

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

Date:	Tuesday, 26 March 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 - 27 February 2024.....	3
5	Ngā Kaupapa Here Me Ngā Whakataunga Policy and Decision Making	
5.1	Motutere Holiday Park Lease.....	4
5.2	Adoption of Dog Registration and Food Licensing Fees for Consultation	10
5.3	Adoption of the Solid Waste Bylaw Proposal for Consultation	14
5.4	Budget Transfer For Tirohanga and Whareroa Water Treatment Plant Upgrades	18
5.5	Scooter Safety Programme External Funding Application.....	20
5.6	Delegation of Power of Ministerial Consent under Section 48(1) of the Reserves Act 1977	22
5.7	Health, Safety and Wellbeing - Quarterly Update	25
5.8	Adoption of Statement of Investment Policies & Objectives (SIPO)	30
5.9	Taupo District Council Performance Report - February 2024	31
5.10	Council Engagements April 2024, Appointments, and Training and Conference Opportunities.....	32
5.11	Members' Portfolio Updates.....	34
6	Ngā Kōrero Tūmataiti Confidential Business	
6.1	Confirmation of Confidential Portion of Ordinary Council Minutes - 27 February 2024.....	36

4.1 ORDINARY COUNCIL MEETING - 27 FEBRUARY 2024

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 27 February 2024 be approved and adopted as a true and correct record.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 27 February 2024

5.1 MOTUTERE HOLIDAY PARK LEASE

Author: Nick Carroll, Policy Manager

Authorised by: Warrick Zander, General Manager Strategy and Environment

TE PŪTAKE | PURPOSE

To direct officers on the timing for renegotiating a new lease for Motutere Holiday Park.

Normally this matter would be considered by the Tongariro Representative Group however, given the significance of the decision this matter has been referred direct to Council for consideration.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Taupō District Council is lessor of the Motutere Holiday Park, which is situated on the Motutere Recreation Reserve administered by Council. The current lease commenced in 2005 and is due to expire on 1 March 2038.

Council has received a request from the lessee for an extended lease term. A longer lease term could be negotiated via a new lease, which would commence on surrender of the existing lease.

The Motutere Reserve Management Plan 2004 (RMP) is currently being reviewed, in partnership with Ngāi Te Rangiitā. This sets direction for the management and future development of the reserve, among other things. Ideally this process should be completed before a new lease is proposed. However, there is an option to run the two processes in parallel to expediate the granting of a new lease.

Four options are proposed:

1. Do nothing and let the current lease run its course.
2. Begin the negotiation process for a new lease and decide whether to grant the lease prior to RMP adoption.
3. Begin the negotiation process for a proposed new lease in parallel to the RMP review and make a decision on granting the lease once the RMP is adopted.
4. Wait until the new RMP is adopted before negotiating a new lease.

Option 3 is the recommended option because starting the lease negotiation process in parallel with the review of the RMP creates efficiencies. It allows alignment of the lease with the revised RMP and avoids risks of predetermination. It also avoids having two separate consultation processes that are likely to cause confusion for the community. While there is a delay of approximately two months for the lease holder, this is considered to be outweighed by the other benefits to Council and the community.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council directs officers to begin the negotiation process for a proposed new lease in parallel to the reserve management plan review, with any decision on granting a new lease to be made once the reserve management plan is adopted.

TE WHAKAMAHUKI | BACKGROUND

The proposal has not been presented previously.

Motutere Recreation Reserve is administered by Taupō District Council. The reserve is over 30 hectares in size starting from the gravel road pull-over south of Bulli Point and running south to Ōtaiātoa Bay (Mission Bay) as shown in the title plan in Attachment 1. Motutere Holiday Park makes up approximately 10 hectares of the reserve and has two camping sections on both sides of State Highway 1, as shown in Attachment 2.

Council is lessor of the Holiday Park. The existing lease commenced on 1 March 2005 and was granted for a term of 33 years, the maximum allowed under the Reserves Act 1977 (the Act). The lease expires February 2038.

Current Lease assignment

The lease was assigned to Australian company Trans-Tasman Holiday Parks Limited (TTHPL) on 1 September 2016. This followed approval from the Overseas Investment Office (OIO) for TTHPL to take over

the existing lease from the previous operators. At the time of assignment to TTHPL there were 21 years remaining on the lease.

The Deed of Assignment includes a clause:

Fourth Schedule

2) The Landlord and the Assignee covenant to negotiate in good faith:

- (a) expansion of the demised area within the 31.9498 hectares demised in the Deed of Lease dated 13 April 2005,*
- (b) extension of the term of the lease.*

There are 14 years left to run on the lease. The current lease holder is seeking to renegotiate a lease arrangement that provides for a term of at least 20 years but would prefer longer. A longer lease term would assist with securing funding for future capital investment.

An extension of the current lease for more than two years cannot be granted as it would constitute a subdivision of the Reserve under the Resource Management Act 1991. That Act states that a lease of part of an allotment for more than 35 years, including any renewal period, is defined as a subdivision.

A longer lease term could be negotiated via a new lease, which would commence on surrender of the existing lease (subject to the outcome of public consultation).

NGĀ KŌRERORERO | DISCUSSION

There are several matters that need to be considered during this decision-making process:

Ngāti Te Rangiita Interests

The Act and associated section 4 requirements of the Conservation Act 1987 requires Council to consult with hapū to understand their views and to give effect to Treaty of Waitangi / Te Tiriti O Waitangi principles before making any decision to grant a new lease. Council has also made a commitment to work in partnership with Ngāti Te Rangiita on the ongoing management of this reserve.

Reserve Management Plan Review

Section 41(4) of the Act states that an administering body of any reserve shall keep its management plan under continuous review, so that the plan is adapted to changing circumstances or in accordance with increased knowledge. The Motutere RMP was last reviewed in 2004, nearly 20 years ago, accordingly council has begun a much-needed review of the plan.

The review process is being done in partnership with Ngāti Te Rangiita, recognising their role as Mana Whenua and kaitiaki of Motutere. An ad-hoc committee has been established to oversee this review, this is made up of both elected members and representatives of Ngāti Te Rangiita.

Through this review the RMP will be updated to reflect current issues and opportunities and relevant legislative changes. It will provide clarity on the use, protection, management, and development of the reserve and offer an opportunity for hapū and the community to share their aspirations for the entire reserve area as well as the holiday park.

The RMP will also deal with issues that could be included in a renegotiated lease for the holiday park. This could include aspects like the location of campsites, provision of parking areas, management of waste and protection of culturally important sites.

Council could run the two processes in parallel to ensure new RMP provisions are reflected in the lease terms. Council could then grant the new lease once the RMP is adopted.

Public Consultation Requirements

For Option 2

If Council propose a new lease ahead of the RMP being adopted, sections 54(2), 119, and 120 of the Act apply, see Attachment 3. These sections require Council, as an administering body, to give public notice and give full consideration to submissions before granting any lease.

This option will potentially be confusing for the public as we will have two separate consultation processes running, along with separate hearings and decision making. The Motutere RMP Committee will oversee hearings for the RMP. The Tongariro Representative Group has the delegation to oversee lease matters, however the hearing for a new Holiday Park lease is expected to be held by Council given the significance of the decision.

The other concern with this approach is the perception that Council has already predetermined an outcome in relation to the campground ahead of consultation on the RMP.

For Options 3 and 4

When proposing a new lease, there is an exemption to the consultation requirement above:

Section 54(2A) Nothing in subsection (2) shall apply in any case where the proposal—

(a) is in conformity with and contemplated by the approved management plan for the reserve.

During the current review of the RMP the Committee will look to include a clear statement about the future of the Holiday Park. This would mean that future leases that are in conformity with the RMP will not need to be consulted on.

To clarify, if Council waits until the revised RMP is adopted, a new lease can be granted without having to run a public consultation process.

RMP Consultation

Officers are working towards having a draft RMP ready for Committee approval in May. This will be followed by a two-month consultation process over June and July.

