

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

<b>Date:</b>	<b>Tuesday, 26 April 2022</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 Christine Rankin

**Members**

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

**Quorum** 6

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

## Order Of Business

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<b>2</b>	<b>Conflicts of Interest</b>	
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**3.1 ORDINARY COUNCIL MEETING - 29 MARCH 2022**

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

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

**RECOMMENDATION(S)**

That the minutes of the Council meeting held on Tuesday 29 March 2022 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Council Meeting Minutes - 29 March 2022

**4.1 UPDATE ON THE LAKE TAUPŌ PROTECTION PROJECT**

**Author:** Temi Allinson, Policy Advisor

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

**PURPOSE**

To provide a brief update on the planned review of the Lake Taupō Protection Project.

**DISCUSSION**

The Lake Taupō Protection Trust (LTPT) was established to reduce the amount of nitrogen leaching into the lake by 20%. LTPT has been successful in fulfilling this task and has now transitioned to monitoring landowner compliance with its contractual agreements, as well as compliance and enforcement of the Waikato Regional Plan and long-term governance of the Project (including ongoing communication and public education).

In 2018, Waikato Regional Council (WRC), Taupō District Council (TDC) and the Crown (referred to collectively as the Settlers) extended the Project term to 30 June 2021 conditional on actions being taken by the parties in relation to the expiry of the Project. Following public consultation as part of the 2021 – 2031 Long-Term Planning process, TDC and WRC (referred to together as the Councils) jointly agreed to extend the Project to June 2023 with the expectation that a decision would be made before that time on who should oversee the agreements into the future, how this should be funded, and governed.

To help with making a decision on the future of the project, the Settlers wish for an independent project review to be undertaken and completed by September 2022 if possible. Three accounting and auditing firms, KPMG, Deloitte and BDO New Zealand are considered to possess the necessary capability and capacity required to undertake this and in the coming weeks will be asked to provide a quote for the work. The work is estimated to cost between \$30,000 and \$50,000; and LTPT has indicated a willingness to meet this cost through the surplus funds it has in its accounts.

A project review brief is being finalized and it is expected that an Officials Working Group (made up of senior staff members from the settlers) will be established to provide the collective support necessary to execute the review process, and act as a key interface between governance and management. Tūwharetoa Māori Trust Board have confirmed their interest in being involved in the Officials Working Group while LTPT have agreed that it would be inappropriate to be represented on the group.

The Joint Committee would normally meet quarterly but has been unable to meet so far in 2022 as the previous two meeting dates have had to be cancelled due to not having enough committee members present to make a quorum. Updates on the progress of the review and any decisions made in this regard will continue to be provided to Council as they occur.

**CONCLUSION**

It is recommended that Council receives the update.

**RECOMMENDATION(S)**

That Council receives the briefing update on the planned review of the Lake Taupō Protection Project.

**ATTACHMENTS**

Nil

**4.2 FEEDBACK ON DRAFT STATEMENTS OF INTENT 2022**

**Author:** Libby O'Brien, Community Engagement and Development Manager

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

**PURPOSE**

For Council to review comments on the draft Statements of Intent [SOIs] from its Council Controlled Organisations [CCOs] formally received by Council at the March 2022 meeting.

**EXECUTIVE SUMMARY**

The Local Government Act 2002 requires Council Controlled Organisations [CCOs] to produce Statements of Intent [SOIs] annually. Part of the process, as set out in the Act, enables Council to comment on the draft SOIs. This year, SOIs of Council's CCOs were formally received at the March 2022 Council meeting. While no changes have been made to the draft documents, Elected Members are now asked to review the draft SOIs, after which time the CCOs will finalise the documents for the 2022-23 financial year.

**RECOMMENDATION(S)**

That Council makes the following feedback on its Council Controlled Organisations' draft 2022-23 Statements of Intent:

1. WAIKATO LOCAL AUTHORITY SHARED SERVICES LIMITED [WLASS]

Council is satisfied with the draft SOI; no feedback to be sent to WLASS.

2. BAY OF PLENTY LOCAL AUTHORITY SHARED SERVICES LIMITED [BOPLASS]

Council is satisfied with the draft SOI; no feedback to be sent to BOPLASS.

3. TAUPŌ AIRPORT AUTHORITY [TAA]

Council is satisfied with the draft SOI; no feedback to be sent to TAA.

4. DESTINATION GREAT LAKE TAUPŌ [DGLT]

Council is satisfied with the draft SOI; no feedback to be sent to DGLT.

5. NEW ZEALAND LOCAL GOVERNMENT FUNDING AGENCY LIMITED [NZFA]

Council is satisfied with the draft SOI; no feedback to be sent to NZFA.

**BACKGROUND**

The proposal has not been presented previously.

