

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

Date:	Tuesday, 11 December 2018
Time:	1.30pm
Location:	Council Chamber 107 Heuheu Street Taupō

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

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3.1 ORDINARY COUNCIL MEETING - 27 NOVEMBER 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 27 November 2018 be confirmed as a true and correct record.

ATTACHMENTS

1. Council Meeting Minutes - 27 November 2018 [↗](#)

4.1 ORDINARY MANGAKINO/POUAKANI REPRESENTATIVE GROUP MEETING - 16 OCTOBER 2018

Author: Raeleen Rihari, Democratic Services Support Officer

Authorised by: Kevin Strongman, Head of Operations

RECOMMENDATION(S)

That Council receives the minutes of the Mangakino/Pouakani Representative Group meeting held on Tuesday 16 October 2018.

ATTACHMENTS

1. Mangakino/Pouakani Representative Group Meeting Minutes - 16 October 2018 [↗](#)

4.2 ORDINARY TAUPŌ AIRPORT AUTHORITY COMMITTEE MEETING - 5 NOVEMBER 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 Monday 5 November 2018.

ATTACHMENTS

1. Taupō Airport Authority Committee Meeting Minutes - 5 November 2018 [↗](#)

4.3 ORDINARY KINLOCH REPRESENTATIVE GROUP MEETING - 8 NOVEMBER 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 8 November 2018.

ATTACHMENTS

1. Kinloch Representative Group Meeting Minutes - 8 November 2018 [⇒](#)

4.4 ORDINARY EMERGENCY MANAGEMENT COMMITTEE MEETING - 12 NOVEMBER 2018

Author: Raeleen Rihari, Democratic Services Support Officer

Authorised by: Brian Fox, Head of Regulatory and Risk

RECOMMENDATION(S)

That Council receives the minutes of the Emergency Management Committee meeting held on Monday 12 November 2018.

ATTACHMENTS

1. Emergency Management Committee Meeting Minutes - 12 November 2018 [⇒](#)

4.5 ORDINARY TURANGI/TONGARIRO COMMUNITY BOARD MEETING - 13 NOVEMBER 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 Turangi/Tongariro Community Board meeting held on Tuesday 13 November 2018.

ATTACHMENTS

1. Turangi/Tongariro Community Board Meeting Minutes - 13 November 2018 [↗](#)

4.6 ORDINARY FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 20 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 Fences, Roading, Reserves & Dogs Committee meeting held on Tuesday 20 November 2018.

ATTACHMENTS

1. Fences, Roading, Reserves & Dogs Committee Meeting Minutes - 20 November 2018 [⇒](#)

5.1 ARROWSMITH AVENUE EMERGENCY WORKS - UNBUDGETED EXPENDITURE

Author: Michael Cordell, Asset Manager Water and Waste

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

The purpose of this item is to seek retrospective approval for unbudgeted expenditure related to the Arrowsmith Avenue watermain failure and reinstatement works.

EXECUTIVE SUMMARY

Failure of the waterman on Arrowsmith Avenue on 11 August 2018 caused significant damage to the water services, roading infrastructure which required immediate response, repair, and with clean-up work required in the road reserve as well as in many private properties. The cost incurred in undertaking this emergency work was \$278,000 +GST which was not budgeted.

Councils retrospective approval of unbudgeted expenditure is appropriate in this case. Any requests for unbudgeted expenditure must be brought to Council for approval.

RECOMMENDATION(S)

That Council approves unbudgeted expenditure of \$278,000 + GST to cover the cost included in addressing the Arrowsmith Avenue water main failure and the subsequent damaged caused .

BACKGROUND

The proposal has not been presented previously.

Failure of the waterman on Arrowsmith Avenue on 11 August 2018 caused significant damage to the water services, roading infrastructure which required immediate response, repair, and with clean-up work required in the road reserve as well as in many private properties.

The event caused the closure of a portion of Arrowsmith Avenue for several weeks while emergency repair work was completed. The work was required to: protect public safety, restore water supply, repair and/or replace other infrastructure, reopen the road, general clean-up and reinstatement.

The works included:

- Water main repair
- Storm water main repair
- Road repair
- Structural assessment of adjacent house foundations
- Construction of a retaining wall at gully head
- Fencing
- Clean up and planting in the gully

OPTIONS

Council had little choice but to undertake the work to secure the site, reinstate the services, and complete the clean-up work.

Council should approve unbudgeted expenditure to cover the cost of this emergency work.

CONSIDERATIONS**Financial Considerations**

The financial impact of the work undertaken is \$278,000.

Council would normally look to absorb (where possible) any unplanned and hence unbudgeted work of this nature within its annual budgets by re prioritising other planned work. However given the most recent

forecasts it is looking unlikely that it will be possible to absorb this amount and that it will need to be funded in the 2019/20 annual plan.

Council does not carry insurance for underground services.

Legal Considerations

The matter comes within the scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002. It also enables Council to comply with the Health and Safety at Work Act 2015.

Policy Implications

No known policy implications.

The Procurement Policy allows for urgent work to be undertaken without a formal tender process.

Risks

The work was undertaken to reduce risk to the public, property, and infrastructure.

If unbudgeted expenditure is not approved there is a real risk that budgets will be significantly exceeded.

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 significance as determined by our significance policy.

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

It was necessary for Council to react to the Arrowsmith Avenue event and undertake the emergency works required to the public, property, and infrastructure and reinstate services.

The cost incurred was not budgeted and Councils approval of unbudgeted expenditure is appropriate in this case.

ATTACHMENTS

Nil

5.2 TENDER TDC/1819/258 - AC BATHS HYDROSLIDES REPLACEMENT

Author: Darren Penketh, Facilities Officer

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To decide on approval of the tender for replacement of the AC Baths Hydrosides.

EXECUTIVE SUMMARY

The hydrosides at AC Baths are in need of replacement. Council carried out a tender process to determine the most suitable supplier to carry out this work; with the preferred tenderer being New Wave Aquatics. The preferred option is to accept the tender from New Wave Aquatics to carry out the replacement work on the AC Baths hydrosides.

RECOMMENDATION(S)

That Council approves awarding of the tender for the AC Baths hydrosides replacement work to New Wave Aquatics Ltd for a fixed cost of \$643,080 (excluding GST) + contingencies and tagged items at an estimated cost of an additional \$112,304 (excluding GST); for a total estimated cost of \$755,384 (excluding GST).

BACKGROUND

The proposal has not been presented previously.

The hydrosides at the AC Baths aquatic centre is in need of replacement in order to continue being able to supply a safely operating hydroslide option at the aquatic complex. Budget was included in year one of the LTP (2018/19) for this work.

Following a tender process, Council engaged Boon Team Architects Ltd to act as project managers for the reporting and tender management, as they had carried out the renovation works at AC Baths around 2014 and have a good understanding of the existing issues with the pool complex.

The process recommended was a closed tender. Aquatics contracting is a specialised area, with a small supplier group in New Zealand with the experience and capability to carry out hydroslide work. Consequently, the tender documents were sent out to three suppliers. Council received two tenders back, with one of the tenders being non-conforming. The non-conforming tender did not include any provision for demolition or construction work. As a result the remaining conforming tender from New Wave Aquatics is recommended.

The previous Aquatics Manager initiated planning for this project around 2017. Engineer's estimates were not obtained due to the specialist nature of the work. This was because existing suppliers with their specialist knowledge are capable of supplying reasonable ballpark figures. The suppliers estimate obtained in 2017 came in at \$1,099,035. The scope of works covered in this estimate was not only for a like-for-like renewal, but covered additional improvements over and above a straight up replacement.

