

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

<b>Date:</b>	<b>Tuesday, 30 April 2019</b>
<b>Time:</b>	<b>1.30pm</b>
<b>Location:</b>	<b>Council Chamber 107 Heuheu Street Taupō</b>

# **AGENDA**

## **MEMBERSHIP**

**Chairperson** Mayor David Trewavas  
**Deputy Chairperson** Cr Rosie Harvey

**Members**

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

**Quorum** 6

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

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**3.1 ORDINARY COUNCIL MEETING - 26 MARCH 2019**

**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 26 March 2019 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Council Meeting Minutes - 26 March 2019

**4.1 ORDINARY EMERGENCY MANAGEMENT COMMITTEE MEETING - 11 FEBRUARY 2019**

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

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

**RECOMMENDATION(S)**

That Council receives the minutes of the Emergency Management Committee meeting held on Monday 11 February 2019.

**ATTACHMENTS**

1. Emergency Management Committee Meeting Minutes - 11 February 2019

**4.2 ORDINARY TAUPŌ AIRPORT AUTHORITY COMMITTEE MEETING - 1 APRIL 2019**

**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 Taupō Airport Authority Committee meeting held on Monday 1 April 2019.

**ATTACHMENTS**

1. Taupō Airport Authority Committee Meeting Minutes - 1 April 2019

**5.1 MINUTES OF LAKE TAUPO PROTECTION PROJECT JOINT COMMITTEE MEETING - 11 MARCH 2019**

**Author:** Tanya Wood, Policy Advisor

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

**PURPOSE**

To receive the public minutes of a meeting of the Lake Taupō Protection Project Joint Committee held on 11 March 2019.

Recommendation LTJC19/10 is the subject of an item to be considered in confidence at this meeting, therefore this item recommends that the minutes of the meeting be received only at this point.

**DISCUSSION**

A meeting of the Lake Taupō Protection Joint Committee was held on 11 March 2019.

**RECOMMENDATION(S)**

That Council receives the minutes of the Lake Taupō Protection Joint Committee meeting held on 11 March 2019 and notes that recommendation LTJC19/10 will be considered in the confidential part of this meeting.

**ATTACHMENTS**

1. Minutes of the Lake Taupo Protection Project Joint Committee meeting held on 11 March 2019

**5.2 NAMING OF PUBLIC ROAD - CHARNLEY GARDENS SUBDIVISION**

**Author:** Darren Clark, Resource Consents Planner

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

**PURPOSE**

This item is being presented to Council to make a decision on a new road name within an existing rural lifestyle subdivision (known as Heritage Park) at Charnley Gardens, off Mapara Road, Taupō. The naming of public roads and allocation of property addresses is Council's responsibility under the Local Government Act 2002. The approved subdivision will contain one public road that requires naming, and this name requires approval from Council.

**EXECUTIVE SUMMARY**

Within the subdivision there is an existing private road that is identified as 'Charnley Gardens' in Council records, but is signposted and commonly known as 'Charnley Way'. The private road is to be vested as public road, and the road therefore requires formal naming approval. The Heritage Park Residents association have selected their preferred road name of 'Charnley Way' for approval.

The road name is considered to be appropriate given that there are no duplications or similarities to other road names in the Taupō District.

Appropriate consultation has been undertaken with iwi and the Emergency Services.

The preferred option is to approve the road name proposed by the residents association.

**RECOMMENDATION**

That the following road name for the subdivision at Charnley Gardens, Taupō, be approved:

- Charnley Way

**BACKGROUND**

This item is being presented to Council to make a decision on one public road name within an approved subdivision at Charnley Gardens, Mapara – also known as Heritage Park. The wider subdivision at Charnley Gardens comprises a number of rural lifestyle properties that have existed for at least eight years. More recently, Subdivision Consent RM180008 was granted on 15 February 2018 for the separation of the existing private road (right of way) from the remainder of the site at 23 Charnley Gardens, to enable the right of way to vest as public road in Taupō District Council.

The applicant will be soon making application for section 223 and 224c approval for the subdivision works to obtain Council sign off for the subdivision.

Please refer to Attachment 1 showing the locality plan and Attachment 2 showing the scheme plan.

The proposal has not been presented previously.

**DISCUSSION**

The applicant for the subdivision at Charnley Gardens, Mapara, has put forward a name for the public road within the subdivision as follows:

- **Charnley Way**

The above name is the preferred name of the applicant, however they have also submitted an alternative suffix (road type) as per below:

- Charnley Lane

The existing private road has been known as Charnley Way / Charnley Gardens for some years and was chosen by the original developer of the subdivision. The significance of the name is not known. The discrepancy between the use of the term Charnley Way versus Charnley Gardens is unknown. Council records document the road as Charnley Gardens and this is the term used in a number of street maps. However the road is signposted as Charnley Way and is also referred to Charnley Way on some street maps. In any case, the purpose of this application is to now formally name the road as it is to be vested as public road in Taupō District Council.

The road name and its suffix variation has been put forward to the Emergency Services – New Zealand Fire Service, New Zealand Police and St John Ambulance, and a local map cartographer, for comment. All of the feedback from these parties was positive, with none stating any concerns about the road name.

Based on this information it is considered that the name is appropriate. Council has the following options:

1. Accept the name
2. Reject the name
3. Select alternative name

**OPTIONS**

Analysis of Options

The applicant has selected their preferred road name and this name is considered to be appropriate given that there are no duplications or similarities to other road names in the Taupō District. It is not considered effective to reject or select alternative road names given the level of acceptance by key parties.

Option 1. Accept the road name

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• The road name is unique</li> </ul>	<ul style="list-style-type: none"> <li>• Selection of alternative road names would require further consideration</li> </ul>
<ul style="list-style-type: none"> <li>• There are no other similar road names within the District.</li> </ul>	
<ul style="list-style-type: none"> <li>• There has not been any negative feedback on the name</li> </ul>	

Option 2. Reject the road name

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Opportunity to select potential alternative names that may be more suitable</li> </ul>	<ul style="list-style-type: none"> <li>• Selection of alternative names would be required</li> </ul>
	<ul style="list-style-type: none"> <li>• Further consultation would be required</li> </ul>

Option 3. Select alternative names

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Council could select potential alternative names that may be more suitable</li> </ul>	<ul style="list-style-type: none"> <li>• Further consultation would be required</li> </ul>
	<ul style="list-style-type: none"> <li>• The item would be required to be represented after consultation.</li> </ul>

Analysis Conclusion:

It is considered appropriate to accept the road name presented by the applicant.



## 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: Authentic; Charming; Vibrant; and Quality.

### Financial Considerations

There are no financial impacts associated with the proposal.

### Legal Considerations

#### Local Government Act 2002

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

The matter assists Council in the performance of Council's regulatory function.

The proposed name has been evaluated with regards to the relevant road naming regulations and is consistent with these requirements.

### 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 outlined within this report.

In this respect, the applicant has consulted with the relevant Tangata Whenua, being the following representatives:

- Gayle Leaf (Te Kapa o Te Rangiita).
- Eru George (Mokai Marae).

No objections were raised.

Dominic Bowden – Strategic Relationships Manager confirmed that these are the correct parties to be consulted with for this particular locality.

### Risks

There are no risks associated with the selection of these names.

## 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 applicant is in the process of completing all subdivision works and they wish to obtain Council approval for the road name so that the allotments can be addressed in accordance with Sections 319A and 319B of the Local Government Act 2002. No objections were received in regard to the proposed road name from Emergency Services or iwi and no other consultation is required.

#### **ATTACHMENTS**

- 1. Locality Plan
- 2. Scheme Plan

**5.3 NEW PUBLIC ROAD NAMES**

**Author:** Louise Wood, Senior Resource Consents Planner

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

**PURPOSE**

This item is being presented to Council to make a decision on new public road names within the Wharewaka East subdivision.

**EXECUTIVE SUMMARY**

Within Stages 4, 5 and 12 of the Wharewaka East subdivision there are two new public roads that require names. The developer has selected the preferred name in consultation with Tūwharetoa. Stages 3 and 4 are under construction and nearing completion.