***Accountability requirements***

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

***Draft shareholder comments***

The draft SOIs for the Waikato Local Authority Shared Services [WLASS], Bay of Plenty Local Authority Shared Services [BOPLASS], Taupō Airport Authority [TAA], Destination Great Lake Taupō [DGLT] and the New Zealand Local Government Funding Agency Limited [NZLGFA] have been reviewed by officers and comments for Council's consideration are contained in the attachment to this report.

The draft SOI for the Lake Taupō Protection Trust will be reviewed and considered by the Lake Taupō Protection Project Joint Committee.

**DISCUSSION**

The purpose of this report is for Council to review the comments made by officers on the draft Statements of Intent [SOIs] from its Council Controlled Organisations [CCOs] formally received by Council at the March 2022 meeting. Council is obliged to review the draft SOIs and provide comments to the relevant CCOs under the Local Government Act 2002 by 1 May 2022. No changes are proposed.

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

**OPTIONS**

Analysis of Options

Option 1 - To review and as appropriate make comment on the draft SOIs

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

Option 2 - To not review and as appropriate make comment on the draft SOIs

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Not compliant</li> </ul>

Analysis Conclusion:

Council has the option of reviewing and as appropriate making comments on the draft SOIs as proposed by Council Officers in the attachments to this report. Council can also make additional comments and/or amend the attachments and/or choose not to comment.

**CONSIDERATIONS**

**Alignment with Council’s Vision**

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

**Financial Considerations**

The financial impact of the proposal is currently budgeted for under the 2021-2031 Long Term Plan.

**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 well-beings are of relevance to this matter.

The Local Government Act 2002 requires Council to comment on the draft SOIs before 1 May. This agenda item complies with this timeline.

**Policy Implications**

The proposal has been evaluated against the following plans:

- ✓ Long Term Plan 2021-2031     Annual Plan     Waikato Regional Plan
- Taupo District Plan             Bylaws             Relevant Management Plan(s)

There are no known policy implications.

## 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.

## Risks

There are no known risks.

## SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

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

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

## ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required, but will engage with CCOs to notify them of Elected Members' comments.

## COMMUNICATION/MEDIA

No communication/media required.

## CONCLUSION

Council is asked to consider the comments on its Council Controlled Organisations [CCOs] 2022-23 draft Statements of Intent [SOIs] as detailed above and/or make amendments as necessary.

## ATTACHMENTS

1. Co-Lab/WLASS SOI - final draft (under separate cover 1) ⇨
2. DGLT SOI - final draft (under separate cover 1) ⇨
3. Lake Taupo Protection Trust SOI - final draft (under separate cover 1) ⇨
4. NZ Local Government Funding Agency SOI - final draft (under separate cover 1) ⇨
5. Taupo Airport SOI - final draft (under separate cover 1) ⇨

**4.3 TAUPO DISTRICT COUNCIL PERFORMANCE REPORT - MARCH 2022**

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

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

**PURPOSE**

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

**RECOMMENDATION(S)**

That Council notes the information contained in the Performance Report for the month of March 2022.

**ATTACHMENTS**

1. Monthly Performance Report - March 2022



**4.4 COUNCIL ENGAGEMENTS MAY 2022 AND CONFERENCE OPPORTUNITIES**

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

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

**Engagements**

ENGAGEMENT	DAY	DATE	TIME
Workshops (TBC, Council Chamber)	Tuesday	3	10am-12.30pm
Taupō Reserves & Roding Committee reconvened meeting (Council Chamber)	Tuesday	3	1pm-2pm
Turangi/Tongariro Community Board public forum (Boardroom, Council / Department of Conservation offices, Tūrangi)	Wednesday	4	1.30pm-2pm
Turangi/Tongariro Community Board meeting (Boardroom, Council / Department of Conservation offices, Tūrangi)	Wednesday	4	2pm-3.30pm
Taupō Airport Authority Committee meeting (Council Chamber)	Monday	9	10.30am-noon
Emergency Management Committee meeting (Council Chamber)	Monday	16	11am-12.30pm
Lake Taupō Protection Project Joint Committee meeting (Council Chamber)	Friday	20	10.30am-1pm
Council meeting – Annual Plan hearings and deliberations (Council Chamber)	Monday	23	10am-3pm
Council meeting – Annual Plan hearings and deliberations continued (Council Chamber)	Tuesday	24	10am-3pm
Tutemohuta Reserve Trust meeting (Tutemohuta Community Hall, Waitahanui)	Wednesday	25	3.30pm-4.30pm
Kinloch Representative Group public forum (Kinloch Community Hall, Mata Place, Kinloch)	Thursday	26	2.30pm-3pm
Kinloch Representative Group meeting (Kinloch Community Hall, Mata Place, Kinloch)	Thursday	26	3pm-4.30pm
Council meeting – Waitahanui water hearings and deliberations (Council Chamber)	Tuesday	31	11am-noon
Public forum (Council Chamber)	Tuesday	31	12.30pm-1pm
Council meeting (Council Chamber)	Tuesday	31	1pm-4pm

**Conference Opportunities**

The Local Government New Zealand (LGNZ) Conference is being held on 20-22 July 2022 in Papaioea Palmerston North. The 'early bird' registration fees are \$1,400 per person for LGNZ members. Travel and accommodation would be reimbursed in accordance with Council's Expenses and Allowances Policy 2019.

