



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

<b>Date:</b>	<b>Tuesday, 27 November 2018</b>
<b>Time:</b>	<b>1.30pm</b>
<b>Location:</b>	<b>Council Chamber 107 Heuheu Street Taupō</b>

# **AGENDA**

## **MEMBERSHIP**

<b>Chairperson</b>	Mayor David Trewavas
<b>Deputy Chairperson</b>	Cr Rosie Harvey

<b>Members</b>	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
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<b>Quorum</b>	6
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**Gareth Green**  
**Chief Executive Officer**

## Order Of Business

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**3.1 ORDINARY COUNCIL MEETING - 18 OCTOBER 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 Thursday 18 October 2018 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Council Meeting Minutes - 18 October 2018

**3.2 ORDINARY COUNCIL MEETING - 30 OCTOBER 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 30 October 2018 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Council Meeting Minutes - 30 October 2018

**4.1 ORDINARY AD HOC COMMITTEE - ALCOHOL BYLAW MEETING - 19 NOVEMBER 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 Ad Hoc Committee - Alcohol Bylaw meeting held on Monday 19 November 2018.

**ATTACHMENTS**

1. Ad Hoc Committee - Alcohol Bylaw Meeting Minutes - 19 November 2018

**5.1 CONTRACT TDC1819/255 STREET LITTER & RECYCLING BIN COLLECTION**

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

**Authorised by:** Kevin Strongman, Head of Operations

**PURPOSE**

This purpose of this report is to seek Council approval to award the tender for Contract TDC18/19/255 Street Litter & Recycling Bin Collection.

**EXECUTIVE SUMMARY**

The contract tender for the collection of refuse and recycling from the litter and recycling bins located in Taupō town and surrounding area has now closed and Council received four tenders for the work.

The tender received by Total Industrial Solutions is at the engineers estimate and Total Industrial Solutions have successfully operated this contract for the past five years.

**RECOMMENDATION(S)**

That Council accepts the Tender for Contract TDC1819/255 Street Litter & Recycling Bin Collection submitted by Total Industrial Solutions for the sum of \$522,323.53 [excl. GST] and authorises His Worship the Mayor and the Chief Executive to sign the Contract Document(s) and attach the Council's Common Seal to them.

**BACKGROUND**

The proposal has not been presented previously.

**DISCUSSION**

The street litter & recycling bin collection contract is a key component to keeping the Taupō Township and surrounding area free from Litter. The contract collects refuse and recyclables from bins located in the Taupō CBD, Wairakei and on reserves from Waitahanui around to Acacia Bay.

Total Industrial Solutions is a Taupō based company employing local people and have successfully operated this contract over the past five years and have met all contract KPIs. Council staff are satisfied that this high level of performance will continue.

The contract term is for 3 years with the right of renewal for a further 1+1 period if both parties agree.

**TENDERS RECEIVED**

Tender documents were issued for a proposed contract on 04/10/2018 Tenders closed on 26/10/2018 with three conforming tenders and one alternative tender being received from the following organisations:

- Intergroup, Taupō Office
- Metallic Sweepings (1998) Limited, currently operate the Turangi Transfer Station
- Total Industrial Solutions, Taupō based
- Total industrial Solutions Alternative Tender, Taupō based

The alternative tender required the contract term to be extended, with the contractor investing in additional Big Belly bins, but the alternative tender was not successful once evaluated.

Tender prices ranged from \$522,323.53 to \$1,095,553.86.

The project was estimated at \$520,000.00.

**TENDER EVALUATION**

Tenders were evaluated using a weighted attributes evaluation method with the following criteria evaluated.

Relevant experience, track record, technical and management skills, resources, methodology and price.

### RECOMMENDED CONTRACT PRICE

The tender submitted by Total Industrial Solutions being \$522,323.53 over the 3 year contract term. There is no contingency sum included in this contract sum as there will be no requirement to undertake works outside the scope.

### OPTIONS

Based on this information it is considered that there are two options which are:

1. Award the contact to Total Industrial Solutions at the tendered price
2. Decline all tenders and go back to the market.

Option 1. Award the Tender

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Council has received four tenders</li> <li>Recommended contactor is the incumbent with a track record of success in providing high levels of service under the existing contract</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>

Option 2. Decline all tenders and go back to the market

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Would allow Council to retest the market</li> </ul>	<ul style="list-style-type: none"> <li>Would have the cost of retendering</li> </ul>

### CONSIDERATIONS

#### Financial Considerations

The financial impact of the proposal is estimated to be \$522,323.53 plus Gst.

#### Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under the Solid Waste cost centre.

#### Legal Considerations

There are no Legal considerations.

