

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

<b>Date:</b>	<b>Tuesday, 25 September 2018</b>
<b>Time:</b>	<b>1.30pm</b>
<b>Location:</b>	<b>Council Chamber 107 Heuheu Street 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 Maggie Stewart
- Cr Kirsty Trueman
- Cr John Williamson

**Quorum** 6

**Gareth Green**  
**Chief Executive Officer**

## Order Of Business

<b>1</b>	<b>Apologies</b>	
<b>2</b>	<b>Conflicts of Interest</b>	
<b>3</b>	<b>Confirmation of Minutes</b>	
3.1	Ordinary Council Meeting - 20 August 2018.....	3
3.2	Ordinary Council Meeting - 28 August 2018.....	4
3.3	Extraordinary Council Meeting - 4 September 2018.....	5
<b>4</b>	<b>Receipt of Minutes</b>	
4.1	Ordinary Fences, Roading, Reserves & Dogs Committee Meeting - 4 September 2018 .....	6
4.2	Ordinary Turangi/Tongariro Community Board Meeting - 12 June 2018.....	7
4.3	Ordinary Taupō Airport Authority Committee Meeting - 24 July 2018 .....	8
4.4	Ordinary Turangi/Tongariro Community Board Meeting - 14 August 2018 .....	9
4.5	Ordinary Kinloch Representative Group Meeting - 16 August 2018.....	10
<b>5</b>	<b>Policy and Decision Making</b>	
5.1	Adoption of the Annual Report 2017/18.....	11
5.2	Council's August Performance Report.....	13
5.3	Dog Control Fees for the Financial Year 2018/19 .....	15
5.4	Proposed Alcohol Control Bylaw 2018.....	21
5.5	To consider revisions to the Scope of the Terms of Reference for the Turangi Wastewater Project Steering Group .....	26
5.6	Council Engagements October 2018 and Conference Opportunities.....	27
5.7	Members' Reports.....	28
<b>6</b>	<b>Confidential Business</b>	
6.1	Confirmation of Confidential Portion of Ordinary Council Minutes - 28 August 2018.....	29
6.2	Receipt of Confidential Portion of Minutes - Taupō Airport Authority Committee - 24 July 2018.....	29
6.3	Consideration of Potential Sale of 255 Crown Road .....	29
6.4	Receipt of Confidential Performance Monitoring Group Minutes - 21 August 2018.....	29

**3.1 ORDINARY COUNCIL MEETING - 20 AUGUST 2018**

**Author:** Tina Jakes, Head of Democracy, Governance and Venues

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

**RECOMMENDATION(S)**

That the minutes of the Council meeting held on Monday 20 August 2018 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Council Meeting Minutes - 20 August 2018

**3.2 ORDINARY COUNCIL MEETING - 28 AUGUST 2018**

**Author:** Shainey James, Democratic Services Officer

**Authorised by:** Tina Jakes, Head of Democracy, Governance and Venues

**RECOMMENDATION(S)**

That the minutes of the Council meeting held on Tuesday 28 August 2018 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Council Meeting Minutes - 28 August 2018

**3.3 EXTRAORDINARY COUNCIL MEETING - 4 SEPTEMBER 2018**

**Author:** Shainey James, Democratic Services Officer

**Authorised by:** Tina Jakes, Head of Democracy, Governance and Venues

**RECOMMENDATION(S)**

That the minutes of the extraordinary Council meeting held on Tuesday 4 September 2018 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Extraordinary Council Meeting Minutes - 4 September 2018

**4.1 ORDINARY FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 4 SEPTEMBER 2018**

**Author:** Shainey James, Democratic Services Officer

**Authorised by:** Tina Jakes, Head of Democracy, Governance and Venues

**RECOMMENDATION(S)**

That Council receives the minutes of the Fences, Roading, Reserves & Dogs Committee meeting held on Tuesday 4 September 2018.

**ATTACHMENTS**

1. Fences, Roading, Reserves & Dogs Committee Meeting Minutes - 4 September 2018

**4.2 ORDINARY TURANGI/TONGARIRO COMMUNITY BOARD MEETING - 12 JUNE 2018**

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

**Authorised by:** Tina Jakes, Head of Democracy, Governance and Venues

**RECOMMENDATION(S)**

That Council receives the minutes of the Turangi/Tongariro Community Board meeting held on Tuesday 12 June 2018.

**ATTACHMENTS**

1. Turangi/Tongariro Community Board Meeting Minutes - 12 June 2018

**4.3 ORDINARY TAUPŌ AIRPORT AUTHORITY COMMITTEE MEETING - 24 JULY 2018**

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

**Authorised by:** John Ridd, Head of Economic Development and Business Transformation

**RECOMMENDATION(S)**

That Council receives the minutes of the Taupō Airport Authority Committee meeting held on Tuesday 24 July 2018.

