That the Regulatory Committee

a) ***RECEIVE*** *the report of Karl Tutty, Manager Compliance titled Approval of 2023 Mystery Creek Events Centre Noise Events Calendar (document number 10917148); and*

b) ***APPROVE*** *the Mystery Creek Events Centre Noise Events Day Calendar 2023 (document number 10916994) as shown in Appendix 1.*

Chairperson Gower / Councillor Gordon

8 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLVED
4/22/21
THAT the public be excluded from the following parts of the proceedings of this meeting.
The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
9. Objection to Notice of Classification as a Menacing Dog *10. Objection to*	*Good reason to withhold exists under section 7 Local Government Official Information and Meetings Act 1987*	*Section 48(1)(a)*

COMMITTEE MINUTES

Waipā DISTRICT COUNCIL

Notice of Classification as a Menacing Dog		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may be, which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, are as follows:

Item No.	Section	Interest
9,10	*Section 7(2)(a)*	*To protect the privacy of natural persons, including that of deceased natural persons.*

Councillor St Pierre / Councillor Gordon

The meeting went into Public Exclusion at 10.19am

There being no further business the meeting closed at 11.17am.

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON: .....

DATE: .....

COMMITTEE REPORT

Waipā DISTRICT COUNCIL

INFORMATION ONLY

To:	The Chairperson and Members of the Regulatory Committee
From:	Quentin Budd, Consents Team Leader
Subject:	**Quarterly Report 1 Dec 2022 to 28 Feb 2023**
Meeting Date:	Wednesday, 22 March 2023

1 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

The purpose of this report is to provide the Committee with an update on activities related to the Committee's purpose of managing the regulatory aspects of Council's business.

No hearings were required under the:

- Resource Management Act 1991
- Reserves Act 1977
- Fencing of Swimming Pools Act 1987
- Building Act 2004
- Part II of the Health Act 1956
- Impounding Act 1955
- Land Drainage Act 1908
- Litter Act 1979

The following appendix accompany this report:

- Appendix 1 – Major consents list

2 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the Regulatory Committee receive the report of Quentin Budd, Consents Team Leader titled Quarterly Report 1 Dec 2022 to 28 Feb 2023 [ECM 10974974];

3 COMMENTARY - KŌRERO

RESOURCE CONSENT DECISIONS BY HEARING COMMISSIONER

A limited notified resource consent application was heard by Independent Commissioner, Alan Withy on Wednesday 22 February. The hearing related to the construction of artificial shelters for a kiwifruit orchard at 582 Parallel Road, Cambridge. The hearing also included a decision by the commissioner to limited notify one affected party in relation to an associated 'shelterbelt' application at the site. The affected party (Mr. N Jennings) was the same affected party for the artificial shelter application. Counsel for the affected party provided their submission at the hearing. In agreement with the submitter, the commissioner waived the 20 day requirement to provide a submission allowing the hearing of both applications to proceed. The hearing concluded with a decision on both resource consent application required to be made within 15 working days of the hearing closing. The decisions by Independent Commissioner, Alan Withy to grant resource consent to both applications was issued to the applicant and submitted on Friday 10th March 2023. A copy of the resource consent decisions are contained in Appendix 2 of this report.

RESOURCE CONSENT DECISIONS BY INDEPENDENT COMMISSIONERS

No other decisions on applications have been made by Hearing Panels.

ENVIRONMENT COURT APPEALS UPDATE

There are no current appeals since the last report.

RESOURCE CONSENTS

Due to an easing of incoming application numbers so far in 2023, the use of 'blanket' extensions of time to the allowable processing timeframe for all resource consent applications was ceased on 15 February 2023.

Some consents have still exceeded the working day timeframe. During this quarter, 4 applications exceeded the allowable timeframe. This is a reduction from 5 consents going over time in the previous quarter and 9 in the quarter before that. There have been no consents issued in 2023 that have exceeded the statutory timeframe.

NATIONAL DIRECTIONS RELATING TO CONSENT PROCESSES

There are no current updates.

HEARING COMMISSIONER POOL

Sheena Te Pania has withdrawn from the Commissioner Pool due to her recent appointment as an Environment Court judge.

DOG CONTROL HEARINGS

There were two dog control hearings at the Regulatory Committee meeting on 12 December 2022.

The first hearing was an objection to a notice of classification of dog as a menacing dog, pursuant to Section 33A of the Dog Control Act due to reported aggressive behaviour by a member of the public (in this case an attack on a neighbouring cat).

The second hearing was also an objection to a Section 33A menacing dog classification (following reported aggressive behaviour towards a person visiting a property where the dog was residing).

In both cases the classifications were rescinded by the committee.

4 APPENDIX - ĀPITITANGA

No:	Appendix Title
1	Major Resource Consents List
2	Resource Consent Decisions (LU/0147/22 & LU/0252/22)

Prepared by: Quentin Budd
CONSENTS TEAM LEADER

Approved by: Wayne Allan
GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES

APPENDIX 1

CURRENT MAJOR RESOURCE CONSENT APPLICATIONS IN PROCESS

LODGED & IN PROGRESS (public information)					
No.	**Applicant / Agent**	**Address**	**Proposal**	**Status/Key points**	**Planning / Engineering Contacts**
LU/0020/22	Rukuhia Land Company Limited Mitchell Daysh	3558 Ohaupo Road RD 2 Ohaupo 3882	Proposal to operate a sand Quarry in the Rural Zone	**On-hold –** Request for further information issued	Victoria Gorter
LU/0100/22	Beacon Hill Contracting Mitchell Daysh	599 Oreipunga Road	Unlawfully operating sand Quarry in the Rural Zone	**On-hold –** Request for further information issued	Louise Cowan – 4Sight
LU/0147/22	Kiwifruit Investments Ltd Barker Associates	582 Parallel Road RD 3 Cambridge	Retrospective land use consent to construct vertical and horizontal (overhead) artificial kiwifruit shelter	Processing –Hearing held and pending decision	Louise Cowan – 4Sight
LU/0252/22	Kiwifruit Investments Ltd Barker Associates	582 Parallel Road RD 3 Cambridge	Land Use consent to establish Cryptomeria shelterbelts	Processing –Hearing held and pending decision	Louise Cowan – 4Sight
LU/0259/22	GDP Orchards Limited Barker & Associates	383 Parallel Road RD 3 Cambridge	Construct vertical and horizontal (overhead) artificial shelter and Cryptomeria shelterbelts breaching setbacks and site coverage requirements in the Rural Zone	**In process-** yet to make a notification determination	Christina Walker – 4Sight
LU/0323/21	Global Contracting Solutions Limited	401 Racecourse Road Te Awamutu 3800	Construct and operate plant to generate power through combustion of refuse derived fuel	On-hold- Decision made that public notification is required. A date for notification has not been set.	Todd Whittaker – Planning Works Ltd
LU/0282/21 and SP/0166/21	Sloane Street Property Limited	5/235 Sloane Street Te Awamutu 3800	Establishment and on-going operation of a three-storey mixed-use development containing 5 commercial tenancies on the	**On Hold-** Section 92 further information request sent	Tim Wilson - Kinetic Environmental

LODGED & IN PROGRESS (public information)					
No.	**Applicant / Agent**	**Address**	**Proposal**	**Status/Key points**	**Planning / Engineering Contacts**
			ground level and 12 residential units on the upper levels		
LU/0277/20	New Zealand Property Trust Nominees Ltd	Waikoha Station, (Waikoha Road, Hamilton)	Landuse consent to retrospectively consent removal of vegetation from Significant Natural Area, and subsequent replanting)	**In process-** non-notification determination made by independent commissioner and processing to substantive decision being made	Grant Eccles - T&T
LU/0239/19	Taotaoroa Quarry	Buckland Road (MMP DC)/ Taotaoroa Road (WDC)	Extension of pit area and overburden area to expand quarry for 35 years	**On Hold at Applicant Request** S37 Issued Concurrent application Waikato Regional Council and Matamata-Piako DC	Aidan Kirkby McLeod
SP/0155/22 & LU/0249/22	Saddleback Planning Ltd	33 Abergeldie Way Cambridge 3493	Subdivide one lot into 87 residential lots, 2 access lots and a road to vest undertaken as two stages and a concurrent landuse consent (LU/0249/22) to undertake bulk earthworks and compact housing (24 dwellings) dispensing with multiple Residential Zone performance standards	On Hold - Section 92 further information request sent	Hayley Thomas
SP/0153/22 & LU/0247/22	Barker & Associates	26 Sheehan Street Kihikihi Te Awamutu 3800	Subdivide one lot into 12 undertaken in three stages and a concurrent landuse consent (LU/0247/22) for infill housing and to dispense with multiple Residential Zone performance standards	On Hold at Applicant Request	Victoria Gorter

LODGED & IN PROGRESS (public information)					
No.	**Applicant / Agent**	**Address**	**Proposal**	**Status/Key points**	**Planning / Engineering Contacts**
SP/0163/22 & LU/0272/22	Terra Consultants	142 Abergeldie Way Cambridge 3493	Compact housing development with concurrent subdivision	On Hold - Section 92 further information request sent	Tim Wilson - Kinetic Environmental
SP/0165/22 & LU/0275/22	JPW Consullting Ltd	1 Taylor Street Cambridge 3434	Subdivide one lot into 34 residential lots, road to vest and utility lot and concurrent landuse (LU/0275/22) for compact housing development	On Hold - Section 92 further information request sent	Hayley Thomas
SP/0184/22 & LU/0291/22	Bloxam Burnett & Olliver	3798 Cambridge Road RD 3 Cambridge 3495	Staged subdivision to establish 39 residential lots and concurrent land use LU/0291/22 for compact housing development dispensing numerous Residential Zone provisions	In process- yet to make a notification determination	Hayley Thomas
LU/0292/22	Barker and Associates	46A Kelly Road Cambridge 3434	Comprehensive development dispensing with multiple Residential Zone performance standards	In process- yet to make a notification determination	Dominic Harris
LU/0023/23	Ingham Motor Group BCD Group	26 Lake Street, Cambridge	Establish a car dealership, showroom and workshop within the Cambridge B Character Precinct Area dispensing with various Commercial Zone and Transportation performance standards	In process- yet to make a notification determination	Chris Dawson - Bloxam Burnett & Olliver

APPENDIX 2

RESOURCE CONSENT DECISIONS (LU/0147/22 & LU/0252/22)

DECISION UNDER THE RESOURCE MANAGEMENT ACT 1991 ('RMA')
INDEPENDENT COMMISSIONER ALAN WITHY

TWO LIMITED NOTIFIED RESOURCE CONSENT APPLICATIONS
KIWIFRUIT INVESTMENTS LIMITED

EXECUTIVE SUMMARY

The Applications for Kiwifruit Shelter Structures and Planting were made in 2022 and considered at a Hearing on 22 February 2023. There was one Submitter (Jennings Family) represented by Counsel Mr P Lang.

Consent is granted to the Applications subject to Conditions as recommended by the s42A Reporting Officer and accepted by the Applicant.

1.0 INTRODUCTION

1.1 On 27 June 2022, Barkers & Associates on behalf of Kiwifruit Investments Limited ('the Applicant') lodged an application, LU/0147/22, for retrospective land use consent to construct vertical and horizontal (overhead) artificial kiwifruit shelter structures at 582 Parallel Road, Cambridge.

1.2 Under the Operative Waipā District Plan 2016 ('the District Plan') the application is a discretionary activity due to non-compliance with the performance standards for activities in the Rural Zone. Those non-compliances relate to building setback requirements from boundaries and site coverage provisions.

1.3 The application was notified on 16 August 2022. During the submission period, one submission in opposition was received by Waipā District Council ('WDC') on 12 September

2022. A request for further information was made to the Applicant on 14 September 2022. The Applicant's response to the request was provided to WDC on 22 September 2022.

1.4 The application was referred to an Independent Commissioner ('the Commissioner') as planning staff do not have delegated authority to make a decision on notified applications where submissions have been lodged in opposition. A Hearing date was set for 20 October 2022.

1.5 Correspondence was provided on 5 October 2022 by Counsel for the Applicant regarding the interpretation of the definition of "shelterbelt" in the District Plan. WDC subsequently sought and obtained legal advice. That legal advice concurred with that of Counsel for the Applicant, and WDC accepted that legal advice.

1.6 Subsequently, the Commissioner set down administrative directions within a Minute, dated 13 October 2022.

1.7 It was noted that, to ensure all parties could participate in a robust and fair resource consent process which reduces, to the extent practicable, the risk of subsequent legal challenge, WDC considered it reasonable and appropriate to postpone the hearing of the first application until such time as an additional application under Rule 4.4.2.58 of the District Plan in relation to the shelterbelt planting had been prepared, lodged and progressed to the same procedural point as the first application.

1.8 For that reason, pursuant to section 91 of the Resource Management Act 1991 ('the Act') the hearing date of 20 October 2022 was vacated. A new hearing date was to be scheduled once a notification decision on the additional application was known.

1.9 The additional application, LU/0252/22, being a retrospective land use consent for shelterbelt (cryptomeria) planting as well as land use consent for additional (cryptomeria and Karo) planting of some, and future growth of all of the shelterbelts which are located along parts of the site boundary of 582 Parallel Road, Cambridge, was received by WDC on 19 October 2022.

1.10 An amended application in relation to the artificial structures was prepared by Barker and Associates and received by WDC on 25 October 2022.

1.11 Following the receipt of application LU/0252/22 there were subsequent changes to application LU/0147/22 and corresponding amendments to the application for LU/0252/22.

1.12 A minute in relation to the various opinions in relation to the various amendments and the addendum in relation to the maximum growth of Karo was released by the Commissioner

on 21 November 2022, noting that due to the conflicting expert opinions regarding the likely heights to which certain shelterbelt species may grow, it was necessary for the reporting planner to consider and report on that further information with an assessment from a suitable expert, noting that WDC had an in-house arborist who may assist.

