

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

Date:	Thursday, 1 February 2024
Time:	1.00pm
Location:	Council Chamber 107 Te Heuheu Street Taupō

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**

Order Of Business

1	Karakia	
2	Whakapāha Apologies	
3	Ngā Whakapānga Tukituki Conflicts of Interest	
4	Whakamanatanga O Ngā Meneti Confirmation of Minutes	
4.1	Ordinary Council Meeting - 12 December 2023	3
4.2	Extraordinary Council Meeting - 19 December 2023.....	4
5	Ngā Kaupapa Here Me Ngā Whakataunga Policy and Decision Making	
5.1	Key Highlights and Community Feedback over the Christmas New Year Period	5
5.2	Replacement Power of Attorney for Signing Deeds on behalf of Council	8
5.3	Nukuhau Boat Pens	11
5.4	Tūrangi Kiwi Holiday Park	15
5.5	Overview of Council Meeting Agenda Items for 2024.....	22
6	Ngā Kōrero Tūmataiti Confidential Business	
6.1	Confirmation of Confidential Portion of Extraordinary Council Minutes - 19 December 2023	23

4.1 ORDINARY COUNCIL MEETING - 12 DECEMBER 2023

Author: Karen Watts, Senior Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the public and confidential portions minutes of the Council meeting held on Tuesday 12 December 2023 be approved and adopted as true and correct records.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 12 December 2023
2. Confidential Council Meeting Minutes - 12 December 2023

4.2 EXTRAORDINARY COUNCIL MEETING - 19 DECEMBER 2023

Author: Karen Watts, Senior Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the minutes of the Council meeting held on Tuesday 19 December 2023 be approved and adopted as a true and correct record.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 19 December 2023

5.1 KEY HIGHLIGHTS AND COMMUNITY FEEDBACK OVER THE CHRISTMAS NEW YEAR PERIOD

Author: Libby O'Brien, General Manager People and Community Partnerships

Authorised by: Julie Gardyne, Chief Executive

PURPOSE

The purpose of this report is to update the Council on key highlights, actions addressed, and issues raised by the community over the Christmas/ New Year period.

RECOMMENDATION(S)

That Council notes the content of this report regarding key highlights and community feedback over the Christmas and New Year period 2023/24.

BACKGROUND

The proposal has not been presented previously.

Ahead of the Christmas/ New Year period, plans are developed to ensure that the organisation has sufficient cover for our essential services such as water, and wastewater and for Council facilities including pools and libraries. Our plans also ensure that the district is well prepared to cope with the welcome influx of visitors expected over the summer period.

For some customers, there was a limited time between Christmas and New Year when services were reduced, while much of the Council team took a well-needed break after a busy year. Council offices were closed from Friday 22 December 2023 through to Wednesday 3 January 2024. On-call arrangements were in place for support services such as IT, Communications and Civil Defence.

While staff will, as we do each year, hold a debrief session about what we can learn, and apply in terms of planning for next Christmas period, this report summarises some of the key topics to inform Councillors.

HIGHLIGHTS

This Christmas/ New Year holiday period was again busy with visitors, with anecdotally a growing number of international visitors spending time in the district.

The Taupō Customer and Visitor Information Centre had its busiest day ever during this peak period with almost 500 people through the doors on 28 December, with visitor number during the peak period up 20% on last year, with the majority of queries relating to tourism activities.

The number of people visiting the Taupō town centre over the holidays peaked at almost 20,000 people on Thursday 30 December according to the Council's pedestrian counters. The first week of the new year was steady with visitors in Taupō's town centre, with an average of 11,500 CBD visitors each day across the week.

In the retail sector, card spend was up 4.4% on the 2022/23 summer, and 10% up on the 2021/22 summer. However, reports from retailers have been somewhat mixed, with a level of unpredictability across the sector locally – some weeks have been record-breakers with some being surprisingly quiet. Initial analysis shows this is due to the economy driving sale prices on many items to be lower, requiring more transactions and effort for the increased revenue.

The weather was almost perfect for our community and holiday makers but a deluge of rain and inclement weather on New Year's Eve had our Emergency Management team monitoring the situation. Five MetService weather watches and warnings were shared on the Taupō Civil Defence Facebook page. The weather also temporarily impacted the Hatepe water treatment plant with high winds impacting turbidity and a conserve water notice was notified to residents for a short period of time.

Weather also had us cancel our New Year's Eve land-based activities but both the 10pm and midnight Big Bang firework displays were held with good numbers attending both.

Le Currents music festival was held at Owen Delany Park on 27 December 2023 with 6300 revellers attending. Overall the event was successful, with only five noise complaints during the festival which were managed by our contact centre staff. A full debrief of the festival will take place with event organisers later in February.

Water consumption across the district increased with the good weather and visitor numbers, but there was no need to issue any water restrictions.

