

**I give notice that
a Mangakino/Pouakani Representative Group Meeting will be held on:**

Date:	Tuesday, 11 August 2020
Time:	10.00am
Location:	Boardroom Mangakino Service Centre Mangakino

AGENDA

MEMBERSHIP

Chairperson Cr Kirsty Trueman
Deputy Chairperson Mrs Lisa de Thierry

Members Mr Whitu Karauna
Cr Kylie Leonard
Mr Mark Seymour
Miss Memory Te Whaiti
Mayor David Trewavas
Cr Yvonne Westerman

Quorum 4

Gareth Green
Chief Executive Officer

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3.1 MANGAKINO/POUAKANI REPRESENTATIVE GROUP MEETING - 18 JUNE 2020

Author: Raeleen Rihari, Democratic Services Support Officer

Authorised by: Kevin Strongman, Head of Operations

RECOMMENDATION(S)

That the minutes of the Mangakino/Pouakani Representative Group meeting held on Thursday 18 June 2020 be confirmed as a true and correct record.

ATTACHMENTS

1. **Mangakino/Pouakani Representative Group Meeting Minutes - 18 June 2020**

4.1 CURRENT ACTION POINTS UPDATE

Author: Kevin Strongman, Head of Operations

Authorised by: Gareth Green, Chief Executive Officer

PURPOSE

To provide an update to members on outstanding items from the previous meetings of the Mangakino-Pouakani Representative Group.

RECOMMENDATION(S)

That the Mangakino/Pouakani Representative Group receives the current action points update.

ATTACHMENTS

1. Current MPRG Action Sheet

4.2 INFRASTRUCTURE UPDATE

Author: Denis Lewis, Infrastructure Manager

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

This report identifies capital projects approved, and any budget cuts made, in the 2020/21 Annual Plan within the Mangakino/Pouakani Representative Group's area of interest. Areas included fall within the operations group and include wastewater, water, stormwater, solid waste, parks and property.

DISCUSSION

The following projects have been approved in the 2020/21 Annual Plan for the Mangakino/Pouakani area. Note this does not include projects bow waved from prior years.

Project Number Actual	Activity Group	Project Name	Project Description	Project Spend Annual Plan 2020/21
10960	Water	Mangakino Reservoir Stormwater Management	New soakage pit to drain water from the reservoir roof that is currently causing nuisance on neighbouring property	25,000
10744	Wastewater	Mangakino wastewater sewer Renewals	Completion of relining wastewater pipes project	600,000
10962	Wastewater	Atiamuri wastewater TP - flow monitoring	To install power supply, flume (flow measurement) and data logger at site to collect data in preparation for WWTP consent application.	30,000
10026	Transport	UNSUB Seal extension	Tangye (0.8km) & Puketapu Roads (2km - 20/21 & 21/22)	450,000
10116 & 10025	Transport	UNSUB Mangakino streets - upgrade program	Puriri Street upgrade	196,000
10791	Community Facilities	Building renewals MKO HFE	HSE - Carpets, shower, painting, vinyl	19,911
10807	Community Facilities	Building renewals MKO	Mangakino Public Conveniences - Painting	1,098
10827	Community Facilities	Building renewals Tirohanga Hall	Tirohanga Hall Property Renewals	10,634
10856	Community Facilities	Equipment renewals MKO HFE	Mangakino HFE - oven renewal U7	1,593
10893	Community Facilities	Building renewals	Mangakino Depot - Roof upgrade	25,000
10900	Community Facilities	Mangakino Open Space Upgrades	Mangakino Sports Change Facilities	220,000
10439	Solid Waste	Mangakino RTS	Mangakino RTS	8,000
10448	Solid Waste	Mangakino concrete pad	Mangakino concrete pad	20,000

RECOMMENDATION(S)

That the Mangakino/Pouakani Representative Group receives this report.

ATTACHMENTS

Nil

4.3 DRAFT TRANSPORT STRATEGY FOR CONSULTATION

Author: Aidan Smith, Policy Advisor

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

This paper provides a draft transport strategy for consultation. A submission from the Mangakino/Pouakani Representative Group is sought to ensure that the Transport Strategy (and associated issues paper) reflects the key areas of importance to the local community and will provide an effective document for giving Council direction on priorities for the delivery of the Council's transport services and infrastructure.