**ATTACHMENTS**

1. Taupō Airport Authority Committee Meeting Minutes - 24 July 2018



**4.4 ORDINARY TURANGI/TONGARIRO COMMUNITY BOARD MEETING - 14 AUGUST 2018**

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

**Authorised by:** Tina Jakes, Head of Democracy, Governance and Venues

**RECOMMENDATION(S)**

That Council receives the minutes of the Turangi/Tongariro Community Board meeting held on Tuesday 14 August 2018.

**ATTACHMENTS**

1. Turangi/Tongariro Community Board Meeting Minutes - 14 August 2018

**4.5 ORDINARY KINLOCH REPRESENTATIVE GROUP MEETING - 16 AUGUST 2018**

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

**Authorised by:** Alan Menhennet, Head of Finance and Strategy

**RECOMMENDATION(S)**

That Council receives the minutes of the Kinloch Representative Group meeting held on Thursday 16 August 2018.

**ATTACHMENTS**

1. Kinloch Representative Group Meeting Minutes - 16 August 2018

**5.1 ADOPTION OF THE ANNUAL REPORT 2017/18**

**Author:** Tanya Wood, Policy Advisor

**Authorised by:** Alan Menhennet, Head of Finance and Strategy

**PURPOSE**

This report seeks Council adoption of the Annual Report 2017/18 and its summary.

**EXECUTIVE SUMMARY**

Section 98 of the Local Government 2002 requires Council to formally adopt the Annual Report 2017/18. The Annual Report is the key public accountability document that compares Council's actual performance for the year against its forecast in the Annual Plan.

Council must adopt its Annual Report 2017/18 within four months of the end of the financial year 30 June 2018.

A workshop was held on 24 August 2018 to allow Council the opportunity to review the draft Annual Report and receive an update on the information contained in the report.

The Annual Report 2017/18 has been audited and there is now no longer an opportunity to amend the document.

The Annual Report 2017/18 and draft Summary Annual Report 2017/18 were circulated separately prior to this meeting.

**RECOMMENDATION(S)**

1. That Council adopts the Annual Report 2017/18 and approves its release to the public.
2. That Council adopts the Summary Annual Report 2017/18 and approves its release to the public.

**CONSIDERATIONS****Financial Considerations**

The Annual Report 2017/18 details Council's financial performance for the period 1 July 2017 to 30 June 2018.

**Legal Considerations**

Council must adopt its Annual Report 2017/18 in accordance with s98 and Schedule 10 part 3 of the Local Government Act within four months of the end of the financial year 30 June 2018. Council is on track to meet this timeframe.

**Policy Implications**

There are no known policy implications.

**Risks**

There are no risks associated with this report. However, Council is at risk of not meeting its legal obligations to adopt an Annual Report if it chooses not to.

**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**

Council is required to formally adopt its Annual Report 2017/18 under section 98 of the LGA and no formal engagement is required.

### **COMMUNICATION/MEDIA**

The Annual Report and Summary will be published and made available to the community on the Council website. A limited number of hard copies will also be available.

Highlights of the report will be published in the Taupō Weekender/Chronicle and Taupō Times. Media releases will be made available advising that the Annual Report has been adopted and when and where the report is available.

### **CONCLUSION**

Council is asked to adopt the Annual Report 2017/18 and the Summary Annual Report 2017/18 and approve their release to the public.

### **ATTACHMENTS**

1. Annual Report 2017/18 (A2259627) (under separate cover) [⇒](#)
2. Audit Opinion - Annual Report 2017/18 (under separate cover) [⇒](#)
3. Annual Report 2017/18 Summary (A2303093) (under separate cover) [⇒](#)
4. Audit Opinion - Annual Report 2017/18 Summary (under separate cover) [⇒](#)

**5.2 COUNCIL'S AUGUST PERFORMANCE REPORT**

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

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

**SPURPOSE**

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 August 2018.

Removal of asbestos in the ceiling of Waiora House has begun following the temporary closure of the main building late last month. The closure followed notifiable levels of asbestos being found during air monitoring and the successful removal of asbestos from two basement areas. Contractors Ward Demolition have sealed the site to undertake the removal. We have been working closely with the Waiora House Trust throughout the event and all tenants have been relocated successfully. Worksafe New Zealand have been notified. The work is expected to take up to 14 weeks.

The reinstatement of Arrowsmith Avenue has been completed and the road reopened to traffic under a speed restriction after one lane was washed out following a water main break. The work required ground compacting, the laying of geotextile cloth and the building of a new retaining wall. We have worked closely with each of the gully owners to formulate a renewal plan for replanting and that is expected to be carried out over the next few weeks.

