

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

Date:	Tuesday, 25 August 2020
Time:	1.00pm
Location:	Council Chamber 107 Heuheu Street Taupō

AGENDA

MEMBERSHIP

Chairperson Mayor David Trewavas
Deputy Chairperson Cr Christine Rankin

Members

- Cr John Boddy
- Cr Kathy Guy
- Cr Tangonui Kingi
- Cr Kylie Leonard
- Cr John Mack
- Cr Anna Park
- Cr Kevin Taylor
- Cr Kirsty Trueman
- Cr Yvonne Westerman
- Cr John Williamson

Quorum 6

Gareth Green
Chief Executive Officer

Order Of Business

1	Apologies	
2	Conflicts of Interest	
3	Confirmation of Minutes	
3.1	Ordinary Council Meeting - 28 July 2020.....	3
4	Policy and Decision Making	
4.1	Minutes from the Lake Taupo Protection Project Joint Committee Meeting held 19 June 2020	4
4.2	Consideration of Kinloch Representative Group Recommendation to Council - Extension Proposal Kinloch Community Hall Licence to Occupy.....	5
4.3	E Scooter Proposal	6
4.4	Proposal to Lease Part Rangatira Point Block.....	10
4.5	Appointment of Commissioners; Delegation of Proposed Land Use Consent for a Zipline (reference RM190270) Hearing and Decision.....	14
4.6	Receipt of unaudited Financials for the year ended 30 June 2020 and the Treasury Management Report for June 2020	15
4.7	Three Waters Reform - Decision to Participate in Tranche 1	16
4.8	Five Mile Bay Water Funding Consultation Document	24
4.9	Tender Contract TDC/2021/341: Installation of New Water Mains in Tauhara Ridge and Five Mile Bay, Taupo	28
4.10	Financial Delegation to the Chief Executive Officer - Government 'shovel ready' projects.....	32
4.11	Establishment of Taupo Town Centre Transformation Project Working Party	35
4.12	Council Engagements September 2020	38
4.13	Members' Reports	39
5	Confidential Business	
5.1	Public Excluded Minutes from the Lake Taupo Protection Project Joint Committee Meeting - 19 June 2020	40

3.1 ORDINARY COUNCIL MEETING - 28 JULY 2020

Author: Shainey James, Democratic Services Officer

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

RECOMMENDATION(S)

That the minutes of the Council meeting held on Tuesday 28 July 2020 (public and confidential portions) be confirmed as true and correct records.

ATTACHMENTS

1. Council Meeting Minutes - 28 July 2020
2. Council Meeting Minutes - 28 July 2020 - confidential portion

4.1 MINUTES FROM THE LAKE TAUPŌ PROTECTION PROJECT JOINT COMMITTEE MEETING HELD 19 JUNE 2020

Author: Tanya Wood, Policy Advisor

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

To receive the minutes from the Lake Taupō Protection Project Joint Committee Meeting held on 19 June 2020.

RECOMMENDATION(S)

That Council receives the minutes from the Lake Taupō Protection Project Joint Committee Meeting held on 19 June 2020.

ATTACHMENTS

1. Minutes of the Lake Taupo Protection Project Joint Committee Meeting - 19 June 2020

4.2 CONSIDERATION OF KINLOCH REPRESENTATIVE GROUP RECOMMENDATION TO COUNCIL - EXTENSION PROPOSAL KINLOCH COMMUNITY HALL LICENCE TO OCCUPY

Author: Raeleen Rihari, Democratic Services Support Officer

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

PURPOSE

To consider a recommendation from the Kinloch Representative Group.

DISCUSSION

At its meeting held on 30 July 2020, the Kinloch Representative Group resolved to make the following recommendation to Council:

KIN202007/09 RESOLUTION

Moved: Cr John Williamson

Seconded: Ms Belinda Walker

That the Kinloch Representative Group recommends to Council to approve an extension of the licence to occupy the Kinloch Community Hall on the same terms through to 1 December 2021 and approves an amendment to the licence to occupy from 20 children to 25 children subject to resource consent amendments being approved.

CARRIED

CONCLUSION

It is recommended that Council adopts the Kinloch Representative Group recommendation as per resolution KIN202007/09.

RECOMMENDATION(S)

That Council adopts the Kinloch Representative Group recommendation as per resolution KIN202007/09 and therefore approves an extension of the licence to occupy the Kinloch Community Hall to Central Kids Kindergarten on the same terms through to 1 December 2021, and approves an amendment to the licence to occupy from 20 children to 25 children subject to resource consent amendments being approved.

ATTACHMENTS

Nil

4.3 E SCOOTER PROPOSAL

Author: Denis Lewis, Infrastructure Manager
Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To approve issuing a permit for Glide Ltd to continue to operate Glow electric scooters within a defined area of Taupō township.

EXECUTIVE SUMMARY

Glide Ltd have completed a trial of Glow e-scooters within the Taupō township and provided information relating to that trial, with no significant issues arising from the trial. They are now seeking to obtain a permit to allow them to continue to operate and given the results of the trial, it is considered appropriate to issue a permit.

Specific terms and conditions relating to the use of e-scooters will be included within the permit.

RECOMMENDATION(S)

1. That Council approves the issuing of a permit to Glide Ltd for the operation of e-scooters within Taupō township for a 12 month term with a right of renewal for a further 12 months.
2. That the Chief Executive be given approval to negotiate conditions for the Permit to Trade in a Public Place to use the scooters on the footpaths in road reserve.

BACKGROUND

The proposal has been before Council at a prior meeting 28 May 2019, refer item number (5.4) and the following resolutions were made: 1 That Council approves the trial of Glide Scooters for a period of 8 months from 15 July 2019 to 15 March 2020 at which time a detailed report on the evaluation of the trial be presented to Council to consider a further trial period or approve the use of Glide Scooters to operate in a specified area(s). 2 That the Chief Executive be given approval to negotiate conditions for the memorandum of understanding to use the scooters on the footpaths in road reserve for the duration of the trial period. 3 That the Chief Executive be given approval to negotiate conditions for the Licence to Occupy should that be required.

The trial period finishes in September 2020. We have received a request from Glide Ltd for a new permit to operate Glow scooters within Taupō (Request attached).

DISCUSSION

The original approval of a trial of the scooters was for a period of 8 months to cover the summer months. The trial was interrupted by Covid 19 lockdown and a further 3 months extension was granted to allow for the period of lockdown (L4 – L1).

The terms and conditions for the trial operation of the scooters were included in a Permit to Trade in a Public Place.

The conditions included

- Maximum speed of 12km/h within the CBD area
- Operating hours 6am – 12am 1 December – 28 February and 7.30am – 10.30pm for the rest of the year
- Operating area (map appended)
- Location and placement of scooters
- Specific enforced pick up/parking areas (geo fenced)
- Limiting the number of scooters
- Permit fee of \$60.00

With regard to the geo-fenced parking areas, the original proposal suggested the provision of physical docking stations to address concerns (raised by the previous Council) of scooters being left lying around in a haphazard manner and causing a nuisance – to pedestrians in particular. Prior to launch of the trial, it became apparent that physical docking stations were not a practical option but in their place, the operator created geo-fenced parking areas which prevented a rider from completing their ride until the scooter had been left within one of the designated parking areas – as shown on the App required to unlock the scooter.

During the course of the trial, the defined operational area was extended to include the Wharewaka area and following lockdown the requirement for removal of the scooters overnight and enforced pick up/parking areas for the scooters were removed.

None of these changes appear to have raised any significant issues. This includes removal of the parking area requirement, the effect of which is to give riders the freedom to leave the scooters at the point at which they finish their ride, wherever that might be within the defined operating area.