Adoption of RMP

The final draft RMP will be presented to Council for adoption once Committee hearings and deliberations are completed. Timing is dependent on the number of submissions received through the consultation process and how many submitters wish to be heard. The expectation is that Council could adopt the RMP at the ordinary Council meeting in September.

NGĀ KŌWHIRINGA | OPTIONS

Based on the above information it is considered that there are four options:

Option 1: status quo. Do nothing and let the current lease run its course. TTHPL has a lease that gives security of tenure until the end of 2038.

Option 2: Begin the negotiation process for a new lease and decide whether to grant the lease prior to RMP adoption.

Option 3: Begin the negotiation process for a proposed new lease in parallel to the RMP review and make a decision on granting the lease once the RMP is adopted.

Option 4: wait for the new RMP to be adopted before beginning negotiations for a new lease.

Analysis of Options

Option 1. Status Quo - Do nothing and let the current lease run its course. TTHPL has a lease that gives security of tenure until the end of 2038.

Advantages	Disadvantages
<ul style="list-style-type: none"> Allows for the RMP review process to be completed before any decision is made about a new Holiday Park lease. 	<ul style="list-style-type: none"> Lack of long-term security causes some uncertainty for the lessee. No opportunity to update or review existing lease terms and conditions.

Option 2. Begin the negotiation process for a new lease and decide whether to grant the lease prior to RMP adoption.

Advantages	Disadvantages
<ul style="list-style-type: none"> Provides TTHPL with greater certainty about their long-term lease terms and conditions. Provides users of the Holiday Park with greater certainty. 	<ul style="list-style-type: none"> There will need to be public consultation on the lease which adds additional time and cost. Could be viewed as a predetermined position if the lease is consulted on and a decision made prior to the RMP. This could undermine confidence in Council.

	<ul style="list-style-type: none"> • Could be a misalignment between the lease terms and conditions and the RMP.
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Option 3. Begin the negotiation process for a proposed new lease in parallel to the RMP review and make a decision on granting the lease once the RMP is adopted.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Could see a new lease granted sooner than Option 4. • Public consultation on the proposed lease would not be required if the lease is in conformity and contemplated by the new RMP. • Lease terms and conditions would be aligned to the reviewed RMP. • Would avoid issues around predetermination by making decisions on the RMP first. 	<ul style="list-style-type: none"> • Causes short-term uncertainty for the lessee.

Option 4. Wait for the new RMP to be adopted before negotiating a new lease.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Public consultation on the proposed lease would not be required if lease is in conformity and contemplated by the new RMP. • Lease terms and conditions would be aligned to the reviewed RMP. • Would avoid issues around predetermination by making decisions on the RMP first. 	<ul style="list-style-type: none"> • Causes short-term uncertainty for lessee.

Analysis Conclusion:

Officers recommend **Option 3: Begin the negotiation process for a proposed new lease in parallel to the RMP review and make a decision on granting the lease once the RMP is adopted.**

Doing nothing (Option 1) does not address the lessee’s desire for greater certainty. Similarly, waiting for the RMP process to be concluded before beginning a review of the lease (Option 4) also creates a longer period of uncertainty.

The current RMP is old and in need of a significant review. Making a decision on the lease ahead of that review (Option 2) creates a significant risk of perceived predetermination and misalignment with the final RMP. There would need to be a separate public consultation period with a potential decision at the end of July.

Negotiating a new lease arrangement may take weeks or months depending on the matters being considered and the approach of the parties. Starting that process now in parallel with the review of the RMP creates efficiencies. It also allows better alignment of the lease with the RMP and avoids risks of perceived predetermination. Because the future of the Holiday Park and wider management of the reserve would be clear in the RMP there would be no need for further public consultation. That could enable a decision on granting a new lease in September at the same meeting that the RMP is adopted by Council.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

Option 2 would incur some relatively minor administration costs associated with public notification, collection and analysis of submissions and the holding of hearings. Those costs can be absorbed in existing budgets. The greater issue is around staff time being taken up with an additional public consultation period at a time when the organisation will be grappling with delivering a new Long-term Plan.

There will also be an opportunity to review the lease rental.

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 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:

Reserves Act 1977

The Council as administering body of the reserve is authorised to grant a lease under section 54(1)(a) of the Reserves Act 1977 subject to compliance with the Act.

There is a requirement for statutory public notification and consultation before a final decision can be made whether to grant a lease. That consultation would not be required if Council makes a decision on granting a lease after adopting a new RMP.

Authorisations as follows are required for the proposal:

- Resource Consent Building Consent Environmental Health
- Liquor Licencing Lease

Ngā Hīraunga Kaupapa Here | Policy Implications

The proposal has been evaluated against the following plans:

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

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

The Motutere Recreation Reserve Management Plan 2004 is old and in need of review. A draft RMP is expected to be consulted on over June and July with hearings in August and Council adoption in September.

Because the current RMP is so old, consideration of a new lease would need to be consulted on. That would not be the case for a new lease being considered after adopting the new RMP.

Te Kōrero tahi ki te Māori | Māori Engagement

Council is currently working in partnership with Ngāti Te Rangiita to review the Motutere Recreation Reserve Management Plan. The hapū has also expressed a desire to have the Motutere Recreation Reserve land vested to them in the future. Ngāti Te Rangiita, the Department of Conservation, and Council are committed to investigating what this could look like after adoption of the RMP.

Hapū will be consulted as part of any process to consider a new lease arrangement. Their views must be considered before any decision is made to grant a new lease. Tūwharetoa Māori Trust Board will also be consulted given the interaction of the reserve with the Lake.

Ngā Tūraru | Risks

There are no additional risks to those already identified.

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

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

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is significant. This reflects the high level of local public interest in the operation of the holiday park.

TE KŌRERO TAHI | ENGAGEMENT

Taking into consideration the above assessment, that the decision is significant, officers are of the opinion that public consultation and engagement would be required if Council decides to proceed with proposing a

new lease. That consultation would be separate if Council proceeds before the RMP, or alternatively Council could rely on the RMP consultation if considering granting a lease after the RMP is adopted.

Hapū must be consulted prior to Council making a final decision on any new proposed lease.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

A communications plan has been prepared in consultation with the communications team.

WHAKAKAPINGA | CONCLUSION

On balance it is considered that Option 3 is the preferred option. This enables lease negotiations to progress and then integrate with the RMP review to avoid any perception of predetermination. It also avoids having two separate consultation processes that are likely to cause confusion for the community. While there is a delay of approximately two months for the lease holder, this is considered to be outweighed by the other benefits to Council and the community.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Motutere Reserve Title Plan
2. Aerial image of Motutere Holiday Park boundary
3. Reserves Act 1977 Consultation Requirements

5.2 ADOPTION OF DOG REGISTRATION AND FOOD LICENSING FEES FOR CONSULTATION

Author: Andrew Wilson, Policy Advisor

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

The purpose of this report is to seek adoption of fees for dog registration and food licencing so that they can be consulted on ahead of legislative deadlines for setting these fees. This is important as fees cannot be set for the next financial year if Council does not meet the deadline. These fees are also proposed to be increased to better recover costs and align them with Council's revenue and financing policy.

WHAKARĀPOPOTANGA MATUA | EXECUTIVE SUMMARY

Dog Registration and Food Licensing fees need to be set and notified in advance of the next financial year under legislation. However, Council needs to consult the community on these fees before they are set due to the significance and engagement policy as well as the Food Act 2014.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. adopts the attached fees and charges proposal for dog registration/animal control and food licensing for consultation; and
2. Council resolves to address the inconsistency between the proposed dog registration/animal control charges and the revenue and financing policy when the policy is reviewed through the Long-term plan.

TE WHAKAMAHUKI | BACKGROUND

The proposal has not been presented previously.

NGĀ KŌRERORERO | DISCUSSION

Dog registration and food licencing fees are required to be set before the start of the financial year under legislation; this means that these charges need to be set in advance of the rest of the charges that will be set through the Long-term Plan (LTP) process.

