

**TAUPŌ DISTRICT COUNCIL
MINUTES OF THE FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, 107 HEUHEU STREET, TAUPŌ
ON TUESDAY, 20 NOVEMBER 2018 AT 10.00AM**

- PRESENT:** Cr Barry Hickling (in the Chair), Cr John Williamson, Cr John Boddy, Cr Anna Park (from 10.06am), Cr Maggie Stewart
- IN ATTENDANCE:** Chief Executive, Head of Operations, Head of Democracy, Governance & Venues, Head of Communications & Customer Relations, Senior Reserves Planner, Infrastructure Manager, District Parks Operations Manager, Parks Manager – Sports & Horticulture, Democratic Services Officer
- MEDIA AND PUBLIC:** 25 members of the public
Taupō Times

- Notes:*
- (i) *Items were considered in the following order: 3.1, 4.1-4.6, 4.8, 4.7, 4.9, 4.12, 4.11, 4.1.*
 - (ii) *Cr Anna Park entered the meeting at 10.06am. She was not present for resolutions FRD201811/01-02.*
 - (iii) *The meeting adjourned at 12.11pm after consideration of item 4.8 and reconvened at 12.37pm.*

1 APOLOGIES

FRD201811/01 RESOLUTION

Moved: Cr John Boddy
Seconded: Cr John Williamson

That the apologies received from His Worship the Mayor, David Trewavas (for absence) and Cr Anna Park (for lateness) be accepted.

CARRIED

2 CONFLICTS OF INTEREST

Nil

3 CONFIRMATION OF MINUTES

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

In answer to a question, the Parks Manager-Sports & Horticulture advised that the removal of the tree and maintenance of the bank opposite the Summerset by the Lake retirement village would take place the following week.

A member asked to be provided with the date on which the No Parking signs were erected along Lake Terrace (item 4.3).

FRD201811/02 RESOLUTION

Moved: Cr John Williamson
Seconded: Cr John Boddy

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

CARRIED

4 REPORTS

4.1 WAIPAHIHI STREET TREE OPTIONS

Cr Anna Park entered the meeting at this point (10.06am).

The following people addressed the Committee and answered questions:

Mr Christopher Aurisch

- Submitted apologies from some residents of Waipahihi Avenue and Crowther Terrace who were unable to be in attendance.
- The removal of the street trees on Waipahihi Avenue had been a sad experience for most of the residents present at the meeting.
- Tabled 'before' and 'after' photographs of the trees (A2358895 and A2358898).
- A lot of valuable trees had been removed, but upset residents wanted to move into the future and have the street re-planted.
- Pleased the Council had acknowledged the fact that this has been an unfortunate incident.
- Wants to ensure the well-being of the three remaining trees in the future.

Mrs Judi Smith

Mrs Smith asked if the Committee members had seen submissions from all parties including Ngauruhoe Street residents, as the agenda only included one submission. The Chairperson, Cr Barry Hickling confirmed that no other submissions had been provided to the Committee.

- Mrs Smith had lived on Ngauruhoe Street for 40 years and during that time, the Beech trees on Waipahihi Avenue had been topped by Mr David and Mrs Ros Cameron. In 2013 for example, with Council approval, Mrs Cameron arranged for the upper three trees to be topped so Mr Smith who was ill could see the lake. Mrs Cameron and Mrs Smith paid half each.
- In 2017 Mrs Smith again asked permission to top the three upper Beech trees. She contacted Council regularly from June onwards and after several weeks was told that Council does not top trees. She spoke with affected neighbours and then attended a meeting with Council staff. Messrs Sean Deasy and Perry Fletcher were also at the meeting and she informed Council staff that Mrs Cameron was away. She expected staff to contact Mrs Cameron on her return. Mr Fletcher said he did not want planting on the berm outside his property.
- Residents of Waipahihi Avenue would not be affected by trees planted which will block the views of the residents behind in two to three years' time.
- The problem lies with Council's policy of not topping trees. Tree topping was not an uncommon practice in Taupō town. If Council was adamant trees should be planted on Waipahihi Avenue, there should be a regulation on the height of the trees and a maintenance programme put in place.

