



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

Date:	Tuesday, 20 November 2018
Time:	10.00am
Location:	Council Chamber 107 Heuheu Street Taupō

AGENDA

MEMBERSHIP

Chairperson	Cr Barry Hickling
Deputy Chairperson	Cr John Williamson

Members	Cr John Boddy Cr Anna Park Mayor David Trewavas Cr Maggie Stewart
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Quorum	3
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Gareth Green
Chief Executive Officer

Order Of Business

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2 Conflicts of Interest

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Nil

3.1 FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 4 SEPTEMBER 2018

Author: Shainey James, Democratic Services Officer

Authorised by: Tina Jakes, Head of Democracy, Governance and Venues

RECOMMENDATION(S)

That the minutes of the Fences, Roding, Reserves & Dogs Committee meeting held on Tuesday 4 September 2018 be confirmed as a true and correct record.

ATTACHMENTS

1. Fences, Roding, Reserves & Dogs Committee Meeting Minutes - 4 September 2018

4.1 WAIPAHIHI STREET TREE OPTIONS

Author: Andrew Moor, Parks Manager Sports and Horticulture

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To consider the options for the future street tree asset on Waipahihi Avenue, Taupō.

EXECUTIVE SUMMARY

A number of street trees along Waipahihi Avenue were removed under the existing Council Tree & Vegetation Policy 2014. Staff followed the current rules and policy relating to this issue but underestimated the interest in the trees from neighbouring residents, and neglected to consider the cumulative impact of removing multiple trees on a street as opposed to removing an isolated specimen. This level of interest from the neighbouring residents requires that there be a wider consideration of the future of the street trees in this location.

RECOMMENDATION(S)

That the Fences, Roothing, Reserves & Dogs Committee approves Option A1 to plant six Dogwood trees on the northern side of Waipahihi Avenue and eight on the southern side in early autumn 2019.

Or

That the Fences, Roothing, Reserves & Dogs Committee approves maintaining the status quo and allowing the remaining Beech trees on Waipahihi Avenue to grow naturally but not undertake any further street tree planting.

BACKGROUND

The proposal has not been presented previously.

In July 2018 Council received a service request from a resident on Ngauruhoe Street requesting that the line of Beech trees [*Fagus sylvatica*] on Waipahihi Avenue be pruned to restore his view of the lake and that of a number of other residents on the street. It was also requested that they be lifted off the road to prevent vehicles hitting them and enable pedestrians to pass beneath them.



Figure 1 - Location of affected trees

The trees were once part of an avenue before those on the southern side of Waipahihi Avenue were removed due to the impact they were having on services. The remaining trees on the northern side of the road had previously been regularly topped for a number of years to maintain views. Council's Arborist, who had previously been involved with the trees explained that under the guidelines of Council's Tree and Vegetation Policy 2014 the trees would no longer be topped as this does not support the long term health of the trees.

The resident responded to Council stating that he did not believe this was acceptable and that as ratepayers he and his neighbours were entitled to further consideration. He stressed that he felt *'judicious trimming of the height would consolidate the beauty of the trees and return the view of the lake to many dissatisfied residents, including himself'*. Council's Arborist agreed to assess the trees further to look for an alternative option then meet with the concerned residents to discuss this further.

On further assessment of the trees, including their canopy, Council's Arborist found that the regular topping had caused sun scorch of the limbs that resulted in open wounds, fungal brackets and heavy decay. The trees had been planted very close together for a species that naturally grows 20 metres high with a spread of over 10 metres. Thus the Arborist concluded that by removing those trees in the worst health and retrenchment pruning of the healthier trees (removing smaller weaker growth while encouraging the stronger stems to reform a more natural shape) would be the best option to maintain a stand of trees in the road while opening up view shafts. This has been successful with a number of trees around Taupō with the trees becoming less stressed and developing greater foliage cover, resulting in less sun scorch and weakening of stems.

Based on this assessment staff felt that under Council's Tree and Vegetation Policy 2014 the trees could be removed under the *Removal of Unhealthy Trees* clause.

Policy 3.1 – Removal of Unhealthy Trees

A tree on council land may be removed by council staff where in the opinion of a qualified arborist the tree is:

- dead,
- dangerous,
- severely diseased, or
- particularly poor form and provides limited amenity value.

This option was presented by the Arborist and Parks Operations Manager to the resident and other neighbours who's views were affected by the trees on site. At this meeting staff were advised that the property owner adjoining the trees had given her written consent to work on the trees. It was not pointed out to the property owner that this was for topping the trees as they had been done in the past. Other property owners on Waipahihi Avenue were not consulted at this time as it appeared that the people present were those with an interest in the trees. At this meeting the Silver Birch [*Betula pendula*] was also discussed. This tree also had a history of topping and was decaying badly with multiple broken stems. With its proximity close to a Unison 11KV substation it was decided that this should also be removed.

The identified weaker trees were removed and the remainder pruned. The intention was to remove no more than 25% of live tissue on the remaining trees. However, due to decay this was exceeded on some trees.



Figure 2 - Google street view of trees before removal - autumn



Figure 3 - Google street view of trees before removal – winter

At the time removal was being considered Council could also have given more consideration to clause 1.8 of the Tree and Vegetation Policy:

Policy 1.8 – Street and Reserve Amenity Tree Replacement

Established street and reserve amenity trees that are removed will be replaced in a similar location if suitable, subject to funding.

DISCUSSION

On removal it was evident that those with an interest in the trees stretched much further than the people that had been present at the earlier site meeting. Thus a meeting was called to enable residents to voice their concerns. It was agreed at this meeting that a number of options for replanting Waipahihi Avenue would be developed and circulated for comment (attachment 1). This was undertaken and the responses collated.

Council received 15 responses relating to the options provided.

- 10 respondents were in favour of Option A1;
- 1 respondent supported Option B; and
- 4 respondents favoured the status quo.

Option A1 which received the majority support includes retaining the remaining Beech trees on the northern side of the street and planting in between these. This would then be mirrored on the southern side of the road. The preferred tree species of respondents supporting this option is Dogwood [*Cornus*]. A good grade of Dogwood has been sourced. These can be held at the nursery now with the intention of planting them in early autumn rather than planting them now and risking them struggle through a dry summer.

The next most favoured option was the status quo, to not plant any further trees. It should be noted that the preference of some supporting this option was to also not replace the remaining Beech trees once they die.

The original intent of the tree removal was to allow for the three healthiest (relative to the others) to remain and regain some of their vigour and health. Given the feedback from the neighbours it appears that the favoured outcome would be to achieve an avenue effect on the street with suitable species on both sides of the road.

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

OPTIONS

Analysis of Options

Option A1. – Retain existing Beech trees and plant additional specimens between existing trees and on the opposite side of the road

Advantages	Disadvantages
<ul style="list-style-type: none"> • Would retain existing Beech trees remaining after removal of the previous Beeches 	<ul style="list-style-type: none"> • New trees will struggle to establish and catch up to the existing mature trees • New trees may not survive, which would require unnecessary replacement and inconsistent appearance of avenue. • Maintenance and renewal will be inconsistent due to different requirements of the mixed age and species • Remaining Beech trees will still be subject to ongoing and increasing health concerns

Option B. – Remove all existing trees and start fresh with new specimens

Advantages	Disadvantages
<ul style="list-style-type: none"> • Would allow consistent and more typical avenue experience with all trees being of the same species • Trees will grow at the same rate and be much more likely to survive • Ongoing maintenance will be much simplified. New trees will be of a more suitable species and also be subject to current arboricultural best practice which will reduce the ongoing commitment to the already compromised existing Beeches 	<ul style="list-style-type: none"> • There will be no fully mature trees on the avenue for a number of years until the newly planted trees reach an effective size.

