



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

<b>Date:</b>	<b>Tuesday, 13 December 2016</b>
<b>Time:</b>	<b>1.00pm</b>
<b>Location:</b>	<b>Council Chamber 72 Lake Terrace Taupo</b>

# **AGENDA**

## **MEMBERSHIP**

<b>Chairperson</b>	Mayor David Trewavas
<b>Deputy Chairperson</b>	Cr Rosie Harvey

<b>Members</b>	Cr John Boddy Cr Zane Cozens Cr Barry Hickling Cr Rosanne Jollands Cr Tangonui Kingi Cr Anna Park Cr Christine Rankin Cr Kirsty Trueman Cr John Williamson
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<b>Quorum</b>	6
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**Gareth Green**  
**Chief Executive Officer**

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**3.1 ORDINARY COUNCIL MEETING - 29 NOVEMBER 2016**


**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**RECOMMENDATION(S)**

1. That the minutes of the Council meeting held on Tuesday 29 November 2016 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Council Meeting Minutes - 29 November 2016 

**4.1 ORDINARY TURANGI/TONGARIRO COMMUNITY BOARD MEETING - 22 NOVEMBER 2016**


**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**RECOMMENDATION(S)**

1. That the minutes of the Turangi/Tongariro Community Board meeting held on Tuesday 22 November 2016 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Turangi/Tongariro Community Board Meeting Minutes - 22 November 2016 

**5.1 KINLOCH LAKEFRONT RESERVE**

**Author:** Nick Carroll, Policy Manager

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

The purpose of this report is for Council to consider the results of the consultation on the Kinloch Lakefront Reserve undertaken in June 2016 and determine the future use of the Kinloch Lakefront Reserve.

**EXECUTIVE SUMMARY**

Council has been considering issues associated with vehicle access on the Kinloch Lakefront Reserve. There is a tension between the current reserve management plan which enables vehicle access and the District Plan, which prevents vehicle parking in the sensitive root zone of the notable poplar trees on the reserve.

Council has collected information on the issues including the views of those who may be affected. There is desire from a substantial portion of submitters to retain some form of vehicle access to the reserve as has historically been the case.

Officers believe that there are a growing number of reasons to consider closure of the reserve to vehicles. Closure would enable Council to comply with its District Plan and provide enhanced recreational space to meet the needs of the existing community as well as cater for the anticipated growth. Of concern is the uncertainty around the effects the closure would have on vehicle parking in the vicinity. It would be important to monitor the effects of the closure over this summer to guide future decision making around investing in providing more car parking.

**RECOMMENDATION(S)**

That Council

- 1. Receives the submissions in relation to the Kinloch Lakefront Reserve.**
- 2. Agrees to close the reserve to vehicles.**
- 3. Agrees to make consequential changes to the reserve management plan to reflect the closure of the reserve to vehicles.**

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy, and are of the opinion that this matter is of a high degree of importance. This is based on the high levels of interest demonstrated by the Kinloch community, and particularly some of the residents whose property fronts the reserve.

**DECISION MAKING PROCESS TO DATE****2014 November**

A report was presented to Council raising concerns about the Kinloch Lakefront Reserve with regard to:

- Protection of notable trees on the reserve
- Vehicle access to the reserve
- Growth of the Kinloch community

It recommended that the best solution to address these issues would be to close the reserve to vehicles and that the reserve management plan be amended accordingly. In response Council passed the following resolution:

*TDC201411/12      RESOLVED that Council undertakes a pre-consultation exercise with the community to address the vehicle access and boat launching issues on the Kinloch Lakefront Reserve.*

## **2015 July**

Public consultation was undertaken seeking feedback on vehicle access to the Kinloch Lakefront Reserve. This consultation highlighted the inconsistencies between the Reserve Management Plan and the Taupō District Plan in regards to the Lombardy poplars (protected trees). The Reserve Management Plan allows vehicles on the reserve including within the root zone of the poplars, however the District Plan identifies these as notable trees and prohibits vehicle parking within 4m of the base of the trees.

## **2015 October**

A Council meeting held on 8 October 2015 considered the submissions received during the July 2015 consultation. Officers presented four options for Council to consider:

1. Leave the reserve open to vehicles
2. Leave the reserve open to vehicles but initiate a plan change to uplift the notable tree status of the poplar trees
3. Close off part of the reserve in order to protect the trees
4. Close off the entire reserve to vehicles

Council sought further information from officers around the potential design and costs of implementing some of the options.

*TDC20151008/04      RESOLVED that officers be directed to develop a more detailed design for Kinloch Lakefront Reserve which:*

- *Protects the 4 metre root zone around the poplars (through the use of planting, rocks, bollards and furniture as appropriate)*
- *Allows for car parking on both sides of the reserve road*
- *Plans for some replanting*
- *Includes traffic calming measures*
- *Allows for an area for mountain bikers to stop without running into parked cars*
- *Includes removal of the chain and extension of the road*

*and that this plan be brought back for Council approval along with costings.*

## **2016 March**

Officers completed the design work as directed by Council and presented this to Council at a workshop.

## **2016 April**

Council resolved that officers carry out consultation in relation to the draft design.

*TDC201604/03      RESOLVED that Council officers be directed to carry out consultation on the detailed design for Kinloch Lakefront Reserve.*

## **2016 June**

Public consultation on the draft design was undertaken. In addition to general feedback being sought on the draft design, two specific questions were asked:

1. Do you support the current bollard and chain being removed?
2. Do you support the road being sealed and extended to create a turnaround point at the far end of the reserve?

## DECISION POINTS

Council has gathered considerable information relating to the management of vehicle access on the reserve. A decision is now required about whether to maintain the current level of vehicle access or whether to change it – either increased or decreased.

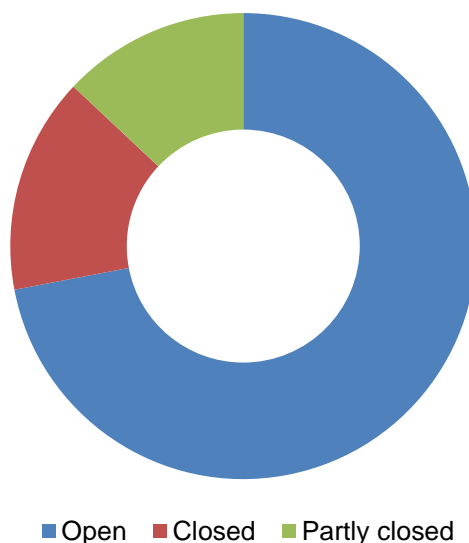
## ENGAGEMENT TO GAUGE VIEWS AND PREFERENCES

As part of the decision making process, Council needs to consider the views and preferences of those likely to be affected by the proposed changes. These views were collected through two separate consultation periods, each with a different focus.

### 2015 July

Council officers presented results from the July 2015 consultation to Council on 8 October 2015. A copy of the agenda item is provided in Attachment 1.

*Responses to the issue of whether the reserve should be open to vehicles*



The submissions covered a wide range of matters relating to the reserve, however almost three quarters of people wanted the reserve to remain open to vehicles. The submissions were supplemented through a hearings process. Through this process it emerged that there were concerns from a number of individuals regarding the location of the chain and bollards restricting access to the far end of the reserve. Some people expressed a desire for the chain to be removed so that there was unrestricted vehicle access, where as others wanted the vehicle free part of the reserve to remain.

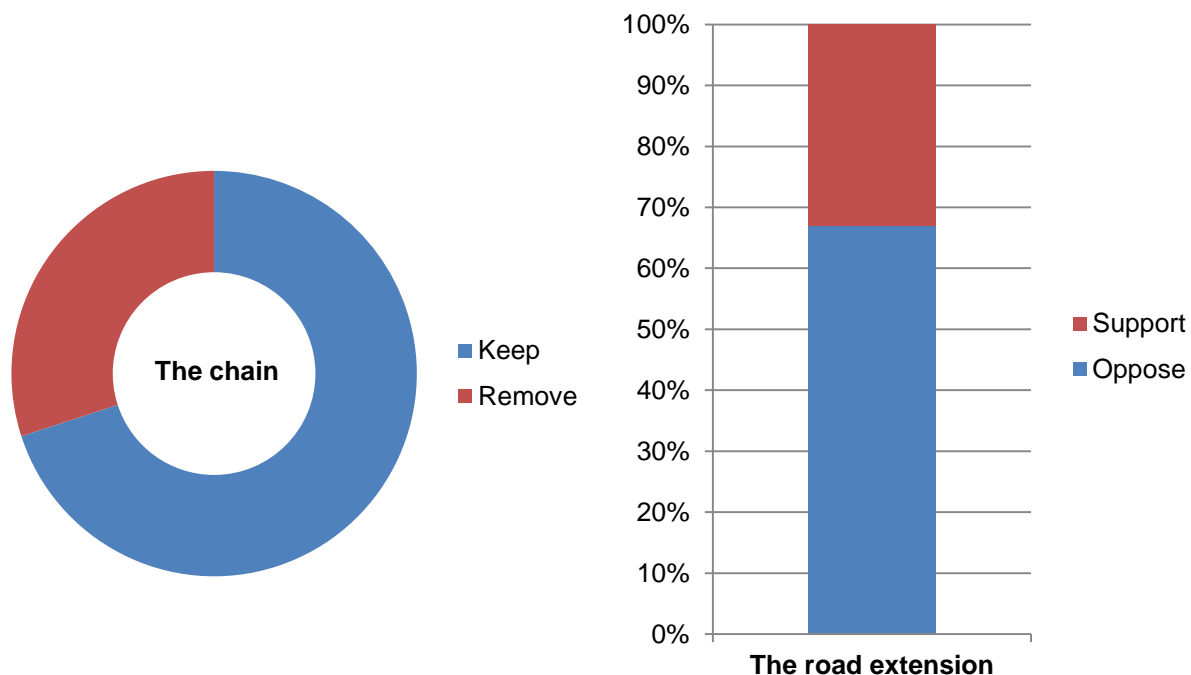
### 2016 June

Consultation was undertaken in June 2016 on the draft design for the reserve. The draft design included the extension of the sealed road, removal of the bollard and chain, barriers to protect the poplars and new landscaping. A total of 62 Submissions were received, two submissions were received late.

Question 1 sought feedback on the appropriateness of the bollard and chain, with 30% of submitters supporting the removal of the bollard and chain, and 70% wanting to retain the vehicle free area at the southern end of the reserve.

Question 2 relating to the extension of the road and turn around area and had similar results, with 33% of submitters supporting the extension of the road, and 67% were opposed.

A summary of the submissions is provided in Attachment 2. A full copy of the submissions is provided in Attachment 3.



The responses from the submitters were largely supportive of keeping the current bollards and chain in place. Similarly they opposed the extension of the road any further. This suggested that the community was largely supportive of the status quo.

Other comments were raised in submissions including, restricting vehicle access entirely to the reserve, placing barriers around trees, new planting and landscaping and the removal of poplars.

Some concerns were raised about the health of some of the trees. Arborist advice has previously confirmed that three of the poplars need to be removed due to significant rot affecting the health of the trees. Officers are in the process of having a resource consent application prepared to remove the trees and do not anticipate any difficulties given the poor condition of those three trees. The resource consent will also address ongoing maintenance of the poplars such as the removal of deadwood. We understand that the resource consent is to be lodged in the near future and that once granted works by Council's arborist is able to commence immediately. The Poplars are being inspected weekly by Council's arborist to ensure that the risks are appropriately managed.

Formal hearings were held following the initial consultation. This reflected the broad nature of the consultation and the wide range of views and issues raised by submitters. The hearings offered an opportunity for elected members to better understand those views through questioning. Formal hearings have not been proposed following this latest period of consultation. This is because the consultation was targeted on two specific issues and the views of submitters were similarly clear. This meets the requirements of the Local Government Act 2002.

The responses through all of the consultation that has been undertaken should be considered by Council when making a decision.

## OPTIONS

Since the issues were considered by Council in October 2015 a number of new pieces of information have become available. The details of the potential design and likely costs have become clearer and the latest round of consultation has highlighted the value that some people put on the ability to recreate in a car free space. In light of all of the information that has been collected four options have been identified and assessed.



**Option 1:** Close the Reserve off entirely to vehicles

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Consistent with District Plan requirements and protects the notable trees</li> <li>• Increased usable reserve space for people</li> <li>• Amenity value of the reserve is increased</li> <li>• Conflict between cars and people eliminated making the reserve safer</li> <li>• Removes the impact of vehicles on the foreshore vegetation</li> <li>• Avoids the need to spend money on protecting the trees</li> </ul>	<ul style="list-style-type: none"> <li>• A displacement of cars from the reserve to nearby street parking</li> </ul>

**Option 2:** Temporarily close the Reserve to vehicles

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Will allow a better understanding of the implications of permanently closing the reserve to vehicles (Option 1)</li> <li>• Similar advantages to Option 1, however on a temporary basis</li> <li>• Would avoid the need to approve unbudgeted expenditure to protect the trees.</li> </ul>	<ul style="list-style-type: none"> <li>• A displacement of cars from the reserve to nearby street parking</li> <li>• Further delays decision making and creates more uncertainty for the community</li> </ul>

**Option 3:** Fully open the reserve to vehicles, including the removal of the bollard and chain, extending the sealed road, and establishing barriers around poplars

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Consistent with District Plan requirements and protects the notable trees</li> <li>• Increases the available car parking capacity on the reserve</li> <li>• This would remove the tension around which house the chain and bollards sit outside of</li> </ul>	<ul style="list-style-type: none"> <li>• Not consistent with the views of a majority of submitters from June 2016</li> <li>• Creates greater conflicts between vehicles and people and cyclists with associated safety concerns</li> <li>• Reduced useable reserve space for recreational purposes</li> <li>• Reduced reserve amenity</li> <li>• There will be costs associated with physical works</li> <li>• Potentially a greater risk of foreshore erosion with vehicle damage to the foreshore vegetation</li> </ul>

**Option 4:** Leave part of the reserve open to vehicles, with the current bollard and chain remaining in place, and establish barriers around the poplars

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Consistent with District Plan requirements and protects the notable trees</li> <li>• There is likely to be continuing tension around which house the chain and bollards sit outside of</li> <li>• Vehicle parking would largely be maintained</li> <li>• Consistent with the views of a majority of June 2016 submitters</li> <li>• Retains a vehicle free area for reserve users</li> <li>• Reduction in expenditure due to the road extension not occurring</li> <li>• Likely to be reduced vehicle damage to the foreshore vegetation as a result of the protective barriers</li> </ul>	<ul style="list-style-type: none"> <li>• Conflicts between cars and people and cyclists still remain in part of the reserve with associated safety concerns</li> <li>• Requires expenditure for the protective barriers and associated landscaping</li> <li>• Doesn't provide any additional recreational space for the growing population and visitor numbers</li> </ul>

## CONSIDERATION OF THE ISSUES

In weighing up the different options there are a number of important considerations which require further explanation.

