

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

<b>Date:</b>	<b>Tuesday, 25 July 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>	
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**4.1 ORDINARY COUNCIL MEETING - 27 JUNE 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 Tuesday 27 June 2023 be confirmed as a true and correct record.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Council Meeting Minutes - 27 June 2023

**4.2 ORDINARY COUNCIL MEETING - 30 JUNE 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 Friday 30 June 2023 be confirmed as a true and correct record.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Council Meeting Minutes - 30 June 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:

<b>Portfolio</b> Organisation(s)	<b>Portfolio Lead</b>	<b>Event or meeting attended</b>	<b>Issues / Outcomes</b>
<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>	Cr Yvonne Westerman will be attending a meeting with Waka Ama and the Taupō Rowing Club on 19 July.	
<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 Yvonne Westerman attended the Waipahihi Botanical Society on 6 July.	The meeting covered tree heights and Taupō Airport Authority, and sewerage connection. They are keen for the Mayor and councillors to visit.
<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>	Cr Yvonne Westerman and Cr Rachel Shepherd attended the Waikato Housing Initiative on Thursday 13 July.	
<b>Food Production/Primary Industries</b>	<b>Cr Kylie Leonard</b>		
<b>Other</b> Acacia Bay Residents Association	<b>Cr Yvonne Westerman</b>	Cr Yvonne Westerman attended the Acacia Bay Residents Association meeting on 10 July.	The Annual General Meeting will be held on Sunday 20 August. It was great to be back in the Acacia Bay Hall, albeit downstairs.
<b>Any other member updates</b>	<b>Cr Duncan Campbell</b> <b>Cr Sandra Greenslade</b> <b>Mayor David Trewavas</b>		

**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

<b>5.2</b>	<b>MINISTERIAL CONSENT TO PRIVATE RIGHT OF WAY AND SERVICES EASEMENTS OVER RECREATION RESERVE - 28 COUNTY AVENUE - TOTARA POINT PROPERTIES LIMITED</b>
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**Author:** Karyn Hollman, Senior Solicitor

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

### TE PŪTAKE | PURPOSE

To have Council, acting under delegation from the Minister of Conservation, consent to the grant of easements in favour of land owned by Totara Point Properties Limited for a right of way and electricity, gas, telecommunications, and water supply services over a piece of Council reserve pursuant to section 48(1) of the Reserves Act 1977.

### WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Totara Point Properties Limited (TPPL) is developing 258 Spa Road as an industrial precinct and needs to be able to access and supply services to its property across a thin piece of Council reserve between TPPL's property and Spa Road.

Council's consent is needed to legal easements being granted because the affected land is recreation reserve.

<h3>NGĀ TŪTOHUNGA   RECOMMENDATION(S)</h3> <p>That Council:</p> <ol style="list-style-type: none"> <li>gives Ministerial consent to the grant of a private right of way and electricity, gas, telecommunications, and water supply services over Part Section 358 Block II Tauhara Survey District (shown B on Land Transfer Plan 583949) in favour of Part Section 67 Block II Tauhara Survey District, and Sections 6 and 8 Survey Office Plan 368596 pursuant to section 48(1) of the Reserves Act 1977; and</li> <li>authorises the Chief Executive and Mayor to sign the requisite certificate on behalf of Taupō District Council.</li> </ol>
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### TE WHAKAMAHUKI | BACKGROUND

The proposal has not been presented previously.

### NGĀ KŌRERORERO | DISCUSSION

TPPL's industrial development is permitted by land use consent RM210005.

Condition 10 of RM210005 requires (*inter alia*) that "[t]he Consent Holder ... submit a Right of Way (ROW) easement plan .... showing the extent of the proposed ROW over Section 2 SO 368596 along with an easement instrument for approval. .... The ROW easement is to be registered prior to the occupation of any tenancy."

