



**I give notice that  
an Ordinary Meeting of Council will be held on:**

<b>Date:</b>	<b>Tuesday, 31 October 2017</b>
<b>Time:</b>	<b>1.30pm</b>
<b>Location:</b>	<b>East Wing Great Lake Centre 5 Story Place Taupō</b>

# AGENDA

## MEMBERSHIP

**Chairperson** Mayor David Trewavas

**Deputy Chairperson** Cr Rosie Harvey

**Members**

- Cr John Boddy
- Cr Barry Hickling
- Cr Rosanne Jollands
- Cr Tangonui Kingi
- Cr Anna Park
- Cr Christine Rankin
- Cr Kirsty Trueman
- Cr John Williamson
- Cr Maggie Stewart

**Quorum** 6

**Gareth Green  
Chief Executive Officer**

## Order Of Business

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**3.1 ORDINARY COUNCIL MEETING - 26 SEPTEMBER 2017**

**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**RECOMMENDATION(S)**

That the minutes of the Council meeting held on Tuesday 26 September 2017 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Council Meeting Minutes - 26 September 2017 

**3.2 EXTRAORDINARY COUNCIL MEETING - 18 OCTOBER 2017**

**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**RECOMMENDATION(S)**

That the minutes of the extraordinary Council meeting held on Wednesday 18 October 2017 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Council Meeting Minutes - 18 October 2017 

**4.1 ORDINARY TAUPO AIRPORT AUTHORITY COMMITTEE MEETING - 14 SEPTEMBER 2017**

**Author:** Raeleen Rihari, Democratic Services Support Officer

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**RECOMMENDATION(S)**

That Council receives the minutes of the Taupo Airport Authority Committee meeting held on Thursday 14 September 2017.

**ATTACHMENTS**

1. Taupo Airport Authority Committee Meeting Minutes - 14 September 2017 

**4.2 ORDINARY FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 3 OCTOBER 2017**

**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**RECOMMENDATION(S)**

1. That Council receives the minutes of the Fences, Roothing, Reserves & Dogs Committee meeting held on Tuesday 3 October 2017.
2. That Council approves Fences, Roothing, Reserves & Dogs Committee recommendation FRD201710/08 relating to the exchange of small portion of reserve land at Kinloch.

**ATTACHMENTS**

1. **Fences, Roothing, Reserves & Dogs Committee Meeting Minutes - 3 October 2017** 

**5.1 REQUEST FOR EXTENSION OF STREET LITTER AND RECYCLING BIN COLLECTION CONTRACT TDC/1314/098**

**Author:** Brent Aitken, Asset Manager - Storm Water & Solid Waste

**Authorised by:** Kevin Strongman, Group Manager, Operational Services

**PURPOSE**

This report is to seek the final one-year extension of Contract TDC/1314/098 Street Litter & Recycling Bin Collection Contract.

**EXECUTIVE SUMMARY**

The Street Litter & Recycling Bin collection Contract collects litter and recyclables from the bins located in the Taupo CBD, Wairakei and on reserves from Waitahanui around to Acacia Bay.

The contract was awarded in November 2013 for a period of three years commencing on 1 March 2014 at a value of \$598,440.12 with an option to extend for two further periods of one year, subject to satisfactory performance. The contract is a lump sum contract with cost escalations.

The contract is due to expire on February 2018 so it is now necessary to either plan for retendering or approve the final one year contract extension.

The preferred option is to award the final one-year contract extension to Total Industrial Solutions have successfully operated the contract over the past four years and have met all KPIs.

**RECOMMENDATION(S)**

That Council approves the final 1-year extension of Contract TDC/1314/098 for Street Litter & Recycling Bin Collection Contract from 1 March 2018 to 28 February 2019 and that the contract sum be increased by \$210,000.00 to a total value of \$1,013,440.12 [excl. GST].

**BACKGROUND**

This contract provides Litter and Recycling options for people when they are out and about around the Taupo CBD, parks, and reserves including Reids Farm.

Waste and recyclables collected under this contract are deposited at the Broadlands Rd Landfill.

Total Industrial Solutions have successfully operated the contract for the past four years since its commencement in March 2014 and they work closely with TDC parks staff to provide the desired levels of service.

The contract has the option for a final 1-year contract extension and Total Industrial Solutions have indicated their desire to continue.

**DISCUSSION**

Approval is now being sought for the final 1-year contract extension. The value of the extension is \$210,000.00 based on current contract payments.

