



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

<b>Date:</b>	<b>Tuesday, 16 April 2019</b>
<b>Time:</b>	<b>10.00am</b>
<b>Location:</b>	<b>Council Chamber 107 Heuheu Street Taupō</b>

# **AGENDA**

## **MEMBERSHIP**

<b>Chairperson</b>	Cr Barry Hickling
<b>Deputy Chairperson</b>	Cr John Williamson

<b>Members</b>	Cr John Boddy Cr Anna Park Mayor David Trewavas Cr Maggie Stewart
----------------	--

<b>Quorum</b>	3
---------------	---

**Gareth Green**  
**Chief Executive Officer**

## Order Of Business

### 1 Apologies

### 2 Conflicts of Interest

### 3 Confirmation of Minutes

- 3.1 Fences, Roding, Reserves & Dogs Committee Meeting - 20 November 2018 .....3
- 3.2 Fences, Roding, Reserves & Dogs Committee Meeting - 31 January 2019 .....4

### 4 Reports

- 4.1 Docherty Drive Gully Vegetation .....5
- 4.2 Proposed Roofing System Installation over Outdoor Dining Area - Vine Eatery & Bar .....11
- 4.3 New Trees To Be Planted On Spa Road and Tonga Street Taupo .....14
- 4.4 Licence to Occupy - Taupo Tennis Club at Tongariro Domain .....18
- 4.5 Tree Removal at 3 Scott Drive, Taupo .....23
- 4.6 Trees Removal at Highland Drive, Taupo .....27
- 4.7 Tree Removal at 48 Paekiri Street, Turangi .....32
- 4.8 Easement Request on Lisland Drive Reserve .....36
- 4.9 Taupo District Council Traffic Control Device Updates .....37
- 4.10 Licence to Occupy Review - Flyline at Hipapatua/Reid's Farm .....41

### 5 Confidential Business

Nil

**3.1 FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 20 NOVEMBER 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 20 November 2018 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Fences, Roding, Reserves & Dogs Committee Meeting Minutes - 20 November 2018 [⇒](#)

**3.2 FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 31 JANUARY 2019**

**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 Thursday 31 January 2019 be confirmed as a true and correct record.

**ATTACHMENTS**

1. Fences, Roding, Reserves & Dogs Committee Meeting Minutes - 31 January 2019 [⇒](#)

**4.1 DOCHERTY DRIVE GULLY VEGETATION**

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

**Authorised by:** Kevin Strongman, Head of Operations

**PURPOSE**

To make a decision on vegetation management in Docherty Drive Stormwater Reserve.

**DISCUSSION**

Council received a petition (attachment 1) from residents adjacent to Docherty Dr Stormwater Reserve complaining about a number of perceived issues in the reserve relating to:

- “Rubbish” vegetation along boundary fences which are “overgrown and messy” and a fire hazard
- Rats breeding in the undergrowth and duff under the trees
- Trees overhanging boundaries, pushing on fences
- Blackberry establishing in the reserve
- Trees blocking light and spoiling views, “possibly devaluing properties”

The location of the petition supporters is identified in the image below. The organiser of the petition is marked red.





*Figure 1 - Locations of Petition Supporters*

It should be noted that the reserve in question is classified as Local Purpose Stormwater. Under the Reserves Act 1977 each reserve must have a designation, and the reserve shall be managed in accordance with that primary designation.

In this case, where the majority of the reserve is for dealing with stormwater flows, it is necessary that the reserve be managed so that this is done in the best way possible. As such, the requirements for managing stormwater are very much different to reserves which are classified for recreation. Simply put, it is necessary to understand that a local purpose stormwater reserve will look much different to a recreation reserve due to the different requirements being placed upon the land.

It is generally desirable to have thicker and longer vegetation in stormwater gullies to slow down overland flow speeds and to protect the underlying soil and structures from erosion and scouring.

Typical levels of service for the two types of reserve in respect to this gully are explained below.

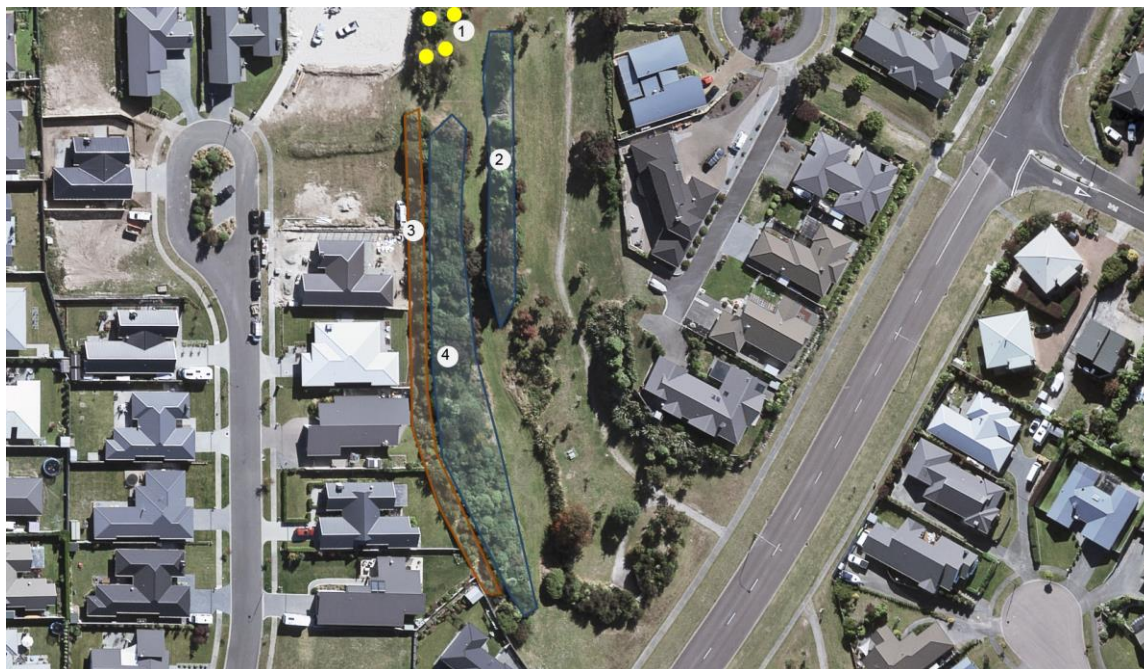
Area	Maintenance Standard		
Stormwater flow paths and structure surrounds	<p>Grass heights are maintained between 100mm and 150mm to allow for slowing and filtering of stormwater. Stalks no higher than 300mm.</p> <p>Native sedge and other desirable wetland plants are encouraged in ponding areas</p> <p>Plant pests are maintained so as to not overrun desirable species and are kept clear of structures</p>		
Recreational walking and park areas.	<p>Grass heights are maintained between 50mm and 100mm. Stalks no higher than 150mm</p> <p>Plantings are kept free of weed species</p> <p>Walking paths are kept open and weed growth sprayed with herbicide</p>		

Parks operation staff have identified a number of mitigating measures that may be undertaken to deal with some of these issues. They are identified below.








Reserve overgrown, messy and a fire hazard	Remove dead and rotting vegetation
Rubbish in reserve	Environmental Rangers undertaking litter pick up
Rats breeding	Litter and tree debris cleared from beneath planted areas  Predator Free Taupō willing to assist with set-up of a pest control programme with residents installing and monitoring traps in their backyards and volunteers managing a small number of DoC 200 traps in the gully
Overhanging trees blocking sunlight and towering over or pushing over fences  Nuisance trees such as Silver Birch dropping seeds everywhere.	Cut back and/or remove vegetation to create a clear buffer between boundaries and vegetation where possible  Remove weed trees such as self-sown cherry  Crown lift and prune specimen trees
Trees blocking views, devaluing properties	Under the Tree and Vegetation Policy Council does not prune for views; however some of the work listed above may contribute to improved view shafts
Blackberry establishing in and around trees	Ecological Rangers to continue programme of spraying and brush-cutting blackberry

The specific actions to be undertaken are identified in the following action plan.



