

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

Date:	Tuesday, 27 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

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4.1 ORDINARY COUNCIL MEETING - 1 FEBRUARY 2024

Author: Shainey James, Governance Quality Manager

Authorised by: Nigel McAdie, Legal and Governance Manager

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the public and confidential minutes of the Council meeting held on Thursday 1 February 2024 be approved and adopted as a true and correct record.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 1 February 2024
2. Confidential Council Meeting Minutes - 1 February 2024

5.1 NOTICE OF MOTION - MOTUTERE TOP 10 HOLIDAY PARK LEASE

Author: Julie Gardyne, Chief Executive

Authorised by: David Trewavas, Mayor

TE PŪTAKE | PURPOSE

Councillor Duncan Campbell has given notice, in accordance with Standing Order 27, that he intends to move at this meeting (27 February 2024) the following motions:

That Council directs officers to

- 1. present to Council for consideration no later than 30 July 2024, the public consultation findings and proposed details for any new lease for the Motutere Top 10 Holiday Park; and*
- 2. include a clause on any new lease that states the lessee will be required to adhere to the recommendations of the Motutere Reserve Management Plan when it is completed and adopted by Council.*

NGĀ KŌRERORERO | DISCUSSION

The Notice of Motion is attached.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

The Notice of Motion will be moved at the meeting.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Notice of Motion

5.2 APPROVAL FOR SCULPTURES PROPOSED BY TAUPŌ SCULPTURE TRUST

Author: Andrew Moraes, General Manager Operations and Delivery

Authorised by: Julie Gardyne, Chief Executive

TE PŪTAKE | PURPOSE

To seek Council's approval for the installation of two sculptures at Riverside Park in Taupō, as part of a new sculpture trail.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Council have been approached by Taupō Sculpture Trust (the Trust) to create a sculpture trail at Riverside Park in Taupō. In working with Council officers, the Trust have identified Riverside Park as an ideal location for this trail and would like to begin creation of the trail by installing an existing sculpture known as 'Flip' (previously located at Colonial Roberts Reserve in Taupō) alongside a new destination sculpture (formally referred to as Boom Boom) which would be especially commissioned for this site.

A Memorandum of Understanding (MoU) between Council and the Trust (Attachment 4) outlines how the Trust works with Council, inviting the Trust to propose sculptures they believe would add to the artistic vibrancy of the District, with the Council then approving their location.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. On the basis of the Memorandum of Understanding with Taupō Sculpture Trust, acknowledging that the Trust has fulfilled its role in selecting a sculpture, approves the installation of a destination sculpture at Riverside Park; and
2. Approves the installation of 'Flip' at Riverside Park.

TE WHAKAMAHIKI | BACKGROUND

A proposal has been presented to Council previously.

In August 2020, Council and the Taupō Sculpture Trust (the Trust) signed a Memorandum of Understanding (MoU) to develop and expand the collection of public art in Taupō. The Trust has the charitable purpose to *encourage the acquisition and installation of a collection of contemporary sculptures in public areas within the Taupō District to foster appreciation, participation and expression of art and to enhance the urban environment.*

The common goal of the Council and the Trust is to develop and expand a collection of public art (sculptures) in Taupō. As such, all public art will be owned and maintained by Council for the benefit of its communities.

In its 2018-2028 Long-term Plan, the Council indicated its intention to develop a public art collection and to create a sculpture trail to form another attraction for both local residents and visitors to enjoy. To this end, the Council allocated up to \$100,000 in the financial year 2020/21 for a notable (destination) sculpture.

The MoU acknowledges that Council does not always have the expertise to select public art, whereas the Trust has this specific capability. Therefore, the allocation of responsibilities within the MoU is clear; that the Trust carries out a rigorous process of selection, independent of Council, and upon successful selection of an artist and artwork, will submit a final sculpture to Council. The Council's practice has been to approve the costs and location of the proposed sculpture (as opposed to having a selection role).

One of the artworks previously selected through this process was 'Flip', a kinetic sculpture by artist Phil Price which was commissioned in 2010 and installed at Colonial Roberts Reserve in Taupō. This contemporary sculpture comprises a steel box sectioned upright pole, a precision mechanical head and four red tablets, all finely balanced so they stand up in windless conditions, giving the sculpture an overall height of 7 metres

above the ground. When the wind blows, the four red tablets move independently in an infinitely variable series of twists and rotations.