### **Kinloch growth**

The current reserve management plan was adopted in 2007. Since then Kinloch has undergone significant change with an increase in the usually resident population of approximately 57%. This substantial growth has also been mirrored in a similar scale of growth in holiday homes. In terms of residents this equates to about an additional 200 people, however when coupled with the increases in holiday homes this leads to many additional people over the popular holiday periods.

This significant growth is having a direct impact on the utilisation of the lakefront reserve space at Kinloch. As the number of people living in and visiting the area increases so does the pressure on the limited recreational space at the lakefront. It is exactly this interface with the lake that makes Kinloch so attractive. The best way to make the most of this limited recreational space at the lake edge is to keep it for recreational purposes rather than car parking.

With Kinloch expected to continue to grow, so will the pressure on this limited reserve space. At this point in time approximately one third of the Kinloch structure plan area has yet to be subdivided and developed. This is a clear indication that the limited recreational reserve land at the lakefront will be under increasing pressure.

### **District Plan**

All of the options seek to ensure that vehicles will not be able to park within the 4m protected root zone of the notable trees. This is a legal requirement in accordance with the District Plan and the Resource Management Act 1991. Furthermore, this is an existing requirement and should therefore be complied with as soon as possible.

### **Foreshore erosion**

Consultation with the community and particularly Waikato Regional Council has highlighted the potential for vehicle access to damage the grass vegetation along the foreshore. This grass cover provides an important role in bonding together the loose soil and gravel material along the lake edge. If the vegetative cover is damaged it potentially makes the foreshore more vulnerable to erosion events. Preventing vehicles from driving on the grass will protect the foreshore.

### **Car parking needs**

The current parking of vehicles on the reserve makes it more convenient for those users to access the recreational space. A number of the potential options would limit or remove this ability to park on the reserve. This will displace cars from the grassed recreational space to the nearby sealed road network. In practice this means people will need to walk further and carry their belongings to the reserve.

The nature and scale of this displacement is hard to estimate in advance. This is partly because there are no surveys available showing how many people park on the reserve. The potential changes in behaviour are also unknown. For example, some users may choose to use alternative reserve areas where they have easier vehicle access, or walk to the reserve from their house. Monitoring the closure of the reserve to cars over the peak summer period would identify the actual displacement effects and allow Council to plan appropriately for car parking in the vicinity.

Sealed car parking is already available within close proximity of the Kinloch Lakefront Reserve and Scotsman's ramp. There are 17 marked parallel carparks along the left hand side of Kinloch Esplanade and space for a similar number of cars to park on the opposite side of Kinloch Esplanade. The reserve adjacent Kinloch Esplanade also contains a row of Poplars which are listed as notable trees in the District Plan. This part of the reserve has been blocked off with bollards and chains are in place where vehicles were previously able to enter. The end section of this reserve contains two notable trees which are partially set behind a bollard, if one additional bollard was located to the east of this tree, the requirements of the district plan would be met and this part of the reserve could be used for temporary parking while the remainder of the reserve is closed as there are no other notable trees in this area. Approximately 15 – 20 vehicles could be accommodated in this area. Attachment 4 identifies the existing car parking along Kinloch Esplanade, the notable trees and the area which could be used for temporary parking while an assessment is made regarding the need for more permanent car parking.

If demand warrants it the existing parallel car parking could be converted to angled parking turning the 17 spaces into approximately 46. That would require physical works and it is recommended that such investment was not until the demand was established.

There is also the potential to have some limited access to the reserve to vehicles that are transporting groups to the climbing area at the end of the reserve, those binging mobility impaired or other special groups. Similar arrangements operate successfully on other reserve areas.

**Financial implications**

The current approved budgets do not contain provision for the potential physical works. The scale of those works and their costs will depend on which option Council decides on. To help guide Council's decision making a table of estimated costs for the various components of the physical works has been prepared (Attachment 5). For each of the components there is a range of costs, reflecting that different qualities of work can be provided.

Options 1 and 2 relate to the closure of the reserve to all vehicles. In that instance there would be no need for further protection of the trees, nor would there be any need to extend the sealed road. The costs would thus be negligible.

Option 3 proposes opening the entire reserve area to vehicles. There would be substantial costs associated with the protection of the trees, landscaping and particularly the extension of the sealed road. It is estimated that the works would be between \$57,365 and \$114,730. While a range of costs for the road have been included, it is important to stress that the uncertain nature of the soil conditions and the sensitive location next to the lake edge, mean that there could be substantial additional costs following more in-depth investigations.

Option 4 proposes a compromise of sorts and does not include the expensive extension of the road. There would still be landscaping costs associated with the protection of the trees of between \$29,400 - \$58,800.

**Process requirements**

The reserve management plan for the Kinloch reserves (2007) was developed almost a decade ago. At the time it envisaged vehicle access to the Kinloch Esplanade reserve, however over the intervening years Kinloch has gone through substantial growth and significant erosion has resulted in the need to build a rock wall. These changes are a good example of why the Reserves Act requires Council to keep the management plan under review and to adjust it as required. Officers believe that the changing circumstances warrant a change. Depending on which option Council choses there may need to be consequential amendments to the reserve management plan. These changes can be made without further formal process given the significant engagement that Council has already undertaken.

With regard to funding, if Council choses an option that requires additional physical works there will need to be an approved budget. This could be done through the approval of unbudgeted expenditure to enable the works to take place in the 2016/17 year. Alternatively, Council could delay the consideration of a budget for physical works until the approval of the 2017/18 Annual Plan.

**RECOMMENDED OPTION**

Having weighed these different factors officers believe that the most appropriate option is to close the reserve to vehicles. Closing the reserve to vehicles will open the reserve space up for recreational activity, the primary purpose for which the reserve was taken in the first place. This need for recreational space has grown substantially since the reserve management plan was adopted in 2007 and is expected to increase substantially over the coming years. Removing vehicles will also eliminate the potential safety concerns that come from mixing vehicles and children playing on a reserve or cyclists accessing the Whakaipo to Kinloch track. Similarly, there will be no need for physical works to ensure protection of the notable trees or the foreshore vegetation.

This option could be implemented very quickly ensuring compliance with the District Plan, and at a negligible cost within existing budgets. Council could monitor the car parking demand before committing to a long term course of action such as changing the parallel car parks to angled car parks.

## COMMUNICATION/MEDIA

Significant communication has already occurred for this project, and additional appropriate communication will occur as required depending on Council's decision. As a minimum the submitters will be advised of Council's decision and it will be communicated through a variety of media channels.

## CONCLUSION

There have been ongoing issues with vehicle access on the Kinloch Lakefront Reserve for many years. Following community consultation in late 2015, Council directed officers to develop a design for the reserve which allowed for some protection of the notable trees and also removed the bollards and chain currently blocking cars from the far end of the reserve. To ensure that the Council decision making was appropriately informed a second round of consultation on the draft design was undertaken.







There is a range of factors that Council should weigh when considering which option to proceed with. Of particular note is the growing demand for recreational reserve space at the lakefront in Kinloch. The settlement has seen approximately 57% growth in population since the reserve management plan was adopted. At this point in time approximately one third of the Kinloch structure plan area has yet to be subdivided and developed. This is a clear indication that the limited recreational reserve land at the lakefront will be under increasing pressure.

On balance officers consider that closing the reserve to vehicle parking will provide the best outcome for the community, as this would:

- Protect the notable trees and meet Council's requirements in the District Plan
- Enhance the amenity of the reserve
- Protect against further foreshore erosion
- Address safety concerns relating to conflicts between vehicles and people or cyclists
- Provide more recreational space for the community

The downside of this option is that there is uncertainty about what effect it will have on the car parking in the vicinity. The nature of these effects won't be known until such time as the reserve is closed to vehicles and people's behavior can be monitored. At that point Council will be able to make a more informed decision about investing in any improvements to car parking supply. This would also avoid Council having to commit to unbudgeted expenditure at this point in time to ensure that the notable trees are protected.

## ATTACHMENTS

1. Agenda Item 8 October 2015 (A1536415) (under separate cover) 
2. 2016 Consultation Summary (A1737598) (under separate cover) 
3. 2016 Submissions (A1799464) (under separate cover) 
4. Parking on Kinloch Esplanade (A1799470) (under separate cover) 
5. Estimated Costs (A1739613) (under separate cover) 
6. Submission Endorsement from Waikato Regional Council (A1775733) (under separate cover) 

**5.2 FREEDOM CAMPING**

**Author:** Nick Carroll, Policy Manager

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

This report seeks a decision from Council on the areas that should be included in a draft Freedom Camping Bylaw and associated statement of proposal. Following the identification of the desired areas officers will prepare the documentation of the draft Bylaw and the statement of proposal. Those documents will be brought to the Council meeting on 7 February for approval prior to consultation.

**EXECUTIVE SUMMARY**

The national growth in visitor numbers has translated to growth in the number of freedom campers coming to the district. Over the last few summers this has resulted in growing tensions within the community related to concerns about access to parts of the lakefront, littering and environmental damage and some incidences of health and safety risk.

Engagement with the community has highlighted a wide range of views about the appropriateness of freedom camping in the district and in particular areas. There is support for keeping freedom campers away from the areas where the local community access the lakefront and from residential areas. There is also support for locating camping areas in close proximity to the town centre so that they can access the retail and service businesses.

Council needs to establish how supportive they wish to be with regard to freedom camping. Once that position is clear a decision can be made about which areas should be set aside for camping to achieve that objective. Council has the ability to impose area specific restrictions around elements like departure times, seasonality and the need to be self-contained.

Officers will take the preferred list of sites and use them as the basis for the draft bylaw and statement of proposal to come back to Council on 7 February 2017 for approval to consult the community.

**RECOMMENDATION(S)**

That Council directs officers to prepare a draft Freedom Camping Bylaw and associated statement of proposal based on the inclusion of the following areas for camping:

- (a.) Insert areas

**BACKGROUND**

Parts of the country have been experiencing growing issues associated with freedom camping. The Ministry of Business, Innovation and Employment International Visitors Survey estimates the number of international visitors using campervans and motorhomes as their means of transport increased from 89,763 in 2012 to 160,928 in 2015. Those using camping and caravan accommodation also rose from 89,420 to 140,559.

This growth in freedom camping has resulted in a wide range of responses from councils. In some instances councils have actively promoted their district as being motorhome friendly, while in other situations bylaws have been created to actively restrict where campers go.

In the Taupo context, the growth of freedom campers has seen growing pressures in a number of high profile sites over the last couple of summers. The reserve at Five Mile Bay managed by the Department of Conservation, and the landing reserve managed by the Department of Internal Affairs at the Taupo Boat Harbour have both seen conflicts between day users and campers vying for the valued lakefront space. While the pressures on Council managed property have been less noticeable there has been increasing concern about crowding and antisocial behaviour at Reid's Farm reserve and high volumes of campers utilising the car park area at Ferry Road.

While the issues at Reid's Farm revolve around the camping activity, the process for managing the activities on recreation reserves requires a review of the reserve management plan. That review process has been

undertaken in parallel with this process. It is anticipated that the submission and hearings processes will also be undertaken together to ensure that any cross over issues can be appropriately addressed.

## ENGAGEMENT

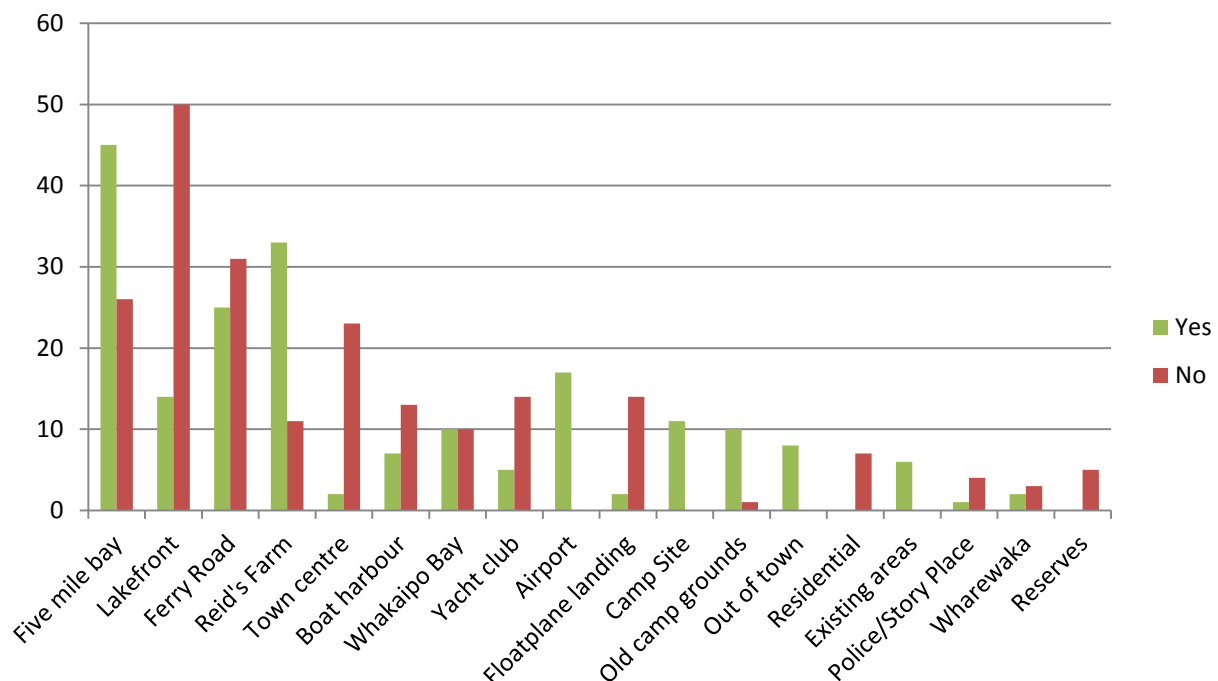
When making decisions Council is required to give consideration to the views and preferences of those who might be affected or have an interest in the matter. The issues associated with freedom camping generate significant concern in some parts of the community and as a result there are often varying views that can be in conflict.