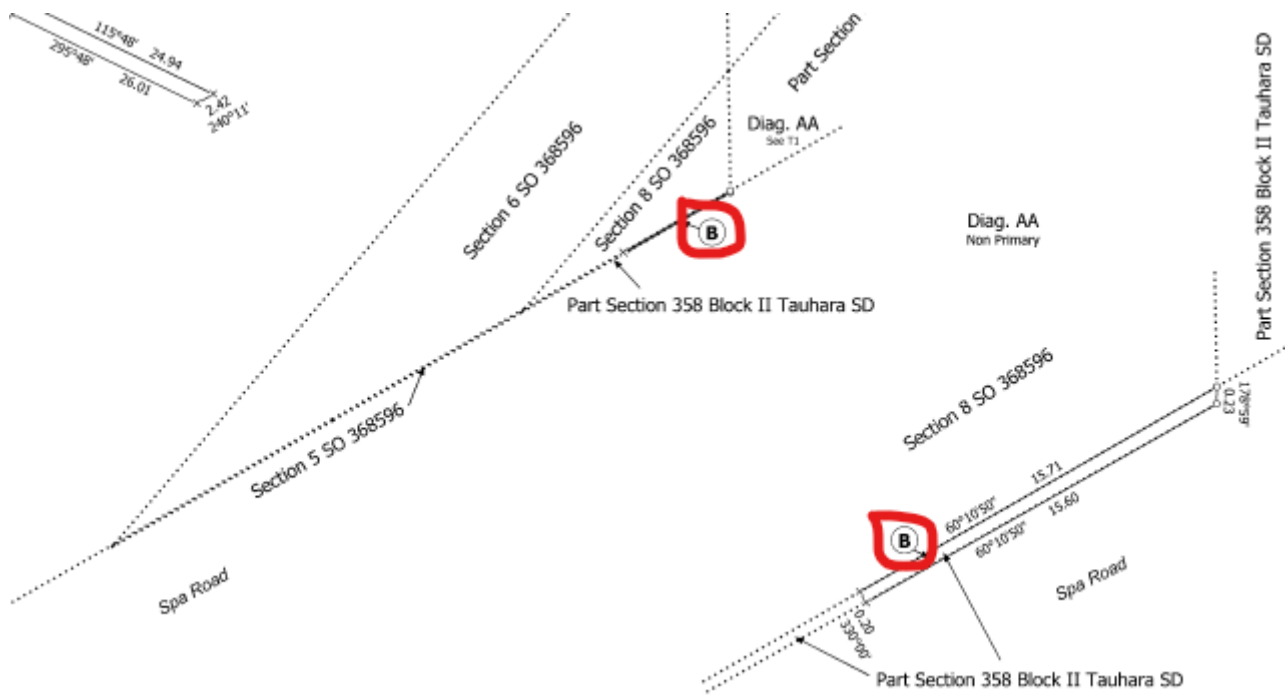
Section 2 SO 368596 coincides with Sec 358.

To satisfy condition 10 - and to accommodate a potential future need for electricity, telephone, gas, and water services – right of way and services easements are to be granted over a piece of Council reserve.

The following map illustrates the relative positions of TPPL's property (in yellow), part of the large reserve (in purple) and that part of the reserve affected by the easements (thin blue line):







Area B has been formed as a vehicle crossing and driveway. Any services that are ultimately installed will be underground within Area B.

By s 48(3) of the Reserves Act, public notice of Council’s intention to grant an easement over reserve is not required in any case where the reserve is not likely to be materially altered or permanently damaged, and the public’s rights in respect of the reserve are not likely to be permanently affected, by the easement.

Sec 358 is a very small (6m<sup>2</sup>) part of larger (reserve) landholding. Given the location and shape of Sec 358, and the nature of the facilities installed, the reserve is unlikely to ever be materially altered or permanently damaged, and the rights of the public in respect of the reserve are unlikely to be permanently affected by the establishment and lawful exercise of the easements.

Therefore, there are two options.

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

**Option 1: Do not give Ministerial consent to the grant of private easements over Sec 358**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>None known.</li> </ul>	<ul style="list-style-type: none"> <li>TPPL cannot satisfy the condition of RM210005</li> <li>TPPL cannot legitimise the installation and use of the right of way and other services it needs to develop its land as an industrial precinct and have it occupied by four tenants.</li> </ul>

**Option 2: Give Ministerial consent to the grant of private easements over Sec 358**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>TPPL satisfies the conditions of RM210005.</li> <li>TPPL legitimises the installation and use of the right of way and other services it needs to develop its land as an industrial precinct and have it occupied by four tenants.</li> </ul>	<ul style="list-style-type: none"> <li>None known.</li> </ul>

**Analysis Conclusion:**

The preferred option is **Option 2: give Ministerial consent to the grant of private easements over Sec 358.**

**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 proposal: World Class; Vibrant; Quality; Resilient and Value.

**Ngā Aronga Pūtea | Financial Considerations**

The financial impact of the proposal is estimated to be \$Nil. The costs pertaining to the easements are to be met by the developer.

Long-term Plan/Annual Plan

There is no expenditure to be budgeted for.

**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 wellbeing of communities in the present and for the future. It is considered that social and economic wellbeing are relevant to this matter.

The proposal has been evaluated with regards to the relevant legislation. Applicable to this proposal is the Reserves Act 1977, and the following are relevant matters to consider:

1. Section 48(1) of the Act permits an administering body of a reserve to grant easements over any part of a reserve vested in that administering body for the purposes of *inter alia* providing access, an electrical installation, transmission of gas and facilitating water supply, with the consent of the Minister of Conservation.
2. Pursuant to section 10 of the Act, by instrument of delegation dated 12 June 2013, the Minister of Conservation delegated to Council the Minister's powers under s48(1) in respect of reserves vested in Council as the administering body.
3. Sec 358 is held with other parcels in a title vested in Council for recreation purposes.
4. Section 48(2) requires public notice of the intention to grant such easements unless the circumstances in s 48(3) of the Act exist.
5. The circumstances in s48(3) Act do exist: the reserve is not likely to be materially altered or permanently damaged, and the public's rights in respect of the reserve are not likely to be permanently affected, by the formed right of way and future installation of underground services within Area B on Land Transfer Plan 583949, and the lawful exercise of the easement rights proposed to be conferred on TPPL as owner of the benefitting land.
6. The Roading & Reserves Committee has been sub-delegated the powers delegated to Council to given Ministerial consent, but the developer has requested this matter be considered at the earliest opportunity.
7. The proposed easements are to be granted on terms usually applying to private easements.