**RECOMMENDATION(S)**

1. That Council receives the information relating to engagements for May 2022.
2. That Council approves the attendance of Cr(s) \_\_\_\_\_ at the Local Government New Zealand Conference being held on 20-22 July 2022 in Papaioea Palmerston North.

**ATTACHMENTS**

Nil

**4.5 MEMBERS' REPORTS**

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

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

**PURPOSE**

This item permits members to provide any updates relating to their particular wards, portfolios, working parties and report on recent meetings/functions/conferences they have attended as Council's representative.

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

**CONCLUSION**

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

**RECOMMENDATION(S)**

That Council receives the reports from members.

**ATTACHMENTS**

Nil

**4.6 MANA WHAKAHONO AGREEMENT WITH NGĀTI TŪRANGITUKUA**

**Author:** Cornelia Dempsey, Co-Governance Manager

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

**PURPOSE**

The purpose of this report is to approve the Ngāti Tūrangitukua Taupō District Council Mana Whakahono agreement.

**EXECUTIVE SUMMARY**

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).

At a high level, the partnership framework that the Mana Whakahono agreement establishes will set Council up for success in terms of giving effect to its strategic priority of integrating co-governance across everything that it does, the principles of the Treaty and meeting numerous other key statutory obligations in respect of Ngāti Tūrangitukua. This document is a result of Council and Ngāti Tūrangitukua discussions over several years exploring ways to improve their relationship with a shared vision of working in closer partnership together on a range of matters.

Mana Whakahono ā Rohe, is a tool provided for under the RMA designed to enable tangata whenua and local authorities to discuss and record how they will work together on resource management matters including joint decision making. This statutory mechanism was initiated by Ngāti Tūrangitukua in July 2019 pursuant to section 58O(1) of the RMA to commence formal negotiations with Council. However this Mana Whakahono ā Rohe is much wider in scope in recognition of the unique history and Treaty Settlement outcomes for Ngāti Tūrangitukua,

To support the partners' aspirations of working in closer partnership together and implementation of the matters negotiated to date, it is recommended that Council approves the Mana Whakahono agreement as attached.

**RECOMMENDATIONS**

1. That Council agrees to enter into the Mana Whakahono agreement with Ngāti Tūrangitukua attached at attachment One.
2. That Council authorises the Mayor and Chief Executive to execute the Mana Whakahono agreement on behalf of Council.

**BACKGROUND**

Ngāti Tūrangitukua is a hapū of Ngāti Tūwharetoa and maintains Ahi kā roa - Mana Whenua over their rohe and area of interest. The Ngāti Tūrangitukua Māori Committee and the Ngāti Tūrangitukua Charitable Trust are the two legal entities for the hapū under the Mana Whakahono ā Rohe and the Ngāti Tūrangitukua Deed of Settlement.

In the early 1960s, the Crown confiscated Ngāti Tūrangitukua land for the development of the Tongariro power development scheme and construction of the Tūrangi township. This was not agreed to by Ngāti Tūrangitukua and was held to be a breach of the Treaty of Waitangi by the Waitangi Tribunal.

On 26 September 1998, the Crown signed a Deed of Settlement with Ngāti Tūrangitukua, which aimed to settle these grievances, however compensation for their cultural, social, environmental and economic losses was miniscule compared to what was taken and most of what the Crown promised was sold privately or returned as public reserves managed by Council.

Much of the town’s recreational facilities, public amenities and three waters infrastructure is located on these reserves including wāhi tapu and decisions concerning these significant sites remained with Council as an outcome of the settlement.

Clause 7.4.1 of the Deed, and attachment 7.6, text of letter from Taupō District Council, also provides non-binding undertakings from the Council to discuss with Ngāti Tūrangitukua ways to identify and preserve its wāhi tapu sites. The Mana Whakahono will enable those non-binding undertakings to be given effect to and decisions concerning most reserves in Tūrangi to be made jointly with Ngāti Tūrangitukua.