DISCUSSION

A transport strategy is intended to give Council clear direction on priorities for the delivery of the Council's transport services and infrastructure. In particular, it will guide the investigation and development of proposals for capital improvements and service delivery for Council to consider when agreeing work programmes and funding through its triennial *Long-Term Plan*. Clear direction is essential so that proposals put forward for funding align with the Council and community's desired objectives for transport.

Community engagement is critical to the development of a transport strategy. In particular, we want community input and agreement on the priority objectives, for example improving safety, or supporting increased walking and cycling. We also want community input into the key strategic routes and connections that should be a focus, for example rural roads that require safety improvements, intersections that need improving, and walking and cycling routes and road crossings that need improvement. The community holds key information on routes that are of high value to them, deficiencies they have experienced, and opportunities for beneficial improvements.

The attached draft Transport Strategy and supporting draft Issues Paper are being provided for public consultation over the period Monday 3 August to Friday 4 September 2020. A submission from the Mangakino/Pouakani Representative Group is sought to ensure that the Transport Strategy (and associated issues paper) reflects the key areas of importance to the local community and will provide an effective document for giving Council direction on priorities for the delivery of the Council's transport services and infrastructure.

The attached communications plan sets out the key messages to support community engagement.

The attached engagement plan sets out the proposed approach and timeframe for engaging with stakeholders and the community, including:

- face to face and community meetings
- online submissions
- Council hearings.

RECOMMENDATION(S)

That the Mangakino/Pouakani Representative Group

1. receives the attached draft Issues Paper and draft Transport Strategy.
2. agrees to make a submission to ensure that the Transport Strategy (and associated issues paper) reflects the key areas of importance to the local community and will provide an effective document for giving Council direction on priorities for the delivery of the Council's transport services and infrastructure.
3. notes the attached draft communications plan and draft engagement plan and advises of any additional groups that should be notified, or directly engaged.

ATTACHMENTS

1. Draft Transport Strategy for Consultation
2. Draft Transport Strategy - Issues Paper
3. Draft Engagement Plan
4. Draft Communications Messages

4.4 UPDATE ON THE TAUPŌ DISTRICT COUNCIL DISTRICT PLAN REVIEW

Author: Hilary Samuel, Senior Policy Advisor

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

This item is for the Senior Policy Advisor to provide a verbal update on the Taupō District Council District Plan Review.

BACKGROUND

What is a District Plan?

It's the community's key document for managing the way people use their land. There are objectives and policies that set out what we want the district to look like and how we will balance land use issues when they are in conflict. Rules in the Plan set out what activities you can do as of right (permitted activities) and what activities we need to look at more carefully through a resource consent application. These rules cover things like how land can be subdivided, the height and location of buildings, where commercial and industrial activities can go, protection of heritage sites and management of noise.

Why is the Taupō District Council reviewing its Plan?

The Resource Management Act 1991 requires councils to prepare a District Plan and review the different parts at least every 10 years. Most of the District Plan is now due for a review so rather than do that in pieces we have decided to look at it all together. Taking this integrated approach will allow us to make sure that the District Plan works better. It will also allow us to align the District Plan with the new National Planning Standards. Those standards set out aspects like which zones must be used, common definitions and mapping requirements.

How long will it take?

The District Plan is very complex, and we want to make sure we get it right. We need to make sure that our decisions are supported by evidence and reflect the changing needs of the community. We expect that collecting that evidence and talking to the many stakeholders will take about another eighteen months.

There will be plenty of opportunity to have input during this development phase. The District Plan will then be notified and enter the formal process which involves submissions, hearings and appeals. This phase must be completed within two years.

How can you be involved?

We plan to regularly touch base with Representative Groups to discuss the direction the review is taking. Multiple parts of the plan will be underway at one time, and at various stages of development. However, we will "bundle" sections of the plan together and bring them to you to discuss. The public can register their interest and input at any time throughout the process on our online system. If the representative group has any particular issues that they would like a discussion on then we are happy to address those at the appropriate time.

RECOMMENDATION(S)

That the Mangakino/Pouakani Representative Group receives the update on the Taupō District Council District Plan Review.

ATTACHMENTS

Nil

4.5 SUMMARY OF HISTORICAL LICENCE TERMS BUS STOP CAFE, LAKE ROAD, MANGAKINO

Author: Gemma Mitchell, Strategic Advisor Property & Infrastructure

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

To provide the Group with an overview of the terms of the Licence to Occupy issued to the Bus Stop Café, Mangakino and an update in respect of the land status matters.

