

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

<b>Date:</b>	<b>Tuesday, 27 June 2023</b>
<b>Time:</b>	<b>1.00pm</b>
<b>Location:</b>	<b>Council Chamber 107 te Heuheu Street Taupō</b>

# **AGENDA**

## **MEMBERSHIP**

**Chairperson** Mayor David Trewavas  
**Deputy Chairperson** Cr Kevin Taylor

**Members**

- Cr Duncan Campbell
- Cr Karam Fletcher
- Cr Sandra Greenslade
- Cr Kylie Leonard
- Cr Danny Loughlin
- Cr Anna Park
- Cr Christine Rankin
- Cr Rachel Shepherd
- Cr Kirsty Trueman
- Cr Yvonne Westerman
- Cr John Williamson

**Quorum** 7

**Julie Gardyne**  
**Chief Executive Officer**

## Order Of Business

<b>1</b>	<b>Karakia</b>	
<b>2</b>	<b>Whakapāha   Apologies</b>	
<b>3</b>	<b>Ngā Whakapānga Tukituki   Conflicts of Interest</b>	
<b>4</b>	<b>Whakamanatanga O Ngā Meneti   Confirmation of Minutes</b>	
4.1	Ordinary Council Meeting - 29 May 2023 .....	3
4.2	Ordinary Council Meeting - 30 May 2023 .....	4
<b>5</b>	<b>Ngā Kaupapa Here Me Ngā Whakataunga   Policy and Decision Making</b>	
5.1	Members' Portfolio Updates.....	5
5.2	Recommendations on the future of the Lake Taupō Protection Trust and Residual Trust Funds .....	8
5.3	Final Approval to Make Plan Change 37 - Nukuhau Operative .....	14
5.4	Class 4 Gambling Policy Review .....	17
5.5	Bylaw Review Package: Freedom Camping, Alcohol Control, and Cemetery Bylaws .....	21
5.6	Te Arawa River Iwi Trust - Taupō District Council Joint Management Agreement Review .....	28
5.7	Health, Safety and Wellbeing Report.....	34
5.8	Taupō District Council Performance Report - May 2023 .....	38
5.9	Appointment of the Chief Executive Officer as a director of BOPLASS Ltd .....	39
5.10	Council Engagements, Appointments and Training/Conference Opportunities - July 2023 .....	40
<b>6</b>	<b>Ngā Kōrero Tūmataiti   Confidential Business</b>	
6.1	Confirmation of Confidential Portion of Ordinary Council Minutes - 30 May 2023 .....	42
6.2	Report on the Provision of Investment Services for TEL fund .....	42

**4.1 ORDINARY COUNCIL MEETING - 29 MAY 2023**

**Author:** Karen Watts, Senior Committee Advisor

**Authorised by:** Nigel McAdie, Legal, Risk and Governance Manager

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That the minutes of the Council meeting held on Monday 29 May 2023 be confirmed as a true and correct record.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Council Meeting Minutes - 29 May 2023

**4.2 ORDINARY COUNCIL MEETING - 30 MAY 2023**

**Author:** Shainey James, Governance Quality Manager

**Authorised by:** Nigel McAdie, Legal, Risk and Governance Manager

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That the minutes of the Council meeting held on Tuesday 30 May 2023 be confirmed as a true and correct record.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Council Meeting Minutes - 30 May 2023

**5.1 MEMBERS' PORTFOLIO UPDATES**

**Author:** Karen Watts, Senior Committee Advisor

**Authorised by:** Nigel McAdie, Legal, Risk and Governance Manager

**TE PŪTAKE | PURPOSE**

This item permits members to provide any updates relating to their portfolios and report any emerging community issues.

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

**NGĀ KŌRERORERO | DISCUSSION**

Elected members will provide updates as follows:

Portfolio Organisation(s)	Portfolio Lead	Event or meeting attended	Issues / Outcomes
<b>Economic &amp; Business</b> Enterprise Great Lake Taupō Trust	<b>Cr Christine Rankin</b>		
<b>Sport &amp; Recreation</b> Rural Travel Fund Taupō Sports Advisory Council Bike Taupō Incorporated	<b>Cr Rachel Shepherd</b>		
<b>Youth and Technology</b> Taupō Youth Awards	<b>Cr Karam Fletcher</b>		
<b>Age &amp; Disability</b> Access Taupō	<b>Cr Kirsty Trueman</b>		
<b>Arts &amp; Culture</b> Creative Taupō Friends of the Lake Taupō Museum Art Gallery	<b>Cr John Williamson</b>		
<b>Environment &amp; Climate Change</b> Greening Taupō Steering Group Waipahihi Botanical Society	<b>Cr Danny Loughlin</b>	Cr Danny Loughlin will be attending the Kids Greening Taupō Strategic Leadership Group (SLG) Meeting on 22 June 2023.	Cr Loughlin will provide a verbal update at the meeting.
<b>Mangakino</b> Oji Fibre Solutions Forum Tirohanga Hall – Connecting our Community	<b>Cr Kirsty Trueman</b>		
<b>Community Safety</b>	<b>Cr Kevin Taylor</b>		
<b>Emergency Management</b> <b>Strategic relationships</b> including ethnic communities, sister and friendship cities	<b>Cr Anna Park</b>		
<b>Community services</b> Waiora House Trust	<b>Cr Yvonne Westerman</b>		
<b>Food Production/Primary Industries</b>	<b>Cr Kylie Leonard</b>		
<b>Other</b> Acacia Bay Residents Association	<b>Cr Yvonne Westerman</b>		
<b>Any other member updates</b>	<b>Cr Duncan Campbell</b> <b>Cr Sandra Greenslade</b> <b>Mayor David Trewavas</b>	Cr Sandra Greenslade attended the following meetings: <ul style="list-style-type: none"> <li>Steering Committee for Te Kapua Park playground</li> <li>Tūrangi Co-Governance Committee meeting on 7 June 2023</li> <li>Attended the Destination Great Lake Taupō (DGLT) rebranding public meeting held by Principals at Tongariro Lodge.</li> </ul> <p>Mayor David Trewavas attended the Combined Sectors Meeting in Wellington on 25 and 26 May 2023.</p>	The project is coming along very well with no budgetary or climate hiccups as the weather has been kind. Heartland Fund (co-funded by King Country Trust & Manawa Energy) provided the funds for the carousel.  Lots of Tūrangi issues were discussed and agreed on.  There was an excellent turnout from the community and lots of lively discussion from everyone.

**WHAKAKAPINGA | CONCLUSION**

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

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council receives the portfolio updates from members.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

Nil

## 5.2 RECOMMENDATIONS ON THE FUTURE OF THE LAKE TAUPŌ PROTECTION TRUST AND RESIDUAL TRUST FUNDS

**Author:** Karyn Hollman, Senior Solicitor

**Authorised by:** Nick Carroll, Policy Manager

### TE PŪTAKE | PURPOSE

To seek a decision from Council in relation to the future of the Lake Taupō Protection Trust and the residual trust funds.

### WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

The Lake Taupō Protection Project (**Project**) is a joint effort between the Crown, Waikato Regional Council (**WRC**) and Taupō District Council (**TDC**) (collectively **Settlors**). It aims to achieve improvement in the water quality of Lake Taupō by, primarily, a minimum target reduction in manageable nitrogen. This has been achieved through the vehicle of The Lake Taupō Protection Trust (**Trust**), reporting to the Lake Taupō Protection Project Joint Committee (**Joint Committee**).

Since achieving that specific objective, the Trust has filled primarily a monitoring role in relation to certain Nitrogen Management Deeds (**NMDs**), aimed at maintaining / reducing the nitrogen impact of activities on properties within the Lake Taupō catchment.

The Trust was to end after 14 years but has been extended to enable proper consideration of the future of the Trust and its activities.

In December 2022, on the recommendation of the Joint Committee, the Settlers agreed that the Trust's management functions be transferred to TDC; and on 28 February 2023, Council approved this recommendation.

In April 2023, the Joint Committee recommended that the Trust be wound-up before 30 June 2023 and transfer residual funds to TDC. This requires each Settlor to agree.

In the meantime, with the benefit of new information on the Trust's activities, and legal and tax advice on the proposed transfer of Trust assets, it has become clear that the steps and parties involved in the wind-up proposal are more involved than initially anticipated. Discussions between officers for the Settlers have, instead, resulted in agreement to recommend to their decision-makers to retain the Trust, and replace the current trustees with just TDC, which has already resolved to assume responsibility for the management functions of the Trust.

Two options are identified:

1. Approve the recommendations from the Joint Committee of 28 April 2023 and consent to winding up the Trust.
2. (Subject to all Settlers formally agreeing) reject recommendation LTPT23/07 of the Joint Committee, retain the existing Trust with TDC as the sole Trustee, and participate in further discussions with the other Settlers to determine the appropriate structure for ongoing reporting on the Trust's affairs.

### NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. Acknowledges but, with the agreement of all Settlers, rejects recommendation LTPT23/07 of the Lake Taupō Protection Project Joint Committee to wind-up the Lake Taupō Protection Trust;
2. Accepts, as Settlor, the resignation of the existing Trustees of the Trust;
3. Agrees to be sole Trustee of the Trust;
4. Instructs Officers to reach agreement with representatives of the Crown and Waikato Regional Council on the form, manner and timing of ongoing reporting (if any) required by the Settlers of the Trustee in relation to Trust affairs;
5. Agrees to such actions as are needed to the Trust Deed, Project Agreement and supplementary deeds to give effect to the foregoing resolutions;
6. Authorises the Chief Executive and Mayor to do all such things as needed to give effect to the foregoing resolutions; and
7. Acknowledges and thanks the outgoing Trustees of the Lake Taupō Protection Trust for their service



to the community and their outstanding achievement in protecting Lake Taupō for future generations.