In addition to giving effect to Council’s outstanding settlement obligations and Ngāti Tūrangitukua and Council’s shared aspiration of working in closer partnership together, this comprehensive partnership agreement is proposed to be led by a new co-governance committee. The co-governance committee will be tasked with overseeing the implementation of the agreement which includes a wide range of RMA, LGA and Reserves Act matters providing a more holistic relationship as opposed to one that is defined by statutory boundaries,

The co-governance approach, which will replace the existing Turangi-Tongariro Community Board was also endorsed by the Local Government Commission in its final decisions on the representation review. The results of the Commission’s full determination can be found here: <https://www.lgc.govt.nz/.../Taupo-DC-Determination-2022.pdf>

**AGREEMENT SCOPE**

Part A of the Mana Whakahono provides the overarching framework including the purpose, aspirations, resourcing and the establishment of a co-governance committee of Council responsible for overseeing the implementation of the Mana Whakahono. The new committee will be established following this year’s local body elections. The co-governance committee will undertake functions in respect of the Mana Whakahono ā Rohe Boundary, as defined in the agreement. Such functions include those that currently sit with the Tūrangi Tongariro Community Board, and further bespoke functions (including for example, the committee’s role in the administration of reserves).

Part B is the mandatory section of the agreement as required under the RMA and covers how Council will engage with Ngāti Tūrangitukua on resource management matters.

Part C covers Local Government Act [LGA] 2002 and Local Government Act 1974 matters including how Council will work in partnership with Ngāti Tūrangitukua on policy, planning, regulatory, road naming and three waters infrastructure projects.

Part D covers how co-governance and co-management will be applied to all reserves in Tūrangi (except Kohineheke Reserve). This arrangement recognises Ngāti Tūrangitukua as significant landowners including reserves where a vast majority of the town’s recreational and three waters infrastructure are located.

Part E helps to give effect to the Ngāti Tūrangitukua Deed of Settlement 1999 matters that relate to Council’s jurisdiction and provides for other matters that the Partners wish to include in the Mana Whakahono.

**OPTIONS**

Contents of the Mana Whakahono agreement as detailed in the full agreement attached have been negotiated over several years by Ngāti Tūrangitukua and Council’s technical teams. Over this time, direction in principle on key matters was sought from Council and Ngāti Tūrangitukua governance via numerous closed workshops. These workshops were held in confidence to enable Council to carry on, without prejudice or disadvantage, negotiations (in accordance with s 7 of the Local Government Official Information and Meetings Act 1987). Negotiations have concluded and in recognition of the key matters raised within this report, it is considered that there are only two options.

Analysis of Options

Option 1 –Agree to enter into the Mana Whakahono agreement

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Give effect to the parties shared aspirations including working in closer partnership together on a wide range of matters</li> </ul>	<ul style="list-style-type: none"> <li>• Council will need to administer two new committees for the Turangi Tongariro ward although this new arrangement is expected</li> </ul>

<ul style="list-style-type: none"> <li>• Give effect to the non-binding undertakings made by the Council in its letter of commitment through the Ngāti Tūrangitukua Deed of Settlement (1998)</li> <li>• Supports Council’s strategic priority of applying co-governance across everything that it does</li> <li>• Sets Council up for success in terms of giving effect to the principles of the Treaty and meeting numerous other key statutory obligations in respect of Ngāti Tūrangitukua</li> <li>• Enable and embed co-developed processes and procedures to support effective decision making and operational improvements</li> <li>• Enable the co-design of sustainable environmental, social and cultural outcomes for the betterment of the wider community.</li> <li>• Enable and strengthen relationships between Ngāti Tūrangitukua, DGLT and Amplify to unlock and enhance economic outcomes for Turangi.</li> <li>• Supports direction of RMA and future of local government reforms with respect to strengthening Council – iwi/Māori relationships.</li> <li>• Enhance local representation for the Turangi Township [via the new committee] and the outer lying Tongariro ward [via the establishment of a new representative group]</li> <li>•</li> </ul>	<p>to enhance representation for those respective communities</p> <ul style="list-style-type: none"> <li>• This new co-governance approach for Turangi may create some public interest however the concept of replacing the Turangi Tongariro Community Board with a new co-governance committee was publicly notified via the representation review consultation process. Feedback received from that process including support from the Turangi Tongariro Community Board supported Council’s and the Local Government Commission’s determination to dis-establish the community board.</li> <li>• Additional funding will be required to service the implementation of the Mana Whakahono however many elements of the agreement are intended to achieve operational efficiencies and resourcing Ngāti Tūrangitukua to support the delivery of their responsibilities under the agreement is appropriate and aligns with other best practise models around the Country.</li> </ul>
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Option 2 – Do Nothing

Advantages	Disadvantages
	<ul style="list-style-type: none"> <li>• In recognition of Local Government Commission’s decision to support the removal of the Turangi Tongariro Community Board status quo can’t continue for governance arrangements</li> <li>• Significantly detriment Council’s relationship with Ngāti Tūrangitukua</li> <li>• Deny opportunities to enhance Turangi’s economic, social, environmental and cultural wellbeing</li> <li>• Council would be in breach of its Ngāti Tūrangitukua Settlement Act responsibilities and its obligations to conclude a Mana Whakahono ā Rohe with Ngāti Tūrangitukua</li> <li>• Conflicts Council’s key strategic priority of integrating co-governance and management across everything that it does, Te Tiriti o Waitangi principles and the direction of RMA and working for local government reforms</li> </ul>

	<ul style="list-style-type: none"> <li>Negatively impact progress of other Tūrangi projects requiring Ngāti Tūrangitukua feedback creating a significant disconnect between Council, tangata whenua and the wider community</li> </ul>
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**Analysis Conclusion:**

Based on the analysis above, it is recommended that Council agrees to enter into the Mana Whakahono agreement with Ngāti Tūrangitukua.