#### 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 required.

#### **CONCLUSION**

The Litter and recycling collection contract is an integral part of the raft of services Council provides to keep the Taupo Township and surrounding areas free of litter.

Total Industrial Solutions are the incumbent contractor with a track record of high performance and Council staff are confident that this high level of service will continue if they were to be awarded this contract.

#### **ATTACHMENTS**

Nil



**5.2 VALUATION SERVICE PROVIDER CONTRACT**

**Author:** Toni Wilkinson, Revenue Manager

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

**PURPOSE**

To consider the Valuation Service Provider Contract procurement – rateable values for properties in the district.

**EXECUTIVE SUMMARY**

Tender documents were issued for Taupō District Council's Valuation Service Provider contract and two conforming tenders were received from the following organisations:

- Quotable Value Limited (QV)
- Opteon Technologies Limited (Opteon)

Rating valuations for the Taupō District are used by the Waikato, Bay of Plenty, Hawkes Bay Regional Councils and TDC to assess rates and raise revenue to enable them to do business. Taupō District Council is obligated by legislation to contract a duly qualified and Office of the Valuer General approved Valuation Service Provider for the provision of rateable values.

Preferred option:

Opteon displayed a stronger level of expertise and knowledge in relation to local issues such as the property market, Māori land, tourism, farming, hydro and geothermal power stations, prisons, forestry, lakeside settlements and hydro villages, high development areas, Waikato Regional Plans and emerging valuation issues.

Opteon was the evaluation teams preferred option for the reasons outlined above.

**RECOMMENDATION(S)**

That Council accepts the Tender for Contract TDC/1819/245 for Valuation Service Provision submitted by Opteon for the sum of \$750,000 [excl. GST] and authorises His Worship the Mayor and the Chief Executive to sign the Contract Document(s) and attach the Council's Common Seal to them.

**BACKGROUND**

The proposal has not been presented previously.

After devolution of the National Property Database in 1998 when Valuation New Zealand no longer managed rating valuations for New Zealand the Valuation Service Provider (VSP) contract for Taupō District Council (TDC) was awarded to Quotable Value NZ. In 2005 TDC changed VSP through a tender process to Landmass Technology. Landmass Technology was bought out by Opteon in 2015 and Opteon have assessed rating valuations for new builds through building consents, new properties through subdivisions, and have conducted the general revaluation every three years since then. They have also settled any objections.

Rating valuations are made up of three components, the land, the improvement and the capital value of the property. They are based on sales prices as at the revaluation date. General rates are assessed on the capital value and some targeted water rates are assessed on land value.

The most recent revaluation of the district was as at 1 July 2016 and the next revaluation will be next year in 2019. The rateable values are always backdated to the revaluation date to ensure rates are set on a uniform basis and are equitable between new and already established properties/buildings. Rating valuations are audited by the Office of the Valuer General – a department of Land Information New Zealand.

## DISCUSSION

There are two players in the New Zealand rating valuation market. They are Quotable Value Limited who have around 85% of the market share and Opteon Technologies Limited.

### Quotable Value Limited (QV)

QV is an SOE and has offices in more than 18 locations throughout New Zealand. Last year they completed 22 revaluations, they have around 130 Valuers working across the country each day.

QV have a purpose built District Valuation Roll system. They offer a complete service where the Local Authority passes all responsibility of maintaining their District Valuation Roll over and manage the quality through a contractual agreement and KPI's. In this case Council staff require minimal knowledge of how their rating valuations are derived and all valuation queries from ratepayers are handled by QV's customer service centre. Data is transferred electronically between the Council's Rating Information Database and the QV software.

Access to QV's District Valuation Database is open to Councils via the web and logins. Some Councils have opted to take a more hands on approach and access the QV software to maintain some data fields.

### Opteon Technologies Limited (Opteon)

Opteon are an Australian Owned Company, with 60 staff in New Zealand spread over 5 offices around the Country. They have 10 valuers available to Taupō who are based in their Tauranga office.

Opteon have a 13 year relationship with Taupō District Council and the property owners in the district. Over the years Opteon valuers have built up extensive knowledge of the Taupō district and have proactively dealt with issues that have arisen. Some examples of these are:

- They have worked with farmers when Nitrogen Discount Allowance was introduced through Waikato Regional Councils Variation 5
- They took a collaborative approach to deriving the rating valuations for the geothermal & hydro electricity generators before capital value was introduced,
- They have worked with Forestry owners who had a history of submitting blanket objections to valuations

Their written response to the tender document and their presentation to the evaluation team confirmed their broad technical and local knowledge for issues that have arisen in the past and potential concerns looking into the future. i.e. Plan change 1 - Healthy Rivers: Wai Ora and Variation 6 – Water Allocation for example and how this will affect rating valuations.