Consultation has been undertaken with emergency services and Tūwharetoa.

The proposed road name is considered appropriate given that there are no duplications or similarities to other road names in the Taupō District therefore the preferred option is to approve the road names proposed by the developer.

**RECOMMENDATION**

That Council approves the following road names for the Wharewaka East Subdivision, Taupō:

- Tawhai Crescent
- Kōhia Place

**BACKGROUND**

This item is being presented to Council to make a decision on two names for roads within the Wharewaka East subdivision. Subdivision consent RM060488 was granted in 2008 (and subsequently varied) for the creation of 490 residential lots on land to the east of Lake Terrace and west of the East Taupō Arterial. Construction of Stages 3 and 4 are nearing completion.

Proposals for other road names within the subdivision have been presented previously.

**DISCUSSION**

The developers for the Wharewaka East Subdivision have put forward names for two public roads within this subdivision as follows:

- Tawhai Crescent
- Kōhia Place

Tawhai means 'Silver birch' and Kōhia means 'New Zealand passionfruit' and the names are consistent with the overall theme of the road names within the subdivision being plant / resource based.

The road name has been put forward to the Emergency Services – New Zealand Fire Service, New Zealand Police and St John Ambulance and Tūwharetoa. No objections were raised by these parties.

Based on this information it is considered that the name presented is appropriate. Council has the following options:

1. Accept the names
2. Reject the names
3. Select an alternative names

**OPTIONS**

Analysis of Options

The developers have selected their preferred road names and the names are considered to be appropriate given that there are no duplications or similarities to other road names in the Taupō District. It is not considered effective to reject or select alternative road names given the level of acceptance by key parties.

Option 1. Accept the road names

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>The road names are unique</li> </ul>	<ul style="list-style-type: none"> <li>Selection of alternative road names would require further consultation</li> </ul>
<ul style="list-style-type: none"> <li>There are no other similar road names within the District</li> </ul>	
<ul style="list-style-type: none"> <li>There has not been any negative feedback on the names</li> </ul>	

Option 2. Reject the road names

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Opportunity to select potential alternative road names that may be more suitable</li> </ul>	<ul style="list-style-type: none"> <li>Selection of alternative road names would require further consultation</li> </ul>

Option 3. Select alternative road names

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Opportunity to select potential alternative road names that may be more suitable</li> </ul>	<ul style="list-style-type: none"> <li>Selection of alternative road names would require further consultation</li> </ul>
	<ul style="list-style-type: none"> <li>The item would be required to be presented to Council again</li> </ul>

Analysis Conclusion:

It is considered appropriate to accept the road names presented by the developers.

**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: Authentic; Charming; Vibrant; Quality.

**Financial Considerations**

There are no financial impacts associated with the proposed road names.

**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 matter assists Council in the performance of Council’s regulatory function.

The proposed road names have been evaluated with regards to the relevant road naming regulations and are consistent with these requirements.

**Policy Implications**

There are no known policy implications.

**Māori Engagement**

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

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation outlined within this report. The developer has consulted with Tūwharetoa regarding the proposed public road names and no objections were raised.

**Risks**

There are no known risks associated with the selection of the road names.

**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**

It is recommended that Council approves the road names as presented.

**ATTACHMENTS**

1. Map of Wharewaka East New Public Road Names

**5.4 APPROVAL TO CONSULT ON THE DRAFT WATER SUPPLY STRATEGY**

**Author:** Tanya Wood, Policy Advisor  
**Authorised by:** Alan Menhennet, Head of Finance and Strategy

**PURPOSE**

To approve the Draft Water Supply Strategy 2019 and Draft Water Supply Strategy Implementation Plan to go out for public consultation.

**EXECUTIVE SUMMARY**

The Draft Water Supply Strategy 2019 has been developed to provide a strategic direction for the district's drinking water supplies over the next 30 years. Going out for consultation on the draft strategy will enable the wider community to have their say.

**RECOMMENDATION(S)**  
 That Council approves the Draft Water Supply Strategy 2019 and the Draft Water Supply Strategy Implementation Plan to go out for public consultation.

**BACKGROUND**

The proposal has been presented to Council at several workshops held on: 17 May 2018, 7 August 2018, 15 November 2018 and 2 April 2019.

The draft strategy covers Council's drinking water schemes. It does not cover the management of stormwater or wastewater.

The direction provided by Council as these workshops has resulted in the attached draft strategy.

**DISCUSSION**

Council has an existing Water Supply Strategy that was adopted in 2008. There have been a number of changes at local, regional and national level in relation to drinking water. The policy has been updated to reflect these issues and to set a strategic direction for the district's drinking water schemes over the next 30 years.

The Draft Water Supply Strategy 2019 describes four outcomes that Council would like to achieve:

1. We ensure the protection of public health
2. We use water responsibly
3. We support the Community's growth aspirations
4. We ensure that our water supply system is financially sustainable

The draft strategy describes what Council will do to achieve these outcomes. Sitting alongside the draft strategy is an implementation plan. This document will outline the individual actions that Council needs to undertake to achieve the outcomes. The implementation plan is separate to the strategy.

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

**OPTIONS**

Analysis of Options

Option 1. The Status Quo (remain with the existing Water Supply Strategy 2008)

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• No time and cost involved with consulting with</li> </ul>	<ul style="list-style-type: none"> <li>• The existing strategy is 11 years old.</li> </ul>

<p>the community and adopting the new strategy.</p>	<ul style="list-style-type: none"> <li>The existing strategy does not reflect the legislative changes that have occurred since 2008. Nor does it reflect the changing direction from Waikato Regional Council as the consenting authority for water takes.</li> </ul>
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Option 2. Approve the Draft Water Supply Strategy for consultation

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Will allow the community to have their say on how Council should manage the district's drinking water supplies over the next 30 years.</li> <li>Will provide a 30 year strategic direction for our drinking water supplies. The strategy will be used to inform planning documents such as future asset management plans and long-term plans.</li> <li>Will ensure that Council is addressing drinking water issues that have arisen at a national, regional and local scale.</li> </ul>	<ul style="list-style-type: none"> <li>Cost and time involved with consulting on draft strategy.</li> </ul>

Analysis Conclusion:

Option 2 (Approve the Draft Water Supply Strategy for consultation) is the preferred option, as it will provide Council with a 30 year strategic direction for water supply.

**CONSIDERATIONS**

**Alignment with Council's Vision**

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

**Financial Considerations**

The financial impact of the proposal is estimated to be minimal. The costs associated with consulting on the strategy will involve advertising and design of the document. These costs have been budgeted for in this financial 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 local infrastructure. (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 have been addressed in the Draft Water Supply Strategy 2019 document.

**Policy Implications**

Providing strategic direction on the management of drinking water supplies is critical to informing Council's infrastructure strategy and the asset management plan for water.

**Māori Engagement**

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti o Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the

principles of Te Tiriti o Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

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

Officers have circulated the draft policy to Tūwharetoa Maori Trust Board, Raukawa and Te Arawa River Iwi Trust. All of these entities have provided their feedback on the draft strategy.

### **Risks**

There are no known risks.

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

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

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

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

### **ENGAGEMENT**

Because the draft strategy will affect a large portion of the community, officers are of the opinion that it is wise to conduct a formal consultation process on the draft strategy involving written submissions and hearings.

### **COMMUNICATION/MEDIA**

Communication will be carried out as part of wider consultation with the community on this issue.

### **CONCLUSION**

The Draft Water Supply Strategy 2019 will provide the public with the opportunity to say how the district's drinking water supplies should be managed over the next 30 years. This feedback will be used to inform the strategy. Once the strategy has been formally adopted, it will provide Council's infrastructure team with a strategic direction which will inform the planning for the district's drinking water supplies.

### **ATTACHMENTS**

1. Draft Water Supply Strategy 2019
2. Implementation Plan



**5.5 APPROVAL TO CONSULT ON THE DRAFT ROAD ENCROACHMENT POLICY**

**Author:** Tanya Wood, Policy Advisor  
**Authorised by:** Alan Menhennet, Head of Finance and Strategy

**PURPOSE**

To seek approval to publicly consult on the Draft Road Encroachment Policy.