The Keep New Zealand Beautiful judges were in town earlier this month to see first hand what has helped us become a finalist in their 2018 Most Beautiful Large Town Award. Our award application relied heavily on the community contribution to looking after the place we love and featured a number of environmental and sustainability initiatives we have carried out over the past 12 months. Timaru is the other category finalist. The winner will be announced at an awards dinner at the end of October.

Our customer services team were named the top in the country out of 78 councils for customer experience at the Association of Local Government Information Management (ALGIM) Spring Conference. Our website also placed fourth in the country behind Whakatane, Auckland and Wellington. We were the only council in the country to feature in the top five of both awards.

Unfortunately we are the latest in a line of councils to be affected by China's decision to no longer accept plastic waste. This will affect our recycling collection from October 1 as any plastics classed as being 3-7 will no longer be accepted. This will have a flow on effect to our performance measure in the Long-term Plan regarding the amount of materials being diverted from landfill as it is estimated that 4.5 million plastic containers will now be landfilled each year. A communications plan is being developed to educate the community on what can and cannot be recycled from October.

Work is complete at the redevelopment of Otumuheke Stream and the site was formally opened to the public at the end of August. This project was a true success story in terms of collaboration and co-design with key stakeholders and has provided the community with a space that celebrates both culture and the unique ecology of what our district has to offer. I am sure you will join me in congratulating everyone involved in creating a special place for generations to come.

The assessment of the wastewater system is continuing with 106 manholes accessed and surveyed in Taupō to the end of August. Of these 12 needed additional work to locate, with five having root intrusions/fat etc that have now been cleared. To date of the 1638 sewer lines surveyed with the SL-Rat, 514 have been identified as needing further investigation. A total of 169 sewer mains have been cleaned and CCTV condition assessed this month by Hydrotech. The early identification of issues is fundamental in proactively avoiding any wastewater spills to the lake.

**ATTACHMENTS**

1. August 2018 Project and Service Council Performance Report (A2251649)
2. Treasury Report August 2018 (A2314920)

**5.3 DOG CONTROL FEES FOR THE FINANCIAL YEAR 2018/19**

**Author:** Nigel McAdie, Legal and Compliance Manager

**Authorised by:** Brian Fox, Head of Regulatory and Risk

**PURPOSE**

To consider what practical steps the Council could take this financial year for rural dog owners who are dissatisfied with removal of the Rural Dog – Other category from the Fees and Charges Schedule, the subsequent increase in their registration fees, and the way this was communicated to them.

**EXECUTIVE SUMMARY**

Each year, the Council is required to set dog control fees for the registration and control of dogs in the District. The fees adopted for the current financial year saw the removal of the reduced fee for “Rural Dog – Other”, the effect being that rural dog owners with pet dogs were then required to pay the same registration fee as those in the urban area. This meant they experienced a significant fee increase from the previous year.

While the Council met its statutory consultation obligations, some rural dog owners are dissatisfied with the way the change was communicated to them, particularly given the scale of the increase.

While the owners of de-sexed working dogs have experienced a decrease in registration fees and the Council has offered payment plans for those in the rural area who are concerned at meeting the increase (particularly those with multiple dogs), there remain a number of rural dogs owners upset about the change.

The Council has received legal advice that it is unable to offer a reduced fee under the Dog Control Act for pet dogs in the rural area. This matter has highlighted that dog control fees for the next financial year should be reviewed with the assistance of a focus group containing members of the dog owning community, including representatives of those dog owners in the rural area that have raised concerns with the Council.

In the meantime, the preferred option for this financial year is to apply a reduced fee of \$65 to all rural dogs equivalent to “Special Dog Classification” (\$55 fee for de-sexed dogs) with the fee payable on or before 31 December 2018 or a credit against next year’s fee for those rural dog owners who have already paid full registration fees.

In addition, the Council could resolve to broaden the classes of dog considered a “working dog” for the purposes of the Act which would provide reduced fees to breeders and dog clubs operating in the rural area.

While providing a reduced fee for this financial year will have some financial impact (decreased income against budget) and will require some administrative effort on Council’s part, this would serve to acknowledge the dissatisfaction felt by some rural dog owners with the lack of direct communication to them, and would seem the most practical response in the circumstances whilst complying with the requirements of the Dog Control Act.

This option is preferred over the status quo (which does not address those dog owners’ concerns) or trying to manipulate the narrow fee setting criteria of the Act (which is potentially unlawful).

**RECOMMENDATION(S)**

1. That Council, for the 2018/19 registration year, applies a reduced registration fee of \$65 for rural dogs equivalent to “Special Dog Classification” (\$55 fee for de-sexed dogs) with the fee payable on or before 31 December 2018, or a credit against next year’s registration fee for those who have already paid the full registration fee.
2. That Council resolves that the following dogs shall be Working Dogs:
  - (a) Dogs owned by registered breeders in rural areas; and
  - (b) Dogs owned by members of an incorporated dog club providing a community service in rural areas e.g. pest control services.

