



**I give notice that
a Fences, Roothing, Reserves & Dogs Committee Meeting will be held
on:**

| | |
|------------------|--|
| Date: | Tuesday, 3 October 2017 |
| Time: | 10.00am |
| Location: | East Wing Great Lake Centre 5 Story Place Taupō |

AGENDA

MEMBERSHIP

Chairperson Cr Barry Hickling
Deputy Chairperson Cr John Williamson

Members Cr John Boddy
Cr Anna Park
Mayor David Trewavas
Vacancy

Quorum 3

Gareth Green
Chief Executive Officer

Order Of Business

- 1 **Apologies**
- 2 **Conflicts of Interest**
- 3 **Confirmation of Minutes**
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- 5 **Confidential Business**

Nil

3.1 EXTRAORDINARY FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 18 JULY 2017

Author: Tina Jakes, Democracy & Community Engagement Manager

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

RECOMMENDATION(S)

That the minutes of the Fences, Roothing, Reserves & Dogs Committee extraordinary meeting held on Tuesday 18 July 2017 be confirmed as a true and correct record.

ATTACHMENTS

1. Fences, Roothing, Reserves & Dogs Committee Meeting Minutes - 18 July 2017 

4.1 JAN SMEATON - OBJECTION TO MENACING CLASSIFICATION OF DOG 'SAHARA'

Author: Tina Jakes, Democracy & Community Engagement Manager

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

PURPOSE

To consider an objection request from Mrs Jan Smeaton in relation to the menacing classification of her dog SAHARA.

EXECUTIVE SUMMARY

Council has received a letter from Mrs Jan Smeaton requesting that her dog SAHARA has a temporary classification for a specified period to allow for further intensive dog training to be undertaken and that once completed, reassessment of SAHARA's classification is reconsidered.

The request is now presented for consideration.

BACKGROUND

Mrs Smeaton is the owner of SAHARA, a female Australian Cattle cross dog.

On 5 June 2017, SAHARA was involved in an incident whereby it was alleged by Mrs Claire Webber, complainant and dog owner of LENI, that SAHARA ran up to LENI (who at the time was playing with a group of other dogs) and bit her on the side of the body inflicting a 10cm gash. Both dogs were off leash when this incident occurred however, as a result of the subsequent investigation of this complaint, SAHARA was classified as menacing pursuant to Section 33A of the Dog Control Act 1996 (the Act).

Mrs Smeaton has objected to the classification which is her right as per Section 33B of the Act.

DISCUSSION

Section 33B(2) of the Act requires the Committee to have regard to the following matters when considering this objection:

- (a) the evidence which formed the basis for the classification; and
- (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
- (c) the matters relied on in support of the objection; and
- (d) any other relevant matters.

OPTIONS AVAILABLE TO THE COMMITTEE








In accordance with Section 33B(2) of the Act, when considering an objection to a classification decision, the Territorial Authority may uphold or rescind the classification.


CONCLUSION

It is recommended that the Committee:

1. Hear from Mrs Smeaton in support of her objection to the menacing classification
2. Hear from Councils Compliance Officer in support of the officer's decision to classify Mrs Smeaton's dog as menacing
3. Deliberates on all the information provided to it, both written and verbal, and reach a decision within the parameters of Section 33B(2) of the Dog Control Act 1996.

ATTACHMENTS

1. Report from Council's Compliance Officer 
2. Letter of Objection from Mrs J Smeaton 
3. Letters in Support of Mrs J Smeaton 
4. Letter of Notification of Menacing Classification 
5. Council's Service Request 
6. Photographs of Leni's injuries 
7. Council's Dog Matrix Evaluation 

8. Statements from C & J Webber 

4.2 UPDATES TO TAUPŌ DISTRICT COUNCIL TRAFFIC CONTROLS**Author:** Vincent Wang, Engineering Officer**Authorised by:** Denis Lewis, Infrastructure Manager**PURPOSE**

To update the Taupō District Council traffic controls or prohibitions on roads or public spaces, in accordance with the Taupō District Council Traffic Bylaw 2014.

EXECUTIVE SUMMARY

The Taupō District Council Traffic controls may be updated from time to time with new controls or prohibitions.

RECOMMENDATION(S)

That, pursuant to the Taupō District Council Traffic Bylaw, Council imposes the following traffic controls and/or prohibitions on roads and/or public spaces in the Taupō District:

| Sign/Marking | Why | Where |
|---|--|---|
| 1. 68 metres No Stopping At All Times marking (broken yellow lines) | To improve road safety | Western kerbline of Atirau Road between Te Rangitukehu Street and Katarina Street |
| 2. Two (2) Stop signs and marking | To change existing 'Giveaway' signs and marking to 'Stop' | Intersection of Arrowsmith Ave and Shepherd Road |
| 3. Two (2) 15 minute parking restriction sign | To provide one 15 minute time restricted parallel parking space | Western kerbline of Totara Street outside No.19 |
| 4. One (1) Giveaway sign and marking | To provide 'Giveaway' control at intersection of new vested to council roads | Intersection of Coprosma Crescent and Botanical Height Road |
| 5. One (1) Giveaway sign and marking and one (1) existing Giveaway sign and marking to be removed | To change traffic priority of intersection | Intersection of The Boulevard and Noumea Drive |
| 6. Two (2) No Left Turning for coaches and semi-trailers signs | Traffic lanes have been narrowed due to the layout improvement of Ruapehu and Roberts Street intersection and protection of infrastructure | Ruapehu and Roberts Street Intersection |

BACKGROUND

Council must make a resolution whenever a sign or marking on the road is recommended or recommended to be changed, and as a consequence controls or prohibits the use of a road or public space.

The Taupō District Council Traffic Control Device Register (the Register) sets out all the signs and markings which control and prohibit the use of a road or public space in the Taupō District.

OPTIONS

The two options before Council are:

- 1) Accept the recommendation to amend and update the controls or;
- 2) Not accept the recommendation to amend and update the controls.

It is recommended that Council accepts the recommendation to update and amend the controls.

CONSIDERATIONS

The controls require updating to incorporate the following new signs and markings:

| Sign/Marking | Why | Where |
|---|--|---|
| 1. 68 metres No Stopping At All Times marking (broken yellow lines) | To improve road safety | Western kerbline of Atirau Road between Te Rangitukehu Street and Katarina Street |
| 2. Two (2) Stop signs and marking | To change existing Two (2) 'Giveway' signs and marking to 'Stop' | Intersection of Arrowsmith Ave and Shepherd Road. |
| 3. Two (2) 15 minute parking restriction sign | To provide one 15 minute time restricted parallel parking space | Western kerbline of Totara Street outside No.19 |
| 4. One (1) Giveway sign and marking | To provide Giveway control at intersection of new vested to council roads | Intersection of Coprosma Crescent and Botanical Height Road |
| 5. One (1) Giveway sign and marking and One (1) existing Giveway sign and marking to be removed | To change traffic priority of intersection | Intersection of The Boulevard and Noumea Drive |
| 6. Two (2) No Left Turning for coaches and semi-trailers signs. | Traffic lanes have been narrowed due to the layout improvement of Ruapehu and Roberts Street intersection and protection of infrastructure | Ruapehu and Roberts Street Intersection. |

1. In May 2017, Council was asked to address a road safety problem at Atirau Road, Turangi. The primary concern was that heavy vehicles were having difficulty turning in and out of properties when vehicles were parking on the western kerblines of Atirau Street between Te Rangitukehu Street and Katarina Street.

No stopping yellow lines have been proposed along the western kerblines of Atirau Road between Te Rangitukehu Street and Katarina Street. The intention is to provide adequate manoeuvring space for heavy vehicles so customers can safely access the business on the western side of the road and provide customer parking on the eastern side of the road.

2. In June 2017, Council received a request to review the road safety at the intersection of Arrowsmith Avenue and Shepherd Road.

The transportation team has undertaken an investigation and found the primary issue is with the insufficient visibility viewed from eastern and western sides of Shepherd Road limit line to northern and southern sides of Arrowsmith Avenue.

A review of crashes has been downloaded from the NZTA Crash Analysis System. It showed there have been 6 crashes with 3 injuries in the area of Arrowsmith Avenue and Shepherd Road intersection in the last 5 years (2013-2018). This report also showed 4 out of the 6 crashes noted an element of failing to give way due to the restricted visibility of the road.

3. Since June 2016, the transportation team has undertaken investigations for a number of traffic safety concerns and vehicles parking across driveway complaints from Totara Street businesses. Totara Street is located in an industrial zone with multiple businesses of workshops, retailers, shopping centre Church, NZ courier etc.

An overall 90.1 metres no stopping at all times yellow lines proposal was approved at the Council meeting held on 29 November 2016 (A1793051).

In June 2017, Council was approached by Care Charity Shop (No.19 Totara Street) to install a loading zone/short term parking time restriction outside their building. The primary issue was due to added pressure on parking for long-term from employees of Totara Street business/shops.

4. Due to the stage 3 of development works at Botanical Heights, a Giveaway sign and marking has been installed at Coprosma Crescent and Botanical Height Road intersection.
5. Due to the subdivision extension at no.44 Huka Falls Road, the priority of traffic control is required to be changed on completion of the subdivision 'loop' road and the existing Giveaway sign, and marking has been shifted from The Boulevard to Noumea Drive.
6. Due to the upgrade and layout improvement of Ruapehu and Roberts street intersection the traffic lanes have been narrowed. In order to protect the new infrastructure from being damaged, Council is proposing to install no left turning signs for coaches and semi-trailers as shown on the attached plan.

Note: Tracking curves were used prior to the project and showed that coaches and semi-trailers were unable to manoeuvre these turns (prior to the pedestrian islands) without crossing the centreline and into oncoming traffic lanes.

FINANCIAL CONSIDERATIONS

The financial impact of maintenance to the Register does not change and is met within current budgets.

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 proposal has been evaluated with regard to the Traffic Bylaw 2014, the Land Transport Act 1998 and the associated Rules. Prescribed signs need to be installed in order to be enforceable by our compliance officers.

Policy Implications

There are no policy implications associated with this paper.

Risks

There are no risks associated with this paper except not having prescribed signs installed.

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. The transportation team have consulted with key stakeholders including compliance team and received feedback as follows:

1. The key stakeholders on Western kerblines of Atirau Road between Te Rangitukehu Street and Katarina Street have been advised of the proposed No Stopping broken lines. The owner of Turangi Coachlines (no. 2/95 Atirau Road) was not in support of the proposed changes since he advocated this issue could only be resolved by widening the road carriageway.
2. Road Policing Manager has been engaged for developing the road safety countermeasure of Arrowsmith Avenue and Shepherd Road intersection and was in support of this proposal.
3. The key stakeholders on Totara Street including Care Charity Shop (no. 19), Landmark Homes (No. 1/21) and John Barrett Motors (no. 2/21) have been advised for the proposed 15 minutes parking restriction area. They were in support of the proposal.
4. We have advised the Road Transportation Association New Zealand of the proposed restrictions who have advised the heavy vehicles operators along with the alternative route map.







COMMUNICATION/MEDIA

No communication/media is required.

CONCLUSION

It is recommended that Council imposes the traffic controls and prohibitions detailed in the report. Staff will then update the Traffic Control Device Register in accordance with the resolution.

ATTACHMENTS

1. Proposed No Stopping At All Time Marking at Atirau Road, Turangi 
2. Arrowsmith Avenue and Shepherd Road Intersection Sight Distance Plan 
3. Proposed 15 Minute Car Parking Outside No.19 Totara Street 
4. Proposed Giveaway Control at The Boulevard and Noumea Drive Intersection 
5. Proposed Giveaway Control at Botanical Heights Drive and Coprosma Crescent 
6. Proposed Coaches and Semi Trailers No Left Turn Sign at Ruapehu Street and Roberts Street Intersection 

4.3 REQUEST FOR GARDEN ON BERM OUTSIDE NUMBER 9 CUMBERLAND STREET, TAUPŌ

Author: Vincent Wang, Engineering Officer

Authorised by: Denis Lewis, Infrastructure Manager

PURPOSE

To make a decision in relation a request for outside structures at 9 Cumberland Street, Taupō.

EXECUTIVE SUMMARY

The owner of 9 Cumberland Street Taupō has requested that Council approve the installation of a garden and netting structure on the berm outside his property.

Due to the potential high public interest, it is considered appropriate that FRRcD Committee consider this request.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee declines the customer's request for the installation of a garden and netting structure on the berm outside No.9 Cumberland Street.

BACKGROUND

In July 2017, the owner of 9 Cumberland Street erected a garden and netting structure for the purpose of growing veges on the Council berm. Council staff requested the owner to remove this structure.

Subsequently, Mr Eyles formally requested permission to have this structure on his berm. A site investigation also found a basketball frame installed on the berm.

DISCUSSION

Council's Tree and Vegetation Policy states that no new encroachment shall be permitted on reserves in the Taupō District without prior formal approval of Council.

The main concerns for an unauthorised structure/planting on the berm are safety, utility services, appearance and the ongoing maintenance.

Any unauthorised structure/planting can adversely affect visibility of pedestrians, street signs and reduce sight lines at intersections and driveways. They can also encroach onto footpaths and impede pedestrians particularly those who are visually impaired or are wheel chair users.

Utility services particularly lateral connections located within the berm are normally at a shallower depth and can be impacted by root intrusion from trees. The presence of unauthorised structure/planting can also create extra challenges for utility operators when maintaining existing infrastructure or installing new infrastructure within the berm.

Other issues which can arise include the appearance of the structure/planting which may cause discontent between adjoining landowners who may have differing views as to what should be constructed and/or planted.

On-going maintenance by landowners would be required and there would need to be monitoring of the site in order for the vegetation to be kept tidy and not obstruct any signs or pedestrians.

There are a few community gardens set up on Council land around the district which the customer could join. The nearest community garden around town is located at No.98 Richmond Ave, Taupō.

The Compliance team and Senior Reserve Planner have been consulted. Their advice was to decline the customer's request in line with Council's current policies.

OPTIONSAnalysis of Options

Option 1. Decline the request for installation of garden structure on the berm outside customer's property.

| Advantages | Disadvantages |
|---|---|
| <ul style="list-style-type: none"> • Council policy is complied with. • Mitigates future issues with maintenance and any possible further requests. • Services and pedestrians are not impacted by the structure/planting. | <ul style="list-style-type: none"> • Customer dissatisfied |

Option 2. Approve the request and retain the garden structure outside customer's property

| Advantages | Disadvantages |
|---|--|
| <ul style="list-style-type: none"> • Customer is satisfied | <ul style="list-style-type: none"> • Does not comply with Council policy. • Safety of pedestrians may be compromised due to structure not being well constructed. • Possible impact on underground services. • Sets a precedence for other requests. |

Analysis Conclusion:

The preferred option is to decline the request for the installation of the garden structure and advise the customer to remove the structure and associated plantings at their cost.

CONSIDERATIONS**Financial Considerations**

The cost of removal and reinstatement work would be borne by Mr Eyles

Legal ConsiderationsLocal Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002. 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 key aspects for consideration with regards to this proposal are as follows from the Taupō District Council Tree and Vegetation Policy 2014.

Policy 1.3 – Planting Responsibility on Council Land

Planting and selection of trees and vegetation on council land is the responsibility of council staff, or council authorised persons.

Planting of trees and vegetation on council land, including road berms is the responsibility of the council staff/contractors, to ensure safety to the public and ensure standard tree planting standards are followed.

Members of the public may seek approval from council to plant on council land. In respect to berms they may seek approval through the Corridor Access Request (CAR) process, where the planting of trees is not inconsistent with other policies in this document. For more information on the CAR process visit www.beforeudiq.co.nz.

Council supports community initiatives for tree planting, and there will be times where members of the community will assist in planting, such as revegetation projects. In these instances the planting and public involvement will be approved by council first to ensure safety to the public is maintained.

In situations where trees and shrubs have been established on council land by organisations or individuals the trees and vegetation will be managed in line with this policy. The organisation or individual responsible for planting the tree/s will receive no special degree of consultation unless council has previously agreed to do so. The original planter of the tree has no authority to undertake tree pruning or removal on behalf of the council without specific council consent.

In some situations it may be necessary to remove plantings by members of the community where these have occurred without prior agreement. In these situations the council will attempt to consult with those concerned with the original planting prior to making any major change. Persons responsible for unauthorised planting may be requested to remove the plantings, or council may remove the planting and recover costs.

Policy 2.5 – Berm Vegetation Management

Residents are responsible for the lawn maintenance of the council berm adjoining their property.

Residents are responsible for the lawn maintenance of the council berm adjoining their property. No planting or modification of the berm is to occur without the prior consent of the council in accordance with General Bylaw No. 1 2008 (amended 2013).

Where a resident does not maintain the berm outside their property council staff may undertake or contract basic maintenance to avoid a fire or health risk occurring. An un-maintained berm lawn is likely to receive two grass cuts per year in this situation.

Vehicles are not allowed to park on berms in accordance with the council's Traffic Bylaw 2008, section 7.1.

Risks

There are risks associated with making decisions in contradiction of accepted Council policy. In this case the Taupō District Council Tree and Vegetation Policy 2014.

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

No communication/media is required.

CONCLUSION

It is recommended that FRRcD Committee declines the customer's request for installation of a garden and netting structure on the berm outside his property. Compliance team will need to follow up with the removal of the structure, berm reinstatement and recovery of costs process, if required.

ATTACHMENTS

1. Photo outside customer's property 
2. Council Encroachment On Reserves Policy 

4.4 NISBET TERRACE TREE REMOVAL, KINLOCH

Author: Woinshet Hailesilassie, Engineering Officer

Authorised by: Kevin Strongman, Group Manager, Operational Services

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

The resident at 41 Nisbet Terrace, Kinloch has asked Council to remove the tree on the berm adjacent to their property. The issues raised by the resident are:

- they have had to replace storm water pipes in their property due to tree roots; and
- the berm is not suitable for pedestrians to walk along; and
- the tree creates a large shaded area; and
- they are unable to mow and maintain their berm; and
- leaf/tree debris affects the storm water system.

Due to unavailability of an arborist, the Douglas Fir tree was inspected by the Parks Operations Manager who has advised that the tree is in a healthy condition therefore a decision needs to be made by this committee in order to remove a healthy tree under the current tree and vegetation policy.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee declines the request to remove the identified Douglas Fir tree at 41 Nisbet Terrace, Kinloch.

BACKGROUND

The original request to remove the tree from the berm at 41 Nisbet Terrace Kinloch was received on 31 January 2017 saying that the tree was very large, creating damage and was very untidy.

As per the discussion with the neighbour on site, he was concerned that the tree created untidiness and shade in the cul-de-sac.

After the investigation by both transportation and parks operation teams, officers advised the customer that the tree was healthy and it would need to be put as an agenda item to this committee. Following this, an email was received on 11 April 2017 listing their issues as follows:

- The storm water drainage system was replaced at considerable cost some of which related to roots from the tree.
- The area between the property and the road was unusable for pedestrian use or from alighting cars as a result of the massive surface root system. This had also caused soil upheaval and disruption.
- The berm was dangerous to walk on and rendered it impossible for pedestrian use.
- When they purchased the property 16 years ago, the area was in lawn and they could mow and maintain it. Over the years the tree, along with its root system, had grown substantially and was incompatible to the streetscape.
- The tree adversely impacted on the street verge, street drainage system and affected the whole cul-de-sac. The leaf drop acted as a heavy mulch, which again made lawn growing impossible and created build up in the storm water drain.



Photos above show the location of the tree at 41 Nisbet Terrace.

DISCUSSION

From investigation by the transportation team, there appears to be no significant structural damage to the Council infrastructure however, there are some cracks on the road kerbing. On inspection, the Parks Operations Manager believes the cracks appears to have been created from the hedge roots which are adjacent to the boundary of 41 Nisbet Terrace, rather than the tree.

While no footpath is planned in the near future, this side of the road would be our preferred side to construct a footpath. The tree and some of the hedges will need to be removed in order to construct footpath.

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

OPTIONS

Option 1. Remove the tree at 41 Nisbet Terrace

| Advantages | Disadvantages |
|---|--|
| <ul style="list-style-type: none"> • Less debris from falling needles which blocks stormwater. • The berm may be able to be used by pedestrians. • The tree will not create shade on the road or neighbouring properties. • No pruning or ongoing maintenance required by Council. • Property owner can mow and maintain the berm. | <ul style="list-style-type: none"> • Cost of tree removal • Loss of amenity due to its size and shape. |

Option 2. Retain the tree at 41 Nisbet Terrace

| Advantages | Disadvantages |
|---|--|
| <ul style="list-style-type: none"> • No cost associated with tree removal. • No loss of amenity | <ul style="list-style-type: none"> • The tree will continue to create shade to road and properties (need to show on plan where the shade is)? • Debris from the tree will continue to occur. • Pruning and ongoing maintenance will be required. • Unable to maintain the berm |

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 operations and maintenance budgets.

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 and the adopted Tree and Vegetation policy.

Risks

There are no known risks with this paper.

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

The resident will be advised of the decision made by this committee.

CONCLUSION

While the tree is in a healthy condition and there is minimal damage to the infrastructure compared with other trees in the district there is no urgency to remove the tree at this stage. However the vegetation and infrastructure should be monitored closely as the tree and the adjacent hedge are going to continue to grow and may impact the infrastructure in the future.

ATTACHMENTS

1. Proposed tree to be removed at 41 Nisbet Terrace 

4.5 TREE REMOVAL REQUEST, ACACIA BAY RD, ACACIA BAY

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To consider a request from the residents of 817 Acacia Bay Road, Taupō to remove trees on Council administered land.

EXECUTIVE SUMMARY

Residents at 817 Acacia Bay Road, Taupō, spoke to an elected member to request that a tree be removed. The tree is situated between their property and the lake. Officers were instructed to prepare a report for this committee to consider the request. There are no significant reasons to remove the tree in question, and some gains can be made with minor arboriculture work on the tree in question. It is not recommended that the tree is removed.

RECOMMENDATION(S)

That the Fences, Roding, Reserves & Dogs Committee declines the request from the residents at 817 Acacia Bay Road, Taupō, to remove the identified oak tree.

BACKGROUND

The proposal has not been presented previously.

The customers contacted an elected member requesting that two trees be removed from the Council administered land next to their property at 817 Acacia Bay Road, Taupō.

One is a conifer in the road berm and the other is an oak tree in the Council reserve which runs between their property and the lake.

The customers were advised by the elected member to request that the matter be considered by this committee and the request was forwarded on to Council officers.

Council officers met on site with one of the residents, explaining that council would look to thin the oak's branches to lighten up the tree and improve the overall appearance. Council also committed to lifting the lower branches of the roadside conifer to improve the appearance and impact on the driveway and pedestrian accessibility. The female resident that Council officers met with was satisfied with the outcome of those discussions.

Following this, council was contacted by a male resident at the property with the same request to remove the trees. He was unaware of the previous meeting held on site with the female resident however, he still wanted Council to remove the oak and the conifer.

Work has been carried out on the conifer and the residents appear satisfied with the result and no longer want the tree removed from the road berm.

Work has not been carried out on the oak tree to date. Officers met with the male resident who indicated that they did not believe that the proposed work on the oak tree would make any difference to their perceived problem. They stated that they still wanted the oak tree removed.

Given the apparent satisfaction of the customers with the outcome with the roadside conifer, it is no longer being considered for removal as part of this report.



DISCUSSION

The oak tree is on the boundary of the property, and on occasion some limbs do protrude over the boundary into the private residence. It also extends over a walkway which runs through the reserve.

The main concern does however appear to be that the tree inhibits some afternoon sun and is in the way of one of the residences view shafts to the lake.

Council policy does not permit removal of trees for light, debris or views.

It is considered that the best solution is the one initially proposed to the residents whereby the tree is professionally approached by our arborist team to improve the overall appearance of the tree. The tree currently appears to be in good health and there is no need to remove the tree on the grounds of it being a potential danger to people or services.



The tree being requested for removal is in the centre of the picture above.

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"> Does not expend council resources | <ul style="list-style-type: none"> No change to the situation |

Option 2. Use best practice arboriculture to improve the appearance and health of the tree

| Advantages | Disadvantages |
|--|---|
| <ul style="list-style-type: none"> Would be an improvement to the residents outlook and possibly for users of the reserve | <ul style="list-style-type: none"> Possible unnecessary use of council resources |

Option 3. Remove the tree completely

| Advantages | Disadvantages |
|---|---|
| <ul style="list-style-type: none"> Resident would be satisfied | <ul style="list-style-type: none"> Not consistent with Council policy Unnecessary use of council resources Reduction in amenity value of the reserve |

Analysis Conclusion:

The preferred option is to perform best practice arboriculture on the oak tree in question to improve the appearance and health of the tree.

CONSIDERATIONS

Financial Considerations

The expenditure required for work is not budgeted for, but can be covered by operational budgets.

Legal ConsiderationsLocal Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002. 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 proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the relevant matters for consideration are as follows:

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Risks

There are no known risks if the tree is not removed. There are risks associated with making decisions in contradiction of accepted Council policy. In this case the Taupō District Council Tree and Vegetation Policy 2014.

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

No communication/media is required.

CONCLUSION

There are no significant or obvious reasons to remove the tree.

ATTACHMENTS

Nil

4.6 PROPOSAL TO EXCHANGE SMALL PORTION OF RESERVE LAND AT KINLOCH

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To consider the exchange of current reserve land for private land on a reserve accessway at 1/31 Irwin Place, Kinloch.

EXECUTIVE SUMMARY

Council officers were contacted by the owners of 1/31 Irwin Place, Kinloch, earlier this year to discuss an encroachment on reserve land along a reserve accessway which runs along the boundary of their property. The owners wished to remedy this encroachment situation and asked officers to investigate options to rectify the issue. The preferred option is to exchange an equivalent area of private land for the amount of land being encroached upon by the neighbouring property.

RECOMMENDATION(S)

1. That the Fences, Roothing, Reserves & Dogs Committee directs officers to publicly notify the proposed exchange of reserve land for private land at 1/31 Irwin Place, Kinloch as described in this report.
2. That if no written submissions are received objecting to the proposed land exchange within the timeframes of the public notification process, the Fences, Roothing, Reserves & Dogs Committee approves the exchange of reserve land at 1/31 Irwin Place, Kinloch, as described in this report, and directs officers to carry out all necessary steps to enable this to happen.

BACKGROUND

The proposal has not been presented previously.

Council officers were contacted by the owners of 1/31 Irwin Place, Kinloch, earlier this year to discuss an encroachment on reserve land along a reserve accessway which runs along the boundary of their property. The owners were contacted some time ago by a previous Council officer who was investigating an existing encroachment by one of their neighbours on adjoining Council reserve land. During this investigation, the officer discovered that the property at 1/31 Irwin Place was also encroaching on Council reserve land. The total amount of the encroachment is approximately 40m². The area of encroachment is indicated in the image below.

The owners of the property were unaware of this encroachment until informed by the Council officer. It appears that the original developer of the property (not the current owners) may have deliberately encroached onto Council reserve land to allow for better driveway access to the garage attached to the building.



DISCUSSION

The owners of the property are upset at the circumstances surrounding this encroachment, and especially uncomfortable with knowing that they are illegally occupying public land. They would like to rectify the matter so that no issues arise in the future and, to enable security of their investment for themselves and their family.

It was suggested to the owners that a land swap may be a suitable method of resolving the problem, so that both parties retain the same amount of land they are legally entitled to and the owners of 1/31 Irwin Place are able to retain use of the existing driveway which is currently encroaching on Council reserve.

As the encroachment is already existing, and has not caused any significant access issues to the reserve, it is felt that swapping Council reserve land outlined in red below for an equivalent sized area of the 1/31 Irwin Place property (outlined in yellow below) would be the fairest and least problematic way to address the issue. The owner would be required to have the area re-surveyed and all appropriate documentation executed; a portion of their fence would also eventually have to be relocated to the new boundary line.

The owners are happy with this proposal as described. It would not involve any reserve revocation and sale and purchase of land, which would likely be financially unviable for the current owners. This is the only practicable option to allow continued use of the current driveway as removing the encroachment entirely would require removal of the driveway material and fencing along the entire boundary length.

Under section 15 of the Reserves Act a territorial authority *may by notice in the Gazette, authorise the exchange of the land comprised in any reserve or any part or parts thereof for any other land to be held for the purposes of that reserve.*

Council must resolve to do so, but no resolution must be passed until one month public notice of the intention to pass the resolution has been carried out, calling for objections in writing. Under this section of the Act, land exchanged in this manner automatically takes on reserve status in the case of land added, and reserve status is removed for land removed.

The revised delegations approved by central government in 2013 gave approval for local authorities to carry out this process without requiring ministerial approval as had previously been the case.



This is the only case this officer is aware of where a neighbour has approached Council seeking a remedy to an encroachment. Given the owners proactive approach to the encroachment, and willingness to seek a remedy, Council should support the fair and timely remediation of the issue to give the land owners future piece of mind about the security of their property.

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"> No work is needed to be carried out | <ul style="list-style-type: none"> Situation remains unresolved |

Option 2. Seek to exchange private land for reserve land

| Advantages | Disadvantages |
|---|--|
| <ul style="list-style-type: none"> Existing private infrastructure and vehicle access can remain | <ul style="list-style-type: none"> Property boundaries will need to be resurveyed and legal actions carried out to allow for the property exchange The community may officially object to this method of resolving the issue |

Option 3. Seek to remove the private encroachment entirely from the existing reserve

| Advantages | Disadvantages |
|---|---|
| <ul style="list-style-type: none"> No property boundaries have to be changed | <ul style="list-style-type: none"> The private owner will be liable for significant costs removing infrastructure on Council land. The vehicle access of the private property would be somewhat compromised |

Analysis Conclusion:

In the interests of what is most suitable for both parties long term, it is considered that the most appropriate mechanism to rectify the issue is an equal land exchange. Both parties would retain the same amount of land they already legally own, but the private neighbours would get to keep their existing driveway and vehicle access. The encroachment is not significantly inhibiting reserve access. The currently accessible width of the reserve access is around four metres, with the maximum width of the encroachment being less than two metres. Without the encroachment, the width would be around 6 metres. It is considered that four metres is sufficient for access in this instance.

Given the traditional stance of most reserve neighbours concerning private encroachments, and the contrasting willingness to come to an amicable solution of these specific neighbours, it is in Council's best interests to support the most straightforward method of rectifying the issue. In this instance, it is not considered productive to require that the owner remove all private encroachments and return the land to Council. A land exchange is the most likely equitable solution.

CONSIDERATIONS

Financial Considerations

The financial impact of the proposal is estimated to be nil for Council as it is expected that the neighbour will bear all costs for rectifying the encroachment.

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).

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Risks

There are some risks associated with the overall nature of the encroachment issue, although it is not considered that there are any known risks associated with this specific encroachment rectification proposal.

As a wider issue, if and when Council decides to tackle the issue, it is likely that there will be enormous public interest, and possibly quite some division within the community; likely to be centred around perceived (historic) rights of use by some, and the perceived annexure of public land for private use by others. The issue is of particular relevance around water margins where there is reserve land between private property and the water.

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:

- The level of financial consequences of the proposal or decision;
- 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. In this instance, if the committee chooses to approve the land exchange process, the intent to carry out this resolution requires one month public notification as prescribed by relevant sections of the Reserves Act 1977.

CONCLUSION

The private neighbours wish to remedy the encroachment situation, and the fairest way to allow this to happen without requiring them to remove their infrastructure and restrict vehicle access to their property is to carry out a land exchange. This would make no real difference to the use or access of the reserve, but would allow the neighbour to retain their existing use while allowing both parties to retain the amount of land they are entitled to.

ATTACHMENTS

Nil

4.7 LICENCE TO OCCUPY COUNCIL ADMINISTERED LAND AT HIPAPATUA/REID'S FARM AND JERUSALEM BAY, TAUPO FOR CANOE AND KAYAK LTD

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To decide on offering a licence to occupy to Canoe and Kayak Ltd for use of Council administered land at Hipapatua/Reid's Farm and at Jerusalem Bay.

EXECUTIVE SUMMARY

Canoe & Kayak have used Hipapatua/Reid's Farm for a number of years to recover patrons of their business traversing the Waikato River. On occasion, they also use the slalom gates at the northern end of the reserve. Canoe & Kayak have also recently requested use of road reserve at Jerusalem Bay in order to store equipment for trips they hold on this area of the lake, primarily out to Mine Bay.

An encroachment licence would be necessary for Jerusalem Bay, but it is unclear if a licence to occupy is strictly needed for the use at Hipapatua/Reid's Farm.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee declines the request for an encroachment licence to occupy for Canoe & Kayak for Council administered road on Acacia Bay Road at Jerusalem Bay.

BACKGROUND

The proposal has not been presented previously.

Canoe & Kayak Ltd are in possession of an expired licence to occupy (LTO) for land at Hipapatua/Reid's Farm. The purpose of the existing LTO is for "commercial kayak hire/demonstration activity".

Canoe & Kayak have approached Council officers to also ask about the possibility of storing equipment at Jerusalem Bay in order to support their business and make trips to Mine Bay more feasible.



DISCUSSION

It is debatable whether an LTO for Hipapatua/Reid's Farm is strictly necessary. The commercial activity largely takes place on the river, and is launched upstream on non-council administered land. Essentially the only activity which regularly takes place on Council administered land is the recovery of the kayaks, and occasional parking while using the slalom course in the river adjacent to the reserve. The Reserves Act 1977 does however outline that Council may *grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve.*

While there is obviously some commercial benefit derived from being able to access the river to pick up clients on Council administered land, this use is intermittent, and the activity does not require exclusive use of a specific site, or use of the land for carrying out the commercial activity outside of recovering their customers. Its overall effects are probably less intrusive than the current activity whereby they pull in at Otumuheke Stream, taking over a large part of the available space in that location.

Presumably other water based operators as well as Canoe & Kayak operate by launching and retrieving from public land in other locations without requiring an LTO.

The second part of the Canoe & Kayak request is for storage facility purposes at Jerusalem Bay. Canoe & Kayak assert that the recent decision to allow another operator to hire kayaks directly from their residence in Acacia Bay has impacted their business so that they are unable to compete equally. They believe that having equipment directly available at Jerusalem Bay would go some way to making them more competitive in this circumstance.

The land in question is unformed road reserve which has a short rutted track down to an informal lake access. The land is bounded on either side by Maori land under The Proprietors of Hiruharama - Ponui Block. The state of the road and the relatively out of the way location, coupled with the lack of infrastructure to support water based activities, means that the location is not likely to be majorly impacted by the presence of a modest storage structure in this location in terms of it interfering with public use and access to the lake.

The roading team are not opposed to the land being used for the purposes of storing kayak equipment.

If occupation is approved, the final appearance and specific location of that occupation is yet to be determined. Canoe & Kayak are aware that certain approaches may not be suitable, and are willing to work with Council to determine an acceptable method of storage in this location. At this time it is anticipated that there would be storage required for no more than 5 kayaks, making a structure no larger than 1m high, 3m wide and 5m long. Any structure would be built to blend into the landscape, and would only be for storing kayaks, 'soft' equipment such as life-jackets would be stored off site. Canoe & Kayak are happy to consider any location within the road reserve.



The approximate footprint of the structure described is shown above. To give an idea of scale, it is approximately the size of an ordinary car parking space.

Being a road reserve, the form of occupation would likely require an encroachment licence in preference to a licence to occupy, but the end result amounts in the same ultimate outcome.

Canoe & Kayak have approached other land owners in the area to try and strike a deal for storage on their land, but have not managed to make any progress with this avenue.

Council's Strategic Relationships Manager was also asked to comment on any potential problems likely to arise from this decision. This is particularly relevant as the land to either side of the road is multiple owned Maori land. The Strategic Relationships Manager advised that at some stage in the past this land was taken/exchanged for public lake access and, that the affected Maori land owners are not happy with the process that originally took place enabling the land to become a public lake access. In addition, in the past Council appears to have approved buildings and structures on road reserves which cut through Māori land, e.g. Tupara Rd, Paenoa Te Akau. This has proven to be a sore point for the adjacent land owners to which the Strategic Relationships Manager advised that Council should not reignite this discord unless it is absolutely necessary.

Based on this information it is considered that there are four options

OPTIONS

Analysis of Options

Option 1. Grant an encroachment licence at Jerusalem Bay – no LTO required for Hipapatua Reid's Farm

| Advantages | Disadvantages |
|---|--|
| <ul style="list-style-type: none"> Operator satisfied and supported Council gains the Encroachment Licence income | <ul style="list-style-type: none"> Loss of LTO income Unknown response from public users of the Jerusalem Bay lake access Possible discord from local iwi and adjacent landowners |

Option 2. Decline an encroachment licence at Jerusalem Bay – no LTO required for Hipapatua Reid's Farm

| Advantages | Disadvantages |
|---|--|
| <ul style="list-style-type: none"> All of the road land remains fully open and accessible for public use | <ul style="list-style-type: none"> Loss of income for Council |

Option 3. Grant an encroachment licence at Jerusalem Bay – LTO renewal required for Hipapatua Reid's Farm

| Advantages | Disadvantages |
|---|--|
| <ul style="list-style-type: none"> Council gains income from both licences | <ul style="list-style-type: none"> Unknown response from public users of the Jerusalem Bay lake access Possible discord from local iwi and adjacent landowners |

Option 4. Decline an encroachment licence at Jerusalem Bay – LTO renewal required for Hipapatua Reid's Farm

| Advantages | Disadvantages |
|---|--|
| <ul style="list-style-type: none"> All of the road land remains fully open and accessible for public use | <ul style="list-style-type: none"> Operators viability to operate Mine Bay trips may be compromised |

Analysis Conclusion:

The preferred option is not to grant a road encroachment licence for Council administered land at Jerusalem Bay, and to not require a renewal of the licence to occupy for land at Hipapatua/Reid's Farm, while still permitting recovery of patrons from the Waikato River at Hipapatua/Reid's Farm.

CONSIDERATIONS

Financial Considerations

Council will receive the licence fee outlined in any agreement with Canoe & Kayak.

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 performance of Council's regulatory functions. (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

No communication/media is required.

CONCLUSION

It does not seem necessary for Canoe & Kayak to have a licence to occupy for the use of council administered land at Hipapatua/Reid's Farm merely for the purpose of picking up patrons and equipment.

Canoe & Kayak's operations would be enhanced by allowing for some form of storage at Jerusalem Bay to facilitate their trips in this part of the lake.

It is also likely that granting permission for use of this area may foster some ill-will towards Council from neighbouring land owners/local iwi.

ATTACHMENTS

Nil

4.8 LICENCE TO OCCUPY, NORTHCROFT RESERVE, TAUPO, DAVE MOONEY AMUSEMENT DEVICES

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To consider extending the licence to occupy term for David and Stephanie Mooney to operate amusements on Northcroft Domain from four weeks per year to six weeks per year.

To consider the request from David and Stephanie Mooney to sell refreshments on Northcroft Reserve during their licenced occupation periods.

DISCUSSION

On 23 May 2017 this committee approved a new five year licence to occupy for Northcroft Reserve from 15 December 2018. This licence was to operate amusement devices for 32 days per year from 15 December to 15 January inclusive.

Due to an oversight, part of the request was not considered at this initial meeting of this committee. In addition to renewing the existing terms of the licence, the applicant also wished to extend the operating window by two weeks, taking them out to January 29. The applicant has also requested that Council grants them the right to sell refreshments on site during this licence period. The refreshments requested are ice-creams, smoothies, cold drinks and similar items.

There do not appear to be any significant issues with extending the licence period for two further weeks, given the previous recommendation of this committee to grant the initial five year licence.

The provision of refreshments on site is possibly more problematic. It is possible that this service could lead to greater litter issues on the park and lakefront, as well as potentially interfering with existing permanent businesses in the nearby area which also provide similar products.

Council may wish to consider an increased rental for the site due to the increased occupation period, possibly looking to increase the rental amount by 50% to reflect this increased use.

This occupation does not impact on the previous discussions held around the use of another portion of Northcroft Domain for the Taupō Market.

CONCLUSION

It is recommended that the licence period be extended by a further two weeks, making the annual occupation period 15 December to 29 January.

It is not recommended that the applicant be permitted to sell refreshments on site.

It is recommended that the rental is increased by 50% to reflect the increased usage of the site.

RECOMMENDATION(S)

1. That the Fences, Roothing, Reserves & Dogs Committee approves the extension of the licence to occupy to David and Stephanie Mooney to operate amusement devices on Northcroft Domain in the location outlined in Attachment 1 by two weeks, making the annual term of occupation 15 December to 29 January.
2. That the Fences, Roothing, Reserves & Dogs Committee declines the request of David and Stephanie Mooney to sell refreshments on Northcroft Domain.

ATTACHMENTS

1. Northcroft Reserve Amusements Location

4.9 LICENCE TO OCCUPY, BOAT PENS, TAUPŌ

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To decide on renewing the licences of existing boat pen occupiers on Council administered land at Rauhotu St, Taupō.

EXECUTIVE SUMMARY

Council manages approximately 50 secure boat pens on Council owned and administered land at Rauhotu St, Taupō (see Attachment 1). All of these licences have expired on 30 June 2017, and Council is being asked to consider renewal of the licences for the existing occupiers for a further period of three years.

RECOMMENDATION(S)

1. That the Fences, Roothing, Reserves & Dogs Committee approves renewal of the existing boat pen licences at Rauhotu St, as outlined in attachment 2 of this report, for a further period of three (3) years, with all licences to expire on 30 June 2020.
2. That the Fences, Roothing, Reserves & Dogs Committee approves officers to enter into new licences for any vacant or vacated boat pens at Rauhotu St, Taupō for a term to expire on 30 June 2020.

BACKGROUND

The proposal has not been presented previously.

When the licences were previously granted, they all had different expiry dates. During the last round of licence renewals all of the expiration dates for the licences were aligned to the same date to make the management of this matter easier.

DISCUSSION

Council manages approximately 50 secure boat pens on Council owned and administered land at Rauhotu St, Taupō. All of these licences have recently expired, and the committee is being asked to consider renewal of the licences for the existing occupiers for three (3) years.

The boat pens are popular, with a reasonably long waiting list for occupation. When a pen is relinquished, priority for filling the vacancy is given to rigged and masted yachts in preference to powerboats. This is due to the relative difficulties in transporting these different types of craft. It is much more difficult to transport and launch a yacht than a powerboat, and prioritising yachts allows for people with these craft to store them close to the lake without needing to cause potential local disruptions with the transport of what are typically quite large craft.

There are currently two vacant pens which officers are in the process of filling.

It is possible that existing licence holders may relinquish their licence before the term is up. In these cases officers will contact the most appropriate people on the waiting list to offer them a licence to use the vacated pen. It is proposed that any new licences granted over the next three years will also expire on 30 June 2020, regardless of when the licence start date is. This is to ensure continued ease of management for the licences as a whole.

It is also worth noting that this land is one of the few locations where the river is easily accessible, and is adjacent to a large, open, flat space. Given the potential high value of the land, it should be considered if a \$60,000 return on approximately 8,000m² is acceptable to Council as the land could also be used for other public or commercial uses if desired.

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

OPTIONSAnalysis of Options

Option 1. Approve new three year licences for all existing boat pen occupiers

| Advantages | Disadvantages |
|---|---|
| <ul style="list-style-type: none"> Continued benefits to watercraft users Fewer large yachts being transported on local roads Modest financial return to Council | <ul style="list-style-type: none"> Prime lakeside and riverside land is being used for storage of infrequently used craft Public are not easily able to access and enjoy this space |

Option 2. Decline to approve new three year licences for all existing boat pen occupiers

| Advantages | Disadvantages |
|--|---|
| <ul style="list-style-type: none"> Would allow this high value land to be used for purposes other than boat storage | <ul style="list-style-type: none"> Land would be unused while Council decides what to do with the land 50 lake users would be disadvantaged May be more large watercraft being transported on local roads No financial return on site |

Analysis Conclusion:

The preferred option is to offer existing licence holders new three year terms; and to authorise officers to enter into new licences for any pens vacated over the next three years for a term to expire no later than 30 June 2020.

CONSIDERATIONS

Financial Considerations

Council currently charges between \$1190 and \$1360 per annum, depending on the size of the pen being occupied. This results in an income to Council of approximately \$62,000 per annum including GST.

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

The 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:

- The level of financial consequences of the proposal or decision;
- 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

Licence holders will be contacted and offered new three year licence terms.

CONCLUSION

The boat pens provide a way for locals and out of town visitors to permanently store their masted watercraft in close proximity to the lake without needing to transport them on local roads. Many of these craft are of a significant size, and it is preferable that they are not moved around the district unnecessarily. The boat pens provide a way for Council to allow for some of these users to more easily access the recreational opportunities provided by the lake.

These benefits are in addition to the modest financial return that Council receives from licence fees.

ATTACHMENTS

1. Nukuhau Boat Pens at Rauhoto Street