#### **The Pheasant Tail**





ITEM	ACTION	
1	Remove two trees close to boundary and two of poor form	
2	Crown lift specimen trees Remove dead material Remove weed species	 
3	Cut back or remove vegetation to create three metre buffer between planting and boundaries Preserve low growing healthy vegetation where appropriate	 
4	Remove self-sown Cherry trees Clear weeds and dead vegetation from beneath trees Carryout thorough litter pick up	 

**Woburn Place**

ITEM	ACTION	
5	Cut back or remove vegetation to continue mowed buffer between planting and boundaries.	
6	Remove self-sown Cherry trees Clear weeds and dead vegetation from beneath trees Carryout thorough litter pick up Prune flaxes off path Crown lift specimen trees	

## CONCLUSION

Public reserves are managed differently depending on what their purposes are. Some will be managed as amenity and recreation areas, while others will be managed for natural benefits or other practical considerations. At times these purposes will not be compatible.

In this case the primary purpose of the reserves is to manage stormwater overflow paths; which necessitates thicker and longer vegetation which would not be in place in typical recreation reserves. That said, the close proximity of vegetation to neighbouring private boundaries is something that Council is addressing with new developments moving forward. Given the potential, actual and perceived problems caused by thick boundary vegetation, it is not unreasonable for Council to consider carrying out some vegetation management to increase the distance between boundaries and thick vegetation where appropriate.

As vegetation matures and goes through some levels of succession, it is at times also appropriate to remove colonising plants which have reached the end of their useful life where so assessed by staff.

In this case there is a level of latitude and opportunity to manage the reserve vegetation without compromising the primary purpose of the reserve.

## RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee confirms management of the vegetation as identified in this report.

## ATTACHMENTS

1. Docherty Dr Stormwater Reserve Petition

**4.2 PROPOSED ROOFING SYSTEM INSTALLATION OVER OUTDOOR DINING AREA - VINE EATERY & BAR**

**Author:** Woinshet Hailesilassie, Engineering Officer - Transportation Strategy

**Authorised by:** Kevin Strongman, Head of Operations

**PURPOSE**

The purpose of this report is to request the Fences, Roothing, Reserves & Dogs Committee to give permission to Vine Eatery and Bar to install roofing system over the outdoor dining area.

**EXECUTIVE SUMMARY**

The owners of Vine Eatery and Bar have recently requested council for permission to install a roofing system over the outdoor dining area so that their customers will be sheltered from sun, rain...etc

Vine Eatery and Bar has been granted licence to occupy the road side footpath for outdoor dining purposes.

Council's property solicitor advised that, if the committee agrees to give permission for the canopy to be installed an appropriate variation to the existing Licence to Occupy would need to be completed.

**RECOMMENDATION(S)**

That the Fences, Roothing, Reserves & Dogs Committee agrees to vary the Vine Eatery and Bar Limited's Licence to Occupy footpath to allow the roofing system proposed in officers report [enter report number] to be installed outside Vine Eatery and Bar

**BACKGROUND**

The proposal has not been presented previously.

To shelter their customers from all weather conditions, the owners of Vine Eatery and Bar are requesting council to approve their proposal to install a roofing system over the outdoor dining area.

The current licence to occupy for the outdoor dining area has been granted in a council meeting on 26 May 2015, resolution number **TDC201505/10**. The licence to occupy is current and will expire in November 2020.

**DISCUSSION**

The following information has been received from Vine Eatery and Bar.

“The roofing system is rated to 150 kilometre per hour winds so it is safer and is able to be used all year round, most of the other shade options for example awnings, screens, etc are relatively flimsy from a safety point of view. The new roof will have engineering reports and a building consent completed. This type of roof system will become more popular especially in a climate like Taupō, warm and sunny one minute and a cold breeze the next! It would be nice to think both locals and visitors to Taupō could enjoy being outdoors in the central business district all seasons”.

Proposed roofing system Specifications from Oztech Tera is attached to this report.

If the committee sees benefit in this approach and approves the request for the roofing system installation to Vine Eatery & Bar other business owners might well be encouraged to request similar roofing system installations.

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

**OPTIONS**Analysis of Options

Option 1. Approve roofing system installation request

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>The restaurant customers will be sheltered from all weather conditions and will have good outdoor dining experience.</li> <li>Will encourage customers to enjoy the outdoor and will create vibrancy to the area.</li> <li>Possible increased income for council from increased licence to occupy annual fee.</li> </ul>	<ul style="list-style-type: none"> <li>None foreseen</li> </ul>

#### Option 2. Decline roofing system installation request

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>No precedent will be created</li> </ul>	<ul style="list-style-type: none"> <li>The restaurant customers will not be able to enjoy an outdoor dining experience in all-weather conditions.</li> </ul>

#### Analysis Conclusion:

The preferred option is to approve the roofing system.

### 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

There is no financial impact of the proposal to Council.

#### Legal Considerations

##### Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality local infrastructure. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

Authorisations as follows are required for the proposal:

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

The existing licence to occupy only permits the following "the location of dining tables, chairs, umbrellas, planters, potted plants, rope barriers, and gas heaters ("Furniture") (or such other equipment with the Licensor's prior written consent), for the sedentary consumption of food (including alcohol where this is permitted by a liquor licence)." Therefore, if the Committee agree to permit the canopy to be installed an appropriate variation to the existing licence will need to be completed.

#### 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 o 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 o 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**

If the committee sees benefit in this approach and approves the request for the roofing system installation to Vine Eatery & Bar there might well be a risk of setting a precedent whereby other business owners in the nearby or CBD area might well be encouraged to request a roofing system installation. In a legal sense though, it is not setting a precedent and Council can accept or decline any further applications for canopies to be installed on a case by case basis.

### **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**

The preferred option is to approve the roofing system.

### **ATTACHMENTS**

1. Vine Eatery - roofing system 3D drawings ➡
2. Vine Eatery Outdoor Dining Area ➡
3. Oztech Tera Specifications ➡
4. Vine Photo 1 ➡
5. Vine Photo 2 ➡
6. Vine Photo 3 ➡
7. Vine Photo 4 ➡

**4.3 NEW TREES TO BE PLANTED ON SPA ROAD AND TONGA STREET TAUPŌ**

**Author:** Vincent Wang, Engineering Officer

**Authorised by:** Kevin Strongman, Head of Operations

**PURPOSE**

The purpose of this report is a request to review the landscaping component of the Resource Consent RM170099 issued to Ingham Mitsubishi.

**EXECUTIVE SUMMARY**

In accordance with Mitsubishi Car Showroom development at 161 Spa Road, Taupō, the owner is seeking an amendment of its resource consent to include revision of landscaping, signage and lighting levels. This report is intended to discuss the request for amendments of landscaping from the owner.

**RECOMMENDATION(S)**

That the Fences, Roothing, Reserves & Dogs Committee approves the request to install 4 Ornamental Pear trees and 3 Weeping Silver Pear trees outside 161 Spa Road, Taupō.

Or

That the Fences, Roothing, Reserves & Dogs Committee declines the request to install 4 Ornamental Pear trees and 3 Weeping Silver Pear trees outside 161 Spa Road, Taupō.

**BACKGROUND**

The proposal has not been presented previously.

Ingham Mitsubishi has engaged DLA Architect Limited as a consultant, requesting council to review its resource consent associated with landscaping, signage and lighting levels amendments. Therefore, the issue regarding landscaping of this development has been directed to this FRRReD committee meeting.

There are 6 small triangular and 2 larger rectangular shaped landscaping areas adjacent the Tonga Street and Spa Road are required under their current approved Landscaping Plan (RM170099). The proposed 6 small triangular shaped landscaping areas will have adverse effect on the car dealership, creating organic matter and mess from birds plus visual instruction for car display area.