## BACKGROUND

The proposal has not been presented previously.

Pursuant to section 37 of the Dog Control Act 1996 (“the Act”) the Council is required to prescribe by resolution those dog control fees payable for each registration year (being the year ending 30 June) for the registration and control of dogs under the Act.

On 29 May 2018 the Council adopted its fees and charges for 2018/19. This saw the removal of the reduced fee for “Rural Dog – Other”, the effect being that subject to a limited number of exceptions, all dogs, whether located in the rural or urban areas of the District are required to pay the same registration fee, being \$85 (if paid before 1 July) rising to \$105 (if paid after 1 August).

Because rural dog owners had previously paid a fee of only \$25 compared to the fee for urban dog owners of \$93, the removal of the Rural Dog – Other category has resulted in a significant fee increase for rural dog owners, particularly those with multiple dogs.

### What’s the law?

The starting point is that section 37 of the Act is a *code*, in that it prescribes how and what the Council can do when setting fees – that is, the Council is very constrained when it comes to exercising its power to set fees. Accordingly, the Council is unable to decide for itself the range of matters it will fix fees for, but is limited to those matters set out in subsection (2)(a) – (g) which prescribe the limits of what a Council fee resolution can address. Those matters are limited to:

- (a) lower fees for **neutered dogs**;
- (b) lower fees for the various classes of **working dogs**;
- (d) lower fees for **dogs under a specified age** (not exceeding 12 months);
- (e) lower fees for dogs registered by **persons demonstrating a special level of competency** in terms of responsible dog ownership;
- (f) additional fees for late registration; and
- (g) fees for the issue of a replacement registration label or disc for any dog.

On the face of it, “Rural Dog – Other” is not one of the limited number of matters for which a lower fee can be prescribed unless:

1. Rural Dogs – Other might be said to fall under the definition of “working dog”. However:

- (a) there is no record of any such resolution, either for the current registration year or years prior; and
- (b) it is difficult to envisage how such a resolution could sensibly be broad enough to cover all dogs kept in the rural area (although there might be scope to include some expanded classes of dog so as to provide relief to rural dog breeders and dog clubs who are facing significant fee increases this year); or

2. the Act contains some other power that extends the effect of section 37(2) to enable the Council to create a new category of dog for the purpose of setting a reduced fee. While section 37(4) provides that the Council shall have regard to “such other matters as the [Council] considers relevant” when prescribing fees under that section, it does not extend to enable the Council to create a new category of dog (e.g. Rural Dogs – Other) for the purpose of setting fees. Rather, it simply enables the Council to use its discretion to set the level of fees for the categories set out in section 37(2)(a) – (g).

It has to be acknowledged that there are varying practices amongst different councils i.e. some do have a rural dog category, while others do not. This indicates an inconsistent approach to interpretation and application of the Act which is regrettable. However, based on the analysis of the law above and the legal advice this Council has received, the conclusion is that the fee setting provisions of the Dog Control Act do not envisage councils setting different fees for dogs by reason only that they are kept in a rural area.

## DISCUSSION

So where to from here? As referred to above, removing the “Rural Dogs – Other” fee saw a significant fee increase for rural dog owners, particularly those with multiple dogs.

On a positive note, the current year’s fees introduced a reduced fee for early payment, and a discount for neutered dogs. Payment options have also been offered to those concerned about managing to pay the fee increase.



In addition, some rural dog owners who have working dogs and who qualify for a de-sexed dog discount will only pay a \$20 registration fee – that is \$5 less than the previous \$25 registration fee (where no discount applied). Accordingly, not every dog owner in rural areas has been disadvantaged by the fees introduced for this financial year.

However, despite those positive outcomes, there remains significant dissatisfaction amongst a number of rural dog owners regarding the increased fee, no doubt contributed to a large extent by the lack of direct communication to them.

What this matter has highlighted is that the whole area of dog registration fees and charges should be looked at afresh before fees and charges are set for the next financial year. Going forward, officers are proposing a focus group be formed which will include representatives of the dog owning community to discuss, in particular, the basis on which dog control activities are funded, including the split between user pays and rates funding (based on public and private benefit) and how the cost of the activity should be reflected in the fees able to be prescribed by the Council for the next financial year (commencing 1 July 2019) having regard to the Revenue and Financing Policy 2018.

Of course, that doesn't deal with the immediate concerns of those affected rural dog owners who are upset with the fee increase and who, in some cases, have yet to pay registration fees for this current year.