Mrs Ros Cameron

- Read out part of the Tree & Vegetation Policy – noted that Council wishes to be a good neighbour in terms of maintenance of its trees and vegetation, but does not prune trees to enhance views. The policy allows people asking for trees to be maintained to contribute 50% of the arborist costs.
- The trees on Waipahihi Avenue were planted 75 years ago and maintained for the first 45 years because of overhead power cables. When power cables went underground in 1986, residents continued to maintain the trees at a certain height, not specifically for views, but also for the health of the trees. This approach was within the Tree & Vegetation Policy.

Mr John Funnell

The issue was the need to be able to maintain and top trees. It was possible to satisfy all parties by carefully selecting replacement trees and restricting their height so they do not negatively affect the residents behind. Acknowledged that it was difficult to please everyone, but thanked Council for making a commitment to address the issue. A Memorandum of Understanding could be a way forward.

Ms Belinda Ellis

The Tree & Vegetation Policy was a good policy to deal with complex problems of place, trees and people. Individual clauses such as clause 3.1 (removal of unhealthy trees) should be read in the context of the whole

policy to avoid situations such as the one with the Waipahihi Avenue trees. If the tree assessment checklist had been completed for each tree on Waipahihi Avenue, the outcome would have been different. Staff should be trained to implement the policy in accordance with the good intentions with which it was drafted.

Mr Asher Bowyer, representing several residents, including Mr Chris and Mrs Mary Sharples

- Arborist from Ash & Oak Arborists, a consultancy based in the eastern Bay of Plenty providing assessment and reporting services in relation to trees and tree matters.
- Residents had asked Mr Bowyer to come over and help with this situation. He had come in after the event and was impartial, providing professional opinions based on his own observations and assessments.
- Mr Bowyer had surveyed the site after the trees had been removed and did not have enough information to fully assess previous pruning processes and the history of the trees. Understood that the Beech trees were planted in 1943 as a hedge and were removed in 2018 due to stress, disease and structural problems. Why did the management of the trees change?
- Important to distinguish between a Beech hedge, or a row of Beech trees. Trees would not normally be topped, but that would probably not apply to a hedge.
- Quoted from Council's report which indicated sun scorch, fungal damage, decay and rot. Only a small handful of fungi are harmful to trees; and trees need insects – some are harmful and some are not. Decay can cause structural failure, but in this case due to the trees forming a hedge, it was unlikely failures would have occurred if the trees had been properly maintained.
- Council's report had referenced trees growing to their natural shape on the lake front – the relevance of that to the Waipahihi Avenue trees was questionable because the example was of a different species of tree in a different location.
- From photographs it appeared the Waipahihi Avenue tree stems were sound, with some decay in the canopy. It is unlikely full tree failure would have resulted from that decay and limb failure would have had a limited impact. The first two trees had been removed due to proximity to the house and decay / heavy regrowth – why was removal the only option considered and why was proximity to the house only a concern now, after 75 years? Heavy regrowth was a sign of either health or stress, but this does not always mean trees are compromised enough to require removal, even after several hundred years.
- The removal of some trees had compromised the remaining trees. They would not grow to fill the gaps and therefore the amenity and character of the location had been significantly reduced, this was a significant loss to the street and the residents. They were planted for a reason, was this taken into consideration?
- The remaining trees would get larger and create even more of an issue with views in the future. The internal canopy which created the hedge had been removed, so the larger remaining stems would get taller. Managing trees was a slow process and was more difficult with less foliage and structure to work with. The remaining trees could not be maintained as a hedge unless other hedge trees were planted in between. If they were pruned properly, internal growth would come through, but this would be a gradual process.
- Dogwood trees would not be suitable for a hedge. If individual trees growing to classic form was desired, Dogwoods might be suitable, but they would need to be managed correctly.

Mr Sean Deasy

Mr Deasy asked if the Committee had seen submissions from all parties including Messrs Tom Davies and Perry Fletcher, to which members replied they had not. Mr Deasy explained that Council staff had asked residents to supply submissions and it was important that all submissions were considered before the Committee made a decision. Concerned about the process. Noted that he had not received the proposed MoU from Mr Funnell, this had only gone into certain letterboxes.

- The issue was the change in the Tree & Vegetation Policy.
- Initially wanted the Silver Birch to be topped. Council staff inspected this tree and concluded that it was 'stuffed' and close to power boxes.
- Crowther Terrace residents had asked to have the Beech trees sided (not topped).
- There was a history of the trees on the other side of the road as well.
- Trees on berms are Council property – you have control, authority and the last word.