**DISCUSSION**

Due to the adverse effect created by the proposed 6 small triangular landscaping areas within the site Ingham Mitsubishi are seeking landowner approval from Council as the road controlling authority for the proposed relocation of these 6 small triangular landscaping areas into the road side verge of Spa Road and Tonga Street.

Should approval be granted Ingham Mitsubishi would still be required to get a variation to their consent.

Considerations for this proposal should be limited to the impact of the berm planting rather than the visual impacts of not having the planting on the site, which would be addressed through the consent variation.

Parks Operations Manager, Consents Planner and Transportation team have undertaken a further investigation for this request. A tree replacement plan has been developed which is to install 4 x *Pyrus calleryana* 'Aristocrat' [Ornamental Pear] be planted on the Spa Road berm and 3 x *Pyrus salicifolia* 'Pendula' [Weeping Silver Pear] on Tonga Street berm as per attachment 3.

Ingham Mitsubishi would be responsible for the costs associated with the tree planting and ongoing maintenance, and would ensure the minimum 1.8m at time of planting is achieved in accordance with the District plan rules.



Street view along Tonga Street Photo



Street view along Spa Road Photo

## OPTIONS

### Analysis of Options

Option 1. Decline customer's request for relocation of 6 small triangular landscaping areas specified in Resource Consent RM170099

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Avoids potential damage to council and utility infrastructure in the future</li> </ul>	<ul style="list-style-type: none"> <li>May not meet conditions of consent</li> <li>Would not meet expectations of Ingham Mitsubishi</li> </ul>

Option 2. Approve customer's request to install recommended 4 x *Pyrus calleryana* 'Aristocrat' [Ornamental Pear] on Spa Road Berm and 3 x *Pyrus salicifolia* 'Pendula' [Weeping Silver Pear] on Tonga Street Berm.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Ingham Mitsubishi is satisfied with appropriate structure of the new development.</li> <li>Cost of maintenance and planting is to be borne by Ingham Mitsubishi.</li> </ul>	<ul style="list-style-type: none"> <li>Future damage to Council infrastructure although this will be minimised due to root guard.</li> <li>Trees on Tonga St or Spa Road will need to be removed if any future on-street parking is to be installed or interference with power lines occur</li> <li>Trees on Tonga Street may require trimming although with a maximum height of 4m with the power lines at 7m should not be an issue</li> </ul>

#### Analysis Conclusion:

Option 2 is the preferred option. Since the proposed plan has minimised the required number of trees and increasing the spacing between them means it removes any obstruction in terms of visibility at the intersection and driveways. The Ornamental Pears on Spa Road have an upright growth habit which will also assist with this. It is also recommended to utilise a root guard on the footpath side of the hole to further protect the water pipe on Spa Road.

If the applicant is successful in receiving permission for the trees in the berm, it will be on the understanding that the trees may need to be removed should the berm area be required for road widening or parking provision. Ingham Taupō would then be required to plant the same number of trees back onto their site in accordance with their consent.

## **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: World Class; Authentic; Charming; Vibrant; Quality; and Value.

### **Financial Considerations**

Ingham Mitsubishi would be responsible for costs associated with tree planting and ongoing maintenance if this request is approved.

### **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**

Based on the assessment and investigation, it is recommended that the Fences, Roothing, Reserves & Dogs Committee approves the request to install recommended 4 x *Pyrus calleryana* 'Aristocrat' [Ornamental Pear] on Spa Road Berm and 3 x *Pyrus salicifolia* 'Pendula' [Weeping Silver Pear] on Tonga Street Berm.

## **ATTACHMENTS**

1. Letter from DLA Architects Ltd ➡
2. Proposed New Trees on Spa Road and Tonga Street ➡
3. Approved Landscaping Plan in Resource Consent RM170099

**4.4 LICENCE TO OCCUPY - TAUPO TENNIS CLUB AT TONGARIRO DOMAIN**

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

**Authorised by:** Kevin Strongman, Head of Operations

**PURPOSE**

To consider renewing the ground lease for the Taupō Tennis Club Inc. on Council administered land at Tongariro Domain.

**EXECUTIVE SUMMARY**

The Taupō Tennis Club wish to renew their ground lease for land that they occupy on Tongariro Domain. The long term future of the domain and its use is still to be determined; as well as the outcome of the Sports & Recreation Facilities Strategy. However the timeframe for decisions on these matters and the potential implementation of any outcomes is likely to be quite a few years away from being confirmed. That being the case, alongside the apparent success of the club, leads officers to believe that the offer of a new lease is an acceptable outcome. It is recommended that a new lease is offered which will expire on 31 August 2027.

**RECOMMENDATION(S)**

That the Fences, Roothing, Reserves & Dogs Committee approves a variation to the current lease to Taupo Tennis Club Incorporated to extend the term so that the Termination Date is 31 August 2027.

**BACKGROUND**

The proposal has not been presented previously.

The Taupō Tennis Club Inc. (TTC) currently holds a ground lease with Council for land that they occupy on Tongariro Domain. This agreement commenced July 2010 and will expire on 29 July 2020.

This area of Tongariro Domain is a recreation reserve owned and administered by Taupō District Council.

TTC have approached Council asking for a new lease to be granted for this land to enable them to continue carrying out activities associated with the Tennis Club. The area that the club currently occupies is identified in red in figure 1.

The club approached council some time ago to begin discussions about a new lease; staff however advised that due to ongoing council work which would affect the decision that it was better to delay consideration until these matters were further resolved. As the club land is a recreation activity on Tongariro Domain, two pieces of council work mainly affect this matter; these being the Cultural Precinct Project (CPP) and the Sports & Recreation Facilities Strategy (SRFS).

It appears that some of the considerations for the CPP have been addressed; and we now have a better understanding of the timeline and process for the SRFS. The progress which has been made on these projects should enable a more assured decision on the medium term future for the Tongariro Domain and the people and organisations who use it.