**CONSIDERATIONS**

**Alignment with Council’s Vision**

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

In addition, one of Council’s 12 strategic priorities is the integration of co-governance and management across everything that it does.

This Mana Whakahono strongly aligns with Council’s co-governance priorities and vision.

**Financial Considerations**

Long-term Plan/Annual Plan

Council will pay for the matters listed in clause 14 of the agreement from existing LTP co-governance budgets on a reasonable and pro-rated basis on terms to be agreed between the Partners.

**Legal Considerations**

The Mana Whakahono agreement is consistent with and supports Council’s compliance with a range of legislation, as detailed in appendix 1.

**Policy Implications**

See appendix 2.

**Māori Engagement**

Ngāti Tūrangitukua is a hapū of Ngāti Tūwharetoa and maintains Ahi kā roa - Mana Whenua in Te Mātāpuna. Ngāti Tūrangitukua also recognises that the Hapū of Ngāti Tūwharetoa are interconnected and the relationship and interest of whānau and hapū across the Mātāpuna are dynamic, bound by common whakapapa and whanaungatanga.

Endorsement of the Mana Whakahono was sought from the Tūwharetoa Māori Trust Board and other hapū within Te Mātāpuna by Ngāti Tūrangitukua on behalf on the parties.

The Ngāti Tūwharetoa Deed of Settlement, as outlined in appendix 1, states that Ngāti Tūwharetoa (including the Hapū Forum and Te Kotahitanga) will support the position of Ngāti Tūrangitukua; and that Te Kotahitanga will continue to recognise the Ngāti Tūrangitukua Charitable Trust as the mandated governance entity for the hapū of Ngāti Tūrangitukua for all purposes relating to the Tūrangi Township Settlement.

**Risks**

Risk can be defined as the effect of uncertainty on objectives. All parts of the Mana Whakahono will be legally binding on the Partners and the Mana Whakahono cannot be unilaterally terminated (which is the case anyway under legislation for the RMA part (Part B)). Under the Mana Whakahono, the Council confirms its intention to establish the co-governance committee at the start of each triennium (and will be in breach of the Mana Whakahono if it does not do so).

Ultimately, the success of the Mana Whakahono will come down to building and maintaining strong and enduring relationships that are respectful of the needs of both Partners. Mana Whakahono agreements are relatively new and the Council is one of the first local authorities to achieve such an agreement. The inclusion of a range of policy, planning and operational areas (outside of the RMA) under one agreement with iwi is a progressive approach which reflects the collaborative working relationship between Ngāti

Tūrangitukua and the Council. Robust implementation planning and delivery will be critical to the success. Planning for the transition period is well underway to ensure that the Mana Whakahono is a success.

While the Mana Whakahono cannot be terminated, there are mechanisms in the agreement to assist in addressing matters that may arise (e.g. reviews, dispute resolution including through tikanga based processes), including a safeguard clause that allows Council to carry out statutory functions in the event that there are any issues with the Mana Whakahono.

#### Functioning of the Committee:

There is a risk of the co-governance committee failing to achieve the anticipated benefits. While both parties acknowledge that there is work to be done to ensure the successful implementation of this agreement, it is anticipated that this risk is low as:

- Officers are confident from interactions with Council and Ngāti Tūrangitukua that both partners will be able to contribute members to the co-governance committee and collectively hold appropriate levels of skills and expertise.
- The co-governance committee will be supported by Council to succeed through secretarial support, induction, and training.
- Council and Ngāti Tūrangitukua will enter an agreement to recognise the resourcing expected under the Mana Whakahono and to support Ngāti Tūrangitukua to meet their requirements under the Mana Whakahono including developing processes and protocols to support the establishment of the co-governance committee during its infancy.
- A governance steering group will be established to guide the transition period and the development of these key processes and protocols.
- The Mana Whakahono provides that if there is a failure to reach a quorum for three committee meetings in a row that there will be an urgent meeting convened between the Council's Chief Executive, the Chair of the Ngāti Tūrangitukua Māori Committee and the committee co-chairs to discuss the reasons for that situation and to ensure that the committee can reach a quorum at subsequent meetings. That will allow either Partner to address issues of attendance at committee meetings.