Food licencing fees are required to be consulted on using a special consultative procedure, dog fees on the other hand do not have the same legislative requirement. However, assessing the proposed fees against Council's significance and engagement policy, Officers have determined that the fee changes are of a high degree of significance given the number of people that will be impacted. Officers therefore recommend the use of a special consultative procedure for all charges.

Dog Fees

The proposed dog fees represent an average increase of 15%, this is driven by general costs of operations of the animal control activity. The increase means that dog registration fees move from \$95 to \$110 for most dogs (before any discounts) and from \$34 to \$40 for working dogs¹. This increase however is not enough to meet the minimum of the revenue and financing policy band for fees and charges. This is based on the estimated expenditure and revenue for the business unit. Officers recommend this increase despite not meeting the band because a larger immediate increase is likely to promote non-compliance.

Given that the recommended decision is likely to be inconsistent with the revenue and financing policy officers have conducted a section 80 assessment below.

Section 80 Considerations

Section 80 of the Local Government Act 2002 requires local authorities to identify any decision that is or is anticipated to be inconsistent with any policy adopted by Council. The increases in fees and charges related

¹ See the attached proposal for details on the other animal control charges.

to dogs are likely to be insufficient to meet the bottom end of the fees and charges band set in the revenue and financing policy. The reason for this inconsistency has been driven by cost increases in the business units not being matched by increases in revenue. Given the current economic environment there is a tough balance between increasing fees and charges or using rates to ensure service delivery continues for the community.

There are three options to address this inconsistency.

1. Increase the fees further to meet the bands.
2. Adjust the revenue and financing policy bands through the Long-term Plan to ensure the inconsistency is addressed.
3. Signal progressive increases to the fees and charges over the coming years to bring the bands back into alignment with the current policy over an extended period.

Any of these options is sufficient to meet the requirements of section 80, however amending the revenue and financing policy would require considerations under section 101(3) of the Local Government Act. If the policy is amended, then Council will need to consider the splits based on:

a) in relation to each activity to be funded,—

- (i)** *the community outcomes to which the activity primarily contributes; and*
- (ii)** *the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals; and*
- (iii)** *the period in or over which those benefits are expected to occur; and*
- (iv)** *the extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity; and*
- (v)** *the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities; and*

(b) the overall impact of any allocation of liability for revenue needs on the current and future social, economic, environmental, and cultural well-being of the community.

As an example, animal control both benefits the community but is also driven by animal owners. Currently this is reflected in a 30-50% fees and charges and 50-70% Uniform Annual General Charge (rates) split. These thresholds may not be met under the proposed increases where fees and charges are estimated to only account for 26 – 28% (\$640,000) of the estimated cost of the activity for next financial year (\$2.2 - 2.4 million).

Given the above issues Officers recommend that Council address this inconsistency through the Long-term plan process when the revenue and financing policy is reviewed. This will allow this and any other inconsistency to be addressed in one go with a consistent approach.

Food Licensing Fees

The attached proposed fees also outline increases to food licensing fees that are significant and the introduction of new charges. The main reasons for these increases and new charges are:

- the cost of food compliance work has gone up.
- there have been issues related to the reassessment of premises; and
- the costs of these assessments have been previously unbillable.

These issues have meant that commercial operators have not been paying for the true cost of Council officer time they have been using. This has been especially apparent when it comes to previously unbillable hours for repeat assessments or late cancellations.

Based on previous years it is likely that similar increases to those proposed for food licencing will be required across the licencing business unit to ensure enough revenue is collected to meet the requirements of the revenue and financing policy. Council will be able to consider this as part of the Long-term Plan process.

Based on this information it is considered that there are 2 options for fees and charges.

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Fees and Charges Options

Option 1: Adopt the attached statements of proposal and draft charges.

Adopting the fees for consultation first and foremost ensures that Council can meet the legislatively required deadlines for fee setting in these two areas.

The proposed charges represent the increased costs of running Council services and help to better align the revenue with the required amounts set in the revenue and financing policy. While the increases to dog registration fees do not fully meet the requirements, they ensure that the fees and charges do not slip further outside the band set in the revenue and financing policy.

Option 2: Do not adopt the attached statements of proposal and draft charges.

If Council determines the charges are not enough or are too expensive then they can direct officers to amend the proposals before consultation. Officers do not recommend setting the charges any lower than those proposed as this will then have implications for the revenue and financing policy and the associated section 101(3) determinations.

Analysis Conclusion:

That Council should adopt the attached fees and charges for animal control/dog registration and food licencing for consultation. That Council should also resolve to consider options for addressing the dog fee inconsistencies (and any others that arise) through the Long-term Plan process.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

Long-term Plan/Annual Plan

The proposed fee increases are considered necessary to meet the increasing costs of providing the services. If the fees are not increased there will need to be additional rates increases to cover the costs.

Ngā Aronga Ture | Legal Considerations

Local Government Act 2002

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

Ngā Hīraunga Kaupapa Here | Policy Implications

The proposal has been evaluated against the following plans:

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

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

- Revenue and Financing Policy
- Local Government Act 2002 Section 80 considerations
- Local Government Act 2002 Section 101(3) issues

The entire revenue and financing policy and the ultimate decision on how to address any further inconsistencies will need to be addressed in the review of the revenue and financing policy as part of the upcoming Long-term Plan.

Te Kōrero tahi ki te Māori | Māori Engagement

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

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

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

Ngā Tūraru | Risks

Risks related to Sections 80 and 101 of the Local Government Act have been outlined above, there are no other risks with consulting on these fees and charges.

If Council chooses to not consult on these fees and charges now, then it cannot make any changes to the fees related to animal control and food compliance for the next financial year due to legislative constraints.

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

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

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

TE KŌRERO TAHI | ENGAGEMENT

The community will have an opportunity to have their views and preferences heard through a special consultative procedure from 27 March to 3 May 2024.

There will also be direct communication with those on Council's relevant databases to alert them to the proposed changes.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

Communication will be carried out as part of wider consultation with the community on this issue.

WHAKAKAPINGA | CONCLUSION

Officers recommend that Council adopt the proposed fees and charges for consultation so that the hearings and deliberations can happen in a timely manner and the resulting fees be set within the legislative time frames. Whilst acknowledging that there is an inconsistency with the revenue and financing policy this will be addressed through the Long-term Plan process.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Statement of Proposal for Food Licensing and Animal Control/Dog Registration Fees and Charges

5.3 ADOPTION OF THE SOLID WASTE BYLAW PROPOSAL FOR CONSULTATION

Author: Andrew Wilson, Policy Advisor

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

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

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Council is required to review bylaws at various times depending on the governing act the bylaw is made under. This is generally every five or ten years. The Solid Waste Bylaw currently requires reviewing as it will lapse this year.

Officers have reviewed this bylaw and are proposing no substantive changes. However, Council still needs to formally adopt the attached statement of proposal and draft bylaw for consultation with the wider community.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. adopts the statement of proposal and draft Solid Waste Bylaw attached to the report in this agenda for consultation;
2. Constitutes a Special [Ad Hoc] Committee of Council, as per the attached terms of reference, to hear and consider submissions on the proposed Solid Waste Bylaw (hearing date proposed for 28 May 2024); and
3. Cr _____, Cr _____ and Cr _____ plus the Mayor ex-officio are appointed to the Special [Ad Hoc] Committee of Council.

TE WHAKAMAHUKI | BACKGROUND

There is an existing Solid Waste Bylaw which helps Council manage the local solid waste system. This bylaw will expire unless it is reviewed by 1 September 2024.

Council considered the matter at a workshop on 13 February. There was discussion on whether further regulation of construction and demolition waste was required and the ability to incentivise different behaviour through charging mechanisms.

NGĀ KŌRERORERO | DISCUSSION

Current Bylaw

The current bylaw protects the established waste system in the Taupō district. It ensures that solid waste is managed in a safe way and gives Council enforcement powers to make sure this continues. This bylaw must be reviewed and consulted on, or it will lapse this year.