**EXECUTIVE SUMMARY**

Council has developed a draft policy to deal with road encroachments. Approval is sought to publicly consult on the draft policy so that the community can share their view of what types of encroachments should be allowed in the district.

**RECOMMENDATION(S)**  
 That Council approves the Draft Road Encroachment Policy to go out for public consultation

**BACKGROUND**

The proposal has been presented to Council at workshops on: 7 August 2018, 21 November 2018 and 2 April 2019.

The need for the policy has arisen because Council often receives requests from people who wish to erect an encroachment in the road reserve.

**DISCUSSION**

The draft policy has been developed to provide a set of criteria for decision makers to use when assessing applications for encroachments on the road reserve. Currently, Council does not have a policy, which means that decision making occurs on an adhoc basis.

Council regularly receives applications for a variety of encroachments on the road reserve. The draft policy deals with the following types of encroachments:

- airspace encroachments (eg decks above the footpath),
- amenity walls,
- bollards,
- grazing of berms in rural areas,
- occupation of footpaths for seating by hospitality outlets,
- property fences built on road reserve,
- stock underpasses.

It is considered that there are 2 options.

**OPTIONS**

Analysis of Options

Option 1 – The status quo (continue without a policy)

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• No time or cost involved with consulting with the community.</li> </ul>	<ul style="list-style-type: none"> <li>• Requests for encroachments are dealt with on an ad hoc basis, which can lead to inconsistent decision making.</li> <li>• The community has not had an opportunity to</li> </ul>

	<ul style="list-style-type: none"> <li>have their say on what types of encroachments should be allowed in the District.</li> </ul>
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Option 2 – Approve Draft Road Encroachment Policy for consultation

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>The community will have had an opportunity to have their say on what types of encroachments that should be allowed in the District.</li> </ul>	<ul style="list-style-type: none"> <li>The time and cost involved with consulting with the community.</li> </ul>

Analysis Conclusion:

Option 2 is the preferred option because it will enable the community to have a say on the types of road encroachments that should be allowed in the district.

**CONSIDERATIONS**

**Alignment with Council’s Vision**

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

**Financial Considerations**

The financial impact of the proposal is limited to the costs involved with publicly notifying the draft policy. The costs can be accommodated from existing budgets.

Adoption of the policy should not result in additional costs to Council. The policy directs that those who are granted approval to erect an encroachment, are responsible for the costs associated with the encroachment.

**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).

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed. When drafting the policy, the following legislation has been considered: the Local Government Act 1974.

**Policy Implications**

Putting in place a policy would lead to streamlined process and more consistent decision making.

**Māori Engagement**

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

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

**Risks**

There are no known risks.

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

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

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

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is significant. This is because the proposal will affect a large portion of the community.

**ENGAGEMENT**

Taking into consideration the above assessment, the draft policy will be publicly notified.

**COMMUNICATION/MEDIA**

Communication will be carried out as part of wider consultation with the community on this issue.

**CONCLUSION**

Option 2 (consulting on the Draft Road Encroachment Policy) will enable the community to have a say on what types of road encroachments should be allowed in the district.

**ATTACHMENTS**

1. Draft Road Encroachment Policy

**5.6 LOCAL GOVERNMENT LEADER'S CLIMATE CHANGE DECLARATION**

**Author:** Nick Carroll, Policy Manager

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

**PURPOSE**

This report seeks Council agreement to become a signatory to the Local Government Leader's Climate Change Declaration 2017.

**EXECUTIVE SUMMARY**

It is widely accepted by the scientific community that the climate of the planet is changing. In response, many countries, including New Zealand, have made a series of international agreements to try and address the effects of climate change. This includes measures to mitigate climate change through reducing greenhouse gas emissions, as well as taking measures to adapt to the effects of climate change.

The local government sector in New Zealand has prepared a position statement on climate change and many mayors and chairs have signed a declaration regarding climate change. They have committed to develop and implement ambitious action plans to reduce greenhouse gas emissions and support community resilience.

This is not a legally binding agreement, however it is a clear call to action and signing the declaration would raise community expectations about the Council's level of response to climate change.

It is recommended that Council sign the declaration and take a proactive response to climate change in terms of how Council operates its business and plans for the future of the community.

**RECOMMENDATION(S)**

That Council agrees to become a signatory to the Local Government Leader's Climate Change Declaration 2017.

**BACKGROUND**

The proposal has been presented to Council at a workshop on 2 April 2019.

Local Government New Zealand (LGNZ) has produced a position statement on climate change. It highlights the need to act with urgency to avoid future risk from climate change. Local government expects to provide a contribution:

- LGNZ will advocate for and support collaborative efforts within the sector to improve the effectiveness of land use, service delivery and planning.
- Local government will ensure that low carbon, climate –resilient development is adopted as a key tenet of urban growth and development and land use decisions.
- Local government will develop its understanding of the impacts of zoning and land use decisions on the emissions trajectory for their communities.
- Local government will incorporate emissions reduction targets into investment decisions that it makes on transport, fleet procurement and waste management.
- Local government will explicitly build in the effects of climate change as part of all hazards assessment to inform decision-making.
- Compensation for loss of private investments will not be funded by local government.
- Local government will factor in the impacts of climate change on water security.

There are also expectations that the sector has for central government:

- Seek a national campaign (comparable to central government campaigns on smoking and road safety) to raise awareness and promote specific actions individuals and communities can take to support the reduction of green house gas emissions and adaption measures.

- Seek an explicit mandate under the Local Government Act to consider how decisions affect climate change outcomes.
- Seek a clear statement from central government on responsibilities (for government at all levels, private sector and individuals) for adaptation actions, including fiscal responsibility.
- Seek to work with central government to develop a joint response to climate change including a clear pathway to a low carbon economy.

Following the preparation of the position statement LGNZ prepared the Local government leader's climate change declaration (2017). It is signed by mayors and chairs on local government organisations across New Zealand. The number of councils that have signed continues to change but as of the beginning of March 60 mayors and chairs had signed on behalf of their councils.

The declaration reiterates the need for responsive leadership and a holistic approach to climate change.

- There is a call for the New Zealand Government to make it a priority to develop and implement an ambitious transition plan for a low carbon and resilient New Zealand.
- There is a request that a holistic economic assessment is undertaken of New Zealand's vulnerability to the impacts of climate change and of the opportunities and benefits for responding.

As signatories, councils commit to:

- Develop and implement ambitious action plans that reduce greenhouse gas emissions and support resilience within individual councils and for communities.
- Work with communities to understand, prepare for and respond to the physical impacts of climate change.
- Work with central government to deliver on national emission reduction targets and support resilience in communities.

There are also a set of guiding principles and are intended to play a part in council decision-making.

## **OPTIONS**

Council can choose whether to become a signatory to the declaration.

If Council signs the declaration, there is likely to be a raised expectation that Council will develop and implement ambitious actions plans related to reducing emissions and supporting community resilience. That expectation could reasonably be expected to flow through to the next review of the Long-term Plan with more climate change related projects proposed.

Developing and implementing new plans will have resourcing implications for Council. Those implications are currently unknown however, they could be tailored to reflect Council's other priorities. The declaration leaves individual councils to establish what they will do, to what extent and in what timeframes.

It is reasonable to expect that one of the likely implications is that Council will look more closely at its own operations. This could include establishing Council's current emissions footprint, continuing to measure that footprint and report. There is also the opportunity to build climate change considerations into Council's future administration building plans.

Along with implementation costs there may well be opportunities for longer term cost savings, particularly through more energy efficient operations and buildings or fleet operation.

If Council chooses not to sign the declaration, there may be some negative community perceptions that Council is not taking the threat of climate change seriously. Council could still achieve many of the advantages noted above, however there may be less internal and elected member impetus, particularly given the wide range of other priorities that Council has.

### Analysis Conclusion:

It is recommended that Council sign the declaration. This would provide a tangible expression of Council's commitment and provide the impetus for officers to build consideration of climate change into decision making in an overt manner, for example identifying climate change as a considering in the development of the District Plan review.