The current tender only asked for a like-for-like renewal of the existing hydrosides.

DISCUSSION

While there are ongoing health and safety concerns in relation to the internal condition of the slides (tubes), these are being actively monitored and mitigated. The physical work to the slides is planned to be carried in May to limit disruption to users.

Declining to approve the tender will result in significant delays to the project. Council would likely need to go out to tender again with no guarantee of receiving any additional conforming tenders. The tender process in itself takes a relatively long amount of time; and when this time is combined with the effects of the Christmas and New Year holiday period there is the likelihood of a significantly delayed works program.

The estimated amount of the conforming tender was \$755,384 (excluding GST). This figure includes contingencies and tagged items.

The budgeted amount for the project is \$1,060,000. The costs to engage Boon Team Architects for professional services to initiate the project and carry out project management for the physical works project is \$90,000 (excluding GST). This will come out of the budget for this project.

The tender price was submitted on the known parameters of the work given the available information able to be obtained from non-destructive investigative methods. There is a possibility that once work commences that there could be unforeseeable problems that will also need to be addressed. In addition the work is for a basic replacement of the existing slide to its approximate original state, not for any improvements over and above the existing level of service that the slides provide.

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

OPTIONS

Analysis of Options

Option 1. Approve the tender to New Wave Aquatics

Advantages	Disadvantages
<ul style="list-style-type: none"> Necessary safety work will be carried out on the hydroslides 	<ul style="list-style-type: none"> None

Option 2. Decline to approve the tender to New Wave Aquatics

Advantages	Disadvantages
<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> The hydroslides are in need of replacing and given there are some health and safety concerns with the tubes this needs to be done as soon as practicable.

Analysis Conclusion:

The preferred option is to approve the conforming tender. Not approving this tender will significantly affect the timelines for completion for the project.

CONSIDERATIONS

Financial Considerations

The conforming tender for the work came in at approximately \$755,384 (excluding GST).

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for.

Legal Considerations

Local Government Act 2002

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

Authorisations as follows may be required for the proposal:

- Resource Consent Building Consent Environmental Health
- Liquor Licencing Licence to occupy

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Risks

The reason for the project is to mitigate known potential health and safety risks associated with the current hydroslide tubes at AC Baths. Declining the recommendations in this report will increase the potential 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

If the tender is approved communication will be carried out with stakeholders through appropriate channels; particularly pool users who will be affected by the physical works taking place.

ATTACHMENTS

Nil

5.3 ENTERPRISE RESOURCE PLANNING (ERP) - SOFTWARE SERVICES CONTRACT

Author: John Ridd, Head of Economic Development and Business Transformation

Authorised by: Gareth Green, Chief Executive Officer

PURPOSE

To enter into a contract with Technology One for the provision of an Enterprise Resource Planning system (ERP).

EXECUTIVE SUMMARY

A report was prepared by PricewaterhouseCoopers [PwC] in 2017 which highlighted several risks and their recommendation was that the current system could not fulfil the demands of a modern organisation whose focus is on being efficient and customer centric.

\$1.5m was allocated through the 2018-2028 Long-term Plan process for the replacement of Councils ERP system. The ERP our core business process system. It is a suite of integrated applications that we use to collect, store, manage and interpret data from most of our business activities.

An expression of interest process was carried out in 2017 followed by a request for proposal process (RFP) in mid-2018 with two preferred vendors. Through the exhaustive RFP process and due diligence Technology One was selected as the preferred vendor.

RECOMMENDATION(S)

That Council approves entering into a five year contract for the provision of software services with Technology One to value of \$2,588,267 + GST.

BACKGROUND

The proposal has not been presented previously.

Transforming how Council services our community

In order to deliver the right services to our community, Council needs excellent systems and processes. A major part of this work stream is Digital Transformation, changing the way that council does business to respond to the needs of our customers. It is an ever-evolving space as customer demands are becoming more and more about self-service, online, at a time and in a way most convenient to them. A large proportion of our customers want to be able to interact with us in the same way that they do with their bank. Ultimately, this will result in a faster and more efficient response to our customer's needs.

While an upfront investment will be required, there will also be dividends paid as our systems and processes become less reliant on people, and it allows us to make efficiencies in the way we carry out our business. The significance of this project cannot be overstated. It will be a multi-year transformation piece.

The current provider has had a thirty year relationship with Council. The system can no longer service the needs of the organisation and is a risk, in its current state, to our operations. Upgrades to the current system are available, however the legacy platform limits our ability to undertake the digital transformation needed to satisfy our customers into the future. Although the organisation functions, this has been due more to working around the current system which leads to inefficiencies and time. The report prepared by PricewaterhouseCoopers [PwC] in 2017 outlined some key technical areas of focus as follows:

- **Inability to integrate (talk to) other systems** – which otherwise would enable the business to have one source of the truth readily accessible.
- **The lack of an effective reporting tool to some end users** – accurate and timely reporting would enable better decision making, provide, open and transparent information to our customers.

- **Not all business processes are supported electronically, and still require reliance on paper based processes** – stops us from delivering an end to end process and mobility, is not cost effective, prone to human error, duplication of information and effort.
- **The architecture of the current system has limited ability to adapt to new business requirements** – dynamic (flexible, responsive) architecture would allow mobility and eservices to be quickly developed and delivered as needs are identified.
- **Does not meet all legislative requirements, resulting in a number of work arounds** – meeting legislative requirements is not only desired but mandatory, and enables more efficient use of resource, and would give Council basis to trust information in the system. Elimination of workarounds allows staff to focus on adding value to the business.

An ERP system a significant council infrastructure asset that drives the majority of our activities, everything from deriving revenue to managing compliance with legislation. The LTP signalled that investment was required to undertake this transformation project, but the actual cost was not clear at the time the LTP was being developed.

DISCUSSION

The decision to change Councils ERP is significant change for council operations and a significant investment. As such it was important that the market was tested to determine as to whether there were options available. As a result during November 2017 an Expression of Interest [EOI] process was commenced. In simple terms the technical focus was a product that was:

- serviced off site and in the Cloud [this will create efficiencies in our network in the medium term removing reliance on providing servers]
- That was a platform that allowed easy integration with other software
- That had built in mobility to increase efficiency and connectivity in the field
- Allowed easy self service for our ratepayers or users of services
- Had a development plan that took us into the future

The EOI process shortlisted two vendors one of which was an offering from Auckland City Council and the other Technology One. The two shortlisted vendors then went through a formal Request for Proposal [RFP] in July 2018 where they were assessed against system functionality and future proofing. A business functionality evaluation was conducted with each business owner which confirmed the resulting recommendation for preferred vendor. There are twenty two New Zealand Councils who are currently support by Technology One.

As a result of this the TechnologyOne product, OneCouncil CiAnywhere, was identified as the preferred vendor and solution. Due diligence and investigations through detailed workshops, product demonstrations and site visits have since been carried out.

Investing in OneCouncil CiAnywhere will support the Council’s vision for customer centric service delivery and will reduce the reliance on standalone and non-integrated systems. It is important to recognise this as a necessary investment in the future operations of the Council, rather than a cost-saving exercise.

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

OPTIONS

At the beginning of this item, it was signalled that PWC recommended that the current ERP system would not fulfil our future needs as an organisation. Having said that, we cannot dismiss the fact that the current ERP [MagiQ] could be upgraded but it will not fulfil either the technical or business requirements of Taupō District Council moving into the future. To this end the status quo is discussed in the following section.