As part of earthworks during the Taupō Town Centre Transformation, 'Flip' was placed in storage until its future location was decided, given it was not in keeping with the aesthetic and culture focus of the new Tapuaeharuru Reserve and Te Atea space.

The Trust have also been working with other artists on future commissions, including a new destination sculpture that would bring visitors to Taupō, as well as adding to the District's artistic vibrancy.

In collaboration with Council officers, the Trust has determined Riverside Park in Taupō as an ideal location for a sculpture trail, that could be added to over the years to create a unique visitor attraction to our cultural offering. To begin creation of this trail, the Trust now requires the approval of Council to install 'Flip' at the Park, as well as a new, yet-to-be commissioned destination sculpture.

NGĀ KŌRERORERO | DISCUSSION

A number of proposals have been presented in the past around the commissioning of a new destination sculpture by the Trust in conjunction with Council. As presented previously, the Trust have sourced half of the required funding to the tune of \$100,000 to commission a sculpture, with Council agreeing to fund the remaining 50% of the cost (\$100,000) at its meeting on 14 May 2018 (the commitment by Council to provide \$100,000 towards a destination sculpture was made subject to the requirement that Taupō Sculpture Trust raise an equal sum of \$100,000). It was decided that the specific location of the destination sculpture would be determined at a later date, as per the Trust's MoU with Council.

The Council portion of the funds to commission the piece (\$100,000) were allocated in the 2018-28 Long-term Plan to be released in year three (FY 2020/21) but was unspent. It was carried forward for the subsequent financial years as discussions have continued to find a suitable location and artist for the sculpture.

As part of the 2023/24 Annual Plan deliberations, Council again agreed to defer its funding commitment towards a new destination sculpture due to the financial challenges impacting Council and the community at the time. While considering community feedback, councillors anticipated the 2024/25 financial year would prove less burdensome to Council from a financial perspective, and Council, through the Mayor, expressed continued support for the Trust's work and the destination sculpture at a time where the financial impact would mean it would be welcomed and celebrated by the community.

While the funding for the destination sculpture is out of scope for the discussion in this paper (as this has already been agreed to) it is relevant context as part of the decision Council will make. Council will need to consider whether the timing is appropriate for the installation of a new destination sculpture, given concerns about possible negative public perception. Council has a requirement under the MoU with the Trust to formally approve the location. The decision to agree to the location of the installation site for the destination sculpture will provide certainty to the Trust that there is a future location approved for the sculpture, and that the piece can formally be commissioned to be created.

Council commissioned and received the Arts, Culture and Nga Toi Action Plan in May 2023. This action plan also calls for Council to "*Continue to work constructively with the Taupō Sculpture Trust in the acquisition and installation of contemporary sculptures in public areas within the Taupō District to foster appreciation, participation and expression of contemporary art and to enhance the urban environment.*" A resource consent for a sculpture trail at Riverside Park has been granted and the Tongariro Domain Reserve Management Plan, as well as wider relevant Council policy, supports Riverside Park being an appropriate location for a sculpture trail, with the exact location of each sculpture being subject to ongoing discussions with officers.

In relation to 'Flip', officers note there is a small cost to re-install this sculpture at Riverside Park, but funds for this can be met within existing council operating budgets.

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

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1. Approve Taupō Sculpture Trust’s proposal to install ‘Flip’ and a newly commissioned destination sculpture at Riverside Park.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Another sculpture is added to the Taupō public art collection, adding vibrancy to our public spaces. • The sculptures will begin to bring a new sculpture trail to life in Riverside Park. • Taupō’s reputation for supporting arts and sculpture may be enhanced. • The sculptures may become a destination for visitors who wouldn’t otherwise visit the district. • Positive public sentiment may be generated. • Council will be honouring its long-term commitment in the MoU with Taupō Sculpture Trust and its Long-term Plan and Annual Plan commitments. • Council will be carrying out actions recommended by the Arts, Culture and Nga Toi Action Plan 	<ul style="list-style-type: none"> • Negative public perception (including on social media) may be generated due to what may be perceived as discretionary spending during a constrained financial environment. • Council will acquire another art asset to be maintained, although the maintenance is expected to be manageable with existing resources due to careful material selection. • General negative public sentiment may be generated as is often seen with the installation of any public art.