Accepting that it is not lawful for the Council to prescribe a reduced fee for "Rural Dog – Other" (essentially a pet dog in a rural area) how else might the Council, for this current financial year, address the concerns of those rural dog owners who have raised concerns with the Council?

It is considered that there are four primary options:

**OPTIONS**

Analysis of Options

**Option 1 – Do Nothing/Status Quo**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Legally compliant</li> <li>• Relative certainty of fee income</li> <li>• Equity between urban and rural dog owners who have equal access to dog control services</li> </ul>	<ul style="list-style-type: none"> <li>• Does not address the concerns of those rural dog owners who feel the Council should have communicated the impact of the fee increase better</li> </ul>

**Option 2 – Resolve to re-introduce the Rural Dog – Other fee**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Meets the wishes of those rural dog owners who want to go back to paying reduced fees based on owning a dog(s) in a rural area</li> <li>• Addresses the concerns of rural dog owners at the way the Council communicated the impact of the fee increase</li> </ul>	<ul style="list-style-type: none"> <li>• Unlawful – reduced fees for owning a dog in a rural area is not a matter for which the Council can prescribe a reduced fee</li> <li>• An impact on fee income that has not been budgeted for</li> <li>• Some administrative effort required given the number of rural dog owners that have already paid registration fees and who would need to be re-processed having regard to the fee change</li> </ul>

**Option 3 – Resolve to introduce a "working dog" category that covers all dogs in the rural area**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Meets the wishes of those rural dog owners who want to go back to paying reduced fees based on owning a dog(s) in a rural</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially unlawful - difficult to envisage how such a resolution could sensibly be broad enough to cover all dogs kept in the</li> </ul>

<p>area</p> <ul style="list-style-type: none"> <li>Addresses the concerns of rural dog owners at the way the Council communicated the impact of the fee increase</li> </ul>	<p>rural area, without unduly straining the very specific description of the various classes of working dog used in the Act</p> <ul style="list-style-type: none"> <li>An impact on fee income that has not been budgeted for</li> <li>Some administrative effort required given the number of rural dog owners that have already paid registration fees and who would need to be re-processed having regard to the fee change</li> </ul>
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**Option 4 - For this financial year only:**

[A] Apply a reduced fee of \$65 for rural dogs, equivalent to “Special Dog Classification” (\$55 for de-sexed dogs) with the fee payable on or before 31 December 2018 or a credit against next year’s fee for any owners who have already paid full registration fees; and

[B] Resolve that the following dogs shall be Working Dogs:

(a) Dogs owned by registered breeders in rural areas; and

(b) Dogs owned by members of an incorporated dog club providing a community service in rural areas e.g. pest control services.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Recognises the dissatisfaction some rural dog owners have with communication of the fee changes for this year</li> <li>Is a compromise position until the Council (with the assistance of the focus group) is able to review dog control fees as a whole</li> <li>The option is available within the current fee structure</li> <li>A more moderate impact on budgeted fee income than other options</li> <li>Is available to the Council pursuant to its powers under the Dog Control Act</li> </ul>	<ul style="list-style-type: none"> <li>An impact on fee income that has not been budgeted for</li> <li>Some administrative effort will be required to process credits against fees already paid</li> <li>Does not fully meet the wishes of those rural dog owners who wish the “Rural Dogs – Other” fee to be reinstated</li> </ul>

Analysis Conclusion:

Of all the options, staff recommend that the most practical way to proceed in all the circumstances is Option 4. As set out above, this option provides for a reduced fee for this financial year for those rural dog owners who are dissatisfied with the way the impact of the fee change was communicated to them, while leaving any substantive decision about fees for the next financial year until feedback has been received from the proposed focus group and all implications for all of the community can be properly considered.

**CONSIDERATIONS**

**Financial Considerations**

Based on 1,850 rural dogs, the impact of the preferred option on budgeted income will be approximately \$37,000.

**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 performance of Council’s regulatory functions. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The proposal has been evaluated with regards to the Dog Control Act 1996 and the Local Government Act 2002.

### **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 importance 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 and 12 of the Significance and Engagement Policy (2016), and while there is certainly a high level of interest amongst rural dog owners, are of the opinion that the proposal under consideration is not significant in terms of the Local Government Act 2002. However, there is a need to engage with that part of the community directly affected by the proposal – being rural dog owners. Accordingly, a communication plan will be developed for these owners.

In addition, further engagement will be undertaken by formation of the proposed focus group to discuss, in particular, the basis on which dog control activities are funded, including the split between user pays and rates funding, and how the cost of the activity should be reflected in the fees able to be prescribed by the Council for the next financial year (commencing 1 July 2019) having regard to the Revenue and Financing Policy 2018.