1.13 The information was sent to Ms Chris Brockelbank, WDC's Arborist Planner, for consideration. Ms Brockelbank confirmed that Karo is likely to grow to more than 6m. This information was circulated to all parties. On the basis of this assessment the Applicant sought leave to make a further amendment to their application LU/0252/22 through the provision of a further Addendum.

1.14 A further Addendum was received from the Applicant's Agent on 6 December 2022 (the 'Applicant's December Addendum'). This information was again sent to Ms Brockelbank who confirmed that, as a general rule, when trees are planted in close proximity they are more likely to grow taller than individual specimens, as they grow up for light which is restricted due to close planting.

1.15 This information was again circulated to the Applicant's Agent, who in light of the statement of WDC's Arborist Planner, requested that the planting on the western boundary of 598 Parallel Road, where Karo would be used, be incorporated into application LU/0252/22 and agreed to the imposition of a condition to maintain this shelterbelt to a height of no more than 6m.

1.16 A Supplementary Addendum to the s42A Report was prepared by the Reporting Planner was issued on 23 December 2022.

1.17 Subsequent to the issue of this document, Counsel for the Submitters corresponded with WDC essentially advising that the shelterbelt was not located 30m from the Submitters' dwelling when taking the measurement from the nearest corner of the dwelling being, in the Submitters' view, the building [sleepout] adjacent to the deck.

1.18 WDC sought a legal opinion in relation to this matter, which was provided by Tompkins Wake on 13 January 2023. This legal opinion, on the basis of the information and documentation available at that time, agreed with the conclusion reached by the s42A Report author, and noted that the sleepout on the Submitters' property does not form part of the 'dwelling' on the property for the purposes of Rule 4.4.2.58(a) of the District Plan.

1.18 A further minute was issued by the Commissioner on 19 January 2023 noting s42A reports on both applications had been provided by the Reporting Officer and reviewed by the Commissioner. The Commissioner chose not to adopt the notification recommendation on

application LU/0252/22 until hearing from Counsel for the Applicant and Submitter and directed that a hearing date be fixed to address this as well as the hearing of the already limited notified application LU/0147/22.

1.19 The hearing was set for 22 February 2023.

1.20 The hearing commenced at 9.15am on 22 February 2023. Due to restrictions associated with COVID-19, Ms Cowan the Reporting Officer attended the hearing online. The hearing was adjourned at 5.15pm the same day to allow for written closing submissions from Counsel for the Applicant. A closing statement was provided on Monday 27 February 2023. The hearing was officially closed by the Commissioner on Tuesday 28 February 2023.

1.21 This report sets out the Commissioner's decisions, acting under delegated authority from the WDC and pursuant to the provisions of Sections 104, 104B, 104C and 108 of the Resource Management Act 1991.

2.0 DETAILS OF THE APPLICATION

APPLICANT:	Kiwifruit Investments Ltd
APPLICATION NUMBERS:	LU/0147/22 and LU/0252/22
PROPERTY ADDRESS:	582 Parallel Road, Cambridge
LEGAL DESCRIPTION:	LOT 3 DPS 89413 (RT SA70D/525)
SITE AREA:	35.3283ha
ACTIVITY STATUS:	Discretionary and Restricted Discretionary
ZONING – DISTRICT PLAN:	Rural Zone Hamilton Airport – Conical Surface Overlay Significant Natural Area – WP344
PROPOSAL:	Land use consent to construct vertical and horizontal (overhead) artificial kiwifruit shelter structures. Land use consent for retrospective and prospective planting of Cryptomeria and Karo shelterbelts.
APPLICANT'S AGENT:	Barker & Associates Ltd (Cambridge)

3.0 THE SITE

3.1 The subject site is located at 582 Parallel Road, Cambridge, legally described as Lot 3 DPS 89413 held in Record of Title SA70D/525 (hereafter referred to as "the site").

3.2 The site consists of 35ha of mostly flat rural pasture land, located on the northern side of Parallel Road. The site is 550m east of the Goodwin Road/Parallel Road intersection and continues north and east. Existing farm buildings and dwellings have been demolished and the site is currently vacant of buildings, except for the newly constructed horizontal and vertical artificial kiwifruit shelters (the 'artificial shelters'), a 250m² processing building and a water retention pond.

3.3 The site was purchased with the intention to use it as a kiwifruit orchard, some of the artificial shelters have already been constructed, starting on the eastern side of the site and moving west. Currently the shelters have been constructed up to the eastern boundary of 598 Parallel Road, and further west towards the northern portion of the site.

3.4 Tributaries of the Mangawhero Stream border the eastern boundary and the eastern portion of the northern boundary of the site. This area is covered by an associated Significant Natural Area ('SNA') shown (approximate location) as blue in Figure 1.

3.5 Two tributaries also run through the site in a north-south direction, one is located near the western boundary (shown purple within Figure 1), sourced from a culvert under Parallel Road, and identified in previous Council reports as a modified ephemeral stream that joins a larger tributary to the northwest.

3.6 The modified ephemeral stream does not have permanently flowing water and is grassed over. The other tributary is located to the east of the centre of the site (shown as yellow within Figure 1).

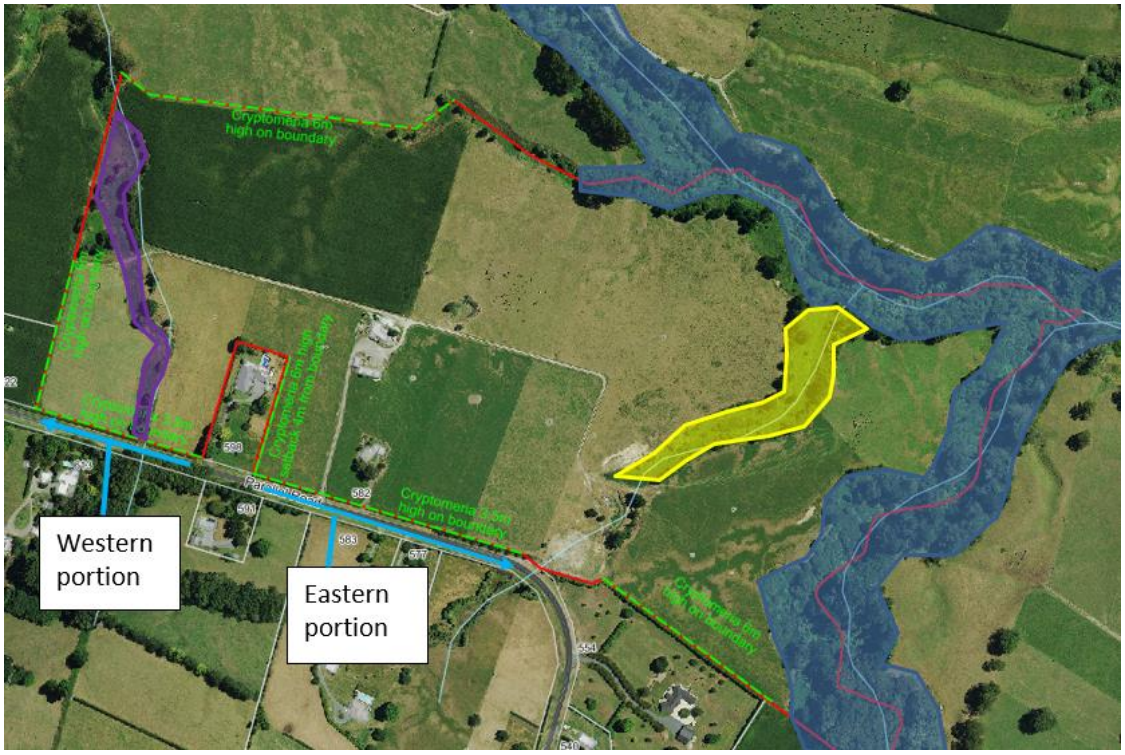

Figure 1: Aerial photograph of site taken from the application documents ("farm drain" shown purple, tributary shown yellow, boundary gully, tributary and SNA shown in blue), power lines fronting site shown pale blue.

3.7 Information supplied as part of previously granted resource consent LU/0053/22, for earthworks exceeding the maximum permitted volume in the Rural zone within the application site, identified that the gulleys are wetlands. This was also corroborated with an Ecological Impact Assessment by Titoki Landcare prepared for a Waikato Regional Council Consent (AUTH144393.02.01) which was provided as Appendix 7 of the section 42A report prepared by Marne Lomas for application LU/0147/22.

3.8 The site contains mature barberry hedging along the frontage of Parallel Road on the western side of the site. Shelterbelts have been planted along the frontage of Parallel Road to the east of the site, and in a line set back 4m from the eastern boundary of 598 Parallel Road.

3.9 Overhead powerlines owned and maintained by Waipa Networks traverse the length of the frontage of Parallel Road. A section containing 4 power poles along the eastern portion of site (refer Figure 1) runs two voltages, 11kv on top and 400v on the bottom, with the remaining poles running only 11kv within the eastern portion, and along the entire western portion.

3.10 The property is within the Rural Zone of the District Plan, is partially located within Hamilton Airport Conical surface overlay (red dotted line in Figure 3), and as noted above contains

some portions of the Significant Natural Area ('SNA') identified as WP344 on the northern and eastern boundary of the site.

3.11 The District Plan special features map indicates the site contains unstable soils on the eastern side of the property (refer Figure 4).

Figure 2: Aerial photograph of site (site shown in red)

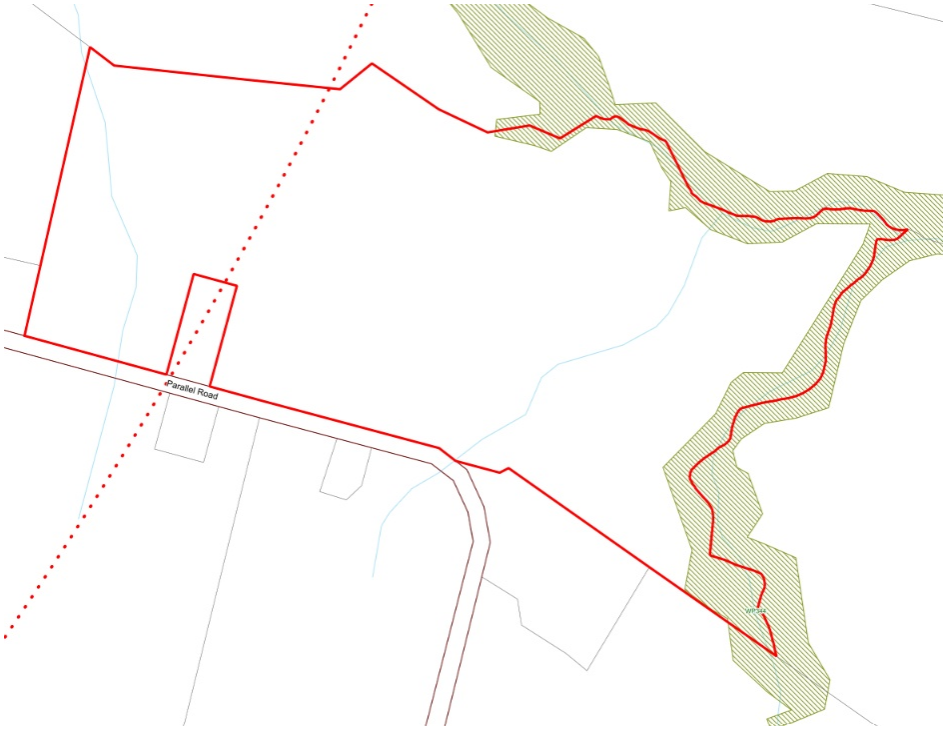

Figure 3: District Plan Zone & Policy Overlays ('Significant Natural Area' in green)

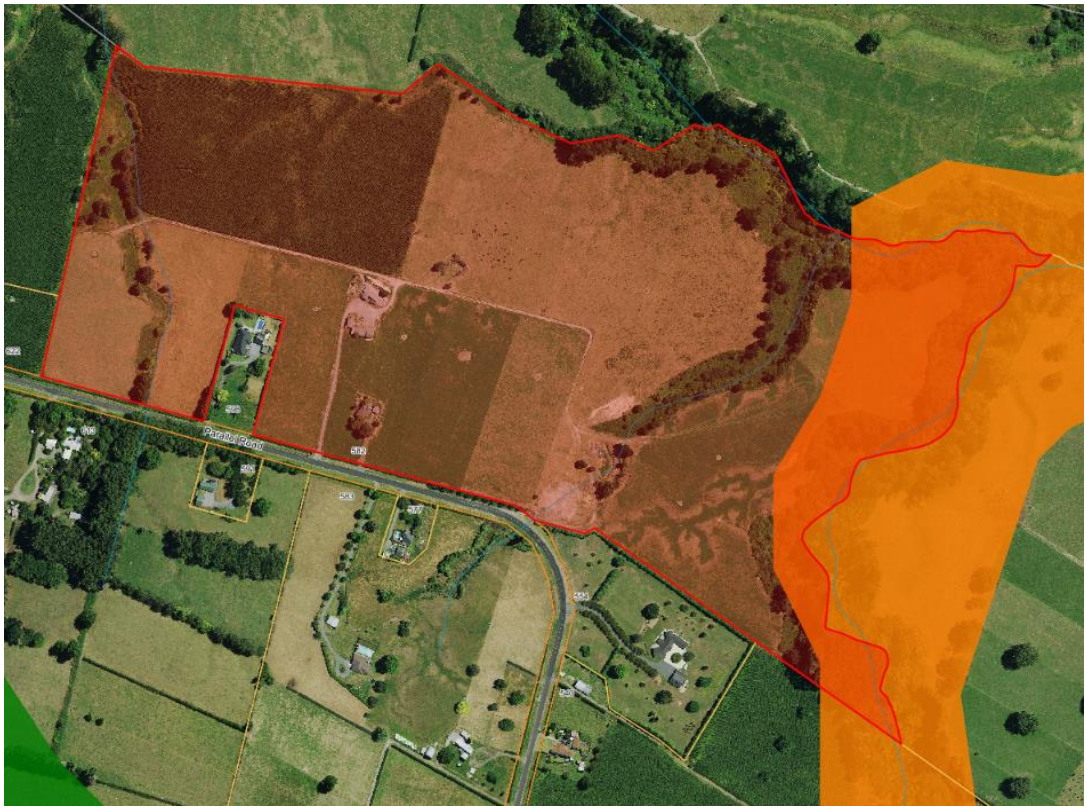

Figure 4: District Plan Special Features ('Unstable Land' in orange)

3.12 Surrounding properties comprise rural, or rural residential activities particularly along Parallel Road. The application site surrounds a rural residential property, 598 Parallel Road, on three sides (refer Figure 2). Other sites adjoining are rural land uses like dairy farms or grazing. Further afield, the site of Kaipaki Berries, as discussed a number of times throughout the Hearing, is located approximately 3 minutes' (2.9km) travel by road to the northwest of the proposed site.