EXECUTIVE SUMMARY

The Group requested an overview of the terms of the Licence to Occupy for the Bus Stop Café in Mangakino. The licence to occupy covered the 3-year period up to the March 2010 and the operator has continued occupying the site, essentially under holding over provisions for several years. It is noted that a request was made for a lease (instead of a licence) in 2011 which does not appear to have progressed. Some of the potentially relevant conditions of the licence are summarised below

- *“Use and manage the area for the sole purpose operating a mobile café....”*
- *“will not erect any buildings on the licence area without prior written consent”*
- *No automatic right of renewal*
- Council *“not responsible for the provision of any water supply or availability of any water source”*
- *Carry out all waste material and rubbish and ensure the amenity of the area is not degraded in any way through the operation of the activity*
- Council can require remedial actions for compliance with the licence, or determine the licence if the area is needed for another purpose – with 3 months’ notice
- No right of renewal but ability to issue one at the licensor’s satisfaction

The land status of the property (which was classified secondary purpose recreation reserve from 1969-1996 and was supposed to be reissued as recreation reserve) is complicated and as such this influences any opportunities in respect of actions with respect of the current licence. The options are likely to be limited to the holding over of the current licence, clarification of existing clauses, or termination of the licence.

Extension of the licence without agreement in relation to land administration would likely undermine Council’s responsibility to act in good faith. To that end, the report also provides context of the recent Treaty of Waitangi Tribunal Report in respect of the land and explores the potential of a workshop to canvas ideas for progressing discussions within the wider context of reserve management.

RECOMMENDATION(S)

That the Mangakino/Pouakani Representative Group receives the information and recommends officers

BACKGROUND

In June 2020, a request was made to provide an overview the terms of the licence for the Mangakino Bus Stop Café, which is in the name of Gary Gradwell. The licence document is in attachment 1.

As outlined above, the licence allows for the operation of a mobile café at the site. In 2010 a request from the licence holder was made for a lease of a period of 10 years with a 12 month notice of termination clause. This was not pursued by Council at that time.

DISCUSSION

The information has been provided for context as requested. The history of the land in and around this location is highly complex and it is appropriate to be mindful of this in considering any potential next steps.

From a review of multiple documents and reports there is a complex history relating to the land in this vicinity. A brief timeline from when Council management commenced is below:

- In 1969 the site was gazetted for the secondary use of recreation purposes associated with hydroelectricity scheme works (attachment 2) for which control and administration was assigned to the Taupo County Council
- In 1995, there was a request made to uplift and reimpose the reserve status from LINZ to Council to enable an easement to be imposed, TDC agreed on the proviso it was re-imposed (attachment 3).
- This was partially completed but the re-gazetting process was not completed at or around this time.
- Although it was not completed, it appears Council management and administration of the land continued to occur as it did previously
- Over the 2013-2015 years correspondence was located outlining discussions with respect to a joint management agreement. This appears to have been to address the role council was fulfilling in managing and administering the land in conjunction with the adjacent Recreation Reserve. The form of the agreement was based on a similar agreement which was executed between LINZ (as the landowner) for the purpose of establishing the Waikato River Trails path and associated management requirements there. A report was presented on the 19th of May 2015 recommending the agreement be executed.
- In the latter part of 2015 however, Council officers became aware of the historical conditional agreement provided to LINZ in 1995 and at this time presented a report on that basis in September 2015).
- Council then formally requested that the land be essentially re-vested as previously agreed in 1995, to reflect the 1969 gazettal
- In 2016 Council became aware via correspondence from Wairarapa Moana Incorporation of the relationship between a Tribunal process in relation to the land taken for the Maraetai Dam (being an area of 787 acres acquired in 1949 which is understood from that submission to include this land.
- As a result, progression of the vesting was put on hold at that time pending progression of that process.