Since 2005 Council has held and maintained the District Valuation Roll in-house where Council staff work seamlessly with the Valuation Service Provider (VSP) staff. The VSP connects into Council's Electronic Document Management System to view property files and the District Valuation Database to update data. Sales notices are processed in-house by Rates staff, subdivisions are set up and objections settled. Customer queries are dealt with firstly by rates staff and only passed on to the VSP for technical valuation issues.

Rating valuations are highly regulated and are assessed under the Rating Valuation Rules 2008, Rating Valuations Act and Rating Valuations Regulations 1998.

## TENDERS RECEIVED

Tender documents were issued for a proposed contract on 6 July 2018 Tenders closed on 17 August 2018. 2 conforming tenders were received from the following organisations:

- QV
- Opteon

Tender prices reflected the level of service offered in relation to customer (TDC) support, external customer (Property Owners) support, data entry responsibilities and level of property inspections.

The project was estimated at \$771,000.

## TENDER EVALUATION

Tenders were evaluated on a technical expertise, capacity to deliver, local knowledge, customer service, experience, price and company attributes basis.

**RECOMMENDED CONTRACT PRICE**

The tender submitted by Opteon being \$750,000 over the 3 year contract term.

**OPTIONS**

Taupō District Council is obligated by legislation to engage an approved Valuation Service Provider.

**CONSIDERATIONS****Financial Considerations**

The financial impact of the proposal is estimated to be \$750,000 over the 3 year contract term.

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under valuation fees. The current budget is \$804,000 over 3 years.

**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 public services (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

**Policy Implications**

There are no known policy implications as rating valuations are a requirement under the Local Government (Rating) Act 2002.

**Māori Engagement**

Legislation within the Te Ture Whenua Māori Act 1993 provides restrictions on the ability to alienate Māori Land and all dealings are managed through the Māori Land Court. The complexities associated with Māori Land transactions restrict any possibility of selling the land. Provision for assessing rating valuations on Māori freehold land are set out in guidelines issued by the Office of the Valuer General. The guidelines were set based on a Court of Appeal decision known as the Mangatu case and it provides for a reduction in rating valuation based on the number of owners; established on the premise that the more owners there are any dealings become more complex and it's unlikely a sale could occur. Rating valuation notices include the adjusted and pre-adjusted value, the reduction percentage and it offers the owners the ability to object to the valuation.

**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 Māori 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**

A press release will be issued once the tender has been awarded and Council's website will be updated accordingly.

**CONCLUSION**

Opteon displayed a stronger level of expertise and knowledge in relation to local issues such as the property market, Māori land, tourism, farming, electricity generators, forestry, our lakeside settlements and hydro villages, high development areas, Waikato Regional Plans and emerging valuation issues.

**ATTACHMENTS**

Nil

**5.3 HEALTH AND SAFETY REPORT**

**Author:** Michelle McGill, Health & Safety Business Partner

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

**PURPOSE**

The reason for the report is to ensure Councillors understand Taupō District Council's Health and Safety strategy for 2018-19 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 three key pathways in the strategy have provided the structural approach to managing the identified risk profiles across council with the action plan demonstrating the significant improvement opportunities in the way Taupō District Council manages Health and Safety.

The Health and Safety Strategy 2018-19 and the supportive Action Plan outlines the key focus areas and this report provides an update on the safety performance measures in place demonstrating continuous improvement in health and safety matters.

Reference: Attachment 1 –Health & Safety Strategy 2018 -2019

Reference: Attachment 2 – Health & Safety Action Plan 2018-2019

**Safe People****1. Leadership, Culture and Engagement**

- Health and Safety KPI's have been set for the CEO, cascading down through the organisation. These KPI's are tracked in the performance management system and an integral part of how we work with an alignment to the council values.
- The Senior Leadership Team (SLT) have total visibility of the notifications and escalations within the Health and Safety reporting software, with an increased awareness and engagement in the close-out of corrective actions.
- A restructure of the Health and Safety Representative (HSR) framework across the business units is proportional to risk profiles and meeting the legislative requirement under the HSWA 2015. The Senior Leadership Team are actively supporting the structure and additional training for HSR's to improve on engagement between teams and the management structure. Recent training – ICAM (Incident Cause Analysis Methodology) will assist teams in ensuring the root causes of incidents are identified providing robust corrective actions.

**2. Health and Wellness**

The Health and Wellness Strategy 2018 demonstrates the commitment to Taupō District Council's values with the implementation of the Health and Wellness initiatives.

