

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

Date:	Tuesday, 25 June 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 - 23 MAY 2024

Author: Nicole Turnbull, Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the minutes of the Council meeting held on Thursday 23 May 2024 be approved and adopted as a true and correct record.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 23 May 2024

4.2 ORDINARY COUNCIL MEETING - 28 MAY 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 28 May 2024 be approved and adopted as a true and correct records.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 28 May 2024
2. Confidential Council Meeting Minutes - 28 May 2024

4.3 ORDINARY COUNCIL MEETING - 31 MAY 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 Friday 31 May 2024 be approved and adopted as a true and correct record.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 31 May 2024

4.4 EXTRAORDINARY COUNCIL MEETING - 11 JUNE 2024

Author: Shainey James, Governance Quality Manager

Authorised by: Nigel McAdie, Legal and Governance Manager

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the minutes of the extraordinary Council meeting held on Tuesday 11 June 2024 be approved and adopted as a true and correct record.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Council Meeting Minutes - 11 June 2024

5.1 HEARING AND DELIBERATION OF SUBMISSIONS RECEIVED AND ADOPTION OF TRAFFIC BYLAW

Author: Andrew Wilson, Policy Advisor

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

This report allows Council to receive, hear and deliberate on submissions received on the Traffic Bylaw. This report also seeks the adoption of the attached Traffic Bylaw that has been amended as a result of consultation.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Council is required to review its bylaws regularly to ensure their ongoing relevance and to determine if they are the most appropriate way to manage specific issues.

Officers are only recommending one change due to consultation and believe the bylaw remains the most appropriate way to manage traffic related issues.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

1. That Council hears and deliberates on submissions received through the Traffic Bylaw consultation process; and
2. That Council adopts the attached Traffic Bylaw.

TE WHAKAMAHUKI | BACKGROUND

The proposal has been before Council at a prior meeting on 30 April, and Council resolved to consult on the Traffic Bylaw.

As a result, consultation was undertaken.

NGĀ KŌRERORERO | DISCUSSION

A total of five (5) submissions were received on the traffic bylaw. The key themes that came through were:

- Problems with for sale vehicles parked around town particularly near the lake front
- Taupō traffic flow is poor due to the flow redesign
- There need to be some short stop parking spaces outside of pharmacies for people just collecting medicine
- Suggestions for clause changes from Herenga ā Nuku Aotearoa (the Outdoor Access Commission)

Based on these submissions officers are recommending one minor change to Clause 13 to include the words “in residential areas”. This is because the clause is not as important in the rural environment where the verge or unformed road area does not have a kerb or three waters infrastructure underneath it which can be damaged by vehicle movements.

This will limit Council’s ability to move vehicles in the rural environment, but compliance officers have flagged this as low risk and agree that avoiding the unintended consequences of restricting access to recreation spaces should be minimised.

A full bundle of submissions is attached to this report for consideration. Below is an outline of officer responses to matters raised.

Summary of Point Raised	Officers Response
Problems with for sale vehicles parked around town particularly near the lake front.	Officers have passed this feedback on to the compliance team to follow up.
Taupō traffic flow is poor due to the	This is outside of the scope of the bylaw, but feedback is noted

redesign.	and been passed onto the transport team.
There needs to be some short stop parking spaces outside of pharmacies for people just collecting medicine.	The actual implementation of specific car parking spaces is outside of the scope of the bylaw and would be a matter considered by the Reserves and Roading Committee.
Suggestions for clause changes from Herenga ā Nuku Aotearoa (the Outdoor Access Commission).	Officers thank Herenga ā Nuku Aotearoa for their submission and appreciate their concerns around access to recreation spaces. Officers are recommending Council make a change to the wording of Clause 13 to include the words "in residential areas".

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

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Subject to hearings and deliberations Council has the following options.

Option 1: Adopt the attached amended traffic bylaw

Advantages	Disadvantages
<ul style="list-style-type: none"> Amendments capture submitter feedback Amendments balance important traffic limitations without potentially limiting access to recreation space in the rural environment 	

Option 2: Adopt the attached traffic bylaw subject to further amendments

Advantages	Disadvantages
<ul style="list-style-type: none"> Elected members can make further changes 	<ul style="list-style-type: none"> Significant changes to the bylaw may be outside of the scope of the original consultation and require re-consultation.