### *Initial engagement*

Over June 2016 officers undertook an initial round of engagement with the wider community to better understand the issues. Responses were received from 196 people or groups with about two thirds of them acknowledging that freedom campers provide some benefit to the community. In recognition of the potential economic benefits that they provide, it was unsurprising that there was a push to have campers in reasonably close proximity to the town centre.

The responses made it very clear that the areas where locals access the lakefront were very important and that that access should not be compromised by freedom campers. Similarly, it was recognised that freedom camping in residential areas is generally inappropriate. The graph below shows the range of responses received in relation to specific areas. Caution should be used where the number of responses was low.

**Comparison of Submission Locations**  
(more than five total responses)



### *Working group*

A working group was established to assist officers in the assessment of the issues and to test potential solutions. The group had a wide variety of people with views from different parts of the spectrum. The group was not expected to reach a consensus or to provide any formal recommendations.

Despite the variety of views there was strong support for moving freedom campers away from the points where locals tend to access the lake front. Although the discussion centred around Taupo town, it was also recognised that this philosophy would also include Stump Bay near Turangi.

They recognised that there were likely to be growing numbers of freedom campers coming to the district in the future and that providing well managed spaces was critical to ensuring that the district continues to present a positive image to all visitors.

Officers tested a substantial list of potential freedom camping areas with the working group. Consideration was given to whether these sites should be for all freedom camping or only self-contained camping.

### ***Second round of engagement***

Following the input from the working group officers discussed the suite of potential sites with elected members at a workshop (8 November 2016). A revised set of potential sites were then tested with the community through several weeks of engagement.

A total of 223 pieces of feedback were received during the two weeks of engagement. There was a real mix of feedback with many comments acknowledging the benefits of freedom campers. However, there was also a strong reaction to the potential areas at Rickit Street and Horomatangi Street. Both of those areas are in close proximity to educational activities which raised concerns about child safety. Targeted discussions with these groups helped identify concerns about rubbish, inadequate toilet facilities, general security, lighting and the need for consistent enforcement.

Commenting more generally, Destination Great Lake Taupo, Towncentre Taupo and Tourism Lake Taupo highlighted the need to provide more capacity for freedom campers. While they supported the proposed sites they felt that it was inevitable that more capacity would be required.

### ***Mangakino***

In parallel with the working group process officers engaged with the community at Mangakino. No issues in that part of the district were raised during the earlier engagement, however the bylaw is intended to apply across the district.

That engagement highlighted the uniqueness of that area and identified a preference for having freedom campers close to their lakefront. This would ensure that they are close to facilities such as public toilets. They recognised the economic benefits that these visitors bring to their area, with an acknowledgment that the smaller numbers of campers had a proportionally larger influence on the local businesses.

### ***Turangi***

Although officers have had several discussions with the Turangi Tongariro Community Board the Board has yet to take a firm position. It is expected that the Board will provide feedback through the formal consultation process. Similarly, the board of Go Tongariro is expected to provide comment through a formal submission.

### ***Summary***

Across the various engagement opportunities there were a number of trends that became clear:

- There is an acceptance that the number of freedom campers is likely to increase over time.
- There is an acknowledgement that freedom campers contribute to the local economy, although there are different perspectives on how valuable that contribution is.
- The reserve areas that the local community use to access the lake are highly valued, and the community generally dislikes having to compete for these spaces with freedom campers.
- Freedom campers require facilities, particularly toilet facilities, regardless of whether they are self-contained or not.
- There is significant concern about locating freedom campers near educational activities, particularly those for younger children.
- It is important for the district to present a good image to visitors, both those freedom camping and those that are not.

## **DECISION MAKING PROCESS**

The first step for Council is to make a decision about where they sit on the spectrum of support for freedom camping. Once that is clear, the next step is to make a decision about which sites most appropriately support that position.

The list of sites that was discussed with the Council at the workshop in November and with the community through the recent engagement process reflects what officers believe is a compromise. The capacity inherent in the proposed list is intended to provide for some growth in the number of freedom campers, however it also restricts the number of areas available, particularly near the lakefront.

## PROPOSED AREAS

The areas listed in the table below were those that formed part of the engagement process in November 2016. Officers recommend that Council uses these areas as a starting point as they reflect a reasonable level of future capacity to cope with the growth in freedom camping.

Depending on where the elected members sit in terms of their philosophical approach to freedom camping, Council may wish to either add or remove areas. A list of additional areas identified through the November engagement process is attached.

Similarly, Council will want to consider the feedback received during the engagement processes. In particular, there were significant concerns raised about the sites at Rickit Street and Horomatangi Street by the nearby educational activities.

### *Areas included in the engagement in November 2016*

Location	Type
Reid's Farm	All camping
Rickit Street	Self-contained
Horomatangi Street	Self-contained
AC Baths carpark	Self-contained
Kaimanawa Street	Self-contained
Roberts Street	Self-contained
Turangi Town Centre carpark	Self-contained
Atiamuri Boat Ramp	Self-contained
Lake Maraetai Area 1	Self-contained
Lake Maraetai Area 2	All camping
Mangakino Recreation Reserve	All camping
Whakamaru Domain Area 1	All camping
Whakamaru Domain Area 2	All camping
Whakamaru Recreation Reserve	All camping
County Avenue carpark	Self-contained

## OPTIONS

Council has four options to consider:

1. Do nothing and continue to rely on the provisions of the Reserves Act and the Freedom Camping Act to control freedom camping behaviour.
2. Encourage freedom camping through an enabling bylaw
3. Discourage freedom camping through a restrictive bylaw
4. Provide for a compromise through a bylaw



## Option 1. Do nothing

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>This approach would encourage more freedom campers and associated potential economic benefits.</li> </ul>	<ul style="list-style-type: none"> <li>The community may become concerned that Council is not actively trying to address the identified issues associated with freedom camping.</li> <li>Council not be able to utilise the infringement regime of the Act as an enforcement tool.</li> <li>Existing user conflicts are likely to get worse.</li> </ul>

## Option 2. Encourage freedom camping

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>This approach would encourage more freedom campers and associated potential economic benefits.</li> <li>Visitors, including freedom campers, contribute to a sense of vibrancy to the town centre.</li> </ul>	<ul style="list-style-type: none"> <li>Existing user conflicts are likely to get worse and new user conflicts could be created around new camping areas.</li> <li>There are likely to costs related to the provision of services and facilities for camping areas. These will most likely fall on ratepayers.</li> </ul>

## Option 3. Discourage freedom camping

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>This approach is likely to limit the need for additional investment in camping related facilities.</li> <li>The user conflicts associated with freedom camping areas will be minimised through lower numbers of campers.</li> </ul>	<ul style="list-style-type: none"> <li>The district may become a less desirable destination for visitors who expect to freedom camp.</li> <li>Some of the economic benefit from freedom campers may be lost to the district.</li> <li>The sense of vibrancy in the town centre that visitors contribute to may be diminished.</li> </ul>

## Option 4. Provide for a compromise

Options 2 and 3 refer to the different ends of the spectrum. The fourth option is for Council to try and find a balance between the two extremes thereby seeking to gain the most benefits while minimising the negative effects.

**ISSUES TO BE CONSIDERED****Should the areas for freedom campers be dispersed or concentrated?**

With such a range of geographically located areas for freedom camping Council will need to consider the merits of take a dispersed or a concentrated approach. Having most of the freedom campers in relatively few areas is likely to reduce compliance costs for Council and make the provision of facilities like toilets and rubbish bins more cost effective.

Taking a more dispersed approach with more camping areas but with fewer campers in each area, is likely to reduce the impression of there being lots of campers in town. Although individual areas might be under pressure in terms of business, they are likely to suffer from significant overcrowding issues given the lower numbers. It may also be possible to more effectively use existing facilities with minimal upgrades if areas have relatively few campers.

**What conflicts may arise between different users?**

The potential conflict between users is a major consideration for Council. The engagement to date has signalled that this is an area of concern to many in the community. The focus has been on reducing the conflict between those wanting to recreate at the lake and campers who are taking up parking spaces, spreading their clothing and equipment out. Those sorts of conflicts have been most prevalent at the Landing Reserve in the Taupō Boat Harbour.

There can be other user conflicts that need to be considered. The most recent community engagement identified the potential conflict between children at educational facilities and freedom campers. Concerns were raised about the safety of children from strangers, damage to school property, littering and general security issues.

In contrast, the Harbour Master and Police have spoken of the safety benefits that have arisen from having more freedom campers at the Landing Reserve. Changes to the landscaping and having more passive surveillance have anecdotally reduced the incidence of antisocial behaviour in that area.

Car parking can come under pressure in the Taupō town centre, particularly over the busy summer months. Encouraging freed campers to park within the town centre will assist them to access the retail and service businesses, however it may also create perceptions that campers are taking too many car parks. Providing specific parking on the fringes of the town centre may help alleviate such issues.

**What facilities may be required?**

Advice from the working group helped confirm that even self-contained freedom campers wish to utilise facilities. They need to dispose of greywater and rubbish, look to use public toilet facilities and access wifi. Creating a safe and secure place is important in attracting freedom campers and having facilities will enhance their experience in the district. It can also help to reinforce the type of behaviour that Council wishes to see. Feedback suggests that many freedom campers regularly stop in commercial campgrounds to make use of such facilities.

Providing facilities comes at a cost, both operational and capital. There are some areas where existing facilities can be utilised, however Rickit Street in particular would require an investment in toilet, rubbish and security facilities. As another example the board of trustees for Taupō Primary School highlighted concerns about additional rubbish on the adjacent school grounds. The provision of such services and facilities is likely to come at a cost to the ratepayer in most instances.

**Will the decisions of other landowners have an impact?**

The high profile freedom camping sites at Five Mile Bay and the Landing Reserve are managed by government departments. That puts them beyond the control of a Council bylaw. However decisions about the use of those sites for freedom camping in the future could well impact on Council's response to camping. For example a closure of the Landing Reserve would displace a significant number of campers placing pressure on any Council managed areas.

Conversely, Council can point to the fact that the Department of Conservation already provides a number of areas for freedom camping thereby reducing the need for Council to do so. Whakaipo Bay is a large area open to self-contained campers in close proximity to the Taupō urban area, while there are some other areas in the more rural parts of the district also managed by the department such as Omori.

**Proximity to the town centre**

Some members of the community value the economic spend that freedom campers bring to the district. While the value of that spend will change with individual visitors, be they domestic or international, the principle is that they contribute to the local economy. The best way to maximise that spend is to make it easy for them to interact with the businesses, making freedom camping areas in close proximity to the town centre businesses attractive.

**Financial Considerations**

The development of the bylaw itself is covered by existing budgets. However the real costs are likely to lie in the provision of new facilities and the additional ongoing operational costs. The exact nature of these costs is difficult to determine. It will be partly driven by the areas that Council chooses as part of any final bylaw and the level of popularity those areas have with freedom campers.

A key cost is around compliance. If Council is going to make a bylaw then it will be necessary to appropriately resource the enforcement. The nature of that enforcement cost will need to be assessed over time as it is likely to change. Initial enforcement may change behaviour patterns and avoid the need for

anything more than intermittent compliance. Alternatively, if there were relatively few freedom camping areas and an excess of campers, Council may find that it needs to actively move people on. With most of the enforcement likely to be after normal office hours it is anticipated that Council's after hours compliance contractor would bear most of the responsibility for compliance.

One of the benefits of having a bylaw is the ability for Council to utilise the infringement provisions in the Act. Infringement notices have proven to be an effective deterrent to inappropriate behaviour.

If Council should decide to proceed with the Rickit Street area, there may be some opportunity cost to consider. At the Control Gates (Western) end of the area there are two commercial sites that back onto the Rickit Street area. There is the potential to sell the adjacent parts of Rickit Street to the owners of the commercial sites and therefore realise a return on the land. The same opportunity does not exist at the eastern end of the area given the adjoining educational activities. Having freedom camping on this area in the short term would not preclude Council from selling or leasing some or all of the land in the future, however it may become more difficult if camping has become an accepted use of the land.

*Rickit Street area shown in green with the commercial sites in the lower left corner*



### Legal Considerations

The Freedom Camping Act allows the development of a freedom camping bylaw under section 11. Under section 11(2) of the Act; a local authority must be satisfied that a freedom camping bylaw is necessary for one or more of the following purposes:

- a. to protect the area;
- b. to protect the health and safety of people who may visit the area; and
- c. to protect access to the area.

These limited provisions do not enable Council to regulate freedom camping for the purposes of protecting existing accommodation businesses from competition.