Our transfer stations, kerbside collections and litter bin teams were kept busy with the influx of visitors over the holidays. Service delivery carried on as normal with minor delays. We know our communities appreciate the work of our kerbside service drivers and runners as they work under hot and somewhat trying conditions.

The annual New Year's Day litter pick up went well with 50 volunteers giving up their time, picking up almost 250kg of litter in around two hours.

We saw steady numbers through our district libraries and Taupō Museum which remained operational throughout the festive season. Likewise, our pools were popular with Mangakino Community Pool, Tūrangi Turtle Pools and AC Baths all busy. We had an issue with the outdoor leisure pool at AC Baths on 5 January 2024 which required a temporary closure and there was a break-in at Tūrangi Turtle Pools, but no closure was required.

ISSUES ADDRESSED AND COMMUNITY FEEDBACK

The following section of the report is included to acknowledge some of issues that were addressed, or feedback received by the community leading up to the Christmas/ New Year Period.

Right turn filtering for both sets of traffic signals on Titirāupenga Street came into effect just before Christmas, with the set at Spa Rd only filtering between 6pm and 6am. Our traffic team have been monitoring these intersections and noted that these changes are providing benefit to the efficiency of the network and traffic flows.

We know residents and visitors appreciate minimal transport disruptions over the festive season so we worked with transport contractors to suspend scheduled works on roadways over the holiday period, so no temporary restrictions were in force.

A speed hump was installed outside Summerset Retirement Village on Wharewaka Road in the week before Christmas due to safety concerns from nearby residents. This is having a positive impact on the speed of vehicles travelling along Wharewaka Road.

Online, we monitored conversations on Facebook about increased traffic across the district and comments about the new Roberts Street layout, with many in favour of closing the road to vehicles. We also received positive feedback about the Mini Bang and Big Bang fireworks displays, as well as encouraging feedback about our community ambassadors and the rubbish and recycling collectors dealing with large volumes of kerbside waste in the hot temperatures.

Waikato River safety messages appear to have been shared widely, helped by media coverage of rescues of ill-prepared river floaters before and after Christmas. The popularity of this activity is no doubt of concern to many, and we are committed to sharing the messages of partner agencies to ensure floaters are prepared, or reconsider.

OPTIONS

This report is for Council's information. There are no decisions required and therefore no options or considerations to assess.

CONCLUSION

In summary, planning ahead of the Christmas/New Year period meant the district was well-prepared to cope with a welcome influx of visitors, equating to a successful festive season across our district.

A huge thank you must go the Council team members who continued to work over the Christmas/New Year period to ensure our district kept running for our residents and visitors.

Further discussion on improvements that can be made to our summer planning and the issues raised in this report, and others, will be discussed at a staff debrief session in February 2024.

ATTACHMENTS

Nil

5.2 REPLACEMENT POWER OF ATTORNEY FOR SIGNING DEEDS ON BEHALF OF COUNCIL

Author: Karyn Hollman, Senior Solicitor

Authorised by: Nigel McAdie, Legal and Governance Manager

TE PŪTAKE | PURPOSE

To authorise a replacement Power of Attorney for the signing of deeds following recent changes within the Executive Team.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

In 2017, Council resolved to appoint as its attorneys the Chief Executive and members of (then) the Senior Leadership Group Managers (when acting as Chief Executive) to sign deeds on Council's behalf, along with an elected member.

In 2018 and again in 2021, Council resolved to update the then existing Power of Attorney following changes within the Senior Leadership Group.

Since 2021, further changes within the Executive Team (as successor to the Senior Leadership Group) trigger a need to again update the existing Power of Attorney, so that the names and position titles of the attorneys match the officers comprising the current Executive Team.

To ensure that Council can continue to sign deeds in accordance with the law, the preferred option is for Council to agree to sign a new Power of Attorney and revoke the existing Power of Attorney.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. Revokes the existing Power of Attorney dated 4 May 2021 and approves a new replacement Power of Attorney in the form attached, effective from the date the deed is signed; and
2. Authorises the Mayor and Deputy Mayor to execute the new Power of Attorney in the form attached.

TE WHAKAMAHUKI | BACKGROUND

The proposal has not been presented previously.

In October 2017, as a matter of efficiency, Council appointed attorneys to sign deeds on its behalf in accordance with Property Law Act 2007. This appointment was recorded by deed dated 7 November 2017 and the attorneys were (then) the Chief Executive and the Senior Leadership Group Managers (when acting Chief Executive).

On 24 April 2018, Council resolved to update its appointment of attorneys to reflect changes in the Senior Leadership Group, and this updated appointment was recorded by deed dated 1 May 2018.

On 27 April 2021, Council again resolved to update its attorneys to reflect changes in the Senior Leadership Group, and this updated appointment was recorded by deed dated 4 May 2021.

Since 2021, the Senior Leadership Group has become the Executive Team and there have been changes of position title and personnel within the Executive Team.