Total Industrial Solutions are a local firm and employ local people to operate this contract and have met all of their contract KPIs to date and Council staff are satisfied that this high level of performance will continue if the contact was extended.

**OPTIONS**

There are two options to be considered, which are:

1. Extend the current contract as allowed for in the contract documentation
2. Decline the extension and go back to the market.

Analysis of Options

Option 1.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Current contractor has proven performance and has met all KPIs</li> <li>• Employs local people to run and administer contract</li> <li>• Avoids the cost of retendering</li> </ul>	<ul style="list-style-type: none"> <li>• Would not test the market</li> </ul>

Option 2.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Will allow us to retest the market</li> </ul>	<ul style="list-style-type: none"> <li>• Could possibly increase the contract cost</li> <li>• Would have the cost of retendering</li> </ul>

**CONSIDERATIONS**

**Financial Considerations**

The financial impact of the proposal is estimated to be \$210,000.00 [excl GST]. This contract was extended August 2016 by 205,000.00. The difference in the sum to be increased for this financial year is due to cost fluctuation costs and increased waste disposal costs due to the increase in waste being collected from the litter bins.

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under the Litter collection cost centre.

**Legal Considerations**

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality local infrastructure. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

**Policy Implications**

**There are no known policy implications. Risks**

**THERE ARE NO KNOWN RISKS SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

**ENGAGEMENT**

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

**COMMUNICATION/MEDIA**

No communication/media is required.

**CONCLUSION**

Total Industrial Solutions are an experienced contractor who has successfully operated the Street Litter & Recycling Bin Collection Contract for the past four years and have met all of the contract KPIs. The contract has the option for one final period of one year, subject to satisfactory performance. Council staff are satisfied that this high level of performance will continue if the contact was extended.

**ATTACHMENTS**

Nil

**5.2 NRB CUSTOMER SATISFACTION SURVEY 2017**

**Author:** Jane Budge, Senior Policy Advisor

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

This paper supplies information regarding the Taupō District Council Satisfaction Survey 2017.

**RECOMMENDATION(S)**

That Council notes the information contained in the Taupō District Council Customer Satisfaction Survey 2017.

**BACKGROUND/DISCUSSION**

The Local Government Act 2002 (LGA) requires Council to monitor its performance against its performance measures outlined in the Long-term Plan (LTP). Some of the performance measures outlined in the LTP seek the community's satisfaction with council services. Satisfaction scores are also used when setting performance targets in each Long-term Plan.

In 2013, Government also mandated some non-financial performance measures so that comparisons can be made with peer group councils. Our peer group councils are those that incorporate a provincial city or town together with a rural area.

The National Research Bureau (NRB) was commissioned to undertake the Taupō District Council Satisfaction Survey in 2017. The customer satisfaction survey is undertaken every three years where we survey our residents, ratepayers and visitors to see how satisfied they are with a wide range of council's services and facilities.

A sample size of 451 (351 residents and 100 non-resident ratepayers) was used. The phone survey was undertaken over the month of April 2017.

The results are an indication of what ratepayers think of Council's services. A copy of the survey is attached (Attachment: Taupō District Council Satisfaction Survey 2017).

There were a number of results with higher ratings than the 2014 survey. Of particular note, 93% were very satisfied/fairly satisfied with Council parks and reserves up from 91% in 2014, 78% were happy with the AC baths up from 69% in 2014, and 65% were happy with the range and variety of the District libraries' collections compared with 59% in 2014. However, only 57% were happy with the museum down from 64% in 2014.

The main areas of concern noted were public toilets (11%), recycling (11%) and landfills and transfer stations (7%). Public toilets and recycling were the only services those surveyed believed were 'not very satisfied' and reached double figures. However, we fared better than our peer groups for public toilets (peer group average 19%) and landfills and transfer stations (peer group average 18%).

We added some new customer service questions with the results all being in the 90s, and in particular those surveyed were very happy with the service they received at 95%. Results follow for level of customer service:

	Very / Fairly satisfied %	Not very satisfied %	Don't know / Not relevant %
The way you were greeted	96	2	2
Overall level of service†	95	6	-
The way your needs were understood	92	8	-
Accuracy of information	91	7	2
Speed of response	91	7	2

The representation results also saw increases on the 2014 results, 62% of respondents rated the Mayor and Councillors performance as very good/fairly compared with 54% in 2014, and 43% of ward respondents rated the Turangi-Tongariro Community Board as very good/fairly good compared to 40% in 2014.

