

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

Date:	Tuesday, 24 September 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 - 29 JULY 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 Monday 29 July 2024 be approved and adopted as a true and correct record.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 29 July 2024

4.2 ORDINARY COUNCIL MEETING - 27 AUGUST 2024

Author: Karen Watts, Senior Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the public and confidential portions of the minutes of the Council meeting held on Tuesday 27 August 2024 be approved and adopted as true and correct records.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 27 August 2024
2. Council Meeting Minutes - 27 August 2024 - confidential portion

5.1 NOTICE OF MOTION - AUDIO-VISUAL RECORDING OF ALL WORKSHOPS, COMMITTEE MEETINGS AND COUNCIL MEETINGS INVOLVING ELECTED MEMBERS

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 (24 September 2024) the following motion:

Officers undertake audio-visual recording of all Workshops, Committee Meetings and Council meetings involving Elected Members, unless by documented exception of the Mayor.

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 - Audio-visual recordings

5.2 NOTICE OF MOTION - COUNCIL OFFICERS UNDERTAKE TO ALWAYS PROVIDE THE FULL RANGE OF REASONABLY PRACTICABLE OPTIONS IN ANY STAFF PAPERS PRESENTED TO ELECTED MEMBERS REQUIRING A DECISION

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 (24 September 2024) the following motion:

That Council officers take note of the Thorndon Quay Court of Appeal finding dated 15 July 2024, and undertake to always provide the full range of reasonably practicable options in any staff papers presented to Elected Members requiring a decision.

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 - Thorndon Quay

5.3 ADOPTION OF THE WASTE MANAGEMENT AND MINIMISATION PLAN

Author: Brent Aitken, Environmental Impact Manager

Authorised by: Tony Hale, General Manager Community Infrastructure and Services

TE PŪTAKE | PURPOSE

The purpose of this report is to assist Elected Members when deliberating on the Waste Management and Minimisation Plan (WMMP).

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Council consulted on a draft WMMP over June 2024. There were 49 submissions received on the draft WMMP. Submitters who wished to speak were given the opportunity to present at the Long-term Plan hearings.

The next step is to adopt the final WMMP.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. Receives and deliberates on submissions received on the Waste Management and Minimisation Plan 2024 during the Long-term Plan 2024-34 process; and
2. Adopts the Waste Management and Minimisation Plan 2024 (objective reference A3602769) including recommended changes following the Long-term Plan 2024-34 consultation.

TE WHAKAMAHUKI | BACKGROUND

The Waste Minimisation Act 2008 requires Council to have a Waste Minimisation and Management Plan (WMMP). The existing WMMP was adopted in 2018. At the Council meeting held on 31 May 2024, Council passed the following resolution:

TDC202405/22 RESOLUTION

Moved: Cr Rachel Shepherd

Seconded: Cr Anna Park

That Council:

1. receives the Waste Assessment 2023 (objective reference A3289248);
2. receives the feedback from the Medical Officer of Health (objective reference A3374440);
3. in light of the completed Waste Assessment 2023, agrees to proceed with the development of a new Waste Management and Minimisation Plan in accordance with section 50(3) of the Waste Minimisation Act 2008; and
4. adopts the draft Waste Minimisation and Management Plan for consultation (objective references A3369464 and A3539473).

CARRIED

The Waste Management and Minimisation Plan contains an overview of the waste issues the district is facing, along with the vision, goals and objectives, and an action plan to achieve them over the next six years. As part of the WMMP, a waste diversion target is included.

During the Long-term Plan 2024-34 (LTP) consultation period, Council formally consulted on the draft WMMP. In addition to this, as part of the LTP, Council consulted on 'bag it or bin it'. This topic sought feedback from the community on the future of the kerbside waste and recycling collection. There were two options presented to the community:

1. A rate-funded wheelie bin service that included a food scraps collection (the preferred option)

2. The current pay-as-you-throw rubbish bag service but with an additional food scraps collection

Although the LTP process was separate to the consultation on the WMMP, the decisions made on the 'bag it or bin it' discussion have an impact on the WMMP, particularly the waste diversion target included.

Through the LTP deliberations process, Council decided to stick with the status quo option. This is a pay-as-you-throw rubbish bag service without food scraps.

NGĀ KŌRERORERO | DISCUSSION

The main changes between the 2018 WMMP and the draft WMMP were:

- Council changed the waste diversion goal from 51% diversion rate in the current WMMP to 60% to be achieved in 2034.

Issues

- Identification of the issue that the resource consent for the Broadlands Road landfill expires in 2027 and prior to this, Council will need to undertake a review to consider the future options for the disposal of the district's waste and decide whether or not to apply to renew the consent.
- The introduction of a new action to support the reduction of single use items / coffee cups.
- A new action to investigate and support reuse and repair of products in the district.

Actions

- Review of the kerbside waste and recycling collection.
- The introduction of a new action to understand the generation of construction and demolition waste and work with commercial operators to try and increase diversion.
- Investigate food rescue in the district.

The waste diversion figure in the draft WMMP was calculated on the assumption that there would be a weekly kerbside food waste collection service, which is estimated to divert 1000 tonnes of food waste from the landfill annually. Because the food waste collection service is no longer going to be undertaken, it will impact the diversion target.