Option 1: Retain the existing system

Advantages	Disadvantages
<ul style="list-style-type: none"> • There will be no significant change for the organisation and is relatively low cost compared to moving to another system 	<ul style="list-style-type: none"> • Analysis by PWC has highlighted risks staying with the current platform • Upgrade to the current system would be required, although will not mitigate the risks

	<p>highlighted in the PWC report</p> <ul style="list-style-type: none"> • There is no clear development roadmap for the current system to create a modern environment to deliver business objectives
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Option 2: Move to a new provider – Technology One

Advantages	Disadvantages
<ul style="list-style-type: none"> • This new modern platform will create business efficiencies in the medium term and simplify the IT environment • The annual fee is not significantly different to the current provider • Council can provide the services that the community desires • Timing of this project allows commencement of the project in the current financial year if budget is approved to be allocated in 2019/20 Annual Plan with minimal financial impact 	<ul style="list-style-type: none"> • There is a shortfall in funding but sufficient in the current year to commence the project in the current year • This is a major change piece for the organisation and will put the organisation under short term pressure for around eighteen months

Analysis Conclusion:

Having carried out significant investigation and due diligence it is clear to officers that the time for change has arrived. The reason for expediency is that the current system has several risks which need to be mitigated but officers are of the opinion that this investment would be better placed into a modern platform. It is therefore the recommendation to move ERP providers to Technology One.

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; Vibrant; Quality; and Value.

Financial Considerations

\$1.5m was allocated through the 2018-2028 Long-term Plan process for the replacement of Councils ERP system, additional budget will need to be included in the 2019/20 and 2020/21 Annual Plan. We will ensure that this additional budget is accommodated within the Financial Strategy.

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).

Policy Implications

The proposal has been evaluated against the following plans:

- Long Term Plan 2018-2028 Annual Plan Waikato Regional Plan
- Taupō District Plan Bylaws Relevant Management Plan(s)

Risks

The major risk is that the existing ERP system does not fulfil the demands of a modern organisation whose focus is on being efficient and customer centric.

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 replacement of an ERP is a significant undertaking but investment in modern information technology platform will create efficiencies, reduce manual handling and allow us to become more customer centric.

ATTACHMENTS

Nil

5.4 PROPOSED TRAFFIC CONTROL DEVICES AT KINLOCH ROAD

Author: Vincent Wang, Engineering Officer
Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To update the Taupō District Council traffic controls or prohibitions on roads or public spaces, in accordance with the Taupō District Council Traffic Bylaw 2014.

EXECUTIVE SUMMARY

The Taupō District Council traffic controls may be updated from time to time with new controls or prohibitions.

RECOMMENDATION(S)		
That Council pursuant to the Taupō District Council Traffic Bylaw 2014, Council imposes the following traffic controls and/or prohibitions on roads and/or public spaces in the Taupō district:		
Sign/Marking	Why	Where
1. Mark 142m No Stopping At All Times marking (broken yellow line).	To improve road safety and parking resource utilisation	Western kerbline of Kinloch Road between Mata Place and Nisbet Terrace.
2 Install four (4) 30 minutes parking time restriction signs and four (4) 120 minutes parking time restriction signs		In front of Kinloch Store and Tipsy Trout Restaurant

BACKGROUND

Council must make a resolution whenever a sign or marking on the road is recommended or recommended to be changed, and as a consequence controls or prohibits the use of a road or public space.

The Taupō District Council Traffic Control Device Register (the Register) sets out all the signs and markings which control and prohibit the use of a road or public space in the Taupō district.

Due to additional consultation required for this proposal we were unable to meet the deadline for the last Fences, Roading, Reserves and Dogs Committee meeting hence bringing it to the Council meeting so the markings and signage can be installed prior to Christmas 2018.

OPTIONS

The two options before the Council are:

- 1) Accept the recommendation to amend and update the controls or;
- 2) Not accept the recommendation to amend and update the controls.

It is recommended that Council accepts the recommendation to update and amend the controls.

CONSIDERATIONS

The controls require updating to incorporate the following new signs and markings.

Sign/Marking	Why	Where
1. Mark 142m No Stopping At All Times marking (broken yellow line).	To improve road safety and parking resource utilisation	Western kerbline of Kinloch Road between Mata Place and Nisbet Terrace.
2 Install four (4) 30 minutes parking time restriction signs and four (4) 120 minutes parking time restriction signs		In front of Kinloch Store and Topsy Trout Restaurant (see attached plan for details)

Taupo District Council has been approached by the Kinloch Representative Group to investigate road safety at Kinloch Road between Mata Place and Nisbet Terrace. There is concern the width of the road is too narrow for other road users to pass when both sides of the road are parked with vehicles. In addition, a 15 minutes parking time restriction zone was installed in front of the Kinloch Store as visitors were parking overnight and so customers were unable to access the shop especially during the peak holiday times. This current restriction would be unable to be enforced by the compliance team as it is not a prescribed sign.

The transportation team developed a proposal for 134 metres of No Stopping At All Times (broken yellow line) on the eastern side of Kinloch Road between Mata Place and Nisbet Terrace, and also propose to concrete the existing berm to create a footpath and formalise the existing parking restriction to 30 minute parking time for the two parking spaces in front of Kinloch Store. This is so people can access the shop during the peak holiday times.

This proposal was sent to the affected parties on Kinloch Road between Mata Place and Nisbet Terrace on 5 October 2018.

The feedback of consultation process highlighted there are four permanent residents who live in this location on the eastern side of Kinloch Rd, whereas the western side are mainly holiday homes. This creates inconvenience to the visitors of residents living on the eastern side and increases the risk for children to run out from behind the parked car across the road and potentially get hit by oncoming traffic. In addition, the existing footpath currently is on the eastern side of Kinloch Road which means direct access to the footpath and improves safety.

Based on this feedback the original proposal was therefore amended, with 142m of No Stopping at all times (broken yellow line) being proposed for the western side of Kinloch road.

The Kinloch Store and Topsy Trout Restaurant requested a combination of 30 and 120 minutes parking time restriction zone which would be suitable for both of their businesses, especially during peak tourist visiting time in summer. Therefore, an updated plan has been developed as per attachments 1 and 2 in accordance with the consultation feedback for approval.

Financial Considerations

The financial impact of maintenance to the Register does not change and is met within current budgets.

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 proposal has been evaluated with regard to the Traffic Bylaw 2014, the Land Transport Act 1998 and the associated Rules. Prescribed signs need to be installed in order to be enforceable by our compliance officers.

Policy Implications

There are no policy implications associated with this report.

Risks

There are no risks associated with this report except not having prescribed signs installed.

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:

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- 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.

Transportation team has consulted with Kinloch Store, Topsy Restaurant, rate payers and residents on Kinloch Road between Mata Place and Nisbet Terrace and also presented the proposed plan to the Kinloch Representative Group. Amendments have been made to the initial consultation plan in accordance with the consultation feedback.

Due to this additional consultation process required for this we were unable to meet the deadline for the last Fences, Roding, Reserves and Dogs Committee meeting hence bringing it to the Council meeting so the markings and signage can be installed prior to Christmas 2018.

COMMUNICATION/MEDIA

No communication/media required.

CONCLUSION

It is recommended that Council imposes the traffic controls and prohibitions detailed in the report. Staff will then update the Traffic Control Device Register in accordance with the resolution.