## CONSIDERATIONS

### Financial Considerations

The survey was met within existing budget at a cost of \$25,700 (excl GST).

### Legal Considerations

The survey meets our requirements under the LGA to report on performance measures.

### Policy Implications

The survey helps answer our performance measures outlined in the LTP, and should also be taken into consideration by Council in the consideration of the new LTP performance measures and the wider community's views.

### Risks

There are no risks associated with this paper.

## SIGNIFICANCE OF THE DECISION OR PROPOSAL

This paper is not a significant decision.

## ENGAGEMENT

No engagement is required.

## COMMUNICATION/MEDIA

Information on our performance will be shared as part of the Annual Report highlights printed in the Taupō Times.

## CONCLUSION

This paper notes the information contained in the Taupō District Council Satisfaction Survey 2017.

## ATTACHMENTS

1. Taupo DC 2017 Survey Report (A1992555) 

**5.3 COUNCIL'S SEPTEMBER PERFORMANCE REPORT**

**Author:** Gareth Green, Chief Executive Officer

**Authorised by:** Gareth Green, Chief Executive Officer

**PURPOSE**

This report provides Council with an overview on the performance of the organisation.

**RECOMMENDATION(S)**

That Council notes the information contained in the Council Performance report for the month of September 2017.

**HIGHLIGHTS FROM THE PAST MONTH**

The Turangi-Tongariro by-election for a ward councillor and a community board member closed earlier this month and once again we have a full complement around the council table. It was great to be able to welcome Maggie Stewart back and she was officially sworn in at the extraordinary meeting held on October 18. Pauline Jenkins-Lyons was the highest polling candidate for the Turangi-Tongariro Community Board and she will be sworn in at the next Community Board meeting on November 14.

The Waitangi Tūwharetoa ki Pukawa Festival 2017 has won Best Community Event of the Year at the 2017 New Zealand Events Awards. The Waitangi Day event was co-organised by the Pukawa Marae Committee, Taupō District Council, Tūwharetoa Māori Trust Board and the Office of the Ariki Sir Tumu te Heuheu with support from other community agencies. It was fantastic the festival was recognised alongside some of the country's finest in the events industry.

The Mangakino Community Led development project, instigated by the Department of Internal Affairs, came to conclusion at the end of September. This was a six year pilot programme in which we provided a shared space at the service centre for project staff and acted as the fund holder for the financial component. The leadership team of community members, supported by the department and Inspiring communities, developed a community action plan in consultation with the community. This enabled a number of physical projects to be completed such as the skatepark, Huamai Street playground, information and heritage signage and the community resource building, and also focused on shared visions, utilising existing strengths and assets and involving and connecting people and organisations.

The event season has kicked off in earnest and there has already been some great successes such as the McCartney Invitational Football Tournament. There were 124 teams taking part in the tournament and it was estimated they contributed over \$1.3m to the economy over that weekend. Labour weekend saw another successful Graffiato festival in the Central Business District and there are a number of new pieces adding to the vibrancy of the Taupo town centre.

**EMERGING CHALLENGES AND OPPORTUNITIES**

A spate of vandalism resulted in around 20 road signs being damaged beyond repair earlier this month. It is estimated the replacement cost was in the order of \$6000. It was unfortunate that these signs were all in highly visible areas of Taupō and had the potential to cause a serious accident. We urge the community to report damaged road signs to us as soon as possible and report any suspicious activity to the police.

A combination of fat and wipes have been identified as the cause of a wastewater spill into the lake near the intersection of Pataka Road. The use of wipes and their inability to break down, therefore causing pipe blockages, are of real concern. As well as endangering our lake's water quality, these spills affect residents and visitors using the lake and often take days to remedy.

We are continuing to meet with key stakeholders regarding the northern access to the northern part of Taupō's CBD. The most recent meeting was with the Acacia Bay, Taupō and Kinloch residents' associations and their feedback will help inform the investigations moving forward.

Work is continuing on the redevelopment of the Turangi Service Centre in preparation for our new tenants, the Department of Conservation, to move in. Unfortunately, more structural work was needed than first identified so we are now expecting occupation early in the New Year.