## 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: Resilient; World Class; Authentic; Charming; Vibrant; Quality; and Value.

Signing up to the declaration is consistent with Council's vision and values, particularly the concept of resilience.

### Financial Considerations

There are no direct cost implications for council of signing the declaration. However, the future development and implementation of ambitious action plans will come at a cost. Those costs will be easier to determine closer to the time and will be reflective of the extent of ambition that council has.

### Legal Considerations

The declaration has no statutory standing and cannot bind Council to undertake a specific course of action, nor incur specific costs.

In a more general sense, Council does have responsibilities under the Resource Management Act 1991 to have particular regard to the effects of climate change. There are also responsibilities under the Local Government Act 2002 to take an intergenerational approach to decision-making and including consideration of the effects of climate change in the delivery of services and infrastructure.

### Policy Implications

Signing the declaration is generally consistent with the direction that Council has established through the Long-term Plan, Infrastructure Strategy and the associated asset management plans.

There is also good alignment with the direction in the Taupō Urban Commercial and Industrial Structure Plan and Taupō District 2050.

It is reasonable to expect that climate change will be a more significant and prominent issue in the upcoming review of the District Plan.

### Māori Engagement

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

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

### Risks

Signing the declaration will raise the profile of climate change as an issue in the Taupō district and may drive greater public expectations about the Council's response. That in turn is likely to have resourcing 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 decision on whether to sign the declaration is of low importance.

### **ENGAGEMENT**

While signing the declaration will commit council to developing and implementing ambitious action plans, the actual detail of those plans still needs to be developed. That is likely to be the appropriate time to seek community engagement.

### **COMMUNICATION/MEDIA**

A press release about the climate change declaration will be prepared.

### **CONCLUSION**

The local government sector in New Zealand has taken a stance that climate change is an issue that requires responsive leadership and urgent action. To facilitate that the mayors and chairs of many councils have signed a climate change declaration committing to develop and implement ambitious action plans. It is recommended that Taupō District Council join them and sign the declaration.

### **ATTACHMENTS**

1. Local Government New Zealand Position Statement on Climate Change
2. Local Government Leader's Climate Change Declaration 2017

**5.7 REVIEW OF DRAFT STATEMENTS OF INTENT**

**Author:** Jessica Simpson, Economic Relationship Manager

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

**PURPOSE**

For Council to review the draft Statements of Intent [SOI] from its Council-Controlled Organisations [CCOs], and provide comment.

**EXECUTIVE SUMMARY**

The Local Government Act 2002 requires Council Controlled Organisations [CCOs] to produce Statements of Intent [SOIs] annually. Part of the process, as set out in the Act, requires Council to formally receive these and provide comment on the drafts. Elected Members are now asked to review officer's comments, after which time the CCOs will finalise the documents and provide them back to Council by 30 June 2019.

**RECOMMENDATION(S)**

- 1) That Council makes the following feedback on its CCOs draft 2019 - 2022 SOIs:
  - WAIKATO LOCAL AUTHORITY SHARED SERVICES LIMITED [WLASS]  
Council is satisfied with the draft SOI; **There is a separate paper to discuss the changes to the operation and governance of WLASS.**
  - BAY OF PLENTY LOCAL AUTHORITY SHARED SERVICES LIMITED [BOPLASS]  
Council is satisfied with the draft SOI; no feedback to be sent to BOPLASS.
  - DESTINATION GREAT LAKE TAUPŌ [DGLT]  
Council is satisfied with the draft SOI; no feedback to be sent to DGLT.
  - TAUPŌ AIRPORT AUTHORITY [TAA]  
Council is satisfied with the draft SOI; no feedback to be sent to TAA.
  - NEW ZEALAND LOCAL GOVERNMENT FUNDING AGENCY LIMITED [NZLGFA]  
Council is satisfied with the draft SOI; no feedback to be sent to NZLGFA.

**BACKGROUND**

The proposal has not been presented previously.

Accountability requirements - The Local Government Act 2002 requires CCOs to forward to Council [no later than 1 March] a draft SOI for the next financial year. The SOIs are then considered by Council for comment by 1 May. This allows time for the CCOs to amend, adopt and forward their final SOI to Council by 30 June.

Draft shareholder comments - The draft SOIs for WLASS, BOPLASS, DGLT, TAA and NZLGFA have been reviewed by officers and comments for Council's consideration are contained in the attachments to this report.

In addition DGLT held a workshop on their draft SOI and 6 monthly report on 30 April 2019.

These and any other additional comments made by Council will be reported back to the CCOs by 1 May.

The draft SOI for the Lake Taupō Protection Trust was received by the Lake Taupō Protection Project Joint Committee at its meeting in February and was reviewed under the requirements of the Local Government Act 2002.



**DISCUSSION**

The purpose of this report is for Council to review and provide comment on the draft SOIs from its CCOs. Council is obliged to review the draft SOI's and provide comments to the relevant CCOs under the Local Government Act 2002.

The purpose of a statement of intent is to:

- State publicly the activities and intentions of a council controlled organisation for the year and the objectives to which those activities will contribute; and
- Provide an opportunity for shareholders to influence the direction of the organisation; and
- Provide a basis for the accountability of the directors to their shareholders for the performance of the organisation.

Council is required to provide feedback and comments to the CCOs by 1 May. Having considered any comments from Council, the CCOs must then deliver their final SOIs to Council before 30 June. The SOI must cover the aspects listed in Attachment 1.

Based on this information it is considered that there are 2 options.

**OPTIONS**

Analysis of Options

Option 1. To review and as required make comment on the draft statements of intent

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Compliant with legislation</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

Option 2. - To not review and as required make comment on the draft statements of intent

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Non-compliant with legislation</li> </ul>

Analysis Conclusion:

Option 1 is considered the preferred option as this fulfils Council's requirements under the Local Government Act 2002.

Not reviewing the draft SOIs would not comply with our obligations as a CCO shareholder under the Act. Council has the option of reviewing and as appropriate making comments on the draft SOIs as proposed by Council Officers in the attachments to this report. Council can also make additional comments and/or amend the attachments and/or choose not to comment.

**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: Quality; and Value.

**Financial Considerations**

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under the Long Term Plan 2018-2028.

**Legal Considerations**

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. The matter will enable the Council to meet the current and

future needs of communities for good quality local public services. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

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

Section 65 of the Local Government Act 2002 (Performance monitoring)

(1) A local authority that is a shareholder in a council organisation must regularly undertake performance monitoring of that organisation to evaluate its contribution to the achievement of—

- (a) the local authority's objectives for the organisation; and
- (b) (if applicable) the desired results, as set out in the organisation's statement of intent; and
- (c) the overall aims and outcomes of the local authority.

(2) A local authority must, as soon as practicable after a statement of intent of a council-controlled organisation is delivered to it,—

- (a) agree to the statement of intent; or
- (b) if it does not agree, take all practicable steps under clause 5 of Schedule 8 to require the statement of intent to be modified.

The action to review the SOIs is consistent with these requirements.

### Policy Implications

The proposal has been evaluated against the following plans:

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

There are no known policy implications. The CCOs are covered in the Long Term Plan.

### 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

A local authority must agree with a Statement of Intent, or if it does not, provide feedback to a CCO before 1 May to be compliant with legislation in the Local Government Act 2002. If it does not, it is non-compliant under the law.

### 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**

Council is asked to consider the comments on its Council Controlled Organisations [CCOs] 2019-2022 draft Statements of Intent [SOIs] as attached and/or make amendments as necessary or choose not to comment.

### **ATTACHMENTS**

1. BOPLASS Checklist 2019-20 (under separate cover) [⇒](#)
2. BOPLASS Draft SOI 2019-20 (under separate cover) [⇒](#)
3. DGLT Draft SOI 2019-2022 (under separate cover) [⇒](#)
4. DGLT Checklist 2019-2020 (under separate cover) [⇒](#)
5. NZLFGA Draft SOI 2019-2022 (under separate cover) [⇒](#)
6. NZLFGA Checklist 2019-2020 (under separate cover) [⇒](#)
7. TAA Draft SOI 2019-2022 (under separate cover) [⇒](#)
8. TAA Checklist 2019-2020 (under separate cover) [⇒](#)

**5.8 CHANGES TO WLASS GOVERNANCE ARRANGEMENTS**

**Author:** Jessica Simpson, Economic Relationship Manager

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

**PURPOSE**

To seek shareholders' resolutions and delegated authority on proposed changes to the governance arrangements of WLASS.