NGĀ KŌRERORERO | DISCUSSION

The new Power of Attorney is needed because of recent changes within the Executive Team.

The changes are required to enable Council to continue to operate efficiently and meet the legal requirements for signing deeds.

The form of the proposed new Power of Attorney is attached. I have not included the General Manager – Operations and Delivery; we do not know who this will be after 8 March 2024.

Accordingly, there are two options.

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1. Approve a new Power of Attorney

Advantages	Disadvantages
<ul style="list-style-type: none"> • Council’s Power of Attorney is up to date. • Council can meet the legal requirements for signing deeds on Council’s behalf. 	<ul style="list-style-type: none"> • None known

Option 2. Decline to approve a new Power of Attorney

Advantages	Disadvantages
<ul style="list-style-type: none"> • None known 	<ul style="list-style-type: none"> • The Chief Executive is the only member of the current Executive Team who may legitimately sign deeds on behalf of Council as its attorney but noting that is in reliance on a deed that is out-of-date in relation to the Chief Executive’s position title. • No other member of the current Executive Team may rely on the existing Power of Attorney to sign deeds as Acting Chief Executive during periods of absence of the Chief Executive. • There is a risk that deeds might be signed improperly or that Council is unable to lawfully sign a deed during absences of the Chief Executive.

Analysis Conclusion:

The preferred option is **Option 1**. Agree to authorise the new Power of Attorney.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

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

Long-term Plan/Annual Plan

There is no expenditure to be budgeted for.

Ngā Aronga Ture | Legal Considerations

The key legislation applicable to the proposal has been reviewed and the relevant matters for consideration are as follows:

1. Sections 4, 9 and 13 of the Property Law Act 2007 and section 12 of the Local Government Act 2002 mean that Council must sign deeds by two elected members.
2. But, because of sections 6 and 19 of the Property Law Act 2007, section 16 of the Legislation Act 2019, and section 12 of the Local Government Act 2002, Council may appoint an attorney to sign deeds on its behalf.
3. Deeds to which Council is a party may be signed by one elected member and the Chief Executive (or in her absence a member of the Executive Team as Acting Chief Executive) if the Chief Executive and each member of the Executive Team (when Acting Chief Executive) are duly appointed, by deed, as attorneys of Council for this purpose.

4. The existing Power of Attorney is of limited value: the Chief Executive is currently the only officer who may rely on it to sign deeds for Council as its attorney.

Authorisations are not required from external parties.

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.

The report author has considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendations in this report and is of the opinion that no engagement with Māori is required prior to Council making a decision.

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 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.

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

Deeds are signed on Council's behalf by one elected member, and the Chief Executive (or in her absence, a member of the Executive Team as Acting Chief Executive) as attorney in reliance on a Power of Attorney. The existing Power of Attorney is out-of-date and must be replaced with a new Power of Attorney that corresponds to the current Chief Executive and the membership of the Executive Team. This will ensure that Council may continue to sign deeds in accordance with the law.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Proposed Power of Attorney - 1 February 2024

5.3 NUKUHAU BOAT PENS

Author: Andrew Moor, Parks Manager - Open Space

Authorised by: Greg Hadley, Parks and Reserves Manager

TE PŪTAKE | PURPOSE

The purpose of this report is to seek a decision to delegate the allocation of the Nukuhau boat pens to officers.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

The Nukuhau boat pens are located on the Nukuhau Boat Ramp Reserve on the north bank of the Waikato River. The recreation reserve has been vested in Council and comprises a ramp and manoeuvring area and hard stand containing boat pens that are available for storage. The boat pens are constructed of chain link mesh fencing with lockable gates and provide secure storage for boats.

The boat pens are currently allocated by a licence to occupy under s 54(1)(a) of the Reserves Act 1977 for a three-year term with fees set through Council's Fees and Charges schedule in Annual and Long-term Plans. The main issue with the current system of licensing by Committee decision every three years (currently by the Taupō Reserves and Roding Committee) is that it is inefficient and results in empty pens and waiting lists. A more streamlined process is therefore proposed.

Section 53(1)(h)(ii) of the Reserves Act allows Council to set aside parts of any reserve for parking or mooring places, and fix reasonable charges for their use. Section 53(1)(f) then allows Council to enter into an agreement (permit) with any person for the use of such an area for an agreed period (less than ten years). Officers suggest that this mechanism is more appropriate for the allocation and monitoring of the Nukuhau boat pens. To achieve this, a delegation from Council to the Chief Executive is required.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council delegates authority to the Chief Executive to allocate short term [up to three (3) year] permits for occupation and use of Nukuhau boat pens, pursuant to s 53 of the Reserves Act 1977.

TE WHAKAMAHIKI | BACKGROUND

The proposal has not been presented previously.