Reference: Attachment 3 -Health and Wellness Strategy 2018

- Molemap by Dermatologists approached Taupō District Council with a promotional deal for onsite skin checks at a discounted rate. To date approximately 60 employees have taken the opportunity.
- Waikato Health Occupational Consultancy (WOHC) completed the base line health monitoring for safety sensitive sites in September 2018, holding a comprehensive database of employees.

- Waikato Health Occupational Consultancy (WOHC) are in addition, providing general heart health monitoring extended to all employees.
- Bullying and Harassment in the Workplace is topical at many national and local conferences/seminars including Safeguard and Employers & Manufacturers Association (EMA) attended by both Human Resources and Health and Safety Business Partners.
- The rollout of “Building a Respectful Workplace” education sessions across all staff has commenced. The key focus is education on bullying, harassment and discrimination in the workplace and linking this to dialling up the behaviours that support our values. There was an initial 6 education sessions provided by Amanda Wallis from the Employers and Manufacturers Association (EMA). Further sessions are scheduled for the New Year. The response from our people has been very positive, saying they have enjoyed the sessions and understand more regarding the role they play in creating a great workplace for themselves and others.

### **3. Injury Management**

- Taupō District Council proactively manage the rehabilitation to work process. A collaborative approach between ACC and the allowance of 999 sick days available to employees provides security both financially and emotionally through difficult times as the result of illness or injury.
- Reporting capability with the upgrade to the health and safety software will give visibility of the TRIFR (Total Recordable Injury Frequency Rate) and benchmarked against an organisational target rate.

## **Safe Systems**

### **4. Assurance**

- Identifying and management of Council’s critical risks is paramount in the risk management profile. Critical risks are defined as the risks that have potential to cause serious harm and Worksafe NZ have an expectation that PCBU’s understand their critical risks and have the appropriate mitigation strategies in place.

Representation from Risk & Regulatory, Legal, and Health & Safety attended the LegalSafe Conference 2018 in October with strong key messages around the sentencing trends in NZ for serious harm incidents.

Reference –Attachment 4 – LegalSafe Conference 2018

- Auditing Capability

Audits specific to critical risks have recently been developed to measure the effectiveness of the safety performance in high risk activities.

### **5. Contractor Management**

- The Contracting to Council framework developed earlier in 2018 has been effective with the health and safety contractual arrangements incorporated into tender documents and contracts. With the appointment in 2018 of a Contracts and Procurement Specialist for Taupō District Council, this has been a proactive influence in the implementation across council.

### **6. Incident Management**

- Taupō District Council has recently upgraded the health and safety software to Vault 3. Both the WLASS and BOPLASS (Local Authorities Shared Services) for health and safety have

explored the software options and agreed on a collaborative scheme to move to the upgrade to Vault 3.

- Vault 3 provides a higher level of reporting capabilities and with the upgrade just completed on the 30 October 2018, transitional training is being offered across council. In addition, contractor health and safety performance will be included in Business Intelligence reports.

## Serious Incidents / Near Miss

### 1. Waiora House Asbestos Removal and Site Management of personnel.

August 2018 – Asbestos Containing Material (ACM) was discovered in the basement and roof cavity of Waiora House in an independent survey with the recommendation for immediate evacuation of the tenants. This initiated the formation of the Crisis Management Team comprising of SLT, Health and Safety Business Partner, Facilities Manager and the Senior Environmental Health Officer.

TDC formed a close liaison with Worksafe NZ to ensure open communication on the risk exposed to the vulnerable groups involved in the tenancy agreements of Waiora House and ensuring the duties imposed on the PCBU under the relevant legislation were fully met.

In addition, the engagement of Waikato Occupational Health Consultancy (WOHC) offering a voluntary consultation to any personnel including past contractors with the potential exposure to ACM. Personnel were able to undergo a lung functionality test, and complete an exposure survey providing a better understanding of their health risk. WOHC will submit a report to Council on completion, however the exposure levels were considered extremely low from the air monitoring and swab testing conducted.

The Facilities Manager proactively managed the independent surveys and the specialist asbestos removal in alignment to the Management and Removal of Asbestos - Approved Code of Practice 2016.

The process has provided an opportunity to review the effectiveness and appropriateness of our internal Asbestos Management Plan and taking on board the learnings from the management of this incident. Although Worksafe NZ have commended our management strategy, SLT have agreed to have an independent assessor review our processes.

With such a financial outlay in this one building, and a total of 208 structures and buildings requiring an asbestos assessment, senior management portrays this exercise as an assurance tool for compliance and reducing financial risk.

### 2. TDC Parks & Reserves

20/08/2018 Serious Near Miss – Mitsubishi Isuzu Canter – Unattended vehicle rolls into power pole.