## TE WHAKAMAHUKI | BACKGROUND

The proposal has been before Council on 13 December 2022 and again at a workshop on 30 March 2023.

The Lake Taupō Protection Trust was set up in February 2007 to administer a \$81.5 million fund to protect Lake Taupō's water quality from the effects of past and current land use activities. It was to do this by reducing the amount of manageable nitrogen leaching into the lake, by 20 per cent, through facilitating land use change, purchasing land/nitrogen within Lake Taupō catchment, and funding other initiatives that assist landowners to reduce the nitrogen impact of their activities on Lake Taupō.

The Trust reports to a Joint Committee of representatives from the Crown (Ministry for the Environment), Ngāti Tūwharetoa Māori Trust Board, Taupō District Council, and Waikato Regional Council.

The Trust achieved the 20 per cent target within 14 years by, among other things, committing affected landowners to 999-year Nitrogen Management Deeds.

The success of the project obtained global recognition. The significance of the project cannot be overstated.

The general purpose of the Trust is:

- (a) The *maintenance* of water quality of Lake Taupō through a reduction in nitrogen levels in the Lake Taupō catchment Area.
- (b) All things as are incidental or conducive to the attainment of the purposes in (a).

[emphasis added]

This is an ongoing endeavour.

Nevertheless, the Trust Deed and Project Agreement were established with a term of 14 years, in the expectation that the nitrogen reduction target would be achieved, and the Trust would have no assets, by the end of that period.

The Term can be extended if all Settlers agreed.

The Trust now has significant (cash and non-cash) assets, meaning that to wind-up the Trust, and transfer the remaining assets in accordance with the Trust Deed, is an involved process that might take years to complete.

## NGĀ KŌRERORERO | DISCUSSION

Pursuant to s17A of the Local Government Act 2002, in December 2022, the Joint Committee engaged KPMG to review the Project and advise on the future role and functions of the Trust given its achievements to date. There was also concern around the costs to operate the Trust (approximately \$250,000-\$325,000 per annum).

KPMG recommended that the Trust's management functions be transferred to TDC to be undertaken in-house, considering TDC's understanding of and involvement in the Project, the potential to reduce annual operating costs, and TDC's relationship with affected landowners.

By TDC202302/22 Council has resolved to take on the Trust's management responsibilities and work is underway to achieve that transition.

The Trust was to exist for the period of the Project, which in turn was to end on 30 June 2019. The Trust Period has been extended to enable proper consideration of the future management and governance arrangements to apply to the Trust given its achievements to date.

On 28 April 2023, the Joint Committee considered options about the future of the Trust, and resolved to wind it up subject to the approval of all Settlers (LTPT23/07); and, subject to legal advice, that the Trust’s funds be used to cover the wind-up costs and the balance transferred to TDC to cover the ongoing management costs (LTPT23/08).

It is believed that the Trust was intended to last only for so long as needed to achieve the 20 percent nitrogen reduction target, in the expectation that it would have no assets by the time the target was achieved. However, not only has the Trust achieved the 20 percent target, but also has accrued significant assets and earned global recognition for its successes.

However, what was envisaged in 2007 to be the case in 2019 has not transpired, and it has become clear that the process to wind up the Trust is more involved, and has greater implications, than envisaged by those who established the Trust and the Project.

With the benefit of more information and legal and tax advice, it has become clear the most practical option is to continue the Trust, albeit with changes to the management, governance, and reporting arrangements to reflect the transfer of management functions to TDC and to reduce the (settlor) role of the Crown and WRC.

All three Settlers must agree to this course to move forward as proposed. Each Settlor is to consider and accept these recommendations formally and separately. Council is the first scheduled to do so, with WRC to follow on 29 June 2023. With respect to the Crown, internal investigations are underway to ensure there are no issues for the Crown to remain Settlor, communication from the Minister’s office is anticipated on or before 28 June 2023. The proposed recommendations in this report are intended to give effect to a decision reached collectively by the Officials Working Group<sup>1</sup> at a meeting held on 6 June 2023.

The legal and tax advice referred to above has been provided by the barrister and Deloitte engaged by the Trust, and Simpson Grierson and PwC New Zealand engaged by TDC, and is consistent with the conclusions reached by KPMG in its review report.

**NGĀ KŌWHIRINGA | OPTIONS**

**Analysis of Options**

Council has the following options:

1. Approve the recommendations of the Joint Committee of 28 April 2023 and consent to winding up the Trust.
2. (Subject to all Settlers formally agreeing) reject recommendation LTPT23/07 of the Joint Committee, retain The Lake Taupō Protection Trust, Council become the sole Trustee of that Trust, and participate in further discussions with the other Settlers to determine the appropriate structure for ongoing reporting on the Trust’s affairs.

**Option 1. Consent to winding up the Lake Taupō Protection Trust**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• TDC receives on trust for specific purposes significant cash and non-cash assets currently owned by LTPT to apply towards specific purposes; that is: management functions associated with each NMD and generally carrying out actions in furtherance of the purpose of LTPT.</li> <li>• Allows TDC to determine the structure within which it holds the assets formerly of LTPT. Possible structures might be anything from a suitable accounting structure to ring-fence and properly apply the funds, to another legal entity separate and distinct from TDC.</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of charitable status of LTPT, which status itself is advantageous, particularly for funding and grants purposes.</li> <li>• Current work in progress around necessary variations to each NMD becomes redundant and the exercise repeated in the name of TDC or its chosen replacement entity.</li> <li>• Potential loss of national and international reputation associated with the Trust.</li> <li>• Potential loss of goodwill of landowners with the change of structure (compared to changing the contact person only).</li> <li>• Time and cost associated with transferring cash and non-cash assets, including rights under</li> </ul>

<sup>1</sup> A group of senior staff from all parties to the Lake Taupō Protection Joint Committee being Waikato Regional Council, Taupō District Council, the Crown and Tūwharetoa Māori Trust Board.

	<ul style="list-style-type: none"> <li>each NMD and nitrogen ownership.</li> <li>Involved tax considerations.</li> <li>A new reporting arrangement is needed if WRC and the Crown wish to retain some involvement.</li> </ul>
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**Option 2: TDC retains and becomes the sole Trustee of The Lake Taupō Protection Trust**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Enables efficient transfer of functions and responsibilities as required by WRC and the Crown but no loss of gains associated with the existing Trust: international name/reputation, landowner relationships, administration processes, existing legal arrangements including current work in progress involving 27 sets of landowners.</li> <li>Charitable Trust Act registration and status retained providing potential avenues of funding that would not otherwise be available.</li> <li>Matters of tax are simpler.</li> </ul>	<ul style="list-style-type: none"> <li>Restricts options of an alternative structure within which to fulfil management functions of Trust.</li> <li>Changes needed to constitutional documents.</li> <li>Relies on resolution of other Settlers to follow this meeting.</li> </ul>

Analysis Conclusion:

The preferred option is **Option 2: TDC retains and becomes the sole Trustee of The Lake Taupō Protection Trust**. This is subject to WRC and the Crown formally agreeing and will involve further discussions among the Settlers and Ngāti Tūwharetoa to determine the appropriate structure for ongoing reporting on the Trust’s affairs.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Whakahāngai ki tā te Kaunihera wawata | Alignment with Council’s Vision**

Council’s vision is ‘to be the most prosperous and liveable district in the North Island’. 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; Charming and Value.

**Ngā Aronga Pūtea | Financial Considerations**

The Trust would be self-funded for the foreseeable future from the existing funds. Once those funds are exhausted the financial impact of the proposal is estimated to range between \$60,000-\$80,000 per annum and associated overhead and administrative costs incurred to monitor the 27 nitrogen discharge reduction agreements (NDRAs).

**Ngā Aronga Ture | 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 environmental and cultural values are of relevance to this matter.

The proposal has been evaluated in view of the Charities Act 2005 and Local Government Act 2002 and advice has been obtained on implications on the proposal of the GST Act 1981.

Officers have reviewed the key documents pertaining to the proposal - The Lake Taupō Protection Trust deed, the Project Agreement, the Funding Deed and Monitoring Deed – as relevant to determine the action needed to transfer the trusteeship to TDC and reduce the scope of involvement of WRC and the Crown as Settlers.

Authorisation by way of consent to the proposal is required from Waikato Regional Council, the Crown and Ngāti Tūwharetoa.

## Ngā Hīraunga Kaupapa Here | Policy Implications

There are no known policy implications.

## Te Kōrero tahi ki te Māori | Māori Engagement

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include (without limitation) the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district. 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.

Since 2016 two members of the Joint Committee are appointed by Tūwharetoa Māori Trust Board, to represent Ngāti Tūwharetoa and its hapū.

## Ngā Tūraru | Risks

- The Crown and WRC might resolve to not retain, but wind-up, the Trust. This would be unexpected, bearing in mind the outcome of the discussions between representatives of TDC, the Crown and WRC, but nevertheless is a possibility.
- TDC, as trustee, is obliged to ensure prudent management and investment of the existing funds in the Trust. This will rely on appropriate accounting support and setting up an ongoing monitoring and oversight framework. For example, the current Joint Committee, or another organisation or framework already operating in this space, could provide the necessary oversight.
- Landowners may become confused around who has oversight of the Nitrogen Management Deeds. To mitigate this risk, TDC will directly engage with landowners bound by an NMD, to provide information on the transition process and future arrangements between them and TDC.
- The project has been an outstanding success and continues to be the subject of national and international interest and study. The transition from the Trustees to TDC will include information on the way the project has been undertaken. Carrying on this legacy and ensuring that the success story continues to be told will rest with Council.

## TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement Policy identifies matters to be considered when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is of a low degree of significance. Whilst the Trust structure was intended to have a finite life, the purpose of the Trust is ongoing, and it makes sense to continue the project within the existing Trust structure, albeit with some changes to the constitutional documents to limit the scope of WRC and the Crown's responsibilities as Settlers, so that they are more or less in the same position had the Trust been wound up.