The bylaw is currently the most appropriate way to manage solid waste related issues such as:

- Out of district waste entering Broadlands Road Landfill
- Limited waste stream information
- Ensuring minimum level of collection/processing standards of waste for the district - suitability of collectors
- Cost to Council of uncollected refuse
- Size of domestic household refuse receptacles
- Approved receptacles
- Co-mingling waste streams

- Retrieval of receptacles and uncollected waste
- Ownership of household waste and recyclables
- Green waste disposal at landfill and waste management facilities
- Waste management for events
- Waste management issues associated with multi-unit developments
- Bylaw compliance and enforcement
- Accumulation of waste that can create health and amenity problems
- Receptacles to be covered
- Reusable receptacles to be kept clean and in repair
- Receptacles to be placed conveniently for emptying or removal
- Owners of apartment building to provide receptacles
- Deposit of certain materials in receptacles prohibited
- Methods of storage of refuse in receptacles
- Establishment and control of refuse facilities
- Preventing the removal of material from disposal sites

Based on the management of the above issues, the bylaw is still fit for purpose and will ensure the continued safe management of solid waste in the district.

Additionally, the bylaw remains balanced against the Bill of Rights Act 1990 and does not give rise to any implications under it. This is consistent with the 2012 Solid Waste Bylaw determinations report.

Early engagement

Officers reached out for early engagement to:

- Iwi/Hapū
- Developers, builders, and architects

Officers received no feedback from either major stakeholder group. These stakeholders will be informed directly of formal consultation opening.

Minor Changes

As a result of the 13 February workshop officers are not recommending any substantive changes to the bylaw. Officers are recommending some minor wording adjustments in the definitions section to improve clarity and the removal of the section referencing the repealed Taupō District Council General Bylaw No.1. These changes are in red in the attached draft bylaw.

Incentivising Disposal Through Charges

Based on Council feedback at the 13 February workshop officers have ensured the draft waste management and minimisation plan outlines that Council will explore options for incentivising diversion through pricing options for disposal.

The bylaw and draft waste management and minimisation plan enables Council to consider new charges when opportunities for diverting waste become available. This is particularly important as diversion facilities often have limited capacity to take waste products so Council will need to be able to respond quickly to the market.

Future Kerbside Waste System

Council has had several discussions about a new kerbside waste system. As this system has not been finalised, we cannot draft this bylaw to meet the requirements of that system before the bylaw lapses. Council will need a bylaw to support any future kerbside waste system. If there is a change to collection services, then a new bylaw will be drafted once confirmed through the Long-term Plan process. In the interim the attached bylaw will protect the current system until Council decides on a direction for the future of kerbside collection.

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

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1: Adopt the attached statement of proposal and draft bylaws for consultation.

This option ensures Council can consult on the continuation of the current solid waste bylaw and does not introduce any substantive changes. It ensures we meet our legislative requirements.

Option 2: Do not adopt the attached statements of proposal and draft bylaw for consultation.

This option risks letting the bylaw lapse. If the bylaw lapses, then there is significant risk to the current solid waste system. The bylaw lapsing would remove many of Council's controls over the solid waste stream and undermine the commercial waste licencing system that currently operates through the bylaw.

Analysis Conclusion:

Adoption of the draft bylaw and statement of proposal for consultation is the recommended option as this will ensure that the bylaw is reviewed on time and provides enough time for consultation to ensure the bylaw doesn't lapse.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

The financial impact of this work is already budgeted for.

Ngā Aronga Ture | Legal Considerations

Local Government Act 2002

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

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

Waste Minimisation Act 2008

The Waste Minimisation Act 2008 Section 42 requires territorial authorities to promote effective and efficient waste management and minimisation. Part of achieving this is the waste management and minimisation plan which the Solid Waste Bylaw helps to support by regulating local solid waste streams. This bylaw helps Council achieve our responsibilities under the Act.

Bill of Rights Act 1990

The draft bylaw has been balanced against the Bill of Rights Act 1990 and does not give rise to any implications or unduly infringe on any rights protected by it.

Ngā Hīraunga Kaupapa Here | Policy Implications

The proposal has been evaluated against the following plans:

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

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

If there are changes to the solid waste system or kerbside collection through the Long-term plan process, then the bylaw may need to be redrafted to support that changed system.

Te Kōrero tahi ki te Māori | Māori Engagement

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

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

Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report. Officers invited iwi and hapū to participate in early consultation and will then follow up with them again as part of formal consultation. Officers did not receive any feedback from iwi or hapū.

Ngā Tūraru | Risks

As with all Bylaw processes there is a risk of legal challenge, however the recommended option ensures Council is following the correct process by adopting the bylaws for consultation. This process and only minor changes proposed to the bylaw make the risk of legal challenge minimal.

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

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

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

TE KŌRERO TAHI | ENGAGEMENT

The community will have an opportunity to have their views and preferences heard through a special consultative procedure from 2 April to 3 May 2024.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

Communication will be carried out as part of wider consultation with the community on this issue.

WHAKAKAPINGA | CONCLUSION

Officers recommend that Council adopt the attached draft bylaw and statement of proposal for consultation as the bylaw is the most appropriate way to manage many solid waste related issues in the district. This consultation process will ensure that any issues the wider community have with the current bylaw are able to be deliberated on by Council before the final adoption of any new bylaw.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Draft Solid Waste Bylaw 2024
2. Solid Waste Bylaw 2024 Statement of Proposal
3. Terms of Reference for Ad-hoc Committee

5.4 BUDGET TRANSFER FOR TIROHANGA AND WHAREROA WATER TREATMENT PLANT UPGRADES

Author: Tom Swindells, Asset Manager Water

Authorised by: Tony Hale, Acting General Manager Operations and Delivery

TE PŪTAKE | PURPOSE

To request budget transfers that will enable fast tracking of water treatment plant upgrade projects for the Tirohanga and Whareroa water supplies in line with expectations set by the Water Regulator for New Zealand, Taumata Arowai.

NGĀ KŌRERORERO | DISCUSSION

On 5 October 2023 Taumata Arowai (TA) released a list of 27 councils that operate 84 drinking water supplies lacking a treatment barrier to protozoa and have advised that they expect the following:

- a confirmed and funded plan agreed by 30 June 2024;
- for surface water sources - installation and operation of a protozoa barrier completed by no later than 31 December 2024; and
- for bore water sources - installation and operation completed by no later than 31 December 2025.

We have an extensive programme of testing at all of our water supplies which follows the requirements of the drinking water rules. All of our water schemes are supplied with water that is at relatively low risk of protozoa contamination, a mixture of lake water, spring and groundwater. We do monitor our source water continuously, and have operational steps we can take if we notice a change e.g. automatic shutdown of intakes if water turbidity (clarity) changes.

Tirohanga and Whareroa are two of Council’s water supplies that are affected by the TA deadlines. Both sites require installation of new treatment buildings which include ultraviolet light disinfection and pH correction treatment processes. The Tirohanga site is a complex site that requires a major reconfiguration before the building can be installed.

Funding for the upgrades at these sites is spread across the current financial year (2023/2024) and year 1 (2024/2025) of the upcoming Long-term Plan (LTP). The current financial year budget is not sufficient to enable award of the treatment plant construction contracts which need to be awarded very soon to provide the best chance of meeting the Taumata Arowai deadlines.

To ensure the projects can progress in the current financial year, transfer of budget is required so that the construction contracts can be awarded. The budget transfers require approval by Council due to the value which is in excess of \$500k.