#### Legislative amendment:

Given the significant reforms being advanced by the Government in relation to the three waters, RMA reform and the Future of Local Government project, there is some risk that the objectives of the Mana Whakahono may not be able to be fully realised as a result of the reform programme.

In the event through legislative amendments, any part or provision of the Mana Whakahono is held to be unenforceable, such part shall be deemed to be deleted from the Mana Whakahono and the remainder of the Mana Whakahono shall continue in full force and effect. The agreement records that it is the aspiration of the Partners that to the extent that the Council's functions are transferred to another agency, that agency would honour the commitments in the Mana Whakahono. In that situation, the Partners agree to jointly advocate to the Crown on the basis that the new entity should take responsibility for and uphold the relevant parts of this Mana Whakahono.

The main risk is in relation to Council's partnership with Ngāti Tūrangitukua, Council's statutory obligations and the detrimental impact a decision to not approve the agreement would have on the social, cultural, environmental and economic wellbeing of the wider Tūrangi community. A further risk in not signing the agreement, is that Council would be in breach of its obligations to conclude a Mana Whakahono ā Rohe with Ngāti Tūrangitukua within the agreed timeframes.

#### **COMMUNICATION/MEDIA**

Formal engagement and communication on the overarching terms of the Mana Whakahono agreement including the establishment of a new co-governance committee responsible for the implementation of the Mana Whakahono was undertaken as part of Council's representation review process.

A comprehensive communications plan will be jointly implemented with Ngāti Tūrangitukua to ensure the community is well informed about what the Mana Whakahono is, how it will support good decision making and what changes the community can expect to see once the agreement is in place.



## SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

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

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that a decision by Council to enter into the agreement would not trigger the thresholds for a matter to be automatically considered significant in the context of the policy. In respect of the more general criteria in the policy:

- The proposed agreement does commit Council to ongoing funding to support Ngāti Tūrangitukua's implementation of the agreement, however the level of financial commitment is not significant in the context of Council's operating costs. There are no other financial commitments as a result of the agreement.
- The proposed agreement signals Council's intention to establish a new co-governance committee to make decisions that affect the Tūrangī community. Those decisions will continue to be made by Council via a delegation to the committee. The presence of elected members on the new committee will help to ensure that democratic representation continues.
- The proposed agreement will strengthen the relationship between Council and Ngāti Tūrangitukua. This will help ensure that the views and interests of Ngāti Tūrangitukua are considered in the decision making by Council across a range of matters, including their relationship to significant water bodies, sites of cultural significance and ancestral lands.
- The proposed agreement will not significantly alter any of the levels of service identified in the Long-term Plan.
- Community interest in the strengthened relationship between Council and Ngāti Tūrangitukua could be high, however Council has previously signalled the removal of the community board and its replacement with the new committee. That took place through the recent representation review process and provided an opportunity for the community to express their views to Council. As such, Council is aware of the community views on that matter and can reflect that in its decision making.
- The proposed agreement is expected to make it easier for Council and Ngāti Tūrangitukua to work together to achieve the desired outcomes of the Tūrangī community. That should help achieve time and financial efficiencies in the delivery of services to the community through formalised communication and shared decision making.

## ENGAGEMENT

The removal of the existing Community Board and its replacement with a new committee, some of whom will not be elected members, was expected to be of more significant community interest. As such, Council identified this proposed change as part of the recent representation review process and sought feedback from the community. The decision was made to remove the Community Board in favour of the new committee and that decision was confirmed through an appeal process. As a result of the above, Council is well informed about the views of those who might have an interest or be affected by the decision to enter into the agreement and no further engagement with the community is considered necessary.

Many elements of the agreement are of an operational nature and are intended to achieve efficiencies and better integrate Ngāti Tūrangitukua involvement in decision making. Those elements are not expected to be of significant interest to the community and engagement on those matters is not considered necessary.

**CONCLUSION**

Following almost three years of vigorous negotiations, Ngāti Tūrangitukua and Council's negotiation teams have developed a Mana Whakahono ā Rohe, as embedded in the Resource Management Act [RMA] and taken it to a whole new level of co-governance. This comprehensive partnership agreement proposed to be led by a new co-governance committee will be tasked with overseeing the implementation of the agreement which includes a wide range of RMA, LGA and Reserves Act matters which provides for a more overarching and holistic relationship as opposed to one that is defined by statutory boundaries.

**ATTACHMENTS**

1. Mana Whakahono ā Rohe agreement between Ngāti Tūrangitukua and Taupō District Council

**APPENDIX 1:****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).

At a high level, the partnership framework that the Mana Whakahono agreement establishes will set Council up for success in terms of giving effect to the principles of the treaty and meeting numerous other key statutory obligations in respect of Ngāti Tūrangitukua.