Included in the permit was the requirement to provide reporting. A summary of the reporting of the period 26th October to 31st July is attached. There have been no significant issues reported during the trial period, including during major events such as Ironman & 70.3.

At the outset of the trial there was an expectation that government legislation would progress during the trial period. That has not yet occurred.

Rather than developing a Code of Practice as envisaged, we incorporated the requirements within the permit. It is proposed that the new permit be granted on much the same terms and conditions as the trial permit **attached** (which have proved successful in managing the activity) together with ongoing reporting requirements for monitoring purposes. One change to those conditions would be the term of the permit. It is considered appropriate to include a 12 month term with a 12 month right of renewal.

Based on this information it is considered that there are two options: decline or approve the request.

OPTIONS

Analysis of Options

Option 1. Decline the request

Advantages	Disadvantages
<ul style="list-style-type: none"> • Potential for conflict between pedestrians and e-scooters is avoided • Private use of e-scooters is still permitted 	<ul style="list-style-type: none"> • Business opportunity will be missed • Lost opportunity for an alternate mode of transport

Option 2. Approve the request

Advantages	Disadvantages
<ul style="list-style-type: none"> • Will allow an alternative transport for short trips • May reduce parking demand • Minimal impact on Council staff time • No cost to Council • Allows new business opportunity • A tourist attraction retained especially along the lakefront and the newly widened shared path 	<ul style="list-style-type: none"> • Safety of pedestrians using footpaths particularly where we have paths of 1.4m and those who are mobility impaired. • Narrow paths already compete with other road users such as post vehicles and mobility scooters • Scooters left on footpaths for other people to pick up could create hazard

Analysis Conclusion:

The recommended option is Option 2.

The scooters have proven to be a popular transport option along the lake front.

The trial has demonstrated that there are no significant adverse effects arising out of the activity. Generally, the scooters are used responsibly and, where issues have arisen, Glide Ltd have responded quickly to resolve the issue.

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.

Financial Considerations

A permit fee will be negotiated with the operator. Otherwise, there is no financial impact to Council from this 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. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social and economic well-beings are of relevance to this particular matter.

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 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

The main risks identified during the development of the trial included speed, use on footpaths and scooters left on footpaths.

Provision for the mitigation of these risks were made through development of the Permit and subsequent reporting;

- Speed within the CBD environment is limited to 12km/h
- A complaints & reporting system implemented through the Permit
- Provision of a safe work/register by Glide Ltd
- Inclusion of KPI's with the permit

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 of the outcome of this decision will be made via normal media channels

CONCLUSION

Glide Ltd have completed a trial of Glow e-scooters within the Taupō township and provided information relating to that trial, with no significant issues arising from the trial.

Glide Ltd now seek to obtain a permit to continue to operate, and given the results of the trial, it is considered appropriate to approve such a permit.

ATTACHMENTS

- 1. Request for Permit
- 2. Operation Area
- 3. Glide Report to 31 July 2020
- 4. Permit for Trial Period

4.4 PROPOSAL TO LEASE PART RANGATIRA POINT BLOCK

Author: John Ridd, Head of Economic Development and Business Transformation
Authorised by: Gareth Green, Chief Executive Officer

PURPOSE

The purpose of this report is to consider a proposal that Taupō District Council enters into a lease with the owners of Rangatira Point Block Inc to enable continued public access to the Rangatira Point track.

EXECUTIVE SUMMARY

For the past 30 years, the local community and visitors to the Taupō District have enjoyed the lake edge walking track at Rangatira Point because of the partnership between Rangatira Point Block Inc [the Incorporation] and the Department of Conservation [DOC].

DOC approached Taupō District Council [TDC] to “take over” the lease to ensure on going public access to the track. This is due to the Departments funding restrictions and thus the inability to fund the lease payments of \$63,000 per annum.

Following the item being heard at the 9th June 2020 Taupō Reserves and Roothing Committee meeting, a small working group consisting of Councillors Westerman and Taylor was formed. The purpose of this was to negotiate a heads of agreement with the Incorporation which was completed.

RECOMMENDATION(S)

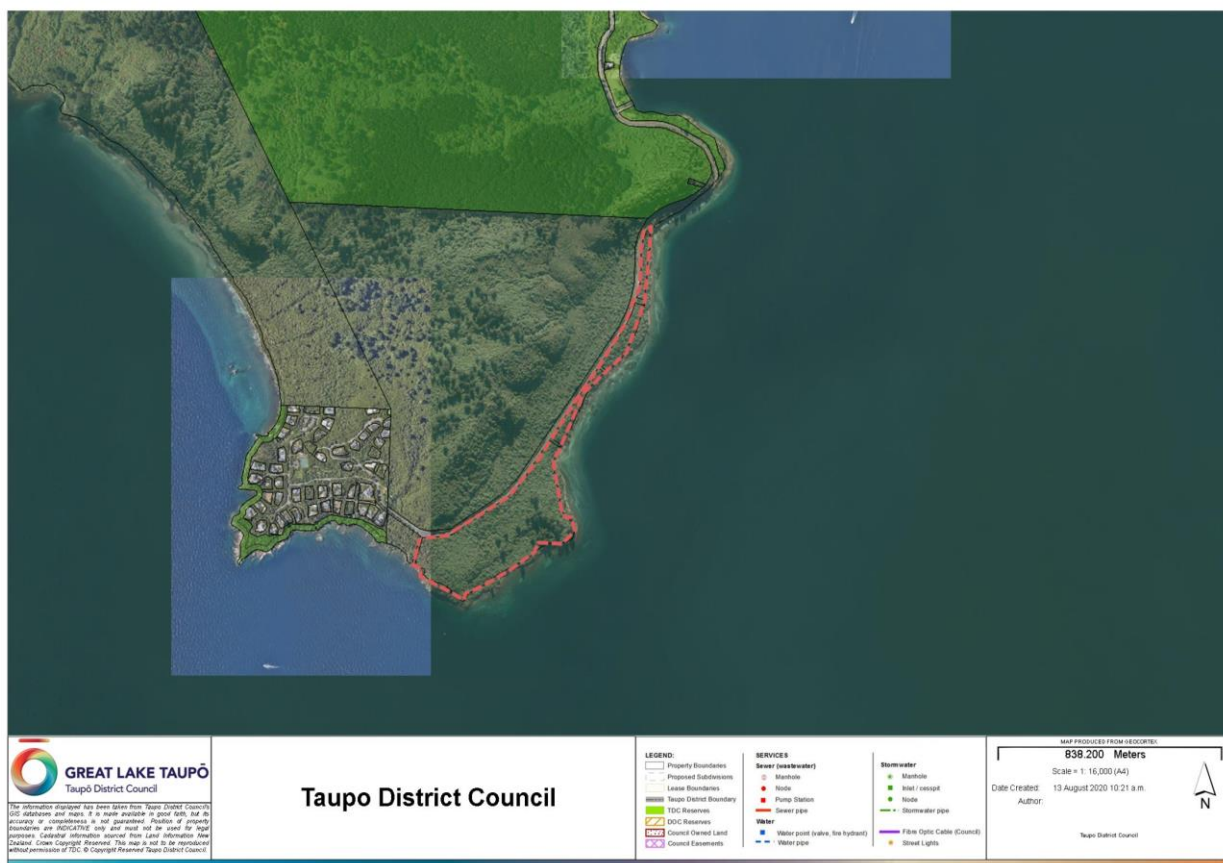
1. That the Taupō District Council enters into a lease with Rangatira Point Block Inc for the Rangatira Point for a period of twenty years at a value of \$63,000 plus GST per annum to be CPI adjusted.
2. That the Chief Executive be instructed to negotiate the details of a lease with the Incorporation.