Option C. – Status Quo

Advantages	Disadvantages
<ul style="list-style-type: none"> • There is no further commitment to the site in terms of time and resource 	<ul style="list-style-type: none"> • Many neighbour concerns will not be addressed • Council will sooner rather than later have to revisit the site to maintain the compromised Beech trees

Analysis Conclusion:

The best long term option which would give the best chance of long-term success and would achieve the goal of creating an avenue effect would be to start fresh with suitable species which have the best opportunity to grow successfully; and be managed to provide the best health for the trees and amenity benefits. Retaining existing trees which already have known issues, of a non-preferred species, which will compromise the growth of newly planted trees, will likely not achieve the desired long term impact. However, it is acknowledged that the majority of those neighbours who expressed an interest in the trees prefer the existing Beech trees to stay, which may be preferable to the option which grants the best long-term benefits.

CONSIDERATIONS

Financial Considerations

The financial impact of the proposal is estimated to be \$1,200. Being the costs for supplying and planting suitable tree specimens.

Long-term Plan/Annual Plan

The expenditure outlined is currently unbudgeted for.

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 matter under consideration is not in contradiction with any relevant legislation.

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Risks

There are no known significant 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

Direct communication will be undertaken with the affected parties. No wider communication is necessary.

CONCLUSION

Council staff authorised the removal of five Beech trees from Waipahihi Avenue without fully consulting the community. This has had a significant effect on the aesthetic previously valued by many of its residents. To offset this a number of options for replanting the street were circulated; with option A1, to plant through the remaining Beech trees and mirroring this on the opposite side of the street being supported by the majority of respondents. However, others within the community have voiced that their preference is to retain their views of the lake and would not want to see any further planting of the street berms.

ATTACHMENTS

1. Waipahihi Street Tree Options
2. Information provided by residents: Resident report on Waipahihi Avenue tree removal and remediation
3. Information provided by residents: Waipahihi trees record of meeting 22 August 2018
4. Information provided by residents: Rosalind Cameron submission on replanting Waipahihi Avenue
5. Information provided by residents: Photograph

4.2 PROPOSED TREE REMOVAL AT 1 OGILVIE ROAD, KINLOCH

Author: Woinshet Hailesilassie, Engineering Officer - Transportation Strategy

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To propose the removal of a tree on 1 Ogilvie Road, Kinloch.

EXECUTIVE SUMMARY

The parks and reserve team had proposed the tree removal to the committee on 13 February 2014, the outcome of this meeting was that the committee decided to keep the tree.

After receiving the request in August 2018 the transportation team reviewed the request and the issues caused by the tree.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee approves the removal of the tree.

BACKGROUND

The proposal has been presented to the committee on 13 February 2014 under resolution number FRD2014/03. The decision of this meeting was to keep the tree.

The customer's insurance company in August 2018 wrote a letter to Council on behalf of the property owners requesting Council to revise the tree removal and advising that the tree is causing ongoing damage to the property of their customer and that could pose liability to Council.

DISCUSSION

As per the transportation team site assessment, there are cracks and unevenness of the road surface, uplift of concrete footpath and uneven surfaces of the private paved driveway due to the tree root. The leaves falling from the tree end up in the storm water inlets causing blockage and ongoing maintenance. All these issues are from the tree at 1 Ogilvie Road, Kinloch.

During the site visit staff noted that the tree branches were seen to be hanging and about to fall off. As per the discussion with the property owners, on site, the issues are causing damage to the property and infrastructure as well as a difficulty with maintaining the berm due to the tree roots.

Council's arborist advised that the tree has no obvious defects.

Photos below show some of the issues caused by the tree:



Photo 1: Proposed tree to be removed



Photo 2: Cracks across the road surface



Photo 3 : Concrete footpath lifted up



Photo 4 : Private driveway cobble paving lifted up



Photo 5 : Uneven road surface, cracks on the road kerb and water main valve next to the tree

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

OPTIONS

Analysis of Options

Option 1. Remove the tree at 1 Ogilvie Road, Kinloch

Advantages	Disadvantages
<ul style="list-style-type: none">• No damage to councils assets/infrastructure and ongoing maintenance.• No debris from falling tree leaves which blocks stormwater inlets and channels.• No damage to the private property and no ongoing maintenance.• Hazards from tree falling will be eliminated.• The berm will be able to be maintained.• No ongoing maintenance of the tree.	<ul style="list-style-type: none">• Cost of tree removal.• Loss of amenity due to its size and shape.

Option 2. Keep the tree at 1 Ogilvie Road, Kinloch

Advantages	Disadvantages
<ul style="list-style-type: none"> No cost associated with tree removal. No loss of amenity 	<ul style="list-style-type: none"> Ongoing damage to infrastructure from the tree root and leaves falling. Debris from falling tree leaves blocks stormwater inlets and channels and will create ongoing maintenance issue. Ongoing maintenance to the property owner. Maintaining the berm will be ongoing issue. Pruning and ongoing maintenance of the tree.

Analysis Conclusion:

The recommendation is to remove the tree at 1 Ogilvie Road, Kinloch.

CONSIDERATIONS**Alignment with Council's Vision**

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: Quality.

Financial Considerations

The financial impact of the proposal is estimated to be approximately \$1300 per tree to remove & grind stumps. This will be funded through Council's existing operations and maintenance budgets.

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under existing maintenance 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 infrastructure. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

Policy Considerations

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

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 required.

CONCLUSION

Based on the assessment it is recommended that the Fences, Roothing, Reserves & Dogs Committee approves the removal of the tree.

ATTACHMENTS

1. Proposed tree to be removed - 1 Ogilvie Road, Kinloch
2. Service Request 1811709

4.3 TREE REMOVAL REQUESTS - 6 WIREMU AND 48 RAUKURA STREETS, TURANGI

Author: Woinshet Hailesilassie, Engineering Officer - Transportation Strategy

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

The purpose of this report is to consider requests relating to trees outside properties of 6 Wiremu and 48 Raukura Streets, Turangi.

EXECUTIVE SUMMARY

The owner of 6 Wiremu Street, Turangi, Mr Murray Falconer sent a letter to Council complaining that the tree outside his property and another property at 48 Raukura Street, Turangi are causing concerns. At a subsequent meeting with council staff on site, Mr Falconer advised that his preference was for the tree outside 6 Wiremu Street to be removed.

RECOMMENDATION(S)

1. That the Fences, Roding, Reserves & Dogs Committee declines the request of the tree removal at 6 Wiremu Street, due to only minor damage to the infrastructure.
2. That the Fences, Roding, Reserves & Dogs Committee notes that the trees outside 6 Wiremu and 48 Raukura Street, Turangi will be maintained as part of Councils ongoing tree maintenance programme for Turangi.