ATTACHMENTS

1. Proposed No Stopping Yellow Line on Kinloch Road [⇒](#)
2. Proposed Parking Time Restriction on Kinloch Road and Mata Place.pdf

5.5 LICENCE TO OCCUPY - CENTRAL KIDS EARLY EDUCATION AT KINLOCH DOMAIN

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To make a decision on approving a 12 month Licence to Occupy (LTO) to Central Kids Early Education to operate a community based kindergarten out of the Council owned Kinloch Community Hall on the Kinloch Domain.

EXECUTIVE SUMMARY

There has been a push from the Kinloch Community Association (KCA) to establish a community based kindergarten in the Kinloch Community Hall. Council received a request from the Central North Island Kindergarten Trust (Central Kids) on 21 November 2018 seeking a licence to occupy for the Kinloch Community Hall to operate a kindergarten (attachment 1).

RECOMMENDATION(S)

That Council approves public consultation concerning the request by the Central North Island Kindergarten Trust for a licence to occupy for the Kinloch Community Hall for the purposes of establishing a kindergarten.

BACKGROUND

The proposal has not been presented previously.

The KCA have been engaging with Kinloch residents to establish a kindergarten in Kinloch. There has been some engagement with Council governance and some with staff. Council officers did not however receive any formal request to use the Kinloch Community Hall as a kindergarten until 21 November 2018.

KCA have engaged with the Central North Island Kindergarten Trust to present a proposal for use of this Council owned building. This proposal is for a 12 month LTO for the purposes of operating a community based kindergarten. It is expected that if the 12 month LTO leads to a successful occupation that a longer term LTO would be considered upon expiry of that term.

A portion of the reserve, including the area on which the hall stands was recently reclassified from Recreation Reserve to Local Purpose Reserve (community buildings and facilities) by way of Gazette notice in accordance with the Kinloch Reserve Management Plan. The reclassification of the Reserve was an outstanding action required by the Kinloch Reserve Management Plan which was prompted to be completed following discussions with the KCA concerning their interest to occupy the community hall for kindergarten purposes.

Some months ago, upon the representation from the KCA that a kindergarten was already an approved activity in the hall, Council's facilities team replaced existing glass in the hall with safety glass at Council's cost.

Central Kids and the KCA believe there is a need for an early childhood facility in Kinloch. These parties also consider that a new standalone facility is "*unrealistic for the immediate need, however the existing community hall, with some minor alterations for compliance, offers an excellent solution*".

Central Kids indicate that they operate 48 kindergartens and eight early learning centres across the central North Island, with six operating within the wider Taupō district (Laughton, Northwood, Hinemoa, Waipahihi, Reporoa and Turangi).

The proposal would:

- Cater for up to 20 children between the ages of 2 – 6 years old
- Have two staff with support from the Taupō area professional leader of Central Kids
- Operate four days a week, year round.
 - Monday 0830 – 1430
 - Tuesday 1030 – 1630
 - Wednesday No sessions with staff carrying out administration from Central Kids Taupō
 - Thursday 0830 – 1430
 - Friday 0830 – 1430

DISCUSSION

There are a number of issues to consider in relation to this proposal. Due to the limited timeframes available to staff between receiving the proposal and the scheduled Council meeting not all of these may be able to be fully addressed in this report.

The Community Hall is owned by Council, and stands on Council owned and administered Local Purpose Reserve. This hall is a shared space which is used by other Kinloch Community groups. It is not known how they may perceive this significant occupation of the hall by another group; or how the 24 hours of weekly occupation by the kindergarten may affect the ability of other groups to use the hall This includes any impact on current use, or future use if they want to change or expand their use, or by reducing the opportunities for new groups to use the hall.

It is unusual for Council to licence out a Council owned building for non-exclusive use – especially a community hall. In these instances (e.g. at Waipahihi) it is more usual for Council to lease to or appoint a Trust to administer the buildings occupation and day-to-day management.

The KCA have provided feedback to Council based on surveys they have carried out independently. The specific methodology of this research is not known. It is not clear how robust the survey methodology and engagement was or if it was specifically targeted to distinct areas of the Kinloch Community. Council should consider this information, but it is not recommended that Council rely solely on this KCA commissioned engagement information when making any decisions on the future use of the Kinloch Community Hall.

The change of the reserves classification of the ground on which the community hall sits from Recreation Reserve to Local Purpose allows for leasing or licencing of the area for kindergarten purposes without any requirement for public consultation. The Kinloch Reserves Management Plan is somewhat ambiguous as it relates to licencing and leasing of the Kinloch Community Hall; with Issue D, Objective 1, Policy B stating:

To generally prohibit new leases and licences on reserves, except for existing activities, including possibly the Kinloch Domain Community Hall.

The proposal received identifies a number of modifications to the existing building to make it fit for the purposes of running a kindergarten. Some of these are minor, while others require building and plumbing modifications to provide suitable WC facilities and child proofing. It is not clear from the received proposal who would be required to pay for these modifications. To date, the indication from informal interactions and received operational requests indicate that there is an expectation from the KCA for Council to carry out these modifications. In addition it appears that there is a desire from the KCA to modify the outside spaces to accommodate child care operations. The kindergarten will require significant storage to enable them to store equipment which they state will be set-up and packed-down for each session. It is not clear how extensive use of the halls storage facilities by the proposed activity may affect other users.

There is a stated expectation that general maintenance would be the responsibility of Council. It is not clear if this extends to the facilities which will be specifically introduced for kindergarten purposes. It is also not clear if this covers damage caused by the kindergarten use, or how this may be affected by the specific use of the space for early childhood education purposes; it may be that this type of activity could lead to increased maintenance pressures on the building.

It is also not clear from the proposal what the exact extent of the desired licenced area is. The proposal seems to relate to the building only – but there are indications within the activity description that there is a significant outside component to the activity. It is assumed that there will be a requirement from the kindergarten for a secure outside space which has not been explicitly explained in the proposal. In order to fully understand the extent of the activity council requires a more specific outline of the space being asked

for. Officers understand that there are also specific Ministry of Education licencing requirements/guidelines relating to space per child which need to be further explained by the proposal.

Central Kids have indicated that they would engage the services of professional cleaners to meet Ministry of Health requirements during operation.

Council should also consider the potential future impacts of this use of the community hall and if this sets up the hall for a more permanent future occupation of the space for kindergarten purposes; or opens up Council to ongoing demands from the kindergarten for increased levels of service or building modifications.

While it is clear that there is a desire from a specific area of the community for this proposal to take place; officers feel that on balance there is not enough information in the proposal, or enough of an understanding of the wider desires of the Kinloch Community and other existing and potential hall users, to be able to recommend approving an LTO for the purposes of operating a kindergarten out of the Kinloch Community Hall. Officers recommend further consultation and a better understanding of the kindergartens requirements and the respective responsibilities of the kindergarten and Council be obtained prior to making a final decision on the proposal.

Based on this information it is considered that there are three options.