BACKGROUND

The proposal has been before the Taupō Reserves and Roothing Committee refer item number two where the committee agreed to the formation of a working group consisting of Councillors Westerman and Taylor.

DISCUSSION

Following the item being heard at the 9th June 2020 Taupō Reserves and Roothing Committee, a small working group consisting of Councillors Westerman and Taylor was formed. The purpose of this group was to agree a mutually agreeable arrangement with the Rangatira Point Incorporation which would see Taupō District Council as leaseholder on the identified block [see indicative area below highlighted in red].



The working group negotiated a twenty-year agreement with an allowance to allow the Department of Conservation to continue to maintain the track. This side agreement will be incorporated into the lease in a form yet to be decided. The value of the lease has been determined by a valuation facilitated by the Department of Conservation and is set at \$63,000 per annum, adjusted for CPI. It is anticipated there will be a valuation review and this is suggested to be every five years.

The Incorporation are excited by the potential of this partnership with Taupō District Council and by the suggested longevity of the agreement, which offers certainty of public access. Alongside this the Incorporation are keen to tell their stories and to continue its restoration.

OPTIONS

Analysis of Options

Option 1: Taupō District Council enters into a lease for an area of Rangatira Point

Advantages	Disadvantages
<ul style="list-style-type: none"> Public access is retained to the the point The community is not confused around ownership or access 	<ul style="list-style-type: none"> There will be on going maintenance costs which are unknown in terms of quantum and again haven't been budgeted. The Department of Conservation have though confirmed a willingness to continue to maintain the tracks during the term of the lease.

Option 2: Taupō District Council does not enter into a lease with Rangatira Point Block Inc

Advantages	Disadvantages
<ul style="list-style-type: none"> There are no financial liabilities on ratepayers 	<ul style="list-style-type: none"> Public access will be denied to an established area

Analysis Conclusion:

The preferred option would be to enter into a lease with Rangatira Point Block Inc to enable continued public access.

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 if the lease was entered into is estimated to be \$63,000 per annum plus GST and CPI adjusted. This being based on an independent valuation prepared for the Department of Conservation.

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for as part of the adopted Annual Plan.

Legal ConsiderationsLocal 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. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that environmental and cultural well-beings are of relevance to this particular matter.

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 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

The primary risk is the potential loss of thirty plus years of public access across private land that the community has been used to. The working group were cognisant of this and as such had a desire to enter into an agreement to lease the land.

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 from a Council perspective.

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

There will be a need to communicate the outcome of this decision in order that the community has clarity around public access.

CONCLUSION

The public access arrangement across what is privately owned land has been long standing and as such the community will view the land as public and thus accessible. The working group felt there was significant benefit to the community in leasing this area and as such propose a lease period of twenty years to offer certainty to all parties.

ATTACHMENTS

1. Rangatira Point Lease Agreement
2. Letter to Rangatira Point Block Owners and Trustees
3. Rangatira Point Memorandum of Lease

4.5 APPOINTMENT OF COMMISSIONERS; DELEGATION OF PROPOSED LAND USE CONSENT FOR A ZIPLINE (REFERENCE RM190270) HEARING AND DECISION

Author: Heather Williams, Resource Consents Manager

Authorised by: Brian Fox, Head of Regulatory and Risk

PURPOSE

To seek approval for a panel of independent Commissioners to hear, consider and make a decision on the Proposed Zipline by Sky Play Adventures Limited and Tauhara North No.2 Trust.

DISCUSSION

Taupō District Council has received an application from Sky Play Adventures Limited for land use consent to establish a zipline course over and along a section of the Waikato River between Huka Falls and the East Taupo Arterial. The applicant proposes five zipline runs which vary in length from 182m to 663m with eight launch/landing towers, new walking tracks and ecological restoration. An office/home-base is also proposed on the corner of Huka Falls Road and Loop Road.

The zipline application site includes land on both sides of the Waikato River (east of Karetoto Road) with the five ziplines running over the Waikato River at varying elevations.

During the submission process the applicant advised the Tauhara North No.2 Trust had joined as a partner in the application.

The proposal was publicly notified with information available on the Taupo District Council website: <https://www.taupodc.govt.nz/rules-regulations-and-licenses/resource-consents/notified-consents/proposed-zipline-rm190270>

Submissions closed on 27 March 2020. 65 submissions were received with 53 in support, 3 neutral and 9 in opposition.

Under the RMA, Publicly Notified Resource Consents may be heard by either Councillors or Independent Commissioners with accreditation in the *Making Good Decisions (RMA)* programme. As currently no Councillors are accredited this report seeks approval to delegate the hearing, consideration and decision-making powers to Independent Commissioners.

In order to confirm availability, the three Commissioners have been pencilled in since early August 2020.

CONCLUSION

It is recommended that delegation be granted to independent Commissioners to hear, consider and make a decision on the proposed resource consent application for a zipline by Sky Play Adventures Limited and Tauhara North No.2 Trust.

RECOMMENDATION(S)

That Council as per section 34A of the Resource Management Act, delegates the hearing, consideration and decision making powers for Resource Consent for a land use consent for a proposed zipline (reference RM190270) to a panel of Independent Commissioners. The Commissioners are:

- Gina Sweetman (Chairperson)
- Kim Hardy
- Brad Coombs

ATTACHMENTS

Nil

4.6 RECEIPT OF UNAUDITED FINANCIALS FOR THE YEAR ENDED 30 JUNE 2020 AND THE TREASURY MANAGEMENT REPORT FOR JUNE 2020

Author: Alan Smillie, Group Accountant

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

To receive the unaudited Financials for the year ended 30 June 2020 and the Treasury Management Report for June 2020.

CONCLUSION

It is recommended that the information is received.

RECOMMENDATION(S)

That Council receives the unaudited Financials for the year ended 30 June 2020 and the Treasury Management Report for June 2020.

ATTACHMENTS

1. Unaudited Financials for year ended 30 June 2020
2. Treasury Report June 2020

4.7 THREE WATERS REFORM - DECISION TO PARTICIPATE IN TRANCHE 1

Author: Tanya Wood, Policy Advisor

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

The purpose of this report is to seek Council approval to:

- sign a Memorandum of Understanding (MoU) with the Crown, agreeing to participate in the initial stage of a central/local government three waters service delivery reform programme (Appendix A); and
- authorise the Chief Executive to enter into the Funding Agreement, to accept a grant from the Crown to spend on operating and/or capital expenditure relating to three waters infrastructure and service delivery (Appendix B).

EXECUTIVE SUMMARY

In July 2020, the Government announced a \$761 million funding package to provide post COVID-19 stimulus to maintain, improve three waters infrastructure, support a three-year programme of reform of local government water service delivery arrangements (reform programme), and support the establishment of Taumata Arowai, the new Waters Services Regulator.

A Joint Central/Local Government Three Waters Steering Committee has been established to provide oversight and guidance to support progress towards reform, and to assist in engaging with local government, iwi/Māori, and other water sector stakeholders on options and proposals.

The reform programme is designed to support economic recovery, and address persistent systemic issues facing the three waters sector, through a combination of:

- stimulating investment, to assist economic recovery through job creation, and maintain investment in water infrastructure renewals and maintenance; and
- reforming current water service delivery, into larger scale providers, to realise significant economic, public health, environmental, and other benefits over the medium to long term.

Initial funding from the stimulus package will be made available to those councils that agree to participate in the first stage of the reform programme, through a Memorandum of Understanding (MoU), Funding Agreement, and approved Delivery Plan. The MoU must be signed by the end of August 2020, with the Funding Agreement and Delivery Plan submitted and approved by the end of September 2020. Signing the MoU for tranche 1 does not require Council to participate in tranches 2 or 3.