Option 2. Decline Taupō Sculpture Trust’s proposal to install ‘Flip’ and a newly commissioned destination sculpture at Riverside Park.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Council will not acquire an asset that needs to be maintained. • Council avoids any negative public reaction and sentiment that may be generated due to the installation of public art spending during a constrained financial environment. 	<ul style="list-style-type: none"> • The public art collection will not be expanded, and existing art (Flip) will remain in storage. • Another sculpture will need to be sourced to initiate the sculpture trail, taking time and additional resources (the sculptor for the proposed destination sculpture may not be available in the future to accept the commission of this work). • Council’s long-term commitment to the Taupō Sculpture Trust will not be fulfilled and this may negatively impact the relationship with the Trust.

Council may also wish to debate the merits of deferring the approval of one of the two sculptures and make a decision on the other at a later date.

Analysis Conclusion:

Option 1 is the preferred option due to:

- Funds having already been allocated to support the commissioning of a destination sculpture.
- The role of Council being to approve the location of installation for sculptures in the Taupō District.
- Installing two sculptures will bring life to the new sculpture trail at Riverside Park which will add vibrancy to the district and enhance the public art collection.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

The financial impact of the proposal is \$100,000 for the 2024/25 financial year for the new destination sculpture. 'Flip' will be relocated using existing budgets and maintenance of both sculptures is planned to be carried out under Council's sculpture maintenance budget.

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under the Public Art Destination Sculpture budget.

Ngā Aronga Ture | Legal Considerations

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that economic and cultural are of relevance to this particular matter. The installation of sculptures such as these can enhance economic wellbeing as the start of a sculpture trail along with part of a wider cultural wellbeing for the community as the sculpture trail unfolds.

The placing of the sculptures at Riverside Park will initiate the sculpture trail and the sculpture trail has been evaluated with regards to a range of legislation. The key legislation applicable to the sculpture proposal has been reviewed and the relevant matters for consideration are as follows:

The development of sculptures at Riverside Park is anticipated by the Tongariro Domain Reserve Management Plan.

Authorisations as follows are required for the proposal:

- Resource Consent Building Consent Environmental Health
 Liquor Licencing Licence to occupy

Authorisations are not required from external parties.

Ngā Hiraunga Kaupapa Here | Policy Implications

The proposal has been evaluated against the following plans:

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

The key aspects for consideration with regards to this proposal are that this activity would be consistent with the Arts, Culture and Nga Toi Action Plan.

Te Kōrero tahi ki te Māori | Māori Engagement

During the investigation into the concept of sculpture trail, officers received advice from Council's Iwi & Co-Governance team who had informed mana whenua through Te Kotahitanga o Ngāti Tūwharetoa (TKNT) and invited their feedback on the proposed trail. The topic was referred to the Taupō hapū collective and no feedback was received. However, TKNT have allocated a representative to work with Council and the Trust in the future, and ongoing conversations will need to take place to ensure mana whenua are comfortable with how future sculptures are installed and acknowledged.

Ngā Tūraru | Risks

As we have seen in the past, public art can be a contentious subject where differing views of specific installations are based on personal preference and taste. Therefore, as with all public art there is a risk the approval of Riverside Park as the location for these two sculptures will see us receive some negative feedback from the community and members of the public.

We also expect there is likely to be some confusion in the community with concerns around the timing of approval of Riverside Park as the location for installation of these two sculptures, when the funding has already been approved. If approved, we would expect a number of members of the community would be opposed to installation of the sculptures given the current constrained financial environment. While a strong communications plan would help the community understand that this decision is simply around approving the location of sculptures, using money carried forward for many years in the budget, we expect there would still be a level of disappointment from the community that Council is allowing spending on public art at this time.

There is a low financial risk that maintenance might be more than budgeted for in the Parks & Reserves maintenance budget, but the sculptor has assured the Taupō Sculpture Trust that the maintenance will be minimal due to the nature of the materials used.

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

While there will be a number of opportunities for Council to work with the Trust to engage the community on the benefits of public art, officers are of the opinion that no further engagement is required prior to Council making a decision.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

Council's communications team will work with the Trust to manage any enquires about the proposed location of Riverside Park for 'Flip' and a destination sculpture. Given we expect public interest to be high, depending on the decision from Council, a media release may be drafted if required.

WHAKAKAPINGA | CONCLUSION

In working with Council officers, Taupō Sculpture Trust have identified Riverside Park as an ideal location for a sculpture trail and would like to begin creation of the trail by installing an existing sculpture known as 'Flip' (previously located at Colonial Roberts Reserve in Taupō) alongside a new destination sculpture which would be especially commissioned for this site.