### **ENGAGEMENT**

Taking into consideration the above assessment, that the decision is not significant, officers are of the opinion that no further engagement is required prior to Council making a decision.

### **COMMUNICATION/MEDIA**

Communication should be undertaken with:

- (a) rural dog owners advising the application of a reduced fee or a credit against next year's fee; and
- (b) breeders and dog clubs operating in the rural area which may qualify for working dog classification.

### **CONCLUSION**

The Council has received legal advice that it is unable to prescribe a reduced fee under the Dog Control Act for pet dogs in the rural area. This matter has highlighted that dog control fees for the next financial year should be reviewed with the assistance of a focus group containing members of the dog owning community, including representatives of those dog owners in the rural area that have raised concerns with the Council.

In the meantime, the preferred option for this financial year is to apply a reduced fee for rural dogs in order to acknowledge the dissatisfaction felt by some rural dog owners with the lack of direct communication to them, while leaving any substantive decision about fees for the next financial year until feedback has been received from the proposed focus group, and the implications for all of the community can be properly considered.

**ATTACHMENTS**

Nil

**5.4 PROPOSED ALCOHOL CONTROL BYLAW 2018**

**Author:** Hilary Samuel, Senior Policy Advisor

**Authorised by:** Alan Menhennet, Head of Finance and Strategy

**PURPOSE**

To seek Council's approval to consult with the community on the proposed Alcohol Control Bylaw 2018.

**EXECUTIVE SUMMARY**

Changes to the Local Government Act 2002 (the Act) mean that the current 2013 Liquor Control Bylaw will expire in December 2018 and therefore needs to be replaced.

A new Bylaw has been developed according to the new legislation with some changes from the 2013 version. These changes include:

- Amendments to the terminology to bring the bylaw into line with the Local Government (Alcohol Reform) Amendment Act 2012.
- Changes to some alcohol prohibition areas
- An additional clause to allow Council to resolve to put temporary alcohol prohibitions in place for one off, large scale events.
- Exclusion of lawfully parked certified self-contained vehicles (with the exception of Hipapatua Reserve).
- The addition of Otumuheke Stream (Spa Park bathing area) is also proposed as a focus for community feedback as a permanent prohibition area (but is not added to the proposed Bylaw at this stage).

It is recommended that the Bylaw be adopted for consultation with the community. Submissions will be sought and a hearing scheduled for November.

**RECOMMENDATION(S)**

1. That Council directs officers to notify the proposed Alcohol Control Bylaw 2018 [A2292288] and associated Statement of Proposal [A2292086] as set out by section 156 of the Local Government Act 2002.
2. That a Special [Ad Hoc] Committee of Council be constituted, as per the attached terms of reference, to hear and consider submissions on the proposed Alcohol Control Bylaw 2018 (hearing date proposed for 19 November 2018).
3. That Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ plus the Mayor ex-officio are appointed to the Special [Ad Hoc] Committee of Council.

**BACKGROUND**

In 2012 there was an amendment to the Act which meant that new alcohol bylaws must be developed under the amendment legislation by December 2018, with existing bylaws lapsing on 18 December 2018.

The most important change in the legislation is a greater responsibility on councils to justify the alcohol prohibition. A prohibition must be a reasonable limitation on rights and freedoms and there must be evidence of a high level of crime or disorder that was caused by alcohol consumption. Previously councils only had to prove alcohol would be present in a public place on a specified day and that it was likely to lead to disorder or offensive behaviour, fighting or assault.

The proposed bylaw considers the changes to legislation alongside the requirements of the district particularly over the peak summer periods to ensure we limit instances of crime and disorder related to alcohol consumption.

This statement of proposal has been prepared in accordance with the requirements set out in section 83 of the Local Government Act 2002.

## **DISCUSSION**

### **Alcohol prohibition areas**

Within the 2013 Bylaw there are three types of alcohol prohibitions. These are:

- A. Taupō town centre weekend prohibition – commences 4 pm Thursday and ends 7 am Monday and includes all Public Holidays.
- B. Town centres and Lakeshore New Year prohibition – commences 12 noon 27 December and ends 7 am 4 January every year.
- C. Mangakino weekend prohibition – commences 7pm Friday and ends 7am Sunday and includes all Public Holidays.

It is proposed that the majority of these prohibition areas are maintained in the proposed 2018 Bylaw. There are some modifications to the areas including the following:

- Reduction of the size of the town centre area
- Removal of the non-lakeshore reserve areas in the lakeside settlements (New Year prohibition)
- Addition of the main beach on Lake Terrace for the New Year period
- Refinement of the Acacia Bay areas where previously only parts of reserve were identified and the main beach did not have an alcohol prohibition.

The justification and evidence basis for these areas can be found within the Statement of Proposal.