**RECOMMENDATION(S)**

That shareholders:

1. Delegate authority to the Council Representative Directors to agree a fee for service for the independent Chair and
2. Delegate authority to a duly authorised representative to sign the attached special and ordinary resolutions on behalf of Council – in Taupō's case, CEO Gareth Green.

**BACKGROUND**

The proposal has not been presented previously.

At its meeting in December last year, the WLASS Board accepted a recommendation to reduce the size of the Board to six, with the expectation being that it would be made up of:

- An independent Chair; and
- Council Representative Directors:
  - one each from Waikato Regional and Hamilton City Councils; and
  - one each from the remaining central, east and south Waikato sub-regions.
- The company's constitution currently requires that each shareholder shall appoint one director.
- The company's constitution allows the remuneration or provision of other benefits by the company to a
- director for services, but only where authorised by ordinary shareholder resolution.

**DISCUSSION**

As you are aware from previous reports, WLASS is undergoing a significant transformation, changing its operating model to be in a better position to add value for its shareholders.

The attached paper outlines the changes succinctly and the resolution from the meeting in December.

**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: Quality; and Value.

**Legal Considerations**Local Government Act 2002

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

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

### Policy Implications

The proposal has been evaluated against the following plans:

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

There are no known policy implications.

### Māori Engagement

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

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

### Risks

Outlined in attached document.

### 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

Officers recommend that Council

1. Delegate authority to the Council Representative Directors to agree a fee for service for the independent Chair and
2. Delegate authority to a duly authorised representative to sign the attached special and ordinary resolutions on behalf of Council – in Taupō Districts case, CEO Gareth Green.

**ATTACHMENTS**

1. Changes to WLASS Governance Pack (under separate cover) [⇒](#)
2. WLASS Draft SOI (under separate cover) [⇒](#)

## 5.9 MINISTER'S CONSENT TO GRANT LICENCE TO 4NATURE

**Author:** Nathan Mourie, Senior Reserves Planner

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

### PURPOSE

The purpose of this report is for Council acting in its capacity as the Minister of Conservation's delegate to consider granting consent to the proposed licence to 4nature NZ Ltd for part of Hipapatua/Reid's Farm Reserve pursuant to section 54 (1)(d) of the Reserves Act 1977 (the Act).

### EXECUTIVE SUMMARY

The granting of the proposed licence to 4nature NZ Ltd requires two decisions under the Reserves Act 1977; approval from the administering body of the reserve, and consent from the Minister of Conservation. The Fences, Reserves, Roding and Dogs Committee has already approved the licence proposal acting in the capacity as the administering body of the reserve. The Committee does not have delegated authority to make decisions acting in the capacity of the Minister, and has therefore recommended that Council consent as the Minister's delegate.

Council, acting as the Minister's delegate must ensure that the decision was arrived at in compliance with the requirements of the Reserves Act. The proposed licence is considered to comply with all the Reserves Act requirements. In accordance with the Fences, Reserves, Roding and Dogs Committee's recommendation this report recommends Council consent to the licence acting as the Minister's delegate.

### RECOMMENDATION(S)

1. That Council, acting as the Ministers delegate, receives the recommendation from the Fences, Reserves, Roding, and Dogs Committee:

*acting as the administering body of Hipapatua Reserve, pursuant to section 54(1)(d) of the Reserves Act 1977 and subject to consent of the Minister of Conservation, approve a licence to occupy to be granted to 4nature Limited for a site at the southern end of Hipapatua/Reid's Farm for:*

- (a) The purposes of carrying out the Fly-line activity and a small café;*
- (b) A term of ten (10) years;*
- (c) The area identified in Attachment 1 to the officer's report; and*
- (d) Licence fees to be on a "commercial fair market value" basis.*

*That the Fences, Roding, Reserves & Dogs Committee recommends that Council, acting under delegated authority from the Minister of Conservation, consents to the grant of the licence to occupy to 4nature Limited on behalf of the Minister of Conservation.*

*That the Fences, Roding, Reserves & Dogs Committee, approves the tabled attachment (A2449169) for the purposes of providing Council with a summary of all objections and comments received by it and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted so that Council can make a decision on whether to consent to the licence under delegation from the Minister of Conservation.*

2. That Council, acting as the Ministers delegate, receives from the Fences, Reserves, Roding and Dogs Committee the summary of all objections and comments received on the licence proposal from 4nature NZ Ltd and a statement as to the extent to which they have been accepted or not accepted.
3. That Council pursuant to section 54 (1)(d) of the Reserves Act 1977 and to a delegation from the Minister of Conservation, consents to the granting of a licence over part of Hipapatua/Reid's Farm Reserve to 4 nature NZ Ltd for a term of 10 years for the purposes of operating a Fly-Line tourism activity and a small café.

### BACKGROUND

Previous resolutions on this matter are included below.

Council 26 February 2019**TDC201902/11 RESOLUTION**

Moved: Cr Barry Hickling  
 Seconded: Cr Rosanne Jollands

That, pursuant to section 54(d) of the Reserves Act 1977, Council agrees in principle to grant a ten year licence to occupy to 4nature NZ Ltd for the site of the southern end of Hipapatua Reserve/Reids Farm subject to the outcome of ~~extended~~ public consultation (~~two~~ **one** months) to be carried out in accordance with the Reserves Act 1977.

**CARRIED**

*Note: Later in the meeting, at the conclusion of item 5.10, members received fresh facts / information concerning item 5.3 – Licence to Occupy – Flyline at Hipapatua/Reid's Farm.*

A councillor advised that they had received a message from Enterprise Great Lake Taupō explaining that an extended public consultation period of two months would jeopardise the Flyline project's chance of success. Based on this new information, members decided to alter resolution TDC201902/11, pursuant to Standing Order 23.5, so that the consultation period would be one month. They asked staff to update all interested parties who were present at the meeting when the earlier resolution was passed.

Fences, Roothing, Reserves and Dogs Committee 16 April 2019**FRD201904/13 RESOLUTION**

Moved: Cr John Williamson  
 Seconded: Cr Maggie Stewart

1. That the Fences, Roothing, Reserves & Dogs Committee, acting as the administering body of Hipapatua Reserve, pursuant to section 54(1)(d) of the Reserves Act 1977 and subject to consent of the Minister of Conservation, approve a licence to occupy to be granted to 4nature Limited for a site at the southern end of Hipapatua/Reid's Farm for:
  - (a) The purposes of carrying out the Fly-line activity and a small café;
  - (b) A term of ten (10) years;
  - (c) The area identified in Attachment 1 to the officer's report; and
  - (d) Licence fees to be on a "commercial fair market value" basis.
2. That the Fences, Roothing, Reserves & Dogs Committee recommends that Council, acting under delegated authority from the Minister of Conservation, consents to the grant of the licence to occupy to 4nature Limited on behalf of the Minister of Conservation.
3. That the Fences, Roothing, Reserves & Dogs Committee, approves the tabled attachment (A2449169) for the purposes of providing Council with a summary of all objections and comments received by it and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted so that Council can make a decision on whether to consent to the licence under delegation from the Minister of Conservation.

**CARRIED**

*Note: When the above motion was put, on a show of hands,*

*Crs Barry Hickling, Anna Park, Maggie Stewart and John Williamson voted in favour of the motion;  
 and*

*Cr John Boddy voted against the motion.*

*The Chairperson declared the motion carried four votes to one.*



## DISCUSSION

### The Minister's role

The 2013 DOC issued "Guide Exercising the Delegation of Consent to Local Authorities- The Minister's Role" recognised the different roles of Council when considering the merits of a proposal as administering body, versus the Minister's decision, which was described as being a "supervisory role in ensuring that the decision was arrived at in compliance with the requirements of the Reserves Act".