BACKGROUND

The proposal has not been presented previously. As per the customer's complaint, the trees outside 6 Wiremu Street and 48 Raukura Street have grown large, and the tree roots and leaves are causing issues to his property and unable to maintain the berm, (letter from the customer attached to this report) and has requested the removal of the tree outside 6 Wiremu Street and maintenance of the tree outside 48 Raukura Street. Councils Tree and Vegetation Policy 2014 only allows for the removal of healthy trees in the following circumstances.

Policy 3.2 – Removal of Healthy Trees

Healthy trees on council land will be retained, and their removal will be the exception. Instances where council may consider removal of a healthy tree include:

- street redevelopment is to be implemented and options to retain the tree have been investigated and discounted,
- severe hardship is being experienced (trees which inhibit views or drop debris are not considered to be causing severe hardship),
- other community assets are impacted by trees or vegetation,
- the trees or vegetation are grown weeds and not intentionally planted, or
- the removal is part of a planned replacement programme.

DISCUSSION

The issues the tree at 6 Wiremu Street are causing include;

- The tree branches breaking off which could cause damage to their newly constructed fence.
- The leaves falling into their property and onto the drainage causing blockage of their downpipe from the house.
- Due to the tree roots they are unable to maintain the berm.

Although in his initial letter to Council Mr Falconer was asking for the tree to be maintained, at a subsequent meeting with council staff onsite, he advised that his preference was for the tree to be removed.

The issues caused by the tree at 48 Raukura Street, is due to its large height is causing inconvenience to the tenants and tree leaves keep blocking the storm water drainage pipes and costing them to repair. There is only minor damage to Council's infrastructure with the footpath lifting and minor cracks on the kerb.

The customer is also concerned that the street light pole next to the tree could pose a hazard if the tree branches fall off on the pole. After meeting the customer onsite he has asked council to trim the tree so that it doesn't overhang to his property and the falling leaves and tree branches can be minimised.

After receiving the request the transportation team undertook an assessment on the issues listed above and consider there are no major issues with regards to the roading assets.

Parks operations manager also advised that both trees are in good condition.



Photo 1: Tree outside 6 Wiremu Street

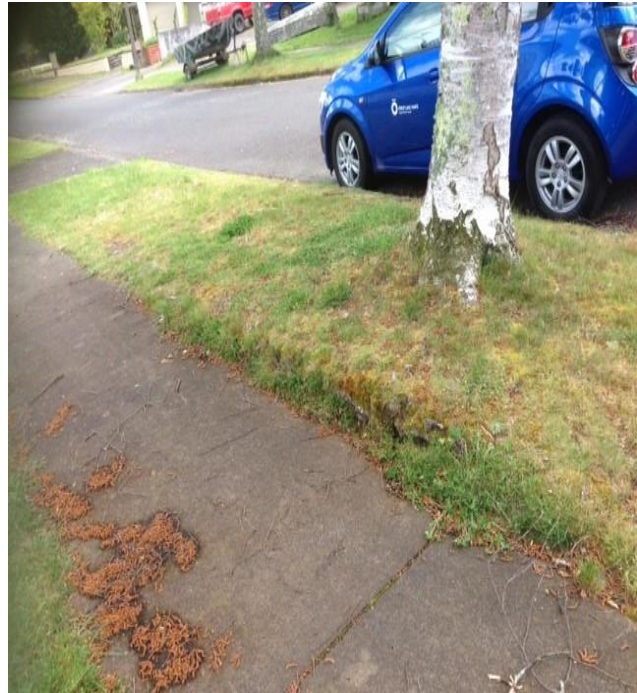


Photo 2: Exposed tree root on the berm - 6 Wiremu St

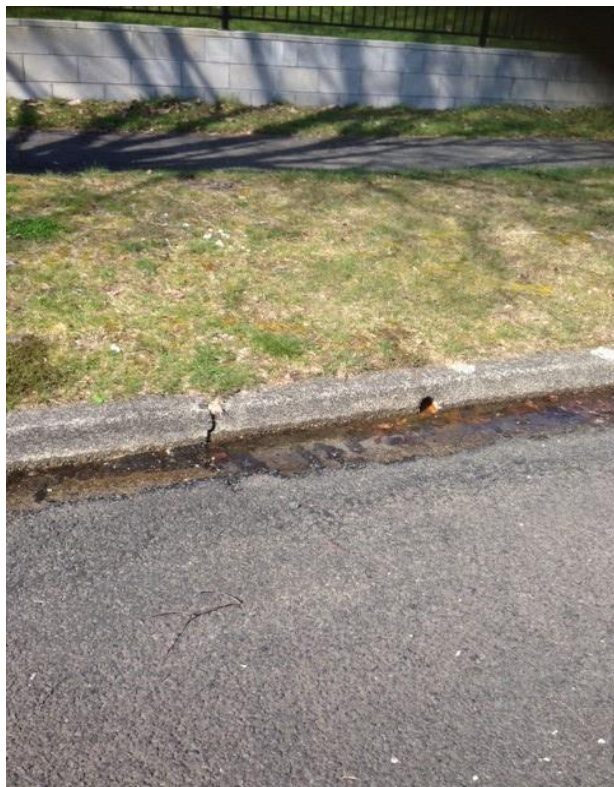


Photo 3 : crack on road kerb - 6 Wiremu St



Photo 4 : Tree outside 48 Raukura Street

Based on this information it is considered that there are two options in relation to the tree outside 6 Wiremu Street. Trimming or topping the tree is not considered an option in this particular situation.

OPTIONS

Analysis of Options

Option 1. Keep the tree at 6 Wiremu Street, Turangi

Advantages	Disadvantages
<ul style="list-style-type: none"> No cost associated with tree removal. No loss of amenity 	<ul style="list-style-type: none"> Ongoing minor damage to infrastructure from the tree root. Debris from falling tree leaves blocks stormwater inlets and channels and will create ongoing maintenance issue. Ongoing maintenance to the property owner. Maintaining the berm will be ongoing issue. Pruning and ongoing maintenance of the tree.

Option 2. Remove the tree at 6 Wiremu Street, Turangi

Advantages	Disadvantages
<ul style="list-style-type: none"> No damage to councils assets/infrastructure and ongoing maintenance. No debris from falling tree leaves which blocks stormwater inlets and channels. No damage to the private property and no ongoing maintenance. 	<ul style="list-style-type: none"> Cost of tree removal. Loss of amenity due to its size and shape.

- | | |
|--|--|
| <ul style="list-style-type: none"> • Hazards from tree falling will be eliminated. • The berm will be able to be maintained. • No ongoing maintenance of the tree | |
|--|--|

Analysis Conclusion:

From site visual assessment of the tree at 6 Wiremu Street, there appears to be only minor damage to the road infrastructure due to the tree, therefore it is recommended not to remove the tree.

CONSIDERATIONS**Alignment with Council's Vision**

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: Charming; Vibrant; Quality; and Value.

Financial Considerations

If the committee decides to remove the tree, the financial impact is estimated to be approximately \$1300 per tree to remove & grind stumps. This will be funded through Council's existing operations and maintenance budgets.

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under existing 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

There are no known policy implications if the Taupō District Council Tree & Vegetation Policy 2014 is complied with.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

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 required.