In addition, previously Council has the ability to divert concrete from landfill by crushing it and selling it. Unfortunately, issues with contamination of this concrete have meant that Council has stopped accepting concrete for diversion. Council is undertaking a review to determine how this issue should be dealt with in the future, but at this time it is unknown how long Council will not be accepting concrete for diversion. Not being able to divert crushed concrete will impact on the waste diversion target. Therefore, officers recommend that the diversion rate in the final WMMP be reduced to 50%.

Officers have also introduced a new action in this tracked changes version which allows for the investigation and implementation of new opportunities for waste diversion as and when they arise. Having this action in there allows for opportunities to obtain funding from the Waste Levy, should an opportunity arise.

A copy of the WMMP with suggested amendments shown as tracked changes has been included in Attachment 1.

Submissions Received:

There were 49 submissions received, raising a total of 57 submission points. There were 57 submission points received on the draft WMMP through the LTP submission process. Submitters were given the option to present their views at the LTP hearings.

Submissions have been summarised and are included in Attachment 2. Submissions were received as part of the LTP process and are within the wider LTP submissions bundle. The full submissions can be viewed at <https://www.taupodc.govt.nz/council/consultation/draft-long-term-plan-2024-34>, by cross referencing the submitter number referenced in the summary.

A summary of the key feedback is provided below.

1. Support the reduction of single use items / coffee cups

- 9 submissions were received on this topic. 4 were in support, 3 disagreed and 2 were neutral.
 - The action in the draft WMMP relates to undertaking a review to support the reduction of single use items including coffee cups. The reason for this action is because single use items such as coffee cups are a major contaminant of the CBD recycling bins.
 - Officers recommend that this item is retained so that a review can be undertaken.
2. Support the introduction of a new action to understand the generation of construction and demolition waste and work with commercial operators to try and increase diversion.
- 3 submissions in support of this topic were received.
 - Officers recommend that this action is retained because it will allow an investigation on how Council can work with the construction and demolition waste sector to increase diversion.
3. Commercial plastic baler for the Broadlands Road Landfill
- 2 submissions were made requesting that Council purchases a commercial plastic baler for the Broadlands Road landfill. Submitters made the point that plastic recycling only works in bulk.
 - The issue with this is that there needs to be a market for this product to make it viable. Officers are not aware of a market at this stage.
 - Officers recommend that Council does not progress this suggestion at this stage.
4. General support for the WMMP
- There were submissions received in support of the draft strategy. Those who were in support agreed that the district needed to reduce its waste.
5. General opposition of the WMMP
- Reasons included that the plan was too bureaucratic and a waste of money.

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

There are two options available:

Option 1: Adopt the draft Waste Management and Minimisation Plan without amendments.

Advantages	Disadvantages
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • The waste diversion target is likely to be unachievable.

Option 2: Adopt the Waste Management and Minimisation Plan with amendments.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Will enable Council to set a diversion target that is achievable. 	<ul style="list-style-type: none"> • None

Analysis Conclusion:

Officers consider that Option 2 is the preferred option as it will allow the most up-to-date information to be included in the WMMP.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

Long-term Plan/Annual Plan

The review of the WMMP will be provided for within existing budgets. The implementation of the WMMP includes the following actions:

- Understand the generation of construction and demolition waste and work with commercial operators to try and increase diversion.
- Investigate and support reuse and repair of products in the district.
- Investigate food rescue options in the district.
- Investigate options to support the reduction of single use items / coffee cups.

Undertaking the investigations identified above can be provided for within existing budgets. It does not commit to undertaking any further actions recommended. If the investigations identify actions that should be undertaken to achieve waste management or minimisation, the actions may require a budget. If a budget is required, it will need to be provided for through future Long-term Plan or Annual Plan processes.

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. It is considered that the social / economic / environmental and cultural well-beings are of relevance to this particular matter.

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

The Waste Minimisation Act 2008 is relevant to this proposal. The WMMP has been prepared in accordance with this legislation.

Authorisations are not required from external parties.

Ngā Hīraunga Kaupapa Here | Policy Implications

The WWMP will help us achieve the goals set by the Climate Change Strategy.

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 iwi, and hapū of our district.

A copy of the draft WMMP was sent to iwi authorities in early December 2023, with a request that any feedback be provided by 9 February 2024. No feedback was received. The draft WMMP was engaged with as part of the wider Long-term Plan consultation process.

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 significant.

This item was consulted on with the community as part of the wider Long-term Plan consultation process.

TE KŌRERO TAHI | ENGAGEMENT

The community was engaged with as part of the wider Long-term Plan consultation process.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

This item has been communicated with the community as part of the wider Long-term Plan consultation process.