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”)

Entering into the Mana Whakahono agreement comes within scope of the Council’s lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that the social, economic, environmental and cultural well-beings are of relevance to this particular matter.

The Mana Whakahono agreement will support Council’s compliance with the following Local Government Act 2002 requirements, in respect of Ngāti Tūrangitukua:

- 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 Mana Whakahono agreement, and particularly the co-governance committee that will be established are a strong example of partnership, participation, and protection, key principles of the treaty.

Resource Management Act 1991 (“RMA”):

The Mana Whakahono a Rohe sections of the RMA, sections 58L-58U, provide the legal framework in which the Mana Whakahono a Rohe section (Part B) must be developed. Council will have fulfilled its obligation under the RMA to conclude a Mana Whakahono a Rohe with Ngāti Tūrangitukua once it signs the agreement.

The Mana Whakahono a Rohe section (Part B), contains specific commitments on how and when the partners will engage with one another on certain RMA matters. These commitments will support Council to fulfil its obligations with respect to Ngāti Tūrangitukua 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.

#### Ngāti Tūrangitukua Deed of Settlement 1998; Ngāti Tūrangitukua Claims Settlement Act 1999

Clause 7.4.1 of the Deed, and attachment 7.6, text of letter from Taupō District Council, provides non-binding undertakings from the Council to discuss with Ngāti Tūrangitukua ways to identify and preserve its wahi tapu sites. The partnership that the Mana Whakahono creates between the partners will enable those non-binding undertakings to be given effect to.

Part 6 of the Settlement Act contains provisions on Ngāti Tūrangitukua owned reserves, including how Council is to manage Ngāti Tūrangitukua owned reserves. Part D, Reserve Management, of the Mana Whakahono agreement reflects, implements and is subject to the provisions of Part 6 of the Ngāti Tūrangitukua Claims Settlement Act 1999 (except where Part D extends the Settlement Act provisions).

#### The Ngāti Tūwharetoa Deed of Settlement

The Ngāti Tūwharetoa Deed of Settlement provides that:

- the Ngāti Tūrangitukua Charitable Trust is the mandated governance entity for the purposes of the Tūrangi Township Settlement;
- when requested, Ngāti Tūwharetoa (including the Hapū Forum and Te Kotahitanga o Ngāti Tūwharetoa) will support the position of Ngāti Tūrangitukua; and
- Te Kotahitanga o Ngāti Tūwharetoa and the Crown will continue to recognise the Ngāti Tūrangitukua Charitable Trust is the mandated governance entity for the hapū of Ngāti Tūrangitukua for all purposes relating to the Tūrangi Township Settlement.

#### Section 4 Conservation Act, and the Reserves Act 1977:

Section 4 of the Conservation Act requires Council as administering body of reserves, to give effect to the principles of the Treaty when making decisions under the Reserves Act 1977. The co-governance and co-management mechanisms contained in the Mana Whakahono agreement are consistent the provisions of section 4 of the Conservation Act 1987, and the Reserves Act 1977.

#### Local Government Official Information and Meetings Act 2002 (LGOIMA):

The co-governance mechanism contained in the Mana Whakahono agreement is consistent with the provisions of the Local Government Official Information and Meetings Act 2002 (LGOIMA).

**APPENDIX 2:****Policy Considerations**

Council is required, under the RMA, within the first six months after signing, to review its policies and processes to ensure that they are consistent with the Mana Whakahono a Rohe. This needs to be included in the implementation plan for the Mana Whakahono agreement

As the area that the Mana Whakahono agreement applies to is within the Ngāti Tūwharetoa rohe there will be some implications on existing policy of signing this relationship agreement. However these can be addressed. The areas of overlap relate to the process for selection of hearings commissioners in Clause 25 of the agreement, the consideration of Ngāti Tūrangitukua as an affected person in Clause 24.3 and the health and wellbeing of specific waterways within the Ngāti Tūrangituka rohe in Clauses 10.21(g) and 43.

**JMA - Ngāti Tūwharetoa**

Council has a Joint Management Agreement with Ngāti Tūwharetoa (signed in 2009) regarding the decision making process for notified resource consents and private plan changes on or affecting multiply owned Māori land within the Taupō District. This process provides for Tūwharetoa Māori Trust Board to select two of the five hearings commissioners to hear these applications once an applicant has decided to opt into the joint management process. As this JMA covers the whole of the district there is an overlap with the decision making process for notified plan changes (Council and private), resource consents and notices of requirement within the Ngāti Tūrangitukua rohe outlined in the relationship agreement.