4.0 THE PROPOSAL

LU/0147/22

4.1 A detailed description of the proposal for the retrospective and prospective construction of vertical and horizontal (overhead) artificial kiwifruit shelter structures is outlined in Section 6 of the original Section 42A Report for Limited Notified Resource Consent Application prepared by Marne Lomas and dated 27 September 2022 in relation to application LU/0147/22.

4.2 The proposal was subsequently amended and this is outlined in the Background and Summary of Proposed Changes sections of the Amended Supplementary Planner's Statement dated 22 December 2022, being paragraphs 9 to 37.

4.3 For ease of reference, matters in relation to the artificial shelters are identified as follows:

- Artificial shelter to be constructed 14m from the northern boundary of 598 Parallel Road, Cambridge, and 34m from the dwelling therein;
- Artificial shelter to be constructed between 8.0m and 9.7m from the western boundary of 598 Parallel Road, Cambridge and a minimum of 19m from the dwelling therein;
- Artificial shelter to be constructed between 7.3m and 8.5m from the eastern boundary of 598 Parallel Road, and a minimum of 33.8m from the dwelling therein;
- Artificial shelter to be constructed a minimum of 5.97m from the eastern boundary with 622 Parallel Road;
- Artificial shelter to be constructed between 6.0m and 18.0m from the eastern boundary with 626 Parallel Road;
- Artificial shelter to be constructed between 6.21m and 10.6m from the southern boundary of 82 Speake Road;
- Artificial shelter to be constructed 6.0m from the northern boundary with 554 Parallel Road;
- Artificial shelter to be constructed 6.0m from the road boundary adjoining Parallel Road;

- Artificial shelter to be constructed a minimum of 8m from the SNA;
- Artificial shelter to be constructed over the waterbody on the western portion of the site; and
- A total site coverage not exceeding 64%.

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4.4 A detailed description of the proposal for the retrospective land use consent for shelterbelt (Cryptomeria/Karo) planting as well as land use consent for additional planting of some, and future growth of all of the shelterbelts which are located along parts of the site boundary of 582 Parallel Road, Cambridge is included within section 1.4 of the combined notification and decision report prepared by Ms Louise Cowan dated 21st December 2022.

4.5 For ease of reference, matters in relation to the shelterbelts requiring consent are identified as follows:

- Cryptomeria planting on the inside of the road boundary of Parallel Road, to be maintained to a height of no greater than 3.5m; and
- Cryptomeria planting at 4m from the eastern internal boundary with 598 Parallel Road for the first 10m from the road boundary with Parallel Road, to be maintained to a height of no greater than 6m; and
- Karo planting at 4m from the western internal boundary and 14m from the western façade of the dwelling at 598 Parallel Road, to be maintained to a height of no greater than 6m; and
- Cryptomeria planting on the internal boundary with 622 Parallel Road for of the first 10m from the road boundary with Parallel Road, to be maintained to a height of no greater than 6m; and
- Cryptomeria planting on the road boundary of Parallel Road within 5m of the existing modified ephemeral waterway within the western portion of the site (identified as purple in Figure 1) and maintained to a height of no greater than 3.5m.

4.6 The site also includes **permitted** Cryptomeria and proposed Cryptomeria planting in the following locations:

- Planted at 4m off the eastern boundary of the property located at 598 Parallel Road. This portion of shelterbelt does not require resource consent as at its closest point is located 30.5m, measured in a straight line from the existing dwelling within that property;

- Cryptomeria to be planted 10m from the northern internal boundary of 598 Parallel Road. This portion of shelterbelt will be located 30m from the closest point of the existing dwelling within that property;
- Cryptomeria to be planted on the southern boundary of the site adjoining the property located at 554 Parallel Road. This portion of shelterbelt does not require resource consent as at its closest point is located 40m, measured in a straight line from the existing dwelling within that property; and
- Cryptomeria to be planted on the western and north-western boundary of the property, including the boundary with 622 Parallel Road. This portion of shelterbelt does not require resource consent as it is not within the setbacks of any dwelling, infrastructure or other features specified in Rule 4.4.2.58.

4.7 The Applicant has advised that all shelterbelts planted in permitted positions will be maintained to a maximum height of 6m. The Applicant has offered this as an agreed condition of consent.

5.0 STATUTORY FRAMEWORK

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5.1 The application for the artificial shelters was assessed and considered under the provisions of the Resource Management Act 1991 ('the Act') in both the application and the Council Reporting Planner Section 42A Report and Supplementary Addendum. These assessments concluded the application was to be assessed as a Discretionary activity under the provisions of the District Plan and thus, was considered in accordance with Sections 104, 104B and Part 2 of the Act.

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5.2 The application for the shelter belts was assessed and considered under the provisions of the Act in both the application and the Council Reporting Planner Section 42A Report. These assessments concluded the application was to be assessed as a Restricted Discretionary activity under the provisions of the District Plan and thus, was considered in accordance with Sections 104, 104C and Part 2 of the Act.

Waipa District Plan

5.3 The District Plan contains a number of objectives and policies that directly relate to both land use consent applications. Those objectives and policies are contained in Section 4 – Rural Zone and Section 26 – Lakes and Water Bodies.

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5.4 The Commissioner has adopted the assessment of the Council's Reporting Planner and the Applicant's planning consultant in respect of the District Plan assessment, which is not in contention. The assessment of the artificial structure activity against the District Plan provisions confirms the activity status as a **Discretionary Activity** due to failure to comply with the following District Plan provisions:

Rule #	Rule Name	Status of Activity	Comment
4.4.2.1(b)	Minimum building setback from road boundaries – 30m.	Discretionary	The proposed activity will result in the artificial shelters being constructed 6m from the Parallel Road boundary.
4.4.2.2(e)	Minimum building setback from internal boundaries – 25m.	Restricted Discretionary	The proposed activity will result in the artificial shelters being constructed at distances ranging between 5.97m and 18m from internal boundaries.
4.4.2.7	Minimum building setback from SNA – 10m.	Restricted Discretionary	The proposal will result in the artificial shelters being constructed 8.0m from the SNA.

4.4.2.9	Maximum height of buildings – 12m	Permitted	The artificial shelters will not exceed 12m.
4.4.2.10	Maximum building coverage – 3%	Restricted Discretionary	The proposed shelters will cover 63.6%.
4.4.2.12	Daylight control.	Permitted	The artificial shelters will not encroach the daylight control requirements.
4.4.2.58	Tree Planting	Permitted	There are a series of permitted shelter belts associated with the proposal.
26.4.2.1	Setbacks from water bodies – 23m.	Restricted Discretionary	The artificial shelters will be directly above the gully on the western portion of the site, which meets the definition of a waterbody under the RMA.

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5.5 The Commissioner has adopted the assessment of the Council's reporting officer and the Applicant's planning consultant in respect of the District Plan assessment, which is not in contention. The assessment of the shelter belt activity against the District Plan provisions confirms the activity status as a **Restricted Discretionary** Activity due to failure to comply with the following District Plan provisions:

Rule #	Rule Name	Status of Activity	Comment
4.4.2.58	Tree Planting 4.4.2.58 Tree Planting No trees within a woodlot forest, commercial forest or shelterbelt which are or are likely to grow to more than 6m in height shall be planted closer than any of the distances specified below: (a) 30m from any dwelling on an adjoining site; or (b) 30m from any site boundary of the Residential Zone or Large Lot Residential Zone or Marae Development Zone; or (c) 20m from any strategic arterial road and 10m from any other road or railway; or (d) 10m to a vertical line directly below an overhead power or telephone line; or (e) 5m from the edge of any lake or from the banks of any water bodies except trees which are planted for river protection works, soil conservation or for conservation planting.	Restricted Discretionary	Both Cryptomeria and Karo have the potential to grow over 6m, and will be planted and maintained within 30m of a dwelling on an adjoining site, 10m of the road, 10m of overhead powerlines, and 5m from a waterbody. The Applicant has confirmed that the shelterbelt planting will occur within 5m of the modified ephemeral stream located within the western portion of the property (shown purple in Figure 1).

National Policy Statements

5.6 With regard to relevant National Policy Statements, the National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17th October 2022, after the original section 42A report was finalised and circulated (on 28th September 2022). As such, Ms Lomas did not make comment on the NPS-HPL.

5.7 The Commissioner concurs with the Reporting Planner's Supplementary Addendum in that a transitional definition of highly productive land applies in the Waipā District until Waikato Regional Council and WDC complete the process of mapping highly productive land at a regional level. This means land that is zoned General Rural or Rural Production in WDC's District Plan and classed as Land Use Capability (LUC) 1, 2 or 3 is considered as highly productive land for the purpose of the NPS-HPL and requires consideration under the NPS-HPL.

5.8 582 Parallel Road is identified as containing High Class Soils within WDC's mapping system. The Commissioner agrees that the site contains almost all Class 1 or Class 2 soils.

5.9 The proposed artificial shelters and shelter belts will be used to support Kiwifruit production on highly productive land.

5.10 In this instance the Commissioner concurs with the Applicant's Planner and the Reporting Officer that land-based primary production means:

- production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land; and
- supporting activities, in relation to highly productive land, means those activities reasonably necessary to support land-based primary production on that land (such as on-site processing and packing, equipment storage, and animal housing).

5.11 This application is for accessory supporting structures to enable and support kiwifruit production utilising highly productive land. The Commissioner also concurs with the Applicant's Planner and the Reporting Officer that the following objective and policies of the NPS-HPL are relevant to this application:

Objective 2.1: Highly productive land is protected for use in land-based primary production, both now and for future generations;

Policy 1: Highly productive land is recognised as a resource with finite characteristics and long term values for land-based primary production;

Policy 2: The identification and management of highly productive land is undertaken in an integrated way, that considers the interactions with freshwater management and urban development;

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported; and

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

5.12 The Commissioner accepts that at a broad level the NPS–HPL objective makes it clear that highly productive land should be protected for land-based primary production. However, the NPS-HPL also recognises that there can be other appropriate uses of highly productive land. Clause 3.9(2) provides a list of activities that are not land based primary production but are not 'inappropriate' and can occur on highly productive land in some circumstances. Clause 3.9(2)(a) specifically provides that an exception is made for those activities that provide "… for supporting activities on the land…", which by definition, as referenced above, can apply to the proposed artificial shelters, being "reasonably necessary to support land-based primary production on that land".

5.13 The Commissioner agrees that the artificial shelters do not impede the use of soil nutrients nor do they impede the energy conversion from natural sunlight or the use of rainwater for plant growth and production. The Commissioner has concluded that the proposal for the artificial shelters and shelter belts is consistent with those relevant matters in the NPS – HPL.

National Environmental Standards

5.14 There are no National Environmental Standards requiring further consideration with regard to the applications.

Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato

5.15 The following provisions of Te Tauākī Kaupapahere Te-Rohe O Waikato are of relevance to the applications:

Objective LF-04 – Values of soil

The soil resource is managed to safeguard its life supporting capacity, for the existing and foreseeable range of uses.

Objective LF-05 – High Class Soils

The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.

Policy LF-P8 – Maintain or enhance the life supporting capacity of the soil resource

Manage the soil resource to:

1. *minimise sedimentation and erosion;*
2. *maintain or enhance biological, chemical and physical soil properties; and*
3. *retain soil versatility to protect the existing and foreseeable range of uses of the soil resource.*

Policy - LF-P11 – High Class Soils

Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.

5.16 The proposed activities in this case are not considered to be in conflict with the provisions of Te Tauākī Kaupapahere Te-Rohe O Waikato.

Waikato Regional Plan

5.17 With regard to the Waikato Regional Plan, the proposed activities not considered to be in conflict with the provisions of the Regional Plan.

Other Legislation

5.18 No other legislation was applicable in the assessment of these applications.

6.0 NOTIFICATION ASSESSMENT

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6.1 In accordance with Sections 95A to 95F of the Act, the proposal for artificial shelter structures has been assessed with regards to notification by the Council (Council document reference 10843435). As a result, the application was limited notified to Mr and Mrs Jennings owners and occupiers of 598 Parallel Road, Cambridge on 16 August 2022.

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6.2 In accordance with Sections 95A to 95F of the Act, the proposal for shelter belts has been assessed with regards to notification by the Commissioner. As a result, the application was limited notified to Mr and Mrs Jennings, owners and occupiers of 598 Parallel Road on 22 February 2023.

7.0 SUBMISSIONS

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7.1 A total of one submission was received during the statutory submission period, which was in opposition.