OPTIONS

Analysis of Options

Option 1 – Carry out Public Consultation prior to making a decision on granting an LTO

Advantages	Disadvantages
<ul style="list-style-type: none"> • Would ensure that council is able to consider the entire communities views and factor them into the decision making process • Would allow time for ensuring full understanding of the respective parties responsibilities and expectations 	<ul style="list-style-type: none"> • Would delay any potential occupation

Option 2. – Approve a 12 month LTO

Advantages	Disadvantages
<ul style="list-style-type: none"> • Would provide the applicants with their desired outcome 	<ul style="list-style-type: none"> • The details of the occupation and any community response would be untested • Would reduce the opportunities for other parties to make use of the community hall • Potential Council costs have not been explored or quantified

Option 3. Decline an LTO

Advantages	Disadvantages
<ul style="list-style-type: none"> • Would continue to allow for full community use of the hall • Council would have no obligations to modify the building or pay for changes or any increased maintenance or unforeseen issues relating to the occupation as the building owner 	<ul style="list-style-type: none"> • No early childhood education/childcare facilities would be available in the near future for Kinloch • The KCA would be upset

Analysis Conclusion:

The preferred option is to carry out public consultation in order to inform a future Council decision on the proposal to establish a kindergarten in the community hall on Kinloch Domain.

CONSIDERATIONS

Financial Considerations

The financial impact of the proposal is unknown. It is anticipated that the LTO would be charged at the current community rate of \$2.34m² for any occupied area. However, initial and ongoing costs to Council are not known at this time.

Council has obtained an estimate for the work described in the application. The approximate cost to carry out the required work is \$35,000

Long-term Plan/Annual Plan

The expenditure outlined is currently unbudgeted.

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 as follows:

Authorisations as follows are required for the proposal:

- Resource Consent Building Consent Environmental Health
- Liquor Licencing Licence to occupy

Authorisations are not required from external parties.

This consideration is provided under the Reserves Act with Council acting as a landowner, distinct from Council's other regulatory functions. There may be further requirements under other legislation, policy and planning documents relating to other considerations such as parking, public occupation, business use etc. which the applicant would have to work through with Council's regulatory teams and other agencies, e.g. Ministry of Education and Ministry of Health.

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 ō 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 ō 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.

Risks

The Kinloch Community is one with an elevated interest in all matters relating to their open space and surrounding developments. There is a risk that if Council does not suitably engage with this community that there may be some political implications.

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 acknowledge under current policy and legislation that no further engagement is required prior to Council making a decision. However this course of action is not advised.

COMMUNICATION/MEDIA

Communication should be carried out as part of a wider consultation with the local Kinloch community on this issue.

CONCLUSION

The proposal appears to have some merit. However it is recommended that Council conducts further engagement with the Kinloch community and clarifies the potential impacts of the proposal; and the expectations of the KCA, Central Kids and community prior to making any final decision.

ATTACHMENTS

1. Central Kids Kinloch Kindergarten Proposal

5.6	ADOPTION OF HEARINGS COMMISSIONERS RECOMMENDATIONS AND SECTION 32AA REPORTS ON PLAN CHANGE 34 - FLOOD HAZARD
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Author: Sue Mavor, Senior Policy Advisor

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

For Council to consider the Recommendations Report and the Section 32AA Report from the independent hearings panel that heard District Plan Change 34 – Flood Hazard to the Taupo District Plan.

EXECUTIVE SUMMARY

The Taupō District Plan, which was made operative in 2007, includes mapped flood hazard areas and associated provisions managing development within these flood hazard areas. These areas were based on flood hazard assessments done in the 1980's and 1990's. There are a number of issues with these operative provisions. Plan Change 34 – Flood Hazard addresses these issues as it will:

- Ensure that people are aware of flooding risks from rivers and Lake Taupō as it will identify the extent and depth of flooding in a 1% Annual Exceedance Probability (AEP) event
- Exclude areas that are currently identified as subject to flood hazards in the operative District Plan that are no longer expected to be affected by future flood events
- Include the future effects of climate change and tectonic subsidence
- Implement a risk based approach to managing flood hazards as required by the Waikato Regional Policy Statement
- Ensure that development is managed in high flood hazard areas and intensification does not occur in these areas
- Ensure that there is no unnecessary regulatory costs on landowners with a low level of hazard. (i.e. in the medium and low flood hazard areas).

Following an extensive consultation process the plan change was publically notified on 20 October 2017 with further submissions opening on 4 May 2018. Council appointed an independent Hearings Panel of Dr Jeff Jones (chair), Mr Steven Wilson and Councillor Rosanne Jollands. A hearing was held on 23 October 2018 with deliberations occurring on 24 October 2018. The Hearings Panel have released their Recommendations report and the Section 32AA report. Council needs to consider whether to adopt the Recommendations and Section 32AA reports and publically notify the decision on Plan Change 34 – Flood Hazard.

RECOMMENDATION(S)

That Council adopts the Commissioner's recommended decision for Plan Change 34 – Flood Hazard [dated 26 November 2018] (reference A2362523), and the Section 32AA report [dated 23 October 2018] (reference A2363522) and agrees to public notify the decision on the plan change as soon as practicable.

BACKGROUND

Council notified Plan Change 34 – Flood Hazard on 20 October 2017. The purpose of PC34 is to update the District Plan spatial extent of the flood hazard areas identified on the planning maps and introduce a new risk-based approach (through the introduction of objectives, policies and rules) to address development in flood hazard areas.

The proposed approach to flood hazards involves new objectives, policies and rules for activities within flood hazard areas being inserted into the natural hazards section of the District Plan and the removal of the existing flood hazard rules. Activities and development within the flood hazard areas will not be subject to the broad natural hazard objectives and policies contained in Section 3I of the District Plan and new flood hazard rules will replace those contained in Section 4e.9. Minor amendments will also be made to Rule 4e.2.1 – Foreshore Protection Area, Rule 4e.13.2 - Hazardous Substances and new definitions inserted into Section 10 of the District Plan.

The new objectives relate to keeping people safe and protecting property. The new policies and methods seek to reflect the risk-based approach required by the RPS. The new policies and methods aim to ensure

the risk to people's safety and property in the high flood hazard areas is not intensified, and that regulation for those properties within the low and medium flood areas is minimised. The policies and rules cover new buildings, additions to buildings (major and minor), assembly care or community care activities, emergency services activities, subdivision and infrastructure.

The existing flood hazard areas will be removed from the planning maps and replaced with the new flood hazard areas for Lake Taupō, the Hinemaiaia River, the Kuratau River, the Tauranga Taupō River, the Tongariro River, the Tokaanu Stream and Whareroa Stream which will show areas of low, medium and high flood hazard and the depth of this flooding.

The plan change seeks to address the following existing issues:

- Flooding from several rivers and Lake Taupō pose risks to people's safety and property;
- The operative District Plan does not identify all of the known flood hazard areas associated with rivers and Lake Taupō;
- New modelling information shows that some of the flood hazard areas in the operative District Plan are no longer expected to be affected by future flood events;
- The flood hazard information in the operative District Plan does not consider the future effects of climate change and tectonic subsidence;
- Recent changes to the RPS now impose a risk-based approach to managing flood hazards which is not mirrored in the operative District Plan;
- The operative District Plan provisions do not provide sufficient control over development in high flood hazard areas; and
- The operative District Plan provisions impose unnecessary regulatory costs on those with a low level of flood risk.

The plan change addresses these issues by:

- Defining areas affected by the flood hazard both spatially, and in relation to the depth of likely inundation. Defended areas are also defined spatially. This knowledge helps people to make better decisions about how to manage the associated risks.
- Introducing flood hazard information into the District Plan, such as the likely effects of climate change and tectonic subsidence, which subsequently provides people making decisions with greater knowledge. Although these effects may not be experienced in the short term, the planning related decisions to create new allotments or establish built structures will extend well into the future (50 to 100 years).
- Shifting the direction of the District Plan away from a generic assessment of hazards to a risk-based approach. This creates a more enabling regulatory environment for activities in low and medium hazard areas, while providing for a more considered decision making in high hazard areas.