A Memorandum of Understanding (MoU) between Council and the Trust outlines how the Trust works with Council, inviting the Trust to propose sculptures they believe would add to the artistic vibrancy of the District. These sculptures are then proposed to Council, who in turn has a role in approving the location of proposed sculptures, ensuring there is nothing objectionable in the form of each piece.

Therefore, Council's role is to approve or decline Riverside Park as the location for the installation of the first two pieces of art to bring the sculpture trail to life.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Sculpture trail concept
2. Flip Photo
3. Destination sculpture dimensions
4. MoU between TDC and Taupō Sculpture Trust

5.3 FINAL CONSIDERATION OF PLAN CHANGE 39 (RESIDENTIAL BUILDING COVERAGE)

Author: Hilary Samuel, Senior Policy Advisor

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

To seek final approval from Council on Plan Change 39 (Residential Building Coverage) under clause 17 of the First Schedule of the Resource Management Act 1991.

NGĀ KŌRERORERO | DISCUSSION

Council approved the decision on Plan Change 39 (Residential Building Coverage) at the end of November 2023. The decision was then notified and was followed by a 30-day appeal period. The appeal period closed on 7 February 2024, and no appeals were received. This means that the Council can now give final approval and following notification the plan change can then become operative.

Plan Change 39 increases permitted residential building coverage from 30% to 35% in most residential environments across the district. It was driven from a large number of resource consents being received for coverage exceedances (which were usually granted) and because Taupō District's residential coverage was lower than many relative Territorial Authorities.

All Plan Change 39 material for can be viewed at www.taupo.govt.nz/districtplanchanges.

The remaining five plan change decisions are yet to be received from Commissioners; however we expect them within the next month or two.

WHAKAKAPINGA | CONCLUSION

It is recommended that the Council give final approval of Plan Change 39 and instruct officers to notify this. Following approval, the date that the plan change will become operative will be publicly notified. Notification will occur at least five working days prior to the plan change becoming operative.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council

1. Gives final approval of Plan Change 39 (Residential Building Coverage) under clause 17 of the First Schedule of the Resource Management Act 1991. This shall be effected by affixing the Taupō District Council seal to the Plan Change; and
2. Pursuant to clause 20 of Schedule 1 to the Resource Management Act 1991, directs officers to publicly notify the date on which the Plan Change will become operative.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.4 APPOINTMENT OF COMMISSIONER(S): DELEGATION OF PROPOSED LAND USE CONSENT/VARIATION TO CONSENT NOTICE FOR A DWELLING IN KINLOCH (RM230066/230067).

Author: Heather Williams, Resource Consents Manager

Authorised by: Jessica Sparks, Environmental Services Manager

TE PŪTAKE | PURPOSE

To seek approval for commissioners to hear and make a decision on two publicly notified resource consent applications.

WHAKARĀPOPOTANGA MATUA | EXECUTIVE SUMMARY

Taupō District Council recently publicly notified a resource consent application at 36 Locheagles Rise, Kinloch for a private dwelling. The application received submissions in opposition and support but no parties are seeking a hearing. Given there are submitters in opposition it is considered engaging an independent commissioner to hear and make a decision on the application is appropriate. It may also be that if the Council Planner's recommendation is not to approve the proposal, that a hearing may still be requested in which instance an independent commissioner would be required.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council as per section 34A of the Resource Management Act, delegates the hearing, consideration and decision-making powers of the Resource Consent for a land use and variation of Consent Notice for a proposed dwelling at 36 Locheagles Rise, Kinloch (reference RM230066 and RM230067) to Mr Bill Wasley, being an Independent Commissioner with the Chairperson accreditation, unless a hearing is required in which case the powers will be delegated to a panel consisting of Mr Bill Wasley as Chairperson and one or both of these Councillors: Cr Kevin Taylor, Cr Yvonne Westerman.

TE WHAKAMAHUKI | BACKGROUND

The proposal has not been presented previously.

NGĀ KŌRERORERO | DISCUSSION

Taupō District Council recently publicly notified a resource consent application. The application may not require a hearing but has submissions in both support and opposition.

RM230066/230067 is a private dwelling at 36 Locheagles Drive, Kinloch. The application is for a land use consent for earthworks and a variation to a consent notice to exceed the building coverage, building height and minimum building setback. The application was publicly notified and submissions closed on 15 January 2024. Eight submissions were received and two submitters were in opposition to the proposal. No submitters wish to be heard at a hearing and therefore a hearing is not required under section 100 of the Resource Management Act (RMA).