The decision to retain the Trust and accept sole trusteeship is primarily an administrative matter, with Council having made the more substantial decision (on 28 February 2023) to accept responsibility for the ongoing management functions of the Trust.

**TE KŌRERO TAHI | 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 deciding.

The Crown, Waikato Regional Council and Tūwharetoa Māori Trust Board have been involved in determining this change of direction from the recommendation of the Joint Committee. The current trustees of The Lake Taupō Protection Trust, and its solicitor, have been kept informed.

TDC will arrange for landowners to be updated on the administrative changes, and ongoing matters involving, or of interest to, landowners.

**TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA**

TDC will contact landowners directly and advertise new contact details in the Taupō Lake Care Incorporated newsletter to reach a wider group of landowners.

**WHAKAKAPINGA | CONCLUSION**

The Settlers recognise the significance that the Project plays in the improvement of the water quality of Lake Taupō, and the need for the purpose of the Trust to continue. The sensible course is to maintain the existing trust structure, along with its existing documents, processes, relationships, and reputation, with Taupō District Council as sole trustee.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

Nil

**5.3 FINAL APPROVAL TO MAKE PLAN CHANGE 37 - NUKUHAU OPERATIVE**

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

**Authorised by:** Nick Carroll, Policy Manager

**TE PŪTAKE | PURPOSE**

The purpose of this report is to seek final approval to make Plan Change 37 (Nukuhau) operative.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

Plan Change 37 (Nukuhau) is a private plan change that was received by Council in September 2020. A decision was issued by Commissioners in February 2022. Since that time the plan change has been under appeal, however those matters have been resolved through mediation and consent order issued by the Environment Court.

The means the Council can now give final approval to Plan Change 37 and make it part of the operative Taupō District Plan. This is the final step in the plan change process, requiring the affixing of the Council seal and notification of the date when the plan changes will become operative.

Through the process of resolving the appeal, some inconsistencies in terminology within the plan change became apparent. This is because a new map was introduced through the hearing process in response to queries from Commissioners. The resulting consequential amendments were not made throughout the Plan Change. Under the Resource Management Act, Clause 16(2) provides a discretion ('may') to amend the Plan without a First Schedule Process, where amendments are of a minor effect or to correct any minor errors.

The Council has limited options at this final stage in the process. The recommendation from the Hearings Panel to approve Plan Change 37 can be accepted or rejected. If rejected it would need to go back to the Hearings Panel for further consideration. The Clause 16(2) amendments are an additional component that could be included or not, however not including them will likely create issues through the consent process.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council

1. approves the amendments to Plan Change 37 proposed under Clause 16(2) of the First Schedule of the Resource Management Act as marked on Attachment One.
2. approves Plan Change 37 (Nukuhau) in accordance with clause 17 of the First Schedule of the Resource Management Act as per Attachment One.
3. Directs that in accordance with clause 20 of the First Schedule of the Resource Management Act 1991, Plan Change 37 becomes operative on 14 July 2023 and instructs officers to affix the official Council seal.

**TE WHAKAMAHIKI | BACKGROUND**

Plan Change 37 (Nukuhau) was lodged with Council in September 2020. Following a request for further information, the Council accepted the proposal in accordance with clause 25(2)(b) of the First Schedule of the Resource Management Act 1991. It was then notified and heard by a hearings panel in November 2021. They released their recommendation to adopt the plan change in February 2022.

Since this time the Plan Change has been subject to a sole appeal. This has now been resolved through mediation and a Consent Order which has been lodged with the Environment Court. The Plan Change is now in a position to be given final approval by Council.

**NGĀ KŌRERORERO | DISCUSSION**

Plan Change 37 has been through an extensive process as required under the Resource Management Act. Originally the land involved in the Plan Change was identified within Taupo District 2050 as a growth area. The plan change was lodged by a group of landowners within the area as a private plan change. Council heard the application via a panel of commissioners.

There as a mix of support and opposition to the plan change, however the vast majority of issues were worked through in the hearing process. The sole appeal was about discreet issues on one particular landowner’s land, and has now been resolved through mediation and a consent order issued by the Environment Court. The Court has approved this Consent Notice and it is included as Attachment Two.

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

Option 1. Approve the Final Plan Change with Clause 16(2) amendments

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Certainty for landowners</li> <li>• Allows development to get underway</li> <li>• Clarity around stormwater terminology</li> </ul>	<ul style="list-style-type: none"> <li>• Potential risk of clause 16(2) being challenged by appellant</li> </ul>

Option 2. Approve the Final Plan Change without the Clause 16(2) amendments

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• No risk of challenge of the clause 16(2) changes</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of consistency of stormwater terminology making implementation difficult.</li> </ul>

Analysis Conclusion:

Approve the final plan change with clause 16(2) amendments.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Whakahāngai ki tā te Kaunihera wawata | Alignment with Council’s Vision**

Council’s vision is ‘to be the most prosperous and liveable district in the North Island’. 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.

**Ngā Aronga Pūtea | Financial Considerations**

The financial impact of the proposal is minimal being the cost of a public notice. However if the 16(2) changes are challenged then this may involve legal costs.

**Ngā Hīraunga Kaupapa Here | Policy Implications**

The plan change has been completed according to the First Schedule of the Resource Management Act 1991.

**Te Kōrero tahi ki te Māori | Māori Engagement**

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

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.

Appropriate engagement was undertaken with Māori and in particular iwi partners as required under the First Schedule of the Resource Management Act 1991.

**Ngā Tūraru | Risks**

There is a risk that the appellant may appeal the clause 16(2) requirements. It is understood this is due a concern that this may result in additional requirements on them through subdivision. We have met with the party on these changes and we are awaiting feedback on their comfort with the clause 16(2) amendments.

**TE KŌRERO TAHI | 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.

**TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA**

As required under the First Schedule of the Resource Management Act a public notice will state that the plan change will become operative. Notification must occur five days prior to this operative date.

**WHAKAKAPINGA | CONCLUSION**

It is recommended that the Council approve Plan Change 37 including the associated Clause 16(2) changes. The plan change has been through an extensive process, both through pre-consultation and under the First Schedule of the Resource Management Act

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Decision Version of PC37 with Clause 16(2) and Consent Order Amendments (under separate cover 1) [↗](#)
2. Environment Court Decision PC37 (under separate cover 1) [↗](#)



## 5.4 CLASS 4 GAMBLING POLICY REVIEW

**Author:** Andrew Wilson, Policy Advisor

**Authorised by:** Nick Carroll, Policy Manager

### TE PŪTAKE | PURPOSE

The purpose of this report is to provide a review of the Class 4 Gambling and TAB Venues policy and seek a decision in relation to continuing this policy.

### WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

The Class 4 Gambling and TAB Venue policy is enacted under the Gambling Act 2003. This policy is required to be reviewed every three years under this Act.

The purpose of the Class 4 Gambling and TAB Venue Policy is:

- a. To control the growth of gambling in the Taupō District within the legislative means available.
- b. To minimise the harm to the community caused by gambling while allowing those who wish to participate to do so.
- c. To ensure that the Council and the community has influence over the location of new Class 4 and TAB venues in the Taupō District.
- d. To facilitate community access to information about the funds produced and distributed from Class 4 venues within the Taupō District.

Since the last review in 2020 there has been no change in the number of gambling machines installed in the Taupō District. However, there has been a long-term decline in the number of gambling machines installed, from 217 in 2013 to 151 in 2023.

The policy imposes an upper limit to the number of gambling machines that can be installed in the district. The current limit of 164 machines could be reduced by a maximum of 13 machines to match the current 151 machines. In order to change that limit, Council would need to conduct a special consultative procedure.

However, the cost of a special consultative procedure does not warrant changing the limit given the relatively small possible reduction in maximum machines and the lack of change in the number of gambling machines since the last review. On that basis, officers recommend that Council roll over the existing Class 4 Gambling and TAB Policy with no changes until 2026.

### NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. makes no amendments to the existing Class 4 Gambling and TAB Venues policy and therefore adopts the draft Class 4 Gambling Policy 2023; and
2. notes that the next review of the Class 4 Gambling and TAB Venues policy will be in 2026.

### TE WHAKAMAHIKI | BACKGROUND

The proposal has not been presented previously. The Class 4 Gambling and TAB Venue policy gives effect to the Gambling Act 2003 and is required to be reviewed every three years. Section 102 (6) of the Act states that the policy does not cease to be in effect if it is due for, or is being, reviewed.

### NGĀ KŌRERORERO | DISCUSSION

#### What is Class 4 Gambling?

Class 4 Gambling is classified as high-risk, high-turnover gambling according to the Gambling Act 2003. Class 4 gambling may only be conducted by a corporate society and only to raise money for an authorised (e.g. community and non-commercial) purpose.