- Concerned about the dangerous precedent being set by residents 'rail roading' Council.
- In relation to possible replacement trees, Dogwoods would grow out of control.
- Not averse to having trees on Waipahihi Avenue, but it was impossible to have a true avenue of trees – the concept of trees coming out across the street – that would make it dark, dangerous and mossy.
- Council should look at a way to regulate the height of the trees and put a more robust management plan in place. Invest ratepayers money somewhere else – these particular trees do not lend themselves to the avenue concept.
- Comes down to consideration and courtesy of neighbours.

Members decided to adjourn further consideration of the item until all written submissions from residents had been provided. The submissions were tabled just prior to the adjournment at 12.11pm (A2357600, A2358880 and A2358882).

The item was considered further after the adjournment. Members decided to approve option A1 as detailed in the report, adding that all street trees on Waipahihi Avenue must be maintained appropriately in future.

FRD201811/03 RESOLUTION

Moved: Cr Maggie Stewart

Seconded: Cr John Williamson

That the Fences, Roothing, Reserves & Dogs Committee approves Option A1 to retain the three existing Beech trees on Waipahihi Avenue, plant in the gaps and maintain those trees in a suitable manner; and to plant six Dogwood trees on the northern side of Waipahihi Avenue and eight on the southern side in early autumn 2019.

CARRIED

4.2 PROPOSED TREE REMOVAL AT 1 OGILVIE ROAD, KINLOCH

Mr Graeme and Mrs Heather Hutchings addressed the Committee and the following points were noted:

- Mr and Mrs Hutchings had owned the property at 1 Ogilvie Road, Kinloch since 2002. Over that time, the tree on the berm outside their property had caused damage to the driveway and courtyard.
- Council had renewed the driveway cobblestones around 2005-2006, however the tree was continuing to cause damage and as a result, cobbles would need to be renewed again in a few years' time.
- Branches fall off the tree in high winds; this was a risk to footpath users. Branches had hit Mr and Mrs Hutchings' fence and they had had to use a ute to tow one particularly huge branch away.
- Offered to contribute 50% of the cost of removal of the tree.
- As well as causing damage to the driveway, the tree roots were getting close to the house.

Members agreed that the tree outside 1 Ogilvie Road, Kinloch should be removed.

FRD201811/04 RESOLUTION

Moved: Cr John Boddy

Seconded: Cr Anna Park

That the Fences, Roothing, Reserves & Dogs Committee approves the removal of the tree at 1 Ogilvie Road, Kinloch.

CARRIED

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

In answer to a question, the Head of Operations advised that staff had started work on the survey of street trees in Turangi.

Members decided to approve removal of the tree outside 6 Wiremu Street, Turangi. It was noted that major work had been done on the exterior of the property including installation of a new fence, and the tree was

close enough to the property to support the view that it was likely things would 'go wrong' with the tree branches falling and causing damage.

In relation to the tree outside 48 Raukura Street, it was noted that this was an oak tree, in keeping with the street, and it could be managed as part of Council's maintenance programme in Turangi.

FRD201811/05 RESOLUTION

Moved: Cr Maggie Stewart

Seconded: Cr John Williamson

1. That the Fences, Roothing, Reserves & Dogs Committee approves the request of the tree removal at 6 Wiremu Street.
2. That the Fences, Roothing, Reserves & Dogs Committee notes that the tree outside 48 Raukura Street, Turangi will be maintained as part of Council's ongoing tree maintenance programme for Turangi.

CARRIED

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

Mr Wayne Wright (Best Start Educare Chief Executive) and Mr Timothy Bell (Best Start Educare Special Projects Manager) addressed the Committee and answered questions. Mr Wright tabled a 'Wright Family Foundation' brochure entitled 'Growing the good in New Zealand' (A2357612). The following additional points were noted:

- Beststart Richmond Kindy would be participating in a new programme from January 2019, involving remote evaluation of clinical medical issues in children.
- Taupō Kids Community and Laughton Street Kindergarten were both paying community rates on their leases. Central government funding was universal. Best Start Educare was a registered charity with no shareholders receiving profits. Why should Best Start Educare pay a commercial rent while other kindergartens were paying a community rate?
- Best Start Educare was owned by the Wright Family Foundation, which distributes surpluses to several organisations around New Zealand – refer to tabled brochure. Although none of the organisations were specifically Taupō-based, some Taupō schools would benefit indirectly, through for example the 'House of Science' initiative.