WHAKAKAPINGA | CONCLUSION

Officers recommend that Council adopts the Waste Management and Minimisation Plan to allow waste minimisation targets to be set for the next six years.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Waste Management and Minimisation Plan with Tracked Changes
2. Summary of submissions

5.4 TŪWHARETOA MĀORI TRUST BOARD - TAUPŌ DISTRICT COUNCIL JOINT MANAGEMENT AGREEMENT [JMA]

Author: Cornelia Dempsey, Co-Governance Management Partner

Authorised by: David Rameka, Iwi and Co-Governance Manager

TE PŪTAKE | PURPOSE

The purpose of this items is to:

- Re-establish and appoint Council members to the Tūwharetoa Māori Trust Board [TMTB] – Taupō District Council [Council] joint committee pursuant to the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (the Act)
- Consider approving additional matters sought by TMTB in the scope of the JMA negotiation.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

A joint working group comprising officers and legal advisors from TMTB and Council have been working together to investigate the formation of a JMA pursuant to the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (the Act).

The Act requires a JMA between Council and TMTB to provide for them to work together to restore and protect the health and wellbeing of the Waikato River for present and future generations. The Council and TMTB are also required to form a joint committee under s 50(1) of the Act to oversee the development and finalisation of the JMA.

The mandatory matters that must be included in the JMA are set out in [section 45](#) of the Act and relate to carrying out duties, functions and exercising powers under the Resource Management Act 1991 [RMA] including monitoring and enforcement, planning, resource consenting processes and customary activities.

[Section 54](#) of the River Act also enables the inclusion of discretionary provisions that sit outside of the RMA if the parties mutually agree to them being included and provided, they are within the statutory remit of the Council and the scope as defined under [section 44](#) of the River Act.

In addition to Taupō Waters, TMTB are seeking to include the following matters under section 54:

- co-governance arrangements
- strengthening of relationships at a governance and management level
- training and capacity building
- co-development of strategies such as three waters
- engagement in processes around activities on lakeside reserves
- possibly a transfer of powers under Section 33 of the RMA.

The precise details of these matters are yet to be negotiated once the joint committee is re-established. Therefore, it is recommended that the Council re-establishes the Committee, appoints its members, and agrees in principle to include the additional matters requested by TMTB under section 54 in the negotiation scope and conclude the JMA by the end of this financial year.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. Re-establishes the Tūwharetoa Māori Trust Board [TMTB] – Taupō District Council [Council] joint committee.
2. Appoints councillors Karam Fletcher, Kylie Leonard, Kirsty Trueman as members, and Cr John Williamson as an alternate to the committee.
3. Approves in principle, that additional matters requested by TMTB may be included under section 54 of the River Act in the negotiation scope of the Joint Management Agreement (JMA).
4. Agrees to complete the JMA by 30 June 2025.

TE WHAKAMAHUKI | BACKGROUND

The proposal has been before Council at a prior meeting (30 June 2020), refer item number (4.4) and the following resolutions were made:

That Council:

1. Convenes a committee with Tūwharetoa Māori Trust Board, called the Tūwharetoa Māori Trust Board and Taupō District Council Committee.
2. Appoints councillors Kylie Leonard, Kirsty Trueman, and John Williamson to the Committee.
3. Approves the draft terms of reference for the Committee.
4. Delegates to the committee the powers described in the terms of reference attached to the agenda; and
5. Approves, in principle the inclusion of Taupō Waters in the negotiation of the scope of the Joint Management Agreement [JMA].

NGĀ KŌRERORERO | DISCUSSION

Formal negotiations came to a mutual halt shortly after the committee was formed in 2020 due to several factors, such as structural and staff changes, legislative reforms and central and local government elections.

Since then, a joint working group comprising officers and legal advisors from TMTB and Council has been investigating the feasibility of incorporating other additional matters in the JMA under section 54 of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 [River Act].

The Act requires a JMA between the Council and TMTB to provide for them to work together to restore and protect the health and wellbeing of the Waikato River for present and future generations. The mandatory matters that must be included in the JMA are set out in section 45 and relate to carrying out duties, functions and exercising powers under the Resource Management Act 1991 [RMA] including monitoring and enforcement, planning, resource consenting processes and customary activities.

The additional duties, functions, or powers that may be included in the JMA by agreement are referred to in section 54 of the River Act. In addition to including Taupō Waters, TMTB are seeking to include the following matters under section 54:

- co-governance arrangements
- strengthening of relationships at a governance and management level
- training and capacity building
- co-development of strategies such as three waters
- engagement in processes around activities on lakeside reserves
- possibly a transfer of powers under Section 33 of the RMA.

The legislation enables the inclusion of discretionary provisions that sit outside of the RMA under section 54 if parties mutually agree to them being included and provided, they are within the statutory remit of the Council and the scope as defined in the legislation.

(1) For Ngāti Tuwharetoa, a joint management agreement—

- a. must cover no other subject matter than—
 - i. matters relating to the Waikato River and activities within its catchment affecting the Waikato River:
 - ii. matters relating to the waterways within Taupō Waters (as defined in clause 3 of the deed), if the local authority and the Trust agree to the matters being covered in the agreement:
- b. must cover the matters referred to in section 45:
- c. may cover additional duties, functions, or powers agreed under section 54.