It is considered that the proposed freedom camping bylaw is the most appropriate and proportionate way to address the issues associated with freedom camping and is likely to encourage more appropriate

behaviours. It is also likely to address the identified access issues to the lakefront by outlining the areas where freedom camping can be undertaken.

The ability to camp on public land is not a 'right' under the New Zealand Bill of Rights Act 1990. However, the limitations proposed by the freedom camping bylaw only seek to impose justifiable and reasonable limits on people to ensure the safety of the community and minimise any incidences of public disturbance. The freedom camping bylaw also seeks to protect access to areas within the district and is therefore not inconsistent with the Bill of Rights.

### **Policy Implications**

The management of freedom camping on reserves can continue to be done through adopted reserve management plans. If Council wishes to change the status of camping on a reserve it is likely to require an amendment to the reserve management plan. The process for that is set out in the Reserves Act and reflects the scale of the change.

In the event land proposed to be used for freedom camping is required in the future for alternative uses, amendments to the bylaw can be implemented via a bylaw review process. Similarly, Council can review the bylaw in the future if it decides that areas in the bylaw are no longer appropriate, or that additional areas need to be added to address growth in the number of freedom campers.

While Council has generic goals around economic development that policy direction is not considered specific enough to impact on the decision making with regard to this issue.

### **Risks**

There is a possible risk of judicial review if a bylaw is introduced and the correct processes are not followed. The New Zealand Motor Caravan Association has previously sought a judicial review of the legality of the Thames-Coromandel District Council's Freedom Camping Bylaw. They have noted their intention to do so in other districts if they believe due process has not been followed correctly. This risk has been minimised by including the Association as a member of the working group.

There is a risk that parts of the community could criticise Council for not adequately taking into consideration their views. This has been mitigated by undertaking engagement processes seeking the community's views on the issues associated with freedom camping and on potential areas. There are clearly a wide range of views on these matters in the community and some of those views will not be able to be reconciled.

There is a continuing risk of insufficient areas to cater for the number of freedom campers wanting to come to the district. This may impact on the visitor experience and result in additional compliance work.

### **SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

The matters covered in this paper affect a large portion of the community, and it is considered a significant decision in accordance with Council's policy.

Formal consultation will be undertaken in accordance with section 83 of the Local Government Act. A copy of the draft bylaw and a statement of proposal will be provide for Council to adopt on 7 February 2017. The timing of hearings and deliberations will be dependent on the number of submissions and timing of other consultation processes such as the Annual Plan.

**COMMUNICATION/MEDIA**

This matter is of significant public interest and officers will ensure that the decision and ongoing process are clearly communicated through a range of media channels.


**CONCLUSION**

Issues associated with freedom camping have escalated in the Taupō District over the last few summers. This has coincided with generally higher numbers of visitors to the country. An investigation into the issues has confirmed that a freedom camping bylaw is an effective and appropriate way to manage the issues, particularly when combined with other measures like physical works and education.

There is a spectrum of support related to freedom camping, from being very encouraging to being quite discouraging. Council needs to decide where it sits on that spectrum. Once that is clear then decisions can be made about which areas would best achieve that desired outcome.

Officers will take the preferred list of sites and use them as the basis for the draft bylaw and statement of proposal to come back to Council on 7 February 2017.

**ATTACHMENTS**

1. Additional areas proposed by submitters during the November 2016 engagement 
2. Summary of November 2016 engagement

**5.3 REID'S FARM RESERVE MANAGEMENT PLAN REVIEW**

**Author:** Jane Budge, Senior Policy Advisor

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

To consider the Reid's Farm Reserve Management Plan (RMP) review and adopt the draft RMP and supporting material for public consultation.

**EXECUTIVE SUMMARY**

On 31 May 2016 Council resolved to undertake a review of the RMP for Reid's Farm Recreation Reserve. The review process for the RMP was initiated in June 2016. The outcome of this process is the development of a proposed revised RMP and associated supporting material. This revised RMP was developed in consultation with the community. This consultation process included three stakeholder workshops, and a community survey. The consultation process was supported by a character assessment of the reserve. This process is set out in more detail in the attached background report.

As a result of the consultation and review processes, it is recommended that the RMP be revised to include changes to address specific issues and improve the usability, clarity and effectiveness of the RMP.

The key substantive change recommended is to reduce the duration of freedom camping on the reserve from 28 days to 4 days in any 14 day period. A change to the name of the reserve is also proposed.

A copy of the revised RMP is attached as well as the associated Background Report. The Background Report details the rationale for change, including the results and analysis of the consultation and plan review process.

To ensure that the RMP is reviewed as per the requirements of Section 41(6) of the Reserves Act 1977, the revised RMP will need to be publically notified for public submissions.

**RECOMMENDATION(S)**

That Council

1. in accordance with section 41(6) of the Reserves Act 1977, adopts the draft Reid's Farm reserve management plan for consultation and makes it, and the associated background report, available for inspection to all interested parties.
2. in accordance with section 41(6)(b) of the Reserves Act 1977, gives notice that the draft reserve management plan and associated background report is available for inspection within a period not less than two months from the date of the public notice.

**BACKGROUND**

The review process for the Reid's Farm RMP was initiated in June this year. Since then three stakeholder workshops have been held along with a wider informal consultation process.

A number of key themes have emerged through this review which informed a set of recommended changes to the plan. A Council workshop was held on 8 November 2016 that discussed the changes recommended.

**Recommended Changes to the Plan**

As a result of the consultation and review processes, it is recommended that the RMP stays largely the same. Some changes are proposed to address specific issues and improve the usability, clarity and effectiveness of the management plan. Some substantive changes are recommended around the timing and location of specific activities such as overnight camping. These recommended changes are described in more detail in the Background Report (attached) that will accompany the revised plan.

A summary of the proposed changes, includes:

<b>Forward focussed and contemporary</b>	De-clutter the plan by removing background material that does not directly contribute to the effectiveness of the plan.
<b>Value driven</b>	Add key reserve values – Recreation, Environment, Community and Cultural – to the plan, and ensure the vision and policies align with the values.
<b>Vision statement</b>	Replace objectives with the vision statement developed by the community. The vision is the ‘touchstone’ statement that the plan must achieve.
<b>Clarify policy</b>	Combine the policies and implementation information to create better, more clear policy statements.
<b>Concept Plan</b>	Add the new concept plan to the plan to provide direction on activities and infrastructure in different parts of the reserve. The new concept plan defines specific locations for day use, assets, overnight camping and environmental restoration.
<b>Rename</b>	Rename the reserve to something that is more reflective of the cultural history of the site. This name will be identified through the cultural assessment.
<b>Review period</b>	Amend the plan review period to a more efficient 10-year cycle, bringing it in line with other plan review processes.
<b>Camping duration</b>	The 28-day camping limit was considered too long and enables semi-permanent occupation. Amend the camping limits to four days (three nights) within a 14-day period. This will allow people to stay intermittently over that period or potentially in one four day (three night) block. The 14-day time period will require monitoring but can be more easily enforced. Remove the no camping time period (1 May to 30 September). TDC will still have the right to close the reserve at any time where there is an identified management need.
<b>Location of Activities</b>	Retain the approach in the current plan where overnight camping is limited to the upper part of the reserve only. Consolidate these areas from three to two to facilitate enforcement and monitoring. Keeping overnight camping further from the water’s edge is consistent with the district approach to freedom camping.
<b>Day use</b>	The wider reserve is valued for day use recreation activities such as walking, swimming, picnicking and kayaking. To protect this value, overnight camping will be kept to the upper part of the reserve.
<b>Environmental enhancement</b>	Areas of the reserve have been identified as suitable for enhancement activities. Include these areas in the plan along with policies to facilitate enhancement of the reserve by the community.
<b>Fees and charges</b>	Allow for camping fees to be levied to support reserve management, if the Council choose.

<b>Commercial events</b>	Revise the plan to give the council discretion to charge fees for commercial events.
<b>Reserve closure</b>	Provide more explicit detail around when the council can close part or all of the reserve.
<b>Connections</b>	The plan should contain more explicit references to activities and connections that go beyond reserve boundaries. For example, the reserve is an important recreation link for users of the river, surrounding tracks and roads. Antisocial behaviour can affect neighbouring properties. Environmental connections are also important as the reserve is part of the wider Waikato river corridor.

## DISCUSSION

The key substantive changes are around duration of overnight camping and a slight amendment to the permitted locations for overnight camping.

Matters such as fees and charges, wardens, closure of all and part of the campsite, which were raised during consultation, are currently included in the plan. However, it is recommended to make these matters more explicit to improve clarity and facilitate plan implementation.

A majority of the issues associated with the reserve that were raised during the initial consultation process can be dealt with in the current plan. However, its implementation has allowed some of these issues to increase. The dramatic increase in the reserve's use for overnight camping over the past five years has aggravated these issues.

This review process provides an opportunity for Council, and its community, to refresh its management of the reserve. This reflects the more contemporary demands from users (locals and visitors) and also the views of the community, as expressed through the consultation process to-date.

Matters associated with cultural values, including a suitable name for the reserve, have also been considered. Further engagement with local hapū will be undertaken to ascertain a suitable replacement name.

## OPTIONS

The following options have been identified for the Council to consider.

### Option 1. Status Quo – Do nothing

Doing nothing means that the current RMP would be maintained.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>This is a cheaper option as the council would not be faced with the costs of the consultation and associated hearings.</li> <li>Some of the issues raised during consultation, such as moving overnight camping from the water's edge, would still be able to be addressed through implementing the current plan.</li> </ul>	<ul style="list-style-type: none"> <li>The current plan is harder to enforce than the revised one especially around overnight camping and duration of camping.</li> <li>Opportunities may be missed as the current plan is less supportive of environmental enhancement and collaborative community action.</li> <li>There is a community expectation of a review of the plan and the community have invested time into the process to date.</li> <li>Council could be seen to be doing nothing.</li> </ul>

### Option 2: Make minor amendments to the plan

Section 41 of the Reserves Act allows the council to make changes to its RMP's without going through a formal review and submission process. Amendments can be made to the plan to address specific limited issues. Changes to the wider plan and its underlying philosophy cannot be made through this process.



Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• This is a cheaper option as the council would not be faced with the costs of the consultation and associated hearings.</li> <li>• Will be able to address specific issues such as duration of overnight stay in the current plan.</li> <li>• Some of the issues raised during consultation, such as moving overnight camping from the water's edge, would still be able to be addressed through the plan's implementation.</li> </ul>	<ul style="list-style-type: none"> <li>• There is a community expectation of a review of the plan and the community have invested time into the process to date.</li> <li>• Opportunities may be missed as the current plan is less supportive of environmental enhancement and collaborative community action.</li> <li>• The wider plan would not reflect the values put forward through the consultation process, especially environmental and cultural.</li> <li>• The wider community would not have input into the proposed amendments.</li> </ul>

### Option 3. Adopt the draft Reid's Farm RMP for consultation

This approach sees the adoption of the revised RMP for formal public consultation. The attached plan would be notified in January for submissions and a subsequent hearing. The community's views to date for the environmental and cultural values will be reflected in a revised plan.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• This option will fulfil the community expectation of a review of the plan and the time invested in the process to date.</li> <li>• This option would allow for the RMP to be revised in a form relevant to the values and views of the current community, for the reasons identified in the background report.</li> <li>• This option would allow the Taupō community to provide formal comment on the appropriateness of the revised plan.</li> <li>• Alignment with the Freedom Camping bylaw consultation minimises the costs and ensures the community's views are incorporated.</li> </ul>	<ul style="list-style-type: none"> <li>• The cost and time associated with the formal consultation process.</li> </ul>

### ANALYSIS CONCLUSION

Option three will enable the community to formally comment on the review of the Reid's Farm RMP. While there will be costs for the council in undertaking this consultation and the associated hearings, it will allow the community to have a say in the direction of the future management of the reserve. The initial consultation process at the start of the review identified a number of issues to be addressed at the reserve, as well as a range of opportunities for positive management and enhancement of some of the important values of the reserve. Effective implementation of the current plan (option one) is able to address a number of these issues, and minor amendments (option two) even more. Comprehensive recognition of these issues and opportunities in the management of the reserve is only possible through a wider plan review (option three) that looks at the fundamentals of the plan.

Alignment of the consultation process with that of the parallel freedom camping bylaw review has the potential to result in a more cost effective consultation process.

Notifying the revised RMP for formal submission will ensure that the wider community is able to formally consider a plan that has been developed to align with the current vision and views of the community.

Option three presents the best option to progress the review and revision of the Reid's Farm RMP.

## **CONSIDERATIONS**

### **Financial Considerations**

The Long-Term Plan has not included the review of the Reid's Farm RMP. This will be met through existing budgets. The notification and hearing process will be undertaken concurrent with the freedom camping bylaw review meaning efficiency gains can be made through this process.

There may be further physical works costs associated with the proposed changes to Reid's Farm to implement the management plan. This work has yet to be budgeted and will be dependent on the outcome of the formal consultation process.

### **Legal Considerations**

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the LGA.

The review of the Reid's Farm RMP has been undertaken in accordance with Section 41 of the Reserves Act 1977. The formal consultation is being undertaken in accordance with section 41(6)(a) of the Reserves Act 1977.

These considerations are outlined in more detail in the attached Background Report.

In terms of the decision making process, officers will collate the submissions that are received and provide them to elected members. The Council is expected to consider the submissions and hear any submitters wishing to present their views in person. Council has the responsibility for decision making under the Reserves Act and is unable to delegate that to a committee. The hearings are anticipated to be held June/July 2017.

### **Policy Implications**

The proposal has been evaluated against other Council Policy. Any new Bylaws, RMPs and policy form part of Council's overall operating procedures and are consistent with existing policy.

These policy implications are explored further in the attached Background Report.