Option 3: Adopt the bylaw with the amendment removed

Advantages	Disadvantages
<ul style="list-style-type: none"> No changes from what was consulted on so this is the lowest risk option 	<ul style="list-style-type: none"> Does not incorporate submitter feedback Risks unintended consequences for access to rural recreation spaces

Analysis Conclusion:

Option 1 is the preferred option as it incorporates submitter feedback and helps balance important traffic restrictions with access concerns.

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Ture | Legal Considerations

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. That section of the Act states that the purpose of local

government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social, economic, and 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:

The Traffic Bylaw supports the outcomes and implementation of Council's Transport Strategy and District Plan through the range of powers it provides Council with, such as setting parking spaces and signage.

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.

Officers reached out to Iwi and Hapu for feedback but received no responses. No responses were received through submissions either.

Ngā Tūraru | Risks

As with all bylaw reviews there is a risk of legal challenge, however given that this bylaw is proposed to continue with only minor changes from the current operative bylaw this risk is low.

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

Consultation has been conducted on this matter as required under the Local Government Act. This paper enables council to deliberate on those submissions received through that consultation process.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

Officers will inform submitters directly of Council's decision and publish a public notice as required under the Local Government Act.

WHAKAKAPINGA | CONCLUSION

That Council hears and deliberates on the submissions received regarding the Traffic Bylaw and adopts the attached amended Traffic Bylaw subject to any further amendments made through the hearings and deliberations process.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Full Submission Bundle - 2024 Traffic Bylaw Review
2. Amended Traffic Bylaw 2024

5.2 FUNDING AND EXPENDITURE ARRANGEMENTS FOR THE FIRST QUARTER OF 2024/25

Author: Aidan Smith, Team Leader - Corporate Planning

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

This paper seeks the approval of funding and expenditure arrangements for the first quarter of 2024/25.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Approval is required because the last approved funding and expenditure arrangement was in the 2023/24 Annual Plan, which ceases on 30 June 2024, and the new Long-term Plan will not be in place until 1 October 2024.

It is important that we do not prejudice or pre-empt decisions that are yet to be made and are still subject to public input through the Long-term Plan consultation and decision-making process.

However, the 2021 Long-term Plan provides a commitment to deliver service levels, and it is not expected, practical, or prudent for Council to halt its services and stop its capital investment programme until 1 October.

We are seeking Council approval to continue to progress key capital projects and operating expenditure within the limits set out in the proposed budgets for the Long-term Plan 2024 – 34, and subject to criteria to ensure that we do not prejudice or pre-empt upcoming Long-term Plan decisions.

Attachment 1 provides a list of the key capital projects we have identified that we expect to continue during the first quarter of 2024/25, using these criteria.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council, for the period between the expiry of the Annual Plan 2023/24 and the adoption of the Long-term Plan 2024-34:

1. Approves capital expenditure and operating expenditure within the limits set out in the proposed budgets for the Long-term Plan 2024 – 34, subject to the following criteria:
 - a. Expenditure is required to maintain service levels, as set out in the Long-term Plan 2021; or
 - b. Expenditure is for capital projects or operating activities where there are no practical alternative options. For example, where it is needed to meet legislative, regulatory, contractual, risk minimisation, or growth requirements; or
 - c. Expenditure is for capital projects or operating activities where the views and preferences of the public have already been canvassed and a decision made, or with a low degree of significance. i.e. where we would not usually expect to re-consult the public; or
 - d. Expenditure is for capital projects or operating activities that it is financially prudent to continue. For example, where Council has obligations, or it would be impractical or inefficient to suspend activities; or
 - e. Expenditure is for capital projects or operating activities relating to prudent asset management. For example, timely maintenance and renewals.
2. Agrees that capital and operating expenditure will not be undertaken where it relates to a new proposal, or proposed new service level, for the Long-term Plan 2024 – 34 that is discretionary. This work will not be progressed until that decision has been agreed through the Long-term Plan consultation and decision-making process. For example, the decision around rubbish and recycling collection.
3. Approves appropriate borrowing to support operational and capital expenditure levels in accordance with recommendations 1 and 2 above.
4. Delegates to the Chief Executive the power to approve operational and capital expenditure in accordance with recommendations 1 and 2 above.

TE WHAKAMAHUKI | BACKGROUND

Council has not previously considered this specific matter.