Deeds with the Crown dated August 1992 and September 2007, confirmed that the Trust Board is the legal owner of Taupō Waters defined as the bed, water column and air space of Lake Taupō, the Waihora, Waihāhā, Whanganui, Whareroa, Kuratau, Poutu, Waimarino, Tauranga-Taupō, Tongariro, Waipehi, Waiotaka, Hinemaiaia and Waitahanui Rivers, and the Waikato River to Te Toka a Tia, inclusive of the Huka Falls.

The precise details of these matters being sought from TMTB for inclusion in the JMA including Taupō Waters are yet to be negotiated once the joint committee is re-established. In context, the Council has existing informal agreements with TMTB that already support various aspects mentioned, such as training, capacity building, involvement in developing three waters strategies, management of lakeside reserves, as well as an existing JMA with TMTB signed in 2009 designed to enable joint decision making concerning notified resource consents and private plans changes on or affecting multiple owner Māori land within the Taupō District.

Furthermore, the Council also has existing JMAs with Ngāti Raukawa and Te Arawa River Iwi Trust under the same River legislation that contain similar provisions.

Acknowledging Council's commitment to fulfilling its legal responsibilities and fostering collaborative relationships with its Iwi Partners, as well as recognising the pivotal role and substantial contributions of TMTB within the Taupō District, officers propose that Council approves in principle incorporating the additional matters requested by TMTB in the scope of the negotiation and re-establish the joint committee to oversee the development and finalisation of the JMA.

Timing:

The statutory 18-month timeframe became null and void when both parties mutually agreed to delay negotiations soon after the joint committee was established in 2020. TMTB and Council are required to agree another date for completion under (s43(1)(a)(ii)) of the Act. The joint working group recommends concluding the JMA by the end of this financial year.

Committee:

The Tūwharetoa Māori Trust Board – Taupō District Council joint committee was formally convened under s 50(1) of the River Act in June 2020. Due to an administrative oversight the committee was not re-established at the beginning of this triennium and therefore needs to be re-established to enable the formal process to commence.

Since then, the joint working group has been working collaboratively to re-build momentum and are now ready to support the joint committee to oversee finalisation of the JMA.

TMTB recently appointed members Maria Nepia, Sarah Asher, Judy Harris and Ngahere Wall [alternate] to the joint committee. Council is now required to formally re-establish the committee and appoint its members.

Given that the Council's current JMA governance committees with the Te Arawa River Iwi Trust and the Raukawa Settlement Trust were formed under the same legislation, it is recommended that the same elected members currently serving on those committees be appointed to this one.

In working together to develop the joint management agreement, and in working together under the joint management agreement, the Council and TMTB must act in a manner consistent with the following guiding principles set out in the River Act and the committee's terms of reference:

- Promote the overarching purpose of the Act to restore and protect the health and wellbeing of the Waikato River for present and future generations:
- Respect the mana whakahaere rights and responsibilities of the Iwi.
- Promote the principle of co-management:
- Reflect a shared commitment to:
 - Working together in good faith and a spirit of co-operation
 - Being open, honest, and transparent in their communications:
 - Using their best endeavours to ensure that the purpose of the joint management agreement is achieved in an enduring manner:
- Recognise that the JMA operates within statutory frameworks and that meeting those statutory timeframes, and minimising delays and costs are important.

NGĀ KŌWHIRINGA | OPTIONS

This paper presents two key matters for the Council's consideration:

- Re-establish and appoint members to the joint committee of TMTB and Council
- Include the additional matters, requested by TMTB under section 54 in the discussions during the formulation of the JMA.

Matter 1:

Re-establish and appoint members to the joint committee of TMTB and Council

Analysis of Options

There are two options for Council: Re-establish the committee and appoint elected members or do not form the committee (do nothing).

Option 1. Re-establish the committee and appoint elected members.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Enables Council to fulfil its statutory requirements and re-commence negotiations with TMTB. • Gives effect to Council's commitment to working in partnership with its Iwi Partners and the principle of working together with TMTB to develop the JMA. 	<ul style="list-style-type: none"> • None

Option 2. Do not re-establish the committee.

Advantages	Disadvantages
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • This would result in Council breaching its legal requirements under the River Act. • Detrimentially impact Council's relationship with TMTB.

Analysis Conclusion:

Council has committed to building collaborative relationships with its Iwi partners. Failure to establish the committee may result in a breach of the legislation and detrimentally harm the relationship. Based on the analysis above, it is recommended that Council re-establish and appoint members to the joint committee.

Matter 2:

Include additional matters requested by TMTB under section 54 in the discussions during the formulation of the JMA.

There are two options for Council: Include additional matters requested by TMTB under section 54 in the negotiation scope or do not include the additional matters (do nothing).

Option 1. Include additional matters requested by TMTB under section 54 in the negotiation scope.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Supporting the inclusion of additional matters at this stage, in principle, will help save time, cost and enable the joint working group to commence in depth discussions and test the practicalities and viability of including the additional matters sought by TMTB. • Assist Council in gaining a deeper insight into its legislative responsibilities with TMTB and other Iwi partners and the advantages of fostering a 	<ul style="list-style-type: none"> • Including additional matters outside baseline requirements may elongate the negotiation process however that is proposed to be minimised through engaging legal experts with experience in preparing similar treaty settlement arrangements.