Council appointed a Hearings Panel of Dr Jeff Jones (chair), Mr Steven Wilson and Councillor Rosanne Jollands to hear the submissions, deliberate and make a recommended decision on Plan Change 34 – Flood Hazard. A total of 22 original submissions and 3 further submissions were received on the plan change. A hearing was held on 23 October and deliberations on 24 October.

The Hearings Panel have made their recommended decision and have endorsed the planner's further evaluation report for the changes they have proposed for the plan change. (Section 32AA report).

DISCUSSION

Prior to the hearing Council's Planning Officer and Dr McConchie, Council's flooding expert, produced reports that considered all submissions and further submissions received and made recommendations on the decisions sought in those submissions. The Planning Officer also produced an addendum to her report following a pre hearing meeting between Ngāti Kurauia Taiao and Council staff on 2 October 2018 and a supplementary report that outlined the remaining issues of contention between expert planning evidence and provided a recommendation on these matters to the Hearings Commissioners and a right of reply report. Dr McConchie produced a statement of evidence, two addendums and a right of reply report.

The Hearings Panel issued their recommended decision and Section 32AA report on 26 November 2018.

The commissioners recommended decision follows the recommendations in the Planning Officers Section 42A report, addendum and supplementary report and right of reply report. That is, the only changes to the

notified version of the plan change are minor and are to ensure that the plan change is technically correct and easy to understand.

Having chosen to delegate the hearing of the submissions the Council now needs to consider whether to adopt the Hearings Panel’s Recommendations Report and the Section 32AA report or not.

OPTIONS

Based on this information there are three options:

1. Adopt the recommendations report in its entirety as proposed by the hearings panel.
2. Seek clarification from the Commissioners where aspects of the recommendations report are unclear. This is not an opportunity to substantially alter the nature of a particular recommendation.
3. Reject the recommendations report in its entirety and rehear the hearings with a new Hearings panel and go through the deliberations again.

Analysis of Options

Option 1. - Adopt the Recommendations Report and Section 32AA report in their entirety as proposed by the hearings panel.

Advantages	Disadvantages
<ul style="list-style-type: none"> • No further costs • No delay in releasing the decision • Confidence in commissioners’ decision and ability to defend in the Environment Court, if required. 	

Option 2. - Seek clarification from the Commissioners where aspects of the Recommendations Report or Section 32AA report are unclear. This is not an opportunity to substantially alter the nature of a particular recommendation.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Only useful if there is some aspect of the decision that is unclear. 	

Option 3. – Reject the Recommendations Report and Section 32AA report in their entirety and rehear the hearings with a new Hearings Panel and go through the deliberations again.

Advantages	Disadvantages
	<ul style="list-style-type: none"> • Expensive and time consuming as have to employ a new hearings panel, reengage experts, hire venue and re hear submissions. • Perception of undermining the policy direction outlined in the Waikato Regional Policy Statement and the Lake Taupo Erosion and Flood Strategy. • Potential for appeals.

Analysis Conclusion:

Based on the above analysis adopting the Hearings Panel Recommendations Report and the Section 32AA report in their entirety is the preferred option. The Hearings Panel Recommendations Report follows the recommendations in the Planning Officers Section 42A report and does not introduce any new recommendations. No part of the Hearings Panel Recommendations Report is unclear so there is no need to seek any clarification from the Commissioners.

CONSIDERATIONS

Financial Considerations

The only direct costs associated with Council adopting the Recommendations Report and the Section 32AA report are the advertising of the decision through a public notice. This is already budgeted for in the Long-term Plan. However, if option 3 is chosen the financial impact of the proposal would be substantial as Council would need to employ a new hearings panel, reengage experts, hire a venue and re hear submissions.

Long-term Plan/Annual Plan

The expenditure for the public notice is currently budgeted for under the Democracy and Planning activity where Plan Change 34 - Flood Hazard is identified as a key project for the 2018/19 year.

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).

Resource Management Act

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal is the Resource Management Act 1991. Prior to the plan change being publically notified it and the Section 32 report had a full legal check by Simpson Grierson to ensure that they complied with the requirements of the RMA. These matters were identified in the agenda report to the Council on 26 September 2017. The Planning Officers Section 42A report which outlines recommendations on each submission point also had a full legal check by Simpson Grierson to ensure it complied with the requirements of the RMA. The Commissioners recommendation replicates the recommendations in the Planning Officers report so will comply with the relevant requirements of the RMA.

Schedule 1 of the RMA sets out the process that must be followed when making a change to a district plan. Once the Council has released a decision on the provisions and matters raised in submissions Schedule 1 requires this to be publically notified and the public notice and the time period for any appeal to be served on every person who made a submission on the plan change. The appeal period runs for 30 working days from the service of the notice of decision. Staff will ensure that the process set out in Schedule 1 is followed.

Policy Implications

There are no known policy implications of this decision. This is the first review of the natural hazards section of the District Plan since it was made operative. As such, it is the first time we have incorporated the risk based approach as required by the RMA, the Waikato Regional Policy Statement and the Lake Taupo Erosion and Flood Strategy.

Māori Engagement

Schedule 1 of the RMA sets out the process that must be followed when making a change to a district plan. In particular clause 3B requires Council to consult with iwi authorities about the plan change, enables those iwi authorities to identify resource management issues of concern to them, and requires Council to indicate how those issues have been or are to be addressed. Consultation with Tūwharetoa Maori Trust Board, Raukawa and Ngāti Kurauia has been ongoing through the development of the plan change. Their feedback and how Council has addressed these issues is outlined in the Section 32 and Section 32AA reports.

Under Section 34A (1A) of the RMA Council is required, when appointing commissioners for plan hearings to:

- consult iwi authorities about whether it is appropriate to appoint a commissioner who understands tikanga Māori and the perspectives of local iwi and hapū.
- if the council considers it appropriate, appoint at least one commissioner who understands these matters, in consultation with the relevant iwi authority.

Tūwharetoa Maori Trust Board and Raukawa Charitable Trust considered that it was appropriate to appoint a commissioner who understands tikanga Māori and the perspectives of local iwi and hapū for this plan change. Tūwharetoa Maori Trust Board provided staff with a list of potential commissioners. Steven Wilson was on that list. Both Tūwharetoa Maori Trust Board and Raukawa Charitable Trust confirmed that they supported the appointment of Steven Wilson as a commissioner for Plan Change 34. Steven Wilson was appointed as one of the hearings commissioners and heard and deliberated and assisted in writing the Hearings Panel Recommendation Report.

Risks

Council has gone through a very comprehensive process working closely with iwi, stakeholders and affected landowners to develop and process this plan change. The plan change implements the policy approach set out in the RMA, the Waikato Regional Policy Statement and the Lake Taupo Erosion and Flood Strategy. In this respect, while there is the possibility of appeal to Environment Court by any submitter, this risk is relatively low. Any appeal would result in significant costs to defend the appeal. However the risk of appeal has been minimised through the following measures:

- Extensive consultation has been undertaken with affected iwi, landowners and stakeholders and little feedback has been received. This enabled major issues to be addressed during the early consultation stages of the plan change development.
- The technical data has been peer reviewed by NIWA and there is agreement that the assumptions and methodologies used in the flood hazard reports are the most appropriate for the purpose. This review process, combined with Waikato Regional Council's technical review of the Opus reports, ensures that the technical information underlying the plan change is robust.
- The Section 32 report, plan change, Planning Officers Section 42A Report and Council flood hazard expert's statement of evidence have all had a full legal review by Simpson Grierson and technical aspects checked by Opus Consultants and Waikato Regional Council.
- An experienced hearings panel heard the submissions and took a logical approach to their deliberations and produced a well-reasoned recommendation and Section 32AA report that implements the policy direction required under the RMA.