The Nukuhau Boat Ramp Reserve is recreation reserve and has been vested in Council since 1972 and comprises a ramp and manoeuvring area and hard stand containing boat pens that are available for storage. The boat pens are constructed of chain link mesh fencing with lockable gates and provide secure storage for boats. The pens are advertised on Council's website along with the process for applying for one. There are currently three pens sitting vacant and a waiting list of people wishing to occupy them.

The boat pens are currently allocated by a licence to occupy under s 54(1)(a) of the Reserves Act 1977 for a three-year term with fees set through Council's Fees and Charges schedule in Annual and Long Term Plans. In the past the licences have all been brought to the Taupō Reserves and Roding Committee together every three years for a decision. However, some of the licences are now out of sync and expire at different times.

NGĀ KŌRERORERO | DISCUSSION

The Nukuhau Boat Ramp Area Reserve Management Plan (RMP) was adopted in 2005. The key policy in relation to the pens is:

To utilise a portion of the reserve for the convenient riverside storage of yachts in pens. Council managed berths will also be prioritised for large boats and yachts. A rental will be charged and individual use of the pens will be monitored to identify long term inactivity where storage elsewhere may be more appropriate.

The explanation given by the RMP for this policy is that *the storage pens are intended to provide convenient riverside storage for yachts as these are more difficult to transport due to the need to erect and stow masts. Berths will also be prioritised for yachts and large boats difficult to regularly transport elsewhere. However, in offering convenient access to the lake, the vessels are intended to be regularly used. Long periods of inactivity/storage prevent use by others and should be undertaken elsewhere. Consequently, use will be monitored.*

A key action related to this policy is “To replace boats without masts with yachts as rental periods come up for renewal.”

There has been no request or demand for an alternative use of this reserve and such a change in use would require a review of the RMP.

The main issue with the current system of licensing by Committee decision every three years (currently by the Taupō Reserves and Roving Committee) is that it is inefficient and results in empty pens and waiting lists. A more streamlined process is required to allocate pens and monitor their occupation without involving the Taupō Reserves and Roving Committee with a decision every three years. It is considered that the use of s 54(1)(a) was not intended for the allocation of boat pens, but would be more appropriate if Council was to lease the entire reserve to a third party who would maintain and manage the pens.

A more appropriate mechanism is s 53(1)(h)(ii) which allows Council to set aside parts of any reserve for parking or mooring places and fix reasonable charges for their use. Section 53(1)(f) then allows Council to enter into an agreement (permit) with any person for the use of such an area for an agreed period (less than ten years).

It is proposed that rather than bringing a report to the Taupō Reserves and Roving Committee (TRRC) every three years to approve licences granted under s 54(1)(a) of the Reserves Act, the allocation of pens should be done as permits under s 53(1)(f) of the Act. Officers will manage waiting lists and permit allocation, issuing permits as required with sign off from the Chief Executive. Officers would liaise with the Harbourmasters Team regarding any dealings they have had with current permit holders that may impact the renewal of the permit. Permits would still be for a short period of up to three years and can be ended with short notice. The licence fee is set and adjusted through Council’s Fees and Charges giving Council the ability to adjust them accordingly through an annual plan process.

Based on this information it is considered that there are two options (including status quo or do nothing option).

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

The proposed options are as follows:

1. Continue to issue licences three-yearly (status quo)
2. Issue permits as required for a maximum period of three years

Option 1. Continue to issue licences three yearly

This option will continue to require an agenda item to this Committee every three years to approve the grant of new licences under s 54(1)(a) of the Reserves Act.

Advantages	Disadvantages
<ul style="list-style-type: none"> • None foreseen 	<ul style="list-style-type: none"> • Vacant pens will need to wait until the three-yearly decision process unless the interval is shortened to an annual process for instance. • The process ties up the Committee’s time unnecessarily when the allocation of pens should really be an administrative process carried out by officers. • Yacht owners wait longer than necessary for a pen to be allocated. • Revenue for pen occupation is lost.

Option 2. Issue permits as required

Option 2 would change the process to a permit issued under s 53(1)(f). The decision to develop, use and charge a fee for occupation of the boat pens has been made through the adoption of the RMP with policies and actions to determine the use of these pens. The issue of permits for the use of such parking and mooring places can therefore be carried out by officers.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Vacant pens will be matched with applicants on a waiting list immediately rather than waiting for a Committee decision. • The process will be carried out under delegation without involving Councillors. • Revenue will be increased as vacant pens will be filled faster. 	<ul style="list-style-type: none"> • None foreseen

Analysis Conclusion:

On the basis of the analysis of options, the preferred option is Option 2 where permits are issued by officers as required without requiring a decision of the administering body each time.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

Changing the permitting process to one managed by officers is anticipated to increase revenue by ensuring maximum occupancy rates for the pens. The fee will be set and adjusted through an Annual Plan / Long-term Plan process via review of Council's Fees and Charges, giving Council the ability to regularly update fees.

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, and cultural outcomes in particular are of relevance to this particular matter.

Authorisations are not required from external parties.