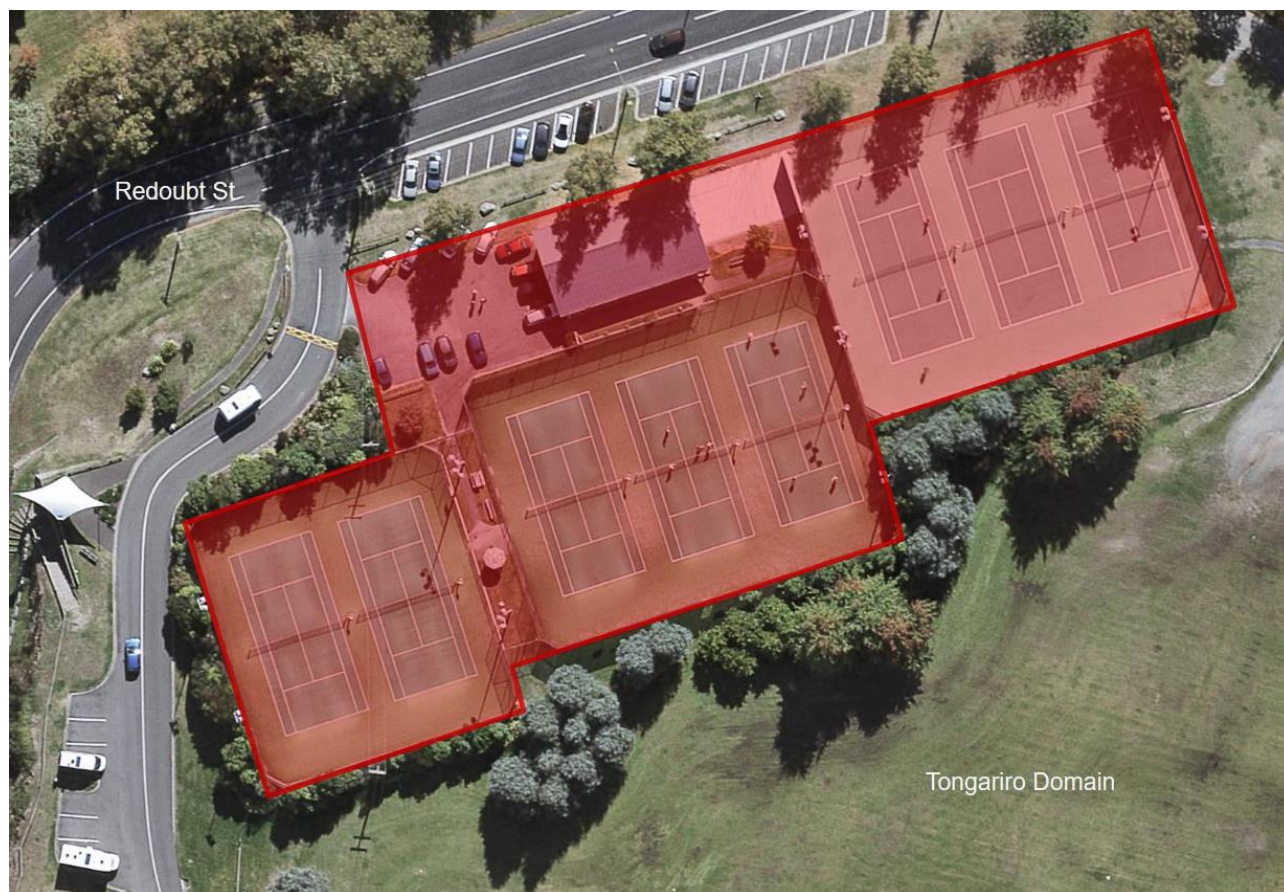


Figure 1 - Taupo Tennis Club Lease Area

## DISCUSSION

The Taupō Tennis Club have been on Tongariro Domain for a number of years; and in their current location they have eight courts, carparking and a clubroom.

The long term future of the TTC on Tongariro Domain is a matter which requires further investigation and will to a large part depend on the outcomes of two projects; the CPP and SRFS.

The CPP has been established to look into the future use, layout and development of Tongariro Domain. This project also included the potential of including and expanding municipal buildings on the reserve and modifications to the roading layout; both of which could have significant impacts on the space currently occupied by the tennis club.

The SRFS is being prepared to help determine the medium-long term future of sports and recreation facilities within the district. This strategy will make recommendations on future locations and council investment to get the best long-term, sustainable and successful use of facilities. One of the (many) considerations for this strategy will be the existing recreation facilities on Tongariro Domain, primarily the tennis and bowls clubs.

Both of these projects are at similar stages, being started, but not necessarily completed; which leaves us without a firm direction for the future of the park, or the facilities on the park. In addition, any outcomes, goals or recommendations from these projects are likely to take quite some time to implement once they are approved by Council. In the meantime, the tennis club has an expiring lease which needs to be addressed.

While the TTC understandably wish to secure as long a lease tenure as possible it makes sense to consider the lease in light of similar agreements with other clubs and organisations. As council will likely wish to address these future issues in a considered and holistic manner, it would appear to make sense to have the tennis club's lease finish up around the same time as other parties which may be affected. In this instance officers suggest that the tennis club is granted a new lease which will expire at the same time as the Taupō Bowls Club agreement which expires in August 2027. This should enable Council to consider the future of both of these clubs at the same time.

The other large group of clubs which is likely to be addressed by the SRFS are those grouped at Hickling Park. The licences for all of those organisations expire on 30 June 2030. This was the lease period requested by the TTC.

The TTC desire some certainty over the future of their club, mainly centred around being able to make future plans for the club and the assets that they own. One pressing issue is the need to replace some of the artificial court surfaces. In order for this to make sense, the club needs to be able to ensure that they are able to make as much use of the lifespan of a new court surface as possible. In the case of these artificial surfaces the expected lifespan is 10-15 years depending on the type of court and amount of use it receives.

Providing for a lease expiring in August 2027 will allow the club to make use of a significant portion of the usable life of any new asset they install.

The TTC willingly acknowledge that the long-term plans for Tongariro Domain (in the reserve management plan) indicate that the tennis club will need to move to another location; and accept that this is likely a part of the future of the club moving forward. However, until a firm decision is made on the future location and the timeframes around a possible move; the club would definitely appreciate some form of medium-term security for their own piece of mind and asset management planning.

The club have typically been very self-sufficient and successful; asking for and requiring very little from Council over the years. The solid base of the club and their track record of success are strong reasons for Council approving the continued occupation of this location until a decision on the long-term future of the Tongariro Domain and the district's facilities is made.

The other organisations with occupation agreements for Tongariro Domain/Riverside Park and their current expiration dates are:

- Taupō Market                      December 2019
- Active Arts Taupō                August 2029
- Lakeland Lions                    August 2029
- Rotary Club                        May 2028
- Bowls Club                        August 2027
- Women's Club                    August 2029

While the overall intent of the Reserve Management Plan (December 2005) is to consider moving the TTC at some future stage, it does allow that:

*"Public opinion is generally that the Tongariro Domain should remain as an open space area to which the public has free access, so the intent is to retain the reserve as such. The existing leases on the South Domain are not incompatible with this philosophy and therefore extension of their leases in the interim would not be to the detriment of the reserve so long as they do not compromise other reserve values and uses."*

In light of this, and that non-commercial lease periods will be limited to a maximum of 14 years, it is not inappropriate to offer a new lease to the TCC as an interim measure while development plans for the domain are finalised.

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

## OPTIONS

### Analysis of Options

#### Option 1 – Approve a new lease to expire August 2027

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Would align the expiration of the lease with the other major occupier of open space at Tongariro Domain – Taupō Bowls</li> <li>• Would allow for consideration of the future of both bowls and tennis at the same time</li> <li>• Does not appear to favour one club over the other</li> </ul>	<ul style="list-style-type: none"> <li>• May not allow for full use of the life of any newly installed court surface</li> <li>• Is less than requested by the club</li> </ul>

#### Option 2 – Approve a new lease to expire June 2030

Advantages	Disadvantages
------------	---------------

<ul style="list-style-type: none"> <li>• Would provide longer secure tenure for the tennis club and a better return on investment of any new court surface to be installed</li> <li>• Would allow for consideration of the future of the tennis club at the same time as the Hickling Park organisations and is closer to the expiry date of other building occupiers on Tongariro Domain</li> </ul>	<ul style="list-style-type: none"> <li>• Taupō bowls may perceive this to be a slight on their club as they have recently been declined a licence extension</li> <li>• Would not allow for consideration of bowls and tennis at the same time</li> </ul>
--	--

#### Option 3 – Decline to offer a new lease

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Would allow for immediate public use of the club location on the domain</li> </ul>	<ul style="list-style-type: none"> <li>• Would likely lead to the closure, either permanent or temporary, of the club</li> <li>• Would remove a popular and successful recreational opportunity for the Taupō community without any plan for replacement</li> <li>• Would not allow for consideration of current, incomplete council processes</li> <li>• Does not allow the opportunity to carry out forward planning to promote the successful future of the club</li> </ul>

#### Analysis Conclusion:

The preferred option is to offer a new lease until 31 August 2027. This will bring the TTC into alignment with the Taupō Bowls Club who also occupy Tongariro Domain, allowing for a holistic decision on the future of the domain and these clubs to be considered at the same time.

### CONSIDERATIONS

#### Financial Considerations

The financial impact of the proposal is estimated to be \$300 pa in annual rent.

#### Legal Considerations

##### Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality performance of Council's regulatory functions. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the proposal aligns with these 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 o 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 o 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 has been/will be carried out with affected parties/key stakeholders but no wider communication is considered necessary.