<p>more collaborative partnership with TMTB.</p> <ul style="list-style-type: none"> • Set Council up for continued success by giving effect to its partnership commitments and enabling opportunities to surpass baseline requirements. • Enable officers to investigate mutually beneficial efficiencies and opportunities to collectivise efforts to restore and protect the Waikato Awa and Taupō Moana in a more holistic and inclusive way. 	
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Option 2. Do not include additional matters requested by TMTB under section 54 in the negotiation scope (do nothing).

Advantages	Disadvantages
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Detrimentially impact Council’s relationship with TMTB • The council's authenticity regarding its dedication to fostering collaborative partnerships with Iwi/Māori may face scrutiny. • Missed opportunity to enhance operational efficiencies and collectivise efforts to restore and protect the Waikato Awa and Taupō Moana in a more holistic and inclusive way. • Missed opportunity to sustain and grow Council’s esteemed reputation as national leaders in the Treaty/Iwi partnerships domain.

Analysis Conclusion:

Based on the analysis above, it is recommended that Council agrees to include the additional matters in the negotiation scope.

The River Act legislation sets out the mandatory baseline matters that must be included in the JMA. The legislation also provides for an extension to include other matters should the parties agree provided they are within the statutory remit of Council and the scope as defined in the legislation. Rather than dismiss the inclusion of additional matters at this early stage in the scope of the JMA, it is recommended to agree to include them, in principle, to enable TMTB and Council to explore the potential benefits and implications early on in the negotiation. Once the details are clarified, the joint committee can confirm expanding the scope of the JMA to include others besides Taupō Waters. A formal recommendation on section 54 matters will then be presented to the TMTB Board and Council for final approval.

This option allows TMTB and Council the opportunity to investigate a more comprehensive working relationship and ways to strengthen the relationship.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

Long-term Plan/Annual Plan

The financial impact of the proposal will be the minimal cost of servicing the new committee and the costs of existing staff time and legal expertise to negotiate the terms of the JMA. This expenditure is currently budgeted for under Iwi Partnerships and Co-Governance.

Ngā Aronga Ture | Legal Considerations

Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

Council is required to work with TMTB to form a joint committee and develop a JMA under s 50(1) of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010. This committee is established under the Act, and so the Local Government Act (LGA) requirements for committees, under Schedule 7 of

the LGA do not apply. The River Act sets out the [scope](#) and matters that must be included under sections 45, 46, 47, 48 and 49 of the River Act that pertain to the Resource Management Act [RMA].

[Section 54](#) of the River Act enables the Council and TMTB to agree to extend the JMA to cover duties, functions, or powers that are additional to those specified in sections 45 – 49 should they mutually agree. Section 54(4) of the Upper Waikato River Act provides that the additional elements of the JMA can be terminated with 20 business days' notice. That is not the case for the rest of the JMA, and this provides the Council and TMTB confidence that those extended parts can be terminated if they are not working (subject to working in a manner consistent with the principles set out in section 46 and the dispute resolution process contained in the joint management agreement first).

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 and cultural well-beings are of relevance to this particular matter.

Ngā Hīraunga Kaupapa Here | Policy Implications

At this point, there are no identified policy implications. The current focus is on re-establishing the joint committee and gaining agreement in principle to incorporate the additional matters mentioned earlier in the report.

Te Kōrero tahi ki te Māori | Māori Engagement

Taupō District Council is committed to meeting its statutory Te 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 iwi, and hapū of our district.

The joint committee comprises an equal number of members from the Council and TMTB. The terms of reference for this joint committee were adopted by the Council and TMTB in 2020. A joint working group comprising of Council and TMTB officers have been in discussions about this JMA since 2019. Council officers will ensure that Council's other Iwi partners are informed as negotiations advance.

Ngā Tūraru | Risks

Apart from the potential risks to relationships and reputation resulting from the Council not supporting the recommendations endorsed by the TMTB, there are currently no other identified risks associated with Council re-establishing the joint committee and agreeing in principle to include additional matters outlined in the report. It is important to note that agreement to include the nonmandatory matters in the JMA is subject to negotiation and does not commit the Council at this stage.

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

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

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

TE KŌRERO TAHI | ENGAGEMENT

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

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

Direct communication has been/will be carried out with affected parties/key stakeholders but no wider communication is considered necessary. The new joint Committee, once established, will formulate and agree upon a communications process as per the terms of reference.

WHAKAKAPINGA | CONCLUSION

The River Act requires the Council and TMTB to develop a JMA that covers how the parties will work together to restore and protect the health and wellbeing of the Waikato River for present and future generations. The mandatory matters that must be included in the JMA are set out in section 45 and relate to carrying out duties, functions and exercising powers under the Resource Management Act 1991 [RMA] including monitoring and enforcement, planning, resource consenting processes and customary activities.

Section 54 of the River Act also enables the inclusion of discretionary matters if the parties mutually agree to them being included and provided, they are within the statutory remit of the Council and the scope as defined under section 44 of the River Act. The precise details of these matters are yet to be negotiated once the joint committee is re-established.