CONCLUSION

From site visual assessment of the tree at 6 Wiremu Street, there appears to be only minor damage to the road infrastructure due to the tree, therefore it is recommended not to remove the tree. The tree outside 48 Raukura Street will be maintained as part of Councils ongoing maintenance programme for trees in Turangi.

ATTACHMENTS

1. Letter from customer - Trees on berms at Wiremu and Raukura Streets
2. Tree at 6 Wiremu Street
3. Tree at 48 Raukura Street

4.4 LEASE RENTAL REVIEW REQUEST - BEST START EDUCARE AT WAIPAHIHU RESERVE

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To reconsider Best Start Educare's request for a lease rental review on the Best Start Richmond Kindy lease at Waipahihi Reserve, Taupō.

DISCUSSION

Best Start Educare requested a lease rental review in 2017 for the site occupied by Best Start Richmond Kindy at Waipahihi Reserve, Taupō. The Fences, Roothing, Reserves & Dogs Committee considered the request at a meeting held on 5 December 2017 but tabled the item and asked for more information to be provided. The associated report and minutes are attached.

Council has since received another letter from Best Start Educare (dated 12 September 2018, refer Attachment 1) asking the Committee to reconsider their request.

CONCLUSION

It is recommended that the Committee reconsiders the matter as requested by Best Start Educare.

RECOMMENDATION(S)

That the Fences, Roothing, Reserves & Dogs Committee approves a reduction in the annual rental payable by Best Start Educare for the land that they occupy at Waipahihi Reserve, Taupō.

OR

That the Fences, Roothing, Reserves & Dogs Committee declines to reduce the annual rental payable by Best Start Educare for land that they occupy at Waipahihi Reserve, Taupō.

ATTACHMENTS

1. Letter from Best Start Educare dated 12 September 2018
2. Report to Fences, Roothing, Reserves & Dogs Committee 5 December 2017
3. Extract from the minutes of the Fences, Roothing, Reserves & Dogs Committee meeting held on 5 December 2017

4.5 TREE REMOVAL REQUESTS NOVEMBER 2018

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To consider multiple requests to remove trees from various Council administered reserves and roads.

EXECUTIVE SUMMARY

Council has received multiple requests addressed to the FRReD Committee for tree removal on Council administered land. The committee needs to consider these requests and make a decision in line with Council's Tree & Vegetation Policy 2014.

The requests received relate to:

- Armstrong Grove Gully, Taupō
- Gibbs Place, Kinloch
- Taupahi Road Reserve, Turangi
- Roberts Street, Taupō

RECOMMENDATION(S)

1. That the Fences, Roding, Reserves & Dogs Committee declines the request to remove or top trees in Armstrong Grove Gully.
2. That the Fences, Roding, Reserves & Dogs Committee declines the request to remove the trees behind 6 Gibbs Place, Kinloch.
3. That the Fences, Roding, Reserves & Dogs Committee declines the request to remove trees in Taupahi Road Reserve, Turangi.
4. That the Fences, Roding, Reserves & Dogs Committee approves the request to remove palm trees adjacent to 79 Roberts Street, Taupō.

BACKGROUND

Four of the proposals have not been presented previously. One proposal (Tuapahi Road Reserve) was considered at a previous FRReD Committee meeting on 22 May 2018 where the request was declined.

Council's Tree & Vegetation Policy 2014 only allows for the removal of healthy trees in the following circumstances:

Policy 3.2 – Removal of Healthy Trees

Healthy trees on council land will be retained, and their removal will be the exception. Instances where council may consider removal of a healthy tree include:

- street redevelopment is to be implemented and options to retain the tree have been investigated and discounted,
- severe hardship is being experienced (trees which inhibit views or drop debris are not considered to be causing severe hardship),
- other community assets are impacted by trees or vegetation,
- the trees or vegetation are grown weeds and not intentionally planted, or
- the removal is part of a planned replacement programme.

Council may remove unhealthy trees under the following circumstances:

Policy 3.1 – Removal of Unhealthy Trees

A tree on council land may be removed by council staff where in the opinion of a qualified arborist the tree is:

- dead,
- dangerous,
- severely diseased, or
- particularly poor form and provides limited amenity value.

Best practice tree management does not include tree topping as this promotes vigorous, weak growth. It also opens up the tree to future significant health problems and vastly increased ongoing maintenance commitments.

Infringement of views is not cause to remove or modify trees and sets an unsustainable and expensive precedent for Council.

It is worth noting that from October 12th 2018 Council no longer has an in-house arboricultural team to provide specialist professional advice.

DISCUSSION**Armstrong Grove Gully**

Tom Findlay of 7 Armstrong Grove has written to Council requesting removal or pruning of tree in Armstrong Grove Gully (attachment 1). He states that the trees are impacting their views and that the trees were not intentionally planted. They want the trees removed or pruned to maintain their views “of almost 20 years”. To remove trees that were not intentionally planted they must be considered as “grown weeds”. In some instances it is desirable for trees to grow that were not intentionally planted. This being of particular use in regenerating areas, and those areas where it is more economical to plant a few loci of vegetation and allow it to naturally spread.

Armstrong Grove is a gully which serves multiple purposes as an overland stormwater route and a recreation reserve. Part of the goal for the gullies in Taupō is to encourage their use and development as natural corridors to improve the relatively poor biodiversity within the Taupō urban areas. Council's parks operational team has inspected the gully and is of the opinion that some of the trees are weed specimens and others are valuable regenerating and/or planted species. It is recommended that the known weed species are removed and the valuable species are retained. The customer has offered to pay for the costs of topping; however it is not recommended that any of the trees are treated in this manner.



Figure 1 - Armstrong Grove



Gibbs Place

Ken Adamson of Hamilton has requested that trees growing behind his property at 6 Gibbs Place, Kinloch be removed (attachment 2). He is of the opinion that the trees pose a danger to his "large garage that is only 8.5 metres from the base of the two trees". Customer has advised that Council would be responsible for the cost of damage to his property.

Council's arborist visited the site in September of this year and advised that the trees are healthy and pose little risk. The customer has subsequently written to the FRRd Committee asking them to review this decision as he does "not accept the email reply....that these tees (sic) are in fact safe". Images of trees have been supplied by the customer.

It is not recommended that Council removes the existing trees at this time.



Figure 2 - Gibbs Place





Taupahi Road Reserve

This matter was considered at the FRReD Committee meeting of 22 May 2018. Mr Andrew Morrison of Wellington requested removal of several gum trees in Taupahi Rd Reserve that he considered a danger to his property. He also considers that Council would be liable for any damage caused by the trees. He has written once more to Council with further information including a report of a recent case where it was considered that Queenstown Council was liable for damages from trees (attachment 3). In addition the customer has advised that they would provide replacement trees. It is a practical impossibility to replace trees of the scale of the existing gums with anything which would come close to providing and equivalent scale and benefit. However 1000L trees from a large scale tree nursery run upwards of \$1,000 each, although the estimate for removal and replacement with smaller suitable replacement trees was estimated at \$4,000.

It is not recommended that Council removes the existing gum trees at this stage.



Figure 3 - Taupahi Rd

Roberts Street

The proprietors of Absolute Lakeview Motel at 58 Lake Terrace have requested the removal of six palm trees at 79 Roberts Street which run along the rear entrance of their motel (attachment 4). These trees are in the road corridor.