Having the decision delegated to an independent commissioner is considered appropriate as at the time of this request the Council's recommendation to approve or decline has not been made.

The proposal was publicly notified with information available on the Taupō District Council website : [36 Locheagles Rise Kinloch - Taupō District Council \(Taupodc.govt.nz\)](https://www.taupodc.govt.nz/36-Locheagles-Rise-Kinloch)

The reason for using an independent commissioner when there are submitters in opposition is to separate Council officers from any perceived bias by submitters in the decision making if the Council officer's report recommendations are for either:

- a decline, or
- agreement is not able to be reached on conditions of consent.

It may be that a hearing is requested by the applicant if the Council officer's recommendation is not to support the proposal, or if agreement on conditions of consent cannot be reached. A hearing in that instance enables the applicant and the Council to present their experts, and for independent questioning and decision making by a commissioner/s.

The ability to have commissioners available to be appointed to fulfil that role is therefore necessary so as not to delay decision making unnecessarily. Under the RMA, Publicly Notified Resource Consents may be heard by either Councillors or Independent Commissioners with accreditation in the *Making Good Decisions (RMA)* programme. As currently no Councillors are accredited with the chairperson qualification, they cannot make the decision on their own. Where no hearing is required it is considered one suitably qualified commissioner can consider the decision on the papers. Where a hearing is required it is considered that one commissioner or a panel of commissioners (usually three) may be required. In this instance, given no submitters wish to be heard, it is considered appropriate to appoint one independent commissioner with the Chairperson accreditation.

Councillors Yvonne Westerman and Kevin Taylor hold the Making Good Decisions accreditation. If a hearing is required, and provided they have no conflicts of interest and are available, they could be included in making up a panel.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Ture | Legal Considerations

The proposal is a matter for consideration under the Resource Management Act only.

Authorisations as follows are required for the proposal:

- Resource Consent Building Consent Environmental Health
 Liquor Licencing Licence to occupy

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 proposal was publicly notified and no comment or submissions were received from hapū or iwi or that raised matters related to Māori. Direct notification of the proposal was provided as part of the public notification process.

In terms of the decision-making delegation to a commissioner, it is considered that there are no specific matters relating to Te Tiriti that require the engagement of a specifically qualified commissioner and that the matters can be considered by a Hearings Commissioner with planning expertise.

Ngā Tūraru | Risks

There are no known risks.

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

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

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

TE KŌRERO TAHI | ENGAGEMENT

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

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

No communication/media required.

WHAKAKAPINGA | CONCLUSION

It is recommended that an Independent Commissioner with the Chairperson qualification be appointed to hear, consider and decide alone on the papers, or, should a hearing be required, in conjunction with Councillors Kevin Taylor and Yvonne Westerman (if no conflicts of interest).

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.5 APPOINTMENT OF LOCAL CONTROLLERS

Author: Hayley Nicholson, Senior Emergency Management Advisor

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

TE PŪTAKE | PURPOSE

To provide an update on the appointment of Civil Defence Emergency Management Local Controllers.

NGĀ KŌRERORERO | DISCUSSION

The Civil Defence Emergency Management Act 2002 requires territorial authorities to nominate and appoint one or more Local Controllers.

Following an interview process the nominee must complete Response and Recovery Leadership Development (RRANZ) training and on successful completion of the training a recommendation is made to the Waikato Civil Defence Emergency Management Joint Committee to appoint the nominee.

The Waikato CDEM Group Controller Policy, approved by the Joint Committee May 2022, requires elected members to be advised of who Taupō District Council's Controllers are.

On 4 December 2023 the Joint Committee appointed Mr Hadley Tattle as a Local Controller for Taupō District Council. Mr Tattle is currently Taupō District Council's Community Engagement and Development Manager.

In November 2023 Mr Steve Giles completed RRANZ training and on 25 March 2024 the Joint Committee will receive a report recommending the appointment of Mr Giles as a Local Controller. Mr Giles is currently Taupō District Council's Events and Venues Manager.