**ATTACHMENTS**

1. Treasury Report September 2017 
2. September 2017 Project and Service Council Performance Report [A2046407] 

**5.4 HEALTH AND SAFETY REPORT**

**Author:** Lyn Hura, People & Capability Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

The reason for the report is to ensure Councillors understand Taupō District Council's Health and Safety strategy for 2017/18 and are kept up to date with current and future health and safety matters. To provide an assurance that Taupō District Council has systems and processes in place that comply with the duties and requirements under the Health and Safety at Work Act 2015 (HSWA).

**DISCUSSION**

The six key pathways in the strategy provide significant improvement opportunities in the way Taupō District Council manages Health and Safety.

The Health and Safety Strategy outlines the key focus areas for 2017/18 and this report provides an update on the safety performance measures in place demonstrating continuous improvement in health and safety matters.

**1. Contractor Management**

Taupō District Council contracts out a large proportion of high risk work to contracting companies and are managed by contract managers across the internal business units. It has been identified that Taupō District Council requires a robust framework in Contractor Safety Management to ensure both the contractors (workers) and Taupō District Council (PCBU) under the HSWA 2015 are meeting their legislative requirements in managing risk.

Taupō District Council has joined a Contractor Pre-qualification Assessment Scheme providing a benchmarking of the Contractor Safety Management processes based on their individual risk profiles. The Pre-qualification Scheme is a national scheme and provides assurance to Taupō District Council and puts the approved contractors on a database giving the contractor exposure nationwide.

The project is proceeding with all of our preferred contractors to be registered with pre-qualification status for the 2018 year commencing. In mid-November 2017, workshops are to be held to assist contractors and provide guidance on how to meet the requirements of pre-qualification.

A new document "Contractor Health and Safety Standards" is being drafted and will encompass the legislative duties and the framework of contractor management for Taupō District Council.

The contents of the document include:

- Prequalification process
- Risk Management for high risk work
- Contractor Induction
- Contractor H&S Agreement
- Monitoring Contractor Work – Contractor Site Safety Inspection
- Reporting on Key Performance Indicators – Lead and Lag
- Post Contract Evaluation
- Job Safety Analysis (JSA) Template for low risk work
- Safe Work Method Statement (SWMS) for high risk work

- Links to key TDC policies; Health and Safety Policy, Drug and Alcohol Policy.

There is a visible presence of Health and Safety Business Partner with Contractor engagement.

Contractor Managers have completed Investigation Causal Analysis Methodology (ICAM) training, to assist them in risk management and review of corrective actions from contractor incidents.

Our legal team have assisted in the review of documents that hold contractual or legislative value.

## **2. Incident Management**

Managers and Supervisors in safety sensitive business units have completed ICAM training.

Across TDC, there have been no Notifiable Events or Serious Incidents resulting in Medical Treatment or Lost Time Injuries for this financial year.

Two employees are currently on ACC rolling over from last year. One injury was work related and the second non –work related.

Serious Contractor Incidents – No harm to personnel

1. Contracting Digger Operator Hit Overhead Services  
ICAM investigation completed by contractor  
Corrective Actions – use of spotters and sub-contractor management  
H&S Business Partner issued Safety Alert to Infrastructure contract managers
2. Bin falls off contractor's vehicle on open road  
Investigation completed by contractor  
Corrective Actions – non routine work to be risk assessed. Bins not to be transported on vehicles.
3. Contracting Digger Operator connects with underground gas pipe on Hatepe Ave  
ICAM Investigation completed by the contractor.  
Root cause – Critical Safety risk was not managed in line with their risk management process and inadequate controls were implemented.  
Corrective Actions from TDC – Health and Safety Business Partner has called a safety debrief of the investigation with Contractors Project Manager and to promote safe monitoring of risk controls through our new contractor documents. In addition, attendance to the monthly scheduled Contractor meetings to review these incidents with the crews.

All three companies are big companies with good safety management systems however, the systems are not being implemented adequately.

An improvement in this area is visible presence of Health and Safety from Council at pre-starts and monitoring of works by both contractor and council contract managers.

Council Solicitor and Health & Safety Business Partner attended a seminar recently run by EMA. The theme was "Accidents Happen but that failing to manage your next steps could be criminal."

In addition, the first sentencing under the Health & Safety at Work Act are due to come out, and WorkSafe is expected to launch its landmark Health & Safety Performance Toolkit.

## **3. Risk Management**

All council employees will undergo a new Health and safety induction to align with the legislative duties of workers under the HSWA 2015 and to inform employees of the improvements to the safety management processes within Taupō District Council.