Funding is available to be transferred from an existing project budget that is not going to be utilised in the current financial year and would otherwise form part of the bow wave spending for the following year.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

The financial impact to enable award of the treatment plant construction contracts at each site is as follows:

	W00148 Tirohanga	W00358 Whareroa
Treatment Plant Contracts	\$ 1,650,000	\$ 1,100,000

Project budgets currently available at each site are as follows:

	W00148 Tirohanga	W00358 Whareroa
Budget Available in 2023/24	\$ 100,918	\$ 99,980

The proposed budget transfer at each site is as follows:

	W00148 Tirohanga	W00358 Whareroa
Proposed Budget Transfer	\$ 1,550,000	\$ 1,050,000

Sufficient funding for transfer is available from the following project budget:

	W00696 Motuoapa DWSNZ Project
Life Budget	\$ 3,904,600
Forecast Life Expenditure to Jun 24	\$ 1,227,889
Budget Available for Transfer	\$ 2,676,711

If the budget transfers are approved by Council then adjustment will be made to the proposed year 1 LTP budgets including reduction of the required funding for the Tirohanga and Whareroa projects and increase of funding for the Motuoapa project. Overall, the budget transfer and resulting LTP budget changes will balance to cost neutral and there will be no impact on delivery of the Motuoapa Drinking Water Standards for New Zealand (DWSNZ) Project.

WHAKAKAPINGA | CONCLUSION

Budget transfers are required to enable fast tracking of water treatment plant upgrade projects for the Tirohanga and Whareroa water supplies in line with expectations set by the Water Regulator for New Zealand, Taumata Arowai. Budget is available to be transferred from the existing Motuoapa DWSNZ Project budget that is not going to be utilised in the current financial year. Funding will be adjusted in the upcoming LTP to ensure the transfers are cost neutral and there is no impact on the Motuoapa project. The budget transfers require approval by Council due to the value which is in excess of \$500k.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council, to fast-track water treatment plant upgrade projects that will provide protozoa barriers which will meet the expectation set by the Water Regulator for New Zealand, Taumata Arowai:

1. approves budget transfer of one million, five hundred and fifty thousand dollars (\$1,550,000) from project W00696 Motuoapa DWSNZ Project to project W00148 Tirohanga Treatment Compliance Upgrade from within the 2023/24 Annual Plan; and
2. approves budget transfer of one million and fifty thousand dollars (\$1,050,000) from project W00696 Motuoapa DWSNZ Project to project W00358 Whareroa Treatment Compliance Upgrade from within the 2023/24 Annual Plan.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.5 SCOOTER SAFETY PROGRAMME EXTERNAL FUNDING APPLICATION

Author: Bryre Forlong, Senior Funding and Partnerships Advisor

Authorised by: Hadley Tattle, Community Engagement and Development Manager

TE PŪTAKE | PURPOSE

The road safety team would like to introduce a new Scooter Safety Programme for tamariki across the district to ensure community safety, encourage independence and confidence when moving around spaces and places.

There is not currently any budget allocated toward the purchase of scooters and helmets for this programme.

Officers would like to apply to The Lion Foundation for an amount of \$6,272.00 (excl. GST) to purchase 23 scooters and 23 helmets.

One of the requirements to support an application is to include a resolution of Council, demonstrating support of the funding application.

NGĀ KŌRERORERO | DISCUSSION

Scooters are a fun, popular and accessible choice of transport. Tamariki and whānau can enjoy active trips to school, improving health, learning, connection with community and the environment.

The road safety team would like to deliver a new Scooter Safety Programme across kura and schools in the district from the end of 2024. The Scooter Safety Programme will teach tamariki to be safe when scooting and provide them with the independence and confidence to scoot to and from kura or school, home, or sports practices etc. The programme will teach tamariki about how to prepare (wearing the correct footwear and clothing), how to stay safe around driveways, how to stop quickly, how to identify safe crossing points and how to share the footpath with others.

Delivery of this programme supports our goal of becoming the best place to walk, cycle and scoot in New Zealand. It will also encourage communities to safely use alternative modes of transport.

All kura and schools across the Taupō District will be able to participate in the programme. This course is targeted towards younger tamariki (years 3 to 4) as an introduction into the existing Pedal Ready Cycle Skills course.

Operational budget (i.e. wages) to support delivery of the scooter safety programme have been accounted for through existing budgets. Maintenance costs for these items are also considered to be minimal and are covered outside of this application.

As there is not currently any budget committed toward the purchase of helmets and scooters to deliver the programme, officers would like to apply to The Lion Foundation for funding to support the purchase of the items.

The Lion Foundation are a gaming trust who offer contestable funding opportunities for initiatives that benefit the local community. Council is eligible to apply to The Lion Foundation through its contestable fund. A requirement for any application is to provide a supporting resolution of Council, demonstrating support of the funding application.

If the application to The Lion Foundation is unsuccessful, officers will submit an application to the Sport New Zealand Tū Manawa Active Aotearoa Fund or seek a partnership with a local business to support costs of the scooters and helmets.

Officers intend to submit applications to various gaming trusts over the coming months for other Council initiatives such as the New Years' Eve Event. Officers will work with those gaming trusts to ascertain whether a resolution of Council is required for each application.

WHAKAKAPINGA | CONCLUSION

The road safety team would like to deliver a new Scooter Safety Programme across kura and schools in the district from the end of 2024.

Budget is not currently confirmed to support the purchase of scooters and helmets. Officers intend on applying to The Lion Foundation contestable fund to support the cost of purchasing these items.

A resolution of Council is required to support this funding application.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council resolve to apply for funding from The Lion Foundation for a total of \$6,272.00 (excluding GST) for scooters and helmets to deliver a new Scooter Safety Programme across Taupō District.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.6 DELEGATION OF POWER OF MINISTERIAL CONSENT UNDER SECTION 48(1) OF THE RESERVES ACT 1977

Author: Karyn Hollman, Senior Solicitor

Authorised by: Nigel McAdie, Legal and Governance Manager

TE PŪTAKE | PURPOSE

To consider delegating the power to grant Ministerial consent to easement grants, under section 48(1) of the Reserves Act 1977, affecting Council reserves of which Council is the administering body.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Council is asked to consider delegating to the Chief Executive the power to grant Ministerial consent, under section 48(1) of the Reserves Act 1977 (“Act”), to easement grants affecting reserves vested in Council and of which Council is the administering body.

NGĀ TŪTOHUNGA | RECOMMENDATION

That Council delegates, to the Chief Executive, the power to grant Ministerial consent to easement grants affecting reserves vested in Council under section 48(1) of the Reserves Act 1977.

TE WHAKAMAHUKI | BACKGROUND

The proposal has not been presented previously.

NGĀ KŌRERORERO | DISCUSSION

Section 48(1) of the Act permits an administering body of a reserve to grant certain classes of easement affecting that reserve with the consent of the Minister of Conservation.

On 12 July 2013 the Minister of Conservation delegated to Council the Minister’s power of consent under section 48(1) in respect of reserves vested in Council, and of which Council is the administering body.

In turn, Council has delegated the exercise of Council’s statutory functions under the Act (including that in s48(1)), not elsewhere delegated to staff, to:

- Taupō Reserves and Roding Committee (Taupō and Taupō East Rural wards)
- Tongariro Representative Group;
- Mangakino-Pouakani Representative Group;

Likewise, the Tūrangi Co-Governance Committee has been delegated the exercise of Council’s Reserves Act powers, in respect of reserves listed in Schedule 5 to the Mana Whakahono Ā Rohe.

The matters brought to Committee for a consent decision under s48(1) are usually straightforward that do not warrant the staff or members’ time needed to produce and review a report and determine the matter.

If approved, this delegation will, to a degree, lessen the workload of staff and the committees, in particular the Taupō Reserves and Roding Committee, but without increasing that of the Chief Executive: they are already involved in completing the formalities to implement the Committee’s s48(1) decision; and we propose to have the appropriate General Manager, in turn, assume the initial decision-making and signing power to grant the easement, as currently lies with the Chief Executive. Such decision will be based on information provided by staff by way of formal memorandum, with the decision to be formally recorded.

That said, there may be cases that are not straightforward or (say) have a high public interest component, which demand deliberation at the Committee level. The current proposal does not exclude that avenue, nor does it remove the option to refer the matter to the Minister of Conservation, if required.

So, committee members should feel comfortable for the Minister’s supervisory powers in relation to these easement matters to lie with the Chief Executive, knowing that in exceptional or appropriate cases the matter will be escalated to the relevant Committee, or the Minister himself, for a decision.