7.2 A copy of the submission is included in Appendix 4 of Council Planner's Section 42A Report (Council document reference 10895674). In summary, concerns raised by the Submitter included:

- The Application does not include elevation plans of the building (artificial structure as specified in Application) to accurately assess the height, appearance and bulk of the building.
- The Application has failed to address Rule 26.4.2.1 of the WDP in relation to setback from water bodies where buildings are proposed to be constructed over and within 23 metres of water bodies. 8.3. The Application has not considered Waikato Regional Council consent requirements and does not confirm if other resource consents are required from Waikato Regional Council. This is a requirement under Schedule 4(2)(1)(e) of the Act.
- An ecology assessment has not been included in the Application to support the conclusion the Application will not disrupt biodiversity and the Application fails to consider actual and potential adverse effects on Significant Natural Areas.
- The Application does not adequately address the National Environmental Standards for Freshwater 2020 (NES-FW) in relation to natural wetlands.
- The Application fails to provide an assessment against the National Policy Statement for Freshwater Management.
- The Application relies on a 6-metre high Cryptomeria shelterbelt planted near all three boundaries of 598 Parallel Road to mitigate adverse effects of the kiwifruit shelter building. The Application applies the permitted baseline to the proposed shelterbelt, which is not appropriate in this instance as the shelterbelt is likely to have

adverse shading and amenity effects. The Application has not considered alternative mitigation measures to address adverse effects of the kiwifruit shelter building.

- The adverse visual and amenity effects of the structures prior to the shelterbelts reaching maturity have not been adequately considered in the Application and the Application has not considered the potential adverse visual and amenity effects during this period.
- The meaning of 'effect' under the Act also includes any cumulative effect. The Application fails to consider the adverse cumulative effects of existing and consented buildings on site, other kiwifruit buildings in the receiving environment and the effects of the structures on amenity of the travelling public and local residents.
- The site coverage calculations within the Application have not taken into account existing buildings on the Subject Site
- The Submitters sought the application be declined and wished to be heard in support of their submission.

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7.3 A total of one submission in opposition was received on 22 February 2023, which is recorded as Council document reference number 10975589. In summary, concerns raised by the Submitter included:

- The application does not include a shading analysis.
- The assessment criteria for tree planting within Section 21 of the WDP has not been considered in the application of Councils Section 95 report.
- Cumulative effects on the Submitter of the proposed Karo shelter belt in combination with the effects of permitted Cryptomeria shelter belts have not been considered.
- Uncertainty in relation to growth rates with the proposed species and there is potential of Karo shelter belt to create gaps over time where shelter structures will be visible from the Submitters property.
- The Submitter sought the application be declined.

8.0 THE HEARING

8.1 The hearing of both applications was held on Wednesday the 22nd of February 2023 and attended by the following persons:

Role	Name
Hearing Commissioner	Alan Withy
Hearing Panel Assistance	Quentin Budd –Consents Team Leader, WDC Theresa Le Bas – Counsel for WDC.
Applicant	Kiwifruit Investments Limited
Appearing for Applicant	Joan Forret – Legal Counsel for the Applicant Parmvir Singh Bains – Applicant Ms Mason for New Zealand Kiwifruit Growers Incorporated – represented by Tim Fletcher John Holwerda – Saber Construction Simone Williams – Planner
Appearing for Council	Louise Cowan – Reporting Planner Chris Brockelbank – Arborist Planner – evidence taken as read.
Submitters in Opposition	Phil Lang – Legal Counsel for the Submitter Nicholas and Vanessa Jennings – represented by Nicholas Jennings Joanna Soanes – Landscape Architect Sarah Davidson - Planner
Submitters in Support	Nil

9.0 SITE VISITS

9.1 The Commissioner undertook a site visit on 22 February 2023. In attendance with the Commissioner was Mr Quentin Budd, WDC's Planner Support.

9.2 The Commissioner returned to conduct a second site visit (unaccompanied and entirely on the Applicant's property) on 27 February 2023 to confirm observations and measurements.

10.0 SUMMARY OF THE EVIDENCE HEARD - Section 113(1)(ad)

10.1 The Commissioner asked WDC's Consents Team Leader to provide an overview of the application being heard and then directed the Applicant's Team to present the applications and evidence.

Applicant's Evidence

10.2 Taken as read. Written submissions and statements of evidence supplied by Ms Forret, Parmvir Singh Bains, Tim Fletcher on behalf of Ms Mason for New Zealand Kiwifruit Growers Incorporated, John Holwerda and Simone Williams.

Submitters Evidence

10.3 Taken as read. Written submissions and statements of evidence supplied by Mr Lang, Nicholas Jennings, Joanna Soanes and Sarah Davidson.

Reporting Officer Evidence

10.5 The Council's Section 42A Report, prepared by Reporting Planner, Ms Louise Cowan, was taken as read by the Commissioner.

10.6 In the verbal summary, the Reporting Planner Ms Cowan noted:

- That she had not heard any evidence throughout the duration of the Hearing to substantively alter her recommendation from her section 42A report and Supplementary Addendum.
- With regard to a credible permitted baseline, the Applicant has made it clear the use of the site is intended for a kiwifruit orchard. It is a non-fanciful assumption that were these applications not to proceed then a credible baseline assumption would be that the Applicant could chose to plant permitted shelter belts and erect permitted artificial shelters around an alternative variety of kiwifruit.
- With regard to the wider rural environment, Ms Cowan noted that there is no alternative for the planting of large scale horticultural crops other than the Rural Zone. The Rural Zone is the correct zone for this activity and no parties appear to dispute this.
- Ms Cowan reiterated that effects inconsistent with the rural character objectives and policies of the District Plan would only be experienced over a period of 3 to 5 years.
- Ms Cowan noted that consideration of the NPS-HPL is appropriate.

- Ms Cowan noted that there would be positive effects associated with economic benefits from the proposal, and the Commissioner should consider this as part of the section 104 assessment.
- Ms Cowan advised that it is her opinion, based on the evidence of Ms Soanes, that the adverse effects of the artificial shelter structures will be appropriately mitigated within the 3 to 5 year period of time, when the shelter structures would be screened by the permitted and consented shelter belts.
- Ms Cowan reiterated from her section 42A report and Supplementary Addendum that the purpose of the Act is better served through grant of the consent, subject to conditions.

10.7 The Commissioner asked for comment from Ms Cowan in relation to the appropriateness of the 25m setback discussed by the Submitters and the Submitters' Expert. Ms Cowan noted, with reference to the cross section S1 plan provided by the Submitters (Ms Soanes' evidence), the shelter structures will be screened by the shelter belts regardless of whether they are located up close to the shelter belt or whether they are located further away. There was some discussion in relation to this matter. Ms Cowan noted, to her mind, that separation of the structures from the permitted shelter belts does not actually achieve much, however, Ms Soanes may have a different opinion. The Commissioner asked for further clarification and asked if Ms Cowan would apply this thinking to all of the setbacks. Ms Cowan noted that if there is a permitted activity like a shelterbelt occurring in between the viewpoint and the shelter structures, then the effect of the structures will be mitigated within a period of 3 to 5 years. If there isn't a mitigating factor provided from a permitted shelter belt, then a setback of 25m for the structures would be appropriate.

10.8 The Commissioner requested that Ms Cowan put the matter in relation to shelter belts and structures into a condition.

10.9 Ms Soanes provided brief comments of clarification, noting that the cross sections only relate to visibility not visual amenity and landscape effects. Ms Soanes noted that they only show one viewpoint and do not demonstrate the cumulative effects. Ms Soanes reiterated that just because you can't see something doesn't mean there isn't an effect. Consideration must be given to the Submitters' experience of openness from their property. The 25m setback allows for an appropriate landscape response.

Applicant's Right of Reply

10.10 Counsel for the Applicant noted that the Reporting Officer had not changed her opinion with regard to her recommendation. A kiwifruit orchard with shelters around it is a non-fanciful expression of the permitted baseline.

10.11 Counsel also noted that Ms Soanes indicated that in her view the structures did not need to be fully screened, and that you would be able to see through the shelter belt to the structures beyond. Full screening is not the issue. It appears that the single issue for the Submitters is the single species of Karo proposed in the shelterbelts. The Applicant cannot build half an orchard while they wait for the shelterbelts to grow. It is also a non-fanciful proposal to construct a screen up to 3.5 to 4m to screen the shelter structures. The existing orchard across the road from this site, has screens around the outside and screens throughout.

10.12 Counsel for the Applicant noted that there had been a lot of discussion about what the Submitters expected when they moved to their property at 598 Parallel Road. The Applicant accepts that this is a shock to the Submitters, and that this proposal is a change. However, there has been no discussion as to what the Applicant expected, as the interpretation of the District Plan with regard to shelter belts was different when he purchased the property. He purchased the property expecting to make the best use of the highly productive soils. This is consistent with the objectives and policies of the District Plan and now the NPS-HPL.

10.13 Nothing has been suggested throughout the Hearing to suggest that Karo will exceed 6m when planted as a shelterbelt. Counsel submitted on this basis that the shelterbelt to the west of 598 Parallel Road is in fact a permitted activity.

10.14 Counsel noted that Ms Soanes had appeared to confirm that the black netting is to be preferred over the white. Counsel stated that this is clear from the photographs provided in evidence.

10.15 Counsel noted that Part 2 of the Act has little relevance to this proposal as she is not aware of any unsettled provisions within the District Plan or Regional Policy Statement.

10.16 Counsel noted that it is clear from listening to the Submitters and the expert witnesses that there is no agreement on any place where the shelterbelts or artificial shelter structures could be. The evidence moves between whether it is the shelter belts themselves that is the issue or whether it is the shelter structures. The decision on these applications must be made in light of what can happen on the site, and what is proposed on the site, the

overarching policy framework and the RMA requirements in relation to both positive and adverse effects.

10.17 Counsel also noted that the Kaipaki Berries land use consent was granted on a non-notified basis, and had a 60% site coverage. The proposal consists of buildings which are not permeable, no productive use of the soils, and noted that you cannot physically look through the tunnel house structures.

10.18 Counsel considered it was inappropriate for Ms Cowan to be generating another condition, in light of her evidence that the application as proposed is appropriate, that a level of planting is permitted, and that setting the buildings back any further makes no difference in terms of the final view. Counsel reiterated it is inappropriate to be creating a new condition that Ms Cowan doesn't support and is unlikely to resolve the concerns of the Submitters, and would create an extreme uncertainty about the nature of the structure that could be put in place until after the shelter belt is mature. Essentially highly productive land would be set aside unused waiting for shelter belts to grow, at great economic cost to the Applicant. An attempt to get to an agreed position is misguided. There are implications associated with any interim measures.

10.19 Counsel for the Applicant advised the Commissioner that she would come back as to whether the Applicant intended to provide anything in writing and whether this could be provided within a week. Counsel raised concerns with regard to timeframes, given the time it would take to draft an additional condition from Ms Cowan, comment from Ms Soanes and further consideration of these by the Applicant.

10.20 The Commissioner queried if he was to accept the recommendation and conditions as put forward by Ms Cowan, whether this would be acceptable to the Applicant. Counsel for the Applicant agreed that yes these would be acceptable, with the suggested changes from Ms Williams, as the original conditions do not take into account the relocation of the Cryptomeria and other specific shelter distances, along with the keeping of the hedges at a particular height on maturity.

10.21 Counsel for the Applicant was asked by the Commissioner to provide a written closing submission by end of day Monday 27 February 2023.

10.22 The Commissioner advised he had taken careful note of what the Submitters and the Submitters' expert witnesses have provided. The Commissioner advised he would carefully consider these matters over the coming days.

10.23 As there was nothing further procedurally, the Hearing was adjourned.

10.24 A written Closing Submission of Counsel for the Applicant was supplied to WDC on Monday 27 February 2023 and noted:

- There was no disagreement with regard to the permitted location of the Cryptomeria shelter belt adjacent to the eastern boundary of 598 Parallel Road. Additionally, it was noted that there was no disagreement that the roadside Cryptomeria to be planted and maintained to a height of no greater than 3.5m was acceptable and appropriate.
- A specific emphasis on the definition of dwelling vs sleepout and that the shelter belt on the northern boundary of 598 Parallel Road is permitted as it will be planted 30m from the dwelling therein.
- That the Submitters and their experts raised concerns with regard to the Karo shelter belt on the basis of its location, visual form, suitability to provide visual mitigation, potential to completely block the view and single species composition.
- Clarification that the Applicant could plant a complying shelter belt 30m from the Submitters' home, that would completely block remaining views to the west, and this would be permitted.
- An alternative option for the planting on the western boundary to include mitigation proposals from the Submitters as follows:
  - (i) Retain the existing row of planted Casuarinas to be maintained at a height no greater than 4.5m;
  - (ii) Plant two rows of mixed natives between the Jennings' western boundary and the Casuarinas;
  - (iii) Include Karo and other suitable native species within the interior planting;
  - (iv) Allow the native planting to grow naturally without any trimming; and
  - (v) Allow native planting to support the Casuarina shelter belt so that it can be kept trimmed on the orchard side.
- An amended condition allowing for the above mitigation to replace proposed condition 8.
- The District Plan has Chapter 25 that provides specific protection for certain landscapes. Those protections do not apply generally in the rural zone.
- There is no guarantee or expectation of unrestricted rural views from any dwelling within the Rural Zone. Shelter belts and artificial screens are permitted and expected in the Rural Zone and the District Plan provides no protection for such views or landscapes, except in specific defined overlay areas.