A full ICAM was completed on this incident due to the potential for serious harm to public.

Human error a key factor in this incident. This was attributed to poor risk management processes and inadequate procedures in place to support the risks identified as outlined through the ICAM investigation process.

To prevent an occurrence of such an event, the causal factors are organisational factors with recommendations aligned to the findings with recommendations addressing:

1. Procedures
2. Risk Management
3. Vehicle management
4. Organisational Learning

Corrective Actions – 8 actions have been assigned to specific personnel with a due date for close out.

## Safe Workplace

## **7. Resources**

Taupō District Council Senior Leadership group are committed to looking after their employees and indirect workers (contractors and volunteers and community) associated to the organisation. The provision to allocate resources to ensure continuous improvements in the health and safety performance is represented in the initiatives and proactive decisions outlined in this report.

### **RECOMMENDATION**

That Council receives the November 2018 Health and Safety Report.

### **ATTACHMENTS**

1. Health and Safety Strategy 2018-19
2. Health and Safety Action Plan 2018-19
3. Health and Wellness Strategy 2018-19
4. Legalsafe Conference 2018



**5.4 COUNCIL'S OCTOBER 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 October 2018.

It has been a busy year across all aspects of our business and we have seen development across the district soar. The value of building consents rose from \$123.2 million in 14/15 to \$184.2 in 2017/18. Building inspections have increased by 53 per cent and the higher value is indicative of the complexity we are seeing in this area. We are expecting this level of development to continue into the foreseeable future.

We have also seen increased numbers of people accessing our venues and facilities, particularly the AC Baths. Both pool and fitness studio memberships have increased by 21 per cent since 2016, and rockwall memberships have climbed by 48 per cent. The daily average number of people through the complex has risen from 680 in 2016 to 717. The removal of the entrance fees for five and under in the first quarter of this financial year also saw a marked increase in patronage with 5157 youngsters (3146 local) taking up the opportunity to swim, compared to 3608 for the same period in 2017. At the Turtle pools there were a total of 715 under 5s who visited the pool (540 local) over the same period, which was half the number who visited in the entire previous financial year.

Preventative maintenance on our wastewater network has been ongoing and of the 198,417 metres of pipe in Taupō and Acacia Bay more than 85,000 metres has been checked and cleaned if necessary, with the primary focus being on those areas nearest and most likely to cause spills to the lake. This has also allowed us to more accurately assess the condition of our pipe network and better plan our renewals programme, and the number of dry weather spills has dramatically reduced. Work has also been undertaken in Turangi and Mangakino.

We have also advanced further a master plan for the proposed cultural precinct and we will undertake more consultation on with the community next year. Now that a preferred option has been selected, that is being further developed and will be presented to the council next month. There will be some extensive consultation undertaken with our community on the three possible options to house council's administration functions mid-next year.

Work is continuing on the asbestos removal at Waiora House. We understand there was more material found than originally estimated, and the degree of difficulty for the removal was also higher, so the work is taking a little longer than first expected. We continue to have regular dialogue with the trust and expect to bring back some more information in the next few weeks so we can discuss possible solutions going forward.

As reported last month, there was one objection received to the representation review proposal. All of the information has now been sent on to the Local Government Commission for consideration. We expect a final determination will be made by the commission by April.

Given a hot, dry summer is forecast and traditionally there is an influx of visitors to the district over summer, we have made the decision to implement the first level of sprinkler restrictions early in December. This will mean sprinklers will only be able to be used between 7am and 9am and 7pm and 9pm. The times will allow us to avoid high peak demand. Hand watering will still be allowed. The level of restrictions will be escalated as necessary.

Finally, last week's power outage saw our emergency operations centre activated in monitoring mode for the duration of the event. This was the last in a number of emergency events that has happened during the year and these have included water and wastewater issues, the Arrowsmith Avenue sinkhole, and the discovery of asbestos at Waiora House. In each of these events, the team has really pulled together to deliver a good outcome for our community and I am sure you will join me in commending their efforts.

**ATTACHMENTS**

1. Treasury Report Sept 18 (A2330934)
2. October 2018 Project and Service Council Performance Report (A2340894)

**5.5 WAIKATO PLAN LEADERSHIP GROUP JOINT COMMITTEE**

**Author:** Nick Carroll, Policy Manager

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

**PURPOSE**

This report seeks Council approval to disestablish the Joint Committee related to the ongoing implementation of the Waikato Plan.