Officers are of the opinion that the palm trees do not serve any significant purpose in this location. They are not of a species which is currently considered suitable for street tree planting, and the attractiveness and amenity value of these particular specimens is debatable. The trees impinge upon the footpath, hindering to a certain extent pedestrian use and their safety. They also have the potential to cause ongoing maintenance and infrastructure issues in this location. If the trees are removed the owners of the motel would carry out improvements and beautification to the rear of the motel which may result in a better aesthetic for this portion of Roberts St rather than the current view of the practical workings of this commercial business.

The roading team have inspected the site and trees and are of the opinion that apart from the potential damage to infrastructure (including the existing street light) that the trees have some detrimental effects on the visibility of the Briscoes loading driveway. Given the size of vehicles traversing this area this is also a relatively important safety consideration. Costs to remove the trees are estimated to be \$1,000 and costs to reinstate the footpath are estimated to be \$2,500 (\$70/m²) although there is the possibility that the motel owners may contribute to this cost if it becomes part of their planned improvements.

It is recommended that the six palm trees in question are approved for removal.



Figure 4 - Roberts St



Analysis Conclusion:

The preferred recommendation is to comply with Council's Tree & Vegetation Policy 2014.

CONSIDERATIONS**Financial Considerations**

The financial impact of the proposal is estimated to be \$5,000.

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).

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the recommendations comply with these documents.

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications if the Taupō District Council Tree & Vegetation Policy 2014 is complied with.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Risks

There may be minor risks associated with damage to neighbouring property if Council reasonably considers that the trees may fall or break. Much of this risk is mitigated by having the professional opinion of a professionally qualified arborist.

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

Direct communication will be carried out with affected parties.

ATTACHMENTS

1. Findlay Request - Armstrong Grove
2. Adamson Request Gibbs Place
3. Morrison Request - Taupahi Road
4. Absolute Lakeview Motel Request - Roberts Street

4.6 MEMORIAL FURNITURE REQUESTS NOVEMBER 2018

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To consider two requests for memorial furniture on Council administered reserve land at Five Mile Bay and Kinloch Foreshore.

EXECUTIVE SUMMARY

Council has received two separate requests for memorial furniture to be installed on Council administered land.

The first is from the Five Mile Bay Association who wish to recognise former Five Mile Bay resident Ian Tinsley who passed away on 5 September 2018 (attachment 1).

The second is a request from the estate of Keitha Jennifer Mary Holyoake who made a request in consideration of the wishes of Ms Holyoake who passed away in January 2018. The request is for a park bench on the Kinloch Foreshore Reserve in close proximity to the Holyoake's former holiday home at 1 Kinloch Esplanade (attachments 2 & 3).

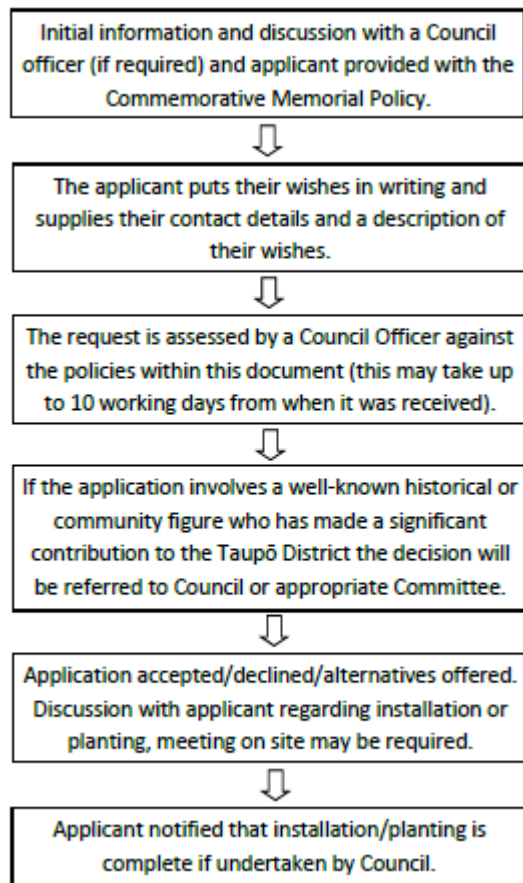
RECOMMENDATION(S)

1. That the Fences, Roothing, Reserves & Dogs Committee approves the request on behalf of the Five Mile Bay Association for a memorial picnic table recognising Ian Tinsley at Five Mile Bay.
2. That the Fences, Roothing, Reserves & Dogs Committee declines the request on behalf of the Estate of Keith Jennifer Mary Holyoake for a memorial bench on Kinloch Foreshore Reserve recognising Ms Holyoake.

BACKGROUND

The proposal has not been presented previously.

Requests are assessed against Council's Policy for Assessing Commemorative Memorial Applications 2014. In these matters the process for assessment is prescribed as follows:



The intent of the policy is to minimise the extent and proliferation of personalised memorials, particularly on the Lakefront, which individualise public land in the name of the memorialised person unless in exceptional circumstances where a person has made significant local contributions.

The costs of supply and installation of any memorial should be covered by the person or organisation making the request.

DISCUSSION

The committee should make a decision on these requests based on their interpretation of the contribution to the Taupō District by the person who is proposed to be memorialised. The primary consideration being if the person in question made a significant contribution to the Taupō District.

Ian Tinsley

It often appears that people mistake length of tenure in a location for an exceptional contribution. While Mr Tinsley was a dedicated resident of Five Mile Bay since 1974; it is also apparent from the request from the Five Mile Bay Association that he spent a great deal of his time also contributing to the community and the place in which he lived. The fact that his neighbours and other residents have asked for this honour in Mr Tinsley's name (instead of immediate family) does seem to lend more weight to the assessment of Mr Tinsley's contributions to his local community. The details of Mr Tinsley's contributions outlined in attachment 1 indicate a long-standing, varied and conscientious contribution to the Five Mile Bay community as well as the wider district. It is a matter for the committee to decide if this contribution is significant as it relates to the policy.

The proposed wording on the memorial would be *"Donated by the Five Mile Bay Association in memory of Ian Tinsley"*.

The Five Mile Bay Association have identified an old wooden table which is due to be renewed in the near future. They propose that the table could be replaced with a new table and seating dedicated to Mr Tinsley. The table is located at the end of Tawhaa St on the reserve. The applicants have spoken to the adjacent neighbour who has given her support to the proposal. Renewal of an existing well used asset is typically preferable to installation of a new asset in most situations. The applicants have supplied an image of the table which they propose for renewal below.



Keitha Holyoake

The application on behalf of Ms Holyoake seems to be predicated on the fact that Ms Holyoake was the youngest daughter of Sir Keith Holyoake. Sir Keith Holyoake was former Prime Minister of New Zealand for 12 years and was subsequently Governor General of New Zealand for three years. When Sir Keith Holyoake was a government minister he was part of a private group of investors which purchased Māori land and developed the township of Kinloch as a commercial venture. The request states that Keitha Place in Kinloch was named after Ms Holyoake.