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

Option 1. Delegate the s48(1) Ministerial consent power to the Chief Executive

Advantages	Disadvantages
<ul style="list-style-type: none"> • Time and cost saving. • Administratively more straightforward. 	<ul style="list-style-type: none"> • There may be a perceived loss of mana / importance / significance around the exercise of Ministerial power if the decision to consent/not consent is not made by Committee. • Committees' perceived loss of control.

Option 2. Do not delegate the s48(1) Ministerial consent power to the Chief Executive

Advantages	Disadvantages
<ul style="list-style-type: none"> • Removes any perceived informality around the decision-making process. 	<ul style="list-style-type: none"> • Committee and staff time incurred to obtain straight-forward decisions

Analysis Conclusion:

Option 1 is preferred: Delegate the s 48(1) Ministerial consent power to the Chief Executive to achieve administrative efficiencies.

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

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 well-being is of relevance to this matter.

The proposal has been evaluated with regards to the relevant legislation, and key legal considerations, which are:

1. Section 48(1) of the Reserves Act permits an administering body, with the consent of the Minister of Conservation, to grant easements over any part of a reserve vested in that administering body.
2. Pursuant to section 10 of the Act, in 2013 the Minister of Conservation delegated to Council the Minister's consent power under s 48(1) in respect of reserves vested in Council as the administering body.
3. Clause 32(1) of the Local Government Act 2002 permits Council, for the purposes of efficiency and effectiveness in the conduct of its business, to delegate to any officer, any of Council's responsibilities, duties, or powers (with certain exceptions not relevant here).
4. We have external legal advice that supports the proposition that Council may sub-delegate the Reserves Act powers delegated to Council by the Minister of Conservation.
5. It is not proposed to take away powers from the committees, but rather enable the Chief Executive to exercise the Ministerial consent power under s 48(1) in cases where it is inefficient to bring it to a committee.

6. In exceptional or appropriate cases, the matter can be escalated to the relevant committee, or the Minister himself, for determination.
7. No change is needed to the Terms of Reference and Delegations from Council to Committees. However, the Delegations Manual will be amended to make record that the Chief Executive may exercise Ministerial consent power under the s48(1) of the Reserves Act 1977.

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 writer acknowledges these obligations, but the subject-matter of this agenda item and the recommendation do not require consideration of these obligations.

Ngā Tūraru | Risks

There are no known risks if the preferred option is selected. Those cases which are seen as not straight-forward or attract an element of controversy may be escalated to the relevant Committee or to the Department of Conservation itself.

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 inefficient to bring to committee all matters involving the exercise of the Ministerial consent power under section 48(1) of the Reserves Act 1977. Without prejudicing the relevant committee's decision-making in those few cases that are complicated or have a significant public interest component, it is recommended that Council delegate to the Chief Executive the Ministerial power of consent under section 48(1) of the Reserves Act 1977 in the interests of efficiency.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.7 HEALTH, SAFETY AND WELLBEING - QUARTERLY UPDATE

Author: Michelle McGill, Health, Safety and Well-Being Manager
Authorised by: Louise Chick, Business Excellence Manager

TE PŪTAKE | PURPOSE

To provide the Council an update on health, safety and wellbeing matters for the quarterly period of 1 December 2023 – 29 February 2024.

NGĀ KŌRERORERO | DISCUSSION

Health, Safety and Wellbeing Policy

Taupō District Council's (TDC) Health, Safety and Wellbeing Policy 2024 is supported by the Chief Executive and was adopted by the Risk and Assurance Committee in December 2023. It is presented here (Attachment 1) for Council's information.

This policy outlines council's commitment to the health, safety and wellbeing of our staff, contractors, visitors and volunteers. It also communicates to these parties how we expect them to contribute to health, safety and wellbeing at TDC.

In updating our Policy staff considered:

- i) how can we make the policy more relatable and easier to understand;
- ii) how can we prompt readers to seek more information.

To help us achieve this, a 'poster style' policy using plain language that can be visible from our walls was produced, rather than stored in our document management system.

This Policy is supported by a Health, Safety and Wellbeing Strategy.

Health, Safety and Wellbeing Strategy

TDC has also recently updated its Health, Safety and Wellbeing Strategy (the Strategy) which was approved by the Executive in December 2023. The Strategy was presented to the Risk and Assurance Committee on 5 March 2024 and the Committee recommended it be presented to full Council and is therefore attached (Attachment 2). The Strategy has been developed around four key pillars: Leadership, Engagement, Safe Systems and Improvement.

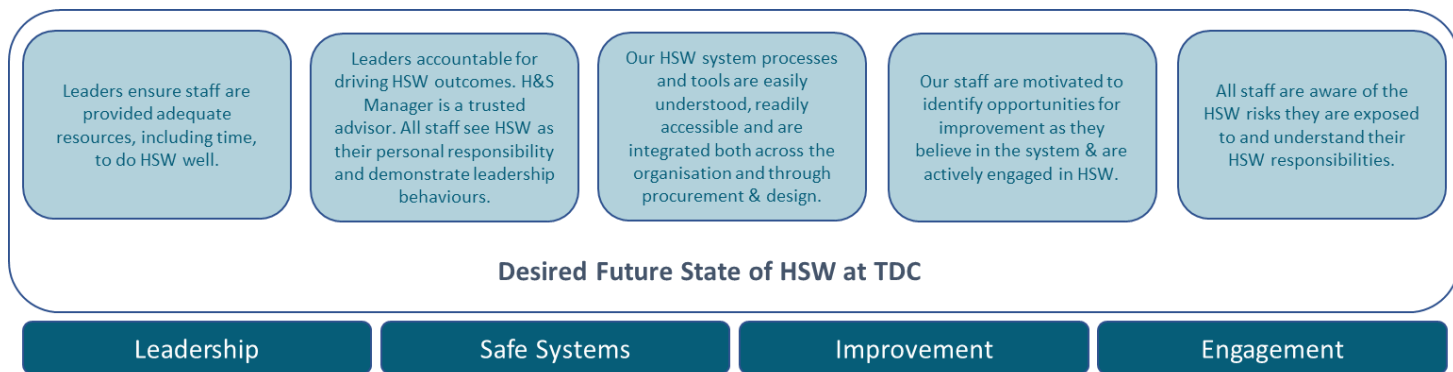


Figure 1 - Outline of the outcomes and behaviours TDC seeks to embed in its HSW culture through implementation of its Health, Safety and Wellbeing Strategy.

	Objectives	Commitments
Leadership	<ul style="list-style-type: none"> Health, safety and wellbeing is a priority at all levels of TDC & leaders commit to and support these outcomes. 	<ul style="list-style-type: none"> Develop schedule of Leadership Safety Walks. Develop a roles, accountabilities & responsibilities framework & implement training to ensure staff understand their responsibilities. Management training will include specific content aimed at helping design mentally healthy work as a means of minimising stress in the workplace and improving staff wellbeing.
Engagement	<ul style="list-style-type: none"> Our staff actively participate in HSW, and feel involved and heard on HSW matters. 	<ul style="list-style-type: none"> Develop internal H&S Engagement Plan that highlights HSW affects everyone, not just construction. People leaders hold their staff to account for HSW matters. Develop internal staff survey to assess TDC HSW culture.
Safe Systems	<ul style="list-style-type: none"> We understand our critical risks & obtain assurance over our controls, focussing on those we know are the most significant. We have good quality HSW advice and tools. Health & Safety is reflected in procurement & throughout our supply chain. 	<ul style="list-style-type: none"> Refresh our HSW management system – roles, tools, policies & processes – to ensure enterprise coverage & easy to use. Integrate HSW outcomes within TDC’s procurement processes & supply chain management. Develop a contractor Health & Safety Management Framework. Develop a new Intranet portal that becomes the source of all HSW ‘truth’. Response to incidents are proactively managed.
Improvement	<ul style="list-style-type: none"> We understand our HSE risks & obtain insight about where improvements are required. We learn from our mistakes. We learn from others & get insight into what works. Each staff member and suppliers understand their HSW responsibilities. 	<ul style="list-style-type: none"> Identify what is important to TDC in the HSW space, develop measures & benchmarked targets & report on these. Develop/rollout Safety Leadership Training for all managers & team leaders. Develop a HSW Assurance Programme.