Re-establishing the Committee and considering additional matters at this point will not only satisfy the Council's legal obligations but also streamline processes, reduce costs, and allow the joint working group to explore collaborative efforts to preserve and enhance the Waikato River and Lake Taupō. Therefore, it is recommended that the Council re-establish the Committee, appoint its members, and agree, in principle, to include the additional matters requested by TMTB in the negotiation scope.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Tūwharetoa Māori Trust Board Taupō District Council Joint Committee: Terms of Reference

5.5 CLASS 4 GAMBLING REPORT BACK TO COUNCIL

Author: Andrew Wilson, Policy Advisor

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

To report back to Council regarding Class 4 Gambling and TAB Venues policy as requested at the 27 June 2023 Council meeting.

NGĀ KŌRERORERO | DISCUSSION**Background**

Council is required to have a Class 4 Gambling (pub and club gambling machines) Venues Policy setting out whether Class 4 Gambling venues can be established in the district and any restrictions on the location or number of machines. The policy must be reviewed every three years, and any proposed changes must be consulted on.¹

Taupō District Council amended and consulted on its policy in 2020. In 2023, Council reviewed and rolled-over the policy. In agreeing to roll-over the policy, Council requested that officers report back on Class 4 Gambling matters in 2024, rather than waiting until 2026 to reconsider these issues.

This report back provides the latest information on Class 4 gambling in the district.

Latest information on Class 4 gambling in the district

The latest information on Class 4 gambling in Taupō District from the Department of Internal Affairs is provided on the next page. It outlines trends over the last 12 months as well as long term trends in gaming machine profits, number of venues, and number of machines.

This information shows that since Council adopted the current Class 4 Gambling and TAB Venues Policy in 2020 and reviewed it in 2023, there has been:

- no change in the current number of Class 4 gambling venues
- no change in the number gaming machines
- no meaningful change in the amount of profit made by gambling machines (GMP, which represents the amount lost by people gambling).

The social impact assessment provided by officers as part of the 2020 review continues to stand given the limited change since then. The assessment identified key concern areas with gambling in the district but also identified the Taupō District as medium risk for gambling harm based on the Ministry of Health assessment criteria. This rating was driven by:

- the limited access to harm minimisation services locally
- the level of community deprivation
- and the disproportionate effects of gambling on Māori
- These effects were slightly offset by the low number of machines per 10,000 people (more than 75 is considered high risk while we have 36).

The assessment concluded that a formalised sinking lid on the number of venues and machines would be the most appropriate mechanism for reducing harm. Council decided not to adopt a formalised sinking lid in 2020, instead Council reviews the limits in its policy when the policy is reviewed every three years.

Council will be required to review the policy again in 2026. Officers recommend that community consultation is undertaken at that time, even if the decision is made not to make changes, given we have not consulted the community on this matter since 2020.

¹ Sections 101 and 102 of the Gambling Act 2003 refer.

Class 4 gambling in Taupō District from the Department of Internal Affairs Class 4 Gambling Dashboard

Quarterly Class 4 Key Statistics

Region TA Specific

TA Taupo District

June-2024

	Nominal GMP		Inflation Adjusted GMP	
	Quarterly	Rolling 12 month	Quarterly	Rolling 12 month
Prior quarter	\$ 2,972,121.99	\$ 11,935,955.02	\$ 2,286,480.23	\$ 9,289,467.48
Current quarter	\$ 2,924,287.26	\$ 11,909,369.98	\$ 2,240,837.46	\$ 9,193,783.35
Δ	(\$47,834.73)	(\$26,585.04)	(\$45,642.77)	(\$95,684.13)
% change	↓ -1.61%	↓ -0.22%	↓ -2.00%	↓ -1.03%

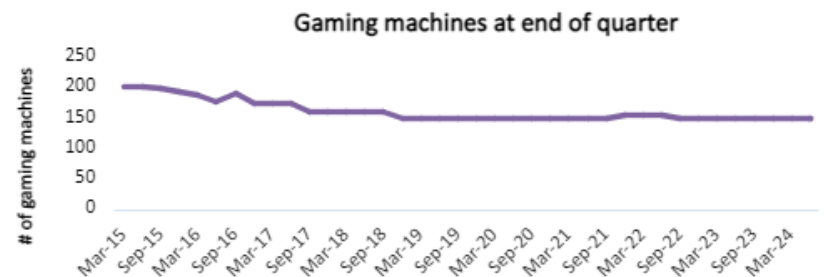
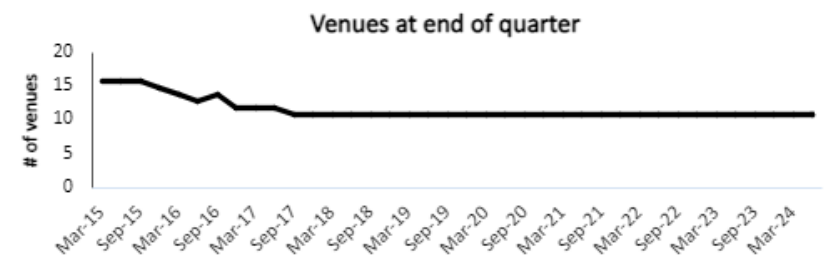
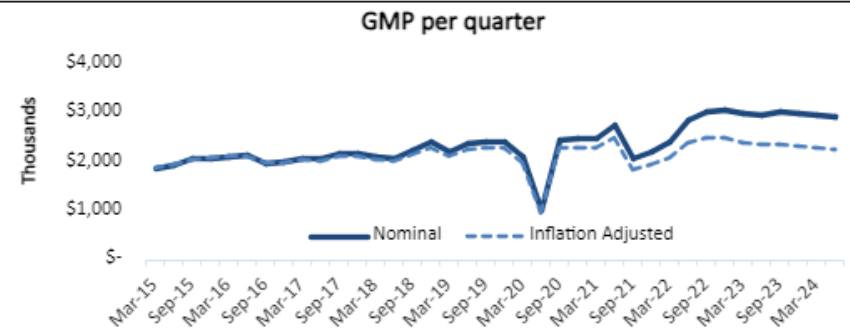
In nominal terms, Quarterly GMP has decreased by 1.61% or by \$47,834.73 compared to the prior quarter. Rolling 12 month GMP as at June-2024, for Taupo District has decreased by 0.22% or by \$26,585.04