**EXECUTIVE SUMMARY**

Council has been a party to the development of the Waikato Plan along with other councils in the region. Once the plan was adopted the councils moved to implement the plan through a joint committee. That governance structure has had limited success so a review was initiated. The review has suggested disestablishing the joint committee and setting up a new committee of the Waikato Regional Council. This new approach has been supported by the Waikato Plan Leadership Group and the Mayoral Forum. To achieve this all the member councils need to resolve to disestablish the Waikato Plan Leadership Group Joint Committee.

**RECOMMENDATION(S)**

That Council:

1. Agrees to the disestablishment of the Waikato Plan Leadership Group Joint Committee pursuant to Clause 30(7), Schedule 7 of the Local Government Act 2002.
2. Notes the establishment of the Waikato Plan Leadership Committee as a committee of Waikato Regional Council.

**BACKGROUND**

The Mayoral Forum endorsed the development of a Waikato Plan in 2013. The draft Waikato Plan was prepared and adopted by the Waikato Plan Joint Committee on 27 February 2017. Following a consultation and submissions process the Waikato Plan was adopted by council. To oversee the implementation of the Waikato Plan the member councils agreed to establish the Waikato Plan Leadership Group Joint Committee which was constituted in August 2017.

The Waikato Plan has been recognised by central government as an important platform to understand the region, its diversity, and the important issues that need attention and investment. At the April 2018 meeting of both the Waikato Mayoral Forum and the Waikato Plan Leadership Group discussion was had on the challenges and opportunities that plan implementation has presented. It was decided to proceed with a review of the best way to implement the plan.

**REVIEW**

Peter Winder from McGredyWinder, who has undertaken a number of independent reviews related to local government and collaborative processes for the Waikato, was commissioned to undertake the Review. The report, *'Review of the Waikato's 4 Well Beings Implementation Structures and Processes 2018'*, included a suite of recommendations that provided direction for a refreshed approach to the Waikato Plan.

The report noted that the Waikato Plan has provided a valuable evidence base, set a vision for the development of the region, and identified a range of actions that if implemented, could help to achieve the vision for the Waikato. A key observation made was the considerable opportunity for the Waikato Plan, and specifically for core collaboration between the partners to make a significant contribution to the development of the Waikato. It notes that in order to achieve this contribution, where multi-year and multi-party responses are necessary, a more structured approach to implementation with central oversight from a single agency would be of benefit. The report concluded that the Waikato Plan project was at a cross-roads, stating that it needed to be re-shaped or re-energised or concluded in its current form.

The report states that for the Waikato Plan process to continue, and to be a success, the partners need to have greater confidence that:

- The plan can be translated into discrete and implementable projects.
- The Waikato Plan Leadership Group functions as a clearinghouse, facilitator and influencer rather than a director.
- The Waikato Plan Leadership Group functions as the facilitator of the message and the point at which parties are encouraged to say the same thing, rather than to be the one voice.
- The Chief Executive's steering group can provide the meaningful support to the Waikato Plan Leadership Group, including support to respond to change and emerging opportunities.

## THE WAY FORWARD

Both the Mayoral Forum and the Waikato Plan Leadership Group Joint Committee endorsed the refreshed approach to the Waikato Plan, and endorsed the way forward from the McCredyWinter report where the following six key elements were outlined:

- a) *Make changes to the Terms of Reference for the Waikato Plan Leadership Group to reflect the refined role and function of the Group as a clearinghouse, facilitator and influencer, encouraging the allocation of resources rather than as the place that directs other people's resources.*
- b) *Make changes to the Terms of Reference for the Waikato Plan Leadership Group to reflect the refined role as the facilitator of the message and the point at which the parties are encouraged to say the same thing rather than as the 'one voice' for the Waikato region.*
- c) *Strip implementation funding out of the Waikato Plan budget and secure implementation funding on a project-by-project basis based on the merits of the business case and the willingness of the partners to fund the activity.*
- d) *Allocate specific resources through the regional council to undertake the critical project manager, programme development, programme coordination, and business case work that is required to make the transition from the plan making phase to the plan implementation phase.*
- e) *Establish a core Waikato Plan project team at the regional council and manage an appropriate transition from the existing contracted project support resources to the new team.*
- f) *Establish project-specific governance, reporting and funding arrangements for each implementation activity that reflect the nature of the activity and the partners. All implementation activity should be reported to the Leadership Group so that it can undertake its core facilitation clearinghouse roles.*

Taking into consideration the above, the report recommends that the core Waikato Plan project team is likely to evolve around two roles, with one of these being a part time co-ordination role. These roles will be funded from the Waikato Plan budget.