WHAKAKAPINGA | CONCLUSION

Taupō District Council has met its legislative requirements by appointing Local Controllers, with Mr Hadley Tattle appointed and Mr Steve Giles expected to also be appointed in March 2024.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council receives the information regarding the appointment of Local Controllers.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.6 ADOPTION OF REPORT ON DOG CONTROL POLICY AND PRACTICES

Author: Ross McDonald, Compliance Team Leader

Authorised by: Jessica Sparks, Environmental Services Manager

TE PŪTAKE | PURPOSE

To adopt the 2022/23 report on the administration of Taupō District Council's Dog Control Policy and its dog control practices.

NGĀ KŌRERORERO | DISCUSSION

Section 10A of the Dog Control Act 1996 requires the Council, in respect of each financial year, to report on the administration of:

1. its dog control policy adopted under section 10 of the Act; and
2. its dog control practices.

WHAKAKAPINGA | CONCLUSION

The report for the 2022/23 financial year is attached for adoption, following which public notice of the report will be given.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council adopts the Taupō District Council Annual Dog Control Report 2022/23.

ATTACHMENTS

1. Taupo District Council S10a Report 2022-23

5.7 EXEMPTION OF LAKE TAUPŌ PROTECTION TRUST AS A COUNCIL CONTROLLED ORGANISATION - SECTION 7(3) LOCAL GOVERNMENT ACT 2002

Author: Karyn Hollman, Senior Solicitor

Authorised by: Sarah Matthews, General Manager Organisation Performance

TE PŪTAKE | PURPOSE

To seek Council's approval to grant an exemption to Lake Taupō Protection Trust from the definition of 'council-controlled organisation' under section 7(3) of the Local Government Act 2002.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Lake Taupō Protection Trust (the "Trust") is a council-controlled organisation ("CCO") for the purposes of the Local Government Act 2002 (the "Act"). We seek to exempt the Trust from the planning, monitoring, and reporting requirements that are triggered by the Trust being a CCO, given the nature, size, and resources of the Trust.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. Grants an exemption to Lake Taupō Protection Trust from the definition of council-controlled organisation for the 2023/24 financial year, and the two succeeding years (2024/25 and 2025/26) under section 7(4) of the Local Government Act 2002.
2. Reviews this exemption before, but in anticipation of, the 2026/27 financial year, and three-yearly thereafter.

TE WHAKAMAHUKI | BACKGROUND

The proposal has not been presented previously.

The Trust is a CCO under the Act by virtue of Council, either on its own or jointly with other local authorities, being entitled to appoint 50% or more of the trustees: by clause 7 in the Trust Deed, Council is empowered to appoint and remove trustees jointly with the Crown and Waikato Regional Council.

As a CCO, the Trust is subject to prescribed monitoring and reporting requirements distinct from any reporting required by its Trust Deed. CCO requirements include an annual statement of intent, a performance report in Council's annual report, and an audit by an auditor appointed by the Auditor-General. Compliance with these requirements incurs significant time and cost.

However, s 6(4)(i) of the Act provides an avenue for small non-profit entities to avoid these requirements by becoming exempt from the definition of CCO under s 7(3) by resolution of Council under s 7(4). The exemption under s 7(3) may be revoked by Council at any time, and any exemption must be reviewed every 3 years.

If exempted, the Trust is no longer a CCO and, from then on – until the exemption ends and not renewed, or is revoked - is not subject to the reporting regime in Part 5 of the Act. The Trust does remain subject to any monitoring or reporting requirements under any other legislation or its own Trust Deed.

NGĀ KŌRERORERO | DISCUSSION

The Trust is a charitable trust established under the Charities Act 1957. By virtue of its charitable status, it must comply with annual reporting standards imposed by the Charities Act 2005, as administered by the Charities Services.

When determining whether to exempt the Trust under s 7(3), Council is to consider the nature and scope of the Trust's activities, and the cost and benefit to the Council, the Trust, and the community, if an exemption is granted.

For the year ending 30 June 2023, the Trust’s total assets were \$742,000.00 and the net deficit for the year was \$186,702. Currently the cash remaining in the Trust to cover future expenditure is \$737,000.

As the Trust has moved to a landowner agreement compliance monitoring phase and no longer employs staff or pays Trustees, ongoing Trust expenditure, excluding audit fees, is anticipated to be less than \$50,000.00 for the current financial year and likely less than that for following years. Audit NZ’s audit fee for the year ending 30 June 2023 was \$31,000.00 (plus GST).

The benefits of this exemption are:

For the Trust

There will be no requirement to:

- produce an annual statement of intent, incorporating measures by which Council can assess the achievement of its objectives.
- submit to Council a half yearly report on its operations.
- submit its annual report for audit by an auditor appointed by the Auditor-General.