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 significant as the decision will affect landowners in the new flood hazard areas.

Council's decision making and consultation obligations, identified under the Local Government Act 2002, have been met through the First Schedule process that a plan change is required to follow under the Resource Management Act 1991.

ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a high degree of significance, and the processes that have already been followed, officers are of the opinion that no further engagement is required prior to Council making a decision.

The Resource Management Act sets out the legal requirements on engagement with the community for the service of the Council decision of a plan change. In fulfilling the requirements under Schedule 1 of the RMA Council will also meet the more generic requirements of the Local Government Act 2002. Given that two rounds of engagement has already occurred with affected property owners and stakeholders prior to notification, and little feedback was received, a hearing has been held at which only five submitters sought to be heard no further engagement is considered necessary prior to Council making a decision on whether to adopt the recommendations report from the Hearings Panel.

COMMUNICATION/MEDIA

The Recommendations Report and Section 32Aa report are not overly complex but are technical in nature. There is the potential for the Council's decision on these issues to be misunderstood given their technical nature. To help address these issues, a media release will be prepared on the adopted decision.

CONCLUSION

Council has previously developed and adopted the Lake Taupo Erosion and Flood Strategy and is required, under the RMA, to give effect to the Waikato Regional Policy Statement. Both of these documents set out a number of policy directions for the identification and assessment of flooding from rivers and lakes and the management of development within these flood areas. Plan Change 34 - Flood Hazard has been developed to implement these policy directions.

The plan change has been through a robust process in accordance with the Resource Management Act, including an extended period of public consultation prior to notification, and has been the subject of a hearing conducted by a panel of experienced Commissioners.

It is recommended that Council adopts the recommendations from the Commissioners and the Section 32AA report in relation to Plan Change 34 - Flood Hazard on the basis that:

- The recommendations reflect a careful balancing of the issues
- The recommendations support the Council's adopted policy directions
- Adopting the recommendations will provide certainty in the regulatory environment for landowners in the flood hazard area.
- Rejecting the recommendations and rehearing all of the evidence and submissions will result in substantial additional costs for Council and the submitters involved in the process.

ATTACHMENTS

1. Recommendations of Hearing Commissioners Report (A2362523) [⇒](#)
2. Section 32AA Report (A2363522) [⇒](#)

5.7 WHAREROA NORTH PRIVATE PLAN CHANGE

Author: Nick Carroll, Policy Manager

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

This report recommends Council delegate its decision on the Whareroa North plan change in accordance with clause 23(6) of Schedule 1 of the Resource Management Act 1991.

EXECUTIVE SUMMARY

Council has received a private plan change request for the area known as Whareroa North from the Proprietors of Hauhungaroa No. 6. The request has been assessed by council officers who subsequently requested further information from the requester and proposed to commission a report. That information and the report were deemed necessary to better understand the potential effects of the proposal.

The requester has exercised their discretion and refused to provide some of that information and refused to allow the Council to commission the report. A decision is now required under clause 23(6) of Schedule 1 of the Resource Management Act. Council must determine whether there is sufficient information to continue with the processing of the request or whether it should be rejected.

Council is able to make this decision, however officers recommend that Council delegate this decision to an independent commissioner. This reflects the technical nature of the decision and the need for the decision maker to have a sound understanding of the requirements of the Resource Management Act.

This decision under clause 23(6) can be appealed directly to the Environment Court. This emphasises the need for Council to ensure that the decision making process is technically robust.

RECOMMENDATION(S)

That Council, pursuant to section 34A of the Resource Management Act 1991, delegates to a suitably qualified independent commissioner, to be appointed from the list of Making Good Decisions certificate holders maintained by the Ministry for the Environment, the decision on whether to reject the Whareroa North plan change request in accordance with clause 23(6) of Schedule 1 of the Act.

BACKGROUND

This is the first private plan change that Council has received since the District Plan became operative. It must be processed in accordance with the requirements of Schedule 1 of the Resource Management Act. The requester, The Proprietors of Hauhungaroa No. 6, have been working on the development of the farm land at Whareroa North for over a decade. They were also the developers of the existing settlement at Whareroa.

Their request involves rezoning the land on the northern side of the Whareroa Stream for residential development with a maximum of 160 dwellings. They propose an extension of the Council's existing roading, water and wastewater networks across the stream and up to the site with new stormwater reticulation required to serve the development to be vested in Council.

The Taupō District Plan makes it clear that the opening up of new land for urban development must go through a prescribed process. That involves structure planning to ensure that the development of the growth area can be undertaken in an integrated manner. There must also be a plan change to rezone the land from rural to residential. The plan change process is stipulated rather than a resource consent process because plan changes are subject to the robust assessment required by section 32 of the Resource Management Act. Section 32 requires an assessment of the efficiency and effectiveness of the proposed provisions, identification of the costs and benefits of the request and demonstration that the request will achieve the objectives of the District Plan.

Following receipt of the plan change request Council officers requested further information and indicated that they intended to commission a report looking at costs to the community. The information and the report were intended to allow the effects of the plan change to be understood, not only by Council officers but also by future submitters and decision makers. The requests for further information are made under clause 23(1) of Schedule 1.

The requester has refused to provide some of that further information and to allow the report to be commissioned. They have the discretion to refuse to provide that information under clause 23(5), however if they do so Council needs to consider whether there is sufficient information to proceed with the request under clause 23(6).

THE PROCESS TO DATE

The following table highlights the process that the request has been through following lodgement.

20 December 2017	The request for the plan change was lodged on 20 December 2017.
15 February 2018	Council officers requested further information to better understand the request. This included a request that Council commission a report. It was intended to provide an understanding of the likely demand for more residential land and the costs to the community of providing it.
	A series of meetings were held with between officers and the requester’s agents over a number of months. They provided an opportunity to explain why the further information requests were made and to further refine the nature of the information. Through that process officers adjusted the request for information about wastewater management as new information from Council became available.
3 August 2018	Council officers clarified in writing the basis for the original further information request and noted the new information about wastewater.
3 October 2018	Some of the further information was provided by the requester. However the requester also stated that the remainder of the further information would not be provided as part of the plan change request and refused to allow the commissioning of a report by Council.
19 October 2018	The outstanding geotechnical report was provided. The requester asked that Council proceed with the processing of the plan change.
8 November 2018	Council asked for additional information on the potential to transfer nitrogen credits from the requester’s site to Council to assist with the management of wastewater. This means the request is still ‘on hold’.

WHY DID WE ASK FOR FURTHER INFORMATION?

Officers sought a range of further information to better understand the potential effects of the request. Some of this information was relatively minor clarifying aspects like the location of a land improvement area. However there were elements of the request that were considered critical.

Having a complete set of information to support the request is important for four reasons:

1. It enables the community to make an informed decision about the potential impacts of the proposed rezoning and whether to lodge a submission
2. Council officers need to understand the potential impacts of the proposed rezoning so they can provide expert advice to decision makers on the appropriateness of the plan change
3. The hearings panel and ultimately Council will need to be satisfied that they understand the potential impacts of the proposal before making a decision on the plan change, and
4. Sufficient information must be available to ensure a request meets the statutory tests of section 32 of the Resource Management Act. The Act requires the benefits and costs that may result from a plan change be quantified where possible.

