

**I give notice that  
an Ordinary Meeting of Taupō Reserves & Roding Committee will be  
held on:**

<b>Date:</b>	<b>Tuesday, 4 July 2023</b>
<b>Time:</b>	<b>1.00pm</b>
<b>Location:</b>	<b>Council Chamber 107 Heuheu Street Taupō</b>

# **AGENDA**

## **MEMBERSHIP**

**Chairperson** Cr John Williamson  
**Deputy Chairperson** Cr Yvonne Westerman

**Members** Cr Duncan Campbell  
Cr Kylie Leonard  
Cr Anna Park  
Mr Te Moananui Rameka  
Cr Christine Rankin  
Cr Rachel Shepherd  
Cr Kevin Taylor  
Mayor David Trewavas

**Quorum** 5

**Julie Gardyne**  
**Chief Executive Officer**

## Order Of Business

- 1 **Karakia**
- 2 **Whakapāha | Apologies**
- 3 **Ngā Whakapānga Tukituki | Conflicts of Interest**
- 4 **Whakamanatanga O Ngā Meneti | Confirmation of Minutes**
  - 4.1 Ordinary Taupō Reserves & Roding Committee Meeting - 2 May 2023 .....3
- 5 **Ngā Kaupapa Here Me Ngā Whakataunga | Policy and Decision Making**
  - 5.1 Hole In One On Taupō Lakefront Reserve - New Lease .....4
  - 5.2 Request for Tree Removal 149 Tongariro Street, Taupō .....9
  - 5.3 Market Central On Northcroft Reserve .....15
  - 5.4 Taupō Timebank on County Avenue Reserve - New Lease .....20
- 6 **Ngā Kōrero Tūmataiti | Confidential Business**

Nil

**4.1 ORDINARY TAUPŌ RESERVES & ROADING COMMITTEE MEETING - 2 MAY 2023**

**Author:** Karen Watts, Senior Committee Advisor

**Authorised by:** Nigel McAdie, Legal, Risk and Governance Manager

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That the minutes of the Taupō Reserves & Roding Committee meeting held on Tuesday 2 May 2023 be confirmed as a true and correct record.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Taupō Reserves & Roding Committee Meeting Minutes - 2 May 2023

**5.1 HOLE IN ONE ON TAUPŌ LAKEFRONT RESERVE - NEW LEASE**

**Author:** Andrew Moor, Parks Operations Manager - Taupō

**Authorised by:** Julie Gordon, Acting Parks and Reserves Manager

**TE PŪTAKE | PURPOSE**

The purpose of this report is to seek a decision under section 54(1)d of the Reserves Act 1977 from the Committee as administering body of Taupō reserves to consider a request for a new lease for Hole in One on Taupō Lakefront Reserve.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

Council has received a request from Taupō Moana Group Holdings Limited for a new lease of part of the Taupō Lakefront reserve for the purpose of occupying and developing their current site and an adjacent reserve area with a permanent office, café, viewing platform, toilet and covered tee area. The Tapuaeharuru Bay Lakeshore Reserves Management Plan (RMP) was varied in 2022 to provide for the lease to be granted. The review of the RMP involved a statutory public consultation process and objections were considered when Council adopted new policy in relation to the proposed lease.

The RMP provides specific policy guidance about what is an acceptable level of development and the activities that can be carried out in this area. The Reserves Act 1977 requires that a resolution is sought from the governing body before a lease can be granted.

Two options are proposed:

1. Decline the application for new lease (status quo)
2. Agree to grant the lease with suitable terms and conditions that are consistent with the RMP and the Reserves Act.

On balance it is considered that Option 2 is the preferred option.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That the Taupō Reserves & Roding Committee as administering body of the Taupō Lakefront Reserve agrees to grant a new lease to Taupō Moana Group Holdings Limited for a term of 15 years with rights of renewal of ten years plus five years subject to the terms and conditions of the Tapuaeharuru Lakeshore Reserves Management Plan and the Reserves Act 1977.

**TE WHAKAMAHUKI | BACKGROUND**

Taupō Moana Group Holdings Limited (TMGHL) currently hold a licence to occupy the site of the Great Lake Hole in One challenge on the Lakefront Reserve. The licence was granted in 2009 for a term of five years with two rights of renewal of five years each, and extended again in 2016 to provide a further seven year term with final expiry on 31 January 2031. The licence was assigned to TMGHL in 2017.

In 2019 TMGHL presented a concept to Council for development of the Hole in One site with more permanent buildings that would expand the range of activities on-site. The RMP did not provide for the development so Council resolved to go through a minor review process that would allow it to consider adopting changes to the RMP that would support the proposed development and longer term lease.