Figure 2 – Objectives for each of the key pillars in TDC’s Health, Safety and Wellbeing Strategy.

The Strategy identified a number of actions to achieve the objectives outlined in Figure 2 above. Progress against delivery of these actions was reported in detail to the Risk and Assurance Committee in March 2024 – please refer to the Risk and Assurance agenda report for these details.

Focus over the last three months:

- **Intranet** -The internal Intranet has undertaken a digital refresh with the new “Tūi” replacing the existing intranet portal. The health, safety and wellbeing portal went live on 29 February 2024 with the long-term aim of using this platform to provide visibility of all health, safety and wellbeing information, including policies and processes.
- **KPMG Report** – As reported to Council’s December 2023 meeting, KPMG were engaged last year to provide insight into opportunities for improvement of TDC’s health and safety management system. The Business Excellence Team continue to work on these recommendations - detailed progress updates are provided to the Risk and Assurance Committee.
- **Key achievements:**
 - **Health, Safety and Wellbeing (HSW) Committees:**
The Terms of Reference for TDC’s Operational HSW and the Corporate HSW Committees have been refreshed and a HSR’s Handbook developed to clarify health and safety representatives’ day to day roles, including actions they can take to help us improve the four pillars of leadership, engagement, safe systems and improvement.

- o **Council Online Health & Safety Induction:**

This is an integral part of the onboarding recruitment process, and the induction has been updated to align with council's new policy.

INCIDENT MANAGEMENT

For the three-month period covered by this report 68 events were reported into Council's Health and Safety database (Damstra) of which the majority were non-injury incidents (44) and near misses (3) (Figure 3).

No. of events							Events - 1 Dec 2023 -29 Feb 2024	
Event status	Illness	Incident	Injury	Near Miss	Total	Overdue		
Completed	4	29	13	1	47			
Underway	1	1	2	0	4	3		
Not started	0	2	0	0	2			
Pending /Not started	0	12	1	2	15			
Total	5	44	16	3	68			

Figure 3 – Summary of events reported in Damstra over the three-month reporting period.

*'Pending/Not started' events represent the incidents, near misses and injuries/illness that have been entered into Damstra by staff but not yet reviewed by the manager. Events entered into Damstra sit in a status as *Pending /Not started* until the manager/team lead or Health and Safety Representative review the event and assign the appropriate level of seriousness for escalation and notification to management.

For the remaining injury related incidents (16) and illness (5) the type of injury is reported in Figure 4 below.

Serious harm injuries remain very low with most injuries requiring either no treatment or simple first aid treatment and occurring predominantly at our event facilities.

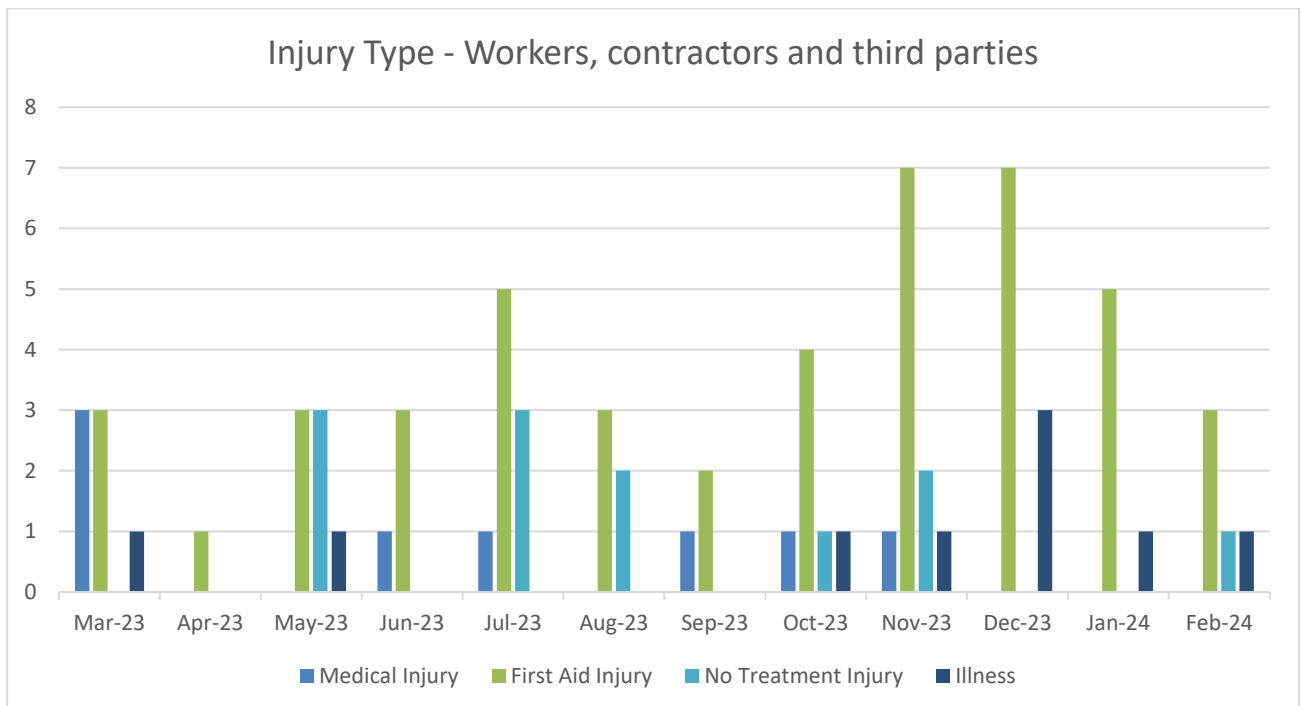


Figure 4 – Graph indicating whether injuries reported required medical intervention, first aid, or no treatment.

The data on the injuries for the last three months; no treatment (1), first aid (15) and pleasingly with no medical treatment injuries (0) reported over this 3-month period. There were (5) reported illnesses relating to personal medical conditions.

Most of our 3rd party injuries occur at the AC Baths with the graph demonstrating a trend upwards over the summer months and a peak in July that aligns to the school holidays.

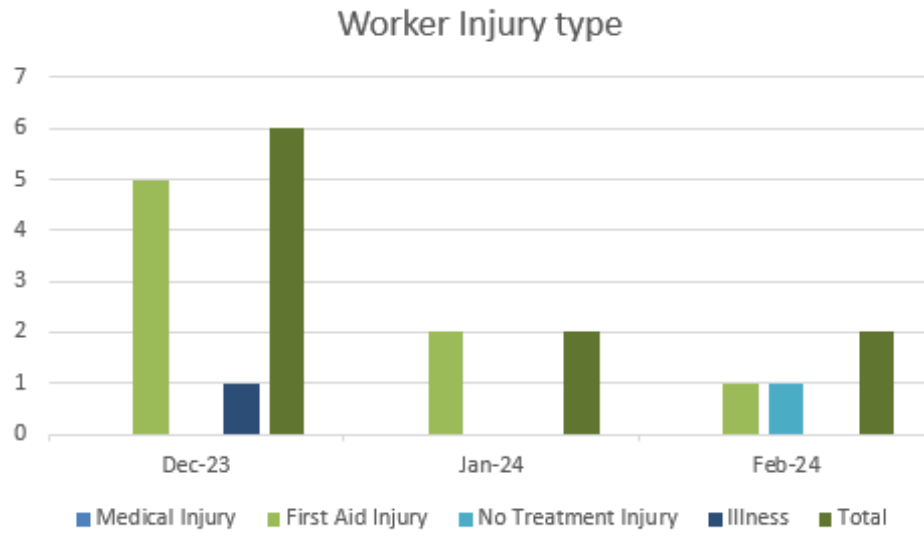


Figure 5 - Summary of the number of injuries & medical conditions affecting employees, over the three-month reporting period.