### **Risks**

The key risk is that there is a lack of engagement by the community in the consultation process and no or very few submissions are received. This risk is primarily being addressed through delaying the submission period till the new year (when more people are likely to be back from holiday and inclined to make submissions). Active promotion of this submission period as well as alignment with the freedom camping bylaw review will also work to generate interest in the consultation process

## **SIGNIFICANCE OF THE DECISION OR PROPOSAL**

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

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

The matters covered in this paper affect a large portion of the community, and it is considered a significant decision in accordance with Council's policy.

## **ENGAGEMENT**

The review process has included an initial community consultation period in accordance with section 41(5) of the Reserves Act 1977 where people were invited to send in their suggestions on the RMP. This process and its results is set out in more detail in the attached background report.

A working group of various stakeholders was also established to assist officers with their analysis and recommendations.




### **COMMUNICATION/MEDIA**

Decisions made by Council should be communicated in the appropriate manner. Officers will tailor communications as directed.

### **CONCLUSION**

That the revised plan and the associated background report should be adopted for formal consultation in accordance with the requirements of the Reserves Act.

### **ATTACHMENTS**

1. Draft Reid's Farm Background Report to TDC - 9 November 2016 (A1787617) (under separate cover) 
2. Draft Reid's Farm Consultation Report to TDC - 9 November 2016 (under separate cover) 
3. Draft Reid's Farm Recreational Reserve Management Plan V4 to TDC - 9 November 2016 (A1787622) (under separate cover) 

**5.4 LAKE TAUPŌ PROTECTION PROJECT JOINT COMMITTEE TERMS OF REFERENCE AMENDMENT**

**Author:** Jane Budge, Senior Policy Advisor

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

This report seeks Council's adoption of the amended Terms of Reference to the Lake Taupō Protection Project Joint Committee and Variation to the Lake Taupō Protection Project - Project Agreement.

**RECOMMENDATION(S)**

That Council adopts the amended Terms of Reference for the Lake Taupō Protection Project Joint Committee and Variation to the Lake Taupō Protection Project - Project Agreement.

**BACKGROUND/DISCUSSION**

A paper was brought to Council at the September Council meeting outlining the recommended changes from a five yearly review recently undertaken for the Lake Taupō Protection project.

The recommendation had been from the Lake Taupō Protection Project Joint Committee (Joint Committee) to amend the Terms of Reference of the Joint Committee and the Lake Taupō Protection Project - Project Agreement to better reflect the role of Ngati Tuwharetoa. They have also recommended consequential changes to the terms of reference to reflect the revised project agreement and changes to schedule 7 of the Local Government Act 2002 in relation to joint committees.

The main proposed changes were to:

- Expand the membership of the Joint Committee to include two members from Tuwharetoa Maori Trust Board (TMTB); and
- Appoint a Deputy Chairperson.

**OPTIONS**

Council can either accept or reject the recommendations from the Joint Committee. If Council chooses to reject the recommendations, there will need to be further discussion with the other partners in the project to resolve the issues prior to the reconstitution of the Joint Committee.

Officers recommend that Council adopts the amended Terms of Reference for the Lake Taupō Protection Project Joint Committee and Variation to the Lake Taupō Protection Project - Project Agreement in line with the Joint Committee's recommendation.

**CONSIDERATIONS****Financial Considerations**

There are no financial implications related to this decision. The funding for the operation of the Joint Committee is already reflected in existing budgets of the partners.

**Legal Considerations**

The changes recommended by the Joint Committee will ensure that the reconstitution of the Joint Committee complies with schedule 7 of the Local Government Act 2002.

**Policy Implications**

There are no policy implications with this paper.

**Risks**

The only risk is if the recommendation is rejected it may complicate the reconstitution of the Joint Committee and may impact on relationships with our other partners.

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy, and are of the opinion that this matter is essentially procedural and therefore of low importance.

**ENGAGEMENT**

The matters have been discussed by the Joint Committee representing the Taupō District Council, Waikato Regional Council, the Crown and the Tuwharetoa Maori Trust Board. No further engagement with any other party is considered necessary.

**COMMUNICATION/MEDIA**

Decisions made by Council should be communicated in the appropriate manner. Officers will tailor communications as directed.

**CONCLUSION**

It is recommended that Council adopts the amended Terms of Reference for the Lake Taupō Protection Project Joint Committee and Variation to the Lake Taupō Protection Project - Project Agreement in line with the Joint Committee's recommendation.

**ATTACHMENTS**

Nil

**5.5 JOINT MANAGMENT AGREEMENT WITH TE ARAWA RIVER IWI TRUST**

**Author:** Nick Carroll, Policy Manager

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

This report seeks approval for a draft joint management agreement between Council and the Te Arawa River Iwi Trust.

**EXECUTIVE SUMMARY**

The legislation that introduced the vision and strategy for the Waikato River also established a requirement for councils and selected iwi to enter into co-management arrangements. These arrangements are exercised through joint management agreements that focus on the resource management responsibilities that councils have. In particular there is a focus on iwi being involved in the development of plan changes.

Officers have worked with representatives from Te Arawa River Iwi Trust to prepare a draft joint management agreement. The draft agreement is very consistent with the agreement that Council already has with Raukawa. This consistency should make administration of the agreements easier.

While the legislative focus of the agreement is on resource management processes, there is a significant opportunity for Council to use the agreement to grow the relationship with Te Arawa, and use it to discuss a wider range of matters of mutual interest.

**RECOMMENDATION(S)**

That Council approves the joint management agreement between Taupō District Council and the Te Arawa River Iwi Trust (objective references A1722287)

**BACKGROUND**

The Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Trust Waikato River Act 2010, created a requirement for Taupō District Council to enter into a number of joint management agreements with selected iwi with an interest in the Waikato River and Taupō district.

The joint management agreements must contain certain elements, however the legislation does provide for the parties to the agreement to include additional elements if they mutually agree. The legislation introduced the vision and strategy for the Waikato River and created an obligation on local government to contribute to achieving that vision and strategy.

In reality, the achievement of the vision and strategy is largely driven by the work of the Waikato Regional Council given their responsibilities for managing water quality under the Resource Management Act 1991. Nevertheless, territorial authorities do have a role to play in helping to achieve the vision and strategy. The joint management agreements provide a vehicle for iwi and councils to work together to do this. They have a strong resource management focus, requiring council to involve iwi in certain resource consent processes, monitoring and enforcement. However the main focus is on providing for iwi to be strongly involved in the development and change of district plans.

Council signed a joint management agreement with Raukawa in 2013. Although that was the first such agreement that Council signed under the legislation, there had been earlier work with Te Arawa River Iwi Trust in 2012. A draft agreement was prepared at that time in conjunction with the Trust and discussed by Council. Before the draft agreement could be approved Ngati Tuwharetoa raised issues with the agreement, particularly around the area of interest. Council delayed further consideration of the draft agreement until such time as Te Arawa and Ngati Tuwharetoa could work through those matters.

Representatives from Te Arawa made contact with officers in July this year and indicated that the issues with Ngati Tuwharetoa had been resolved, and that they were ready to revisit the draft joint management agreement.

## **PREPARATION OF THE DRAFT AGREEMENT**

Officers worked with representatives from Te Arawa to review the earlier document to assess whether it was still fit for purpose. Since 2012 both Te Arawa and Council have developed more experience around what elements are critical to having a robust and useful agreement.

That review process identified that the earlier draft was overly complex, included unnecessary elements and would lead to duplication of effort. Council may end up having joint management agreements with up to three iwi, while Te Arawa will have agreements with multiple councils. What has become apparent is that having a high level of consistency between different agreements makes it easier for both Council and Te Arawa River Iwi Trust to administer.

With that objective in mind the agreement was redrafted so that it was very similar to the existing agreement that Council has signed with Raukawa. As with the agreement with Raukawa, the agreement with Te Arawa allows for the creation of an enduring governance group. That group can facilitate a growing relationship, and provide an opportunity for shared conversations that extend beyond the basic resource management requirements.

## **OPTIONS**

Council is required to have a joint management agreement with Te Arawa River Iwi Trust. The decision before Council is whether to agree to this version of the draft agreement or whether to direct officers to seek changes.

This version has been drafted in conjunction with representatives from Te Arawa and has their support. Furthermore, this agreement is very similar to the agreement that Council already has with Raukawa. On that basis officers recommend that Council approves this version.

Assuming that Council approves the draft agreement, officers will work with Te Arawa to coordinate a signing ceremony at an appropriate location in the early part of 2017.

## **CONSIDERATIONS**

### **Financial Considerations**

Signing this agreement will have no direct financial implications. However there will be some minimal costs in the future related to meetings with governance and officer representatives from Te Arawa. There will also be costs involved with engaging Te Arawa River Iwi Trust on future plan change processes. These costs will collectively be relatively minor and will be included in future annual budgets.

The strengthened relationship that is expected to grow out of the joint management agreement is expected to make future plan change processes easier. Similarly, a greater understanding between Council and the Trust would assist in progressing Council's own future resource consent proposals. It is impossible to quantify the potential cost savings as a result of this stronger relationship, nevertheless it does have a value.

### **Legal Considerations**

The draft agreement is very consistent with the agreement that Council already has with Raukawa. That agreement was developed by multiple councils and went through a rigorous legal peer review.

A failure to sign an agreement with Te Arawa River Iwi Trust would place Council in breach of a legislative requirement.

### **Policy Implications**

As with Council's agreement with Raukawa, this agreement with the Trust will lead to greater involvement of the Trust in the resource management matters that Council deals with. This is likely to be most noticeable when Council comes to promote plan changes that affect the northern and north eastern parts of the district. In reality, Council already has obligations to engage with iwi when preparing plan changes, this agreement will simply provide a ready and agreed mechanism for that to take place.

### **Risks**

There are no identified risks associated with Council approving this agreement.

## **SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that this matter is of a low level of significance. There are minimal financial implications and the agreement is unlikely to have a direct impact on many in the community.

### **ENGAGEMENT**

There was direct engagement with Te Arawa during the preparation of the draft joint management agreement. Engagement with any other party was considered unnecessary given that the agreement is only between the Council and the Trust.

### **COMMUNICATION/MEDIA**

The signing of the agreement will be a landmark moment in the relationship between Council and Te Arawa River Iwi Trust. It is anticipated that communication of the agreement will be made when the official signing ceremony takes place in early 2017.

### **CONCLUSION**

Officers have been working with representatives from Te Arawa River Iwi Trust to prepare a joint management agreement. The agreement is required by legislation and largely deals with how the two groups will interact on resource management matters. However, the real value in the agreement will come from the growth of an enduring relationship built on inclusiveness and respect.

### **ATTACHMENTS**

1. Joint Management Agreement (A1722287) 



**5.6 HINGARAE ROAD SEAL EXTENSION**

**Author:** Bryan Ferguson, Senior Engineering Officer - Transportation

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

This report is to seek the approval to delegate to the Mayor and Chief Executive powers to award the tender for TDC/1617/184 Hingarae Road Seal Extension.

**EXECUTIVE SUMMARY**

Tenders for this Contract will close on 16 December 2016, it is necessary to award this tender as soon as possible in order to take full advantage of the summer construction period.

**RECOMMENDATION(S)**

That the powers to award the Tender for Contract TDC/1617/184 for Hingarae Road Seal Extension be delegated to His Worship the Mayor and the Chief Executive, provided that the preferred tender is within the budgeted sum of \$400,000; and that His Worship the Mayor and the Chief Executive be authorised to sign the Contract Documents and attach the Council's Common Seal to them, following awarding the tender.

**BACKGROUND**

The proposal has not been presented previously.

**DISCUSSION**

Selection of Hingarae Road has come from the Seal Extension Matrix (Objective A350632) where the section of Hingarae proposed for seal extension (Route Position 3.3km to 5.3km) rates highest equal with Wereta Road (this road has had two sections of seal extension in recent years)

Hingarae Road is located in the western bays of Lake Taupō and is a local road branching off of State Highway 32. The selected section of Hingarae Road for seal extension has a steep gradient with a high frequency of re-metalling and grading to smooth corrugations and fill potholing. Frost heave in the winter is also a problem limiting access for trucks when this occurs.

Tenders for Contract TDC/1617/184 Hingarae Road Seal Extension were advertised on Tenderlink and close at 1.00pm on Friday 16 December 2016. The construction period is anticipated to be 10 weeks.

The Engineers estimate for the tendered length of seal extension construction is \$327,286. Depending on received tender prices the length of seal extension may be extended or reduced to fit with the budgeted value of \$400,000 taking into account Engineering Professional Service fees, Resource Consent and Chorus cable relocation costs chargeable to this project.

**TENDER EVALUATION**

Tenders will be evaluated according to the Lowest Price Conforming Tender Method as described in the Taupo District Council's procurement policy.

**OPTIONS****Option 1**

Council choose to accept delegating tender approval powers to the CEO & Mayor thus allowing construction works to get underway early February 2017 completing the project in a more ideal weather window. Note a large portion of the site is shaded by trees and roadside batters meaning outside of the warmer summer months drying back the pavement for chip sealing could be difficult.

**Option 2**

Council defer tender approval until the first Council meeting of 2017, this could delay a project start on site until March 2017 meaning that it will be exposed to wetter and cooler weather. Note this project uses large volumes of pumice fill which is easily eroded particularly at this site which has steep gradients in parts.

**CONSIDERATIONS****Financial Considerations**

The financial impact of the proposal is estimated to be \$327,286

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under \$400,000.

**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. The matter will enable the Council to meet the current and future needs of communities for good quality local infrastructure. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

**Policy Implications**

There are no known policy implications

**Risks**

Known risks are exposure to wetter and cooler weather. Better construction results are achieved in the summer months particularly at this site which is heavily shaded making drying back of the pavement difficult outside of the warmer months, this is an important aspect prior to first coat chip sealing. Being constructed largely of pumice fill this site is exposed to erosion until stabilised by the chip seal over the carriageway surface and rock armouring of watertables.