On 3 May 2022, the Taupō Reserves and Roding Committee as administering body of the Taupō Lakefront Reserve approved changes to the RMP that would permit a lease to be granted to TMGHL for the Hole in One activity. The variation to the RMP allowed for a lease term of 15 years. A further variation to the RMP was made in August 2022 following a request from TMGHL. The August variation confirmed the 15-year term and provided for two rights of first refusal at the end of the term for a further ten years and five years respectively.

In addition to the provision for a longer term lease the RMP was also quite specific about the level of development permitted on the site. The RMP currently allows for the following activities in relation to Hole in One (subject to resource consent and engineering conditions):

- Hole in One golf activity
- Construction of a lightweight open sided visually permeable shelter over the existing tee area to provide basic shelter to customers. The structure must be of materials and design approved by Council that minimise the visual impact of the structure on the reserve and on views of the lake and mountains from Lake Terrace.
- Construction of a small kiosk for storage, and sales associated with the Hole in One Golf activity and refreshments but without an indoor dining area. The kiosk must be of materials and design approved by Council that minimise the visual impact of the building on the reserve and on views of the lake and mountains from Lake Terrace. The kiosk may incorporate a single all-gender accessible toilet cubicle for use by customers as well as staff.
- Construction of a viewing area to enable spectators and customers to safely wait without affecting passing cycle and pedestrian traffic. Seating may be provided within the viewing area provided it has minimal visual impact.
- Stabilisation of the bank and foreshore.
- Sale of non-alcoholic refreshments.
- Public access to viewing areas and adjacent reserve area.
- Minimisation of the adverse effects of golf balls on the environment and public use of adjacent reserve and foreshore areas.
- Cultural interpretation

The RMP states that in setting the terms of any lease for the Great Lake Hole in One Challenge, Council’s intent is to support the ongoing commercial operation while maintaining flexibility to make future enhancements to the road reserve and recreation reserve between Ruapehu Street and Tītīraupenga Street. All leases will contain terms and conditions consistent with section 54(1)d of the Reserves Act 1977, reserve management plan policy and conditions of resource consent.

**NGĀ KŌRERORERO | DISCUSSION**

As the RMP now provides for a lease to be granted for these activities, the Committee has the authority to grant a lease to TMGHL without further public consultation provided that it is consistent with the RMP.

TMGHL have requested a new lease to replace their existing licence, and have provided a concept plan on which to base the lease. The details of the proposed development are subject to final design. The lease area has been inferred from the concept plan and is around 280m2 to 290m2 as depicted in Attachment 1.

Based on this information it is considered that there are two options (including status quo or do nothing option).

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

The proposed options are as follows:

1. Decline the application for new lease (status quo)
2. Agree to grant the lease with suitable terms and conditions

**Option 1. Decline the application**

There is little justification for Option 1 given that Council has recently been through a process to amend the RMP to allow for this lease to be granted.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• No further work required</li> </ul>	<ul style="list-style-type: none"> <li>• No improvements to the current offering at Hole in One.</li> </ul>

**Option 2. Agree to grant the lease as requested**

TGHML has requested a new lease for 15 years to allow them to construct a new ticket office, outdoor viewing area, and lightweight shelter over the tee area. The RMP is quite specific about terms and conditions to be included in any lease. The following key terms and conditions are proposed for inclusion in the lease:

<b>Term</b>	15 years
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<b>Lease area</b>	290 m2 more or less being part of Tapuaeharuru Bay Lakeshore Reserve, being part Section 48 Block II Tauhara SD outlined in red on the plan in Attachment 1
<b>Renewal</b>	Two rights of first refusal of ten years and five years respectively
<b>Annual rent</b>	Market rent to be determined by a Registered Valuer
<b>Permitted activities</b>	<ul style="list-style-type: none"> <li>a) Providing the Hole in One golf activity to the public.</li> <li>b) Construction of a lightweight open sided visually permeable shelter over the existing tee area, of materials and design approved by Council, the intention being to provide basic shelter to customers while minimising the visual impact of the structure on the reserve and on views of the lake and mountains from Lake Terrace.</li> <li>c) Construction of a small kiosk for storage, and sales associated with the Hole in One Golf activity and refreshments but without an indoor dining area. The kiosk must be of materials and design approved by Council that minimise the visual impact of the building on the reserve and on views of the lake and mountains from Lake Terrace. The kiosk may incorporate a single all-gender accessible toilet cubicle for use by customers as well as staff.</li> <li>d) Construction of a viewing area to enable spectators and customers to safely wait without affecting passing cycle and pedestrian traffic. Seating may be provided within the viewing area provided it has minimal visual impact.</li> <li>e) Stabilisation of the bank and foreshore where required to support the construction activities.</li> <li>f) Sale of non-alcoholic refreshments.</li> <li>g) Cultural interpretation</li> </ul>
<b>Maintenance</b>	Maintenance – the Lessee is solely responsible for the maintenance of the lease area and the lessee’s improvements.
<b>Assignment</b>	No assignment without first obtaining the written permission of Council as Lessor.
<b>Use of Leased area</b>	<p><b>The Lessee must:</b></p> <ul style="list-style-type: none"> <li>a) Not carry on any noxious, noisy, or offensive business or activity in or about the Leased area or do anything which is or may become a nuisance or annoyance to the Lessor or any other person, but the carrying on of the Permitted Use by the Lessee in a reasonable manner will not of itself be a breach of this clause;</li> <li>b) Not bring upon or store within the Leased area any machinery goods or things of an offensive noxious illegal or dangerous nature, or of such weight size or shape as is likely to cause damage to the Leased area or adjacent reserve and foreshore or Council infrastructure.</li> <li>c) Not do anything which is or may become a breach of any duty imposed on any person by the Health and Safety at Work Act 2015 or the RMA;</li> <li>d) Comply in all respects with all acts, bylaws, regulations, rules and requisitions relating to the Leased area and the Lessee’s use of the Leased area;</li> <li>e) Use its best endeavours to limit noise levels within, and the emission of noise from the Leased area and must keep the noise level at the boundaries of the Leased area within the requirements of the District Plan and any Resource Consent issue in respect of any activity on the Leased area;</li> <li>f) Not exhibit or permit to be affixed, painted, or exhibited any name sign, nameplate signboard or advertisement of any description on, or to the exterior of any building upon, the Leased area without the prior written approval of the Lessor;</li> <li>g) Take all reasonable steps to minimise the adverse effects of the golf activity on users of the reserve, beach, and foreshore adjacent to the Leased area; and</li> <li>h) Allow public access to the viewing area during hours of operation subject to reasonable safety requirements.</li> </ul>

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>TMGHL will have the security of tenure they need to plan, fund and develop the site in accordance with the provisions of the RMP and lease.</li> </ul>	<ul style="list-style-type: none"> <li>The reserve will be tied up for a minimum of 15 years for the Hole in One Golf activity and associated infrastructure.</li> </ul>

Analysis Conclusion:

On the basis of the analysis of options, the preferred option is Option 2 where the lease is granted subject to proposed key terms and conditions.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Whakahāngai ki tā te Kaunihera wawata | Alignment with Council’s Vision**

Council’s vision is ‘to be the most prosperous and liveable district in the North Island’. 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.

**Ngā Aronga Pūtea | Financial Considerations**

The proposed lease is a commercial activity and will be subject to a commercial rental as recommended by a Registered Valuer.

**Ngā Aronga Ture | 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 social, and cultural outcomes in particular are of relevance to this particular matter.

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the relevant matters for consideration are as follows:

Authorisations as follows are required for the proposal:

- Resource Consent     Building Consent     Environmental Health
- Liquor Licencing     Licence to occupy     Lease

Authorisations are not required from external parties.

Resource consent and building consent will be required for the development of the site. Under the proposed lease the Lessor will be subject to all acts, bylaws, regulations, rules and requisitions relating to the Leased area and the Lessee’s use of the Leased area.

Reserves Act 1977

The Committee as administering body of the reserve is authorised to grant a licence under Section 54(1)(d) of the Reserves Act 1977 subject to compliance with the Act.

**Ngā Hīraunga Kaupapa Here | Policy Implications**

The proposal has been evaluated against the following plans:

- Long Term Plan 2021-2031     Annual Plan     Waikato Regional Plan

Taupo District Plan       Bylaws       Relevant Management Plan(s)

The key aspects for consideration with regards to this proposal are as follows:

The proposed lease with proposed key terms and conditions is consistent with the Tapuaeharuru Lakeshore Reserves Management Plan.

### **Te Kōrero tahi ki te Māori | Māori Engagement**

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori, and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

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.

Hapū were consulted during the revision of the RMP that allowed for the lease and development of the site and no sustainable objections were received by Council.

### **Ngā Tūraru | Risks**

The Applicant has not provided any more than concept plans to support their application. There is still a great deal of detail to be developed, including engineering detail to demonstrate the feasibility of the development in this location. There is also a resource consent process to go through to ensure that any adverse effects can be avoided or reduced to an acceptable level. There is therefore a risk that although the lease is granted the development does not go ahead. In a situation where the lessee is unable to give effect to the lease it will be terminated.

### **TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is of a low degree of significance.

### **TE KŌRERO TAHI | ENGAGEMENT**

Taking into consideration the above assessment, that the decision is of a low degree of significance, and the statutory public consultation that occurred during the review of the RMP, officers are of the opinion that no further engagement is required prior to Council making a decision to grant the lease.

### **TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA**

No communication/media required.

### **WHAKAKAPINGA | CONCLUSION**

On balance it is considered that Option 2 is the preferred option.