Reserves Act 1977

The Taupō Reserves and Roothing Committee may currently grant a licence to occupy Nukuhau boat pens under s 54(1)(a) of the Reserves Act 1977. Council may delegate the ability for officers to issue permits under s 53(1)(f) of the Act instead. In this instance, permits are considered to be more appropriate for occupation of the boat pens as the purpose of the permit is occupation and non-commercial use rather than development and commercial use.

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
- Taupo District Plan Bylaws Relevant Management Plan(s)

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

The use of the boat pens and allocation by permit is consistent with the Nukuhau Boat Ramp Reserve Management Plan as it achieves the intended outcomes.

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.

It is considered that no engagement with Māori is required prior to changing the manner in which boat pen permits are issued.

Ngā Tūraru | Risks

The proposed change in administration reduces the risk of vacant pens and long waiting lists. Keeping the term at a maximum of three years maintains the status quo and allows three yearly review of use reducing the risk that pens will be used for long term storage rather than regular use.

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 a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2022), and are of the opinion that the proposal under consideration is of low importance.

TE KŌRERO TAHI | ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, and the guidance provided by the RMP, officers are of the opinion that no further engagement is required prior to Council making a decision to delegate the administration of permits to officers.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

No communication/media required.

WHAKAKAPINGA | CONCLUSION

On balance it is considered that Option 2 is the preferred option.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Images of Boat Pen Area

5.4 TŪRANGI KIWI HOLIDAY PARK

Author: Toni Maulder, Property Advisor

Authorised by: Philip King, Executive Manager Housing & Property Investment

TE PŪTAKE | PURPOSE

This paper discusses the future of the land that the Tūrangi Kiwi Holiday Park (**Campground**) sits on and presents a recommendation from the Tūrangi Co-Governance Committee for Council to consider for adoption.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Council owns land comprising 4.8236 ha at 13 Te Reiti Tamara Grove, Tūrangi (**Land**). Part of the Land is subject to a Ground Lease (**Lease**) to STS Holidays Ltd (**Lessee**) for the operation of the Campground. The Lease started on 7 April 2011 and finally ends on 6 April 2041 assuming all three rights of renewal are exercised. The Lease states the property must be used for its permitted use activity - namely a holiday park to provide the public with holiday and short-term temporary accommodation. The Lease rent is calculated at a rate of 4% of gross accommodation revenue.

In 2016 the buildings on the Land transferred to the Lessee and were noted as being in poor condition. Soon after in 2016 the Lessee sublet the Campground to Alrez Limited without Council's consent. In November 2021 Council learnt that Alrez Limited had gone into liquidation and the Campground closed on 10 November 2021.

Decisions on the future of the Campground, and the Land itself are now required.

The preferred option is for Council to permanently close the Campground, declare the Land surplus and comply with any offer-back obligations it has under s40 of the Public Works Act 1981.

The decisions requested in this report have been recommended by the Tūrangi Co-Governance Committee [**TCG202312/05**] and are supported by the local hapū.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council adopts the recommendation TCG202312/05 by the Tūrangi Co-Governance Committee and directs officers to:

1. delegate authority to the Chief Executive to sign the Sale and Purchase Agreement to purchase the STS Holidays Ltd lease of the land at 13 Te Reiti Tamara Grove, Tūrangi on which the Tūrangi Kiwi Holiday Park is located, with no money exchanging hands.
2. close the Campground permanently;
3. declare the Land surplus for the purposes of s40 of the Public Works Act 1981; and
4. comply with any offer-back obligations it has under s40(2) of the Public Works Act 1981 and seek a recommendation from the Tūrangi Co-Governance Committee regarding the terms of any offer-back.

TE WHAKAMAHUKI | BACKGROUND

The operation of the Land as a Campground has been before the Tūrangi/Tongariro Community Board at a meeting on 14 December 2010 and the following recommendation was made:

That Taupō District Council enter into a lease with Jenny & Craig Russell for the Tūrangi Cabins and Holiday Park for a period of Five years with two rights of renewal of five years each (with a twelve-month review to be

held in 2012) and that His Worship the Mayor and Chief Executive officer be authorised to sign any documentation and to affix thereto Council's Common Seal.

Prior to this meeting Council staff considered the option of disposing of the land, and undertook investigations into Council's offer-back obligations under the Public Works Act 1981 (PWA). At that time, the Tūrangi/Tongariro Community Board supported the continued operation of the Campground, and Council accepted the Board's recommendation and resolved to continue the operation of the Campground with a new lessee.

The matter has arisen again because the current Lessee cannot continue to operate the Campground.

Recent investigations into the history of the Land and its original acquisition have concluded that the Land was originally compulsorily acquired by the Crown from the original Māori owners pursuant to the Tūrangi Township Act 1964. The Tūrangi Township Act 1964 was the subject of a Waitangi Tribunal Report in 1995 that led to the enactment of the Ngāti Tūrāngitukua Claims Settlement Act 1999. The Land was part of a larger area transferred from the Crown to the (then) Taupō County Council pursuant to an agreement entered into by those parties on 12 May 1985.