**The Ngāti Tūwharetoa Claims Settlement Act 2018*****Te Kōpu ā Kānapanapa***

This Act establishes Te Kōpu ā Kānapanapa – a joint committee of Te Kotahitanga, Waikato Regional Council and Taupō District Council. Its purpose is to restore, protect and enhance the environmental, cultural and spiritual wellbeing of the Taupō catchment, to provide strategic leadership on the sustainable and integrated management of the environment in the Taupō catchment and to provide a mechanism for Ngāti Tūwharetoa to exercise mana and kaitiakitanga over the Taupō catchment in partnership with local authorities.

Te Kōpu ā Kānapanapa is currently preparing a plan (“Te Kaupapa Kaitiaki”), required by the Act, that identifies the vision, desired outcomes and values for the Taupō catchment. Once developed, local authorities have obligations to recognise and provide for the vision, objectives, desired outcome and values of Te Kaupapa Kaitiaki when they prepare, review, or vary their RMA planning documents. Until Te Kaupapa Kaitiaki is incorporated into local authorities RMA planning documents, Council must have particular regard to Te Kaupapa Kaitiaki when deciding or processing an application for a resource consent or a review of the conditions of a resource consent that touches on the Taupō Catchment. Te Kaupapa Kaitiaki will not be operative until December 2022.

There is a potential overlap between Taupō catchment areas covered by Te Kaupapa Kaitiaki and Ngāti Tūrangitukua’s rohe. In particular, there could be an overlap between agreements relating to reserves, waterways, and resource consents.

***Hearings Commissioners***

The Ngāti Tūwharetoa Claims Settlement Act 2018 provides Te Kōpu ā Kānapanapa the power to develop and maintain a register of hearing commissioners and for local authorities to have particular regard to that register when appointing hearings commissioners for notified resource consent applications within the catchment. So the process for selection of hearings commissioners in Clause 25 of the agreement overlaps with this provision in the settlement legislation.

***Statutory Acknowledgement***

The Act identifies statutory acknowledgement areas within the Ngāti Tūwharetoa area of interest. These are Crown owned land that are culturally significant to Ngāti Tūwharetoa being particular lakes, rivers, mountains, and geothermal fields. The effect of the statutory acknowledgment is that it enhances Ngāti Tūwharetoa’s ability to participate in resource management processes that may affect these areas.

The Waiotaka, Tongariro River and its tributaries, and Tokaanu-Waihi-Hīpaua geothermal field are identified statutory acknowledgement areas that appear to be within the Ngāti Tūrangitukua rohe. The Act requires

Council, when considering a resource consent application for an activity within, adjacent to, or directly affecting a statutory area, to have regard to the statutory acknowledgement when considering if Te Kotahitanga o Ngāti Tūwharetoa are an affected person.

There is a potential overlap for those statutory acknowledgement areas within the Ngāti Tūrangitukua rohe where Council will have obligations to consider whether Te Kotahitanga and/or Ngāti Tūrangitukua are affected parties.

A number of potential overlaps have been identified however where these occur solely within the Mana Whakahono boundary The Ngāti Tūwharetoa Deed of Settlement, explains that Ngāti Tūwharetoa (including the Hapū Forum and Te Kotahitanga) will support the position of Ngāti Tūrangitukua, and that Te Kotahitanga will continue to recognise the Ngāti Tūrangitukua Charitable Trust as the mandated governance entity for the hapū of Ngāti Tūrangitukua for all purposes relating to the Tūrangi Township Settlement. In situations where applications for resource consent and private plan changes, proposed plan changes and draft policies cover areas of the district greater than the Mana Whakahono boundary Council will, when making decisions, need to consider its statutory requirements and the views of all iwi authorities affected.

#### Future JMAs:

As a Mana Whakahono ā Rohe agreement under the RMA can be initiated by any iwi authority within the district and Council is negotiating other relationship agreements with iwi authorities staff are conscious of the ability to extend aspects of the Mana Whakahono agreement to other iwi authorities across the district. For example the hearings commissioner process and the training and capacity building sections of the agreement are designed so they can be used across the district with all or some iwi authorities.

Council staff are currently negotiating a JMA with Tūwharetoa Māori Trust Board under the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010. As this JMA is likely cover the Ngāti Tūwharetoa rohe and include Taupō waters, there is the potential for some provisions of the Mana Whakahono agreement and the JMA to overlap however Ngāti Tūrangitukua discussed details of the Mana Whakahono with Matāpuna hapū and the Tūwharetoa Māori Trust Board. A letter dated 13 April 2022 supporting Ngāti Tūrangitukua and the establishment of the new co-governance committee was received by the Tūwharetoa Māori Trust Board.

## 5 CONFIDENTIAL BUSINESS

### RESOLUTION TO EXCLUDE THE PUBLIC

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<p><b>Agenda Item No: 5.1</b> Confirmation of Confidential Portion of Ordinary Council Minutes - 29 March 2022</p>	<p>Section 7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>Section 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>
<p><b>Agenda Item No: 5.2</b> Lease Agreement for Civic Administration Building</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]*.