## AMENDED TERMS OF REFERENCE, COMMITTEE OF WAIKATO REGIONAL COUNCIL

In items a) and b) above a key action was the refresh of the Terms of Reference for the Waikato Plan Leadership Group. These changes are included as Attachment 1. The Terms of Reference also change the Waikato Plan Leadership Group from being a Joint Committee of councils' to a Waikato Plan Leadership Committee that becomes a Committee of Waikato Regional Council. Moving from a Joint Committee under s30A of the Local Government Act 2002 to a Committee of Waikato Regional Council, with members invited onto the Committee, will contribute to increased project efficiencies, that is, the Terms of Reference do not have to be approved by every Council in the region. The constitution of the Committee remains unchanged.

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

There is the need for Council to pass a recommendation disestablishing the Waikato Plan Leadership Group Joint Committee. Each Council who presently is party to the Joint Committee will also need to pass a resolution that disestablishes the Joint Committee.

## AUGUST MEETING OF THE WAIKATO PLAN LEADERSHIP JOINT COMMITTEE

The Waikato Plan Leadership Joint Committee discussed the revised terms of reference in their August 2018 meeting and resolved amongst other things:

1. *THAT the Waikato Plan Leadership Group Committee notes that the refreshed Waikato Plan Leadership Group is anticipated to be a Standing Committee of Waikato Regional Council, where the existing members of the Group will be invited to join the Committee.*

2. *THAT two Co-Chairs and Deputy Co-Chairs are appointed from the membership of the Standing Committee. A Co-Chair and Deputy Co-Chair is recommended to be appointed by Iwi representatives of the Group, with the other Co-Chair and Deputy Co-Chair recommended to be appointed by the Committee.*
3. *THAT the Waikato Plan Leadership Group recommends for approval the changes identified in the minutes to the draft Terms of Reference titled attachment one on page four of Doc #12938978 dated 16 August 2018.*

On 27 September 2018 Waikato Regional Council resolved:

1. *THAT the following recommendations be adopted:*
  - a. *THAT pursuant to Clause 30(7), Schedule 7 of the Local Government Act 2002, the Waikato Plan Leadership Group Joint Committee be disestablished.*
  - b. *THAT pursuant to Clause 30(1), Schedule 7 of the Local Government Act 2002, the Waikato Plan Leadership Committee be established as a committee of Waikato Regional Council, and that the Committee has the terms of reference and membership as outlined in Attachment 1.*
  - c. *THAT the Waikato Plan Leadership Committee be delegated the authority to implement the Waikato Plan in accordance with the delegated functions set out in the Terms of Reference as outlined in Attachment 1.*
  - d. *THAT the Co-Chairs and Deputy Co-Chairs of the Waikato Plan Leadership Committee be appointed in accordance with the Terms of Reference as outlined in Attachments 1.*
  - e. *THAT Council confirms the appointment of Chair Alan Livingston as the Waikato Regional Council representative on the Waikato Plan Leadership Committee.*

## **CONSIDERATIONS**

### **Financial Considerations**

There are no financial costs to the Council.

### **Policy Implications**

The shift to a committee of Waikato Regional Council will ensure better continuity of resourcing and a more effective collaboration platform.

### **Māori Engagement**

This decision is not expected to impact on Māori.

### **Risks**

No risks have been identified.

## **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. There has previously been a very low level of community interest in the Waikato Plan and there are no financial implications.

**ENGAGEMENT**

Given the procedural nature of this decision officers do not believe that any engagement with the community or stakeholders is necessary.

**COMMUNICATION/MEDIA**

No communication/media required.

**CONCLUSION**

Council is a member of the Waikato Plan Leadership Group Joint Committee along with the other local authorities in the region. A review of the governance arrangements has indicated that the joint committee should be disestablished and replaced with a committee of Waikato Regional Council. This approach has been supported by the Joint Committee and the Mayoral Forum. It is recommended that Council disestablishes the Joint Committee.

**ATTACHMENTS**

1. Waikato Plan Leadership Committee Terms of Reference

**5.6 ADOPTION OF THE ALCOHOL CONTROL BYLAW 2018****Author:** Hilary Samuel, Senior Policy Advisor**Authorised by:** Alan Menhennet, Head of Finance and Strategy**PURPOSE**

To consider the recommendation from the Ad Hoc Committee – Alcohol Control to adopt the Alcohol Control Bylaw 2018.

**EXECUTIVE SUMMARY**

Twelve submissions were received on the Draft Alcohol Control Bylaw, with four submitters speaking at a hearing on 19 November 2018. The Ad Hoc Committee – Alcohol Control considered these submissions and is recommending the Alcohol Control Bylaw 2018 be adopted prior to 18 December 2018 (which is when the current bylaw will expire).