Authorisations are not required from external parties.

**Ngā Hiraunga 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.

The report author has considered the above obligations and concludes that no engagement with Māori is required in this instance.

### **Ngā Tūraru | 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 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**

Given the circumstances of Sec 358, and the nature and function of the easement facilities involved, it is proper for Council, as delegate of the Minister of Conservation, to consent to the proposed private easements over Area B on Land Transfer Plan 583949 in favour of the land at 258 Spa Road, Taupō.

### **NGĀ TĀPIRIHANGA | ATTACHMENTS**

Nil

**5.3 TAUPŌ DISTRICT COUNCIL PERFORMANCE REPORT - JUNE 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.

(Please note there is no financial report due to the Finance team working on finalising the result for Annual Reporting purposes.)

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

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

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. June 2023 Performance Report

**5.4 UPDATE ON THE TEL FUND**

**Author:** Jeanette Paenga, Finance Manager

**Authorised by:** Sarah Matthews, General Manager Finance and Environment

**TE PŪTAKE | PURPOSE**

To update the Council on the progress of the investment of the Taupō Electricity Limited (TEL) fund.

**NGĀ KŌRERORERO | DISCUSSION**

At the Council Meeting on 27 June 2023, Council resolved to appoint Forsyth Barr to manage the investment portfolio of the TEL Fund. Council staff agreed to regularly update Councillors regarding the transition progress.

Forsyth Barr are in the process of reviewing our Treasury Management Policy (TMP) and drafting an initial Statement of Investment Policy and Objectives (SIPO) using the existing parameters in the TMP until this is reviewed as part of the Long-term Plan process.

The Finance team has reviewed the current TEL investment portfolio and have communicated to Forsyth Barr the financial assets that can be transferred once the SIPO is in place and then the timeline of maturities of our term investments. This timeline extends out to April 2024 when our last term investment matures.

There are some investments which we cannot transfer to Forsyth Barr due to their nature, Local Government Funding Agency (LGFA) borrower notes and shares and the investment property. Finance will determine the best treatment of these assets and advise at a later date what our course of action is proposed to be.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council receives the update on the progress of the investment of the Taupō Electricity Limited (TEL) fund.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

Nil

<b>5.5</b>	<b>COUNCIL ENGAGEMENTS, APPOINTMENTS AND TRAINING/CONFERENCE OPPORTUNITIES - AUGUST 2023</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
Workshops: Long-term Plan, Population projections & Long-term Plan significant assumptions (Council Chamber)	Tuesday	1	10am-12.30pm
Tūrangi Co-Governance Committee (Tūrangi Customer and Visitor Centre, 1 Ngawaka Place, Tūrangi)	Wednesday	2	9.30am-11.30am
Emergency Management Committee Meeting (Council Chamber)	Monday	7	11am-12.30pm
Workshop: Kerbside waste review (Council Chamber)	Tuesday	8	10.15am-11.30am
Workshop: Housing and Property (Council Chamber)	Thursday	10	10am-12pm
Workshop: Long-term Plan (Council Chamber)	Tuesday	15	10am-11am
Mangakino – Pouakani Representative Group meeting (Mangakino Community Hub, Civic Centre, Rangatira Drive, Mangakino, 3421)	Tuesday	22	10am-11.30am
Taupō Reserves and Roding Committee meeting (Council Chamber)	Tuesday	22	1pm-2.30pm
Public forum (Council Chamber)	Tuesday	29	12.30pm-1pm
Council meeting (Council Chamber)	Tuesday	29	1pm-3pm
Workshop: Long-term Plan (Council Chamber)	Thursday	31	10am-11am
District Dog Control Committee meeting (Council Chamber)	Thursday	31	1pm–2.30pm
Kinloch Representative Group meeting (Kinloch Community Hall, Mata Place, Kinloch)	Thursday	31	3pm–4.30pm

### **APPOINTMENTS**

No new requests for appointments have been received.

### **TRAINING AND CONFERENCE OPPORTUNITIES**

In accordance with the Expenses Policy 2022-2025, this is a request to approve, either prior or retrospectively, Elected Member attendance at training and/or conferences:

- His Worship the Mayor David Trewavas at the Rural and Provincial Sector meeting taking place in Wellington on 2-3 November 2023 with the costs of flights and accommodation to be paid by Council.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council:

1. receives the information relating to engagements, appointments and training/conference opportunities for August 2023; and
2. approves the attendance of His Worship the Mayor David Trewavas at the Rural and Provincial Sector meeting taking place on 2-3 November 2023 in Wellington with the costs of flights and accommodation to be paid by Council.

**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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
<p><b>Agenda Item No: 6.1</b> Confirmation of Confidential Portion of Ordinary Council Minutes - 27 June 2023</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 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>

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]*.