Council needs to decide whether to sign the MoU to participate in the first tranche of the three waters reform programme. Signing the MoU would enable Council to receive stimulus funding which can be used for both capital and operational expenditure relating to Council's three waters infrastructure. The MoU and Funding Agreement cannot be amended or modified by either party, and doing so would void these documents.

Participation in this initial stage is to be undertaken in good faith, but this is a non-binding approach, and the Council can opt out of the reform process at the end of the term of the agreement.

RECOMMENDATION(S)

1. That Council agrees to sign the MoU in Appendix A and the Funding Agreement in Appendix B.
2. That Council notes that the MoU and Funding Agreement cannot be amended or modified by either party, and doing so would void these documents.
3. That Council agrees to nominate the Chief Executive as the primary point of communication for the purposes of the MoU and reform programme – as referred to on page 6 of the MoU.
4. That Council agrees to delegate decisions about the allocation of regional funding to the Chief Executive.

5. That Council's preferred approach for determining how the Waikato Regional Funding should be allocated, is to use the same criteria for the direct allocation.
6. That Council notes that should the approach for determining the regional allocation discussed in recommendation 5 be used, Council will be allocated a total of \$8.3 million in funding. The funding is to \$4.16 million of direct funding, in addition to \$4.16 million in regional funding, which will be received as a grant as soon as practicable once the signed MoU and Funding Agreement are returned to the Department of Internal Affairs, and a Delivery Plan has been supplied and approved (as described on page 5 of the MoU).
7. That Council delegates the authority to the Chief Executive to finalise the Delivery Plan and submit this to the Department of Internal Affairs by 30 September 2020.

BACKGROUND

Over the past three years, central and local government have been considering the issues and opportunities facing the system for regulating and managing the three waters (drinking water, wastewater, and stormwater).

The Government Inquiry into Havelock North Drinking Water – set up following the serious campylobacter outbreak in 2016 – identified widespread, systemic failure of suppliers to meet the standards required for the safe supply of drinking water to the public. The report made a number of urgent and longer-term recommendations to address these significant systemic and regulatory failures.

The Government's Three Waters Review highlighted that, in many parts of the country, communities cannot be confident that drinking water is safe, or that good environmental outcomes are being achieved. This work also raised concerns about the regulation, sustainability, capacity and capability of a system with a large number of localised providers, many of which are funded by relatively small populations.

Both central and local government acknowledge that there are many challenges facing the delivery of water services and infrastructure, and the communities that fund and rely on these services. These challenges include:

- Underinvestment in three waters infrastructure in parts of the country, and substantial infrastructure deficits. For example, it is estimated that between \$300 to \$570 million is required to upgrade networked drinking water treatment plants to meet drinking water standards; and up to \$4 billion is required to upgrade wastewater plants to meet new consent requirements. These deficits are likely to be underestimates, given the variable quality of asset management data.
- Persistent funding and affordability challenges, particularly for communities with small rating bases, or high-growth areas that have reached their prudential borrowing limits.
- Additional investment required to increase public confidence in the safety of drinking water, improve freshwater outcomes, and as a critical component of a collective response to climate change and increasing resilience of local communities.
- COVID-19 has made the situation even more challenging. Prior to COVID-19, territorial authorities were planning on spending \$8.3 billion in capital over the next five years on water infrastructure. However, COVID-19 is likely to cause significant decreases in revenue in the short term. As a result, borrowing will be constrained due to lower debt limits that flow from lower revenues, and opportunities to raise revenue through rates, fees and charges will be limited.

DISCUSSION

Progress with three waters regulatory reforms

The Government is implementing a package of reforms to the three waters regulatory system, which are designed to:

- improve national-level leadership, oversight, and support relating to the three waters – through the creation of Taumata Arowai, a new, dedicated Water Services Regulator;
- significantly strengthen compliance, monitoring, and enforcement relating to drinking water regulation;
- manage risks to drinking water safety and ensure sources of drinking water are protected;
- improve the environmental performance and transparency of wastewater and stormwater networks.

Legislation to create Taumata Arowai received royal assent on 6 August 2020. This new Crown entity is currently being established and will become responsible for drinking water regulation once a separate Water Services Bill is passed (anticipated mid 2021).

However, both central and local government acknowledge that regulatory reforms alone will not be sufficient to address many of the persistent issues facing the three waters system. Reforms to service delivery and funding arrangements also need to be explored.

Proposal – central/local government three waters reform programme

At the recent Central/Local Government Forum, central and local government leadership discussed the challenges facing New Zealand's water service delivery and infrastructure, and committed to working jointly on reform. A Joint Central/Local Government Three Waters Steering Committee has been established to provide oversight and guidance to support this work. Further details are provided in Appendix C.

Central and local government consider it is timely to apply targeted infrastructure stimulus investment to enable improvements to water service delivery, progress service delivery reform in partnership, and ensure the period of economic recovery following COVID-19 supports a transition to a productive, sustainable economy.

In July 2020, the Government announced an initial funding package of \$761 million to provide post COVID-19 stimulus, support a three-year programme of reform of local government water service delivery arrangements, and support the establishment and operation of Taumata Arowai.

The reform programme is designed to support economic recovery, and address persistent systemic issues facing the three waters sector, through a combination of:

- stimulating investment, to assist economic recovery through job creation, and maintain investment in water infrastructure renewals and maintenance; and
- reforming current water service delivery, into larger scale providers, to realise significant economic, public health, environmental, and other benefits over the medium to long term.

While the Government's starting intention is for publicly-owned multi-regional models for water service delivery (with a preference for local authority ownership), final decisions on a service delivery model will be informed by discussion with the local government sector and the work of the Joint Steering Committee.

Further information on the reform objectives, and the core design features of any new service delivery model, are provided in pages 3 to 4 of the MoU at Appendix A.

Reform process and indicative timetable

As noted above, this is a three-year programme to reform three waters service delivery arrangements, which is being delivered in conjunction with an economic stimulus package of Crown investment in water infrastructure. The reform programme will be undertaken in stages. The programme is broken into three tranches.

The first tranche is an opt in, non-binding approach, which involves councils taking the actions and signing the MoU, Funding Agreement, and completing the Delivery Plan. Councils that agree to opt in to the first tranche by the end of August 2020 will receive a share of the initial funding package.

Any further tranches of funding will be at the discretion of the Government and may depend on progress against reform objectives.

An indicative timetable for the full reform programme is provided in Appendix D. While this is subject to change as the reforms progress, and subject to future Government budget decisions, it provides an overview of the longer-term reform pathway.

Allocation of the investment package

The Government has determined a notional allocation framework based on a nationally-consistent formula.

The general approach to determining each authority's notional allocation is based on a formula that gives weight to two main factors:

- The population in the relevant council area, as a proxy for the number of water connections serviced by a territorial authority (75 per cent weighting)
- The land area covered by a local authority excluding national parks, as a proxy for the higher costs per connection of providing water services in areas with low population density (25 per cent weighting).

The investment package is structured into two components:

- A direct allocation to each territorial authority, comprising 50% of that territorial authority's notional allocation; and
- A regional allocation, comprising the sum of the remaining 50% of the notional allocations for each territorial authority in the relevant region

The relevant allocations for Taupō District Council are:

- \$4.16 million (excluding GST) direct allocation
- \$33.3 million (excluding GST) regional allocation for the Waikato Region.

The purpose of the Government's regional allocation is to establish collective participation by councils in the reform programme. Each regional group of councils has until 30 September to agree on how best to apportion the regional funds to the individual territorial authorities that make up the region.

The Steering Committee has recommended a preferred approach to the allocation of regional funding, being the same formula that is used to determine the direct allocations to territorial authorities.