Council, acting in the capacity as the Minister's delegate it is not required to undertake a full merit-based assessment of the proposed licence. The Council must however have regard to the legal constraints on the rights that can be granted under the Reserves Act and the purposes of the Act. The primary considerations for the Minister being:-

- (a) That the status of the land has been correctly identified and the administering body has the power and authority to make the decision;
- (b) That the necessary statutory processes have been followed;
- (c) That the administering body has taken the functions and purposes of the Reserves Act into account in respect of the particular classification and purposes of the reserve as required by section 40 of the Act;
- (d) That the administering body has considered any objections or submissions from affected parties; and that, on the basis of the evidence the decision is a reasonable\* one;
- (e) That pursuant to the requirements of section 4 of the Conservation Act 1987, the administering body has consulted with and considered the views of tangata whenua or has in some other way been able to make an informed decision.

\*The word 'reasonable' is used in the public law sense, whereby a decision would be considered unreasonable if it were on which no sensible decision maker acting with due appreciation of their responsibilities would have made.

It is possible for the Council to refer the decision to the Minister for a decision, but for efficiency reasons it is considered appropriate for Council to make the decision acting under delegation.

### Proposal

This report seeks Council's consent as the Minister's delegate to the proposal to grant a licence over part of Hipapatua/Reid's Farm for the purposes of operating a Fly-Line tourism activity and a small café.

### Description & Status of the reserve

The proposed lease/licence area is shown on the plan attached; being part Sec 7 SO 39362 Blk XIV, Tatua SD. Hipapatua/Reid's Farm vested in the Taupo District Council as Recreation Reserve and is held in record of title SA71B/945.

### Policy & Criteria

The purpose of the Reserves Act (section 3) is stated as being for

"providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
  - (ii) wildlife; or
  - (iii) indigenous flora or fauna; or
  - (iv) environmental and landscape amenity or interest; or
  - (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:
- (b) ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character:

(c) ensuring, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.”

Section 40 of the Reserves Act 1977 provides that the administering body is charged with the duty of administering, managing, and controlling the reserve, in accordance with the appropriate provisions of this Act, so as to ensure the use, enjoyment, maintenance, protection, and preservation of the reserve, for the purpose of its classification.

Section 41(11) of the Reserves Act 1977 requires the administering body to comply with the management plan for the reserve in exercising its functions. Officers consider the proposal to be consistent with the management plan policy.

Section 54(1)(d) provides that in the exercise of its functions under section 40, and to the extent necessary to give effect to the principles set out in section 17 (purposes of recreation reserves), the administering body may grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.

Section 17 provides that the purpose of recreation reserves is for “the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.” Section 17 further provides that having regard to the general purpose, Council must administer the reserve with regards to:

- Allowing the public freedom of entry and access, subject to the specific powers conferred on the administering body by sections 53 and 54, to any bylaws under the Act applying to the reserve, and to such conditions and restrictions as are necessary for the protection and wellbeing of the reserve and for the protection and control of the public using it.
- Conserving those qualities which contribute to the pleasantness, harmony and cohesion of the natural environment and to the better use and enjoyment of the reserve.
- Managing and protecting scenic, historic, archaeological, biological, geological or other scientific features or indigenous flora or fauna or wildlife to the extent compatible with the principal or primary purpose of the reserve.
- Maintaining value as a soil, water and forest conservation area.

Section 54(1)(d) also requires the licence to comply with the relevant provisions set out in Schedule 1 of the Act; which allows for a lease or licence to be issued for a term of up to 33 years.

Section 54(2) requires that the administering body give public notice and consider any objections in accordance with the provision of sections 119 and 120 of the Act.

The proposed licence is considered to comply with all the above mentioned requirements.

Public Notice

The proposed licence was publicly notified in both local Taupō newspapers. There were 34 submissions received. A summary of all objections and comments received by the Fences, Reserves, Roding and Dogs Committee on the proposal and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted is attached at Attachment 1.

A summary of submission points is included below.

<b>Objection Point</b>	<b>Submission</b>	<b>Accepted/Not Accepted</b>
Contrary to the reserve management plan	2,7,8,11,14,22,25,27,28,29,34	NA
Pines unsafe	11,14,18,19,20,22,23,25,28	A
Effects noise and visual	1,13,14,15,17,19,21,22,34	A
Change character/not in keeping with character	7,11,19,20,22,25,30,34	A

Vehicles, insufficient parking and increased traffic	10,11,15,17,19,22,28	NA
More appropriate location	1,6,7,8,19,20,30	A
Camping area B lost	7,8,10,19,28,34	NA
Conflicts with RMP plans to restore native vegetation	7,8,22,25,27	A
Inadequate Information	11,17,18,25	NA
Launch platform	14,17,28,34	NA
Effects environmental	14,18,27	NA
Activity will operate at night	10,13,17	NA
Does not reflect RMP concept plan	18,27	NA
Contrary to Reserves Act 1977	2,7	NA
Park closed to kayakers but not Fly-Line	6	NA
Reid's Farm is a gift to Taupō	6	NA
Site contaminated	18	NA
Adverse effects not proven to be mitigated	8	A
Pines needed which suppress native vegetation	27	A
Will negatively affect freedom camping experience	9	NA
Flawed process	11	NA
Reduce adjacent property values	13	NA
No structures permitted	8	NA
Primary purpose is different	8	NA

Section 4 Conservation Act 1987

Council has considered the cultural impact assessment which was prepared for the Reserve Management Plan and it did not appear to contradict the proposal.

It will be challenging to define the exact licence terms until the outcome of the other consenting processes (building and resource consent) is known. At that point the proposed terms of the licence will be referred to Council (or FRRED) for approval.

**OPTIONS**

Analysis of Options

Option 1. Agree to grant Ministerial consent

Advantages	Disadvantages
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<ul style="list-style-type: none"> <li>• Consistent with the recommendation from the Fences, Reserve, Roding &amp; Dogs Committee.</li> <li>• Benefits of the proposed activity can be realised.</li> </ul>	<ul style="list-style-type: none"> <li>• None known.</li> </ul>
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Option 2. Decline to grant Ministerial consent

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Inconsistent with the recommendation from the Fences, Reserve, Roding &amp; Dogs Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• Benefits of the proposed activity will not be realised.</li> <li>• Inconsistent with the recommendation from the Fences, Reserve, Roding &amp; Dogs Committee.</li> </ul>

**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 and Quality.

**Financial Considerations**

The financial impact of the proposal will be determined by a market valuation of the rental for the site.

**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:

Reserves Act 1977

Section 54(d) of the Reserves Act 1977; and Instrument of Delegation from the Minister of Conservation give Council the authority to consent to the proposed licence.

Refer to the discussions section above for an analysis on the Reserves Act sections.

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.

**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**

Submitters who oppose the development may choose to challenge Council's decision.

### **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**

A communications plan has been prepared in consultation with the communications team.

### **ATTACHMENTS**

1. Submissions Summary
2. Extract from the minutes of the Fences, Roding, Reserves & Dogs Committee meeting held on 16 April 2019

**5.10 MINISTER'S CONSENT TO GRANT EASEMENT TO UNISON ON LISLAND DRIVE**

**Author:** Nathan Mourie, Senior Reserves Planner

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

**PURPOSE**

The purpose of this report is for Council acting in its capacity as the Minister of Conservation's delegate to consider granting consent to the proposed easement to Unison Networks Ltd over part of Lisland Drive Reserve pursuant to section 48(d) of the Reserves Act 1977.

**EXECUTIVE SUMMARY**

The granting of the proposed easement to Unison requires two decisions under the Reserves Act 1977; approval from the administering body of the reserve, and consent from the Minister of Conservation. The Fences, Reserves, Roding and Dogs Committee has already approved the easement proposal acting in the capacity as the administering body of the reserve. The Committee does not have delegated authority to make decisions acting in the capacity of the Minister, and has therefore recommended that Council consent as the Minister's delegate.