Being exempted from these requirements will relieve the Trust of a significant additional administrative cost and burden.

For the Council

There will be no requirement to monitor the Trust or monitoring the Trust’s performance to evaluate its contribution to the achievement of Council’s strategic aims and outcomes.

In his 2023 report on the Trust, the appointed auditor noted the option of exempting the Trust from the statutory performance monitoring and reporting requirements of a CCO. And, in relation to the Trust, we believe it prudent for Council to exempt the Trust under s 7(3) of the Act.

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

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1. Exempt Lake Taupō Protection Trust from the definition of council-controlled organisation under section 7(3) of the Local Government Act 2002.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Reduces LTPT and Council’s exposure to additional reporting and audit costs. 	

Option 2. Do not exempt Lake Taupō Protection Trust from the definition of council-controlled organisation under section 7(3) of the Local Government Act 2002.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Satisfies public perception and expectation that LTPT is accountable to its community for its use of community assets or ratepayer funds. 	<ul style="list-style-type: none"> • Puts LTPT and Council to additional annual planning, monitoring, reporting and audit costs that are unnecessary given the nature and scale of LTPT’s sphere of operation, and LTPT’s resources.

Analysis Conclusion:

The preferred option is **Option 1: Exempt Lake Taupō Protection Trust from the definition of council-controlled organisation under section 7(3) of the Local Government Act 2002.**

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

The financial impact of the proposal is the saving of staff time, resources and costs that otherwise would be incurred in complying with the statutory planning, monitoring, and reporting requirements of a CCO.

Long-term Plan/Annual Plan

There is no expenditure that needs to be budgeted for.

Ngā Aronga Ture | Legal ConsiderationsLocal Government Act 2002

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

Other considerations

The proposal has been evaluated with regards to the Local Government Act 2002, the Charities Act 2005, and the Trust Deed, and the relevant matters to consider are:

1. Under part 5 of the Act, a local authority must monitor the performance of its CCOs to evaluate their contribution to the achievement of: the local authority's objectives for the organisation; the desired results set out in the CCO's statement of intent; and the overall aims of the local authority. Monitoring is intended to give the local authority assurance that the CCO is meeting the objectives that the local authority has set, and provides the basis for a constructive relationship between the local authority and CCO.
2. In the case of LTPT, as sole Trustee, Council is the entity with control of the operation and administration of the CCO.
3. Since its establishment in 2007, the nature and scope of the Trust's operation have evolved and scaled back, such that now the Trust is concerned primarily on compliance and enforcement of the Nitrogen Management Agreements.
4. Section 7(3) of the Act permits local authorities to exempt CCOs for the purposes of s6(4)(i). For the duration the exemption, exempted entities are not obliged to comply with the reporting requirements for CCOs in Part 5 of the Act. However, the parent local authority should still monitor the entity's performance.
5. The LTPT is a charitable entity for the purposes of the Charities Act 2005 and must meet reporting standards.
6. The Trust Deed (as varied) requires Council, as Trustee, to prepare and adopt a report, in respect of each financial year, on the annual activities and financial position of the Trust and make this publicly available free of charge.
7. If an exemption is granted, the CCO planning, monitoring, and reporting requirements under Part 5 of the Act do not apply for so long as the exemption stands. But the Trust does remain subject to its obligations under the Trust Deed and the Charities Act 2005.
8. The exemption must be reviewed every three years, with the first review due (assuming the exemption is backdated to 1 July 2023) at the beginning of 2026 for the 2026/27 financial year.
9. Section 7(7) of the Act permits Council to, at any time, revoke an exemption it has granted.

Authorisations are not required from external parties.

Ngā Hiraunga Kaupapa Here | Policy Implications

There are no known policy implications.

Te Kōrero tahi ki te Māori | Māori Engagement

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are

not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

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

We have concluded that no engagement with Māori is required on this occasion.

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 deciding.