## **4. Emergency Preparedness**

All departments have now moved to their respective locations with fire evacuation plans visible. It is now the responsibility of the property owners to update their registered Fire Schemes with the NZ Fire & Rescue. A co-ordinated drill will be completed in the near future but will be driven by the Building Warden assigned by the property owner.

## 5. Health and Wellness

The health and wellbeing team have launched a survey to assist in identifying what TDC needs to achieve in keeping our staff mentally and physically well and to meet our obligations under the “Health” component of “Health and Safety”.

## 6. Culture

Underpinning all of these strategies is the engagement of our workers and a focus on better conversations allowing Taupō District Council employees to have a stronger influence on managing workplace health and safety. This will link to a new performance framework with a focus on developing the right health and safety KPIs for each level of Council.

### **RECOMMENDATION**

That Council receives the Health and Safety Report dated 31 October 2017.

### **ATTACHMENTS**

Nil

**5.5 288 LAKE TERRACE - LAND EXCHANGE**

**Author:** Nigel McAdie, Corporate Solicitor

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

For Council to approve an agreement between the Council and the owner of 288 Lake Terrace, Taupō enabling the exchange of land in order to rationalise road and property boundaries, together with compensation payable to the Council for the value of the balance of the land exchanged.

**EXECUTIVE SUMMARY**

The owner of 288 Lake Terrace, Taupō is seeking to acquire from the Council an area of road reserve adjacent to the property which the Council does not require for the functioning of Lake Terrace. At the same time, the proposal presents an opportunity for the Council to acquire a portion of the owner's land over which the road berm and a section of a footpath encroaches, and to dispose of land for which it has no use for valuable consideration.

The Council is required to approve the proposal given it involves a disposal of land, a matter that cannot be delegated to officers.

The preferred option is for the Council to approve the proposal and authorise the Chief Executive to execute the Land Exchange Agreement on its behalf.

**RECOMMENDATION(S)**

That Council:

- (a) Approves the Land Exchange Agreement between the Council and the owner of 288 Lake Terrace, Taupō to authorise the disposal of an area of road reserve of approximately 205m<sup>2</sup> in exchange for 13m<sup>2</sup> of the owner's land together with compensation for balance of the value of the Council land (less the value of the 13m<sup>2</sup> to be acquired by the Council); and
- (b) Authorises the Chief Executive to execute the Agreement formalising the proposal.

**BACKGROUND**

The proposal has not been presented previously.

In early 2014, the Council was approached by the owner of 288 Lake Terrace, Taupō seeking to acquire an area of road reserve adjacent to the property in conjunction with a proposed subdivision of 288 Lake Terrace.

The Council's Infrastructure Manager reviewed the proposal and agreed with it in principle on the basis:

1. The Council land is not required for functioning of the road (Lake Terrace); and
2. There is an area of the owner's land over which the Council's road berm and footpath is located which should be transferred into Council ownership to address the encroachment.

The Property Group ("TPG") were engaged to provide advice as to the process to be followed. TPG confirmed that an exchange of land under the provisions of the Public Works Act 1981 ("PWA") was the most pragmatic approach (as opposed to the road stopping process under the Local Government Act 1974) particularly because part of the land involved is legal road, and the land required by the Council would be taken for legal road.

The basis for the agreement with the owner was that the owner is to be responsible for the Council's costs, including the cost of Council obtaining an independent valuation to confirm the value of the land to be exchanged.

**DISCUSSION**

In general, the proposal involves the Council agreeing to dispose of an area of approximately 205m<sup>2</sup>, and in exchange to receive 13m<sup>2</sup> (refer plan **attached**) together with compensation being the value of the Council land as confirmed by valuer agreement (less the value of the 13m<sup>2</sup> to be acquired by the Council).

Two valuations for the land to be disposed of were completed; one by the owner’s valuer of \$26,000 and one by the Council’s valuer of \$80,000. The valuers met in early November 2016 to discuss the differences in the independent valuations. It became apparent that the valuers had approached their valuations from different perspectives, although after agreement on methodologies undertaken, analysis and the basis for calculation of value, consensus was reached that the market value for the acquired land should be \$60,000 (inclusive of GST if any). This amount takes into account the land to be acquired by the owner of 288 Lake Terrace, and the land to be acquired by the Council.

Progress with the draft agreement stalled pending completion of the transfer of segregation strips (which about the road/property boundary) from NZTA to Council - which has recently been completed.

Accordingly, a draft land exchange agreement (“Agreement”) has now been prepared which formalises the proposal, a copy of which is **attached**.