Current situation

As of March 2020, the Waitangi Tribunal (Tribunal) released its preliminary determinations report. The report outlined the complexity associated with the area and the Crowns breaches in respect of the principles of the treaty in relation to their actions. This includes the prejudice in respect of the Crown grant of land in this area to Wairarapa Maori (outside of their rohe), which commenced in in 1916 through to 1949. It was then partially reacquired for dam purposes (787 acres). The report:

- highlights the intent that the land acquired in 1949 be returned to Maori. The preliminary determination does not see fit to return land in the area to Wairarapa Moana Incorporation specifically and suggests that an appropriate entity of Ngati Kahungunu ki Wairarapa Tamaki nui-a-Rua (but not necessarily the Settlement Trust) is appropriate in the context of this complex scenario.
- outlines that the land cannot be returned to Raukawa or Ngati Tuwharetoa (whose rohe the land is within) due to the full and final settlements of their Treaty Claims.
- indicates the Tribunal has a hope that the recipient entity to which the land is returned may, subject to goodwill on all sides, be able to “ameliorate the situation at Pouakani” (with respect to the multiple parties and mana whenua).
- That the preliminary report forms part of an “iterative process”; and their preference is for a judicial conference to be convened so that the situation can be “fully evaluated and next steps planned”.

Summary

There are still further steps involved in the Tribunal Process in respect of the land ownership matters in the area and it does not yet appear to be sufficiently resolved to indicate the likely future of this particular historical reserve.

OPTIONS

Bus Stop Café Licence

In relation to the licence for the bus stop café, it may be that the Group wishes to consider, within the context of the claims process whether it continues with the status quo or recommends more active management of the licence on particular matters that may be of interest to the group.

Any decision in respect to determining/ending the licence without clarity around the land status or indeed potential wider strategic direction may be of limited benefit at this time.

Land Status Matters

The Group may however see merit in a workshop or other alternative process to evaluate the options available in respect of potential interim management and administration of the land with the relevant entities in order to identify whether there are agreed principles that could be applied to the land until such time as ownership is resolved.

It may also be appropriate to explore whether any agreement should cover the wider Mangakino area and be a multiparty collaborative process so as to not undermine other processes or relationships

Due to the wide range of considerations and iterations associated with all options, an identification of possible advantages and disadvantages have not been provided at this time.

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; Resilient and Value.

Financial Considerations

There are no financial impacts associated with the proposal.

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. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that these elements are all relevant in relation to the evaluation of this area.

The report has been provided for information purposes. Authorisations and legislative assessments will be required in relation to any further evaluation work.

Policy Implications

Any outcomes from evaluation works would require consideration in respect of the relevant policies and plans.

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.

As can be seen above, the area is of importance to several entities who have ties to the area and as such it is appropriate that regard is had to these interests in any further work or recommendations.

Risks

There is a risk that processes outside of Council's control result in this land no longer being managed as a reserve.

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 to receive the information is of low importance. Any further recommendations would need to be considered against these criteria.

ENGAGEMENT

Taking into consideration the above assessment, that the recommendation to receive the information 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 report highlights the complexity associated with the land area in question. Further evaluation and understanding will likely be achieved through the progression of the Tribunal's processes, but there may be opportunity for collaboration that could be worth exploration should the group see this as appropriate.

ATTACHMENTS

1. Copy of Licence to Occupy Terms
2. 1995 - Historical Reserve Status Information
3. May 2015 Report on Management Agreement
4. September 2015 Report on Vesting
5. July 2019 Lakefront Matters Report

4.6 UPDATE FROM THE MANGAKINO COMMUNITY COORDINATOR

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

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

This item is to provide an update to the Representative Group on items of interest pertinent to the Mangakino Community Coordinator's role.

A copy of the report is attached.

RECOMMENDATION(S)

That the Mangakino/Pouakani Representative Group receives the report from the Mangakino Community coordinator.

ATTACHMENTS

1. Mangakino Community Coordinator Report (A2741089)

4.7 COMMUNITY ISSUES

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

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

This item allows for discussion on community issues within the Mangakino-Pouakani area.

DISCUSSION

Matters that are of an operational and maintenance nature such as road potholes, leaking water valves, trees etc. should be reported to staff for investigation and action in the first instance.

No debate and/or resolution is permitted on any of the issues raised.

RECOMMENDATION(S)

That the Mangakino/Pouakani Representative Group

ATTACHMENTS

Nil

4.8 MEMBERS' REPORTS

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

Authorised by: Kevin Strongman, Head of Operations

PURPOSE

This item permits members to provide feedback on any items of interest arising from meetings/conferences/seminars they have attended over the past month.

RECOMMENDATION(S)

That the Mangakino/Pouakani Representative Group receives the information on members' reports.

ATTACHMENTS

Nil