The Lease

Initial discussions with STS and Council's Property Manager took place in December 2021 where the lessee stated their considered options, with their preference being selling their lease to Council.

Following a thorough and lengthy investigation into the land status, a valuation to assess the market value of the lessee's interest in the property subject to the existing lease agreement was undertaken in October 2022. The valuation concluded that if offered for sale on the open market the likely value of the lessee's interest in the property for the remainder of the lease term is \$55,000 excl GST if any.

On 2 November 2022 STS communicated their proposal to offer the lessee's interest to Council for \$55,000. As part of the sale and purchase of the lessee's interest, STS proposed to transfer the interest of the buildings and improvements to Council, with the consideration that any outstanding rates arrears be set off against the value of the improvements on the property. The arrears at that time equated to \$38,752.88.

Council counter-offered with an agreement to purchase the lease from STS for no money exchanging hands. This was agreed in principle by the leaseholder and a sale and purchase agreement was prepared for execution.

NGĀ KŌRERORERO | DISCUSSION



Description of the Land

The Land is zoned ‘Residential Environment’ in the Operative District Plan. Part of the Land in green above is subject to a Lease. The Lessee has ceased trading and wishes to surrender the Lease.

The two areas in green and yellow above comprise the Land. The blue area is held for Plantation Reserve by Council, it is a Crown-derived reserve and is not part of the Land.

The buildings that are still on the Land have reached the end of their economic life. Any continued use of the Land as a campground will require significant financial investment by either the Council or a new lessee.

Decisions required

Council will need to decide whether to:

- continue operating a campground in Tūrangi; or
- put the Land (or such part as is needed) to another public works use; or
- declare the Land surplus to its public works requirements and dispose of it.

Option 1: Council continues to use the Land for a campground

In 2010 only one tender was received for the proposed Campground lease of the Land, and that business has since failed with no prospect of recovery.

In October 2022 a valuation report noted that the Campground is away from the main tourist traffic route and the town centre. As a holiday park/campground it would require greater than normal marketing to raise its profile. This together with an absence of proven trading results and increased local competition create high risk and uncertainty for an incoming lessee.

The Land is surrounded on three sides by residential land that has already been developed or is in the process of development.

Before making a decision, Council may opt to commission a feasibility study into the ongoing use (and lease) of the Land as a campground, but it is likely such a study will reach the same conclusion as the valuation report.

Option 2: The Land is utilised for another public work

Council may determine the Land is needed for another public work within a reasonable timeframe. In this context, public work means things like roads, wastewater, sewerage works, drainage works, waste disposal, works undertaken under the Burial and Cremation Act, sportsgrounds, council housing, or any work or facility that is constructed, managed, operated, or maintained by Council. Based on current feedback no other use for the Land has been identified internally.

In 2022 Kāinga Ora indicated interest in part of the Land, but any interest in the Land by Kāinga Ora would be subject to the rights of the former owners and successors, nothing further has been heard from Kāinga Ora since June 2022.

Option 3: Council declares the Land surplus to its public works requirements and disposes of it

The option of disposing of the Land was considered in 2010, but the Tūrangi/Tongariro Community Board recommended that a further lease be granted.

If Council is in favour of disposing of the Land, Council must complete offer-back obligations under s40 of the PWA and arrange a formal investigation into the Land’s historical ownership.