The estate initially asked (as was stated in the will of Ms Holyoake) if her ashes could be set into the sidewalk of Keitha Place under a memorial plaque. Subsequently the estate has modified the request to ask if a memorial park bench could be installed on Kinloch Foreshore Reserve in close proximity to 1 Kinloch Esplanade. This address is the former holiday home of the Holyoakes which has subsequently been sold. It is not clear if the Holyoakes were ever permanent residents of the Taupō District.

The proposed wording on the memorial is "*Keitha Jennifer Mary Holyoake 5 December 1946 – 7-9 January 2018, youngest daughter of the founder of Kinloch*".

The estates request indicates that they have considered Council's memorial policy. They have not however provided any evidence that Ms Holyoake made any significant contributions to the Taupō District. It is doubtful if this request meets the requirements of the current policy.

Analysis Conclusion:

The applications should be considered in light of the memorial policy and assess each individual's contributions to the Taupō District in terms of significance (not their family or associates). It appears that Mr Tinsley's contributions may be seen in a favourable light when assessed against the policy. It does not appear that Ms Holyoake's contributions to the district compare favourably when assessed against the policy's intent.

CONSIDERATIONS**Financial Considerations**

The financial impact of the proposal is estimated to be nil.

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 comply with the relevant legislation.

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

No engagement with has been undertaken with the appropriate hapū.

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

The Council decision will be relayed directly to the affected parties.

ATTACHMENTS

1. Tinsley Memorial Request
2. Holyoake Memorial Request - Original
3. Holyoake Memorial Request - Modified
4. Holyoake Memorial Request - additional letter received after the agenda item was prepared

4.7 LICENCE TO OCCUPY - TREAD ROUTES AT KINLOCH DOMAIN

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To make a decision on providing a Licence to Occupy (LTO) to Tread Routes to carry out a bike shuttle and hire business on Kinloch Domain.

EXECUTIVE SUMMARY

Tread Routes is a Taupō based business offering cycles and mountain biking shuttle services and tours around the central North Island. They have requested a concession on Kinloch Domain as a base for bike hire and shuttle services for the Great Lake cycle trail (attachment 1).

The business is complementary to the existing shelter structure which promotes the Great Lake Trail in Kinloch Domain. The Domain is already a location that is used by Great Lake Trail riders and it is not considered to be incompatible with the use of the Kinloch Domain. This type of activity was anticipated for in a 2015 amendment to the Kinloch Recreation Reserves Management Plan*

It is officer's recommendation that an LTO be offered to Tread Routes for use of the Kinloch Domain under Section 54(d) of the Reserves Act 1977.

RECOMMENDATION(S)

That the Fences, Roothing, Reserves & Dogs Committee approves a one year licence to occupy with one two year right of renewal for the carrying out of bike shuttle, hire and maintenance purposes for Tread Routes for a portion of Council administered land at Kinloch Domain as described in this report.

BACKGROUND

The proposal has not been presented previously.

Tread Routes is a Taupō based business offering cycle and mountain biking shuttle services and tours around the central North Island.

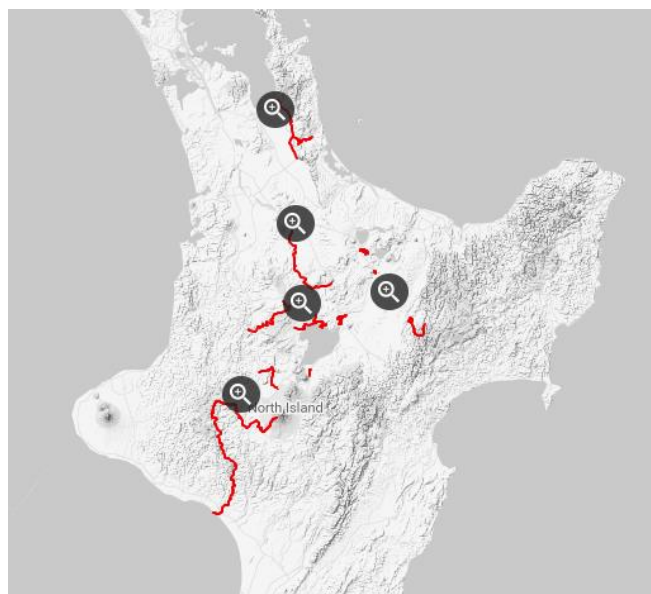


Figure 1 - Central NI cycle trails serviced by Tread Routes

Tread Routes is an official partner to the New Zealand Cycle Trail (NZCT), and began operating around the same time that the NZCT started up in 2009. One of the trails that they service is the Great Lake trail running between Orakau, Kinloch and Whakaipo Bay.

DISCUSSION

Tread routes are proposing that a 10 x 12.5m site to the north of the existing bike shelter is made available for the use of their business. They would park their van and bike trailer on site and set up a shelter and footpath sign or flag. The business would primarily consist of providing on-site bike hire and shuttle services for the Great Lake Trail. In addition it is proposed that the shelter would be used to maintain and clean hire bikes during down time on the site. They would also like the ability to provide minor bike repair services to independent Great Lake Trail riders and Kinloch residents and holiday makers. It is not proposed that any food or beverages would be sold as part of the concession.

The Kinloch Domain bike shelter is a known and frequented stop on the Great Lake Trail with a large map showing the trail routes. Situating the business here, while being complementary to the trail, would also allow for users of the trail to discuss the trail and other cycling opportunities with the Tread Routes staff. It is anticipated that this could enhance user's experience of the trail as well as promoting further opportunities around the Taupō District for cyclists to enjoy.

As the demand for Kinloch based bike services has not yet been accurately determined, it is proposed that the 2018/19 season would be used as a trial season to figure out the actual demand and likelihood of running a successful business of this type in this location. To this end the 2018/19 season would be an occupation on a casual basis while proof of concept testing is carried out. If it turns out that the business is viable, it is proposed that subsequent seasons would entail more regular occupation with possible opportunities for permanent or expanded facilities to be set up. Any future permanent facilities or change to the approved operations would need prior approval from Council – either through staff, or if requested through the FRRoD committee.

It is proposed that the LTO is a 1+2 arrangement; with a one year LTO with a single two year right of renewal (to be approved by both parties). This would allow for a single trial season, with the opportunity to renew the LTO if the venture proves successful and both parties wish to see the occupation continue. At the time of renewal it would be possible to consider any variations to the agreement which may allow for any changes to the approved activities, including the suitability of any permanent structures.

The approximate area of the proposed LTO is identified in red below.



Figure 2 - Proposed LTO area at Kinloch Domain



Figure 3 - Kinloch Domain Bike Shelter

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

OPTIONS

Analysis of Options

Option 1. Approve the LTO request

Advantages	Disadvantages
<p>Business opportunity may be created.</p> <p>Supports Kinloch as a mountain biking destination.</p> <p>Opportunity would be created for public to hire bike equipment and gear, service bikes, and purchase transport options on site.</p> <p>Assists to create greater awareness of Great Lake Cycle Trails.</p> <p>Opportunity to reinforce the bike shelter as the mountain biking hub and redirect rider's vehicles from the lakefront to the Kinloch Domain.</p>	<p>May generate complaints from the community on the proposed commercial activity.</p> <p>Possible summer interference between the business and boaties using the Kinloch Domain for trailer parking.</p>

Option 2. Decline the LTO request

Advantages	Disadvantages
<p>No risk of complaints from community.</p>	<p>The potential benefits of the occupation would not be realised, including further promotion and use of the Great Lake Trail.</p>

Analysis Conclusion:

The preferred option is to approve an LTO for Tread Routes to occupy a portion of the Kinloch Domain. It is a complementary use of the Domain and supports surrounding recreational opportunities. It is anticipated for in the 2015 RMP amendment and conforms to the RMP policies.