Officers recommend that Council's preferred approach for determining how the regional allocation for the Waikato Region should be allocated is to use the same criteria that was applied to the direct funding. If this approach was used, this would entitle Council to \$4.16 million from the Waikato Region allocation.

Officers recommend delegating decisions about the allocation of regional funding to the Chief Executive with the understanding that the minimum level of funding to the Council be based upon the formula used to calculate the direct council allocations, and noting that participation by two-thirds of territorial authorities within the Waikato region is required to access the regional allocation

Memorandum of Understanding

A MoU has been developed by the Steering Group, for each council to enter into with the Crown. This is a standardised document, which cannot be amended or modified by either party.

Signing the MoU commits councils to:

- engage in the first stage of the reform programme – including a willingness to accept the reform objectives and the core design features set out in the MoU;
- the principles of working together with central government and the Steering Committee;
- work with neighbouring councils to consider the creation of multi-regional entities;
- share information and analysis on their three waters assets and service delivery arrangements.

At this point, this is a voluntary, non-binding commitment. It does not require councils to commit to future phases of the reform programme, to transfer their assets and/or liabilities, or establish new water entities.

The MoU is effective from the date of agreement until 30 June 2021, unless terminated by agreement or by replacement with another document relating to the reform programme.

A legal opinion by Simpson Grierson, commissioned by SOLGM on behalf of the Steering Committee, advises that the MoU does not contain any explicit triggers for consultation under the Local Government Act 2002. (Appendix E)

Funding Agreement

Council has been allocated \$4.16 million by the Crown, if it opts into the reform programme. A further \$33.3 million has been allocated to the Waikato Region to agree an appropriate distribution between participating councils. This funding will be provided as a grant, which does not need to be repaid if the Council does not ultimately commit to reform at later stages of the process.

The Funding Agreement is one of the mechanisms for accessing the funding package. Like the MoU, it is a standardised document, for agreement between each council and the Crown. It cannot be amended.

The Funding Agreement guides the release and use of funding. It sets out:

- o the funding amount allocated to the Council;
- o funding conditions;
- o public accountability requirements, including the Public Finance Act;
- o reporting milestones.

While there is some local flexibility around how the funding can be applied, the Government has indicated that this investment is intended to support economic recovery, enable improvements in water service delivery, and progress the service delivery reform programme.

The Funding Agreement will be supplemented by a Delivery Plan, which is the document that sets out how the grant funding is to be applied by the Council.

Delivery Plan

The Delivery Plan is the other mechanism for accessing the funding package.

This Delivery Plan must show that the funding allocation is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, and which:

- o supports economic recovery through job creation; and
- o maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance.

The Delivery Plan is a short-form template, which sets out:

- o a summary of the works to be funded, including location, estimated associated costs, and expected benefits/outcomes;
- o the number of people to be employed in these works;
- o an assessment of how the works support the reform objectives in the MoU;
- o reporting obligations.

The Delivery Plan will be supplied to Crown Infrastructure Partners (and other organisations as agreed between the Council and Crown), for review and approval. Crown Infrastructure Partners will monitor progress against the Delivery Plan, to ensure spending has been undertaken with public sector financial management requirements.

Based on this information it is considered that there are two options: either Council signs the MoU to enter into the first tranche, or it does not.

OPTIONS

Analysis of Options

Option 1 – Council signs the MoU and agrees to participate in the first tranche of the Three Waters Reform Programme

Advantages	Disadvantages
<ul style="list-style-type: none"> • Council will be able to access up to \$8.3 million worth of funding, which can be used for completing necessary works to our drinking water and wastewater infrastructure. Without the funding, these projects would not be able to occur in the short-term because of the cost- 	<ul style="list-style-type: none"> • It may be perceived that Council has already made a pre-determined decision to opt-in to the three waters reforms, without public consultation.

<p>implications for our ratepayers.</p> <ul style="list-style-type: none"> • Accessing the funding would enable projects to occur, which would provide local jobs and help support the Taupō District in the economic recovery following the Covid-19 pandemic. • Signing the MoU does not commit Council to participating in Tranches 2 and 3. Council is able to make decisions on participation in these tranches at a later date. 	
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Option 2 – Council does not sign the MoU and does not participate in the first tranche of Three Waters Reform Programme

Advantages	Disadvantages
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Council will not be able to access up to \$8.3 million worth of funding, which will be able to be used for three waters projects.

Analysis Conclusion:

Option 1 – Council signs the MoU and enters the first tranche of the Three Waters Reform Programme is the preferred option, because it will enable Council to participate in the reform and access the available funding.

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 proposal will see Council access up to \$8.3 million of funding which will be able to be used on necessary works to our drinking water, wastewater and stormwater infrastructure.

Local authorities have the ability to use the stimulus funding for either capital or operational projects, providing that the project/s are consistent with:

- The objectives of the reforms; and
- Support the stimulus objectives (supporting economic recovery through job creation and maintaining, increasing and/or accelerating investment).

It is worth noting what ‘maintain’ means. The guidance provided from Central Government states that ‘maintain’ refers to previously planned investment that may have otherwise been deferred as a result of COVID-19. It is seeking to allow investment in water related infrastructure at pre-COVID levels and cover investment, maintenance, renewals and other three waters spend deferred due to COVID-19.

The intention is that funding supports economic stimulus, and therefore is additional to planned investment. As a general rule, activities funded in annual plans are not eligible. However, some expenditure that is included within already approved annual plans may be eligible for funding. For example, where a project was included in the annual plan on the basis of receiving shovel ready funding, but has not done so.

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. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that all well-beings are of relevance to this particular matter.

Simpson Grierson have provided a legal opinion on the MoU. This is provided in Appendix E:

Policy Implications

There are no policy implications to Council participating in the first tranche of the three waters reforms. However, it is noted that should Council make a decision in the future to participate in the second and third tranches, there may be some policy considerations.

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.

Council officers have met with Tūwharetoa Māori Trust Board staff to discuss the Three Waters Reform programme with them. In addition, Central Government have engaged extensively with Iwi across New Zealand.

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.

However, it is noted, that if Council does decide to participate in Tranches 2 and 3 of the Three Waters Reform Programme, it is likely to result in decisions which have a high level of significance. Examples of these decisions would include any decision by Council to no longer undertake any of the three waters activities, and any decision to vest all or some of our three waters infrastructure in a new entity. Subject to any legislative amendments, it is anticipated that such a decision would require consultation with the community, and as such, would likely need to be done through the development of an LTP, or an amendment to an LTP.

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

Council's decision will need to be communicated to our community, through the usual mechanisms such as publication of a media release and posted on social media.

CONCLUSION

Council should agree to sign the three waters reform MoU and participate in the first tranche of the programme, to enable Council to access the available funding.

ATTACHMENTS

1. Appendix A - Memorandum of Understanding - Three Waters Reform
2. Appendix B - Funding Agreement
3. Appendix C - Steering Committee Terms of Reference
4. Appendix D - Three Waters Reforms Indicative Timeframes
5. Appendix E - Simpson Grierson Legal Opinion

4.8 FIVE MILE BAY WATER FUNDING CONSULTATION DOCUMENT

Author: Tanya Wood, Policy Advisor

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

To adopt the Five Mile Bay Water Funding Consultation Document and confirm that consultation will be undertaken to seek feedback from the community on how the construction of the Five Mile Bay water pipe should be funded.

EXECUTIVE SUMMARY

Through the development of the Long-term Plan 2018-28 (LTP), Council decided to construct a water pipe in 2020/21 which would enable residents of Five Mile Bay to connect to the Taupō reticulated drinking water supply.

To date, Council has not undertaken any formal consultation on how the project should be funded. Consultation is required so that Council can make a decision on who should contribute financially towards the project, and how the financial contributions should be made.