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

**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.

**COMMUNICATION/MEDIA**

Once the tender has been approved, residents will be advised accordingly.

**CONCLUSION**

Seal Extension is an activity budgeted for in the 2016/17 Annual Plan, a troublesome length of Hingarae Road has been selected from the rating matrix for inclusion in this financial year's contract, tenders close on 16 December 2016. In order for construction works to be completed in an ideal weather window it is requested that powers of tender approval be delegated to the CEO and Mayor to enable construction works to commence early in 2017. If not granted tender approval will be delayed till the first Council meeting in 2017 and construction is unlikely to commence until early autumn resulting in construction works being undertaken outside of the ideal construction period exposing both Council and the Contractor to greater risk.

**ATTACHMENTS**

Nil

## 5.7 LEASE EXTENSION FOR WAIORA HOUSE

**Author:** Nathan Mourie, Senior Reserves Planner

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

### PURPOSE

To decide on offering a four (4) year lease extension to Waiora Community Trust (Taupō) Inc., commonly known as Waiora House, on Council administered land at 129 Spa Road.

### EXECUTIVE SUMMARY

The preferred option is to approve a four (4) year lease extension for Waiora House.

The organisation provides many important social services to the Taupō community as well as being the home of 17 other organisations which also provide community social services.

If the lease was not extended, many of these organisations would not be able to carry out their current programs.

### RECOMMENDATION(S)

That Council approves the request by Waiora Community Trust (Taupō) Inc. for a four (4) year extension of their current lease until 30 June 2022.

### BACKGROUND

The proposal has not been presented previously.

On 21 September 2016 Waiora House wrote to the Taupō District Council Chief Executive requesting a lease extension of four years (Attachment 1).

### DISCUSSION

The Waiora Community Trust was incorporated in June 1992. The current lease was signed in 2007 for a term of 11 years and will expire on 30 June 2018.

The Trust's currently lists 17 other organisations which are based from, or provide services out of Waiora House:

- Age Concern
- Arc Counselling Services
- Anamata Café
- Citizens Advice Bureau
- English Language Partners
- Enliven (Presbyterian Support)
- Family Works (Presbyterian Support)
- Family & Financial Solutions Trust
- Literacy Taupō
- Supported Employment Agency
- Taupō Community Food Bank
- Taupō Council of Social Services
- Taupō SeniorNet
- Taupō Women's refuge
- Te Utuhina Manaakitanga Trust
- Te Waiariki Pūrea Trust
- Volunteer Taupō

The Trust's constitution outlines the purposes of the Trust and forms a basis for the use of the building. The main objective being; *To provide facilities for the co-ordination, education and support of a wide range of community services in order to provide social services which are available and beneficial to the community at large.*

The Trust is also responsible for all repair and maintenance of the building and grounds for the duration of the lease.

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

## OPTIONS

### Analysis of Options

Option 1. Approve a four year lease extension

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Community services provided at Waiora House are maintained.</li> <li>Allows security of Waiora Community Trust to offer sub-leases to tenants.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>

Option 2. Decline a lease extension

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Potential loss of important community services.</li> <li>Council would become responsible for the costs associated with maintaining and administering Waiora House upon expiry of the lease.</li> </ul>

### Analysis Conclusion:

It would be a great loss to the Taupō Community if this social service hub was not able to continue operation. Council have supported the Trust in the past and it is consistent with Council's purpose to continue to do so.

## CONSIDERATIONS

### Financial Considerations

The financial impact of the proposal is estimated to be nil. The lease document provides for a \$1 peppercorn rental payable in equal half yearly payments in advance.

### 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. The matter will enable the Council to meet the current and future needs of communities for good quality local public services. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The following authorisations are required for the proposal:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Resource Consent | <input type="checkbox"/> Building Consent             | <input type="checkbox"/> Environmental Health |
| <input type="checkbox"/> Liquor Licencing | <input checked="" type="checkbox"/> Licence to occupy |   |

Authorisations are not required from external parties.

**Policy Implications**

There are no known policy implications.

**Risks**

There are no known risks.

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

**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.


**COMMUNICATION/MEDIA**

Decisions made by Council should be communicated in the appropriate manner. It is considered that communication should be undertaken directly with the applicant.

**CONCLUSION**

Given the history of the occupation and the community services provided by Waiora House, it is entirely consistent with Council's purpose to support the activity. It is recommended that the request for a four year lease extension be approved.

**ATTACHMENTS**

1. Waiora House Lease Extension request 

**5.8 NEW LEASE FOR SPARK NEW ZEALAND LIMITED AT TONGARIRO DOMAIN**

**Author:** Nathan Mourie, Senior Reserves Planner

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

To decide on accepting a new lease proposal from Spark New Zealand Limited for the site they currently occupy on Tongariro Domain.

**EXECUTIVE SUMMARY**

Spark New Zealand Trading Limited has a current lease to occupy land at Tongariro domain. This lease expires on 28 February 2017. Spark has proposed entering into a new lease agreement with Council for this land for a term of six years, with four times six year rights of renewal.

**RECOMMENDATION(S)**

That Council approves entering into a new lease agreement with Spark New Zealand Trading Limited for the site currently occupied at Tongariro Domain for a term of six (6) years with four (4) x six (6) year rights of renewal.

**BACKGROUND**

The proposal has not been presented previously.

Spark New Zealand Limited wrote to Council on 1 August 2016 regarding their current lease agreement for the site they occupy at Tongariro Domain Attachment 1). The current lease expires on 28 February 2017 and Spark expressed the desire to enter into a new lease upon expiry of the current lease term.

Spark proposed the following terms and conditions.

- Commencement: 1 March 2017
- Term: 6 years
- Rights of renewal: 4 x 6 years
- Rental: \$3,660.97 + GST pa
- Rent review: 3 yearly to CPI
- Lease: Standard Spark form

**DISCUSSION**

The infrastructure has been in the current location for at least six years with no known issues. Telecommunications infrastructure is such an ubiquitous part of the current landscape that they are rarely considered or noticed in most cases, and are considered vital for the ongoing activities of modern communities.

If the lease proposal was declined, Spark would likely construct the infrastructure in this vicinity to ensure the adequacy of their network in any case; so there would be little amenity benefit to declining the lease proposal, as infrastructure would be placed nearby, whether it was on council or private land.

The revised Telecommunications Act gives telecommunications companies reasonably broad powers to construct infrastructure in most locations with recourse to the District Courts if necessary.

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

**OPTIONS**Analysis of Options

Option 1. Agree to the entering into a new lease on the terms outlined by Spark.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Revenue for council</li> </ul>	<ul style="list-style-type: none"> <li>Location of a Spark infrastructure in Tongariro Domain.</li> <li>Spark requires ability to access infrastructure 24/7 on the site.</li> </ul>

Option 2. Decline entering into a new lease agreement with Spark

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Possibly some minor amenity and space benefits gained from removal of Spark infrastructure from Tongariro Domain</li> </ul>	<ul style="list-style-type: none"> <li>Loss of revenue</li> <li>Spark would likely be forced to look for another site in the immediate area which may not be as suitable. Either in terms of their use, or the visibility and intrusion on community amenity.</li> </ul>

Analysis Conclusion:

There are no significant reasons not to enter into a new lease agreement with Spark.

**CONSIDERATIONS****Financial Considerations**

The financial impact of the proposal is estimated to be \$3,660.97 + GST per annum in rental revenue gained by council.

**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. The matter will enable the Council to meet the current and future needs of communities for good quality local infrastructure. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The following authorisations are required for the proposal:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Resource Consent | <input type="checkbox"/> Building Consent             | <input type="checkbox"/> Environmental Health |
| <input type="checkbox"/> Liquor Licencing | <input checked="" type="checkbox"/> Licence to occupy |   |

Authorisations are not required from external parties.

**Policy Implications**

There are no known policy implications.

**Risks**

There are no known risks.



**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

**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.

**COMMUNICATION/MEDIA**

Decisions made by Council should be communicated in the appropriate manner. It is considered that communication should be undertaken directly with the applicant.

No public communications are necessary.

**CONCLUSION**

There are no significant reasons not to enter into a new lease agreement with Spark for the site that they currently occupy on Tongariro Domain. It is recommended that the proposal for a six year lease with four times six year rights of renewal be approved.

**ATTACHMENTS**

1. Spark New Zealand new lease proposal for Tongariro Domain

**5.9 RIVERSIDE PARK EROSION OPTIONS**

**Author:** Nathan Mourie, Senior Reserves Planner

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

To decide on the approach that elected members wish to take with regard to the ongoing erosion issue at Riverside Park.

**EXECUTIVE SUMMARY**

Ongoing erosion issues at Riverside Park have progressed to a point where the immediate future of Council's approach to the problem needs to be determined.

The main urgent issue is the undermined boardwalk next to the Waikato river, which is showing signs of structural stress and can no longer be considered entirely suitable for the purposes to which it has been put.

The preferred option for the immediate future of the affected location and boardwalk is a managed retreat away from the problem area. The cause of the erosion is due to natural processes and cannot be removed. The only options currently available to reduce the rate of erosion and attempt to protect the land next to the river in this location are very expensive.

**RECOMMENDATION(S)**

That Council directs officers to adopt an approach of managed retreat with regard to the erosion processes affecting the river banks in the vicinity of the boardwalk at Riverside Park.

**BACKGROUND**

The erosion issue has been presented to Council previously.

As a result of this Workshop further investigation was undertaken.

Council have commissioned a number of erosion reports, studies and strategies over the years, with the oldest one located being from 1978 and the most recent one from 2015.

A 2008 study from BECA identified nine priority management areas around the entire lake; and a 2015 report from Tonkin and Taylor focussed on three prominent sites:

- 1km of lakefront between Taupō Yacht club and Rifle Range Road;
- 80m of lakefront parking area opposite Taharepa Road; and
- 30m of riverside at Riverside Park.

These documents led to the production of the Lake Taupō Foreshore Erosion Physical Works Programme in 2011 and a reviewed programme for 2015 which identified 21 potential erosion locations around the lake. It established six priority sites for physical works. Riverside Park at the boardwalk was identified as one of these six priority areas.

**DISCUSSION**

Three options for this site were identified in the Physical Works Programme 2015 and they are outlined below, with the preferred option being a managed retreat process.

Option	Likely cost (2015)	Erosion effect	Environmental effects	Social effects
Do nothing	Nil, but cost would be incurred from damage to infrastructure and trees.	No effect on erosion hazard	Existing natural character and processes maintained. Likely eventual loss of several metres of undercut bank along with boardwalk and trees.	Ongoing loss of reserve and boardwalk. Natural character of river edge maintained. Safety hazard of undercut boardwalk would need to be managed. Trees may fall into river and require removal, or may threaten downstream assets such as control gates and bridge.
Managed retreat	Unknown but would include cost of removal of boardwalk and reconstruction of path further from river. Cost of removal of trees to prevent toppling into river.	No effect on erosion but hazard would be mitigated by removal of assets from erosion zone.	Existing natural character and processes maintained. Likely eventual loss of several metres of undercut bank along with boardwalk and trees.	Ongoing loss of reserve. Natural character of river edge maintained. Boardwalk public access track maintained in area outside of erosion risk zone. Access to banks may need to be reduced to address safety issues. Loss of trees would affect amenity value unless replaced.
Engineered erosion protection structure	\$13,000 per lineal metre for sheet piling for 30m (\$390,000)	Erosion of river bank and reserve ceases at time of construction in location of wall. Erosion will continue in areas not protected by a wall.	Reduction of natural character of river edge. Protection of gum trees from further undercutting and instability.	Loss of natural aesthetics. Protection of Council reserve and established boardwalk. Continued access to river bank. Retention of gums trees.

Upon a recent review of the situation, it has become apparent that the erosion occurring around the boardwalk at Riverside Park has been continuing at a rapid rate since this work was carried out in 2015, with the boardwalk and adjacent trees severely undercut by the river.

It is the opinion of the officers involved that this has become a serious safety issue and that access to this part of the riverbank should be restricted. It was also recently discovered by parks officers that vehicle access for events was taking place over the boardwalk, including a number of heavy equipment carrying trucks. This activity, along with the foundation erosion has meant that there are now large cracks in the bearers supporting the boardwalk. This would be an extremely serious situation if the boardwalk gave way while pedestrians were traversing it, or if it collapsed while a truck was crossing.

The surrounding trees would not be removed unless absolutely necessary to prevent them falling into the river. The preferred option at this stage is to reduce their size (particularly the gum trees adjacent to the boardwalk) to reduce ongoing risks and to continue to monitor the overall situation.

In addition to these problems around the immediate boardwalk area, it is known to council that further erosion is occurring further up towards the lake. The cliff and bank in this location are also severely undercut by river actions. It is not known at this stage the exact extent of this erosion, but it is considered serious enough for council to have already fenced off this area in the past to try and prevent unconstrained access to the area.

While this report asks for an immediate decision on the small area around the undermined boardwalk, it is also recommended that a plan be drafted which considers the wider area and what council's approach should be to the extended problem along the whole area from the boardwalk up towards the river entry.

The erosion is not an issue which can be easily remedied, or prevented, and council should be taking a pragmatic, long term view to managing this natural process. The resources required to confront the erosion problem with a long term, hard engineering solution and ongoing maintenance of any installations are very large; and likely not an achievable outcome for a council of the size of Taupō with its associated resources and other community demands.

Remedying the erosion at the boardwalk with hard structures would not address the issues to either side, and the likelihood of this being a permanent solution without addressing the wider context is practically nil.

It is the opinion of officers that the best long term solution is to manage a retreat from the erosion affected areas until such time as a natural balance is achieved which would not require ongoing management and maintenance in order to fight a battle against an ongoing natural process.