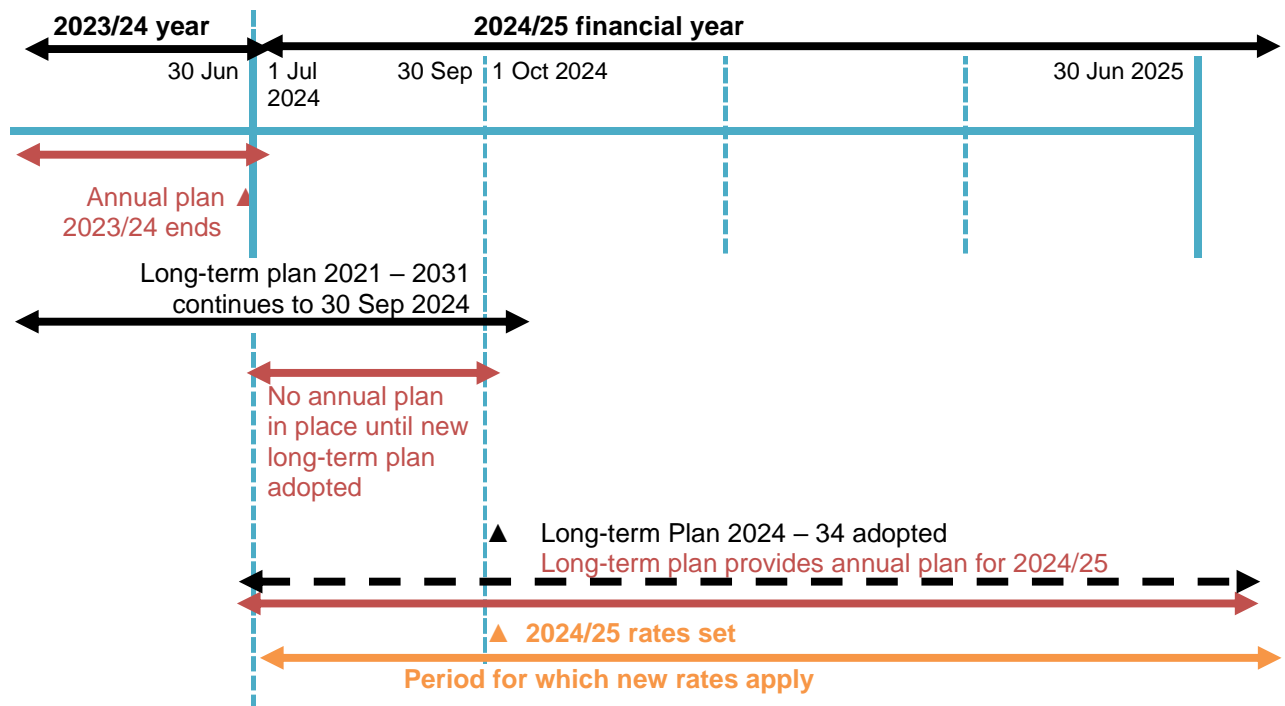
The Local Government Act 2002 has been amended to allow councils until 30 September 2024 to adopt their 2024 – 34 Long-term Plan, following changes to water legislation [Part 8, Clause 46 Extended time frame for adopting the Long-term Plan 2024–34 refers]. Those changes enabled the Long-term Plan 2021–31 to continue until the new Long-term Plan is in place, however that does not provide an approved budget. An approved budget is only provided by the first year of a Long-term Plan or the subsequent annual plans.

Taupō District Council expects to adopt its Long-term Plan on 30 September 2024. Currently a draft Long-term Plan budget has been approved by Council for public consultation. Consultation, hearings, deliberations, and final decisions are expected to be from early June till 30 September 2024.

Normally Council adopts a Long-term Plan or an Annual Plan prior to the start of its financial year on 1 July. This sets out its approved funding and expenditure plans for the year, ending 30 June.¹

With the extension of the timeframe for the adoption of the Long-term Plan, officers are seeking Council’s approval of funding and expenditure arrangements for the first quarter of 2024/25 (from 1 July to 30 September 2024).

Figure 1 – Timeline showing gap between annual plan and new Long-term Plan.



NGĀ KŌRERORERO | DISCUSSION

Some key areas of operating expenditure

We have service level agreements with *Amplify*, *Town Centre Taupō* and *Destination Great Lake Taupō* which run for a financial year (1 July to 30 June). In line with the criteria (in particular, a. maintaining agreed service levels) we expect to extend their agreements and continue to fund these organisations until Long-term Plan decisions are made.