In answer to a question, the Senior Reserves Planner advised that the Laughton Street Kindergarten lease was due to expire in May 2020.

Members requested more details of the other leases between Council and Taupō Kids Community and Laughton Street Kindergarten. The item was tabled for consideration later in the meeting and Messrs Wright and Bell left the meeting at this point.

When the item was considered later in the meeting (12.04pm), the Senior Reserves Planner confirmed that Best Start Educare's licenced area was the whole grounds, although the current rental was assessed on the basis of the building area only. The Taupō Kids Community lease had expired in 2014.

Members decided to change the rate applied to the lease with Best Start Educare for the site at Waipahihi Reserve to the sporting and community leases rate, but to charge rent based on the entire licenced area, not just the area occupied by the buildings. This would represent a reduction in annual rental payable to Council.

FRD201811/06 RESOLUTION

Moved: Cr John Williamson

Seconded: Cr John Boddy

That the Fences, Roothing, Reserves & Dogs Committee approves a reduction in the annual rental payable by Best Start Educare for the entire licensed area at Waipahihi Reserve, Taupō, based on the current sporting and community leases rate.

CARRIED

4.5 TREE REMOVAL REQUESTS NOVEMBER 2018

Mr Ken Adamson addressed the Committee in relation to his request for the two trees behind his property at 6 Gibbs Place, Kinloch to be removed. The following points were noted:

- Mr and Mrs Adamson had owned the property for 21 years.
- Not against trees in general – they did provide privacy from the boatyard directly behind the property – however five trees in the reserve behind the property had uprooted in strong winds.
- These particular trees were shallow-rooted. Agreed that the trees were healthy, however they were 18-20m tall and top heavy. Concerned that the two closest trees, particularly the tree with the forked trunk, would give way and fall onto the garage – this was a case of ‘when, not if’ the trees fall.

In answer to questions, Mr Adamson advised that:

- The trees further away from his boundary were more sheltered.
- He would consider contributing to the cost of removing the two closest trees, if provided with a quote.

Members decided the following in relation to the four requests:

- Armstrong Grove gully – request declined. It was noted that any work undertaken in this particular gully would be a major undertaking and would take a long time.
- Gibbs Place, Kinloch – the two trees closest to Mr and Mrs Adamson’s property could be removed, subject to the property owners contributing 50% of the costs of removal.
- Taupahi Road, Turangi – request declined. It was noted that this particular species of tree was prone to self-pruning of bark / branches, but it was unusual for a whole tree to fall over. The difference between this situation and the Queenstown example provided by Mr Morrison was that Taupō District Council’s arborist had inspected the trees on the Taupahi Road reserve, Turangi and come to the conclusion that the trees are safe. In addition, the trees were not so close as to be likely to drop branches onto buildings.
- Roberts Street, Taupō – request approved.

FRD201811/07 RESOLUTION

Moved: Cr Maggie Stewart

Seconded: Cr John Williamson

1. That the Fences, Roothing, Reserves & Dogs Committee declines the request to remove or top trees in Armstrong Grove Gully.
2. That the Fences, Roothing, Reserves & Dogs Committee approves the request to remove the two trees behind 6 Gibbs Place, Kinloch, subject to the property owner contributing 50% of the costs of removal.
3. That the Fences, Roothing, Reserves & Dogs Committee declines the request to remove trees in Taupahi Road Reserve, Turangi.
4. That the Fences, Roothing, Reserves & Dogs Committee approves the request to remove palm trees adjacent to 79 Roberts Street, Taupō.

CARRIED

Note: Cr John Boddy requested his dissent to part 3 of resolution FRD201811/07 above be recorded.

4.6 MEMORIAL FURNITURE REQUESTS NOVEMBER 2018

Ms Lorraine Dale addressed the Committee on behalf of the Five Mile Bay Association, in support of the Association’s offer to pay for a table and chairs in memory of Mr Ian Tinsley, a resident who had passed away recently. Ms Dale also offered to maintain the table and chairs.

Members agreed to approve the request for a memorial table and chairs in recognition of Mr Ian Tinsley.

FRD201811/08 RESOLUTION

Moved: Cr Anna Park
Seconded: Cr John Williamson

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.

CARRIED

Members considered whether more information about the history of Kinloch and the contribution of Ms Keitha Jennifer Mary Holyoake was required before making a decision on the request for a memorial bench on Kinloch Foreshore Reserve recognising Ms Holyoake.