CONSIDERATIONS**Financial Considerations**

Subject to negotiations the financial impact of the proposal is estimated to be \$300, which is the initial proposed licence fee for use of the Kinloch Domain.

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 performance of Council's regulatory functions. (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 not in conflict with the applicable documents.

Authorisations as follows are required for the proposal:

- ☐ Resource Consent ☐ Building Consent ☐ Environmental Health
☐ Liquor Licencing ☒ Licence to occupy

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

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

Direct communication will be carried out with the affected parties.

CONCLUSION

The preferred option is to approve an LTO for Tread Routes to occupy a portion of the Kinloch Domain. It is a complementary use of the Domain and supports surrounding recreational opportunities. It is anticipated for in the 2015 RMP amendment and conforms to the RMP policies.

ATTACHMENTS

1. Tread Routes Proposal for Kinloch Domain

4.8 LAKEFRONT CONCESSIONS 2018

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

For Council to consider and make a decision on the granting of commercial activity licences on Council administered reserve land at Lakefront Reserve.

EXECUTIVE SUMMARY

Council has received one suitable request for carrying out of commercial activities on Lakefront Reserve this summer. The request is from an operator who has previously been granted a seasonal licence to operate a bicycle hire business on Lakefront Reserve. They have asked if it is possible to be granted a licence for the same purpose this summer (2018/19).

Officers support the granting of a three month licence to Mr Simpson, operating as Bikes on Taupō.

RECOMMENDATION(S)

That the Fences, Roothing, Reserves & Dogs Committee approves the request by Moses Simpson for a three (3) month licence to occupy Council administered reserve land at Lakefront Reserve for the period 25 November 2018 to 25 February 2019 at the location identified in this report for the purposes of hiring out bicycles to members of the public.

BACKGROUND

The proposal has not been presented previously. However the same activity was approved by Council for the previous summer period (2017/18). There were no known issues associated with the activity in previous years. The activity appeared to be well patronised and created additional vibrancy and activity to the Lakefront Reserve which complemented the existing activities in the area.

The applicant wishes to operate on Lakefront Reserve. Activities on the reserve are referenced in the Tapuaeharuru Bay Lakeshore Reserves Management Plan 2008. The reserve management plan for this area allows for specified commercial operations in designated areas, with licences being available for a maximum of five years. Council also agreed to a minor amendment of the Tapuaeharuru Bay Lakeshore Reserves Management Plan by passing the following resolution at its meeting on 25 October 2011:

That Council agrees to a minor change to the Tapuaeharuru Bay Lakeshore Reserves Management Plan to allow further licences for land or water-based recreational activities to be granted for up to six months, with applications to be brought to Council for a decision.

The operator previously operated a bicycle hire business over the 2015/16 summer period as “Bikes on Taupō” as well as the same proposed operation over the 2017/18 summer period. It is proposed that the operation is located in the same area as previously occupied. Council also previously granted a similar licence for the same location to “vintage cycles” in 2012, but the activity was never carried out.

DISCUSSION

The operator would be permitted to hire cruiser style bicycles and erect a small gazebo or shade tent no larger than 3x3m and one sandwich board sign and small flag. The hours of operation would be limited to between 7am and 8pm daily.

The licence would be granted for a single season running from 25 November 2018 to 25 February 2019. Officers are satisfied with the safety considerations and operating procedures of the applicant.

The proposed location of the activity is shown below.



OPTIONS

Analysis of Options

Option 1. Decline to grant the respective licences

Advantages	Disadvantages
<ul style="list-style-type: none"> • The public can enjoy the reserve without pressure to spend money • Part of the reserve remains available as public open space • Staff time saved in monitoring and preparing licence 	<ul style="list-style-type: none"> • Recreational opportunities are lost • Declining the activities may be perceived as being inconsistent with similar previous activities granted on the reserves • Business opportunities to trade on reserve land lost • Loss of revenue from the licences

Option 2. Agree to grant the respective licences

Advantages	Disadvantages
<ul style="list-style-type: none"> • Increased recreational opportunities for the public and visitors • Consistent with similar previous activities granted on reserves 	<ul style="list-style-type: none"> • Staff time monitoring and preparing licence • Reserve land space lost • Increased pressure on Lakefront Reserve space and possible damage to reserve

• Revenue gained from the licences	from activity
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Analysis Conclusion:

Option 1 is preferred for the proposal – grant the request. The activity should create economic and recreational opportunities and enhance the public's enjoyment of the reserve.

CONSIDERATIONS**Financial Considerations**

The financial impact of the proposal is estimated to be approximately \$1200 as the licence fee payable to council by the operator.

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 performance of Council's regulatory functions. (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:

Reserves Act 1977 – Section 54 (1)(d)

Council may grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.

Public notice in accordance with section 119 of the Act is not necessary where the proposal is in conformity with and contemplated by the approved management plan for the reserve.

The proposal is consistent with the relevant legislation.

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. The proposals have been evaluated against the Long Term Plan, Annual Plan and the Taupuaeharuru Bay Lakeshore Reserves Management Plan.

The proposal is consistent with Council policy, including the Taupuaeharuru Bay Lakeshore Reserves Management Plan

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

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

The activity provides additional recreational opportunities to users of the reserve which are consistent with the management plan and relevant legislation. It is recommended that the licence application for this activity is granted.

ATTACHMENTS

Nil

4.9 EASEMENT REQUEST ON LISLAND DRIVE RESERVE

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To decide on approving an easement to Unison on Lisland Drive Reserve, Kinloch for the purposes of power supply.

DISCUSSION

Unison own and operate the local electricity distribution network. They have approached Council requesting an easement to convey electricity, telecommunications and electronic data over Council administered land on Lisland Drive Reserve.

Council's legal officers have advised that staff do not have the appropriate delegations to approve any such request. The ability to make such changes under section 48 of the Reserves Act 1977 has been delegated by Council to the Fences, Roading, Reserves & Dogs Committee.

Section 48 deals with grants of rights of way and other easements. This section allows the administering body to grant an easement over any part of the reserve for the establishment and lawful exercise of a right of way or other easement without public consultation provided:

- The reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and
- The rights of the public in respect of the reserve are not likely to be permanently affected.

Detailed information on the works have been provided by Unison and are included as attachments to this report; and all associated costs would be met by Unison.

The purpose of the new 11kv switch is to secure the power supply to the new Seven Oaks development.

It is not unusual for utility infrastructure to be located on Council reserves. It is considered that in this instance the effects on reserve users is negligible. There are few other realistic alternative locations for the installation of this utility infrastructure.

CONCLUSION

The installation of the new 11kv switch is important to facilitate the further residential development of Kinloch through the Seven Oaks development. Alternative solutions would mean placing the switch in the road corridor which would have a detrimental effect on pedestrians.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee approves the granting of an easement to Unison over Lisland Drive Reserve for the right to convey electricity, telecommunications and electronic data as outlined in the attachments to this report and authorise the Chief Executive to sign any approval documents on behalf of Council in respect of this matter.