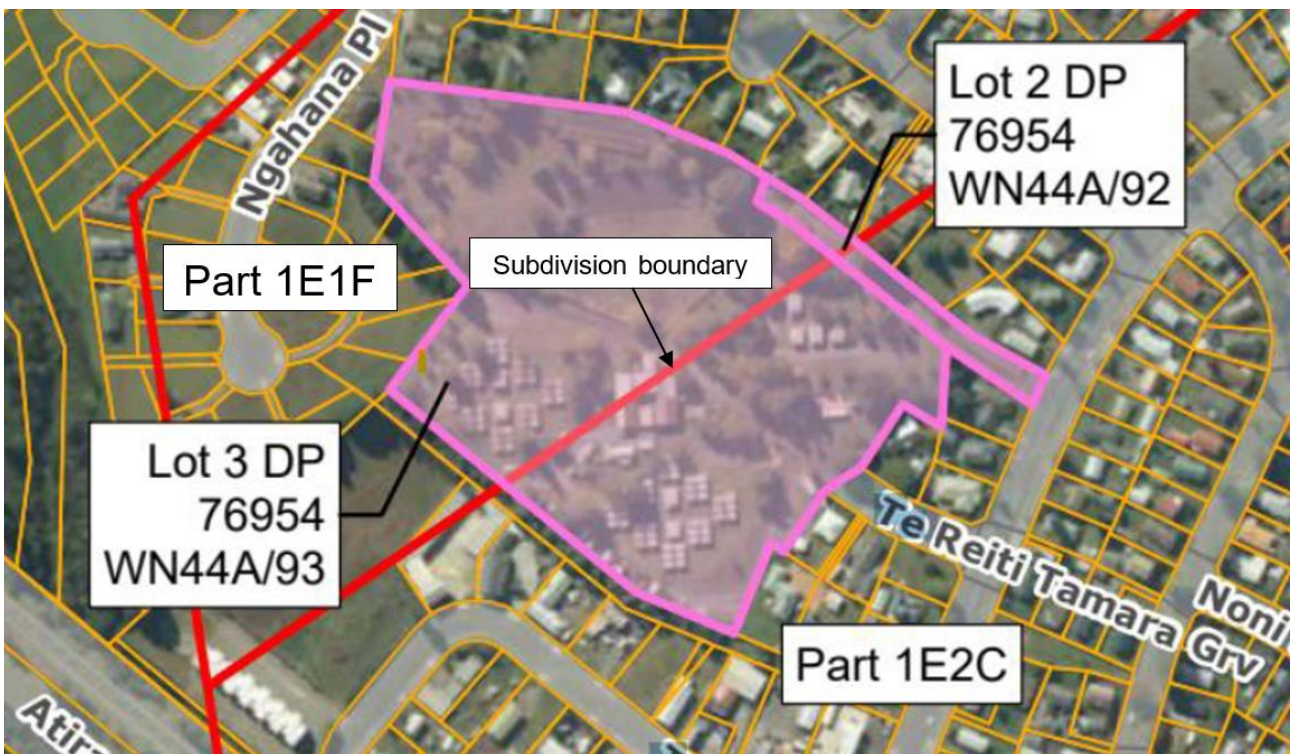
We have ascertained, from a historic list of the original Māori landowners obtained from the Māori Land Court, that there are two separate groups of owners corresponding to the Land as it originally came from two separately owned parcels (part Waipapa1E1F, and part Waipapa1E2C). Additional work is required to investigate the whereabouts of those former owners and identify the successors of any deceased former owners.

A subdivision will be needed to revert the landholding to the original two land parcels in the event of an offer-back. The image below shows the boundary line in red to create new Lots 3 and 4.

In December 2022 existing Lots 2 and 3 (if sold with vacant possession) were assessed to be valued at:

Lot 3 - 4.6025ha - \$1,475,000

Lot 2 - 2211m2 - \$90,000 (narrow access strip to Ohuanga Road)



Based on this information it is considered that there are three options (noting that status quo and do nothing are not options in this case).

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1. Council continues to operate the Campground, under a new lease

Advantages	Disadvantages
<ul style="list-style-type: none"> • Council retains ownership of the Land. • Current lessee is released from the Lease. • The Campground remains in operation for the benefit of the Tūrangi area. • Opportunity exists for a new lessee with fresh ideas to operate the Campground. 	<ul style="list-style-type: none"> • New lessee might not be found. • Campground improvements are in a poor state of repair. • Continued failure of campground business suggests that a new lessee would struggle to be profitable. • The Land is unable to be utilised for other purposes, noting it is zoned Residential Environment. • The status of the current infrastructure is unknown and would require investigation and possible upgrades at a cost to Council. • The Land would be required to be maintained by Council.

Option 2. The land is repurposed for another public work undertaken by Council

Advantages	Disadvantages
<ul style="list-style-type: none"> • The current lessee is released from the existing Lease. • Council retains ownership of the Land. 	<ul style="list-style-type: none"> • Permanent loss of campground facility on Council-owned land in Tūrangi • The Land could only be repurposed for a “local work” as defined in the Public Works Act 1981, so options for repurposing are limited. • Another public work purpose has not been identified, and it is undesirable for Council to continue holding land indefinitely. • The status of the current infrastructure is unknown and would require investigation and possible upgrades at a cost to Council. • The Land would be required to be maintained by Council. • Does not generate a financial return to Council.

Option 3. The land be declared surplus to Council’s requirements and a formal s40 PWA investigation be initiated for the purpose of eventually disposing of the land

Advantages	Disadvantages
<ul style="list-style-type: none"> • The current lessee is released from the existing Lease. • Council no longer has responsibility of land ownership. • May generate a financial return to Council. • Council will no longer be responsible for maintenance or upgrades of the Land and 	<ul style="list-style-type: none"> • Permanent loss of Campground facility on Council-owned land in the Tūrangi area.

<p>infrastructure.</p> <ul style="list-style-type: none"> • Allows offer back to the former landowners to fulfil their aspirations. 	
--	--

Analysis Conclusion:

Officers’ preferred option is Option 3.

If this option is preferred by Council, then the Land may be declared surplus by Council, and the offer-back investigation, including any associated necessary actions, may be undertaken by officers.