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

## OPTIONS

### Analysis of Options

#### Option 1. Do nothing

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Council will be responsible for any safety incidents associated with collapse of erosion affected areas</li> </ul>

#### Option 2. Fence off the unsafe location and retreat from the affected area

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Reduces and isolates the riskiest section of the riverbank which could lead to a safety incident</li> </ul>	<ul style="list-style-type: none"> <li>Distances visitors to the park from the river and reduces the opportunities for interaction with, and appreciation of, the Waikato river</li> <li>Parts of Riverside Park will inevitably be lost to the actions of the river, reducing the overall size of the usable park area</li> </ul>

#### Option 3. Install hard engineering structures to prevent further erosion at the site

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Would address the immediate erosion issue in this specific location</li> <li>Would allow continued use of this riverside pathway</li> </ul>	<ul style="list-style-type: none"> <li>Hugely expensive capital and operational costs</li> <li>Does not address adjacent erosion issues</li> <li>Likely not a permanent solution as it does not remove or permanently mitigate the cause of the riverside erosion</li> </ul>

**Analysis Conclusion:**

The preferred option is to isolate the riskiest area around the boardwalk in the short term through fencing off the area, as well as reducing the size of the adjacent trees to reduce the risk of them falling into the river or harming park users. A minimally engineered path would be constructed to still allow for park users and event vehicles to access the relevant parts of the park.

A longer term plan should be drafted to address the wider context of the erosion issue at Riverside Park taking into consideration the likely effects of erosion along the entire riverbank. The plan should address what the final layout of the park is along the rivers edge through a managed retreat process until a forecast equilibrium state is reached where the effects of the river can be managed through minimal intervention.

**CONSIDERATIONS****Financial Considerations**

The initial financial impact of the proposal for moving the path and installing fencing is estimated to be \$6,000 for the recommended option.

Under an agreement with Waikato Regional Council, approved erosion works may be split 55/45 between Taupō District Council and the Waikato Regional Council, with Taupō District Council contributing 55%.

**Long-term Plan/Annual Plan**

The expenditure outlined is currently budgeted for under erosion control assets.

**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. The matter will enable the Council to meet the current and future needs of communities for good quality local infrastructure. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The following authorisations are required for the proposal:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Resource Consent | <input type="checkbox"/> Building Consent  | <input type="checkbox"/> Environmental Health |
| <input type="checkbox"/> Liquor Licencing | <input type="checkbox"/> Licence to occupy |   |

Authorisations are not required from external parties for the managed retreat option.

If any activities, such as hard engineering, are required to take place in the river however, then communication and approvals will be required from the Tuwharetoa Maori Trust Board, Mercury Energy and Waikato Regional Council.

**Policy Implications**

There are no known policy implications associated with the managed retreat option.

**Risks**

There are a number of risks associated with knowingly maintaining an unsafe structure on council land.

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

### **ENGAGEMENT**

The immediate safety concerns for the area indicate that no further engagement is required prior to Council making a decision to mitigate the safety risks.

The long term future of the location will require further consultation. Depending on the proposed outcome this will require engagement with the community, other authorities associated with the river and the Tuwharetoa Maori Trust Board.


### **COMMUNICATION/MEDIA**

Decisions made by Council should be communicated in the appropriate manner. It is considered that communication should be undertaken via appropriate council avenues, including social media and a media release. On-site signage should be erected to inform parks users of the circumstances and the necessity for the actions taken.

### **CONCLUSION**

A managed retreat from the area is the preferred option, with short term fencing and isolation of the riskiest areas undertaken to remedy the immediate safety concerns. A Long term plan for managed retreat taking into account the wider area should be prepared.

### **ATTACHMENTS**

1. Riverside Park boardwalk erosion 
2. Riverside Park boardwalk damage

**5.10 REQUEST FOR REMOVAL OF TREES - AC BATHS**

**Author:** Kevin Sears, Manager - Water & Wastewater

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

The purpose of this report is to make a decision on the removal or not of trees in line with the adopted Tree and Vegetation Policy.

**EXECUTIVE SUMMARY**

An issue has been identified with pine trees leaning towards the bore fields at the AC Baths complex. (See map Attachment). The trees are encroaching on the Bore fields supporting infrastructure and the pipeline to the AC Baths and for this reason staff are recommending the removal of these trees.

**RECOMMENDATION(S)**

That Council approves the removal of the high & medium risk Pine trees at the AC baths bore fields.

**BACKGROUND**

An issue has been identified with a number of pine trees (see map Attachments). The trees are encroaching on the supporting infrastructure and the pipeline to the AC Baths and for this reason staff are recommending the removal of these trees. The trees have been there for many years but have become more of a problem with their size over the last few years and now present a more significant hazard.

A previous request for removal of a single pine tree was brought to the Fences, Roading, Reserves & Dogs Committee on 15 April 2014, the resolution was; FRD201404/05 RESOLVED that the Pine Tree at the AC Baths is not removed. This request was based on a nuisance factor to bathers and did not consider the risk to the AC Baths infrastructure.

**DISCUSSION**

Some of the trees are large and positioned around the bores and pipework leaving the bores which feed the pools & Event Centre plant rooms. They have the potential to become unstable and could fall onto the plant infrastructure. This could mean significant damage to the plant and create potential restrictions to the heating of the pools & events complex.

During high wind events these trees pose more risk of falling. Staff inspect the bores and pipework on a regular basis. The public have also made comment about the trees shading the pools with morning sun.

While working on the plant these trees create a high risk to staff and infrastructure, the areas of risk have been split into two categories high risk & medium risk as shown in the map attached.

The trees which are of medium risk now will pose a higher risk as the trees mature over the next 5 – 10 years.

Although Council's Tree and Vegetation Policy 2014 states that the removal of healthy trees on Council land will be the exception, it does allow for removal where community assets are impacted [see Policy 3.2 – Removal of Healthy Trees].

**OPTIONS**

Option 1. Remove Pine trees at AC Baths pools complex

Advantages	Disadvantages
<ul style="list-style-type: none"><li>• Council infrastructure is protected and ongoing costs of repair avoided</li><li>• Safer work environment for staff</li></ul>	<ul style="list-style-type: none"><li>• Mature trees lost</li><li>• Cost of tree removal</li><li>• Possible negative publicity</li></ul>

<ul style="list-style-type: none"> <li>• No risk from trees to damage infrastructure</li> <li>• Possible positive publicity from those using the pools in the morning.</li> </ul>	
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#### Option 2. Retain Pine trees at AC Baths Pools complex

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Mature trees retained</li> <li>• Cost of tree removal avoided</li> </ul>	<ul style="list-style-type: none"> <li>• Potential significant cost if infrastructure is damaged and pools &amp; events centre has no heating</li> <li>• Medium to high level of risk to staff.</li> <li>• Potential fines from Work Safe if identified hazard is not eliminated.</li> </ul>

#### Analysis Conclusion:

Option 1 is preferred.

### CONSIDERATIONS

#### Financial Considerations

Depending on the outcome of the decision, if the decision was for the removal of the trees, the cost would be funded through Council's existing operational and maintenance budgets. The cost of removing the trees ranges from \$2000 removing high risk trees and \$3000 to remove both high & medium risk trees.

#### Legal Considerations

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. The matter will enable the Council to meet the current and future needs of communities in a way that is efficient, effective and appropriate to present and anticipated future circumstances.

The matter assists Council in providing good-quality local infrastructure.

#### Policy Implications

The proposal has been evaluated against the Long-term Plan, Annual Plan, Taupō District Plan, Bylaws, Waikato Regional Plan, Asset Management Plan and Reserve Management Plans (as applicable) and the adopted Tree and Vegetation Policy. This item is particularly related to the latter policy and is fully consistent with it.

#### Risks

The AC Baths & supporting infrastructure will continue to be put at risk of breakages if the Pine trees remain. Health & Safety of staff also will continue to be at risk from these trees if the trees remain.

### SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and



- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

### **ENGAGEMENT**

Council staff have undertaken a consultation exercise with the neighbouring property owner, being the Taupō Golf Course. The trees at high risk are located on council property and a row of trees at medium risk are split between the two properties (see attached). Access to the trees may require access through the golf course and approval from the Golf course for the removal of the medium risk trees has been given by the golf course manager in writing.


### **COMMUNICATION/MEDIA**

No communication/media is required.

### **CONCLUSION**

While the trees in question are in good health they are posing a risk to staff and infrastructure. Also there are some costs to maintain the area if the trees are not removed. The high risk trees are obviously more of a priority than the medium risk trees but the risks will increase as the trees mature.

### **ATTACHMENTS**

1. Photographs showing trees encroaching on infrastructure at AC Baths 

**5.11 TAUPŌ CBD ACCESSIBILITY AUDIT**

**Author:** Claire Sharland, Asset Manager Transportation

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

To provide Council with an update on the Taupō Accessibility Audit, undertaken earlier in the year.

**EXECUTIVE SUMMARY**

Council engaged CCS Disability Action to undertake an audit of street infrastructure in a sub-catchment of the Taupō CBD.

The resulting Taupō Street Accessibility Audit (SAA), which was completed in August 2016, will provide transport planners and engineers with recommendations to resolve access issues raised by the community. These recommendations, which are ranked in order of safety, will be incorporated into Council's existing budgets as well as asset management and long-term planning processes.

The recommendations contained in the SAA require a long-term investment by Council in order to address safety risks and improve accessibility in Taupō. Incorporating these recommendations into regular maintenance programmes will enable Council to take advantage of any NZTA funding to maximise its investment which will be completed over a number of years.

**RECOMMENDATION(S)**

That Council receives the information outlined in the report relating to the Taupō CBD Accessibility Audit.

**BACKGROUND**

The proposal has not been presented previously.

A submission was received from the Taupō Access Group formerly Taupō Mobility and Reference Group (TMARG) to allocate some funding in 2015/2016 in which a street accessibility audit was to be undertaken for Taupō Central Business District.

In response to discussions between Council and CCS Disability Action (CCSDA) regarding accessibility issues in Taupō, Council engaged CCSDA to undertake an audit of street infrastructure in a sub-catchment of the Taupō CBD (see Appendix One for a map of the audit area). Council requested that the audit have a particular emphasis on barriers to participation by disabled and older residents and visitors.

This report provides a brief summary of some of the demographic issues of relevance to Taupō, an overview of SAA findings (both recommendations to address safety risks and concerns and examples of good practice within the audit area) and outlines the next steps required to implement the SAA findings and improve Taupō's accessibility for residents and visitors.

**DISCUSSION**

The resulting Street Accessibility Audit (SAA), which was completed in August 2016, provides transport planners and engineers with recommendations to resolve access issues raised by the community. These recommendations, which are ranked in order of safety risk, can be incorporated into Council's asset management and long-term planning processes. An SAA assesses the accessibility or otherwise of the road corridor, and includes the following:

- Footpaths
- Visual cues (tactiles)
- Road crossings, intersections and kerb ramps
- Street furniture and street clutter (signage, wares for sale and alfresco dining furniture)

- Pedestrian crossings (whether formal or informal)
- Accessible parking spaces
- Temporary Traffic Management.

In order to inform the SAA process and understand local barriers to participation, a community consultation meeting was held on 18 February 2016. A small group of people attended the meeting, along with a Taupō District Councillor and a Taupō District Council staff member. This group was also given the opportunity to provide feedback on a draft version of the SAA prior to it being finalised.

The demographic composition of Taupō is relevant when understanding the importance of addressing accessibility issues within the audit area. At a national level, an estimated 1.1 million New Zealanders live with a disability, representing approximately 25% of the population. However, the percentage of people with disability increases with age, from 11% of children aged less than 15 years to 59% for adults aged 65 years and over.

In Taupō, at the 2013 Census:

- 17.2% of people were aged 65 years and over<sup>1</sup>. This is an increase from 14.4% in 2006, and compares to 14.3% for New Zealand as a whole.
- Approximately 20.3% of people were aged less than 15 years<sup>2</sup>. This is a slight decrease from 21.1% in 2006, and compares with 20.4% for all of New Zealand.
- The median age is 40.6 years for people in Taupō.

These demographic statistics mean that Taupō has a higher than average proportion of older people. Because disability and difficulty in everyday life is strongly correlated with age, this means that Taupō has a higher than average proportion of people with disability. The proportion of people aged over 65 years is projected to increase in Taupō in coming decades. This data provides a strong rationale for continued investment in accessible infrastructure in Taupō District.

### Street Accessibility Audit Findings

The SAA contains both general and specific recommendations. The general recommendations for improving infrastructure have no capital cost but are likely to result in improved accessibility outcomes for residents of (and visitors to) Taupō through improved processes and practices more aligned with best-practice universal design and construction.

The key focus of the SAA is on the specific recommendations which are required to improve accessibility and are split into three categories:

- **Major concern** – high priority issues which must be addressed immediately as they impede people's movement.
- **Significant concern** – inconveniences which have a significant impact on people's movement and;
- **Minor concern** – minor inconveniences.

In total, there are 74 recommendations spread across the above three categories (see Appendix Two for lists of these recommendations). Of the 74 recommendations, there are:

- Twenty-one which address major concerns, with an estimate cost of \$175,000<sup>3</sup>; (to be completed this financial year)
- Thirty-five which address significant concerns, with an estimate cost of \$90,000;
- Eighteen which address minor concerns, with an estimate cost of \$55,000.

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<sup>1</sup> Statistics New Zealand – 2013 Census URPC Tables

<sup>2</sup> Ibid.

<sup>3</sup> Costs shown are indicative construction costs only and should only be used as a guide. They do not include Traffic Management Costs, consultation with affected parties, costs of design or any other professional service fees.

The SAA recommends that the major concern recommendations are addressed first, and that significant and minor concerns are addressed as part of longer term planning and asset management.

Council staff have gone through the recommendations and it appears the majority of the major concern recommendations can be incorporated within existing budgets utilising the footpath maintenance budget and most will be done as soon as possible. For the other recommendations identified as significant or minor concerns these will be prioritised and funded within the next annual plan process or added to the 2018 Ten Year Plan.