It is planned that formal consultation on this topic will occur over the period of September and October 2020.

RECOMMENDATION(S)

That Council adopts the Five Mile Bay Water Funding Consultation Document (A2708193) and undertakes public consultation.

BACKGROUND

The proposal has been presented to Council previously at a workshop held on 16 June 2020.

DISCUSSION

Through the development of the Long-term Plan 2018-28 (LTP), Council decided to construct a water pipe in 2020/21 which would enable residents of Five Mile Bay to connect to the Taupō reticulated drinking water supply.

To date, Council has not undertaken any formal consultation on how the project should be funded. Consultation is required so that Council can make a decision on who should contribute financially towards the project, and how the contributions should be made. It is noted that there is a paper on this agenda which seeks to approve a contract to enable the works to occur.

Because some options available for funding the project involve the implementation of a new rate, Council is legally required to undertake a special consultative procedure (SCP) prior to implementing the new rate. A SCP process includes a submission period of at least a month, and the opportunity for submitters to be able to present an oral submission at a hearing.

In line with best practice, Council should undertake public consultation and make a decision on how the project should be funded, prior to construction of the pipeline.

It is noted that Central Government have recently announced a programme of work to look at the reform of the three waters (drinking water, wastewater and stormwater). The government have created Taumata Arowai, a new Water Services Regulator. This entity will oversee and enforce a new drinking water regulatory framework, with an additional oversight role for wastewater and stormwater networks.

The three waters reform recognises that historically across New Zealand there has been an underinvestment in the three waters infrastructure. One of the drivers for this, has been lack of affordability for some communities to complete necessary upgrades of three waters infrastructure. The programme proposes to improve increase affordability and access to safe drinking water and ensure the safe disposal of wastewater and stormwater, across New Zealand.

The government has announced three tranches for the three waters reform programme. We are currently in the first tranche. As part of this tranche, the government has announced funding towards drinking water,

wastewater, and stormwater projects. To access the funding, Council must sign a Memorandum of Understanding (MoU) with Central Government. One of the conditions of the MoU is that Council must not defer or delay three waters projects that have already been committed to through Long-term Plans and Annual Plans. There is a separate report on this agenda which discusses the MoU in more detail.

Based on this information it is considered that there are two options: Council either undertakes consultation on the project, or it does not.

OPTIONS

Analysis of Options

Option 1 – Undertake consultation on the funding of the Five Mile Bay water pipeline.

Advantages	Disadvantages
<ul style="list-style-type: none"> Will enable Council to understand the views and preferences of the community. Will ensure that Council is meeting its requirements around consultation. Council is required to undertake consultation before implementing a new rate. 	<ul style="list-style-type: none"> Will provide a delay to the construction of the pipeline, as best practice dictates that Council will not be able to start construction until the outcomes of the consultation are known.

Option 2 – Do not undertake consultation on the Five Mile Bay Water Funding

Advantages	Disadvantages
<ul style="list-style-type: none"> Will allow construction of the pipeline to start sooner. 	<ul style="list-style-type: none"> Council will not be meeting its legal requirements around undertaking consultation on potential new rates.

Analysis Conclusion:

Option 1, undertaking consultation on the Five Mile Bay Water Funding project is the preferred option as it will ensure that Council is meeting its requirements around consultation.

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 \$500,000 (exclusive of GST) of capital costs, although it is acknowledged that at the time of writing this report, the tender process has not been completed. While this project is relatively straight-forward, this will be the first project that the water team have sought tenders for, post the Covid-19 lockdown period.

\$500,000 (exclusive of GST) was included in Year 3 of the LTP for the construction of a pipeline to reticulate the Five Mile Bay community.

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. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that the social and environmental well-beings are of relevance to this particular matter.

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:

The Local Government Act 2002 – consultation requirements.

The Local Government (Rating) Act 2002 – implementation of rates.

The proposal is considered to meet the requirements of both of the above Acts.

Policy Implications

The proposal has been evaluated against the following plans:

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

The key aspects for consideration with regards to this proposal are as follows:

The proposal is considered to be consistent with the outcomes in the Water Supply Strategy 2019, which has an outcome “We ensure the protection of public health”. This project would see enhanced public health outcomes for Five Mile May residents.

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

If Council does not undertake consultation, Council will not be meeting legal requirements in terms of the Local Government Act 2002. If Council were to make a decision without undertaking consultation, there is a risk that the decision could be challenged.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

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

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

ENGAGEMENT

Public engagement will be of a format similar to other consultation processes that Council undertakes. It will include the opportunity for the community to provide both oral and written submissions to councillors. In addition, a public information session will be held for people who would like to find out more.

COMMUNICATION/MEDIA

Communication will be undertaken via the usual channels, including promotion on our website and social media channels and the inclusion of a public notice in local newspapers. Five Mile Bay residents will receive a letter informing them of the consultation.

CONCLUSION

Council should undertake consultation on the funding of the proposed Five Mile Bay water pipeline to enable the community to have their say, prior to a decision being made.

ATTACHMENTS

1. Five Mile Bay Water Funding Consultation Document

4.9 TENDER CONTRACT TDC/2021/341: INSTALLATION OF NEW WATER MAINS IN TAUHARA RIDGE AND FIVE MILE BAY, TAUPO

Author: Tom Swindells, Asset Manager Water

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

The purpose of this report is to seek Council approval to

- award the tender for Contract TDC/2021/341 Installation of New Water Mains in Tauhara Ridge and Five Mile Bay, and
- approve additional un-budgeted expenditure of \$185,000 to enable completion of the project.

EXECUTIVE SUMMARY

This contract is for the installation of water network infrastructure for two Long-term Plan (LTP) projects. The Tauhara Ridge falling main will provide medium pressure zone water to the Wharewaka East Ltd area to allow development in higher elevations to begin. The Five Mile Bay project includes installation of new water mains to provide water to this currently un-serviced community.

Tenders closed for the contract at 1pm on Friday 7 August 2020. 11 tenders were received, and these were evaluated using the weighted attributes process. The highest scoring tender was that of Camex Civil with a tender price of \$1,257,063.98.

RECOMMENDATION(S)

1. That Council accepts the Tender for Contract TDC/2021/341 for Installation of new water mains in Tauhara Ridge and Five Mile Bay, Taupō, submitted by Camex Civil for the sum of \$1,257,063.98 [excl. GST] and authorises His Worship the Mayor and the Chief Executive to sign the Contract Document(s) and attach the Council's Common Seal to them.
2. That Council approves additional un-budgeted expenditure of \$185,000 to enable completion of the project.

BACKGROUND

The proposal has not been presented previously.

The contract is split into two separable portions. General layout plans are appended to this document.

Separable portion 1 is for the installation of a new water main that will start at the existing network at Tauhara Ridge Drive, and be laid approximately 2km south along the East Taupō Arterial (ETA) before terminating at the boundary of the Wharewaka East Limited (WEL) development area. Council has committed to providing this watermain as part of a Deed of Arrangement with WEL. This separable portion is budgeted for within the water services areas of the 2018-28 Long-term Plan.

Separable portion 2 is for the installation of new water reticulation within Five Mile Bay, a currently un-serviced area with regards to water supply. The construction start date for this portion will be confirmed with the contractor following completion of the public consultation process. This separable portion is budgeted for within the water services areas of the 2018-28 Long-term Plan.

It is noted that Central Government have recently announced a programme of work to look at the reform of the three waters (drinking water, wastewater and stormwater). The government have created Taumata Arowai, a new Water Services Regulator. This entity will oversee and enforce a new drinking water regulatory framework, with an additional oversight role for wastewater and stormwater networks.