The next steps would be:

- Ascertain if the land can be subdivided to give effect to offerback obligations.
- Ascertain the identity and whereabouts of the former owners or their successors of the two separate parcels of lands and seek their input as to how the land can be offered back (with the assistance of Ngāti Tūrangitukua).
- Undertake a formal s 40 report.
- Update current market Land values.

Once the above is complete, the formal s40 report would be submitted to the Tūrangi Co-Governance Committee for their recommendations to Council for approval. If approved, the proposed subdivision can be undertaken and an application to the Māori Land Court (MLC) for offer of the land under s 41 PWA can be undertaken.

The timeframe to completion is estimated between 12 and 24 months from Council’s approval (if approved) of the s40 report – timings are subject to negotiations with former land owners, survey and subdivision works, and the hearings of the MLC.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

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

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 well-beings are of relevance to this particular matter.

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

Public Works Act 1981

Section 40 of the Public Works Act 1981 applies to any proposed disposal of the Land. Once a decision is made that land isn’t required for an existing work, it still cannot be offered back under s40 to the former owner unless it is established that the land is not required for any other public work or required for exchange. While there is no strict legal obligation on the Council to notify other agencies (whether the Crown, or other local authorities) of land becoming surplus, the Council needs to satisfy itself that the land in question is not required for another public work (which Council has already undertaken), and some inquiry of other agencies may occur. It is often the case that other agencies will approach first if a requirement has been identified. Any interest from other agencies must be promptly notified to Council so that a decision under s40 (1)(b) can be made within a reasonable timeframe.

Should the land eventually be declared surplus, the Resource Management Act 1991 may apply to the proposed disposal of the Land because it comprises parts of two original land holdings, both originally separately owned. A subdivision approved in accordance with the Resource Management Act 1991 will be

necessary to give effect to any requirement to offer land back to either or both groups of former owners, or their successors.

Under section 40(2) of the PWA, any offer back must be made at current market value or, if Council considers it reasonable to do so, at any lesser price. When deciding whether to offer the land back at a price lower than market rate, Council must also consider its Local Government Act 2002 obligation to manage its assets and general financial dealings prudently and in a manner than promotes the current and future interests of the community.

Ngā Hīraunga Kaupapa Here | Policy Implications

There are no known policy implications. Council does not have a policy on operating campgrounds on non-reserve land, these are dealt with on a case-by-case basis.

Te Kōrero tahi ki te Māori | Māori Engagement

The Mana Whakahono partnership agreement between Taupō District Council and Ngāti Tūrāngitukua signed at Hirangi Marae in June 2022 is important to this proposal. The aspirations of Ngāti Tūrāngitukua outlined in the Overarching Matters include “*fulfil the role the Community Board currently fulfils with respect to the area within the Mana Whakahono boundary, ultimately being able to make decisions over all matters within the Ngāti Tūrāngitukua rohe, and to have a strong and functioning relationship with the Council*”.

Importantly, the Land is within the Ngāti Tūrāngitukua Rohe. Ngāti Tūrāngitukua will be aware that the Land was originally compulsorily acquired by the Crown under the Tūrāngi Township Act 1964.

Officers engaged with the Ngāti Tūrāngitukua Māori Committee, who advised through the Tūrāngi Co-Governance Committee that Option 3 is their preferred option.

Ngā Tūrua | 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

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

WHAKAKAPINGA | CONCLUSION

Of the three options identified in this report, the preferred option is for Council to declare the land surplus to Council’s requirements and dispose of the Land (without there being another public work requirement for all or any part of it).

Should the Land be declared surplus, the formal s40 PWA investigation is to be undertaken. A preliminary s40 report has been completed, and while that report concluded that if declared surplus the Land should be offered to the former owners/successors, Council would need to formally accept a recommendation to that effect once the Land is actually declared surplus.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.5 OVERVIEW OF COUNCIL MEETING AGENDA ITEMS FOR 2024

Author: Karen Watts, Senior Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

PURPOSE

To receive an overview of Council meeting agenda items for the 2024 calendar year.

DISCUSSION

Attached is a work plan mapping out planned agenda items for Council meetings for the 2024 calendar year. Standing agenda items such as confirmation of minutes, engagements and members' reports are not included. Note that the information is indicative only, subject to change, provided simply as an overview to support forward-planning for Elected Member decision-making.

Due to ongoing discussions with Audit New Zealand, the Long-term Plan 2024-34 timeframes are still being worked through as at the end of January 2024. Updates to Elected Members will be provided at workshops in February 2024.

CONCLUSION

It is recommended that the information is received.

RECOMMENDATION(S)

That Council receives the overview of Council meeting agenda items for the 2024 calendar year.

ATTACHMENTS

1. Overview of Council Meeting Agenda Items 2024 (A3476697)

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>Agenda Item No: 6.1 Confirmation of Confidential Portion of Extraordinary Council Minutes - 19 December 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]*.