Because the proposal involves the disposal of land, being a matter which cannot be delegated to officers under the 7<sup>th</sup> Schedule to the LGA, a resolution of Council is required to authorise the proposal.

It is considered that there are 2 options – either agree to the proposal, or not.

Assuming the proposal is agreed to and the Land Exchange Agreement entered into, the next steps and approximate timeframes are:

1. Council to register compensation certificate (estimate 7 to 10 days);
2. Owner to complete a survey and Council to approve the survey plan (refer Owner’s surveyor for timeframe, Council has 15 days to approve plan);
3. Owner to lodge survey plan for LINZ to approve (refer Owner’s surveyor, estimate 10 to 15 days);
4. Council to ask the Minister of Lands to stop the road and obtain a s107 PWA certificate (estimate 1 month);
5. Owner to pay Equality of Exchange to Council (one month); and
6. Council to complete legalisation actions at the Owner’s cost (estimate 10 weeks due to LINZ processing time).

**OPTIONS**

Analysis of Options

Option 1 – Agree to the Proposal

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Council takes ownership and control of land on which its road berm and footpath is currently encroaching, which can then be classified as legal road;</li> <li>• Council receives valuable consideration for an area of road reserve that it has no practical use for.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>

Option 2 – Refuse the Proposal

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• The Council retains ownership of land which it can dispose of in the future</li> </ul>	<ul style="list-style-type: none"> <li>• Council loses the current opportunity to address the encroaching road berm and footpath and does not receive valuable consideration for land which has no practical use</li> </ul>

**Analysis Conclusion:**

Given the advantages to the Council of proceeding with the land exchange proposal, and the lack of disadvantages, it is recommended that the Council approve the Land Exchange Agreement between the Council and the owner of 288 Lake Terrace, Taupō to authorise the disposal of an area of road reserve of approximately 205m<sup>2</sup> in exchange for 13m<sup>2</sup> of the owner's land together with compensation for balance of the value of the Council land (less the value of the 13m<sup>2</sup> to be acquired by the Council).

**CONSIDERATIONS****Financial Considerations**

Given all costs associated with the land exchange are to be met by the owner, the financial impact of the proposal is estimated to be a positive return of \$60,000 (inclusive of GST) being the agreed value of the Council land to be disposed of, less the value of the 13m<sup>2</sup> of the owner's land to be acquired by the Council.

**Legal Considerations****Statutory Considerations**

The proposal has been evaluated with regards to a range of legislation, including the Public Works Act 1981 and the Local Government Act 1974 and 2002. The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002.

There are no particular authorisations required to complete the proposal, other than Council's decision to proceed.

**Policy Implications**

There are no known policy implications.

**Risks**

There are no known risks.

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

**ENGAGEMENT**

Taking into consideration the assessment that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

**COMMUNICATION/MEDIA**

No communication/media is required, other than to communicate to the owner of 288 Lake Terrace that the Council approves the proposed land exchange and Land Exchange Agreement.

**CONCLUSION**

Officers recommend that the proposed land exchange be supported on the basis:

1. The Council land is not required for functioning of the road (Lake Terrace);
2. The proposal presents an opportunity to now transfer the land being encroached upon by the road berm and footpath into Council ownership to address the encroachment;
3. The Council will receive valuable consideration (supported by valuation) for land which it has no use for; and
4. There will be no costs to the Council in completing the land exchange transaction.

**ATTACHMENTS**

1. 288 Lake Terrace Land Requirement Plan 
2. 288 Lake Terrace Land Exchange Agreement 

**5.6 POWER OF ATTORNEY FOR EXECUTION OF DEEDS**

**Author:** Ella Howie, Solicitor - Property

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

The purpose of this report is for Council to consider its options for executing deeds.

**EXECUTIVE SUMMARY**

The Property Law Act 2007 (PLA) requires deeds to be executed by two elected members of Council.

Council's current practice is that deeds are signed by the Mayor (elected member) and CEO (officer of Council).

If Council wishes to continue its current practice of executing deeds, it is recommended that a formal Power of Attorney is granted to the CEO, and Acting CEO, to sign deeds on behalf of elected members of Council. This would ensure that the PLA signing requirements for deeds are met. This option is considered more administratively efficient than having to have two elected members attend to the execution of every deed.