The three waters reform recognises that historically across New Zealand there has been an underinvestment in the three waters infrastructure. One of the drivers for this, has been lack of affordability for some communities to complete necessary upgrades of three waters infrastructure. The programme proposes to improve increase affordability and access to safe drinking water and ensure the safe disposal of wastewater and stormwater, across New Zealand.

The government has announced three tranches for the three waters reform programme. We are currently in the first tranche. As part of this tranche, the government has announced funding towards drinking water, wastewater, and stormwater projects. To access the funding, Council must sign a Memorandum of Understanding (MoU) with Central Government. One of the conditions of the MoU is that Council must not defer or delay three waters projects that have already been committed to through Long-term Plans and Annual Plans. There is a separate report on this agenda which discusses the MoU in more detail.

TENDERS RECEIVED

Tender documents were issued for a proposed contract on 10 July 2020. Tenders closed at 1pm on Friday 7 August 2020. 11 tenders were received. 2 tenders did not meet the minimum requirements. The remaining 9 conforming tenders were from the following organisations:

- Camex, Taupō
- Civtec, Hamilton
- Downer, Taupō
- E&J Contractors, Taupō
- GT Civil, Cambridge
- Hickey, Taupō
- Hicks, Auckland
- Smythe, Cambridge
- Waiotahi, Taupō

Tender prices ranged from \$1,112,566 to \$1,786,238.

The project was estimated at \$2,371,783.79. The engineers estimate was very accurate for the 5 Mile Bay scope but was high for the Tauhara Ridge scope. The reason was the estimated rates used for the Tauhara Ridge scope had not been adjusted for the simple/green fields environment. Our engineers have noted this discrepancy for future works.

TENDER EVALUATION

Tenders were evaluated on a weighted attributes basis, including a 15% local economic impact attribute.

RECOMMENDED CONTRACT PRICE

The tender submitted by Camex Civil of \$1,257,063.98 including contract contingency of \$150k.

OPTIONS

Council may choose to accept the preferred tender or not. If the tender is not accepted and the projects are not delivered, Council will breach the conditions of the MOU for Tranche 1 water reform funding. Council would also be in breach of the Deed of Arrangement with WEL which is a legally binding document, and the expectation of a Council water supply for the residents of Five Mile Bay would not be met.

Retendering is not recommended as the outcome is unlikely to change, and costs would be expected to increase.

CONSIDERATIONS

Financial Considerations

The financial impact of the project is estimated to be \$1,332,063.90 made up as follows:

Item	Price
SP1 Tauhara Ridge Construction (incl contingency)	\$ 784,285.66
SP1 Project and Contract Management	\$ 35,000.00 (3-month programme)

Total	\$ 819,285.66
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Item	Price
SP2 Five Mile Bay Construction (incl contingency)	\$ 472,778.32
SP2 Project and Contract Management	\$ 40,000.00 (3.5-month programme)
Total	\$ 512,778.32

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under the following LTP projects:

	Budget 2019/20	Budget 2020/21	Spent to Date	Available Budget
Taupō water Tauhara Ridge Falling main to WEL	60,000	700,000	89,909	670,091
Taupō water reticulation of Five Mile Bay	20,000	480,000	22,706	477,294

The forecast project costs exceed the budget available and un-budgeted expenditure will be required as detailed below.

	Available Budget	Project Delivery Price	Un-Budgeted Expenditure Needed
Taupō water Tauhara Ridge Falling main to WEL	670,091	819,285	150,000 (rounded)
Taupō water reticulation of Five Mile Bay	477,294	512,778	35,000 (rounded)
		TOTAL	185,000

The reasons for the increase in project delivery price in relation to budget includes:

- The original estimate was based on concept designs and growth assumptions developed 3 years ago. Updated hydraulic modelling of all growth catchments and subsequent detail design work has led to scope changes that have increased the pricing above the original estimate.

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. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social and economic well-beings are of relevance to this particular matter.

Authorisations are required from external parties including NZTA for work within the State Highway road corridor.

Policy Implications

The proposal is considered to be consistent with the Water Supply Strategy 2019, which has an outcome "We ensure the protection of public health". This project would see enhanced public health outcomes for Five Mile May residents.

Risks

Financial / Construction Risk: A risk with all construction projects is construction cost increases due to unforeseen items that the contractor cannot be expected to have allowed for. Risk items on this contract include possible archaeological finds, and ground conditions such as the presence of hard rock. An

appropriate contingency of \$150,000 has been included in the contract price. This is equivalent to 12% of the contract price.

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

Tauhara Ridge: the proposal under consideration is of low importance.

Five Mile Bay: the proposal under consideration is significant.

ENGAGEMENT

Taking into consideration the above assessment, that the Five Mile Bay decision is significant, consultation is to be undertaken with the Five Mile Bay community in particular in relation to how much the Five Mile bay residents will be charged to connect to the Council water supply.

COMMUNICATION/MEDIA

Direct communication has been/will be carried out with affected parties/key stakeholders and wider communication will be carried out with the community.

CONCLUSION

A tender process has been completed and the tender by Camex Civil for the value of \$1,257,063.98 is the preferred tender.

Existing LTP budgets of \$1,260,000 and additional un-budgeted expenditure of \$185,000 is needed to enable completion of the project.

ATTACHMENTS

1. General Layout Drawings

4.10 FINANCIAL DELEGATION TO THE CHIEF EXECUTIVE OFFICER - GOVERNMENT 'SHOVEL READY' PROJECTS

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

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

The purpose of this report is to seek Council's approval to include an additional financial delegation to the Chief Executive Officer, specifically as it relates to contracts that are entered into as part of the Government's 'shovel ready' projects.

EXECUTIVE SUMMARY

The proposed change to Council's Delegation Manual will minimise resourcing costs and streamline the delivery of Government's 'shovel ready' projects within the required budget and timeframes.

RECOMMENDATION(S)

That Council makes the following change to its Delegations:

That the Chief Executive may enter into any contract and commit Council expenditure in relation to contracts that relate to Government's 'shovel ready' projects allocated to the Taupō District.

BACKGROUND

The proposal has not been presented previously.

The current financial delegation to the Chief Executive Officer provides for contract approval of up to \$500,000 (plus GST)

(Resolution 201804/18) Council resolved in terms of contract approval *'that the Chief Executive may enter into any contract and commit Council expenditure up to \$500,000.00 (plus GST) in relation to that contract'* (as long as it is identified in the Long Term Plan & Annual Plan).

DISCUSSION

Taupō District Council has received funding for three (at the time of writing this report) Government 'shovel ready' projects totalling \$39.52m (Taupō Town Centre Transformation, Water Reform, Footpaths & safe connections).

These projects will have stringent timeframes and milestones in terms of delivery.

To effectively and efficiently manage these and minimise resourcing requirements, the ability to enter into the various contracts that will be required without the need for Council approval is a crucial component.

For those contracts that relate to the Taupō Town Centre Transformation, the Governance Group working party (which is the subject of a separate item on the agenda for this meeting) will be updated on contract details prior to signing.

In terms of the other two projects, there are existing contracts already in place for a large portion of the planned spend and it is envisaged that the work will be accommodated via extensions to those contracts using the existing schedules and rates (which have been through a previous tender process).

The existing financial delegation to the Chief Executive Officer of up to \$500,000 would still apply to contracts that have not been identified as 'shovel ready'.

OPTIONS

Analysis of Options

Option 1. Increased the financial delegation to the Chief Executive.

Advantages	Disadvantages
<ul style="list-style-type: none"> Increases organisational efficiency and use of resources The decreasing of the procurement timeframes leading to the delivery of the projects. Timing of the tender process especially around the Christmas break not linked to Council monthly meetings. 	<ul style="list-style-type: none"> None foreseen

Option 2. No or limited financial delegation increase to the Chief Executive

Advantages	Disadvantages
<ul style="list-style-type: none"> None foreseen 	<ul style="list-style-type: none"> Additional time and resources required Procurement and delivery timeframes increased

Analysis Conclusion:

Option 1 is the preferred option as this will support the delivery of the ‘shovel ready’ projects.