- Ms Soanes recommended both a Cryptomeria shelterbelt and interim artificial screens as being suitable for the boundaries around the berry farm at Kaipaki Road. The shelterbelt and the artificial screens both interrupt views across the rural landscape and she considered that was entirely acceptable It cannot be acceptable for shelterbelts to interrupt rural views in Kaipaki Road (only a couple of kilometres away) and not be acceptable at Parallel Road.
- The District Plan allows 12m high vertical artificial screens in the Rural Zone that can be any colour provided they are functioning to provide wind protection. Examples are the vertical screens around the kiwifruit farm at 583 Parallel Road which is opposite the Applicant's site. Those screens are white and are apparently permitted.
- This proposal, with its black netting and natural shelterbelts will create significantly lower adverse visual effects for the submitters and other residents than would permitted white artificial screens that could be installed at 15m from each of the Jennings' boundaries and along the road frontage. Ms Soanes agreed that the black netting will have much lower visual adverse effect than the white netting.
- The NPS-HPL must be considered as part of the s104 assessment.
- All of the effects of the proposal must be considered in any assessment under s 104 and those effects must be balanced when coming to a decision for a discretionary activity.
- The appropriate permitted baseline is a kiwifruit farm that has artificial screens of 1.8m along the road boundary and various white artificial screens up to heights of 6m or more throughout the orchard.
- The permitted baseline also allows for the Cryptomeria shelterbelts where proposed on the northern and eastern boundaries with 598 Parallel Road, and in our submission, the Karo hedge on the western boundary also. The effects of those shelterbelts should be disregarded because they form part of a non-fanciful permitted baseline.
- The effects of vertical artificial screens should also be disregarded as they are non-fanciful and permitted if located 15m from any boundary under rule 4.4.2.2(d). Such screens could be erected as a temporary measure to shield views of the rest of the development until the shelterbelts reach full height. The adverse visual effects of such screens would be significantly greater than having the proposal in its current form with the black netting sides and kiwifruit plants growing in the orchard beyond.

11.0 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION - Section 113(1)(ac)

The principal issues that were in contention are as follows:

- Height and growing characteristics of Karo.
- Status of the earth bund/stockpile near the western boundary with 598 Parallel Road.
- Definition of Dwelling vs Sleepout in relation to the tree planting setback requirement.
- Application of the Permitted Baseline.
- Landscape and rural character and amenity.

12.0 THE MAIN FINDINGS OF FACT & REASONS FOR DECISION – Section 113(1)(a) & (ae)

12.1 The Commissioner has considered the application, the evidence and submissions presented at the hearing, the planning assessment report prepared by the Reporting Planner, relevant statutory and planning provisions, and the principal issues that were in contention. The main findings of fact determined by the Commissioner, which have led to the following decision and the reasons for that decision are as follows:

a) The application for the planting, growing and maintaining of a number of shelter belts within the site at 582 Parallel Road is a Restricted Discretionary Activity in accordance with the provisions of the Waipā District Plan.

b) The application for the construction and maintenance of horizontal and vertical artificial shelter structures within the site at 582 Parallel Road is a Discretionary Activity in accordance with the provisions of the Waipā District Plan.

c) Pursuant to Sections 95A to 95F of the Resource Management Act 1991 ('the Act'), a notification assessment considered the following effects of the application:

i) Rural Character and Amenity;

ii) Significant Natural Area and Biodiversity;

iii) Effects on Waterbodies;

iv) Construction Effects;

v) Positive Effects.

d) The applications, being LU/0147/22 and LU/0252/22, proceeded to limited notification on 16 August 2022 and 22 February 2023 respectively to a total of one submitter each. A total of one submission in relation to each application was received, both of which were in opposition. The Commissioner wishes to acknowledge the Submitters' contribution and presentation at the Hearing. In particular the Commissioner notes the submissions were well thought out, clearly articulated and included sufficient detail.

e) The Commissioner notes there was some discrepancy between parties at the Hearing as to the growing height of Karo. The Commissioner has accepted the original technical advice of Ms Brockelbank that Karo trees are likely to grow to more than 6m in good soil conditions with sufficient rainfall. The Commissioner accepts that this will be the case in this situation given the highly productive status of the soil and the temperate conditions. As such the Karo shelterbelt on the western internal boundary of 598 Parallel Road continues to require resource consent under the District Plan.

f) A question was raised within the Submitters' evidence and addressed in the Applicant's rebuttal in relation to the soil for the earth bund/stockpile near the western boundary with 598 Parallel Road. The Commissioner accepts that the presence of this soil is a result of activities legally undertaken in accordance with land use consents LU/0053/22 (Waipā District Council - Undertake earthworks exceeding maximum permitted volume in the Rural Zone) and AUTH144393.02.01 (Waikato Regional Council – Earthworks in association with proposed Kiwifruit Orchard Development). The Commissioner accepts that this stockpile will be removed following compliance with the relevant conditions of the two consents identified above, including reinstatement works. The presence of this stockpile is not the subject of the applications to be decided by the Commissioner.

g) With regard to the discussion of the status of the external bedroom identified as an existing sleepout as on the plan used as part of building consent BC/0761/09 and then reused in BC/0933/16 identified as Figure 5.

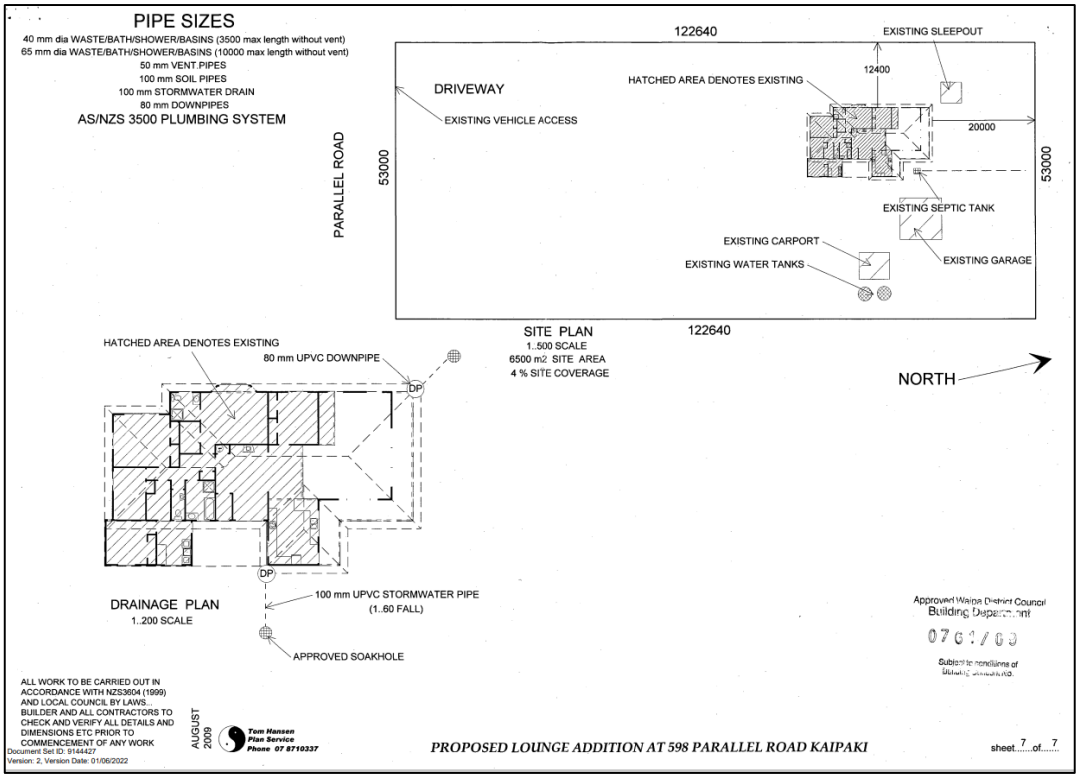


Figure 5: Image of plan from BC/0761 which was reused in BC/0933/16.

The Commissioner accepts the legal interpretation provided by Tompkins Wake dated 13 January 2023 regarding the definition of "dwelling", "sleepout" and "accessory building" in the District Plan. Additionally, the Commissioner accepts that from a reading of the three definitions together that a dwelling and a sleepout are, for the purposes of the District Plan, mutually exclusive terms:

(i) A dwelling is a self-contained building which contains a kitchen (and may contain a kitchenette as well);

(ii) A sleepout is a building incidental to a dwelling which may contain a kitchenette (but is prohibited from containing a kitchen).

For these reasons the Commissioner concurs with the conclusion reached by both Tompkins Wake and the s42A Reporting Planner that the 'dwelling' to be considered for the purposes of Rule 4.4.2.58(a) of the District Plan does not, and cannot, include the sleepout on the Submitters' property. As such the setback measurements to the proposed shelterbelt planting must be taken from the closest edge of the dwelling, not from the sleepout.

h) The potential effects of the activity raised in the application, Council's notification assessment, the submissions received, and the technical information provided in support of the applications, were considered pursuant to Section 104 of the Act. In

terms of the evidence presented, and discussion regarding the permitted baseline, the Commissioner accepts the evidence presented by the Applicant's Planner and the Reporting Planner that the accepted permitted baseline would result in very similar levels of enclosure around the Submitters' property.

i) When considering the permitted baseline, the Commissioner gave regard to the Submitters' concerns regarding shading, and loss of open rural views. The Commissioner noted, with regard to shading, that the artificial structures comply with the daylight control provisions of the District Plan, and that the shelter belts, based on the elevation drawings provided, also comply. This will ensure that shading of the Submitters' property will not exceed the permitted baseline with regard to these activities.

j) The proposal has been assessed against the objectives and policies within Section 4 – Rural Zone and Section 26 – Lakes and Water Bodies of the Waipā District Plan. Overall the granting of land use consent is considered to be consistent with the objectives and policies of the Waipā District Plan.

k) The Commissioner has turned his mind to the matters raised by the Applicant and the Submitters and notes in particular:

   i. He is required to have regard to the National Policy Statement for Highly Productive Land which reinforces the protection of productive land for productive purposes within the Rural Zone; and
   ii. The positive benefits of kiwifruit development and production involving more productive outputs from the land are important to the local and wider economies: and
   iii. The existing and proposed planting will provide significant mitigation of adverse effects on the Submitters' property; and
   iv. The Conditions require the shelterbelt planting to be maintained in perpetuity which is 'over-and-above' the normal situation for shelterbelts; and
   v. Management The effects of the activity can be appropriately avoided, remedied or mitigated to an acceptable level; and
   vi. Overall, the granting of the consent provides for the purpose of the Resource Act 1991 being the sustainable management of natural and physical resources.

13.0 CONCLUSIONS

13.1 The Commissioner has carefully considered all the submissions and evidence and concludes consent should be granted. This conclusion is reinforced by his two site visits when he observed that there is planting around all sides of the Submitters' property, albeit spasmodic in some places, which gives a level of privacy from activities on the adjoining land.

13.2 He also observed the existing structures and planting on the Applicant's land, leading to a conclusion that they are reasonable in relation to the Submitters' property, taking into account that this is a rural area where Kiwifruit with attendant structures and planting might be expected.

13.3 Furthermore the Submitters (from a pragmatic point of view) should not expect the level of privacy and amenities as might be expected in a residential neighbourhood. The occupiers of what is a relatively small property in a rural area should expect neighbouring land to be developed and used for purposes as proposed in the applications.

13.4 The conditions as proposed by the s42A Reporting Officer and accepted by the Applicant are considered appropriate in all the circumstances, and should give a reasonable level of protection to the submitter's property.

14.0 DECISION

14.1 Acting under delegated authority from the Waipā District Council and In consideration of Section 104, and pursuant to Sections 104B and 108 of the Resource Management Act 1991 and the Operative Waipā District Plan, the Commissioner **grants consent** (Council reference LU/0147/22) to Kiwifruit Investments Limited for the development of horizontal and vertical artificial shelter structures at 582 Parallel Road, Cambridge, legally described as LOT 3 DPS 89413, subject to the conditions enclosed in Schedule 1 and for the reasons outlined in this report.

14.2 Acting under delegated authority from the Waipā District Council and In consideration of Section 104, and pursuant to Sections 104C and 108 of the Resource Management Act 1991 and the Operative Waipā District Plan, the Commissioner **grants consent** (Council reference LU/0252/22) to Kiwifruit Investments Limited for retrospective and prospective land use consent for shelter belt (Cryptomeria/Karo) planting along parts of the site boundary of 582

Parallel Road, Cambridge, legally described as LOT 3 DPS 89413, subject to the conditions enclosed in Schedule 1 and for the reasons outlined in this report.

Signed:

Alan Withy
INDEPENDENT COMMISSIONER

Dated: 10 March 2023

Schedule 1

Conditions of Consent

Resource Consent No: LU/0147/22 and LU/0252/22

General

1 The proposal must proceed in general accordance with the below plans and information submitted application:

a) LU/0147/22:

i. Site plan illustrating the entire development which is identified as "Bulk and Location Plan" dated 07/03/2023;
ii. Site plan illustrating the distances relevant to the submitter's boundaries at 598 Parallel Road which is identified as "Enlarged Site Plan (Affected Neighbour)" and dated 07/03/2023;
iii. The original application dated 28th June 2022, the addendum to the application 21 October 2022, the addendum to the AEE dated 06 December 2022 and the addendum to the Applicant's evidence including site plans dated 22/02/2023.

b) LU/0252/22:

i. Site plan illustrating the distances relevant to the submitter's boundaries at 598 Parallel Road which is identified as "Enlarged Site Plan (Affected Neighbour)" and dated 07/03/2023; and
ii. The application dated 19th October 2022

Except where another condition of this consent must be complied with. This information is entered into council records as LU/0147/22 and LU/0252/22. A copy of the approved plans is attached.

2 The artificial shelters and supporting structures must not exceed 6 metres in height.

3 The artificial shelters must not exceed 64% site coverage.

4 The artificial shelters must have the minimum setbacks, as depicted on the site plans identified as "Bulk and Location Plan" dated 07/03/2023; and "Enlarged Site Plan (Affected Neighbour)" dated 07/03/2023.