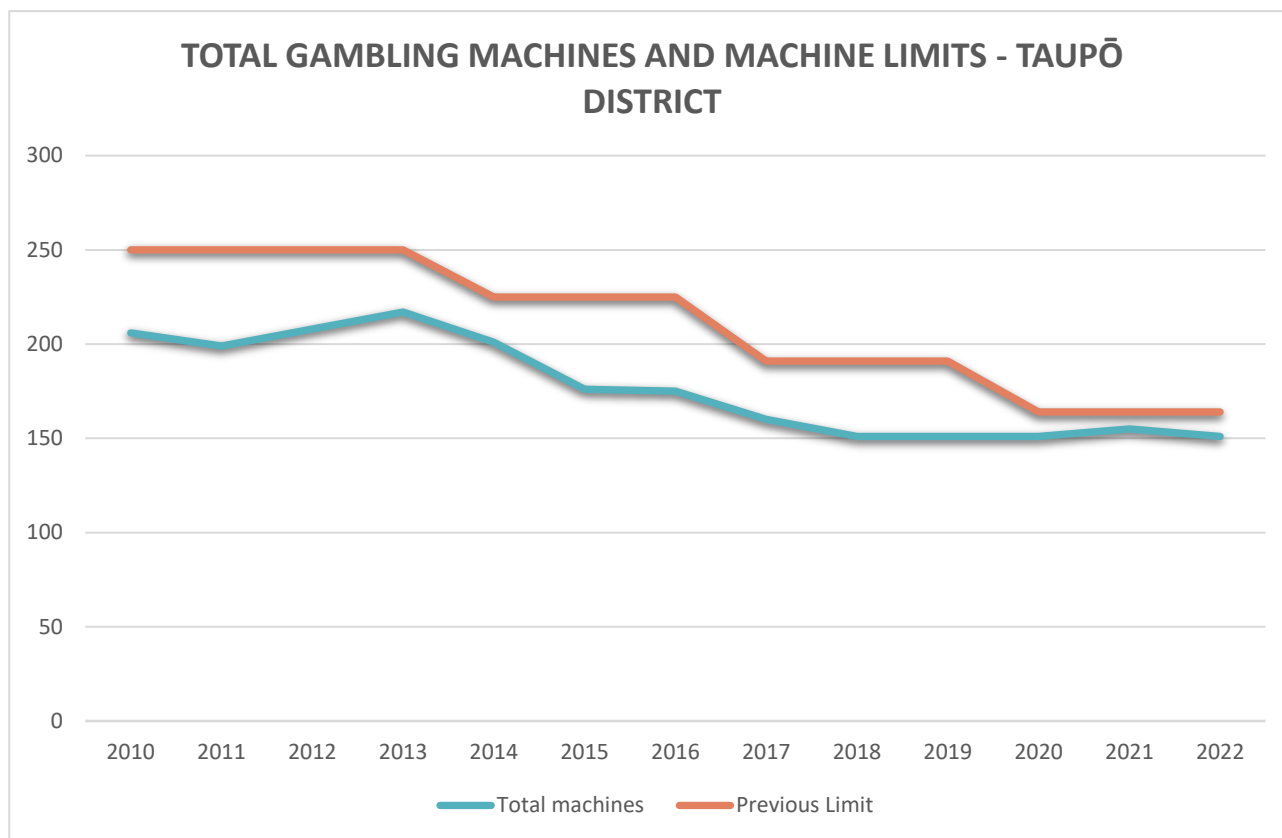
#### Potential reduction in the number of gambling machines

As part of the initial review officers found that Council could further reduce the upper limit of gambling machines to match the current 151 machines installed in the district. This reduction in the upper limit would help support positive social outcomes.

**Council’s previous decisions and the overall downward trend are key points to consider**

Council’s previous decisions to reduce the upper limit do not explain the downward trend in gambling machines observed. When Council has previously reviewed the policy, the limit has always been placed above the existing actual number of machines. This helps slowly limit the maximum number of machines allowed in the district but is not the cause of the overall downward trend. For example, the number of machines decreased from 160 in 2017 to 151 in 2020 despite the limit at that time being 191 machines. Council reduced the limit through the 2020 review of the policy to the current 164 machine limit to reflect the downward trend and limit any potential increase in machines. This indicates that the decline in machines is somewhat independent of the upper limit set by the policy. As of December 2022, the number of machines still sits at 151.

Below is a graph that shows the long-term trend in gambling machines and the trend in the limit placed on them through Council policy.



If Council proposes a further reduction to the limit of the number of machines, Council is required under Section 102 of the Gambling Act 2003 to use a special consultative procedure to make changes to the policy. If no changes are proposed, then the use of a special consultative procedure is not required.

Additionally, if no changes are proposed, then no consultation needs to be conducted under Council’s Significance and Engagement Policy because engagement was conducted in the last three years.

Given the declining trend in gambling machines and no material change in the number installed gambling machines over last three years, officers recommend rolling over the existing Class 4 Gambling and TAB Venues policy till 2026.

However, when the next review is required in 2026, consultation will be required to meet our obligations under the Significance and Engagement Policy if no consultation is conducted this time.

Based on this information there are two options.

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

**Option 1: Review the Class 4 Gambling and TAB Venues policy and propose a reduction to the upper limit on gaming machines.**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Reduces the upper limit on gambling machines, which supports positive social outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>Requires undertaking a special consultative procedure to reduce the upper limit by a small amount, which is costly in terms of staff time and money.</li> </ul>

**Option 2: Roll over the existing Class 4 Gambling and TAB Venues policy**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Save time and money from not needing to undertake a special consultative procedure to reduce the upper limit by a small amount.</li> </ul>	<ul style="list-style-type: none"> <li>The community is not given the opportunity to provide its views/submit.</li> <li>Does not reduce the upper limit and allows for an increase in gambling machines by a maximum 13 machines.</li> </ul>

Analysis Conclusion:

Given the slow downward trend of gambling machines in the district, the short review cycle required under the act, and the lack of change in the number of gambling machines since 2020 officers recommend option two (2) which would see the existing policy rolled over until 2026.

When the policy is up for review again in 2026, consultation will be required to meet our obligations under the Significance and Engagement Policy even if no changes are proposed.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Whakahāngai ki tā te Kaunihera wawata | Alignment with Council’s Vision**

Council’s vision is ‘to be the most prosperous and liveable district in the North Island’. 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.

**Ngā Aronga Pūtea | Financial Considerations**

There are only financial considerations to be made for option one (1) where there would be some cost to run a special consultative procedure, this includes advertising and officer hours. If option one (1) is selected, then it will be funded through the policy team budget.

**Ngā Aronga Ture | 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, and cultural wellbeing 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:

**Gambling Act 2003** which requires the use of special consultative procedure if changes are made to the Class 4 Gambling and TAB venues policy. Officers have sought advice on this issue to ensure that if no changes are proposed that a special consultative procedure is not required.

#### **Ngā Hīraunga Kaupapa Here | Policy Implications**

There are no known policy implications.

#### **Te Kōrero tahi ki te Māori | Māori Engagement**

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori, and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

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. Consultation with the community has been conducted in the last three years and the views of submitters are known on this issue. Given the lack of change in number of gambling machines in the last three years Officers have not engaged with any group as of writing this report. If Council wishes to make changes to the Class 4 Gambling and TAB Venues Policy, then Officers will conduct consultation with Māori on any proposed changes.

#### **Ngā Tūraru | Risks**

There is a risk of community frustration if they are not given the opportunity to provide views/submit. This is mitigated by the limited scope for change to the existing policy.

#### **TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is of a low degree of significance.

#### **TE KŌRERO TAHI | 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.

#### **TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA**

Direct communication has been/will be carried out with affected parties/key stakeholders but no wider communication is considered necessary.

#### **WHAKAKAPINGA | CONCLUSION**

Given the long-term downward trend of gambling machines in the district as well as the short review period required under the act, consulting the community on a reduction to the limit of gambling machines by maximum of 13 would not be an effective use of council and ultimately community resources. Especially given the number of gambling machines has remained at 151 since the 2020 review which reduced the cap on gambling machines to the current 164 machine limit.

#### **NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Class 4 Gambling Policy 2023 Draft

**5.5 BYLAW REVIEW PACKAGE: FREEDOM CAMPING, ALCOHOL CONTROL, AND CEMETERY BYLAWS**

**Author:** Andrew Wilson, Policy Advisor

**Authorised by:** Nick Carroll, Policy Manager

**TE PŪTAKE | PURPOSE**

The purpose of this report is to provide statements of proposal to Council for adoption so that a special consultative procedure can be conducted. Statements of proposal must be adopted for bylaw consultation under section 83 of the Local Government Act 2002 (LGA).

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

Council is required to review bylaws at various times depending on the governing act the bylaw is made under. This is generally every five or ten years. The following bylaws currently require reviewing:

- Freedom Camping Bylaw
- Alcohol Control Bylaw
- Cemetery Bylaw

Officers have reviewed these bylaws and are proposing some changes to address staff concerns, changes in legislation, and issues raised by the community. While officers have tested the draft proposals with various community groups and made some changes based on their feedback, Council still needs to formally adopt the attached statements of proposal and draft bylaws for consultation with the wider community.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

1. That Council adopts the statements of proposal and draft bylaw Freedom Camping, Alcohol Control and Cemetery bylaws attached to the report in this agenda for consultation.
2. That a Special [Ad Hoc] Committee of Council be constituted, as per the attached terms of reference, to hear and consider submissions on the proposed 2023 Bylaws (hearing date proposed for 29 August 2023).
3. That Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ plus the Mayor ex-officio are appointed to the Special [Ad Hoc] Committee of Council.

**TE WHAKAMAHUKI | BACKGROUND**

The proposal has been presented to Council at a workshop on 4 April 2023.

As a result of the workshop officers have conducted pre-consultation with particularly affected parties.

**For Alcohol Control officers contacted:**

- Off-licences within the proposed new control area for Taupō town centre
- Representative Groups
- Safe Tūrangi
- Ratepayer/residents associations
- Taupō Police
- Town Centre Taupō
- Taupō Business Chamber
- Iwi/Hapū

**For Freedom Camping officers contacted:**

- Representative Groups

- Ratepayer/residents associations
- New Zealand Motor Caravan Association (NZMCA)
- All Points Camping NZ
- Iwi/Hapū

**For the Cemetery Bylaw officers contacted:**

- Iwi/Hapū
- Representative groups
- Funeral assistants/directors
- Faith groups
- Cultural groups

Not all parties contacted responded to officers to provide initial feedback on the draft proposals. All contacted parties will have an opportunity to formally submit over the July-August consultation period.

Changes made to the bylaws based on initial feedback will be outlined in the discussion below.