In answer to a question, the Head of Democracy, Governance & Venues advised that the Kinloch Representative Group could not make a formal recommendation to the Fences, Roothing, Reserves & Dogs Committee.

FRD201811/09 RESOLUTION

Moved: Cr Anna Park
Seconded: Cr John Williamson

That the Fences, Roothing, Reserves & Dogs Committee declines the request on behalf of the Estate of Keitha Jennifer Mary Holyoake for a memorial bench on Kinloch Foreshore Reserve recognising Ms Holyoake.

CARRIED

Note: Crs John Boddy and Barry Hickling requested their dissent to resolution FRD201811/09 above be recorded.

4.7 LICENCE TO OCCUPY - TREAD ROUTES AT KINLOCH DOMAIN

Members agreed to approve the Tread Routes licence to occupy for a trial period of 12 months, subject to inclusion of an environmental protection clause.

FRD201811/10 RESOLUTION

Moved: Cr John Williamson
Seconded: Cr Maggie Stewart

That the Fences, Roothing, Reserves & Dogs Committee approves a 12 month trial licence to occupy a portion of Council administered land at Kinloch Domain (as described in the report attached to the agenda) to 'Tread Routes', for the purpose of carrying out bike shuttle, hire and maintenance activities, subject to inclusion of an environmental protection clause.

CARRIED

4.8 LAKEFRONT CONCESSIONS 2018**FRD201811/11 RESOLUTION**

Moved: Cr Anna Park
Seconded: Cr John Boddy

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 the report for the purposes of hiring out bicycles to members of the public.

CARRIED

4.9 EASEMENT REQUEST ON LISLAND DRIVE RESERVE

Members decided to **defer** this item to a future meeting, to enable further information to be provided. In particular, they wanted to know how urgent the request was; and the likely timings of the resource consent.

4.10 EASEMENT REQUEST ON HYDE AVENUE RESERVE

FRD201811/12 RESOLUTION

Moved: Cr John Williamson

Seconded: Cr John Boddy

That the Fences, Roading, 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 the report and authorises the Chief Executive to sign any approval documents on behalf of Council in respect of this matter.

CARRIED

4.11 TONGARIRO STREET PARKING - TOUR COACH PARKS

FRD201811/13 RESOLUTION

Moved: Cr Anna Park

Seconded: Cr John Williamson

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

CARRIED

4.12 OBJECTION TO DANGEROUS DOG CLASSIFICATION - DOG 180656 BELLA

Mr Bowley addressed the Committee and explained that the dog Bella attacked was on a long extendable lead, it was 'in season' and they had a tangle up. Bella had come back when Mr Bowley had called her. He added that Bella does play nicely with other dogs most of the time. In answer to questions, Mr Bowley advised that:

- He had owned Bella since she was six months old.
- Just because there had been times Bella was not under control, should not mean that she should be classified dangerous. She came back when called, therefore she is not dangerous.

The Compliance Team Supervisor advised that:

- The third incident was investigated after posts on social media. This incident had occurred on Kahurangi Drive and involved a dog not in season and not on a long lead.
- The three attacks were similar in that they were unprovoked and Bella had bitten other dogs on the back of the neck.
- Staff at the Council pound had observed Bella having problems with other dogs during the two weeks she was there.
- There had been no other complaints during the five to six week period in which the three attacks occurred.
- Mild aggression identified in this case. Bella was not aggressive towards people, but put hackles up when other dogs were around and displayed signs of aggression towards other animals.

Ms Jessica Wells addressed the Committee in relation to the incident on Kahurangi Drive on 6 August 2018. She confirmed that the dog which had attacked her dog was not on a lead. It had charged towards her, she had released her dog and then the other dog mounted her dog, bit it on the back of the neck and dragged it across to the other side of the road. The owner of the other dog was calling out to it, trying to call it back and it did eventually go back.

Members agreed that Bella did constitute a threat to public safety and decided there was sufficient evidence to uphold the dangerous dog classification for Bella.

FRD201811/14 RESOLUTION

Moved: Cr John Boddy

Seconded: Cr John Williamson

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

CARRIED

5 CONFIDENTIAL BUSINESS

Nil

The meeting closed at 1.41pm.

The minutes of this meeting were confirmed at the Fences, Roothing, Reserves & Dogs Committee meeting held on 19 February 2018.

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CHAIRPERSON