CONSIDERATIONS

Financial Considerations

There are no financial impacts.

Legal Considerations

There are no legal 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.

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. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that all four well-beings are of relevance to this particular matter.

Policy Implications

There are no known policy implications.

Māori Engagement

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

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

Risks

There are no known risks associated with the proposed changes to the delegations.

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. Exercise of the delegation will be reported to elected members via the Governance Group working party and the internal 'Keeping Connected' publication.

CONCLUSION

This delegation will assist with the efficient delivery of the Government 'shovel ready' projects.

ATTACHMENTS

Nil

4.11 ESTABLISHMENT OF TAUPŌ TOWN CENTRE TRANSFORMATION PROJECT WORKING PARTY

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

PURPOSE

To establish a working party to support the Taupō town centre transformation project.

EXECUTIVE SUMMARY

Taupō District Council has received \$20m from the Government's Infrastructure Reference Group to upgrade the Taupō town centre. The project consists of a number of elements including a reorientation of the street network to shift local through-traffic from Lake Terrace and Tongariro Street to Titiraupenga Street and Spa Road; and revitalisation of intersections in the CBD area. Establishment of a governance working party for the Taupō town centre transformation project, in addition to the Chief Executive's delegation to enter into contracts and commit expenditure in relation to the project (refer to previous agenda item), will ensure the project progresses in an efficient and timely manner while still enabling elected members to have oversight and input throughout.

RECOMMENDATION(S)

That Council:

1. Establishes a Taupō Town Centre Transformation Project Working Party.
2. Appoints Crs _____, _____, _____, _____ and _____ to the Working Party.
3. Approves the attached Terms of Reference.

BACKGROUND

The proposal has not been presented previously.

The transformation of the Taupō town centre was one of 16 projects Council applied for funding for as part of the Crown Infrastructure Partners call for 'shovel ready' projects to stimulate the economy in the wake of the Covid-19 pandemic. The Government has granted Council \$20m for the project.

The transformation of the town centre will give effect to Council's Commercial Industrial Structure Plan with the ultimate goal of attracting people to spend time in the town centre which will in turn bring social and economic benefits to the Taupō district.

The project will run over multiple years and has been divided into four phases:

- CBD Intersection Upgrades (Phase 1)
- Traffic Movement Transformation (Phase 2)
- Tongariro Street – Lake Terrace Transformation (Phase 3)
- Tūwharetoa Street Transformation (Phase 4)

DISCUSSION

In order to ensure elected members have oversight of, and input into the Taupō town centre transformation project, there is a need to establish a governance group of some description. Rather than establishing a formal committee of Council (which would need to adhere to the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA), for example production of formal meeting agendas and minutes), it is considered that a working party would be more appropriate in this instance. Although not required to run meetings in a formal manner, it is envisaged that meetings of the working party would still be

advertised on Council's website and open to the public, unless there were grounds under LGOIMA to meet with the public excluded.

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

OPTIONS

Analysis of Options

It is open to Council to establish a working party for this project.

Option 1 – establish a working party

Advantages	Disadvantages
<ul style="list-style-type: none"> Elected member oversight and input into the project Efficiencies with smaller group size on the working party Working party a conduit between staff and full Council; and the community / stakeholders 	<ul style="list-style-type: none"> Nil

Option 2 – do not establish a working party

Advantages	Disadvantages
<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Not as efficient, as there would need to be more briefings and reporting to full Council

Analysis Conclusion:

It is recommended that Council establishes the working party; appoints members; and approves the Terms of Reference as presented or with amendments if any. This is the most efficient way of ensuring elected members have opportunities to oversee and have input into the Taupō Town Centre transformation project.

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 establishing a working party is estimated to be \$Nil.

Long-term Plan/Annual Plan

As mentioned above, Central Government funding of \$20m has been secured for the project.

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. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social, economic, environmental and cultural well-beings are of relevance to this particular matter.

Policy Implications

There are no known policy implications.

Māori Engagement

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

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

Part of the working party's role will be to liaise with Council's iwi partners as appropriate throughout the project.

Risks

There are no known risks.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

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

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

ENGAGEMENT

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

COMMUNICATION/MEDIA

No communication/media required.

CONCLUSION

Establishment of a working party to support the Taupō town centre transformation project is proposed. A working party would be an effective mechanism for elected members to have input into the project.

ATTACHMENTS

1. Draft Terms of Reference - Taupo Town Centre Transformation Project

4.12 COUNCIL ENGAGEMENTS SEPTEMBER 2020

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

Authorised by: Gareth Green, Chief Executive Officer

Engagements

ENGAGEMENT	DAY	DATE	TIME
Turangi/Tongariro Community Board public forum (Boardroom, Turangi Service Centre)	Wednesday	2	1.30pm-2pm
Turangi/Tongariro Community Board meeting (Boardroom, Turangi Service Centre)	Wednesday	2	2pm-3.30pm
Workshop – Annual Report 2019/20	Tuesday	8	10am-11am
Presentation – Bay of Plenty National Park Envirohub initiative	Tuesday	8	11am-11.30am
Taupō Airport Authority Committee meeting (Taupō Airport, ANZAC Memorial Drive)	Monday	14	10.30am-noon
Risk & Assurance Committee meeting (Council Chamber)	Tuesday	15	10am-noon
Taupō Reserves & Rooding Committee meeting (Council Chamber)	Tuesday	15	1pm-4pm
Tutemohuta Reserve Trust meeting (Tutemohuta Community Centre, Blake Road, Waitahanui)	Thursday	17	3.30pm-4.30pm
Taupō East Rural Representative Group meeting (Rangitaiki Community Hall, Rangitaiki School, 27 Rangitaiki School Road)	Thursday	17	6pm-7.30pm
Workshop – District Plan review (Council Chamber)	Tuesday	22	10am-11am
Workshop – Healthy Rivers s 274 (Council Chamber)	Tuesday	22	11am-noon
Kinloch Representative Group public forum (Kinloch Community Hall, Mata Place, Kinloch)	Thursday	24	2.30pm-3pm
Kinloch Representative Group meeting (Kinloch Community Hall, Mata Place, Kinloch)	Thursday	24	3pm-4.30pm
Public forum (Council Chamber)	Tuesday	29	12.30pm-1pm
Council meeting (Council Chamber)	Tuesday	29	1pm-4pm

RECOMMENDATION(S)

That Council receives the information relating to engagements for September 2020.

ATTACHMENTS

Nil

4.13 MEMBERS' REPORTS

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

Authorised by: Gareth Green, Chief Executive Officer

PURPOSE

This item permits members to provide any updates relating to their particular wards or portfolios and report on recent meetings/functions/conferences they have attended as Council's representative. Portfolios are as follows:

- Economic and Business – Deputy Mayor Christine Rankin and Cr Kathy Guy
- Sport and Recreation – Cr Kevin Taylor
- Youth – Cr Anna Park
- Older Persons – Cr John Boddy
- Arts & Culture – Cr Yvonne Westerman
- Environment – Crs John Mack and John Williamson
- Mangakino – Cr Kirsty Trueman
- Community Safety – Crs Tangonui Kingi and Kevin Taylor
- International Relations – Cr Anna Park

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

5 CONFIDENTIAL BUSINESS

RESOLUTION TO EXCLUDE THE PUBLIC

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<p>Agenda Item No: 5.1 Public Excluded Minutes from the Lake Taupo Protection Project Joint Committee Meeting - 19 June 2020</p>	<p>Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>

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