**NGĀ KŌRERORERO | DISCUSSION**

**Alcohol Control Bylaw**

Officers contacted several groups but only received feedback from Taupō police, Liquorland Taupō, Town Centre Taupō, and Motuoapa Residents Association and the various council organised representative groups. These groups were supportive of the proposed change to the Taupō Town Centre liquor ban expansion.

Taupō area police also asked us, after providing their initial feedback, to consider additional expansions of the liquor ban areas including:

- The addition of a new ban down the Waikato River to Hipapatua reserve/ freedom camping site.
- Expansion of the Kinloch New Year liquor ban area to encompass everything south of Whangamata Road.

Officers assessed the Waikato River request and due to the lack of evidence to suggest there is alcohol related offending or nuisance occurring in this area, have decided not to add this area in as a new ban.

Officers also considered police feedback about significant levels of offending and nuisance in the Kinloch community over the New Year period. Evidence suggests this is a particularly challenging period that sees a large spike in alcohol related issues for the Kinloch community. In response to this, officers organised a discussion with the Kinloch community and local police about expanding the New Year liquor ban area.

Officers' initial advice to the community and in discussion with police was that there was not enough evidence to suggest that a ban on everything south of Whangamata Road was appropriate when balanced against the requirements of Section 147 of the Local Government Act and the Bill of Rights Act (BORA). However, there was sufficient evidence to suggest that an expansion of the ban area around the Kinloch marina and adjacent parks would be appropriate.

Through discussion with representatives of the Kinloch community and police, officers are proposing an expansion of the New Year liquor ban area in Kinloch to cover the Kinloch Marina, Kinloch Domain, Kenrigger Road East Reserve and some of the surrounding roads. This is balanced under section 147 of the LGA and has been assessed against the BORA as being a reasonable restriction based on the evidence provided by police and the community.

Based on feedback the proposed changes are as follows:

<b>Proposed Change</b>	<b>Rationale</b>
<p><b>Expansion of Taupō Town alcohol control area to Titirapenga Street and adjoining areas*.</b></p>	<p>Taupō area police have requested an expansion of the alcohol control area to include Titirapenga Street because they have seen increased disorder partly due to excessive alcohol drinking in the carparks adjoining this street.</p> <p>The police reported 145 alcohol related issues in this street and adjoining areas in the last year, of which 44 were criminal offences. Police have not highlighted this level of offending in other nearby areas. Approximately half of these offences were traffic-related (i.e. drunk driving) and the other half were related to disorderly behaviour, violent behaviour, drug use, and sexual offending.</p> <p>Given the level of offending in this street and adjoining areas, TDC officers support the request made by Taupō District police to expand the alcohol control area to Titirapenga Street.</p>
<p><b>Connecting the lakefront New Year ban area between Hawaii Street and the 2 Mile Bay Boat Ramp*</b></p>	<p>This area creates inconsistency with the existing New Year ban area. While the 2 mile bay sailing club operate a licensed premise on the site there are bits of the land nearby that are publicly accessible which creates inconsistency with the rest of the lakefront New Year ban area.</p> <p>Note: Liquor bans do not prevent licensed premises from operating</p>
<p><b>Kinloch New Year ban expansion*</b></p>	<p>Kinloch has experienced significant challenges over the New Year period due to large numbers of young people turning up for the last two years.</p> <p>Police and the community have provided significant evidence of the damage and offending by people over the New Year period. This behaviour has been somewhat localised around a few key areas and as such Council is proposing to expand the New Year ban area in Kinloch to cover these hotspots.</p>

\*Maps are included in the attached statements of proposal

**Freedom Camping Bylaw**

Officers contacted several groups about freedom camping. Officers heard feedback from the Mangakino-Pouākani representative group, Mangakino Charitable Trust, NZMCA and the other council organised representative groups.

Based on these discussions officers are still proposing the removal of the freedom camping site at the Whakamaru Domain due to the concerns for visitor safety and experience. This site is still leased by the Mangakino Charitable Trust for grazing of livestock and motocross which conflict with the site being an open freedom camping area.

Feedback from NZMCA has meant that officers have changed the proposal regarding the addition of Reserve Act 1977 ban areas to schedule one. Officers are now proposing that those ban areas be flagged by an unenforceable advisory note due to the legal implications of adding them to schedule one of the bylaw. This will still achieve the initial goal of adding those areas to schedule one which was to make it clear to campers that there are other areas where camping is prohibited due to the Reserves Act 1977.

NZMCA did not comment extensively on the removal of the Mangakino site but did ask for clarification as to why Council potentially would remove it. Officers advised them of the mixed-use nature of the site and the

concerns for visitor safety and experience. They also informed NZMCA about the site being used infrequently.

NZMCA also asked if Council will continue to have open freedom camping sites if the Freedom Camping act is changed. Officers advised them that at this time there has been no direction to remove any open freedom camping sites.

**Based on feedback the proposed changes are as follows:**

<b>Proposed Change</b>	<b>Rationale</b>
<b>Addition of Reserves Act 1977 Prohibited Areas as an advisory note</b>	The current bylaw lacks clarity on the specific areas where camping is prohibited under the Reserves Act 1977. To address this, TDC officers recommend inserting an advisory note to let people know about these areas together with the relevant website link. This change will ensure that campers have a clear understanding of where they are allowed to camp.
<b>Removal of Whakamaru Domain as an Open Freedom Camping Site</b> (See statement of proposal for map)	It is proposed to remove the open freedom camping site on the Whakamaru Domain because: <ul style="list-style-type: none"> <li>• The primary use of the field is for grazing, cropping, and motocross, by the Mangakino Central Charitable Trust and it is not suitable for camping that is not self-contained i.e. using tents. This varied use of the space creates concern for both health and safety and a potential negative visitor experience.</li> <li>• It is infrequently used for camping purposes of all types and other sites located nearby are far more popular.</li> </ul>

**Cemetery Bylaw**

Officers reached out to many groups about cemeteries and received no feedback from the faith community or funeral directors. We did get some feedback about operational matters from the Taupō East rural representative group. This feedback has been passed onto the reserves team.

Officers recommend that Council proposes the handbook and new bylaw despite not receiving initial feedback from the affected parties identified through pre-engagement. These parties will have another opportunity to provide feedback through formal consultation.

Additionally, the handbook does not differ substantially from the existing bylaw and only contains some minor changes pertaining to burial depth standards and what items can be placed in graves.

**The proposed changes are as follows:**

<b>Proposed Change</b>	<b>Rationale</b>
<b>Cemetery handbook</b>	This shift to a handbook format would make the bylaw more concise and make the information families are looking for when burying a loved one more accessible.  This shift to a handbook has been done by other councils and it has worked effectively.
<b>Grave Depth</b>	The current Cemetery Bylaw specifies the depth of a single plot should be 1500mm. However, there have been issues due to families of deceased persons changing their minds and wishing to bury loved ones in the same grave site that has only been dug to single depth. This has created operational inefficiency and challenges with removing caskets to dig sites deeper to accommodate the families' wishes.  A double depth plot allows for a family to bury another person in the same grave site without the difficulties of removing a casket and



	<p>digging the plot deeper. Under this proposal, individuals who prefer a single plot can still be buried alone at the existing double depth of 1700mm. This helps to reduce operational burdens if the family of the deceased changes their minds later and wishes to bury someone else in the plot.</p> <p>The burial cost will remain the same as the current single depth charge until the fees and charges are reviewed in the future.</p>
<p><b>Additions to Burials</b></p>	<p>To address concerns raised by cemeteries and burials staff, TDC officers are proposing limitations on items that can be placed in cemetery plots outside of caskets.</p> <p>Some items are harmful to the environment, pose health and safety risks, or cannot be exhumed with due reverence. As a result, officers are proposing a non-exhaustive list of prohibited items for interment in plots outside of caskets.</p> <p>The following list considers various cultural practices and only restricts the placement of goods in plots if deemed necessary. The aim is to strike a balance between respecting cultural traditions and ensuring cemeteries are safe.</p> <ul style="list-style-type: none"> <li>• Alcohol</li> <li>• Ammunition or explosive material</li> <li>• Batteries</li> <li>• Crash helmets and hardhats</li> <li>• Crockery</li> <li>• Die cast metals, aluminium, and copper (large items only)</li> <li>• Garden spades, forks etc.</li> <li>• Glass, such as bottles, vases, and picture frames</li> <li>• Lighters</li> <li>• Laptop computers</li> <li>• Mattresses</li> <li>• Mobile phones</li> <li>• Motorcycle leathers</li> <li>• Any pressurised containers</li> <li>• Prosthetic limbs</li> <li>• PVC (in all forms)</li> <li>• Wet suits and surfboards</li> <li>• Products containing polystyrene foams</li> <li>• Products that are volatile</li> <li>• Wire</li> </ul>

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

**NGĀ KŌWHIRINGA | OPTIONS**

**Option one: Adopt statements of proposal and draft bylaws for consultation**

Council officers have conducted significant pre-consultation and believe that the current drafts reflect the feedback of particularly interested parties and community representative groups. The community will have

the opportunity to provide further feedback through the formal consultation process which is enabled by the adoption of the attached statements of proposal.

### **Option two: Continue pre-consultation or change the draft bylaws and proposals**

If elected members believe further changes or pre-consultation needs to be conducted before formal consultation, then they can direct officers to continue pre-consultation with the community or make amendments to the attached statements of proposal before returning for adoption at a later date.

#### Analysis of Options

Given the substantial pre-consultation that has been done to date, officers do not believe there is significant benefit to continuing or changing the statements of proposal. As this report has outlined, changes have been made to the initial proposals that were presented to Council driven primarily by community stakeholder feedback.

#### Analysis Conclusion:

Officers recommend that option one (1) be chosen based on the above rationale.