We have some new operating expenditure proposed in the Long-term Plan 2024 – 34 relating to preparing for a major stormwater consent renewal, budgeted at \$250,000. This is a large, complex and critical project

¹ The annual plan provides “the proposed annual budget and funding impact statement for the year to which the annual plan relates.”

that should be tendered before 1 October. As a consent for an essential service, it is considered that it meets the requirements as set out in this report to continue this work.

Council has an organisation-wide performance and assessment process, staff contract commitments, and union contract commitments that are all linked to the financial year (1 July – 30 June period). Because some adjustments are contractually required within a certain timeframe, and to ensure any pay reviews are completed at the same time across all staff, we expect to provide all staff salary adjustments within the first quarter of 2024/25.

Pay reviews and subsequent increases do have a direct impact on operating costs. However, if changes in budgets for staff are required through the Long-term Plan process, we believe these changes could still be delivered, regardless of whether we provide these adjustments or not. How the changes are delivered, and the timing of those changes may be impacted. We do not believe this will pre-empt or prejudice any Long-term Plan decisions, but there remains a perception risk of providing these adjustments, as adjustments for some staff members may be able to be delayed.

NGĀ KŌWHIRINGA | OPTIONS

We have sought legal advice and have formed the view that a Council resolution is appropriate to provide approval for funding and expenditure arrangements until 30 September 2024.

Two options have been discounted as unpractical which are:

- Do nothing - proceeding without a Council resolution (which is not a legally practicable option)
- Do nothing - closing down for 3 months. This does not meet the commitments to deliver services and meet service levels given that legislation has extended the timeframe for the Long-term Plan 2021-31. Nor would it be practical or prudent given Council has obligations it is required to meet.

The options for a resolution to approve funding and expenditure arrangements are:

Analysis of Options

Option 1 – Continue with funding levels approved in the Annual Plan 2023/24 (status quo)

Advantages
This has the advantage that these were the last funding levels approved by Council and they were subject to public consultation through the Annual Plan 2023/24. The public might expect things to continue until they have been consulted on proposed changes.
Disadvantages
The primary issue with this option is that the funding and expenditure set out in the Annual Plan 2023/24 was determined in early 2023, around 12 – 18 months ago. Since that time, Council has faced significant cost increases just to continue current levels of service, many of which are not discretionary and are outside of Council’s control. These include high inflation costs, depreciation, interest costs and increased costs for Council’s contracted supplies and services. The Capital programme provided for in the Annual Plan 2023/24, and year 4 of the Long-term Plan 2021 doesn’t reflect immediately needed projects, including: <ul style="list-style-type: none"> • Projects needed to meet regulatory requirements (such as upgrades to meet drinking water standards) • Projects needed to ensure appropriate maintenance and renewal of assets (including organising work for the upcoming summer construction season) • Continuation of contracts for works already underway

Option 2 – Provide an interim budget based on the Status Quo plus increases for unavoidable expenses

Advantages
This has the advantage that it uses the last funding levels approved by Council that were subject to public consultation through the Annual Plan 2023/24, with an adjustment to account for unavoidable cost increases since those budgets were determined.
Disadvantages
Officers have not been able to provide an interim budget for the first quarter of 2024/25. Council teams

have been busy planning for the Long-term Plan and are focused on delivering their business-as-usual Council services. Our Finance team are also busy providing budgets for the draft Long-term Plan, including working through the details with Audit NZ as well as preparing for the impending Annual Report 2023/24.

Officers are not able to practically deliver this option.

Option 3 – Work to the draft Long-term Plan 2024 – 34 budgets, but do not undertake discretionary or non-urgent work (proposed option)

Advantages
<p>The Draft Long-term Plan provides our best, most current estimate of what funding and expenditure Council needs to continue to provide its business-as-usual services and maintain current service levels.</p> <p>In the absence of being able to deliver Option 2, officers believe this provides the most reasonable basis to continue until the Long-term Plan decisions are made.</p>
Disadvantages
<p>The key disadvantage is the risk that needs to be managed: that we do not prejudice or pre-empt decisions that are yet to be made and are still subject to public input through the Long-term Plan consultation and decision-making process.</p> <p>We would manage this risk by using the proposed detailed criteria set out in the recommendations to ensure that we are not undertaking any discretionary and non-urgent work, which can wait until decisions are made by 30 September.</p> <p>The Long-term Plan consultation and decision-making process has the potential to completely change the scope and scale of Council operations in any area. Continuing with business as usual, with the current service levels at planned levels of expenditure does not stop this from happening. It does mean that if there are significant changes in the scope of work and budgets through the Long-term Plan, Council will need to make adjustments over the remaining three quarters of the year. Some commitments are likely to be made that will extend into the remaining part of the year, for example the signing of service contracts, or salary arrangements. We expect these will affect how any significant budget changes are delivered and possibly the speed of implementation. However, this will not prevent those decisions being possible.</p>