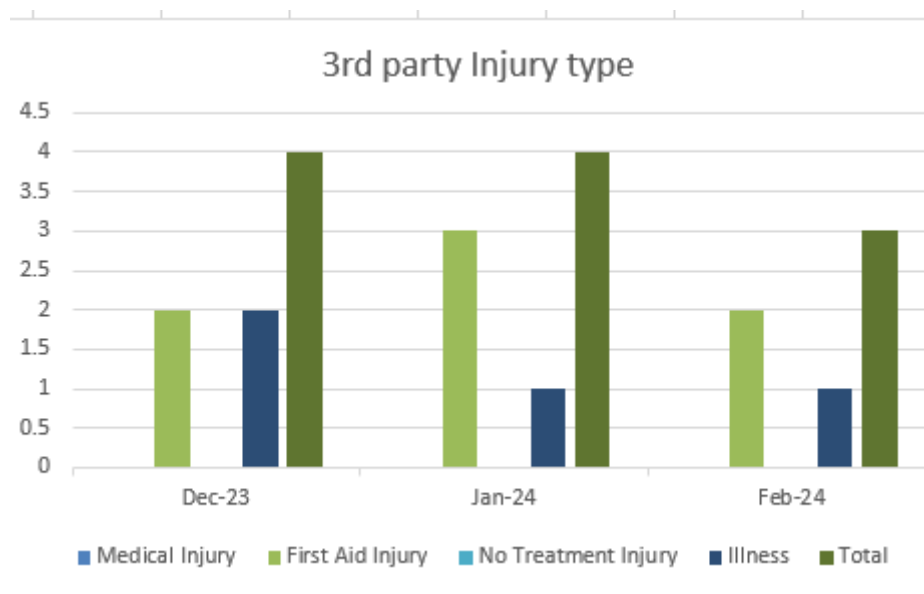


Figure 6 - Summary of the number of injuries & medical conditions affecting third party visitors, over the three-month reporting period.

There were no injuries to contractors in this 3-month reporting period.

NOTIFIABLE EVENTS TO WORKSAFE NZ (3 MONTHS)

Fatality

On 16 December 2023 an unconscious person was pulled from the leisure pool at the AC Baths Complex following a medical event. Lifeguards responded with life preserving first aid and emergency services attended. The patient was transferred by ambulance through to Taupō hospital and later passed away.

As per procedures the pools were evacuated and closed to the public. Management and the Executive General Manager provided support to the lifeguards over the following hours with an independent counsellor present on site.

The coroner is preparing a report. TDC has issued a preliminary notification to WorkSafe.

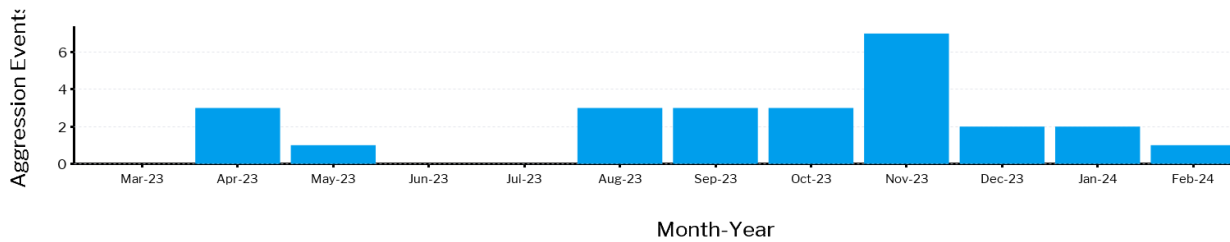
AGGRESSION INCIDENTS

Aggressive behaviours have in the last three-month period shown a decline.

A more risk-based approach has been applied where the aggressive behaviours are risk assessed in a traffic light grading and this data will provide Council with insights into more focused controls as trends emerge.

Aggressive behaviours towards our employees does impact on declining mental wellbeing and continues to be a concern and a focus area for improvements in controls to reduce the events and the impacts.

TDC Rolling 12 Mths - Aggression Events



WHAKAKAPINGA | CONCLUSION

TDC continues to proactively implement the opportunities for improvement to its health and safety system through taking on the recommendations in the KPMG Health and Safety Review Report. The Policy and Strategy provide the focus for 2024 and are underpinned by a Business Improvement Plan to ensure the delivery of the health, safety and wellbeing initiatives.

NGĀ TŪTOHUNGA | RECOMMENDATION

That Council receives the Health, Safety and Wellbeing Report for 1 December 2023 to 29 February 2024.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. TDC Health, Safety and Wellbeing Policy
2. TDC Health, Safety and Wellbeing Strategy

5.8 ADOPTION OF STATEMENT OF INVESTMENT POLICIES & OBJECTIVES (SIPO)

Author: Jeanette Paenga, Finance Manager

Authorised by: Sarah Matthews, General Manager Organisation Performance

TE PŪTAKE | PURPOSE

This item is not available but will be separately circulated prior to the meeting.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.9 TAUPO DISTRICT COUNCIL PERFORMANCE REPORT - FEBRUARY 2024

Author: Julie Gardyne, Chief Executive

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 February 2024.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Performance Report February 2024

5.10 COUNCIL ENGAGEMENTS APRIL 2024, APPOINTMENTS, AND TRAINING AND CONFERENCE OPPORTUNITIES

Author: Karen Watts, Senior Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

ENGAGEMENTS

ENGAGEMENT	DAY	DATE	TIME
Tutemohuta Reserve Trust informal workshop (Waitahanui Community Hall (Tutemohuta Reserve), Blake Road, Waitahanui)	Tuesday	2	2.40pm-4pm
Tūrangi Co-Governance Committee meeting (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	3	10.30am-12.30pm
Regional Transport Committee meeting (160 Ward Street, Hamilton)	Friday	5	9.30am–1pm
Motutere Recreation Reserve Management Plan Committee Workshop (Council Chamber)	Thursday	11	5.30pm-7pm
District Dog Control Committee meeting (Council Chamber)	Thursday	18	9.30am–11am
Regional Transport Committee - Hearing Subcommittee for the Regional Land Transport Plan (160 Ward Street, Hamilton)	Monday	22	9.30am-4pm
Mangakino - Pouakāni Representative Group meeting (Mangakino Community Hub, Civic Centre, Rangatira Drive, Mangakino, 3421)	Tuesday	23	10am–11.30am
Tongariro Representative Group welcome and lunch (Otūkou Marae, 75-161 Otūkou Road, Otūkou, Rotoaira)	Wednesday	24	12.15-2pm
Tongariro Representative Group meeting (Otūkou Marae, 75-161 Otūkou Road, Otūkou, Rotoaira)	Wednesday	24	2pm–3.30pm
Public Forum (Council Chamber)	Tuesday	30	12.30pm-1pm
Council meeting (Council Chamber)	Tuesday	30	1pm-3pm

APPOINTMENTS

There is a need to revisit who is the councillor representative on Waiora House Community Trust. Cr Yvonne Westerman is the current councillor representative, and it is recommended that Cr Rachel Shepherd replaces her for the remainder of the triennium 2022-25.

TRAINING AND CONFERENCE OPPORTUNITIES

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

The following request to attend training and conference opportunities has been received:

- Mayor David Trewavas: Rural & Provincial meeting taking place on 11 and 12 April 2024 in Wellington with the costs of travel and accommodation to be paid by Council.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. Receives the information relating to engagements for April 2024.
2. Approves / declines the attendance of Mayor David Trewavas at the Rural & Provincial meeting taking place in Wellington on 11 and 12 April 2024, with costs of travel and accommodation to be paid by Council.
3. Approves the appointment of Cr Rachel Shepherd as the councillor representative on Waiora House Community Trust to replace Cr Yvonne Westerman for the remainder of the triennium 2022-25.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.11 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 Confirmation of Confidential Portion of Ordinary Council Minutes - 27 February 2024</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]*.