## **NGĀ HĪRAUNGA | CONSIDERATIONS**

### **Whakahāngai ki tā te Kaunihera wawata | Alignment with Council's Vision**

Council's vision is 'to be the most prosperous and liveable district in the North Island'. 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.

### **Ngā Aronga Pūtea | Financial Considerations**

#### Long-term Plan/Annual Plan

The expenditure to conduct consultation is currently budgeted for under Policy team operating costs.

### **Ngā Aronga Ture | 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 wellbeing 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:

**Freedom Camping Act-** The proposed freedom camping bylaw is consistent with the freedom camping act.

**Self-Contained Motor Vehicle Bill-** This bill has been adopted by parliament and is awaiting royal assent as of writing this report. This bill requires changes to the definition of self-contained in the bylaw. These changes are not required to be consulted on under Schedule 1AA.

**Burials and Cremations Act-** The proposed changes to the cemetery bylaw are consistent with the act

**Bill of Rights Act-** All bylaws have had the proposed changes balanced against the Bill of Rights act to ensure Council does not create rules that are unjust or unfairly impact peoples' freedoms.

### **Ngā Hīraunga Kaupapa Here | Policy Implications**

The proposal has been evaluated against the following plans:

- Long Term Plan 2021-2031     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 proposals have been assessed against the purpose of each bylaw to ensure changes help enable those purposes.

## Te Kōrero tahi ki te Māori | Māori Engagement

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori, and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Officers have reached out to Iwi and Hapū groups to collect their feedback on the draft proposals before adoption by Council. At the time of writing the report officers did not receive any feedback from Iwi or Hapū about the draft proposals. Officers did attend the Tūrangi Co-Governance committee meeting on 7 June where some members of Ngāti Tūrangitukua were able to provide feedback. At this meeting officers responded to feedback and have sought to organise a meeting with Ngāti Tūrangitukua.

Officers will continue to try and arrange to discuss the bylaws with Iwi and Hapū across the district over the consultation period running from July-August 2023.

### Ngā Tūrarū | Risks

There are no known risks.

## TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is significant.

## TE KŌRERO TAHI | ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a high degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision. No further consultation is required for this decision as this decision enables community consultation on the bylaw proposals as required under the Local Government Act.

## TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

A communications plan has been prepared in consultation with the communications team. The community will be consulted in line with the special consultative procedure set out in the Local Government Act. Consultation will begin in July and end in August.

## WHAKAKAPINGA | CONCLUSION

Based on the information outlined in this report Officers recommend that Council adopt the statements of proposal and draft bylaws attached to this report for consultation with the community.

## NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Freedom Camping Statement of Proposal
2. Alcohol Control Statement of Proposal
3. Cemetery Bylaw Statement of Proposal
4. Cemetery Handbook DRAFT 2023 (under separate cover 1) ⇄
5. Freedom Camping Bylaw 2023 Draft (under separate cover 1) ⇄
6. Alcohol Control Bylaw 2023 Draft (under separate cover 1) ⇄
7. Cemetery Bylaw 2023 Draft (under separate cover 1) ⇄
8. Terms of Reference for Ad-hoc Committees

**5.6 TE ARAWA RIVER IWI TRUST - TAUPŌ DISTRICT COUNCIL JOINT MANAGEMENT AGREEMENT REVIEW**

**Author:** Cornelia Dempsey, Co-Governance Management Partner

**Authorised by:** David Rameka, Iwi and Co-Governance Manager

**TE PŪTAKE | PURPOSE**

The purpose of this report is for Council to approve the recommendations of the Te Arawa River Iwi Trust and Taupō District Council Co-Governance Committee.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

The Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 ("the Act") was enacted in 2010 initiating a new era of co-management over the Waikato River, with the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations.

The Act also provides for the development of joint management agreements between the river iwi and local authorities and as such the Te Arawa River Iwi Trust (TARIT) – Taupō District Council joint management agreement (JMA) was developed and signed in 2017. The Te Arawa River Iwi Trust and Taupō District Council co-governance committee was established and tasked with overseeing the implementation of the JMA.

Section 17 of the JMA sets out the process for reviewing and amending the JMA. Timing and scope of the initial review was discussed at previous co-governance meetings. At its meeting held on 11 April 2023, the co-governance committee agreed to recommend to Council and the TARIT Board to delay the comprehensive review until after the general elections in recognition of the current uncertainty surrounding the Government's reform programmes and the implications those might have on the content of the JMA moving forward.

In addition to agreeing to delay the comprehensive review, the co-governance committee also resolved to make the following changes.

- Correction of minor typo errors.
- Amendment of clauses 8.3, 8.8 and 8.9 to further clarify intent of these clauses being ongoing involvement and engagement through the development of the plan changes.
- Addition of new clauses 12, 12.1 and 12.2 outlining process for Council to provide information to TARIT when Council, as the applicant, is lodging a resource consent to another consent authority.

The next part of the review process requires Council and the TARIT board to approve the committee's recommendations prior to notifying the Minister for the Environment as per clause 17.6 of the JMA.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council acknowledges the work of the Te Arawa River Iwi Trust – Taupō District Council co-governance committee and approves the following recommendations:

1. Postpone the comprehensive review of the Joint Management Agreement (JMA) until after the next general elections in October 2023;
2. Correction of minor errors;
3. Amendment of clauses 8.3, 8.8 and 8.9 to further clarify intent of these clauses being ongoing involvement and engagement through the development of the plan changes.
4. Addition of new clauses 12, 12.1 and 12.2 outlining process for Council to provide information to TARIT when Council, as the applicant, is lodging a resource consent to another consent authority.
5. That Council authorises the Mayor and Chief Executive to execute and sign the amended agreement on behalf of Council.

**TE WHAKAMAHUKI | BACKGROUND**

The Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 ("the Act") was enacted in 2010 initiating a new era of co-management over the Waikato River, with the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations.

The Act recognises that Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana or the Vision and Strategy) is the primary direction setting document for the Waikato River and its catchment.

The vision for the Waikato River is: "Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri - The river of life, each curve more beautiful than the last. Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come".

The Waikato River Act also provides for the development of joint management agreements between the river iwi and local authorities and as such the Te Arawa River Iwi Trust – Taupō District Council joint management agreement (JMA) was developed and signed in 2017 pursuant to the Act.

The Te Arawa River Iwi Trust and Taupō District Council co-governance committee was established and tasked with overseeing the implementation, including regular reviews, of the of the JMA.

**NGĀ KŌRERORERO | DISCUSSION**

The purpose of the JMA sets out:

- a. How the parties will work together to give effect to the Act.
- b. Provide for an enduring relationship between the parties through the shared exercise of functions, duties and powers under the Act and the Resource Management Act (RMA), and based on recognition of individual mana, respect and understanding, and
- c. Strengthen the commitment between Council and the Trust to enter into a new era of co-management and governance over the Waikato River with the overarching purposes of restoring and protecting the health and wellbeing of the Waikato River for present and future generations.

The JMA scope covers:

- a. Matters relating to the exercise of shared functions, powers and duties including:
  - i. Monitoring and enforcement activities under Section 47 of the Act
  - ii. Preparing, reviewing changing or varying an Resource Management Act (RMA Planning Document, under Section 48 of the Act, and
  - iii. Considering applications under Part 6 of the RMA in relation to resource consents under Section 49(b) of the Act,
- b. Processes to explore whether customary activities can be carried out without the need for a statutory authorisation, and whether customary activities can be provided for as permitted activities under Section 45(2) of the Act.
- c. Processes to explore additional duties, functions or powers under Section 54 of the Act, and
- d. Establishment of a Governance Committee made up of equal membership from TARIT and Council. In addition to being the kaitiaki of the JMA, the governance committee is also responsible for:
  - i. Reviewing the effectiveness of this JMA in achieving its purpose
  - ii. Discussing issues of interest to both parties
  - iii. Providing strategic guidance to the Joint Working Party (JWP)
  - iv. Reviewing and making recommendations on matters brought before it by the JWP
  - v. Making recommendations to Council and TARIT, and
  - vi. Undertaking any other tasks as agreed between the Parties

Council's current members on the co-governance committee are Cr John Williamson [co-chair], Cr Kylie Leonard, Cr Kirsty Trueman and Cr Karam Fletcher.

Section 17 of the JMA requires the first full review (initial review) of the JMA to commence no later than three years from the commencement date, unless both parties agree that a review is not necessary.

Timing and scope of the review of JMA was discussed at previous co-governance meetings where members resolved to delay the comprehensive review of the JMA until after the general elections in recognition of the current uncertainty surrounding the Government’s reform programmes and the implications those might have on the content of the JMA moving forward.

In addition to agreeing to delay the comprehensive review, the co-governance committee also resolved to make the following changes.

- Correction of minor typo errors.
- Amendment of clauses 8.3, 8.8 and 8.9 to further clarify intent of these clauses being ongoing involvement and engagement through the development of the plan changes.
- Addition of new clauses 12, 12.1 and 12.2 outlining process for Council to provide information to TARIT when Council, as the applicant, is lodging a resource consent to another consent authority.

An amended copy of the JMA detailing these changes is attached. The next part of the process is for Council and the TARIT board to approve the committee’s recommendations prior to notifying the Minister for the Environment as per clause 17.6 of the JMA.

As noted above, section 54(1) of the Waikato River Act enables Council and TARIT to enter discussions at any stage to consider extending the JMA to cover additional matters including project collaborations, wider resource consent information flow and cultural training for elected officials / officers.

As a further extension of this developing relationship, the joint working party and co-governance committee committed to continuing discussions around housing, exploring other joint opportunities to empower Ngāti Tahu Ngāti Whaoa affiliates and jointly advocating to Central Government matters concerning the RMA, Three Waters and future for Local Government reforms. The joint working party will continue to prioritise these discussions in addition to implementing other actions outlined in the implementation strategy.