NGĀ HĪRAUNGA | CONSIDERATIONS

Ngā Aronga Pūtea | Financial Considerations

The draft Long-term Plan financial figures reflect the proposed impacts of continuing Council’s services and maintaining current service levels. They also reflect any financial and cashflow impacts from the delay to the adoption of the Long-term Plan – i.e. borrowing until rates are set and invoiced.

The avenues for funding Council expenditure over this period are to use cash reserves or raising debt. In a previous paper to the Council on 30 April, Council officers outlined an estimated interest cost of the delayed setting of rates at \$305,000, which is the cost of borrowing to fund cash shortfalls. This estimate has been included in the Long-term Plan budgets.

The impacts of a decision to continue in line with the draft Long-term Plan budget, pending final decisions, is reflected in the draft Long-term Plan budgets. However, these financial impacts can still be adjusted and changed through the Long-term Plan public consultation and decision-making process. Some expenditures will already be incurred when decisions are made. We expect these will affect how any significant budget changes are delivered but will not prevent a decision being possible.

Ngā Aronga Ture | Legal Considerations

Amendments to the Local Government Act 2002 provided an extension for the adoption of the Long-term Plan 2024 – 34 but did not set out how funding and expenditure arrangements should be managed until that time. Most notably the amendment is silent on extending the Annual Plan 2023/34.

We have sought legal advice and have formed the view that a Council resolution is necessary to approve funding and expenditure arrangements until the Long-term Plan 2024 – 34 is adopted on 30 September 2024.

The key concern is not prejudicing or pre-empting decisions that are yet to be made and are still subject to public input through the Long-term Plan consultation and decision-making process. Accordingly, we should avoid undertaking spending that we think might be discretionary or can be delayed.

The proposed detailed criteria set out in the recommendations are intended to ensure that we are not undertaking any discretionary and non-urgent work, which can wait until decisions are made by 30 September.

Ngā Tūraru | Risks

The key risk that needs to be managed is that we do not prejudice or pre-empt decisions that are yet to be made and are still subject to public input through the Long-term Plan consultation and decision-making process.

We would manage this risk by using the proposed detailed criteria set out in the recommendations to ensure that we are not undertaking any discretionary and non-urgent work, which can wait until decisions are made by 30 September.

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 financial consequences of the decision, the potential widespread impact across the community and the potential delay in delivering capital and operational projects.

TE KŌRERO TAHI | ENGAGEMENT

Consultation on Council's budgets is already underway through the Long-term Plan process. It is not able to inform the decision needed today.

The Long-term Plan 2021 – 31 provides a commitment to deliver service levels, and there is a clear expectation from the community that Council will continue to deliver services and infrastructure. Council intends to do that, with the options in this paper being about how best to achieve that continuity of delivery. Given the need to continue Council operations from 1 July, there is a high level of urgency around this decision making. As a consequence, it is impractical for Council to consult the community in general or iwi and hapu groups specifically prior to making a decision.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

No communications are planned.

WHAKAKAPINGA | CONCLUSION

This paper seeks the approval of funding and expenditure arrangements for the first quarter of 2024/25. Approval is required because the last approved funding and expenditure arrangement was in the 2023/24 Annual Plan, which ceases on 30 June 2024, and the new Long-term Plan will not be in place until 1 October 2024.

It is important that we do not prejudice or pre-empt decisions that are yet to be made and are still subject to public input through the Long-term Plan consultation and decision-making process. The proposed detailed criteria set out in the recommendations are intended to address this risk, while enabling the Council to provide continuity of service delivery as expected by the community.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. List of key projects to progress in 1st quarter 2024/25

5.3 CIVIC ADMINISTRATION BUILDING (CAB) PROJECT BUDGET TRANSFER

Author: Jeanette Paenga, Finance Manager

Authorised by: Julie Gardyne, Chief Executive

TE PŪTAKE | PURPOSE

This report was not ready at the time of the agenda being produced. It will be circulated separately.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.4 ADOPTION OF THE SOLID WASTE BYLAW

Author: Andrew Wilson, Policy Advisor

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

The purpose of this report is to seek the adoption of the draft Solid Waste bylaw as recommended by the Ad-hoc Committee for Bylaws.