Council, acting as the Minister's delegate must ensure that the decision was arrived at in compliance with the requirements of the Reserves Act. The proposed easement is considered to comply with all the Reserves Act requirements. In accordance with the Fences, Reserves, Roding and Dogs Committee's recommendation this report recommends Council consent to the easement acting as the Minister's delegate.

**RECOMMENDATION(S)**

1. That Council, acting as the Ministers delegate, receives the recommendation from the Fences, Reserves, Roding, and Dogs Committee to grant an easement to Unison over part of Lisland Drive Reserve for the right to convey electricity, telecommunications and electronic data
2. That Council pursuant to section 48(1) of the Reserves Act 1977 and to a delegation from the Minister of Conservation, consent to the granting of an easement over part of Lisland Drive Reserve to Unison in accordance with the provisions of the attached easement instrument on the condition that the following easement terms are inserted:
  - "The easement rights are subject to the Resource Management Act 1991."
  - "Any rights or immunity from liability or powers or remedies which the Grantor may have by statute (such as and without limitation the Local Government Act 1974 and 2002, the Reserves Act 1977 and the Resource Management Act 1991, or any amendment to or Act passed in substitution for, those Acts) or at common law are not affected by this instrument, and the Grantor shall have those rights or immunities and may exercise those powers or remedies independently."

**BACKGROUND**

The Fences, Roding, Reserves and Dogs Committee considered the matter at their 16 April 2019 meeting and the following resolution was passed.

**FRD201904/10 RESOLUTION**

Moved: Cr Anna Park

Seconded: Cr John Williamson

1. That the Fences, Roding, Reserves & Dogs Committee, acting as administering body of Lisland Drive Reserve, agrees to grant an easement to Unison over part of Lisland Drive Reserve for the right to convey electricity, telecommunications and electronic data.
2. That the Fences, Roding, Reserves & Dogs Committee recommends that Council, acting under delegation from the Minister of Conservation, consents to the grant of an easement to Unison over

part of Lisland Drive Reserve for the right to convey electricity, telecommunications and electronic data.

**CARRIED**

## **DISCUSSION**

### The Minister's role

The 2013 DOC issued "Guide Exercising the Delegation of Consent to Local Authorities- The Minister's Role" recognised the different roles of Council when considering the merits of a proposal as administering body, versus the Minister's decision, which was described as being a "supervisory role in ensuring that the decision was arrived at in compliance with the requirements of the Reserves Act".

Council, acting in the capacity as the Minister's delegate it is not required to undertake a full merit-based assessment of the proposed easement. The Council must however have regard to the legal constraints on the rights that can be granted under the Reserves Act and the purposes of the Act. The primary considerations for the Minister being:-

- (a) That the status of the land has been correctly identified and the administering body has the power and authority to make the decision;
- (b) That the necessary statutory processes have been followed;
- (c) That the Administering body has taken the functions and purposes of the Reserves Act into account in respect of the particular classification and purposes of the reserve as required by section 40 of the Act;
- (d) That the administering body has considered any objections or submissions from affected parties; and that, on the basis of the evidence the decision is a reasonable\* one;
- (e) That pursuant to the requirements of section 4 of the Conservation Act 1987, the Administering Body has consulted with and considered the views of tangata whenua or has in some other way been able to make an informed decision.

The word 'reasonable' is used in the public law sense, whereby a decision would be considered unreasonable if it were on which no sensible decision maker acting with due appreciation of their responsibilities would have made.

It is possible for the Council to refer the decision to the Minister for a decision, but for efficiency reasons it is considered appropriate for Council to make the decision acting under delegation.

### Proposal

This report seeks Council's consent as the Minister's delegate to the proposal to grant an easement over part of Lisland Drive Reserve for the purposes of installing an 11kv switch is to secure the power supply to the new Seven Oaks development.

The proposed / area is approximately 6.5m<sup>2</sup>, shown on the plan attached; being part Lot 400 DP 345642

### Policy & Criteria

The purpose of the Reserves Act (section 3) is stated as being for

"providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

- (i) recreational use or potential, whether active or passive; or
  - (ii) wildlife; or
  - (iii) indigenous flora or fauna; or
  - (iv) environmental and landscape amenity or interest; or
  - (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:
- (b) ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character:

(c) ensuring, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.”

Section 40 of the Reserves Act 1977 provides that the administering body is charged with the duty of administering, managing, and controlling the reserve, in accordance with the appropriate provisions of this Act, so as to ensure the use, enjoyment, maintenance, protection, and preservation of the reserve, for the purpose of its classification.

Section 41(11) of the Reserves Act 1977 requires the administering body to comply with the management plan for the reserve in exercising its functions. Officers consider the proposal to be consistent with the management plan policy.

Section 17 provides that the purpose of recreation reserves is for “the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.” Section 17 further provides that having regard to the general purpose, Council must administer the reserve with regards to:

- Allowing the public freedom of entry and access, subject to the specific powers conferred on the administering body by sections 53 and 54, to any bylaws under the Act applying to the reserve, and to such conditions and restrictions as are necessary for the protection and wellbeing of the reserve and for the protection and control of the public using it.
- Conserving those qualities which contribute to the pleasantness, harmony and cohesion of the natural environment and to the better use and enjoyment of the reserve Secondary.
- Managing and protecting scenic, historic, archaeological, biological, geological or other scientific features or indigenous flora or fauna or wildlife to the extent compatible with the principal or primary purpose of the reserve.
- Maintaining value as a soil, water and forest conservation area.

Section 48(1) empowers the administering body of a reserve vested in it to grant rights of way and other easement over any part of the reserve for-

(a) any public purpose; or

(b) providing access to any area included in an agreement, lease, or licence granted under the powers conferred by this Act; or

(c) the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or

(d) an electrical installation or work, as defined in section 2 of the Electricity Act 1992; or

(e) the provision of water systems; or

(f) providing or facilitating access or the supply of water to or the drainage of any other land not forming part of the reserve or for any other purpose connected with any such land.

Under section 48(1) Council can only grant the proposed easement with the consent of the Minister and on such conditions as the Minister thinks fit. This report recommends that Council’s consent as the Minister is granted.

Section 48 is subject to the Resource Management Act 1991.

#### Public Notice

Section 48 (2) requires that the administering body give public notice and consider any objections in accordance with the provision of sections 119 and 120 of the Act unless-

(a) The reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and

(b) The rights of the public in respect of the reserve are not likely to be permanently affected-

by the establishment and lawful exercise of the right of way or other easement.

It is officer’s view that the above threshold for public consultation has not been met in this instance and therefore public consultation has not been carried.

#### Section 4 Conservation Act 1987



Council has consulted with [enter description of hapu/iwi consulted with] and [enter feedback received].

Recommendation

The proposed easement is considered to comply with all the above mentioned requirements and it is therefore recommended that Council consent to the easement as the Minister’s delegate.

**OPTIONS**

Analysis of Options

Option 1. Agree to grant Ministerial consent

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Consistent with the recommendation from the Fences, Reserve, Roothing &amp; Dogs Committee.</li> <li>Benefits of the proposed activity can be realised.</li> </ul>	<ul style="list-style-type: none"> <li>None known.</li> </ul>

Option 2. Decline to grant Ministerial consent

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Inconsistent with the recommendation from the Fences, Reserve, Roothing &amp; Dogs Committee.</li> <li>Non-compliance with the Reserves Act picked up mitigating risk of Judicial Review.</li> </ul>	<ul style="list-style-type: none"> <li>Benefits of the proposed activity will not be realised.</li> <li>Inconsistent with the recommendation from the Fences, Reserve, Roothing &amp; Dogs Committee.</li> </ul>

**CONSIDERATIONS**

**Financial Considerations**

The financial impact of the proposal is estimated to be nil.

**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:

Reserves Act 1977

Section 48(d) of the Reserves Act 1977; and Instrument of Delegation from the Minister of Conservation give Council the authority to consent to the proposed easement.

Refer to the discussions section above for an analysis on the Reserves Act sections.

Authorisations are not required from external parties.

**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**

There are no known risks.

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

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

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

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

**ENGAGEMENT**

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

**COMMUNICATION/MEDIA**

Communication should be carried out with neighbouring properties by unison prior to work being carried out on site.