### **CONCLUSION**

Allowing for a new lease to expire August 2027 will bring the TTC lease in line with Taupō Bowls. This will allow a decision to be reached at the same time for both these clubs. This time will also allow for the ongoing council projects which may affect the club to be completed; as well as allowing the TTC to carry out renewals and asset management planning for the club. In addition it provides a period of certainty for the club to continue operating and providing tennis recreation opportunities for the Taupō community.

### **ATTACHMENTS**

Nil



**4.5 TREE REMOVAL AT 3 SCOTT DRIVE, TAUPŌ**

**Author:** Vincent Wang, Engineering Officer

**Authorised by:** Kevin Strongman, Head of Operations

**PURPOSE**

To propose the removal of two trees on 3 Scott Drive, Taupō.

**EXECUTIVE SUMMARY**

The owner of 3 Scott Drive, Taupō, has requested Council to remove the trees outside his property as they are causing concerns via service request dated on 22 January 2019. Parks Operations manager and transportation team have undertaken a subsequent investigation for this issue. The committee needs to consider this request and make a decision in line with Council's Tree & Vegetation Policy 2014.

**RECOMMENDATION(S)**

That the Fences, Roothing, Reserves & Dogs Committee approves the removal of the two trees outside 3 Scott Drive, Taupō.

**BACKGROUND**

The proposal has not been presented previously. The resident of 3 Scott Drive approached council with a concern the roots of two trees outside his property has caused the footpath to lift and their adjacent driveways. These two trees have been identified as healthy trees. Council's 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**

In addition to the damage caused by the two trees, the transportation team has undertaken site visit identifying that these two trees are close to an existing water and wastewater pipe which may be damaged by the trees.

Since the size of tree and limited space between existing footpath and base of these two trees, pruning is not a feasible solution to mitigate the issues.

Photos below show the issues caused by these two trees.



**Tree outside number 1 and number 3.**



**Tree outside number 3 and number 5.**

## OPTIONS

### Analysis of Options

Option 1. Remove two trees adjacent to number 1 to 5, Scott Drive.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>No further damage to councils infrastructure and ongoing maintenance.</li> <li>No debris from falling tree leaves which blocks stormwater catchpits and channels.</li> <li>No damage to the adjacent properties driveways and associated ongoing</li> </ul>	<ul style="list-style-type: none"> <li>Cost of tree removal.</li> <li>Loss of amenity due to its size and shape</li> </ul>



maintenance. • No ongoing maintenance of the tree.	
---	--

Option 2. Keep two trees adjacent to number 1 to 5, Scott Drive.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>No cost associated with tree removal.</li> <li>No loss of amenity</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing damage to Council's infrastructure (above and below ground)</li> <li>Ongoing maintenance and root pruning of the trees will be required.</li> <li>Debris from falling tree leaves will block stormwater catchpits and channels</li> </ul>

#### Analysis Conclusion:

The recommendation is to remove two trees adjacent to number 1 to 5, Scott Drive.

## **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 \$300 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 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 o 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 o 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**

Damage to the infrastructure will continue to occur.

**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 two trees outside number 3 Scott Drive, Taupō.

**ATTACHMENTS**

1. Proposed trees to be removed, 1 - 5 Scott Drive Taupo

**4.6 TREES REMOVAL AT HIGHLAND DRIVE, TAUPO**

**Author:** Vincent Wang, Engineering Officer

**Authorised by:** Kevin Strongman, Head of Operations

**PURPOSE**

The purpose of this report is to consider requests relating to trees on Highland Drive.

**EXECUTIVE SUMMARY**

The residents of Highland Drive have sent a request to Council complaining that more than 30 pine and gum trees at Highland Drive are causing concerns. Parks Operations Manager and transportation team has undertaken a subsequent investigation for this request. The committee needs to consider this request and make a decision in line with Council's Tree & Vegetation Policy 2014.

**RECOMMENDATION(S)**

That the Fences, Roothing, Reserves & Dogs Committee approves removal of 4 Gum trees and 1 Pine tree on Highland Drive Taupō.

**BACKGROUND**

The proposal has not been presented previously. In accordance with the customer's complaint, more than 30 gum and pine trees at Highland Drive are now considered a nuisance. In winter the trees shade the road, causing moss to develop and creating an icy section, which has an increased likelihood of a crash. Highland Drive residents would be happy to work with council to replace these trees with a more suitable deciduous species at their own cost. Council's 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**

An arborist was engaged to undertake an assessment for these trees, the summary of the issues are causing include:

- Row of trees along Highland Drive roadside consist mainly of gum and pine with approximately seven meters (7m) to thirty meters (30m) in height.
- Some of the trees and their nearby road embankment are very close to the carriageway, which is less than 5 meters. Highland Drive has a narrow and windy street environment with a low traffic volume that would be able to reduce the operation speed on the road. In addition, there is no crash records in this area over the last 5 years. Therefore, the overall roadside hazard in this area would be identified as minor.
- Majority of trees are showing general overall good health, which are located on flat ground to embankments.

- Multiple trees have included stems or are suppressed causing the growth to be pushed over the neighbouring properties. A large proportion of these trees with major leans are positioned on embankment.
- Embankment with trees present along Highland Drive has in areas under scouring or erosion.
- Majority of species present are semi deciduous creating year round shade to Highland Drive

Photos below show the general condition of these trees.



**Embankment with trees that could be prone to erosion along Highland Drive**



**Trees along roadside on Highland Drive**

## OPTIONS

### Analysis of Options

Option 1. Keep all the trees at Highland Drive

Advantages	Disadvantages
<ul style="list-style-type: none"><li>• No cost associated with tree removal.</li></ul>	<ul style="list-style-type: none"><li>• Debris from falling tree leaves blocks</li></ul>

<ul style="list-style-type: none"> <li>No loss of amenity</li> </ul>	<p>stormwater channels and will create ongoing maintenance issue.</p> <ul style="list-style-type: none"> <li>Ongoing maintenance cost to the property owner.</li> </ul>
--	---

Option 2. Remove all the trees at Highland Drive.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>No debris from falling tree leaves which blocks stormwater channels.</li> <li>No damage to the private property and no ongoing maintenance.</li> <li>Hazards from tree falling will be eliminated.</li> <li>No ongoing maintenance of the tree</li> <li>No roadside hazards to hit if in a crash</li> </ul>	<ul style="list-style-type: none"> <li>Cost of tree removal.</li> <li>Loss of amenity due to its size and shape.</li> </ul>

Option 3. Remove 4 Gum and 1 Pine trees that could be prone to erosion at Highland Drive.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>No loss of amenity</li> </ul>	<ul style="list-style-type: none"> <li>Cost of tree removal.</li> <li>Debris from falling tree leaves blocks stormwater channels and will create ongoing maintenance issue.</li> <li>Ongoing maintenance cost to the property owner.</li> </ul>

#### Analysis Conclusion:

Option 3 is the preferred option.

From site visual assessment of the tree at Highland Drive, there appears to be no visible damage to the road infrastructure due to the tree, therefore it is recommended not to remove all the trees.

Although the row of trees offer visual aesthetics to the road, consideration in the first instance might need to be over possible removal of trees on the eroded embankment areas in order to remove any risk of root plate failure and any trees with leans.

Additionally, multiple self-seeded pine trees are present on the opposite side of the road and should be removed while small.

## **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: World Class; Authentic; Charming; Vibrant; Quality; and Value.

### **Financial Considerations**

If the committee decides to remove the trees, the financial impact is estimated to be approximately \$7500 to remove trees & 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**

The tree leaves will block the sun towards the road that causing black icy section in winter.

**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 and investigation, it is recommended that the Fences, Roothing, Reserves & Dogs Committee approves the removal of 4 Gum trees and 1 Pine tree that could be prone to erosion at Highland Drive.