WHAKARĀPOPOTANGA MATUA | EXECUTIVE SUMMARY

Consultation has been conducted on the draft Solid Waste Bylaw, there were few submissions however a change was made because of feedback. The attached bylaw is not significantly different to the current Solid Waste Bylaw other than in style, changes to definitions and a change to the clause relating to waste minimisation at events.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council adopts the Solid Waste Bylaw attached to the agenda as recommended by the Ad-hoc Committee - Bylaws at their meeting held on 28 May 2024.

TE WHAKAMAHUKI | BACKGROUND

The proposal has been before Council at a prior meeting. On 26 March Council resolved to conduct consultation on the draft Solid Waste Bylaw. After consultation the Ad-hoc committee for Bylaws deliberated on the submissions received and have recommended that Council adopt the Bylaw.

NGĀ KŌRERORERO | DISCUSSION

The Bylaw has been amended slightly since it went out for consultation based on a submitter suggestion. The change is to provide stronger direction on waste minimisation for events. This change was supported by the Ad-hoc Committee.

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

NGĀ KŌWHIRINGA | OPTIONSAnalysis of Options

Option 1: Adopt the attached Solid Waste Bylaw

The draft bylaw has been endorsed by the Ad-hoc Committee for adoption. Officers believe that the attached bylaw is the best way to continue to manage solid waste related issues in the Taupō District.

Option 2: Amend the attached Solid Waste Bylaw and adopt subject to revisions.

Council may wish to make further amendments to the Bylaw, however officers do not believe there is any further amendments necessary, especially given the potential need for changes to the Bylaw depending on the outcome of the Long-term Plan process.

Analysis Conclusion:

Option 1 is the preferred option as the attached bylaw has been amended following consultation and has been recommended for adoption by the Ad-hoc Committee - Bylaws.

NGĀ HĪRAUNGA | CONSIDERATIONS**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, social, cultural, and environmental wellbeings 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:

- Waste Minimisation Act 2008

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.

Officers reached out to Iwi/Hapū via email through the Co-governance team early to engage on the Solid Waste Bylaw. Some groups came back with general questions about transfer stations and prices. Officers answered all these questions directly. None of the questions were related to the Solid Waste Bylaw itself. Officers did not receive formal submissions from Iwi or Hapū through consultation on the Solid Waste Bylaw.

Ngā Tūraru | Risks

As with all bylaw processes there is a risk of legal challenge. The process that has been undertaken and the minor changes proposed to the Bylaw mitigate the risk of legal challenge.

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

Consultation has already been conducted as required so no further consultation is required.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

Submitters will be contacted directly to advise them of the resolution made by Council, and a public notice will be published to inform the community of the bylaw's adoption.

WHAKAKAPINGA | CONCLUSION

The attached bylaw is an important part of managing waste in the Taupō district. While a new or revised bylaw may be needed depending on the outcome of the Long-term Plan process, this bylaw will help ensure the continuing operation of the current solid waste management system.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Solid Waste Bylaw 2024

5.5 APPROVAL OF SUBMISSION TO THE RESOURCE MANAGEMENT (FRESHWATER AND OTHER MATTERS) AMENDMENT BILL

Author: Erin OCallaghan, Team Leader Resource Management/Reserve Planning

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

This report requests Council's formal approval on the attached submission prepared by staff on the Resource Management (Freshwater and Other Matters) Amendment Bill.

NGĀ KŌRERORERO | DISCUSSION

The Resource Management (Freshwater and Other Matters) Amendment Bill introduces several amendments to the Resource Management Act 1991 (RMA), including the introduction of new parts and sections. Other matters relate to amendments to freshwater management, stock exclusion, infringement offences and matters relating to the National Policy Statement for Indigenous Biodiversity (NPS-IB).

The Bill's proposals include:

- Excluding the hierarchy of obligations within the National Policy Statement for Freshwater Management 2020 (NPS-FM) from resource consent application and resource consent decision-making processes,
- Aligning the consenting pathway for coal mining with other extractive activities across national direction,
- Delaying, for three years, local authority obligations under the NPS-IB 2023 to identify new Significant Natural Areas (SNAs) and include them in district plans,
- Amending stock exclusion regulations in relation to sloped land,
- Repealing intensive winter grazing regulations in the National Environmental Standards for Freshwater (NES-F),
- Amendments to speed up process to prepare or amend national direction.