**ATTACHMENTS**

1. Lisland Drive Easement Request

**5.11 COUNCIL'S MARCH PERFORMANCE REPORT**

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

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

**PURPOSE**

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

**RECOMMENDATION(S)**

That Council notes the information contained in the Council Performance report for the month of March 2019.

We are now in the final stages of consulting with the community on the proposed amendment to the Long-term Plan for the council administration building and Taupō Museum. There has been a number of consultation events across the district over the past four weeks and we have been encouraging as much feedback as possible. At the time of writing this report there had been 40 submissions but we can expect a lot more this week as the consultation draws to a close on Friday at 5pm.

A community relations manager has been appointed in Turangi following a number of concerns from Turangi residents expressed at the public meeting in February. That was one of a number of requests made that we are progressing. The community put a three month timeframe on the resolution of their requests (May 14). While we are doing all we can to meet that timeframe we are reliant on a third party, PriceWaterhouseCooper, to provide the financial analysis so the delivery of this in terms of timing is somewhat out of our control.

April proved to be an award-winning month for us. We were awarded the Minister of Local Government's Award for Innovation in Council Community Relations at the Society of Local Government Managers (SOLGM) annual awards for our the Otumuheke Stream Revitalisation Project. The award recognises programmes, projects or initiatives that demonstrate outstanding results through innovative means of community engagement, or community empowerment, and was hotly-contested. In my opinion, our success was testament of a true community partnership between us as a council and Patuwiwi Trust, Ngāti Tūwharetoa, the Department of Conservation, Police and Waikato Regional Council. I must make special mention of landscape architect Fraser Scott who managed the project and worked alongside key stakeholders from concept to completion. We also nationally recognised for our efforts during a project around the 10th Anniversary Celebrations for the Suzhou and Taupō Sister City relationship. The project won runner-up in the Best Local Government Project for its museum exhibition and schools programme that celebrated 10 years of the Sister City friendship.

Demolition has started on the Waiora House building and it is expected to be complete by end of June. A lot of clearance work not visible to the public is continuing and the removal of the building itself is programmed to begin toward the end of May. A workshop will be held with council next month to consider options for the future.

The Local Government Commission has approved changes proposed to our representation model, meaning the number of elected members will increase to 11 following the Local Body Elections in October. The seat will represent a new ward, the Taupō East Rural ward, which will cover Oruanui north of Poihipi Road, Broadlands, Rangitaiki, Taharua, and Wairakei-Aratiatia including Ohaaki and Wairakei Village.

March saw a number of events run throughout the district. Kellogg's Nutri-Grain IRONMAN marked its 35th anniversary at the start of the month, IronMāori Taupō-Nui-A-Tia followed soon after, and Mangakino's Lake Maraetai hosted the 10th anniversary of the MasterCraft WakeBoard completion. This ongoing activity was reflected in the latest quarterly Economic Monitor Report which showed that while growth was slower at 1.6 per cent, tourism spend was up and overall consumer spending was up 4.7 per cent.

Our contractors have also taken advantage of the warmer weather to carry out a large programme of road repairs and upgrades. Resealing included a 2.7km stretch of Broadlands Road, 600m of the same road just prior to the White Road intersection, and the straight from south of River Road to Tiverton Downs Road. Poihipi Road was widened between Oruanui Road and Mapara Road, and the green light was given to

improvements to the northern corridor, including traffic signals at the intersection of Norman Smith Street and Wairakei Drive.

Finally, the 40th birthday of the Taupō Museum was also celebrated by the Friends of the Taupō Museum and Art Gallery with a function that brought together many people involved with the museum over years.

#### **ATTACHMENTS**

1. March 2019 Project and Service Council Performance Report (A2440526)
2. Treasury Report March19 (A2440991)

**5.12 COUNCIL ENGAGEMENTS MAY 2019 AND CONFERENCE OPPORTUNITIES****Author:** Tina Jakes, Head of Democracy, Governance and Venues**Authorised by:** Gareth Green, Chief Executive Officer**Engagements**

ENGAGEMENT	DAY	DATE	TIME
Kinloch Representative Group public forum (Kinloch Community Hall, Mata Place, Kinloch)	Thursday	2	2.30pm-3pm
Kinloch Representative Group meeting (Kinloch Community Hall, Mata Place, Kinloch) w	Thursday	2	3pm-4.30pm
Taupō Airport Authority Committee meeting (Taupō Airport, ANZAC Memorial Drive)	Monday	13	10.30am-noon
Turangi/Tongariro Community Board catch up with Mayor and councillors (Boardroom, Turangi Service Centre)	Tuesday	14	11am-11.30am
Turangi/Tongariro Community Board workshop - Transport Strategy and Draft Water Supply Strategy (Boardroom, Turangi Service Centre)	Tuesday	14	11.30am-12.30pm
Turangi/Tongariro Community Board meeting (Boardroom, Turangi Service Centre)	Tuesday	14	1pm-4pm
Mangakino/Pouakani Representative Group meeting (Mangakino Service Centre)	Tuesday	21	10am-11.30am
Mayoral coffee morning (Zest café, Rifle Range Road, Taupō)	Wednesday	22	10am-11am
Council meeting – Fees & Charges 2019/20 hearings, deliberations and adoption	Monday	27	10am-noon
Workshop – draft Annual Plan 2019/20 (Council Chamber)	Tuesday	28	9.30am-11am
Workshop - District Plan review (Council Chamber)	Tuesday	28	11am-noon
Taupo District Council - Police briefing (Council Chamber)	Tuesday	28	12.30pm-1pm
Public forum (Council Chamber)	Tuesday	28	1pm-1.30pm
Council meeting (Council Chamber)	Tuesday	28	1.30pm-5pm
Zone 2 meeting (venue TBC)	Friday	31	9am-4pm

**Conference and Professional Development Opportunities**

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

- Zone 2 meeting being hosted by Matamata-Piako, Friday 31 May 2019 – Cr(s) \_\_\_\_\_

**RECOMMENDATION(S)**

1. That Council receives the information relating to engagements for May 2019.
2. That Council approves the attendance of Cr(s)\_\_\_\_\_ at the Zone 2 meeting being hosted by Matamata-Piako on Friday 31 May 2019.

**ATTACHMENTS**

Nil

**5.13 MEMBERS' REPORTS**

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

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

**PURPOSE**

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

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

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

**CONCLUSION**

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

**RECOMMENDATION(S)**

That Council receives the reports from members.

**ATTACHMENTS**

Nil

## 6 CONFIDENTIAL BUSINESS

### RESOLUTION TO EXCLUDE THE PUBLIC

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

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the local government official information and meetings act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<p><b>Agenda Item No: 6.1</b> Confirmation of Confidential Portion of Ordinary Council Minutes - 26 March 2019</p>	<p>Section 7(2)(h) - the withholding of the information is necessary to enable [the Council] to carry out, without prejudice or disadvantage, commercial activities</p> <p>Section 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>
<p><b>Agenda Item No: 6.2</b> Receipt of Confidential Portion of Minutes - Taupō Airport Authority Committee - 1 April 2019</p>	<p>Section 7(2)(d) - the withholding of the information is necessary to avoid prejudice to measures protecting the health or safety of members of the public</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>
<p><b>Agenda Item No: 6.3</b> Receipt of Lake Taupo Protection Joint Committee Publicly Excluded Minutes - 11 March 2019</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 7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>Section 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>
<p><b>Agenda Item No: 6.4</b> Lake Taupo Protection Project Transition Principles</p>	<p>Section 7(2)(i) - the withholding of the information is necessary to</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the</p>



	enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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
<b>Agenda Item No: 6.5</b> Appointment of Destination Great Lake Taupo Trustees	Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	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
<b>Agenda Item No: 6.6</b> Application to Provincial Growth Fund - Taupo Airport re-development	Section 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7
<b>Agenda Item No: 6.7</b> Lake Taupo Cycle Challenge 2020	Section 7(2)(h) - the withholding of the information is necessary to enable [the Council] to carry out, without prejudice or disadvantage, commercial activities	Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7

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