## **ATTACHMENTS**

1. Location for 4 Gum and 1 Pine Trees for Removal



**4.7 TREE REMOVAL AT 48 PAKIRI STREET, TURANGI**

**Author:** Vincent Wang, Engineering Officer

**Authorised by:** Kevin Strongman, Head of Operations

**PURPOSE**

To consider request to remove tree outside 48 Paekiri Street, Turangi.

**EXECUTIVE SUMMARY**

Council has received a letter dated 11 June 2018 from the owner of 48 Paekiri Street Turangi regarding the Oak tree outside their property causing issues for debris from falling tree leaves. Parks Operations Manager and transportation team have undertaken a subsequent investigation for this issue. The committee needs to consider this request and make a decision in line with Council's Tree & Vegetation Policy 2014.

**RECOMMENDATION(S)**

That the Fences, Roading, Reserves & Dogs Committee declines the removal of the tree outside 48 Paekiri Street, Turangi.

**BACKGROUND**

The proposal has not been presented previously. This tree has been identified as a healthy tree. Council's 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.

The Owner of 48 Paekiri Street has sent a letter to council complaining about the oak tree outside their property has been continuously dropping leaves straight into the gutter and garden of their property, which takes them a lot of time to clear the debris from the property. This is also creating an unpleasant and unhealthy environment for one of their family members who is recovering from leukemia.

**DISCUSSION**

Parks Operations manager has engaged an arborist to undertake the assessment of this tree, the outcome shows that it is in a very healthy condition, with good shape and form. In addition, it has not caused any damage to the surrounding infrastructure. Therefore, the tree requires very little work because it is in such a good condition. It has also been identified that further pruning to open or reduce the canopy further would likely do little to address issues identified by customer.

Photos below show the general condition of this tree





**Tree outside number 48 Paekiri Street Photo 1**



**Tree outside number 48 Paekiri Street Photo 2**

## **OPTIONS**

### Analysis of Options

Option 1. Remove the Oak tree outside 48 Paekiri Street

Advantages	Disadvantages
<ul style="list-style-type: none"><li>Customer will be satisfied with the outcome</li></ul>	<ul style="list-style-type: none"><li>Cost of tree removal.</li><li>Loss of amenity due to its size and shape</li></ul>

## Option 2. Keep the Oak tree outside 48 Paekiri Street

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>No cost associated with tree removal.</li> <li>No loss of amenity</li> <li>No damage to infrastructure at this stage due to large berm area</li> </ul>	<ul style="list-style-type: none"> <li>Customer not satisfied with the outcome</li> <li>Ongoing damage to the adjacent infrastructure</li> <li>Ongoing maintenance and root pruning of the trees will be required.</li> <li>Debris from falling tree leaves will block stormwater channels</li> </ul>

Analysis Conclusion:

The recommendation is to keep the Oak tree outside 48 Paekiri Street due to its condition, shape and form.

**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 \$1000 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 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 declines the removal of the tree outside 48 Paekiri Street.

#### **ATTACHMENTS**

1. Letter from customer [⇒](#)
2. Proposed Tree for Assessment at 48 Paekiri Street, Turangi

**4.8 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, 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.

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.

Section 48(1) of the Reserves Act 1977 requires the Minister of Conservation to consent to the granting of the easement. The Fences, Roothing, Reserves & Dogs Committee does not have the delegated authority to make decisions on behalf of the Minister, therefore this report recommends Council consent under delegated authority of the Minister.

**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)**

1. That the Fences, Roothing, Reserves & Dogs Committee, acting as administering body of Lisland Drive Reserve, agrees to grant an easement to Unison over part of Lisland Drive Reserve for the right to convey electricity, telecommunications and electronic data.
2. That the Fences, Roothing, Reserves & Dogs Committee recommends that Council, acting under delegation from the Minister of Conservation, consents to the grant of an easement to Unison over part of Lisland Drive Reserve for the right to convey electricity, telecommunications and electronic data.

**ATTACHMENTS**

1. Lisland Drive Easement Proposal

**4.9 TAUPŌ DISTRICT COUNCIL TRAFFIC CONTROL DEVICE UPDATES****Author:** Vincent Wang, Engineering Officer**Authorised by:** Kevin Strongman, Head of Operations**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

**RECOMMENDATION(S)**

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

Sign/Marking	Why	Where
1. Remove Two (2) existing P15 signs and a post	The new owner of the shop no longer requires this parking time restriction.	Totara St outside number 19
2. 75.5 metres of No Stopping At All Times (NSAAT or broken yellow lines) road marking and Six (6) keep right signs	To reduce the operation speed and improve pedestrian crossing function	Puataata Rd in the vicinity of Te Iwhiheke Place intersection and Te Aonini Road intersection
3. 42 metres of No Stopping At All Times (NSAAT or broken yellow lines) road marking and Two (2) keep left signs	To reduce the operation speed and improve pedestrian crossing function	Wharewaka Rd outside number 11
4. 50 metres of No Stopping At All Times (NSAAT or broken yellow lines)	To stop vehicles parking in cycle lane and improve cyclists safety.	On Lake Terrace in the vicinity of Shepherd Road intersection.
5. Two (2) keep left signs installation.	To guide traffic when approaching the refuge island, so that the traffic should pass left of the refuge island.	On Lake Terrace in the vicinity of Shepherd Road intersection.
6. One (1) 120 minutes parking space removal.	To replace the parking space with proposed mobility parking space	On Horomatangi Street, outside 81 Horomatangi St
7. One (1) 120 minutes mobility parking sign installation and mobility parking space markings.	To provide access for mobility users.	On Horomatangi Street, outside 81 Horomatangi St
8. 9.5 metres of No Stopping At All Times (NSAAT or broken yellow lines) road marking	To stop vehicle parking next to the mobility access.	On Horomatangi Street, outside 81 Horomatangi St
9. 14.5 metres for bus stop marking, two (2) bus stop signs installation and 11.5 metres length of yellow dashed road marking	To stop other vehicles using the bus stop area and to provide sufficient entry and exit space for the buses.	On Kaimanawa Street, opposite to Taupō Medical Centre.

## BACKGROUND

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

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

## OPTIONS

The two options before Council are:

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

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

## CONSIDERATIONS

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

Sign/Marking	Why	Where
1.Remove Two (2) existing P15 signs and a post	The new owner of the shop no longer requires this parking time restriction	Totara St outside number 19
2. 75.5 metres of No Stopping At All Times (NSAAT or broken yellow lines) road marking and Six (6) keep right signs	To reduce the operation speed and improve pedestrian crossing function	Puataata Rd in the vicinity of Te Iwhiheke Place intersection and Te Aonini Road intersection
3. 42 metres of No Stopping At All Times (NSAAT or broken yellow lines) road marking and Two (2) keep left signs	To reduce the operation speed and improve pedestrian crossing function	Wharewaka Rd outside number 11
4. 50 metres of No Stopping At All Times (NSAAT or broken yellow lines)	To stop vehicle parking in cycle lane and improve cyclists safety.	On Lake Terrace in the vicinity of Shepherd Road intersection.
5. Two (2) keep left signs installation.	To guide traffic when approaching the refuge island, so that the traffic should pass left of the refuge island.	On Lake Terrace in the vicinity of Shepherd Road intersection.
6. One (1) 120 minutes parking space removal.	To replace the parking space with proposed mobility parking space	On Horomatangi Street, outside 81 Horomatangi St
7. One (1) 120 minutes mobility parking sign installation and mobility parking space markings.	To provide access for mobility users.	On Horomatangi Street, outside 81 Horomatangi St
8. 9.5 metres of No Stopping At All Times (NSAAT or broken yellow lines) road marking.	To stop vehicle parking next to the mobility access.	On Horomatangi Street, outside 81 Horomatangi St
9. 14.5metres long bus stop marking, two (2) bus stop signs installation and 11.5 metres length of yellow dashed road marking	To stop other vehicles using the bus stop area and to provide sufficient entry and exit space for the buses.	On Kaimanawa Street, opposite to Taupō Medical Centre.