The Bill has been introduced to Parliament and has been referred to the Primary Production Select Committee for consideration. Submissions close 30 June 2024.

Submission Details

Taupō District Council's draft submission focuses on two matters in the Bill:

1. The exclusion of Te Mana o te Wai hierarchy of obligations from resource consenting and
2. Identification of new SNAs in the District Plan.

Other amendments in the Bill largely relate to regional council matters and officers have chosen not to comment on these matters in this submission.

Te Mana o te Wai Hierarchy of Obligations

Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community ².

Te Mana o te Wai has been part of the NPS-FM since 2014 and was strengthened in 2017 and 2020. Most notably, the 2020 iteration of the NPS-FM introduced a hierarchy of obligations that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

² Source: National Policy Statement for Freshwater Management 2020.

Managing freshwater in a way that prioritises the hierarchy of obligations is the stated (single) objective of the NPS-FM. It plays a key role in the development of environmental outcomes in regional policy statements and plans looking across all freshwater activities in a catchment. It also informs the content of, and guides decision-making on, resource consent applications.

The Government is concerned about the impact the hierarchy of obligations is having on consent applicants. They are proposing that while the NPS-FM is being reviewed and replaced, resource consent applicants should no longer need to demonstrate their proposed activities follow the Te Mana o te Wai hierarchy of obligations. In addition, the Bill excludes the hierarchy of obligations provisions from decision making on consent applications.

In the draft submission officers have expressed concern about the impact this will have on freshwater management and our commitments in joint management plans and question the reasons behind these proposed amendments.

We are concerned that the proposed amendment will undermine the progress made with freshwater management over the last decade and weaken the importance of Te Mana o te Wai. Since 2014, councils have worked with communities, iwi and hapū to determine how Te Mana o te Wai applies to Taupō's water bodies and freshwater ecosystems. Through this work, councils, the community, hapū and iwi have identified long-term visions and environmental outcomes that reflect the principles and hierarchy of obligations within Te Mana o te Wai. We believe the hierarchy should remain integral to the decision-making process to ensure that New Zealand's freshwater resources are managed sustainably and equitably.

Given the significance of freshwater and the Te Mana o te Wai framework to iwi, hapū, and Māori, we don't believe there has been adequate engagement or analysis of the potential impact of these changes on Māori. We are concerned about potential impacts on Treaty settlement commitments for our iwi partners and whether or not processes and engagement obligations provided for in certain settlements have been met. For example, the Waikato River settlement includes a Crown commitment to "a new era of co-management in respect of the Waikato River", with "the highest level of good faith engagement"³.

Taupō District Council has obligations under our joint management agreements to talk to iwi and hapū in our capacity as a consent applicant. We have built up good relationships to do this and don't want those undermined by the Government removing the legislative legitimacy that underpinned those relationships.

The submission also questions the reasons behind these proposed amendments and the limited data and evidence to support the changes. The Regulatory Impact Statement prepared by the Ministry for the Environment states that there is limited evidence on how the hierarchy of obligations is impacting resource consent applications across the country. There has also been limited consultation with local authorities about the impact of this proposal. In most of the decisions from their sample of notified applications, consent applicants were able to demonstrate that their activity adhered to the hierarchy of obligations, which led to the consent being granted. Reasons for declining consent applications were varied, with adherence to the hierarchy of obligations being one of several reasons for the decision.

Significant Natural Areas (SNAs)

The Bill delays, for three years, local authority obligations under NPS-IB 2023 to identify new SNAs and include them in district plans.

Councils are responsible for identifying SNAs in their territory. Before the introduction of the NPS-IB there was national disparity in approaches to the identification of SNAs, largely due to the term 'significant' not being defined by the RMA. This ambiguity resulted in confusion among resource managers and users. Another issue is that SNAs are mostly on private land, which has caused concern about the land losing value with added planning complications.

Iwi and hapū have also opposed SNA restrictions on their whenua, given much of the land returned in settlement has been rural and up to 100 percent of some properties were set to be classified as an SNA. The NPS-IB has provided exemptions for collectively owned Māori land but not individual titles. Under current provisions in the NPS-IB new activities in an SNA on Māori land would need to be consented, whereas previously they might have been permitted activities.