**RECOMMENDATION(S)**

That Council adopts the Alcohol Control Bylaw 2018 as attached prior to 18 December 2018 as recommended by the Ad Hoc Committee – Alcohol Bylaw.

**BACKGROUND**

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. Twelve submissions were received on the draft Bylaw with the majority of the submissions being in support.

**DISCUSSION**

The Ad Hoc Committee – Alcohol Control received written and verbal submissions. The majority of the submissions were in support of the Draft Bylaw.

**OPTIONS**Analysis of Options

Option 1. Adopt the Alcohol Control Bylaw as recommended

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>The new Alcohol Control Bylaw will be in place prior to the expiry of the current Liquor Control Bylaw.</li> <li>The changes proposed are in line with the new legislation relating to Alcohol Control Bylaws.</li> <li>Submissions were generally supportive of the proposed draft Alcohol Control Bylaw.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>

Option 2. Do not recommend to Council that the draft Alcohol Control Bylaw as recommended.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>The current Liquor Control bylaw will expire and without a new Bylaw in place there will be limited tools for police to control alcohol related crime and disorder.</li> </ul>

	<ul style="list-style-type: none"> <li>The recommendation will not be consistent with the submissions which were generally supportive of the draft Alcohol Control Bylaw.</li> </ul>
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**Analysis Conclusion:**

That Council adopts the Alcohol Control Bylaw 2018 prior to 18 December 2018.

**CONSIDERATIONS****Alignment with Council's Vision**

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: World Class; Authentic; Charming.

**Financial Considerations**

There is no financial impact of the proposal.

**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 a range of legislation. The key legislation applicable to the proposal has been reviewed and the relevant matters for consideration are the matters under Part 8 of the Local Government Act which relate to the Councils powers to make Bylaws.

**Policy Implications**

There are no known policy implications.

**Māori Engagement**

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti o Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti o Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Officers worked closely with the Patuiwi Reserve Trust to ensure there was a high level of knowledge of the process. The Tuwharetoa Maori Trust Board was also informed in writing and in person of the process and the relevant issues discussed.

**Risks**

There is a low level of risk that the Council decision be challenged. Given the general high level of support through submissions this is considered a low risk.

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

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 significant. However the consultation undertaken as required by the Local Government Act 2002 has been appropriate for the level of significance of this proposal.



**ENGAGEMENT**

Appropriate engagement has been undertaken as required by the Local Government Act 2002.

**COMMUNICATION/MEDIA**

Direct communication has been carried out with affected parties and wider communication has been carried out with the community.

**CONCLUSION**

Submissions have been received on the Draft Alcohol Control Bylaw. Generally there was a high level of support for the Draft Alcohol Control Bylaw and it is recommended that Council adopt the bylaw.

**ATTACHMENTS**

1. Alcohol Control Bylaw 2018

<b>5.7 COUNCIL ENGAGEMENTS DECEMBER 2018 - JANUARY 2019 AND CONFERENCE OPPORTUNITIES</b>
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**Author:** Tina Jakes, Head of Democracy, Governance and Venues

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

**Engagements**

ENGAGEMENT	DAY	DATE	TIME
Closed workshop – Council / Taupō Airport Authority Committee (Council Chamber, 107 Heuheu Street, Taupō)	Wednesday	5	9.30am-10am
Workshop – Cultural Precinct Project: Delivery of Master Plan (Council Chamber, 107 Heuheu Street, Taupō)	Wednesday	5	10am-noon
Rangitaiki River Forum meeting (Council Chamber, 107 Heuheu Street, Taupō)	Friday	7	9.30am-3pm
Workshop – Northern Corridor Improvements (Council Chamber, 107 Heuheu Street, Taupō)	Tuesday	11	11.30am-noon
Police briefing (Council Chamber, 107 Heuheu Street, Taupō)	Tuesday	11	12.30pm-1pm
Public forum (Council Chamber, 107 Heuheu Street, Taupō)	Tuesday	11	1pm-1.30pm
Council meeting (Council Chamber, 107 Heuheu Street, Taupō)	Tuesday	11	1.30pm-5pm
Public forum (Council Chamber, 107 Heuheu Street, Taupō)	Thursday	31	1pm-1.30pm
Council meeting (Council Chamber, 107 Heuheu Street, Taupō)	Thursday	31	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 December 2018 and January 2019.

**ATTACHMENTS**

Nil

**5.8 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
<b>Agenda Item No: 6.1</b> Confirmation of Confidential Portion of Ordinary Council Minutes - 30 October 2018	Section 7(2)(h) - the withholding of the information is necessary to enable [the Council] to carry out, without prejudice or disadvantage, commercial activities  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)	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

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]*.