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

However, the ownership of this shop has changed recently and the new owner has requested council to remove this 15 Minutes Parking Time Restriction, which is now blocking a previously unused roller door to the building.

2, 3, 4 & 5. Due to the proposed pedestrian central refuge island installation on Wharewaka Road Taupō, kerb extensions facility on Puataata Road Turangi, and pedestrian refuge island installation between Napier and Shepherd Road, no stopping at all times yellow line marking required to stop vehicles parking/stopping next to the proposed refuge islands. Two keep left signs will be installed on the proposed refuge islands as per the recommendation of NZTA guide.

6, 7 & 8. Mobility user from access Taupō group has requested if mobility parking space can be provided in the vicinity of RSA building, after investigating this issue council is proposing one mobility parking space outside 81 Horomatangi St.

9. The bus stop exists for the Taupō connector route, currently this location has only a bus stop sign. A service request from a concerned resident recently requested that due to the location which is close to Taupō Medical centre the bus stop is being used by other vehicles most of the time thus we propose to install bus stop marking and which would make the bus stop more visible to all traffic.

### **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**

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

### **Legal Considerations**

#### Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002.

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

### **Policy Implications**

There are no policy implications associated with this report.

### **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.

1. Compliance officer and shop owner have been advised and are in support of the proposal.
2. Item 2, 3, 4 & 5 consultation letter has been sent to the nearby residents and no objection has been received.
3. Item 6, 7 & 8 consultation letter has been sent to 81 Horomatangi Street, due date for the response is 29 March 2019.
4. Item 9 since the bus stop currently has legal sign installed no consultation is required.

**COMMUNICATION/MEDIA**

No communication/media required.

**CONCLUSION**

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

**ATTACHMENTS**

1. Removal of 15 Minutes Parking Time Restriction outside Number 19 Totara Street ➡
2. Proposed Kerb Extensions on Puataata Road Turangi ➡
3. Proposed Wharewaka Road Central Island ➡
4. Proposed Lake Tce refuge island plan ➡
5. Proposed Horomatangi St Mobility Parking space plan ➡
6. Proposed Kaimanawa Street Bus Stop Marking and Signs Plan



**4.10 LICENCE TO OCCUPY REVIEW - FLYLINE AT HIPAPATUA/REID'S FARM**

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

**Authorised by:** Kevin Strongman, Head of Operations

**PURPOSE**

To carry out final consideration of the proposed licence to occupy (LTO) to 4nature NZ Ltd to construct and operate an aerial adventure activity business at Hipapatua/Reid's Farm following a public notification process.

**EXECUTIVE SUMMARY**

At the ordinary Council meeting of 26 February 2019, Council considered an LTO request from 4nature NZ Ltd to operate an aerial adventure operation at Hipapatua/Reid's Farm. Council approved in principle a 10 year LTO subject to the outcome of a public notification period. This notification period has ended and Council are being asked to review the original decision in light of the submissions received.

**RECOMMENDATION(S)**

1. That the Fences, Reserves & Dogs Committee receives the submissions on the Flyline at Hipapatua/Reid's Farm.
2. That the Fences, Roothing, Reserves & Dogs Committee, acting as the administering body of Hipapatua Reserve, pursuant to section 54(1)(d) of the Reserves Act 1977 and subject to consent of the Minister of Conservation, approve a licence to occupy to be granted to 4nature Limited for a site at the southern end of Hipapatua/Reid's Farm for:
  - (a) The purposes of carrying out the Fly-line activity and a small café;
  - (b) A term of ten (10) years;
  - (c) The area identified in Attachment 1; and
  - (d) Licence fees to be on a "commercial fair market value" basis.
3. That the Fences, Roothing, Reserves & Dogs Committee recommends that Council, acting under delegated authority from the Minister of Conservation, consents to the grant of the licence to occupy to 4nature Limited on behalf of the Minister of Conservation.
4. That the Fences, Roothing, Reserves & Dogs Committee, approves the attachment [to be separately circulated or tabled] for the purposes of providing Council with a summary of all objections and comments received by it and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted so that Council can make a decision on whether to consent to the licence under delegation from the Minister of Conservation.

**or**

That the Fences, Roothing, Reserves & Dogs Committee declines to offer a Licence to Occupy to 4nature Ltd.

**BACKGROUND**

The proposal has been before Council at a prior meeting (26 February 2019), refer item number (5.3) and the following resolutions were made:

***TDC201902/11 RESOLUTION***

*Moved: Cr Barry Hickling*

*Seconded: Cr Rosanne Jollands*

*That, pursuant to section 54(d) of the Reserves Act 1977, Council agrees in principle to grant a ten year licence to occupy to 4nature NZ Ltd for the site of the southern end of Hipapatua Reserve/Reids Farm subject to the outcome of ~~extended~~ public consultation (~~two~~ **one** months) to be carried out in accordance with the Reserves Act 1977.*

**CARRIED**

#### **TDC201902/12 RESOLUTION**

*Moved: Cr Anna Park*

*Seconded: Cr Rosanne Jollands*

*That, pursuant to Standing Order 23.5, resolution TDC201902/11 above be altered in the following manner: delete the word "extended" before "public consultation"; and replace the words "two months" in brackets with "one month".*

**CARRIED**

As a result of this approval in principle, staff proceeded with the next step in the Reserves Act 1977 (the Act) process, which was to carry out one calendar month public notification of the proposed LTO. This period ran from 08 March 2019 to 08 April 2019.

Council received 33 submissions, which are included as Attachment 2 to this report. 26 submitters are opposed to the proposal and 7 are in support. The locations of the submitters in close proximity to the proposed activity is shown in attachment 3.

Under the public notification process outlined in the Act:

- Any person or organisation may object to the administering body against, or make submissions with respect to, the proposal in writing
- If requested in the submission, the submitter (or a nominated person) shall be given the opportunity to appear before the administering body in support of their submission
- The administering body shall give full consideration to every objection or submission received before deciding to proceed with the proposal

#### **DISCUSSION**

A summary of the submissions received, and an assessment of their application to this issue where appropriate is included below.

MAIN OBJECTION POINTS	DISCUSSION
Conflicts with RMP plans to restore native vegetation	Possibly. Native vegetation restoration would take many years to implement and would likely not be carried out in the short-medium term. There may be opportunities for restoration to take place around trees used for Fly-Line structure or for Fly-Line to be constructed with artificial supports.
Pines needed for the Fly-line activity suppress native vegetation	Pines do severely restrict native regeneration processes.
Values in the RMP are not respected	Values are Community, Cultural, Recreational and Environmental. Fly-Line meets many community and recreational values. Not all activities will be able to meet all values.
Does not reflect Concept Plan within the RMP	Concept plan is not policy and only identifies potential works
Fly-Line is inconsistent with the primary purpose of the reserve	The primary purpose of the reserve is as a recreation reserve under the Reserves Act 1977. Indicative areas are not meant to be interpreted as primary