When adjusted for inflation, quarterly GMP has decreased by 2.00% or by \$45,642.77 compared to the prior quarter. Rolling 12 month GMP as at June-2024, for Taupo District has decreased by 1.03% or by \$95,684.13

	Venues	Gaming Machines
Prior quarter	11	151
Current quarter	11	151
Δ	0	0
% change	↑ 0.00%	↑ 0.00%

From June-2024, compared to last quarter, Taupo District has the same number of gaming machines. The number of venues has not changed.

The data is provided for all venues and gaming machines licensed as at the last day of each quarter. Note data for venues without an active licence at this date are excluded. Please see the Notes to the Tables tab for more details.



June 2024 Waikato Region Class 4 Gambling data: The below table outlines the amount of profit per machine, the number of machines per 10,000 people and the amount of profit per person in the Waikato Region (non-inflation adjusted).

TA	GMP/EGM	EGM per 10,000	GMP per capita	Population	GMP	EGM
Hamilton City	\$ 73,808	20	\$ 150.17	185,300	\$ 27,825,726	377
Hauraki	\$ 48,972	53	\$ 260.17	22,400	\$ 5,827,725	119
Matamata-Piako	\$ 52,210	37	\$ 193.88	37,700	\$ 7,309,378	140
Otorohanga	\$ 41,119	21	\$ 86.76	10,900	\$ 945,731	23
South Waikato	\$ 56,793	55	\$ 310.18	26,000	\$ 8,064,654	142
Taupō	\$ 78,870	36	\$ 283.56	42,000	\$ 11,909,370	151
Thames-Coromandel	\$ 51,848	68	\$ 350.78	33,700	\$ 11,821,271	228
Waikato	\$ 45,466	25	\$ 115.05	90,100	\$ 10,366,326	228
Waipa	\$ 47,319	34	\$ 161.09	61,100	\$ 9,842,356	208
Waitomo	\$ 49,444	51	\$ 254.34	9,720	\$ 2,472,206	50

WHAKAKAPINGA | CONCLUSION

Since Council made its previous decisions in 2020 and 2023 there has been minimal change in the state of Class 4 Gambling locally. The significant social impacts previously identified are still present and Taupō continues to be a medium risk district for gambling harm. The next review is scheduled for 2026.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council receives this update on the state of Class 4 Gambling in the Taupō District.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.6 TAUPŌ DISTRICT COUNCIL PERFORMANCE REPORT - AUGUST 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 including updates from the Executive team, and a Significant Projects report. There is no financial report this month as the organisation switched over to the new CiAnywhere system for our rating functions (along with property and infringements) this month, as part of Project Quantum.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

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

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. August 2024 Performance Report
2. August 2024 Significant Project Update

5.7 PROPOSED AMENDMENT TO THE TAUPŌ / TAUPŌ EAST RURAL COMMUNITY GRANT DISTRIBUTION COMMITTEE TERMS OF REFERENCE

Author: Karen Watts, Senior Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

TE PŪTAKE | PURPOSE

The report proposes an amendment to the Taupō / Taupō East Rural Community Grant Distribution Committee Terms of Reference to increase the membership.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Under the current terms of reference for the Taupō / Taupō East Rural Community Grant Distribution Committee, the membership is made up of the following elected members:

- Taupō East Rural Representative Group Chairperson
- Kinloch Representative Group Chairperson
- Taupō Reserves & Roothing Committee Chairperson
- One (1) Taupō Ward Councillor
- Mayor

It is recommended that Council amends the Taupō / Taupō East Rural Community Grant Distribution Committee Terms of Reference (attached) to include two additional community representatives. This would bring the committee's membership broadly into line with the membership of other committees responsible for distributing grants, all of which have appointed community members as well as elected members.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council amends the Terms of Reference for the Taupō / Taupō East Rural Community Grant Distribution Committee (A3617182) to increase the membership by including two community representatives for the 2022-25 Triennium.