Shelterbelts

5 The vegetated shelterbelt near the northern boundary of 598 Parallel Road must be setback by 10 metres from the boundary and maintained to a height of no greater than 6 metres. The vegetated shelterbelt must be maintained in perpetuity, with any dead or dying plants replaced as soon as practical.

6 The vegetated shelterbelt near the eastern boundary of 598 Parallel Road must be setback 4 metres from the boundary and maintained to a height of no greater than 6 metres. The vegetated shelterbelt must be maintained in perpetuity, with any dead or dying plants replaced as soon as practical.

7 The Cryptomeria shelterbelt planting located along the Parallel Road boundaries of the site and within 10m of a powerline shall be maintained in perpetuity at a height of no greater than 3.5 metres.

8 Other than as required under Condition 2, the Cryptomeria shelterbelt planting located along all internal boundaries of the site shall be maintained in perpetuity at a height of 5.5 to 6 metres.

9 The Karo shelterbelt planting located along the western internal boundary with 598 Parallel Road shall be planted a minimum of 4m from the site boundary and shall be maintained at a height of 4.8 to 5 metres. Or alternative below

10 The shelterbelt planting located along the western internal boundary with 598 Parallel Road must comprise at least three rows of planting. The two rows of planting closest to the dwelling on 598 Parallel Road must comprise a mix of native species and may include Karo and are to be planted between 598 Parallel Road and the Casuarina shelterbelt. The Casuarinas will be planted a minimum of 4m from the site boundary and shall be maintained at a height of 4.5 to 5 metres. The Casuarina shelterbelt is to be left untrimmed on its eastern side and the planting is to achieve a dense, natural aesthetic.

11 The shelterbelt planting along the eastern boundary of 598 Parallel Road shall be planted a minimum of 4m from the boundary.

12 Any deadfall plants from the Cryptomeria shelterbelt within 5m of the modified ephemeral waterway shall be replaced and replanted within the first growing season following removal.

Note: This condition is to ensure no adverse effects from deadfall or sedimentation from uprooted plants on the modified ephemeral stream.

Shallow Gully Area

13 The consent holder must obtain consent from Waikato Regional Council with respect to the earthworks associated with the Shallow Gully Area prior to any construction works undertaken associated with installing the artificial shelter within 10 metres of the "Shallow gully area" defined on the approved plan.

Monitoring

14 The consent holder must notify the Waipa District Council enforcement team in writing within two weeks of the resource consents commencing .

Note: *This advice should be emailed to:- consentmonitoring@waipadc.govt.nz.*

Schedule 2

Advisory Notes

Resource Consent No: LU/0147/22 and LU/0252/22

1 This consent is granted by the Council subject to the Council's officers and/or agents being permitted access to the property at all reasonable times for the purposes of carrying out inspections, surveys, investigations, tests, measurements or taking samples.

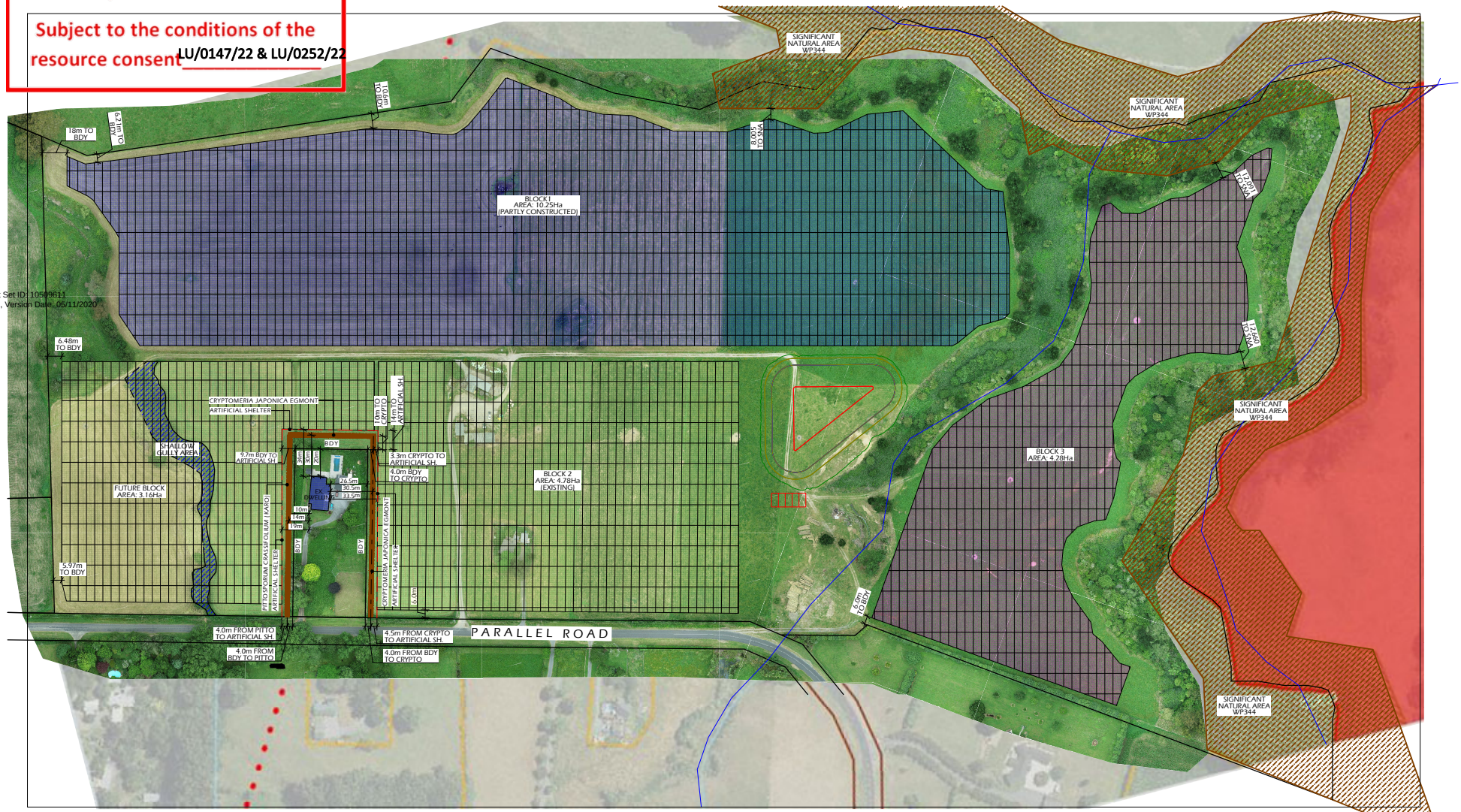
2 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder may be required to pay actual and reasonable costs incurred by the Waipa District Council when monitoring the conditions of these consents.

3 This consent does not absolve any responsibility of the consent holder to comply with the provisions of the Waikato Regional Plan.

APPROVED

Waipa District Council

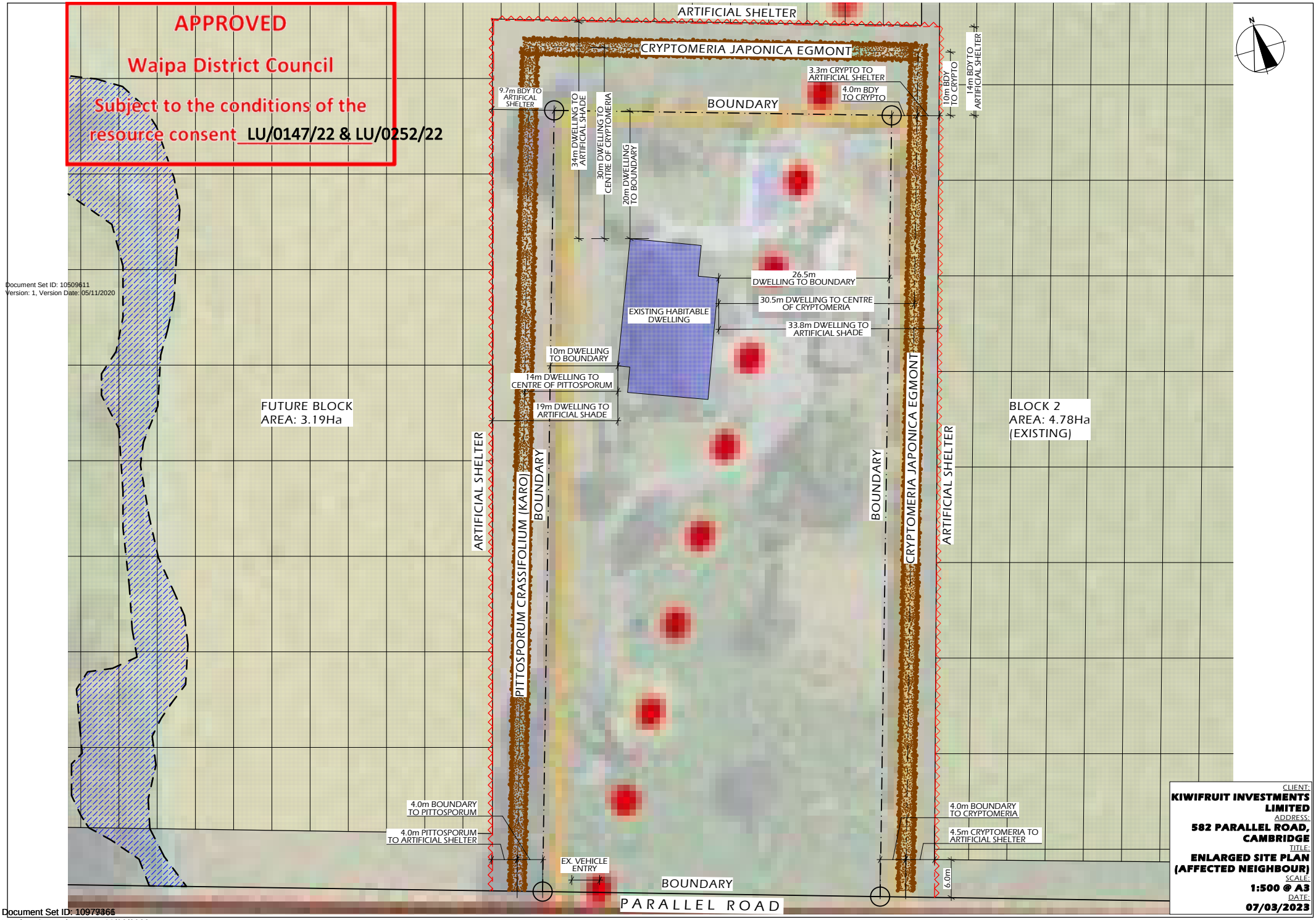
Subject to the conditions of the resource consent LU/0147/22 & LU/0252/22



CLIENT:
KIWIFRUIT INVESTMENTS LIMITED
ADDRESS:
582 PARALLEL ROAD, CAMBRIDGE
TITLE:
BULK/ LOCALITY PLAN
SCALE:
1:2000 @ A2
DATE:
07/03/2023

Document Set ID: 10509611
Version: 1, Version Date: 05/11/2020

Document Set ID: 10979866
Version: 2, Version Date: 00/03/2023



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Version: 1, Version Date: 05/11/2020

Document Set ID: 10979366
Version: 2, Version Date: 07/03/2023

COMMITTEE REPORT

INFORMATION ONLY

To:	The Chairperson and Members of the Regulatory Committee
From:	Emergency Management Operations Manager
Subject:	**Civil Defence Emergency Management Report for 1 October 2022 to 28 February 2023**
Meeting Date:	22 March 2023

1 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

The purpose of this report is to provide the Committee with an update on matters relating to Civil Defence Emergency Management (Civil Defence Emergency Management) in the Waipā District. This includes matters arising at national, regional and district levels including emergency management activities under the shared service arrangement between Waipā, Ōtorohanga and Waitomo District Councils.

This report is provided for information purposes and does not require any decision-making on the part of Elected Members.

2 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

That the Regulatory Committee receives the report of David Simes, Emergency Management Operations Manager titled Civil Defence Emergency Management Report for 1 October 2022 to 28 February 2023 (ECM 10976271).

3 COMMENTARY - KŌRERO

3.1 NATIONAL OVERVIEW

NEW DIRECTOR OF CIVIL DEFENCE EMERGENCY MANAGEMENT ANNOUNCED

On 3 February 2023 NEMA announced the appointment of John Price ONZM as the new Director Civil Defence Emergency Management and Deputy Chief Executive Emergency Management for the National Emergency Management Agency (NEMA).

John Price has been a member of the New Zealand Police since 1987 and is the current District Commander for Canterbury District.

He has had a leading role in Police responses to significant emergencies including the 2011 Christchurch Earthquake, 2016 Kaikoura/Hurunui earthquake, the 2017 Port Hills fires and the 2019 terrorist attacks.

John was made an Officer of the Most Venerable Order of St John (OStJ) in 2020 and became an Officer of the New Zealand Order of Merit (ONZM) in 2021.

John Price will join NEMA on 13 March 2023. Until this time, Roger Ball will continue to be the Acting Director Civil Defence Emergency Management.

ESTABLISHING NEW WELFARE SERVICES

Close contact required with local CDEM Groups

NEMA's advice to community-based organisations looking to establish and offer welfare support in emergencies is to contact their local CDEM group first. A core focus of an effective emergency response is ensuring robust and coordinated welfare service arrangements are in place to meet the needs of affected individuals, families/whānau, and communities.

Each Civil Defence Emergency Management (CDEM) Group is responsible for the coordination of and arrangements for the local delivery of welfare services.

Community-based organisations may also establish and offer welfare support to the community.