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

Council has two options:

1. Approve the recommendations put forward by the Te Arawa River Iwi Trust – Taupō District Council co-governance committee
2. Recommend that the co-governance committee proceed with the full review

Option 1. Approve recommendations put forward by the Te Arawa River Iwi Trust – Taupō District Council co-governance committee

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Enable Council to fulfil its obligations and responsibilities under the JMA and Waikato River act</li> <li>• Further strengthen Council's relationship with Te Arawa River Iwi Trust and Ngāti Tahu Ngāti Whaoa.</li> <li>• Demonstrate that Council supports the views of the co-governance committee</li> <li>• Streamline Council's engagement processes with TARIT regarding resource consent and plan review processes</li> <li>• Amendments also reflect the aspirations for the co-governance committee to discuss wider</li> </ul>	<ul style="list-style-type: none"> <li>• The timing for the full review remains uncertain.</li> </ul>

matters including RMA, affordable water reforms and housing.	
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Option 2. Recommend that the co-governance committee proceed with the full review

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Certainty that the full review would be completed sooner.</li> </ul>	<ul style="list-style-type: none"> <li>• Contradicts the views of the co-governance committee to postpone the full review.</li> <li>• Potentially detriment to Council's relationship with Te Arawa River Iwi Trust and Ngāti Tahu Ngāti Whaoa.</li> </ul>

Analysis Conclusion:

Based on the analysis above, it is recommended that Council approves the recommendations put forward by the co-governance committee and authorises the Mayor and Chief Executive to execute and sign the amended agreement on behalf of Council.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Whakahāngai ki tā te Kaunihera wawata | Alignment with Council's Vision**

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

**Ngā Aronga Pūtea | Financial Considerations**

Each of the Parties bear their own costs in relation to their separate activities and contributions to the JMA therefore other than staff time the financial impact of the proposal is minimal.

Long-term Plan/Annual Plan

Staff time to assist with the joint implementation of the JMA is covered under existing operational budgets.

**Ngā Aronga Ture | Legal Considerations**

Strong partnerships between local authorities and iwi/hapū have never been more important, particularly given the emergence of Treaty settlement mechanisms, case law from our most senior courts emphasising the strength of Māori interests, and the law reform processes that are underway including in relation to the Resource Management Act 1991 (RMA) (which will significantly strengthen the role of Māori in local government processes).

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:

Local Government Act 2002 (LGA)

Approving the recommendations of the co-governance committee 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 wellbeing are of relevance to this particular matter.

Approving the recommendations will also support Council's obligations with the following Local Government Act 2002 requirements, in respect of Council's relationship with its iwi partners Te Arawa River Iwi Trust and Ngāti Tahu Ngāti Whaoa

- Section 14(d) of the LGA- Council must when performing its role provide opportunities for Māori to contribute to its decision-making processes.
- Section 77 of the LGA- Council must in the course of the decision-making process, take into account the relationship of Māori and their culture and tradition with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga when making a significant decision in relation to land or a body of water. Section 81, of the LGA- Council must:

- Establish and maintain processes to provide opportunities for Māori to contribute to the decision- making processes of the Council.
- Consider ways in which it may foster development of Māori capacity to contribute to the decision- making processes of the Council.

#### Treaty of Waitangi

Council is committed to meeting its statutory Te Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. This requires both parties to treat and work with each other in good faith and show good will to reflect the partnership relationship.

The specific commitments between the partners contained in the JMA, and particularly the co-governance committee are symbolic of partnership, participation, and protection, key principles of the treaty.

#### Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

Approving the recommendations of the co-governance committee supports Council to fulfil its obligations under the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

#### Resource Management Act 1991 (“RMA”):

The JMA, contains specific commitments on how and when the partners will engage with one another on certain RMA matters. These commitments support Council to fulfil its obligations with respect to Te Arawa River Iwi Trust and Ngāti Tahu Ngāti Whaoa under the following sections of the RMA:

- Section 6 of the RMA- Council must recognise and provide for matters of national importance when it exercises functions and powers under the RMA. Such matters include the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- Section 7 of the RMA- Council must have particular regard to kaitiakitanga when it exercises functions and powers under the RMA.
- Section 8 of the RMA- Council must take into account the principles of the Treaty of Waitangi when exercising functions and powers under the RMA. Section 34A(1A) of the RMA – Council must consider appointing a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū for a hearing of a plan change if iwi authorities consider it appropriate.
- Section 74(2A) of the RMA - Council must, when preparing or changing a district plan, take into account any iwi management plan.
- clause 3, 3B, and 4A of the First Schedule of the RMA- Council must engage with tangata whenua when developing plans.

#### **Ngā Hīraunga Kaupapa Here | Policy Implications**

There are no known policy implications.



## **Te Kōrero tahi ki te Māori | Māori Engagement**

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

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.

The recommendations were jointly developed by the joint working party and later ratified by the co-governance committee. Given the recommendations are within the scope of the JMA there is no requirement to undertake any wider engagement with Māori about this paper.

### **Ngā Tūraru | Risks**

There are no known risks associated with approving the recommendations.

### **TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is of a low degree of significance.

### **TE KŌRERO TAHI | 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.

### **TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA**

No communication/media required.

### **WHAKAKAPINGA | CONCLUSION**

Building on the positive momentum of this developing partnership, the joint working party and co-governance committee have committed to exploring a range of joint working opportunities in addition to implementing other actions outlined in the JMA implementation strategy

Approval of the Co-Governance Committee's recommendations will enable Council to further strengthen this partnership and support the direction and efforts of the committee in fulfilling its duties under the JMA, the Te Ture Whaimana o Te Awa o Waikato and the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

### **NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Te Arawa River Iwi Trust Taupō District Council Joint Management Agreement April 2023

**5.7 HEALTH, SAFETY AND WELLBEING REPORT**

**Author:** Michelle McGill, Health, Safety and Well-Being Manager

**Authorised by:** Nigel McAdie, Legal, Risk and Governance Manager

**TE PŪTAKE | PURPOSE**

The purpose of this report is to look at trends within health and safety performance at Taupō District Council (TDC) and so assist elected members to discharge their due diligence duty as officers under the Health and Safety at Work Act 2015 (HSWA).

**NGĀ KŌRERORERO | DISCUSSION**

This report covers a three-month period from the beginning of March 2023 through to the end of May 2023.

Health, safety and employee wellbeing is at the forefront of all Council operations. This Health, Safety and Wellbeing Report is structured into three key areas:

- **Safe Systems** - Ensure safe systems are in place to report on incidents, risks and safety metrics through the Health and Safety Management System which is managed and implemented by all departments across Council.
- **Safe Workplace** – Ensure the work environments have robust processes to manage health and safety risks, including effective worker representation and engagement practices.
- **Safe People** – Ensure Council has an effective programme to evaluate the health and wellbeing of workers.



**Safe Systems**

For the current reporting period 38 incidents were reported into Damstra (the Council’s Health and Safety software) of which the majority were non-injury incidents, and none required medical treatment. Of the 13 injury incidents, six were minor injuries to employees associated with poor equipment handling e.g. lifting a trailer off a coupling without using a correct lifting technique, and incorrect use of a water blaster.

In general, and consistent with previous trends, visitors to our venues contribute the highest number of recorded incidents and injuries. These occur mostly at our venues through horseplay, slips, trips and falls, particularly with children at our pool complexes. This is despite controls in place to manage these behaviours, including signs, safety rules and the presence of lifeguards.

Six minor first-aid or no-treatment injuries were reported and managed by Council-trained first aiders. Two medical events were witnessed at our venues, with lifeguards escalating the events to emergency services.

INJURIES	Injury – Medical treatment	Illness – Medical Condition	Injury - First Aid	Injury – No treatment
Employee	0	0	3	3
Non-worker	0	2	4	2
Contractor	0	0	0	1

\*Contractors do not report on minor injuries unless associated with a serious near miss (that are reported on)

Pleasingly, incidents of aggressive behaviour towards Council staff have trended down in this reporting period. Three incidents involving verbal abuse with threats of violence resulted in escalation to Police, while an additional two incidents involving poor behaviours in a public place were managed directly by staff without Police involvement. While the trend down is a good result, we are conscious that dog registration time and the setting of rates for 2023/24 may see a rise in such behaviours. A recent Health and Safety Committee meeting identified the need for resilience training to empower staff to de-escalate difficult situations.

Aggressive behaviours towards our Council staff are not isolated to the Taupō district, with other councils experiencing similar levels of aggression and poor behaviours. The two LASS (Local Authority Shared Services) groups with which Taupō District Council is affiliated provide opportunities for Health and Safety Managers from local authorities across the Bay of Plenty and Waikato to collaborate. This year has seen two facilitated workshops on aggressive behaviours towards council staff, with aggression towards compliance and customer facing operations being a common occurrence. Risk management mitigations include the use of body cameras and escalations through external monitoring agencies, while monitoring employee wellbeing and providing resilience training are common across the councils, including at Taupō District Council.

Contractor Incidents

For this reporting period, two contractor incidents were reported.

**1. 26 May 2023 – Low voltage electric shock to contractor**

Waiora House construction site – contractor received a minor electrical shock (approximately 40v AC) off the gate of the temporary metal perimeter fencing demarcating the construction site. Personnel from the Ruapehu Wing building adjacent to the construction site were evacuated from the premises and Off-grid Electrical Ltd were notified by TDC to isolate the source. Preliminary findings indicate there was no earthing continuity between the external main switchboard and distribution board inside the Ruapehu Wing building, enabling electricity to be conducted through the roof, tracking along the fence to the gate.

Off-grid Electrical is completing an investigation into the cause of the broken earth conductor. TDC’s Electrical Engineer Consultant will review the investigation report.

This incident did not meet the criteria of a notifiable workplace incident to WorkSafe.