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

For the reasons stated above, it is appropriate for Council to grant an exemption to Lake Taupō Protection Trust from the definition of 'council-controlled organisation' for the 2023/24 financial year, and the two succeeding years (2024/25 and 2025/26), under s 7(3) of the Local Government Act 2002 for the purposes of s 6(4)(i) of the Local Government Act 2002.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.8 TAUPŌ DISTRICT COUNCIL PERFORMANCE REPORT - JANUARY 2024

Author: Julie Gardyne, Chief Executive Officer

Authorised by: Julie Gardyne, Chief Executive

TE PŪTAKE | PURPOSE

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

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council notes the information contained in the Performance Report for the month of January 2024.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Performance Report - January 2024

5.9	COUNCIL ENGAGEMENTS, OPPORTUNITIES - MARCH 2024	APPOINTMENTS	AND	TRAINING/CONFERENCE
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Author: Karen Watts, Senior Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

ENGAGEMENTS

ENGAGEMENT	DAY	DATE	TIME
Te Kōpu ā Kānapanapa meeting (Council Chamber)	Monday	4	1pm-4pm
Risk and Assurance Committee meeting (Council Chamber)	Tuesday	5	10.15am-1.15pm
Tūrangi Co-Governance Committee workshop (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	6	9am-11am
Tūrangi Co-Governance Committee meeting (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	6	11am-1pm
Taupō Play, Active Recreation and Sport Plan workshop (Council Chamber)	Thursday	7	11am-12pm
Destination Great Lake Taupō (DGLT) Six Monthly Report to Council (Council Chamber)	Tuesday	12	10.15am – 11am
Amplify Six Monthly Report to Council (Council Chamber)	Tuesday	12	11am-11.45am
Closed Performance Monitoring Group Meeting (Council Chamber)	Thursday	14	10.15am-10.45am
Rangitāiki River Forum (Bay of Plenty Regional Council, 5 Quay Street, Whakatāne)	Friday	15	10.30am-3pm
Taupō Reserves and Roding Committee meeting (Council Chamber)	Tuesday	19	1pm-2.30pm
Workshop: Presentation from Marion Read, Local Government New Zealand Libraries Advisor (Council Chamber)	Thursday	21	1pm-2pm
Workshop: Dealing with media	Thursday	21	2pm-3pm
Motutere Recreation Reserve Management Plan Committee workshop – Check in on policy direction (Council Chamber)	Thursday	21	3pm-4.30pm
Waikato Civil Defence Emergency Management Group Joint Committee (Waikato Regional Council Chamber, 160 Ward Street, Hamilton)	Monday	25	10am-1pm
Taupō Airport Authority Committee meeting (Conference Room, Taupō Airport, ANZAC Memorial Drive, Taupō)	Monday	25	10.30am-12pm
Public forum (Council Chamber)	Tuesday	26	12.30pm-1pm
Council meeting (Council Chamber)	Tuesday	26	1pm-3pm

APPOINTMENTS

No new requests for appointments have been received.

TRAINING AND CONFERENCE OPPORTUNITIES

No new requests for training and/or conferences have been received.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council receives the information relating to engagements, appointments and training/conference opportunities for March 2024.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.10 MEMBERS' PORTFOLIO UPDATES

Author: Karen Watts, Senior Committee Advisor
Authorised by: Nigel McAdie, Legal and Governance Manager

TE PŪTAKE | PURPOSE

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

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

NGĀ KŌRERORERO | DISCUSSION

Elected members will provide updates as follows:

Portfolio Organisation(s)	Portfolio Lead
Economic & Business Enterprise Great Lake Taupō Trust	Cr Christine Rankin
Sport & Recreation Rural Travel Fund Taupō Sports Advisory Council Bike Taupō Incorporated	Cr Rachel Shepherd
Youth and Technology Taupō Youth Awards	Cr Karam Fletcher
Age & Disability Access Taupō	Cr Kirsty Trueman
Mangakino Oji Fibre Solutions Forum Tirohanga Hall – Connecting our Community	Cr Kirsty Trueman
Arts & Culture Creative Taupō Friends of the Lake Taupō Museum Art Gallery	Cr John Williamson
Environment & Climate Change Greening Taupō Steering Group Waipahihi Botanical Society	Cr Danny Loughlin
Community Safety	Cr Kevin Taylor
Emergency Management Strategic relationships including ethnic communities, sister and friendship cities	Cr Anna Park
Food Production/Primary Industries	Cr Kylie Leonard
Community services Waiora House Trust	Cr Yvonne Westerman
Other Acacia Bay Residents Association	Cr Yvonne Westerman
Any other member updates	Cr Duncan Campbell Cr Sandra Greenslade Mayor David Trewavas

WHAKAKAPINGA | CONCLUSION

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

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council receives the portfolio updates from members.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

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 1-Year Extension of Kerbside Refuse and Collection Contract CN105</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]*.