Arrangements between CDEM Groups and community-based organisations must be agreed in advance, before welfare services are deployed so all parties are clear about what the funding is for and what costs are reimbursable.

NEMA URGED THE PUBLIC TO GET READY BEFORE CYLONE GABRIELLE

The National Emergency Management Agency (NEMA) urged the public on Saturday, 11 February 2023 to get ready as Cyclone Gabrielle approached.

Cyclone Gabrielle tracked towards Aotearoa New Zealand and the expectation was expected to bring strong winds, heavy rain and large swells from Sunday, 12 February onwards.

"Cyclone Gabrielle has the potential to cause significant impacts, including for communities still cleaning up after the last fortnight's severe weather," says the Civil Defence Emergency Management Director Roger Ball.

"This means preparing for the possibility of power cuts and road closures. Take time to prepare for high winds and heavy rain. "

Mr Ball says NEMA's National Co-ordination Centre is activated, and NEMA staff are working to support Civil Defence Emergency Management Groups and co-ordinate whatever assistance impacted regions.

GOVT KEEPS AM RADIO REQUENCY ON AIR IN NORTHLAND

Minister of Broadcasting and Media Willie Jackson and Minister for Emergency Management Kieran McAnulty today announced a $1.48 million package to fund the repair and replacement of three transmission masts in Northland to ensure AM radio can stay on air in the region.

"This funding will ensure that Northland communities retain their access to AM transmission in areas that are not serviced by FM frequencies," Mr Jackson said.

"RNZ has already completed work to reinstate the Waipapakauri mast, which went back on air today."

Minister for Emergency Management Kieran McAnulty said radio is a critical information channel to help reach New Zealanders in an emergency.

"When emergencies happen, the National Emergency Management Agency (NEMA) and local Civil Defence Groups work with the media to issue warnings and other critical information. We rely on radio as our number one emergency info channel as it is the most resilient and widely available form of public communication.

"Northland is especially reliant on AM radio due to its remote and rugged terrain, its exposure to hazards like tsunamis, and limited access to cellular service and other information sources," Kieran McAnulty said.

3.2 REGIONAL OVERVIEW

WAIKATO CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE

The latest meeting of the Joint Committee was held 12 December 2022. The unconfirmed minutes are included as Appendix 1.

3.3 WESTERN WAIKATO SHARED SERVICE

Shared Service arrangements were well tested throughout the Response (EOC) Phase of the January and February 2023 severe weather events. While these events were well managed, receiving favourable feedback from the public in general, staff and elected members, the nature of these events has highlighted opportunities to improve in across a small number of functional areas. Internal compatibility of IT Platforms across three Councils, external communications to isolated communities where normal channels are damaged and non-operational, and cross-training of staff to build depth and resilience in availability, have all been highlighted.

3.4 REDUCTION

The Western Waikato Council's partnership with Waikato District Council and TOA Consulting, Jim Tetlow and Natasha Blundell, provide Response and Resilience Plans

for the four Districts is underway. Terms of Reference have been established, initial meetings held, which included the sharing of existing plans.

Waipā hosted the Regional Hazards Forum at Karapiro on 14 November 2022 which included participants from throughout the region. The major theme for this forum was flooding and flood protection with guest speakers including University of Waikato Volcanologists, National Institute of Water & Atmospheric Research (NIWA) regional weather analysts, Waikato Regional Council flood experts and the like which identified potential risks within the region. This forum helps with establishing protocols (e.g. river level alerts) so Emergency Management and Councils can prepare for events and reduce the risk to infrastructure and people.

Staff continue to participate in Hazard Identification Workshops with the group office and the wider region. Some delays have been experienced with postponement in February and March due to response commitments in relation to sever weather event(s). These dates have been rescheduled. This work is helping to identify, assess and look to reduce any risk associated with the identified hazards. This work will be used to form the basis of the Group Plan which is currently under review.

3.5 READINESS

NATIONAL SHAKEOUT

Western Waikato Businesses, Schools and individuals invested time to Register and participate in the National Shakeout event in October 2022. A very successful colouring competition was held in Waitomo using the "What's the Plan Stan" templates. There were 59 competition participants who received colouring in pencils and then 10 winners of the competition received a Stan Bear provided by Western Waikato Emergency Management.

The Western Waikato were lucky enough to receive a National Winner in Paeta Fagan from Rangitoto School in Waitomo. Staff will be presenting him a tablet, an emergency grab back pack for his family and a Emergency Wheelie Bin Kit to the School in March.

ONGOING DEVELOPMENT WITH WAIPĀ, ŌTOROHANGA AND WAITOMO COUNCIL / CIVIL DEFENCE EMERGENCY MANAGEMENT STAFF

Training in this reporting period, 40 staff were train in Foundation, 11 in Intermediate along with 5 people from the Lines Company, 1 in Logistics and 2 in Intelligence. One person from the Lines Company also completed the Lifelines Utilities Course.

Local Welfare Manager's also attended the Group Welfare Manager's meeting and the Waikato Welfare Co-ordinating Group meeting.

COMMUNITY ENGAGEMENT

Updating of existing Community Response Plans continues along with new plans being prepared with the Waitomo Village and Arohena Village.

A Civil Defence/Neighbourhood Support Leaders collaboration has seen the testing of a collection of information which would be relevant in an emergency. The form includes information relating to people in specific streets who feel they would be useful in an emergency (a nurse, Doctor, has first aid training etc) or equipment (generators, diggers, etc). This information is held in the Neighbourhood Support database and made available to Civil Defence if any of those areas become affected.

3.6 RESPONSE

State of (Local) Emergency – Waitomo District Council 28 January 2023

A severe weather event passed over the central north island between the 28 – 30 January affecting all three Councils with large areas of Waitomo, Ōtorohanga and Waipā affected by significant surface flooding and slips. The Waitomo District was the most severely impacted.

The Emergency Operation Centre (EOC) was opened at Waitomo District Council at 4pm on Saturday the 28 January 2023. Wayne Allan was the Local Controller on 28 January followed by David Simes on the morning of the 29 January. A full EOC activation was initiated from the outset on the 28 January with all functions operating.

A Local State of Emergency was declared by the Mayor John Robertson in Waitomo at 7.30pm as the river level rose to 5.4 which was 410mm short of the 2004 level (52.81m) which saw massive flooding through the township. The township of Te Kuiti was completely shut off overnight with SH3 being closed due to flooding at Te Kumi and a massive slip/tree on the Southern hill just up from the Service Station.

In addition to the flooding, the town had a large area impacted by a water leak resulting in this area having no water for nearly two days.

Evacuations took place mainly around the Esplanade area and adjoining low lying Streets. The Te Kuiti Marae with the help of volunteers and the local Food Bank, opened its doors to residents and visitors who were displaced and while nobody required the accommodation services, the Marae was utilised by those people without water to have showers and breakfast on Monday and Tuesday.

A Community Hub was set up by members of the Local Welfare Committee and Waitomo District Council staff in the main street to help residents with support in regard to applying for the Civil Defence one off payment and other appropriate services from the Ministry for Social Development. This service was in place for a week and was positively received by the residents.

State of (National) Emergency – Cyclone Gabrielle, 14 February 2023

Cyclone Gabrielle has caused significant impacts to the northern and eastern parts of the North Island, including Northland, Auckland, Bay of Plenty, Waikato, Tairāwhiti, Hawke's Bay and Tararua.

Local and Regional States of Emergencies were declared across various North Island Council areas between the 12 to 14 April 2023, including the Waikato Regional State of Emergency on the Monday, 13 February 2023.

A State of National Emergency was declared on Tuesday, 14 February 2023, extended on Tuesday, 21 February for another seven days and then again on Tuesday, 28 February for a further seven days. From 28 February, the State of National Emergency ceased to apply to the Bay of Plenty.

On Friday, 3 March, the states of national emergency for Northland, Auckland, and Waikato Civil Defence Emergency Management Group areas and the Tararua District were terminated. A notice of a national transition period over these areas came into effect immediately.

The national transition period provides a more limited set of powers than a state of national emergency. It enables CDEM Groups to keep carrying out necessary activities in the early stages of the recovery, such as clearing roads, disposing of dangerous materials, restoring access to cut-off properties, or making temporary infrastructure repairs. The national transition period will be in force for a period of 90 days (unless extended or terminated early).

There are 11 confirmed fatalities as a result of Cyclone Gabrielle. Police have confirmed that there are no persons remaining unaccounted for as the 4 March 2023.

There have been substantial infrastructure impacts, in particular power, communications, roading, and water. This makes it difficult to coordinate and supply critical resources such as food, fuel, and fresh water to impacted areas and isolated communities. As at Friday, 3 March, $58.877 million of Ministry of Social Development Civil Defence Grants have been paid to 104,871 people.

Cyclone Gabrielle – Western Waikato; Waipā, Ōtorohanga and Waitomo District Councils.

Western Waikato EOC activated and in coordinating mode at 1600 hours 12 February 2023 in response to the severe weather event/cyclone Gabrielle. The EOC was centrally located at the Ōtorohanga District Council. David Simes was the Local Controller and trained staff from all three councils worked across all EOC functions during this full activation coordinating the local response during this period.

At 1200 hours Wednesday, 15 February 2023, the Western Waikato EOC was deactivated, with functions and response moving to recovery and business as usual through their respective Waipā, Ōtorohanga and Waitomo District Councils. Local Controller and CDEM professionals continued to attend GECC briefings and monitor the overall situation in response to Cyclone Gabrielle for the Western Waikato area.

Flooding, land subsidence and wind damage were prevalent across the wider area, more with the most severe impacts located in the Waipā, Ōtorohanga – and rural Ōpārau and Kawhia areas. Power outages, road closures, short term water shortages, loss of mobile network and internet services were all experienced over a 2 day period

as the severe weather caused by Cyclone moved across the North Island.

Local Western Waikato Staff were also deployed out of area as part of the wider response to the National State of Emergency. This included the Regional Group Emergency Response located in Hamilton, across the Welfare, Planning and Intel Functions between the 12 to 16 February and also the Waikato District Council in Welfare capacity on 17 February.

Staff were also deployed to Thames Coromandel District Council on two occasions between 9 to 12 February and 16 to 18 February 2023 in the Operations and Response Manager capacity. Staff were also deployed to Hawkes Bay on two occasions between 24 February and 3 March to assist with Response Manager and Operations Functions.

ALERTS & WARNINGS

National and Regional Alerts were received as below which required advisory action in and initial attendance at accordance with the appropriate response protocols. Regional Council hazard/flood response plans were met and Flood Room meetings were attended. No further action was required:

Date	Event
2 October 2022	Severe weather heavy rain event. River alert at Ōtorohanga.
29 October 2022	Severe Weather Watch (Yellow): Rain/Wind watch Waitomo. River alerts at Whatawhata – Waipā River, Ōtorohanga and Awakino Rivers.
12 November 2022	Large Pacific Earthquake – Tonga 7.5 magnitude – Tsunami assessed
20 to 24 November 2022	Severe weather – heavy rain (yellow watch) and thunderstorms across Waipā Waitomo and Ōtorohanga. River alerts at Te Kuiti, Ōtorohanga, Waipā Rivers (inc Whatawhata).
29 November 2022	Severe Weather – heavy rain (Orange) Warning: Waipā, Ōtorohanga, Waitomo. River alert at Te Kuiti
20 December 2022	Severe Thunderstorm Watch – Waipā, Ōtorohanga, Waitomo
12 January 2023	Heavy Rain Warning – Orange, Waitomo, Ōtorohanga, Waipā River alerts (all) across Western Waikato
12 February 2023	Cyclone Gabrielle – Severe weather Warning (Red); rain, wind, & maritime, all of North Island, especially northern and eastern Districts.

3.7 RECOVERY

Recovery Managers within the Waitomo, Ōtorohanga and Waipā District Councils were involved with prioritised Recovery work in response to the severe weather events

affecting the wider area in late January and February 2023. This began with attendance within the EOC – Response Phase, transitioning period through to the Recovery phase. The most significant impacts were evident in Waitomo DC, State of Emergency, with significant (flood) impacts to roading networks, property damage, land subsidence, and affected communities. Waipā District Council was impacted during Cyclone Gabrielle with severe gale force winds causing significant damage to large trees, local road networks (closures), power outages. Recovery work in both District Council areas is ongoing.

4 APPENDIX - ĀPITITANGA

No:	Appendix Title
1	Waikato Civil Defence Emergency Management Group Joint Committee unconfirmed minutes from 12 December 2022.

Prepared by:

David Simes
EMERGENCY MANAGEMENT OPERATIONS MANAGER

Approved by Wayne Allan
GROUP MANAGER DISTRICT GROWTH AND REGULATORY SERVICES

APPENDIX 1

Waikato Civil Defence Emergency Management Group Joint Committee unconfirmed minutes from 12 December 2022 *(document number 10974362)*.

Waikato Civil Defence and Emergency Management Group Joint Committee

OPEN MINUTES

Date: **Monday 12 December 2022, 9.30am**
Location: **Council Chambers**
Level 1, 160 Ward Street, Hamilton

Members Present:
Cr Anna Park - Taupō District Council (as Chair from 9.46am)
Cr Lou Brown - Waipā District Council
Cr Phillip Buckthought - Hauraki District Council
Deputy Mayor Annette Williams - Ōtorohanga District Council
Mayor Jacqui Church - Waikato District Council
Cr Emma Pike - Hamilton City Council
Cr Russell Smith - Matamata-Piako District Council
Mayor Len Salt - Thames-Coromandel District Council
Deputy Mayor Allan Goddard - Waitomo District Council
Cr Thomas Lee - South Waikato District Council
Cr Mich'eal Downard - Waikato Regional Council

In Attendance:
Gareth Green - Chair, Coordinating Executive Group (Presiding Chair until 9.46am)

Cr Kandi Ngataki - Waikato District Council
Cr John Grant - Thames-Coromandel District Council
Council Chair Pamela Storey - Waikato Regional Council
Cr Warren Maher - Waikato Regional Council (virtually via Teams from 11.03am)
Todd Miller - Regional Emergency Management Advisor, National Emergency Management Agency

Staff Present:
Neville Williams - Director Customer, Community and Services
Julian Snowball - Group Manager/Controller
Irving Young - Team Leader – Resilience and Recovery
Aaron Tregoweth - Team Leader – Operational Readiness
Anisha McPhee – Acting Manager Resilience, Waikato District Council
Jess Hood - Democracy Advisor
Dave Doggart - Acting Team Lead, Democracy Services

UNCONFIRMED

1. Karakia Timatanga

Item commenced in open recording 1 at 29 seconds.