**2. 24 May 2023 – Contractor non-compliance to industry best practice guidelines and regulations**

The TDC consultant managing the Waihaha water treatment site called a cease work on two observed non-compliances relating to work on a trench excavation involving critical risks:

- Trench was a 2.5m vertical face with no battering away from the area or temporary shoring applied. The safety to the people performing the works in the trench was at risk from uncontrolled subsidence or slumping of the trench walls.
- The excavation was not fully protected from unauthorised access by the public that uses the adjacent track.
- A WorkSafe Notification of particular hazardous work had not been submitted for the trench works for either the Monday or Tuesday as required under the Regulations (the Health and Safety in Employment Regulations 1995).

A Notice to the Contractor was issued to address the non-compliance issues prior to continuation of work, supported by an investigation raised by the Project Manager.

Emergency Preparedness

TDC has completed evacuation drills across our venues and office environments, including community halls that are utilised by early childcare facilities. The drills are managed by an external consultant every six months. The drills are a legislative requirement under Approved Fire Evacuation Plans lodged with Fire and Emergency New Zealand. Each office and venue have assigned Fire Wardens who have undertaken training to NZQA standards.

Independent Qualified Persons (IQPs) are responsible for ensuring compliance with Building Warrants of Fitness. The Council's Facilities business unit contract Fire Security Services Limited as an IQP for fire systems in Council owned buildings.

## **Safe Workplace**

### ***Managing workplace risks***

#### Audits and Monitoring Project Safety Performance

##### **1. Vault Check**

Vault check is a digital app linked to the Damstra software providing Council with assurance tools for managing work sites or projects involving Council's identified critical risks. The Project Management Office team have commenced audits utilising the app, while training is continuing across the organisation so that others can use this assurance tool. These audits will act as a lead indicator to provide assurance that key performance measures are being met.

##### **2. Traffic Management Audits**

Kiel Harris is an independent traffic management consultant recently engaged to review and audit internal traffic management plans. He has been involved with audits for the Parks & Reserves team, Infrastructure team and the Project Management Office, with his expertise and audit findings providing good learnings for our staff.

##### **3. Engagement of specialised consultants for projects with high-risk profiles**

With the level of complexity in some of TDC projects including the upgrade of the Water Treatment Plants, and Network Renewals, TDC outsource expertise through consultancy agreements. These appointments have proven valuable in relation to health and safety risk management by providing focused contractor management for safe delivery of the projects and expertise in relation to the investigation and review of serious incidents and near misses.

#### Worker Participation Practices

Health and Safety Committees meet every three months providing an opportunity to review internal policies and procedures supporting health, safety and wellness performance within the organisation.

The Corporate Health and Safety Committee representing the customer facing business units had their quarterly meeting on 24 May 2023 and the Operational Health and Safety Committee is scheduled to meet this month.

A focus for these quarterly meetings has been on the effective close-out of incidents within the Damstra Health and Safety software, with ongoing training to document and communicate lessons learnt from incidents within appropriate time frames.

Health and Safety Representatives are entitled to two days training per year which will commence in the new financial year on 1 July 2023.

## **Safe People**

### Health and Wellness

Mental Wellbeing is a key focus across many organisations with psychosocial risks being identified as a workplace safety risk by WorkSafe. The national health and safety conference, Safeguard 2023 is pitched around mentally healthy work and workplace wellbeing.

Council is a member of Employers and Manufacturers Association (EMA) who are also supporting workplace wellbeing through free webinars to their members. TDC has embraced the external expertise offered to organisations and has offered Mentally Healthy Awareness workshops to all staff members in the last six months.

Coming up in July and August 2023, People and Culture have arranged a two-day training course through Humanex on Mental Health First Aid. Mental Health First Aid is a global programme and has received a number of international awards. This course is being pitched particularly at managers and supervisors to

empower them to recognise the impacts of mental unwellness and equip them with tools and techniques to have conversations with employees experiencing levels of mental stress.

There has been an increase in Covid-19 cases across Council during this reporting period, reflective of Covid-19 transmission rates in the community. Council continues to provide access to rapid antigen tests (RAT) to assist our essential services maintain business continuity as far as reasonably practicable.

Covid-19 vaccinations and flu immunisations are still available to staff through Main Street Pharmacy, Taupō. This initiative was also supported with a vaccination clinic for Council staff held in early May at the Great Lake Centre.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council receives the Health, Safety & Wellbeing Report for the period March to May 2023.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

Nil

**5.8 TAUPŌ DISTRICT COUNCIL PERFORMANCE REPORT - MAY 2023**

**Author:** Julie Gardyne, Chief Executive Officer

**Authorised by:** Julie Gardyne, Chief Executive Officer

**TE PŪTAKE | PURPOSE**

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

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council notes the information contained in the Performance Report for the month of May 2023.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. May 2023 Performance Report

**5.9 APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER AS A DIRECTOR OF BOPLASS LTD**

**Author:** Hadley Tattle, Community Engagement and Development Manager

**Authorised by:** Libby O'Brien, General Manager People and Customer

**TE PŪTAKE | PURPOSE**

To appoint the Chief Executive Officer (CEO) as Taupō District Council's director on the board of BOPLASS Ltd.

**NGĀ KŌRERORERO | DISCUSSION**

The councils that operate within the Bay of Plenty and Gisborne regions formed a Council Controlled Organisation (CCO), Bay Of Plenty Local Authority Shared Services (BOPLASS) Ltd, to investigate, develop and deliver joint procurement and shared services projects where delivery is more effective for any combination of some or all of the councils.

BOPLASS Ltd is governed by its directors. To ensure synergy between the company's activities and its council shareholders' activities, nine directors are also the current chief executive officers of their respective shareholding councils. The dual roles recognise the interdependence of BOPLASS Ltd and its councils in the undertaking of its activities.

The nine councils are:

- Bay of Plenty Regional Council;
- Gisborne District Council;
- Kawerau District Council;
- Opotiki District Council;
- Rotorua Lakes Council;
- Taupō District Council;
- Tauranga City Council;
- Western Bay of Plenty District Council; and
- Whakatane District Council.

Following the appointment of Julie Gardyne as Council's CEO on 2 June 2023, Council needs to formally appoint the CEO to sit on the board of BOPLASS Ltd.

**WHAKAKAPINGA | CONCLUSION**

Taupō District Council is a shareholding council of BOPLASS Ltd, and needs to formally appoint the CEO as a director on the board of BOPLASS Ltd.

**NGĀ TŪTOHUNGA | RECOMMENDATION**

That Council appoints the Chief Executive Officer Julie Gardyne as Taupō District Council's director on the board of Bay Of Plenty Local Authority Shared Services (BOPLASS) Ltd.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

Nil

<b>5.10</b>	<b>COUNCIL ENGAGEMENTS, OPPORTUNITIES - JULY 2023</b>	<b>APPOINTMENTS</b>	<b>AND</b>	<b>TRAINING/CONFERENCE</b>
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**Author:** Karen Watts, Senior Committee Advisor

**Authorised by:** Nigel McAdie, Legal, Risk and Governance Manager

### **ENGAGEMENTS**

ENGAGEMENT	DAY	DATE	TIME
Taupō Reserves and Roding Committee meeting (Council Chamber)	Tuesday	4	1pm–2.30pm
Workshop: Tūrangi Co-Governance Committee (Tūrangi Customer and Visitor Centre, 1 Ngawaka Place, Tūrangi)	Wednesday	5	9.30am-11.30am
Workshop: Risk and Assurance Committee (Council Chamber)	Thursday	6	1pm – 4.30pm
Risk and Assurance Committee Meeting (Council Chamber)	Friday	7	9.30am-1pm
Performance Monitoring Group Meeting (Closed, Council Chamber)	Monday	10	9am-10.30am
Workshop: Community Funding and Council Fundraising (Council Chamber)	Tuesday	11	10.15am-11.15am
Workshop: Long-term Plan (Council Chamber)	Tuesday	18	10am-10.30am
Workshop: Parking for Politicians – Informative Workshop (Council Chamber)	Tuesday	18	10.30am – 12.30pm
Draft Housing Strategy 'Have Your Say' Consultation – Session 1 of 2 (Council Chamber)	Tuesday	18	1.30pm-4.30pm
Tongariro Representative Group meeting (Omori Kuratau Community Centre, 220 Omori Road, Kuratau)	Wednesday	19	2pm-3.30pm
Draft Housing Strategy 'Have Your Say' Consultation – Session 2 of 2 (Council Chamber)	Thursday	20	10.15am – 12.30pm
Kāinga Ora briefing to the Elected Members and Executive team (Council Chamber)	Tuesday	25	10.30am-11.15am
MSD briefing to the Elected Members and Executive team (Council Chamber)	Tuesday	25	11.15am-12pm
Public forum (Council Chamber)	Tuesday	25	12.30pm-1pm
Council meeting (Council Chamber)	Tuesday	25	1pm-3pm
Local Government New Zealand Conference (Christchurch)	Wednesday – Friday	26-28	Three Day Conference

### **APPOINTMENTS**

No new requests for appointments have been received.

### **TRAINING AND CONFERENCE OPPORTUNITIES**

No training or conference attendance has been requested.

### **NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council receives the information relating to engagements, appointments and training/conference opportunities for July 2023.



**NGĀ TĀPIRIHANGA | ATTACHMENTS**

Nil

## 6 CONFIDENTIAL BUSINESS

### RESOLUTION TO EXCLUDE THE PUBLIC

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

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<p><b>Agenda Item No: 6.1</b> Confirmation of Confidential Portion of Ordinary Council Minutes - 30 May 2023</p>	<p>Section 7(2)(h) - the withholding of the information is necessary to enable [the Council] to carry out, without prejudice or disadvantage, commercial activities</p> <p>Section 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>
<p><b>Agenda Item No: 6.2</b> Report on the Provision of Investment Services for TEL fund</p>	<p>Section 7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</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]*.