Officers sought legal advice from Simpson Grierson which confirmed the appropriateness of further information requests.

WHAT IS THE DECISION THAT IS REQUIRED?

Council has a decision to make in terms of Clause 23(6) of the Schedule 1 of the Resource Management Act. Council has sought further information from the requester which they have refused to provide. Now Council must decide whether to reject the request on the basis there is insufficient information. The alternative is that Council proceeds with the processing of the request on the basis that the information that has been provided to date is sufficient.

WHO CAN MAKE THE DECISION?

This decision under clause 23(6) is a technical one in nature. It requires an assessment of the relevance of the further information that has been refused. The decision maker must decide whether that information is critical to understanding the impacts of the proposal and subsequently weighing up those impacts in terms of the statutory tests of section 32 and giving effect to the higher order planning documents.

This decision sits within the delegations of the Chief Executive. It could also be made by Council or alternatively Council could delegate the decision to an independent commissioner.

If a decision is made to reject the request on the basis of insufficient information, the requester has the ability to appeal to the Environment Court. This reinforces the importance of making sure that the decision is made robustly in accordance with the requirements of the Resource Management Act.

Officers recommend that the decision is delegated, by Council, to an independent commissioner because:

- The decision is a technical one, requiring a sound knowledge of the tests under section 32, and how to interpret and apply higher order planning documents, particularly the National Policy Statement on Urban Development Capacity
- It would provide an expert and independent review of the further information requests made by Council officers, and
- Having a robust and technically sound decision reduces the likelihood that the decision could be successfully appealed

THE JOINT MANAGEMENT AGREEMENT BETWEEN NGATI TUWHARETOA AND COUNCIL

There is an existing joint management agreement between Council and Ngāti Tūwharetoa (signed 2008) which relates to private plan changes on multiply owned Maori land. That joint management agreement is not relevant to this decision under clause 23(6). However if the request proceeds and is notified then the requester will have the opportunity to utilise the provisions on the agreement.

RISKS

Delegating this decision to an independent commissioner is recommended as the most appropriate option, however if Council decided not to do so there are a number of risks to consider:

- While there are several elected members who have completed the “Making Good Decisions” course and achieved accreditation, the majority of elected members have not had that level of training or experience. This could make it challenging to make a decision under clause 23(6) given the technical nature of the decision.
- Delegating the decision to an independent commissioner also removes any perception that political views could have a role in the decision making process.
- Finally, these are processes that Council does not regularly manage and decisions that they have not previously been required to make. This unfamiliarity means that the decision making process could be more difficult, time consuming and prone to challenge compared to delegating it to an expert commissioner well versed in these matters.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

This is a decision making process governed by the provisions of the Resource Management Act.

ENGAGEMENT

Council officers have been working intermittently with the requester on this project for over a decade. That engagement has continued once the formal plan change request was lodged. The requester will be informed about this next step in the processing of the request.

CONCLUSION

The requester for the Whareroa North plan change has refused to provide a range of further information requested by council officers. This has raised the issue of whether there is sufficient information to proceed with the processing of the request. Council needs to make a decision under clause 23(6) of Schedule 1 about whether there is sufficient information. Council could make that decision as could the Chief Executive under delegation, however it is recommended that Council delegate this decision to an independent commissioner. This reflects the technical nature of the decision, the expert knowledge required and would help ensure a robust decision.

ATTACHMENTS

Nil

5.8 ST PATS GROVE SUBDIVISION - LAND TO BECOME ROAD - E & D DEVELOPMENTS LIMITED

Author: Nigel McAdie, Legal and Compliance Manager

Authorised by: Brian Fox, Head of Regulatory and Risk

PURPOSE

E & D Developments Limited wishes to subdivide land called St Pats Grove. LT Plan 530350 shows 22 lots are to be created, with Lot 20 proposing to vest in Council on deposit for road.

Unfortunately Lot 20 is unable to be vested because an existing land covenant registered against the land to be road is unable to be discharged. For land to vest as legal road, it must be unencumbered.

A potential way forward is for Lot 20 to be dedicated as road subject to the land covenant, or alternatively it may potentially be declared road under section 114 Public Works Act 1981 (PWA).

The authority for transfer and dedication of a road, or for land to be declared road is not found in the Resource Management Act 1991 (RMA) but the PWA. While it is quite reasonable for a Council to be asked to accept land subject to existing interests where there are a large number of registered proprietors with an interest in the land whose consent must be obtained, it is important that Council clearly understands the nature of the existing interests, their legal repercussions (if any) and the extent to which the Council is bound by them, before it accepts the land as road.

Provided Council is satisfied with the interests which will continue once the road is dedicated or declared road under the PWA, and is clear about the preferred mechanism (declaration vs dedication) there may be a need for a Council resolution to support the process.

Given this is the last Council meeting until the end of January next year, this item serves as a placeholder in case such a resolution is required – which won't be known until immediately before this meeting.

RECOMMENDATION(S) – TO COME**ATTACHMENTS**

Nil

5.9	COUNCIL ENGAGEMENTS	JANUARY-FEBRUARY	2019	AND	CONFERENCE OPPORTUNITIES
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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
Public forum (Council Chamber, 107 Heuheu Street, Taupō)	Thursday	31 Jan	1pm-1.30pm
Council meeting (Council Chamber, 107 Heuheu Street, Taupō)	Thursday	31 Jan	1.30pm-5pm
Emergency Management Committee meeting (Council Chamber, 107 Heuheu Street Taupō)	Monday	11 Feb	11am-noon
Turangi/Tongariro Community Board meeting (Boardroom, Turangi Service Centre)	Tuesday	12 Feb	1pm-4pm
Taupō Airport Authority Committee meeting (Taupō Airport, ANZAC Memorial Drive)	Monday	18 Feb	10.30am-11.30am
Fences, Rooding, Reserves & Dogs Committee meeting (Council Chamber, 107 Heuheu Street Taupō)	Tuesday	19 Feb	10am-noon
Performance Monitoring Group meeting (closed) (Council Chamber, 107 Heuheu Street Taupō)	Tuesday	19 Feb	1.30pm-2.30pm
Public forum (Council Chamber, 107 Heuheu Street, Taupō)	Tuesday	26 Feb	1pm-1.30pm
Council meeting (Council Chamber, 107 Heuheu Street Taupō)	Tuesday	26 Feb	1.30pm-5pm
Kinloch Representative Group public forum (Kinloch Community Hall, Mata Place, Kinloch)	Thursday	28 Feb	2.30pm-3pm
Kinloch Representative Group meeting (Kinloch Community Hall, Mata Place, Kinloch)	Thursday	28 Feb	3pm-4.30pm

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 January and February 2019.

ATTACHMENTS

Nil

5.10 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>Agenda Item No: 6.1 Confirmation of Confidential Portion of Ordinary Council Minutes - 27 November 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>Agenda Item No: 6.2 Receipt of Confidential Portion of Minutes - Taupō Airport Authority Committee - 5 November 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>Agenda Item No: 6.3 Disposal of Waitahanui land</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>Agenda Item No: 6.4 Presentation of EOI responses 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</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>

	<p>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>reason for withholding would exist under section 7</p>
<p>Agenda Item No: 6.5 Reconsideration of Area A EUL Offer Terms and Conditions</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>Agenda Item No: 6.6 Receipt of Confidential Portion of Minutes - Performance Monitoring Group - 26 November 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 reason for withholding would exist under section 7</p>

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