TE WHAKAMAHUKI | BACKGROUND

On 15 November 2022 Council established and set the Terms of Reference for a number of Council Committees, some of which included the appointment of external representatives.

Alongside Council's Long-term Plan 2024-34, the Community Funding Policy was reviewed, and an updated policy was adopted at Council's meeting held on 29 July 2024. During deliberations on the policy, the point was made that the Taupō / Taupō East Rural Community Grant Distribution Committee membership consisted entirely of elected members. It was suggested that it would be beneficial to appoint some community representatives to the committee. Some submitters had raised concerns about community grants distribution processes being biased in favour of sports, and having more diversity including community representation on committees responsible for distributing funds was one way of addressing those concerns.

NGĀ KŌRERORERO | DISCUSSION

To facilitate fair and equal representation on this committee that distributes community grants to members and groups in the Taupō and Taupō East Rural wards of our district, Council may consider increasing the membership of this committee to two additional community representatives. Pursuant to schedule 7, section 31(3) of the Local Government Act 2002:

The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee.

Next steps

Should Council agree to increase the membership, a recruitment process will be undertaken to appoint two community members to the committee with the view that they be appointed before the end of 2024. This ensures transparency for community grant applicants when the grant opens in March 2025.

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1. Amend the Terms of Reference for the Taupō / Taupō East Rural Community Grant Distribution Committee.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Provides additional advocacy for the community by having increased community representation on the Taupō / Taupō East Rural Community Grant Distribution Committee. • Consistent with the Community Funding Policy and Eligibility Assessment Framework. 	<ul style="list-style-type: none"> • Additional cost to Council for meeting fees.

Option 2. Do not amend the Terms of Reference for the Taupō / Taupō East Rural Community Grant Distribution Committee.

Advantages	Disadvantages
<ul style="list-style-type: none"> • No additional costs incurred by Council for meeting fees. 	<ul style="list-style-type: none"> • There may be a perception that not all community views would be adequately addressed. • There may be a perception that there was not fair and equal representation for community grant distribution in the Taupō and Taupō East Rural wards.

Analysis Conclusion:

The preferred option is to amend the Terms of Reference for the Taupō / Taupō East Rural Community Grant Distribution Committee to provide for two additional community representatives.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

The financial impact of the proposal is estimated to be a potential increase of \$500.00 per meeting for this committee. This can be accommodated within existing budgets.

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 well-beings are of relevance to this particular matter.

Ngā Hīraunga Kaupapa Here | Policy Implications

The proposal has been evaluated against the Community Funding Policy and the Eligibility Assessment Framework. 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.

As part of engagement for the Long-term Plan 2024-34, hui were arranged with iwi partners and hapū, and submissions to the Long-term Plan were received.

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

A recruitment process will be followed to appoint the two community representatives. This will include invitations for members of the community to apply via email and Council's website.

WHAKAKAPINGA | CONCLUSION

It is recommended that Council adopts the amended Taupō / Taupō East Rural Community Grant Distribution Committee Terms of Reference.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Taupō / Taupō East Rural Community Grant Distribution Committee - Terms of Reference showing tracked changes

5.8 COUNCIL ENGAGEMENTS OCTOBER 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
Workshop: Future Development Strategy and District Plan (Council Chamber)	Tuesday	1	1pm – 2.30pm
Tūrangi Co-Governance Committee workshop (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	2	9.30am-10.30am
Tūrangi Co-Governance Committee meeting (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	2	10.30am-12.30pm
Tongariro Representative Group meeting (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	2	1pm-2.30pm
Taupō Airport Authority Committee meeting (Conference Room, Taupō Airport, ANZAC Memorial Drive, Taupō)	Monday	14	1.30pm-3pm
Mangakino-Pouakāni Representative Group meeting (Mangakino Community Hub, Civic Centre, Rangatira Drive, Managakino, 3421)	Tuesday	15	10am-11.30am
Taupō East Rural Representative Group meeting (Rangitaiki Community Hall, Rangitaiki School Road, Rangitaiki)	Thursday	17	11am-12.30pm
Workshop – Update on the Annual Report 2023-24 (Council Chamber)	Tuesday	29	10.30am-11am
Public forum (Council Chamber)	Tuesday	29	12.30pm-1pm
Council meeting (Council Chamber)	Tuesday	29	1pm-3pm
Citizenship ceremony (East Wing, Great Lake Centre)	Wednesday	30	10am-11am
Workshop – Taupō Airport Authority Structure (Council Chamber)	Thursday	31	10.30am-11.30am

APPOINTMENTS

No new requests for appointments have been received.

TRAINING AND CONFERENCE OPPORTUNITIES

No new requests for training and conference attendance have been received.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council receives the information relating to engagements for October 2024.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

6 NGĀ KŌRERO TŪMATAITI | 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	Plain English reason for passing this resolution in relation to each matter
<p>Agenda Item No: 6.1 Delegation for Settlement of Appeals on Plan Changes 38, 42 and 43</p>	<p>Section 48(1)(d) - the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings</p>	<p>Section 48(1)(d)- the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings</p>	<p>Council needs to deal with this item with the public excluded because there is a right of appeal to the Environment Court in relation to the Council's decision.</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]*.