**RECOMMENDATION(S)**

That Council:

1. Grants Power of Attorney to Gareth Green as Chief Executive, and John Ridd, Alan Menhennet, Brian Fox, and Kevin Strongman when Acting CEOs to sign deeds on its behalf together with one elected member of Council.
2. Approves the form of the Power of Attorney attached at Attachment 1 to this report.
3. Authorises the Mayor and Deputy Mayor to sign the Power of Attorney document as a Deed.

**BACKGROUND**

The proposal has not been presented previously.

Deeds are currently signed by one elected member (the Mayor) and one officer of Council (the CEO).

Section 9 of Property Law Act 2007 requires Deeds to be executed by "not fewer than 2 directors of the body corporate if it has 2 or more directors". In the case of a local authority, the view is that an elected member is the equivalent of a director. This means that for the purposes of the PLA, two elected members are required to sign deeds entered into by Council.

The CEO's wide powers delegated to him by Council under the Local Government Act 2002 do not extend to execution of deeds.

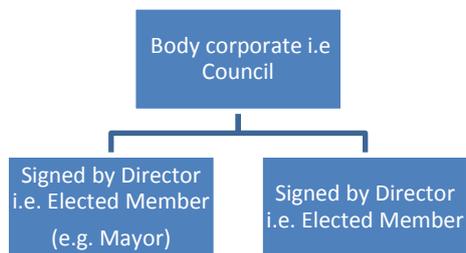
**DISCUSSION**

Officers have identified that under the Council's current practice of signing deeds, the PLA requirements are not strictly met as only one elected member is signing the deeds instead of two. To remedy this, officers recommend that the CEO and Acting CEO should be given specific appointment to sign deeds on behalf of Council by way of a Deed of Power of Attorney.

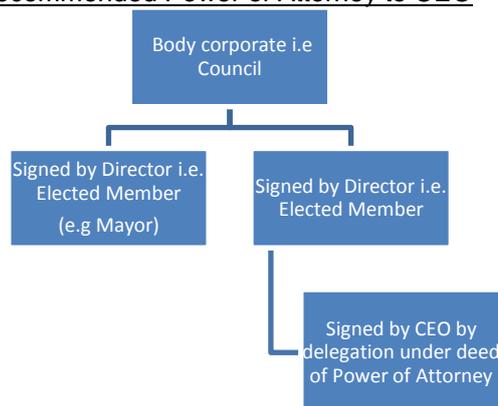
Alternatively, Council may wish to have two elected members sign deeds e.g. the mayor and one other elected member.

For administrative efficiency purposes, it is recommended that the best option is to continue the status quo by giving the CEO formal power of attorney of Council to sign deeds. Under this option, the signature of one elected member of Council (e.g. the Mayor) will also be required.

PLA signing requirements for Body Corporates



Recommended Power of Attorney to CEO



**OPTIONS**

Analysis of Options

Option 1. Do nothing – continue status quo where deeds are signing by the Mayor and CEO (without a formal POA)

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>No actions required</li> </ul>	<ul style="list-style-type: none"> <li>Legal signing requirements of Property Law Act 2007 are not met.</li> <li>Only one elected member signs deeds.</li> </ul>

Option 2. Formalise and confirm status quo by Deed of Power of Attorney to CEO

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Legal signing requirements of Property Law Act 2007 are met.</li> <li>Administratively efficient.</li> </ul>	<ul style="list-style-type: none"> <li>Only one elected member signs deeds.</li> </ul>

Option 3. Change internal practice- require two elected members to sign deeds

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Two elected members sign deeds.</li> </ul>	<ul style="list-style-type: none"> <li>Administratively inefficient (two elected members are not always present in Council officers)</li> </ul>

**CONSIDERATIONS**

**Financial Considerations**

None.

**Legal Considerations**

Local Government Act 2002

The matter comes within scope of the Council’s lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality local public services. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the relevant matters for consideration are as follows:

#### Property Law Act 2007

Refer to backgrounds section for discussion.

#### Local Government Act 2002

The CEO's wide powers delegated to him by Council under the Local Government Act 2002 do not extend to execution of deeds.

### **Policy Implications**

None.

### **Risks**

There is a small risk that improperly executed deeds may be invalid and unable to be relied on.

### **SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

### **ENGAGEMENT**

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

### **COMMUNICATION/MEDIA**

No communication/media is required.

### **CONCLUSION**

Council needs to consider its options for signing deeds to ensure that the signing requirement of the Property Law Act 2007 are met. Officers recommend, for administrative efficiency reasons, that Council's CEO and Acting CEO is given formal Power of Attorney to sign deeds on behalf of elected members.