### **Temporary Large Scale Events**

Previous bylaws have not made provision for temporary alcohol prohibitions to be put in place for large scale events. Prohibitions for temporary, large scale events are the one prohibition under the Local Government Act 2002 that can be put in place without evidence as it is considered a forward-looking preventative measure.

### **Self-Contained Vehicles**

Under the 2013 Bylaw, occupants within a camper van parked legally within a freedom camping area would not be able to possess or consume alcohol in an alcohol prohibition area. In most situations this seems an unreasonable limitation of people's rights and freedom.

Excluding self-contained vehicles from the alcohol prohibition is considered reasonable as these vehicles are designed in way to allow for normal living (for example preparing and eating a meal) in way that other vehicles are not. Identifying self-contained vehicles as per NZS 5465:2001 makes this type of vehicle easily defined and identified.

Hipapatua Reserve (Reid's Farm) is the only place where the exclusion for self-contained vehicles is not applied. This is due to the area historically having a high level of crime and disorder within this freedom camping area during the New Year Period as evidenced by records of multiple security and police call-outs to the area. In 2008/09 (prior to a prohibition on alcohol) there were seven callouts to Reid's Farm occurred during the Christmas and New Year period, including two arrests on New Year's Eve for disorder.

### **Special Licenses**

This proposed addition provides for events to be held in an alcohol prohibition area when a special licence has been issued and is allowed for under the Act.

### **Otumuheke Stream (Spa Park thermal bathing area)**

Otumuheke Stream is an area where there has been ongoing tension with alcohol consumption. Although there is no record held by Police of call-outs to alcohol related incidents to Otumuheke Stream there is a

significant amount of anecdotal evidence and some official records of issues caused by alcohol consumption at the area. These issues include:

- Consumption of alcohol to a level of intoxication which causes offence to other visitors/families to the point where people move within or leave the vicinity (Visitor Solutions Report, 2016).
- Theft of bags and from vehicles – often locals preying on visitors. (Visitor Solutions Report, 2016 and Taupō Police).
- At least one near drowning. This occurred in 2009 when a local man who had been drinking attempted to swim to the opposite bank (Waikato Times, 7 August 2009)
- Rubbish, including broken glass. A large amount of rubbish (including bottles) has been removed from the bathing area by contractors during the recent redevelopment.
- The site is recognised as having historical ancestral significance to Ngāti Tūwharetoa and the consumption of alcohol in the area is considered contrary to these values (refer to attachment 4 – email from the Matiu Heperi Northcroft, Chairman - Patuiwi Maori Reserve Trust).

While the information above gives a fairly good picture that a prohibition on alcohol in the area would improve the appeal for families, health and safety and restoration of the cultural values, what is lacking is a substantial record of crime and disorder that the legislation requires. Adding this area as a permanent alcohol prohibition is being tested through the submission process and we propose to seek the community’s view, especially if people have examples of incidents they have experienced in the bathing area related to alcohol.

**OPTIONS**

Analysis of Options

Option 1. Adopt the proposed Bylaw for consultation as is or with amendments

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Adopting the Bylaw for consultation means that it is likely a Bylaw will be in place prior to the 2013 Liquor Control Bylaw expiring.</li> <li>• Legislative requirements will be met</li> <li>• The community can have input into the proposed Bylaw.</li> </ul>	<ul style="list-style-type: none"> <li>• There is a minor cost to carry out consultation.</li> </ul>

Option 2. Do not adopt the proposed Bylaw

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• No tangible advantages.</li> </ul>	<ul style="list-style-type: none"> <li>• It is unlikely a Bylaw would be in place prior to the 2013 Liquor Control Bylaw expiring.</li> <li>• Legislative requirements would not be met.</li> <li>• The community would not have a chance to input on the Bylaw.</li> </ul>

Analysis Conclusion:

Adopt the proposed Bylaw for consultation and specifically highlight the Otumuheke Stream area as an issue we would like to receive feedback on.

**CONSIDERATIONS**

**Financial Considerations**

There is no significant financial impact. There may be some cost associated with upgrading signage, however these are due for replacement anyway.

**Legal Considerations**

The bylaw has been prepared in accordance with sections 146 and 147 of the Local Government Act 2002.

**Policy Implications**

There are no known policy implications.

**Risks**

There is the potential for any Council decision to be challenged.

**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 consultation is required as set out under the Act.

**ENGAGEMENT**

Consultation will be undertaken in accordance with the Special Consultative Procedure as required by section 156 of the Act. Initial discussions have already been carried with community representative groups, the Police, Patuwi Maori Reserve Trust and the Safety Coalition.