The draft submission supports the 3-year suspension for identifying new SNAs. This delay, driven by the government's plan to amend the NPS-IB, is seen as a pragmatic step, giving councils more time to ensure biodiversity planning is comprehensive and achievable without infringing on property rights or undermining iwi and hapū kaitiakitanga on Māori land. Existing SNAs in the District Plan will continue to provide a layer of protection for those sites while the Government considers potential policy changes.

³ Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

Sector Submissions

Taituarā – Local Government Professionals Aotearoa have prepared a submission. Due to time constraints, at the time of writing this report officers have not had a chance to review their submission. Generally, Council supports matters that are raised in submissions by sector representatives. It is usual practice for Taituarā to cover the many technical elements, risks, and concerns with new legislation, therefore we have not included technical workings of the Bill in our submission. Officers have instead focused on issues that are relevant to Taupō District Council. Council officers will consider the Taituarā submission prior to this Council meeting and will recommend any changes at the meeting, in the unlikely event that their submission is not as expected.

Engagement / Consultation with Iwi and Hapū

Due to time constraints, at the time of writing this report officers have not had a chance to consult with our iwi partners or include their input. Council's submission supports safeguarding the commitments made in our relationship agreements and expresses concern that proposed amendments may undermine the advances we have made in freshwater management agreements with iwi and hapū. We understand that our iwi partners will make their own submissions on the Bill.

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.

WHAKAKAPINGA | CONCLUSION

Attachment 1 is the Draft Submission. It is recommended that Council approves this submission.

Submissions are due on 30 June 2024. Once submissions are reviewed a Select Committee will hear submitters. Staff do not believe that Council needs to present this submission.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council approves the submission on the Resource Management (Freshwater and Other Matters) Amendment Bill.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. TDC Submission to Resource Management (Freshwater and Other Matters) Amendment Bill

5.6 TAUPŌ DISTRICT COUNCIL PERFORMANCE REPORT - MAY 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, the financial summary and Treasury report, and Significant Projects report.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

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

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. May 2024 Performance Report
2. Significant Projects May 2024

5.7 COUNCIL ENGAGEMENTS JULY 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
Mangakino Pouakani Representative Group Workshop: Long-term Plan 2024-34 submission (Mangakino Sports Hub, Wairenga Road, Mangakino)	Tuesday	2	9am-10am
Mangakino Pouakani Representative Group meeting (Mangakino Sports Hub, Wairenga Road, Mangakino)	Tuesday	2	10am-11.30am
Risk and Assurance Committee meeting (Council Chamber)	Tuesday	2	1pm-4pm
Tūrangi Co-Governance Committee workshop (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	3	9.30am-10.30am
Tūrangi Co-Governance Committee meeting (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	3	10.30am-12.30pm
Shared lunch and final pop-up Long-term Plan engagement - Tūrangi Co-Governance Committee and Tongariro Representative Group (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	3	12.30pm-2pm
Tongariro Representative Group (Te Mataapuna, Tūrangitukua Park, Hirangi Road, Tūrangi)	Wednesday	3	2pm-3.30pm
Taupō East Rural Representative Group welcome and morning tea prior to hui (Te Toke Marae, 460 Te Toke Road, Tahorakuri Forest, Reporoa)	Thursday	4	10am-11am
Taupō East Rural Representative Group (Te Toke Marae, 460 Te Toke Road, Tahorakuri Forest, Reporoa)	Thursday	4	11am-12.30pm
Kinloch Representative Group meeting (Kinloch Community Hall, Mata Place, Kinloch)	Thursday	4	3pm-4.30pm
Tour of Contact sites for Elected Members and some TDC staff	Thursday	11	10am-1pm
Taupō Reserves and Roding Committee meeting (Council Chamber)	Tuesday	23	1pm-2.30pm
Motutere Recreation Reserve Management Committee workshop (Council Chamber)	Thursday	25	3.30pm-5pm
Council meeting: Long-term Plan Hearings and Deliberations (Council Chamber)	Monday	29	9am-12pm
Taupō Airport Authority Committee meeting (Taupō Airport, ANZAC Memorial Drive, Taupō)	Monday	29	1.30pm-3.30pm
Council meeting: Long-term Plan Hearings and Deliberations continued (Council Chamber)	Tuesday	30	10am-1pm
Council meeting (Council Chamber)	Tuesday	30	2pm-4pm
Council meeting: Long-term Plan Hearings and Deliberations continued (Council Chamber)	Wednesday	31	9am-12pm

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 July 2024.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil