

## ENCROACHMENT ON RESERVES

That the Taupo District Council approves a policy for Encroachments on Reserves being the following:

### **Existing 'Historic' Encroachments as at 1 March 2001**

That where and when an encroachment is identified for removal the Taupo District Council will first attempt to regain exclusive occupation of the reserve land through negotiations with the party concerned.

The procedure for asserting occupation and management rights to reserve land will be:

- to notify the party concerned and invite them to discuss the encroachment within a prescribed timetable [30 days]
- to negotiate a settlement with the party concerned ensuring Council regains exclusive occupation of the reserve land within a 30 day period
- should negotiations fail within the specified timetable, Council may consider arbitration or prosecution under the Reserves Act 1977
- That Council consider the revocation of reserve status and sale as a possible solution. All decisions on sale/lease will require public consultation, council and ministerial approval. All costs are to be recovered from the party concerned.

### **New Encroachments**

That no new encroachment shall be permitted on reserves in the Taupo District without prior formal approval of Council.

That unauthorised encroachments shall be removed within the time period prescribed.

That Council shall undertake the following to ensure full reinstatement of the reserve land:

- the person responsible for the encroachment will be given notice requiring immediate termination, removal and reinstatement of the encroachment at their cost within a specified timeframe being no more than one month's notice
- where removal and reinstatement does not occur within the specified timeframe, the Council may then carry out the removal and reinstatement itself and recover costs through the District Court, and/or prosecute the person responsible for the encroachment through the District Court and seek removal, reinstatement and recovery of costs
- alternatively, Council at its absolute discretion, may remove and reinstate the encroachment at its own cost which shall be recovered from the party concerned.

That Council shall not compensate for any encroachment, or damage or modification to any encroachment as a result of public activity or approved works undertaken within the reserve and the party concerned shall meet all costs including reinstatement and Council's overhead costs.

That the Taupo District Council undertakes a programme to identify areas of encroachment with the purpose of regaining occupancy of reserve land.

*Corporate Services Committee, 9 February 2001*