**COMMUNICATION/MEDIA**

Decisions made by Council should be communicated in the appropriate manner. It is considered that communication should be undertaken via the following methods:

- Public notice
- Connect
- Social media
- Direct contact with key stakeholders who have expressed an interest
- Council website

**CONCLUSION**

A new alcohol bylaw is required to be in place by December due to amendments to the Local Government Act. Officers have developed a new Bylaw, based on the 2013 bylaw with some amendments to bring it into line with the updated legislation and to respond to issues raised by the community.

It is recommended that the bylaw be adopted for consultation and that specific feedback be sought on adding Otumuheke Stream as an alcohol prohibition area. Submissions will be sought over October, hearings held on 19 November 2018 and the new bylaw is anticipated to be adopted on 11 December 2018.

**ATTACHMENTS**

1. Draft Alcohol Control Bylaw 2018
2. Statement of Proposal - Draft Alcohol Control Bylaw 2018
3. Email from Anthony Jeurissen, Taupo Area Senior Sergeant



4. Email from Matiu Northcroft, Chairman Patuiwi Maori Reserve Trust
5. Ad Hoc Committee Terms of Reference

**5.5 TO CONSIDER REVISIONS TO THE SCOPE OF THE TERMS OF REFERENCE FOR THE TURANGI WASTEWATER PROJECT STEERING GROUP**

**Author:** Dylan Tahau, Head of Community, Culture and Heritage

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

**PURPOSE**

To seek support for alterations to the scope of the terms of reference of the steering group.

**DISCUSSION**

In April and May 2018 papers were presented outlining the establishment of a Steering Group to consider options for the long term disposal of wastewater in Turangi. In recent times the steering group has been formed and Simon Bendall from Mitchell Daysh has been appointed as project manager. As part of this there has been further discussion and exploration of the expectations for the parties and expansion of the scope of the terms of reference is proposed.

The attached report from Mr Bendall outlines in more detail the reasons for the proposed changes to the terms of reference for the steering group.

**CONCLUSION**

The steering group considers expansions to the scope are appropriate in order to enable the project to continue.

**RECOMMENDATION(S)**

1. That Council
  - a. receives the report; and
  - b. Supports the Steering Group considering options for the long-term disposal of wastewater for the Turangi Community, including;
    - (i) Treated wastewater discharge location;
    - (ii) Wastewater treatment plant location including options for relocation;
    - (iii) Wastewater treatment processand
  - c. Directs the Project Manager to report back to Council on behalf of the Steering Group in October 2018 with a revised terms of reference for the Steering Group and recommended process to assess options.

**ATTACHMENTS**

1. Project Manager's Report to Council - Proposed Updates to Project Scope

**5.6 COUNCIL ENGAGEMENTS OCTOBER 2018 AND CONFERENCE OPPORTUNITIES**

**Author:** Tina Jakes, Head of Democracy, Governance and Venues  
**Authorised by:** Gareth Green, Chief Executive Officer

**Engagements**

ENGAGEMENT	DAY	DATE	TIME
Turangi/Tongariro Community Board meeting (Turangi Service Centre)	Tuesday	9	1pm-4pm
Mangakino/Pouakani Representative Group meeting (Mangakino Service Centre)	Tuesday	16	10am-noon
Council meeting – TD2050 hearings and deliberations (Council Chamber)	Thursday	18	9.30am-4.30pm
Flood Hazard Plan Change hearings (Council Chamber)	Tuesday - Thursday	23-25	TBC
Audit & Risk Committee meeting (Council Chamber)	Monday	29	10am-noon
Police briefing (Paakira Marae, Paakira Drive, Waitahanui)	Tuesday	30	12.30pm-1pm
Public forum (Paakira Marae, Paakira Drive, Waitahanui)	Tuesday	30	1pm-1.30pm
Council meeting (Paakira Marae, Paakira Drive, Waitahanui)	Tuesday	30	1.30pm-5pm

**Conference and Professional Development Opportunities**

To approve, either prior or retrospectively, Councillor attendance at conferences and professional development courses – *none received at the time of writing.*

**RECOMMENDATION(S)**  
 That Council receives the information relating to engagements for October 2018.

**ATTACHMENTS**

Nil

**5.7 MEMBERS' REPORTS**

**Author:** Tina Jakes, Head of Democracy, Governance and Venues

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

**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 - 28 August 2018</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 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</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: 6.2</b> Receipt of Confidential Portion of Minutes - Taupō Airport Authority Committee - 24 July 2018</p>	<p>Section 7(2)(d) - the withholding of the information is necessary to avoid prejudice to measures protecting the health or safety of members of the public</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> Consideration of Potential Sale of 255 Crown Road</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 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</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: 6.4</b> Receipt of Confidential Performance Monitoring Group Minutes - 21 August 2018</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</p>

		reason for withholding would exist under section 7
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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]*.