### **ATTACHMENTS**

1. Deed of Power of Attorney 

<b>5.7 COUNCIL ENGAGEMENTS NOVEMBER 2017; CONFERENCE OPPORTUNITIES; AND APPOINTMENTS</b>
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**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**Engagements**

ENGAGEMENT	DAY	DATE	TIME
Local Government New Zealand Roadshow 2017 (Function Room, Taupō Events Centre)	Wednesday	1	1pm-2.45pm
Zone 2 meeting (Kawerau District Council)	Friday	3	9am-3pm
Taupō Airport Authority Committee meeting (Taupō Airport, ANZAC Memorial Drive, Taupō)	Monday	6	10.30am-11.30am
Workshop – Long-term Plan 2018-28 Groups of Activities	Tuesday-Thursday	7-9	10am-3pm each day
Council meeting (freedom camping hearings)	Monday	13	9.30am-4.30pm
Turangi/Tongariro Community Board meeting (Senior Citizens Hall, Turangi)	Tuesday	14	1pm-4pm
Citizenship ceremony (East Wing, Great Lake Centre)	Wednesday	15	10am-11am
Council meeting (continued – freedom camping hearings/deliberations)	Thursday	16	9.30am-4.30pm
Emergency Management Committee meeting (Council Chamber, 107 Heuheu Street, Taupō)	Monday	20	11am-1pm
Ad Hoc Committee meeting (Gambling & Easter Trading hearings/deliberations)	Tuesday	21	11am-3pm
Workshop – Long-term Plan 2018-28 Groups of Activities (Council Chamber, 107 Heuheu Street, Taupō)	Tuesday	28	11am-1pm
Public forum (Council Chamber, 107 Heuheu Street, Taupō)	Tuesday	28	1pm-1.30pm
Council meeting (Council Chamber, 107 Heuheu Street, Taupō)	Tuesday	28	1.30pm-5pm

**Conference and Professional Development Opportunities**

To approve, either prior or retrospectively, Councillor attendance at conferences and professional development courses:

- Zone 2 meeting, Friday 3 November 2017, Kawerau District Council.

**Appointments**

There is a vacancy on the Fences, Roding, Reserves & Dogs Committee. It is proposed that a councillor is appointed at this meeting to fill the vacancy for the remainder of the Triennium.

There is also a vacancy on the Audit & Risk Committee. The Terms of Reference state that one of the councillor representatives must come from either the Mangakino/Pouakani Ward or the Turangi/Tongariro Ward.

**RECOMMENDATION(S)**

1. That Council receives the information relating to engagements for November 2017.
2. That Council approves the attendance of \_\_\_\_\_ at the Zone 2 meeting, Friday 3 November 2017, Kawerau District Council.

3. That Council appoints Cr \_\_\_\_\_ to the Fences, Roding, Reserves & Dogs Committee for the remainder of the 2016-19 Triennium.
4. That Council appoints Cr \_\_\_\_\_ to the Audit & Risk Committee for the remainder of the 2016-19 Triennium.

**ATTACHMENTS**

Nil

**5.8 MEMBERS' REPORTS**

**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

This item permits members to report on meetings/functions they have attended as Council's representative, or on behalf of Council, since the last Council meeting.

The item also provides an opportunity for members to report back, either verbally or by way of tabled information, specifically on conferences, seminars and professional development courses that they have attended.

No debate and/or resolution is permitted on any of the reports.

**CONCLUSION**

Members' reports will be presented at the meeting for receipt.

**RECOMMENDATION(S)**

That Council receives the reports from members.

**ATTACHMENTS**

Nil

## 6 CONFIDENTIAL BUSINESS

### RESOLUTION TO EXCLUDE THE PUBLIC

I move that the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each 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
<p><b>Agenda Item No: 6.1</b> Confirmation of Confidential Portion of Ordinary Council Minutes - 26 September 2017</p>	<p>Section 6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6</p>
<p><b>Agenda Item No: 6.2</b> Sub Lease of Telecom Tower</p>	<p>Section 7(2)(h) - the withholding of the information is necessary to enable [the Council] to carry out, without prejudice or disadvantage, commercial activities</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the 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</p>
<p><b>Agenda Item No: 6.3</b> Appointment of Community Representatives to the Kinloch Representative Group</p>	<p>Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the 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</p>

I also move that *[name of person or persons]* be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of *[specify]*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *[specify]*.