The Waikato Civil Defence Emergency Management Group Manager/Controller (Julian Snowball) opened the meeting with a karakia.

2. Apologies

Item commenced in open recording 1 at 54 seconds.

No apologies were received.

3. Confirmation of Agenda

Item commenced in open recording 1 at 1 minute.

WCDEM22/43
Moved by: Mayor Jacqui Church
Seconded by: Cr Thomas Lee

Resolved (Section A under delegated authority)

1. **That the agenda of the extraordinary meeting of the Waikato Civil Defence Emergency Management Joint Committee of 12 December 2022, as circulated, be confirmed as the business for the meeting.**
2. **That the order of items follows the order set out in these minutes.**

carried

4. Disclosures of Interest

Item commenced in open recording 1 at 1 minute, 36 seconds.

No interests were disclosed.

6. Adoption of Standing Orders

Item commenced in open recording 1 at 2 minutes.

WCDEM22/44
Moved by: Cr Anna Park
Seconded by: Cr Phillip Buckthought

Section A (Resolved under delegated authority)

1. **That the report *Standing Orders 2022* (Waikato Civil Defence Emergency Management Joint Committee, 28 November 2022) be received.**
2. **That the Waikato Civil Defence Emergency Management Joint Committee adopts the current Waikato Regional Council standing orders (as amended or replaced from time to time). Where there is any conflict between those Standing Orders (as**

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amended or replaced) and the Civil Defence Emergency Management Act 2002, the Act will prevail.

carried

7. Election of Chair and Deputy Chair

Item commenced in open recording 1 at 6 minutes, 52 seconds.

The Director Community, Customer and Services (Neville Williams) spoke to the report and election process.

WCDEM22/45
Moved by: Cr Mich'eal Downard
Seconded by: Cr Thomas Lee

Resolved (Section A under delegated authority)

That the report *Election of Chairperson and Deputy Chairperson 2022-2025 Triennium* (Waikato Civil Defence and Emergency Management Joint Committee, 28 November 2022) be received.

carried

WCDEM22/46
Moved by: Mayor Jacqui Church
Seconded by: Cr Lou Brown

Resolved (Section A under delegated authority)

That pursuant to clause 25 of Schedule 7 of the Local Government Act 2002, the Waikato Civil Defence and Emergency Management Joint Committee adopts system B as the voting procedure for the election of the Chair and Deputy Chair of Waikato Civil Defence and Emergency Management Joint Committee.

carried

WCDEM22/47
Moved by: Mayor Len Salt
Seconded by: Cr Thomas Lee
Resolved (Section A under delegated authority)

That in the event of a tie, the selection will be by way of the toss of a coin.

carried

Cr Anna Park was nominated as Chair of the Waikato Civil Defence Emergency Management Group Joint Committee by Cr Phillip Buckthought and seconded by Cr Thomas Lee.

WCDEM22/48
Moved by: Cr Phillip Buckthought
Seconded by: Cr Thomas Lee

Resolved (Section A under delegated authority)

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That Cr Anna Park be elected as Chair of the Waikato Civil Defence and Emergency Management Joint Committee for the 2022-2025 Triennium.

carried

9.46am – The Coordinating Executive Group Chair (Gareth Green) adjourned the meeting and vacated the chair

9.51am - The meeting reconvened.

9.51am – Cr Anna Park assumed the Chair

Cr Lou Brown was nominated as Deputy Chair of the Waikato Civil Defence Emergency Management Joint Committee by Cr Allan Goddard and seconded by Cr Thomas Lee.

WCDEM22/49
Moved by: Deputy Mayor Allan Goddard
Seconded by: Cr Thomas Lee

Resolved (Section A under delegated authority)

That Cr Lou Brown be elected as Deputy Chair of the Waikato Civil Defence and Emergency Management Joint Committee for the 2022-2025 Triennium.

carried

5. Confirmation of Minutes - 29 August 2022

Item commenced in open recording 1 at 21 minutes 48 seconds.

WCDEM22/50
Moved by: Cr Phillip Buckthought
Seconded by: Cr Lou Brown

Resolved (Section A under delegated authority)

That the minutes of the Waikato Civil Defence and Emergency Management Joint Committee's meeting dated 29 August 2022 be confirmed as a correct record.

carried

11. Group Recovery and Manager Policy

Item commenced in open recording 1, at 22 minutes, 13 seconds.

The Team Leader - Resilience and Recovery (Irving Young) spoke to the report.

WCDEM22/51
Moved by: Deputy Mayor Annette Williams
Seconded by: Cr Thomas Lee

Resolved (Section A under delegated authority)

1. **That the report Recovery Manager Policy (Waikato Civil Defence Emergency Management Group Joint Committee, 12 December 2022), be received.**

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2. **That the Joint Committee notes the inclusion of the financial delegations within the Recovery Manager Policy.**

3. **That Joint Committee adopts the Recovery Manager Policy.**

carried

8. 2023 Meeting Schedule

Item commenced in open recording 1 at 25 minutes, 51 seconds.

WCDEM22/52
Moved by: Mayor Jacqui Church
Seconded by: Cr Russell Smith

That the report *Meeting Schedule 2023* (Waikato Civil Defence Emergency Management Joint Committee, 28 November 2022) be received.

carried

9. Opportunity to appoint Iwi Māori representative(s)

Item commenced in open recording 1 at 26 minutes, 32 seconds.

The Waikato Civil Defence Emergency Management Group Manager/Controller (Julian Snowball) spoke to the report.

WCDEM22/53
Moved by: Cr Anna Park
Seconded by: Cr Lou Brown

1. **That the report *Opportunity to appoint Iwi Māori representative(s)* (Waikato Civil Defence Emergency Management Group Joint Committee, 12 December 2022) be received.**

2. **That the Waikato Civil Defence Emergency Management Group Joint Committee formally accept the offer from Waikato Regional Council to co-opt the Ngā Hau E Wha and Ngā Tai ki Uta constituency councillors as advisors to the Joint Committee, to represent iwi Māori across the region, recognising that any one of those members may be appointed to the Joint Committee as the Waikato Regional Council member.**

carried

10. Government Reforms

Item commenced in open recording 1 at 31 minutes.

The members discussed the option to invite the Waikato Regional Council Maori Constituency elected members (who were resolved to be Waikato Civil Defence Emergency Management Group Joint Committee non-voting advisors, if they weren't appointed members of the Joint Committee) to participate in the Submission sub-group. The Chair highlighted that a discussion was required with those members to seek their view on participation in the first instance.

WCDEM22/54
Moved by: Deputy Mayor Allan Goddard
Seconded by: Mayor Len Salt

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Resolved (Section A under delegated authority)

1. **That the report *Government Reforms – Submission Subgroup* (Waikato Civil Defence Emergency Management Group Joint Committee, 12 December 2022) be received.**
2. **That the Waikato Civil Defence Emergency Management Group Joint Committee approve the recommended Submission Subgroup structure.**
3. **That the Waikato Civil Defence Emergency Management Group Joint Committee confirms Cr Anna Park, Cr John Grant, Cr Lou Brown, Mayor Jacqui Church and Cr Phillip Buckthought as members of the Submission Subgroup.**
4. **That the Waikato Civil Defence Emergency Management Group Joint Committee give delegation to approve final submission content to the Submission Subgroup members.**

carried

12. Group Work Plan and Covid After Action Report - Prioritised Goals

Item commenced in open recording 1 at 40 minutes, 22 seconds.

The Waikato Civil Defence Emergency Management Group Manager/Controller (Julian Snowball) spoke to the report.

WCDEM22/55
Moved by: Cr Lou Brown
Seconded by: Cr Thomas Lee

Resolved (Section A under delegated authority)

That the report *Group Work Plan and Covid After Action Report - Prioritised Goals* (Waikato Civil Defence Emergency Management Group Joint Committee, 12 December 2022) be received.

carried

13. New Zealand Response Team - Waikato NZRT-6 Update

Item commenced in open recording 1 at 43 minutes, 57 seconds.

The Waikato Civil Defence Emergency Management Group Manager/Controller (Julian Snowball) spoke to the report.

WCDEM22/56
Moved by: Cr Phillip Buckthought
Seconded by: Deputy Mayor Annette Williams

Resolved (Section A under delegated authority)

That the report *New Zealand Response Team* (Waikato Civil Defence Emergency Management Group Joint Committee, 12 December 2022) be received.

carried

14. National Emergency Management Agency (NEMA) Update

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Item commenced in open recording 1 at 52 minutes, 8 seconds.

The Regional Emergency Management Advisor, National Emergency Management Agency (Todd Miller) spoke to the report.

WCDEM22/57
Moved by: Cr Thomas Lee
Seconded by: Mayor Jacqui Church

Resolved (Section A under delegated authority)

That the report *National Emergency Management Agency (NEMA) update* (Waikato Civil Defence Emergency Management Group Joint Committee, 12 December 2022) be received.

carried

15. Coordinating Executive Group (CEG) - 11 November 2022 Meeting Summary

Item commenced in the open recording 1 at 1 hour, 20 minutes, 36 seconds.

The Coordinating Executive Group Chair (Gareth Green) spoke to the report.

WCDEM22/58
Moved by: Deputy Mayor Annette Williams
Seconded by: Cr Emma Pike

Resolved (Section A under delegated authority)

That the report *Summary – Coordinated Executive Group Meeting, 11 November 2022* (Waikato Civil Defence Emergency Management Group Joint Committee, 12 December 2022) be received.

carried

16. Resolution to Exclude the Public

Item commenced in open recording 1 at 1 hour, 22 minutes, 9 seconds.

WCDEM22/59
Moved by: Cr Phillip Buckthought
Seconded by: Cr Mich'eal Downard
Resolved (Section A under delegated authority)

1. **That in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 (Act) and the interest or interests protected by section 6 or 7 of that Act, the public is excluded from the following parts of this meeting. The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public are set out below:**

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
17.1 – Appointment of Group Recovery Manager	**Protect the privacy of natural persons, including that of deceased natural persons (section 7(2)(a) of the Act).**	**Section 48(1)(a)(i) of the Act – the public conduct of the relevant part of the**

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Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
17.2 - Group Emergency Management Office	**1. To protect a trade secret (section7(2)(b)(i) of the Act)** **To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (section7(2)(b)(ii) of the Act)**	**proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7 of the Act.**

2. **That Gareth Green (Chair Coordinating Executive Group), Julian Snowball (Group Manager), Mark Bang (Team Leader – Partnerships), Irving Young (Team Leader – Resilience and Recovery), Aaron Tregoweth (Team Leader – Operational Readiness), Jill Regler (Business Enablement Coordinator), Vicky Cowley (Strategic Planning Advisor) and Todd Miller (NEMA Regional Emergency Management Advisor) remain in this meeting after the public has been excluded because of their knowledge of the items to be discussed. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of its specialised nature and the benefit to be gained from expert advice.**

carried

10.54am - The meeting moved into public excluded session.

11.20am - The meeting moved back into open session.

Decisions made in public excluded session reported into open:

During the public excluded session, the Committee resolved to move the following into open session.

17.1 Appointment - Group Recovery Manager

WCDEM22/60
Moved by: Cr Mich'eal Downard
Seconded by: Cr Thomas Lee

Resolved (Section A under delegated authority)

1. **That the report *Appointment of Group Recovery Manager – Statutory Role* (Waikato Civil Defence Emergency Management Group Joint Committee, 12 December 2022) be received.**
2. **That the Waikato Civil Defence Emergency Management Group Joint Committee approve the appointment of Julian Snowball to the statutory role of Waikato Civil Defence Emergency Management Group Recovery Manager; Section 29(1) of the Civil Defence Emergency Management Act 2002.**
3. **That the report and decision be reported into the open session of this meeting. The attachments remain publicly excluded.**

carried

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18. Karakia Whakamutunga

Item commenced in open recording 2 at 5 seconds.

The Waikato Civil Defence Emergency Management Group Manager/Controller (Julian Snowball) closed the meeting with a karakia.

11.21am - The meeting closed.

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COMMITTEE AGENDA

Waipā DISTRICT COUNCIL

To: The Chairperson and Members of the Regulatory Committee

From: Governance

Subject: **RESOLUTION TO EXCLUDE THE PUBLIC**

Meeting Date: 22 March 2023

1 EXECUTIVE SUMMARY – WHAKARĀPOPOTOTANGA MATUA

A local Authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting under section 48(1) of the Local Government Official Information and Meetings Act 1987.

2 RECOMMENDATION – TŪTOHU Ā-KAIMAHI

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
9.Confirmation of Public Excluded Minutes – 12 December 2022 *10. Objection to Notice of Disqualification from dog ownership*	*Good reason to withhold exists under section 7 Local Government Official Information and Meetings Act 1987*	*Section 48(1)(a)*

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may be, which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, are as follows:

Item No.	Section	Interest
9,10	*Section 7(2)(a)*	*To protect the privacy of natural persons, including that of deceased natural persons.*