ATTACHMENTS

1. Lisland Drive Easement Proposal

4.10 EASEMENT REQUEST ON HYDE AVENUE RESERVE

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To decide on approving an easement to Unison on Hyde Avenue Reserve, Taupō for the purposes of power supply.

DISCUSSION

Unison own and operate the local electricity distribution network. They have approached Council requesting an easement to convey electricity, telecommunications and electronic data over Council administered land on Hyde Avenue Reserve.

Council's legal officers have advised that staff do not have the appropriate delegations to approve any such request. The ability to make such changes under section 48 of the Reserves Act 1977 has been delegated by Council to the Fences, Roothing, Reserves & Dogs Committee.

Section 48 deals with grants of rights of way and other easements. This section allows the administering body to grant an easement over any part of the reserve for the establishment and lawful exercise of a right of way or other easement without public consultation provided:

- The reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and
- The rights of the public in respect of the reserve are not likely to be permanently affected.

Detailed information on the works have been provided by Unison and are included as attachments to this report; and all associated costs would be met by Unison.

Unison already have an easement on this location for an existing switch unit and transformer. However, this unit is due for renewal and the new units are larger than the previous generation of switches. In addition the additional space will allow for replacement of the transformer when it is due for renewal with a modern unit which is also of a larger size than the existing unit.

It is not unusual for utility infrastructure to be located on Council reserves. It is considered that in this instance the effects on reserve users is negligible. There are few other realistic alternative locations for the installation of this utility infrastructure.

CONCLUSION

The installation of the new switch is important to secure the ongoing power supply for the surrounding area by replacing aging infrastructure which is reaching the end of its useful life. Alternative solutions would mean placing the switch in the road corridor which would have a detrimental effect on pedestrians.

RECOMMENDATION(S)

That the Fences, Roothing, Reserves & Dogs Committee approves the granting of an easement to Unison over Hyde Avenue Reserve for the right to convey electricity, telecommunications and electronic data as outlined in the attachments to this report and authorise the Chief Executive to sign any approval documents on behalf of Council in respect of this matter.

ATTACHMENTS

1. Hyde Avenue Easement Proposal

4.11 TONGARIRO STREET PARKING - TOUR COACH PARKS

Author: Denis Lewis, Infrastructure Manager

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

The purpose of this report is to consider a proposal to remove tour coach parking on Tongariro Street between Heuheu and Tuwharetoa Streets

EXECUTIVE SUMMARY

Mr M Jones the owner of 29 – 35 Tongariro Street is seeking to remove the tour coach parking on Tongariro Street adjacent to his property. He has provided a plan of the proposed layout (Appendix One).

It is anticipated that the Transport Strategy and the Cultural Precinct Projects will consider the question of a passenger transport hub for both inter regional, local service and tour coaches.

The preferred option is to decline the proposal as it is considered premature at this point to attempt to temporarily relocate the coach parks before decisions on potential locations of a future transport hub are finalised.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee declines the request to remove tour coach parking from Tongariro Street between Heuheu and Tuwharetoa Streets.

BACKGROUND

The proposal has not been presented previously.

In September 2018 Council officers were approached by the owner (Mr M Jones) of 29 – 35 Tongariro Street with a proposal to remove tour coach parking in the block between Heuheu and Tuwharetoa Streets. The basis for this request was it would reduce air pollution in the area from buses parking with their motors left running for extended periods and maximising the number of on street carparks. A plan of the proposal is attached to the report as Appendix One.

Mr Jones is seeking immediate implementation of the proposal.

DISCUSSION

The proposal involves the retention of one bus park for the Taupō Connector and installation of 9 carparks.

The plan (Appendix One) demonstrates that with the parking layout proposed tour coaches can enter and exit the park successfully.

There has been insufficient time to collect data on the number and frequency of tour coaches that utilise this parking area but we are aware that up to 3 south bound coaches do park in this location at least 3 times a day aside from the regular Taupō Connector service. Provision of parking for those coaches displaced by this proposal would then need to be found and consultation undertaken with both tour coach operators and adjoining property owners. We are also aware that the property owner that adjoins the coach parks is not in favour of the proposal.

It is anticipated that the Transport Strategy (programmed for adoption by Council June 2019) and the Cultural Precinct Project (programmed for Council to select preferred CPP option Dec 2018) will consider the question of a passenger transport hub for both inter regional, local and tour coaches.

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

OPTIONSAnalysis of Options

Option 1. Implement the Proposed Parking Layout

Advantages	Disadvantages
<ul style="list-style-type: none"> Meet the needs of one of the adjacent landowners 	<ul style="list-style-type: none"> Relocation of coach parking will not be informed by the Transport strategy nor Cultural Precinct projects Not all landowners on Tongariro Street are in favour of the proposal

Option 2. Decline the Proposal

Advantages	Disadvantages
<ul style="list-style-type: none"> Enable a strategic view for the provision of a passenger transport hub 	<ul style="list-style-type: none"> Needs of the adjacent landowner will not be met

Analysis Conclusion:

The preferred option is to decline the proposal.

CONSIDERATIONS**Alignment with Council's Vision**

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: Vibrant; Quality; and Value.

Financial Considerations

The financial impact of the proposal is estimated to be \$1500.

Long-term Plan/Annual Plan

The expenditure outlined could be funded from our Land Transport programme, new signs & markings.

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).

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and there are no relevant matters for consideration.

Policy Implications

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance,

feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

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 required.

CONCLUSION

It is anticipated that the Transport Strategy and the Cultural Precinct Projects will consider the question of a passenger transport hub for both inter regional, local service and tour coaches so it is consider premature at this point to attempt to temporarily relocate the coach parks before decisions on potential locations of a future passenger transport hub are finalised.

ATTACHMENTS

1. Appendix One - Tongariro Street Tour Coach Parking Option

4.12 OBJECTION TO DANGEROUS DOG CLASSIFICATION - DOG 180656 BELLA

Author: Tina Jakes, Head of Democracy, Governance and Venues

Authorised by: Gareth Green, Chief Executive Officer

PURPOSE

Mr Bowley is the owner of Bella (180656), a dog classified as dangerous pursuant to Section 31 of the Dog Control Act 1996 ('the Act').

DISCUSSION

Section 31 (4) of the Act requires the Committee to have regard to the following matters in 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 advanced in support of the objection; and
- (d) any other relevant matters.

OPTIONS AVAILABLE TO THE COMMITTEE

In accordance with Section 31 of the Act, when considering an objection to a classification decision, the Territorial Authority may uphold or rescind the classification.

The TA shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

CONCLUSION

It is recommended that the Committee:

1. Hears from Mr Bowley in support of his objection.
2. Hears from the Councils Compliance Team Supervisor in support of the officers' decision to classify Mr Bowley's dog as dangerous.
3. Deliberates on all information provided to it, both written and verbal, and reach a decision within the parameters of Section 31 of the Dog Control Act 1996.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee upholds or rescinds the classification for the dog named Bella registration # 180656 Micro-chip #956000010286737.

ATTACHMENTS

1. Compliance Team Supervisor's report