	purposes.
Inadequate information on activity	To a degree this is understandable; however many of the concerns around the Fly-Line are to be considered through any future consenting process. Further information would have been welcomed, but it is difficult to provide a fully realised proposal when there has been no landowner approval to justify further expenditure.
Effects e.g. visual, noise, environmental etc.	These are aspects to be considered by Council in its regulatory role, not as landowner. The activity will have to comply with all District Plan restrictions and consent conditions imposed if the activity were approved.
Not in keeping with the character of the area	The character of the area has (until recently) been uncontrolled freedom camping and unmanaged weed vegetation alongside significant traffic to Huka Falls.  This business proposes up to 120 people per day during business hours. There are up to 250 freedom campers 24 hours a day for nine months per year in the same reserve. Tourism is already a priority activity at Hipapatua/Reid's Farm.
Applicant has not proven that the activity will not adversely affect the values of the reserve	This is a matter for personal evaluation and interpretation.
Pines in the proposed use area present a health and safety risk	Trees to be used will/have been assessed for suitability for use by the activity. All activities must comply with Worksafe requirements.
Site is contaminated	Site is not identified as a known contaminated site in the District Plan
Reid's Farm was gifted to the people of Taupo	This is not true. The land was Crown land which became Council reserve owned and administered by Council. The land was never owned by the Reid's or gifted to Council.
Park closed to kayakers due to overuse	This is not true. The lower reserve is closed to camping and shut overnight. The upper camping area is closed over winter to allow for rejuvenation and repair of the camping area
Will restrict freedom of entry and access which is contrary to the Reserves Act 1977	The Act does not specify that all areas of a reserve will be accessible. At this time the proposed location is to all intents and purposes inaccessible, this proposal could in fact open up more of the reserve to public use. The part of the Act identifying freedom of access is also subject to powers conferred by sections 53 and 54 which cover leasing and licencing of reserves.
Primary purpose of this area of the reserve is camping or native revegetation	The primary purpose of the reserve is defined by its classification as Recreation Reserve under the Act, not by activities identified in the management plan.
Camping area B will be lost	Area B is used as overflow camping when area A is full and over the winter. It is not as frequented as area A. It is anticipated that the applicant will ensure that

	there is sufficient parking which does not impact on other uses such as camping. It is also anticipated that access to this area would be improved.
No permanent or semi-permanent structures will be permitted as per the management plan	This policy is specifically associated with camping, not the wider management of the reserve
Launch platform will be visible	The form and height of the launch tower has not been described yet.
Will modify the natural scenic qualities and tranquillity of the site	The area will change if the activity is approved, the extent of this is a matter for personal evaluation and interpretation however.
There are other more appropriate locations	This is possible, we are assured however that the applicant has investigated all possible locations and has determined that Hipapatua is the most desirable site for the activity.

Under the Reserve Management Plan:

*Taupō District Council will consider commercial and other organised formal events and activities in Hipapatua Recreation Reserve that are compatible with the provisions of this management plan, the Taupō District Plan, Section 53 of the Reserves Act 1977 and any Bylaws.*

Under the Reserves Act 1977 the administering body 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:*

This reserve is classified under the Reserves Act 1977 as Recreation Reserve. The purpose of the recreation reserve classification under the Act recreation reserves is:

*For the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.*

While the proposed activity is in conformity with the Reserve Management Plan and the Act, officers consider that it is not contemplated by the Reserve Management Plan. Therefore the additional step of Ministerial consent to the licence is required. The Fences, Roothing, Reserves & Dogs Committee does not have delegated authority to make decisions on behalf of the Minister, therefore this report recommends the Committee recommends Council consents to the licence acting under delegation from the Minister.

It is important to remember that at this time Council is acting in the capacity of a landowner only. Any regulatory considerations which Council is responsible for will be considered in a separate process following this decision if appropriate. The Committee should not give consideration to Council's regulatory functions in consideration of this issue outside of what it may consider appropriate as the landowner of the reserve.

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

## OPTIONS

### Analysis of Options

Option 1 – Confirm the decision to grant an LTO

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>New adventure tourism activity provided for visitors to the district</li> </ul>	<ul style="list-style-type: none"> <li>Would define the use of the area for the foreseeable future</li> <li>May be a need for further site investment</li> </ul>

## Option 2 – Change the decision and decline to grant an LTO

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Would allow for the implementation of the native revegetation goal of the area at any time</li> </ul>	<ul style="list-style-type: none"> <li>Would deprive Taupō of the opportunity to implement a unique visitor experience</li> </ul>

Analysis Conclusion:

Staff have no preferred outcome in this matter. Staff do however consider that the proposal is consistent with all applicable legislation and plans relating to Hipapatua/Reid's Farm.

**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: World Class; Vibrant and Quality.

**Financial Considerations**

The financial impact of the proposal will be known once a rental figure is negotiated if the proposal is approved. Any enabling works necessary for the activity will be the responsibility of the applicant and be carried out under the supervision of Council's parks team.

**Legal Considerations**Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality performance of Council's regulatory functions. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The 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 consistent with the requirements of the Reserves Act 1977.

Authorisations as follows are required for the proposal:

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

Other authorisations such as consents may be required if the licence is approved.

Authorisations are not required from external parties.

**Policy Implications**

The proposal has been evaluated against the following plans:

- ☐ Long Term Plan 2018-2028    ☐ Annual Plan    ☐ Waikato Regional Plan  
☐ Taupo District Plan    ☐ Bylaws    ☒ Relevant Management Plan(s)

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 o 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 o 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.

Council's legal team advise that the Act should give effects to the Treaty of Waitangi. It is clear that the Waikato River holds major cultural significance to local iwi. A Cultural Impact Assessment (CIA) was completed for the Reserve Management Plan in 2016 which outlines general and specific cultural values associated with the reserve.

Although the main historical settlements were not near the reserve, people would travel to different areas to base themselves while hunting, fishing and gathering different resources, depending on the seasons. It is probable that Hipapatua was used for temporary kāinga built in the location of the fishing, cultivation and geothermal grounds. Temporary kāinga were built to live in while working on and around the land and river.

The CIA identifies the following named locations in the southern area of Hipapatua. It does not appear that any of these sites are close enough to the proposed activity to be affected.



Figure 1 - Cultural Sites

Site Name	Site Title	Significance	Reference	Witness
Tahunarahi	TDC	Cultivation	<ul style="list-style-type: none"> <li>• Tpō MB 04</li> <li>• JS Vol. No 37</li> </ul>	<ul style="list-style-type: none"> <li>• Eru Poihipi</li> <li>• Te Oti Te Puke</li> </ul>
Tahunaiti	TDC	Cultivation	<ul style="list-style-type: none"> <li>• Tpō MB 04</li> <li>• JS Vol. No 37</li> </ul>	<ul style="list-style-type: none"> <li>• Eru Poihipi</li> <li>• Te Oti Te Puke</li> </ul>
Te Pouraka-a-Hinetore	TDC	Cultivation Fishery	<ul style="list-style-type: none"> <li>• Tpō MB's</li> <li>• JS Vol. No 37</li> <li>• Mitchell Clayton Field Book 248 -</li> </ul>	<ul style="list-style-type: none"> <li>• Eru Poihipi</li> <li>• Aperahama Te Kume</li> <li>• Mareti</li> <li>• Rangiuia</li> </ul>



			1882	Rangimotuhia <ul style="list-style-type: none"> <li>• Te Oti Te Puke</li> </ul>
Kuritoke (also spelt Karetoke)	TDC	Burial Cultivation Fishery	<ul style="list-style-type: none"> <li>• Tpō MB's</li> <li>• JS Vol. No 37</li> </ul>	<ul style="list-style-type: none"> <li>• Eru Poihipi</li> <li>• Pitiroi Mohi</li> <li>• Te Oti Te Puke</li> </ul>

### Risks

There are risks associated with displeasing the nearby residents who have submitted in opposition to the proposed LTO. While staff consider that all appropriate processes have been adhered to, and the proposal is consistent with all known documents relating to the issue; there is a possibility that residents may choose to continue challenging this matter if Council decides to proceed with the LTO.

### SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

- The level of financial consequences of the proposal or decision;
- Whether the proposal or decision will affect a large portion of the community or community of interest;
- The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- Whether community interest is high; and
- 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 (under the terms of Council's Significance Policy), officers are of the opinion that no further engagement is required prior to Council making a decision.

### COMMUNICATION/MEDIA

A communications plan has been prepared in consultation with the communications team.

### CONCLUSION

All relevant information on the proposed activity has been presented previously; at which time Council approved in principle the LTO. This committee under its delegations is now required to consider that original decision in light of the submissions which have been received.

### ATTACHMENTS

1. Flyline Location (under separate cover) ➡
2. Full Submissions (under separate cover) ➡
3. Submitter Locations (under separate cover)