A monitoring spreadsheet was developed with the assistance of CCS Disability Action which will assist with prioritisation as well as a monitoring programme of progress towards addressing all of the concerns raised.

### **Examples of good practice**

While the SAA details specific recommendations required to address safety issues and improve accessibility, there are a number of examples of good practice which were identified in Taupō. These include:

- Good overall condition of the Mobility Spaces provided in Taupō (crossfall is less than 1 in 12 (8.3%) on all Mobility Spaces.
- Many kerb ramps in Taupō have steel plates installed to improve the grade of the kerb ramp and remove the lip from the kerb to the channel.
- High quality kerb ramps at the intersection of Gascoigne and Tamamutu Streets.
- An excellent footpath network in Taupō, with only 750 metres of additional footpaths needed at this stage.
- Excellent footpath width in the main shopping centre which allows for good pedestrian flow.
- The crossing facility outside Taupō District Council, which services Kaimanawa Street and Rifle Range Road.

These highlights ought to be shared with Taupō District Council staff both to raise awareness of good practice, and to demonstrate that good accessibility outcomes are not only possible but already evident in Taupō District.

## **CONSIDERATIONS**

### **Financial Considerations**

The financial impact of the proposal is estimated to be \$320,000 however the recommendations will be prioritised and either implemented through existing budgets or be incorporated into Council's asset management and long-term planning processes.

### **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. The matter will enable the Council to meet the current and future needs of communities for good quality local infrastructure (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

### **Policy Implications**

The proposal has been evaluated against the Long Term Plan, Annual Plan, Taupō District Plan, Bylaws, Waikato Regional Plan, Asset Management Plans and Reserve Management Plans (as applicable). The proposal has been evaluated against the Long-term Plan, Annual Plan,

### **Risks**

There are no known risks.

**SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

**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.

**COMMUNICATION/MEDIA**

Decisions made by Council should be communicated in the appropriate manner.

**CONCLUSION**

The recommendations contained in the SAA require a long-term investment by Council in order to address safety risks and improve accessibility in Taupō. Incorporating these recommendations into regular maintenance programmes will enable Council to take advantage of any NZTA funding to maximise its investment which will be completed over a number of years.

Council staff have gone through the recommendations and it appears the majority of the major concern recommendations can be incorporated within existing budgets utilising the footpath maintenance budget and most could be done within the next six months. For the other recommendations identified as significant or minor concerns these will be prioritised and funded within the next annual plan process or added to the 2018 Ten Year Plan.

A monitoring spreadsheet was developed with the assistance of CCS Disability Action which will assist with prioritisation as well as a monitoring programme of progress towards addressing all of the concerns raised.

**ATTACHMENTS**

1. **Map of study area for street accessibility audit**

**5.12 REQUEST FOR APPROVAL TO UPDATE THE EAST TAUPŌ ARTERIAL DESIGNATION UNDER THE TAUPŌ DISTRICT PLAN**

**Author:** Gemma Mitchell, Business Development Planner

**Authorised by:** Alan Menhennet, Group Manager: Finance and Strategy

**PURPOSE**

To seek approval to update Designation 95 under the Taupō District Plan to reflect constructed road corridor, and retaining existing width where required for future four laning potential.

**BACKGROUND AND DISCUSSION**

In November 2002, Council as a Requiring Authority under the Resource Management Act (RMA) formalised what is referred to as the East Taupō Arterial Designation (D95) upon recommendations from the Hearings Commissioners. This designation covered all the land anticipated to be required to construct the East Taupō bypass, and was updated in 2007 to reflect more specific design requirements.

A “Designation” is a mechanism under the RMA to protect land for key infrastructure such as roads, schools and utility services (e.g. high voltage power lines). Under the RMA, any use of land affected by the Designation requires the approval of the Requiring Authority, in addition to requirements to comply with the District Plan provisions.

As the East Taupō Arterial has been completed by funding from what is now the New Zealand Transport Agency and Taupō District Council, it is appropriate to update the boundaries of the designation to match with the road corridor and legal boundaries. It is noted that to do this, Council needs to approve two processes:

1. Minor additions of land to the Designation under Section 181 of the Resource Management Act which provides for the legal road corridor to be completely covered by the designation; and
2. Removal of those areas which are no longer required under section 182 of the Resource Management Act 1991.

In order to add minor areas to the Designation under section 181, landowner approval is required before the amendment can be made. In this instance Council is currently “landowner” although New Zealand Transport Agency will become the landowner and also the Requiring Authority. As such their feedback on the proposed amendments has been sought. It is anticipated, given they have been working with TDC on the ETA process, that this will be acceptable to them. An update will be provided to Council on 13 December 2016.

In terms of removing portions of the Designation under section 182, notice must be given to those owners or occupiers to which that Designation relates and any other party who is likely to be affected by the Designation. In this instance, other than the owner or occupier of the land to which the designation relates, no other parties are considered likely to be affected by designation changes. Notice as required by the Act shall only be served on landowners/occupiers.



**CONCLUSION**

The formalisation of the actual East Taupō Arterial Designation boundaries is considered appropriate and necessary to enable continued protection to the ETA corridor and allow areas not required for the designation to be developed in accordance with the District Plan. The effects of the proposal are considered to be a formality and not have any adverse consequential effects on any party.

**RECOMMENDATION(S)**

1. That Council (as Territorial Authority) agrees, in accordance with the requirements of the Resource Management Act 1991, to
  - a) the removal of all areas of Designation D95 shown in green on the attached maps ETA North (A1811157), ETA Central (A1811156) and, ETA South (A1811154).
  - b) the additions to Designation D95 shown in red on the attached maps ETA North (A1811157), ETA Central (A1811156), ETA South (A1811154).

## **ATTACHMENTS**

1. ETA North - areas to be amended 
2. ETA Central - areas to be amended 
3. ETA South - areas to be amended

**5.13 TURANGI/TONGARIRO COMMUNITY BOARD DELEGATIONS**

**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

To put in place delegations from Council to the Turangi/Tongariro Community Board for the 2016-19 Triennium.

**EXECUTIVE SUMMARY**

The Local Government Act 2002 enables councils to delegate responsibilities, duties or powers to community boards. This item enables Council to put in place delegations to the Turangi/Tongariro Community Board for the current Triennium. It is proposed that the delegations will be essentially the same as delegations to the last Turangi/Tongariro Community Board.

**RECOMMENDATION(S)**

That Council delegates authority to the Turangi/Tongariro Community Board for the 2016-19 Triennium as detailed in the attached document [A1793291].

**BACKGROUND**

The proposed delegations have been circulated to members of the Turangi/Tongariro Community Board and no changes have been recommended.

**DISCUSSION**

Council may delegate authority to the Turangi/Tongariro Community Board to enable it to perform its statutory role. It is recommended that Council delegates authority in the same terms as last Triennium, because those delegations were fit for purpose and the Board was able to operate effectively and efficiently, making recommendations by exception to Council where appropriate.

**OPTIONS**

Council may delegate authority as recommended, or it may amend the proposed delegations to the Turangi/Tongariro Community Board. If Council wishes to do this, Council officers will need to ensure that the new delegations are consistent with a range of other relevant expressions of Board powers and processes, including Local Government Act 2002, Standing Orders, and delegations to other bodies.

If Council wishes to amend substantial elements of the delegations to the Community Board that are likely to be of public interest, then it would be wise to consult with the Turangi/Tongariro Community Board, residents and ratepayers in the TT ward before making its final decision.

**CONSIDERATIONS****Financial Considerations**

The Board's operations are funded with 80% from a targeted rate on Turangi-Tongariro ratepayers and 20% from the District's general rate. Council provides administrative support for the Board through its Democracy and Planning activity in the Long-term Plan. The Board does not have any other funding unless Council specifically allocates it. For example, in the Long Term Plan process, Council has historically allocated funding for the Board to distribute to community organisations.

**Legal Considerations**

The Local Government Act specifies the role and powers of Community boards as follows:

52 Role of community boards

*The role of a community board is to—*

*(a) represent, and act as an advocate for, the interests of its community; and*



- (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and*
- (c) maintain an overview of services provided by the territorial authority within the community; and*
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and*
- (e) communicate with community organisations and special interest groups within the community; and*
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.*

### 53 Powers of community boards

- (1) A community board has the powers that are—*
  - (a) delegated to it by the relevant territorial authority in accordance with clause 32 of Schedule 7; or*
  - (b) prescribed by the Order in Council constituting its community.*
- (2) The powers of a community board prescribed by Order in Council expire at the close of 6 years after the order comes into force.*
- (3) Despite subsection (1), a community board may not—*
  - (a) acquire, hold, or dispose of property; or*
  - (b) appoint, suspend, or remove staff.*

### 32 Schedule 7

- (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—*
  - (a) the power to make a rate; or*
  - (b) the power to make a bylaw; or*
  - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
  - (d) the power to adopt a long-term plan, annual plan, or annual report; or*
  - (e) the power to appoint a chief executive; or*
  - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or*
  - (g) [Repealed]*
  - (h) the power to adopt a remuneration and employment policy.*

[...]

- (7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.*

### **Policy Implications**

This item has no policy implications.

### **Risks**

There are no known risks.

### **SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

**ENGAGEMENT**

As detailed previously in this report, the proposed delegations have been circulated to members of the current Turangi/Tongariro Community Board. If Council wishes to amend substantial elements of the delegations that are likely to be of public interest, then it would be wise to consult with residents and ratepayers in the TT ward before making its final decision.

**COMMUNICATION/MEDIA**

The confirmed Turangi/Tongariro Community Board delegations will be published on the Council's website.

**CONCLUSION**

It is recommended that Council confirms delegations to the Turangi/Tongariro Community Board in terms of the attached document.

**ATTACHMENTS**

Nil

**5.14 ADOPTION OF MEETING SCHEDULE 2017**

**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

To approve a schedule of meetings for the 2017 calendar year.

**DISCUSSION**

Council may choose to adopt a schedule of meetings for the year ahead, the benefit of which is to provide certainty for elected members, staff and public. A draft schedule is attached for consideration. If adopted the schedule constitutes formal notification of every meeting on the schedule [clause 19(6)(b), Schedule 7, Local Government Act 2002 (LGA)]. The schedule if approved will be available on Council's website.

Additional meetings can be scheduled during the year as required, in accordance with the LGA and the Local Government Official Information and Meetings Act 1987.

It should be noted that meeting dates proposed for Annual Plan 2017/18 hearings and deliberations are indicative only and may not all be required.


**CONCLUSION**

It is recommended that Council adopts a schedule of meetings for 2017.

**RECOMMENDATION(S)**

That Council adopts the attached meeting schedule 2017 [A1777865].

**ATTACHMENTS**

1. 2017 Council & Committee Meeting Dates 

**5.15 APPROVAL TO ATTEND CONFERENCE AND TRAINING OPPORTUNITIES**

**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

Approval is sought for elected members to attend various upcoming conference and training opportunities.

**DISCUSSION**

Approval for elected members to attend conference and training opportunities is usually dealt with by way of the monthly 'engagements' report to Council. As there is no 'engagements' report this month, approval is sought via this agenda item for the attendance of elected members at the following conference and training opportunities:

- It is recommended that Emergency Management Committee Councillors Kingi and Park [and any other members if desired] attend the **Learn, Prepare, Act Symposium** being held in Christchurch from 14-16 February 2017.

The Symposium is a major emergency management event at which lessons learnt from the Canterbury Earthquake recovery will be shared. Further information is available on the official website of the New Zealand Government:

<https://www.beehive.govt.nz/release/big-names-attend-recovery-symposium>

- Councillor Z Cozens has requested approval to visit Twizel in February as part of the Turangi Economic Development Feasibility Study.
- Health and Safety Workshop with Simpson Grierson [through BOPLASS Health and Safety Activity Group] on the morning of Tuesday 7 February 2017 ASB Stadium Tauranga.

**CONCLUSION**

Requests for elected members to attend conference and training opportunities will be considered at the meeting.

**RECOMMENDATION(S)**

That Council approves the attendance of elected members and training and conference opportunities as follows:

- (i) Councillors T Kingi, A Park and [insert other members if desired] to attend the Canterbury Earthquake **Learn, Prepare, Act Symposium**, which will be held in Christchurch from 14 – 16 February 2017.
- (ii) Councillor Z Cozens to visit Twizel as part of the Turangi Economic Development Feasibility Study from 8-10 February 2017.
- (iii) Councillors \_\_\_\_\_ to attend the Health and Safety Workshop which will be held in Tauranga on the morning of 7 February 2017.

**ATTACHMENTS**

Nil

**5.16 MEMBERS' REPORTS**

**Author:** Tina Jakes, Democracy & Community Engagement Manager

**Authorised by:** Brian Fox, Group Manager: Corporate and Community

**PURPOSE**

This item permits members to report on meetings/functions they have attended as Council's representative, or on behalf of Council, since the last Council meeting.

The item also provides an opportunity for members to report back, either verbally or by way of tabled information, specifically on conferences, seminars and professional development courses that they have attended.

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

**CONCLUSION**

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

**RECOMMENDATION(S)**

That Council receives the reports from members.

**ATTACHMENTS**

Nil

## 6 CONFIDENTIAL BUSINESS

### RESOLUTION TO EXCLUDE THE PUBLIC

I move that the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the local government official information and meetings act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<b>Agenda Item No: 6.1</b> Confirmation of Confidential Portion of Ordinary Council Minutes - 29 November 2016	Section 6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial	Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6
<b>Agenda Item No: 6.2</b> Request for Authorisation to dispose of seven lots in Botanical Heights Stage 3d.	Section 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7
<b>Agenda Item No: 6.3</b> Appointment of Business Representative to the Taupo Airport Authority Committee	Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7

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]*.