### **NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Hole in One



**5.2 REQUEST FOR TREE REMOVAL 149 TONGARIRO STREET, TAUPŌ**

**Author:** Andrew Moor, Parks Operations Manager - Taupō

**Authorised by:** Greg Hadley, District Parks Manager

**TE PŪTAKE | PURPOSE**

To propose the removal of three False Cypress (*Chamaecyparis pisifera*) from the berm adjoining 149 Tongariro Street, Taupō to provide for the redevelopment of the Countdown Supermarket.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

Woolworths have a resource consent to redevelop the Countdown Supermarket at the corner of Tongariro Street and Spa Road. Initially it was their intention to work around the trees and retain them as part of the new streetscape. However, advice from arborists is that the planned works is likely to damage the trees, potentially impacting their health and stability.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That the Taupō Reserves & Roothing Committee approves the removal of the three False Cypress (*Chamaecyparis pisifera*) from the berm adjoining 149 Tongariro Street, Taupō at no cost to Taupō District Council.

**TE WHAKAMAHUKI | BACKGROUND**

The proposal has not been presented previously.



Council was approached by the architects working for Woolworths on the development of the Countdown Supermarket site in regard to the three False Cypress trees on the Spa Road berm, adjoining 149 Tongariro Street. Woolworths have a consent to undertake a redevelopment of the supermarket, including a basement excavation on or near the boundary with Spa Road.



The three False Cypress (*Chamaecyparis pisifera*) on Spa Road.



Location of trees.

-  False Cypress
-  Northern White Cedar

Woolworths’ initial intention was to work around the trees, protecting them through the redevelopment. An arborist was engaged by them to provide a methodology to best do this. This was provided but he noted that by the nature of the consented works, there would be a risk that the trees would be adversely affected.



Artist’s impression of redeveloped building with False Cypress trees remaining.

Council’s Contract Arborist assessed the trees and believed they are in an overall good condition. He agreed that they are worthy of retention as a softening screen to the redeveloped building. He noted that this species has a long natural lifespan. On reviewing the redevelopment plans he agreed with the arborist’s report supplied by Woolworths that the proposed works propose a real risk to the 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.

On the opposite side of Spa Road, on the berm in front of the Spa Gate shopping precinct are five Northern White cedar (*Thuja occidentalis*). These trees are heavily in decline. Council's Contract Arborist has suggested that although they do not pose any safety risk of failure presently, it would be timely to remove them as they are providing minimal amenity value. The trees, which already display significant die back will only continue to decline.



Five Northern White cedar (*Thuja occidentalis*)

### NGĀ KŌRERORERO | DISCUSSION

Council's Contract Arborist observed that the False Cypress trees (from the centres of the trunks) are growing between approximately 2.7 and 3.1 metres from the edge of a concrete nib running along the base of the existing wall. The edge of this nib is at the approximate extent of the trees' 'structural root zones' (as per Australian Standard 4970 – Protection of Trees on Development Sites) and well within the expected natural extent of their overall root zones. In theory this would extend well into the site. This would mean that there are likely to be large numbers of roots growing against and below the nib and against the actual footing / basement wall. As you dig down at the edge of the building there is also a mass of small feeder roots growing in the layer of humus. Any excavation beyond any existing footing or basement wall has the potential to cause a significant amount of root loss that would likely affect the stability and long-term health of the trees.



Fibrous roots growing against wall.

As part of the building programme the trees will need to have their canopies pruned back from the wall to provide clearance for scaffolding as well as for future maintenance. This could have quite an impact on the trees' appearance, particularly as this species will not produce new foliage where it's been pruned back to bare branches. Thus, the side of the tree facing the building will remain as bare, pruned stubs and branches.



Proximity of trees to building.

Due to the real risk of the redevelopment works destabilising the trees and any pruning work impacting their visual amenity, Woolworths advised that their preference would be to remove the trees and reach an agreement with Council to undertake a streetscape upgrade in line with recent works on Tongariro Street, to mitigate this.

The five Northern White Cedar have been assessed and are heavily in decline. Regardless of any other work that occurs in the area Council’s Contract Arborist has advised that their removal and replacement should be programmed. The replacement of the trees, along with any underplanting would tie this intersection landscape into the overall Town Centre upgrade.



Extent of die back in one of the Northern White Cedar.

Should approval be granted for the removal of the trees, it is proposed that Woolworths would engage a landscape architect to design and undertake a replanting and streetscape plan that is in line with the work undertaken as part of the recent town centre upgrade works. This would incorporate the berm in front of Spa gate as well as Countdown. This Landscape Architect would work with Council’s Landscape Architect and Parks Manager Open Spaces to agree on the hard landscaped design as well as tree and plant species.

Based on this information it is considered that there are 2 options.

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

Option 1. Decline the request to remove the 3 False Cypress trees

Advantages	Disadvantages
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<ul style="list-style-type: none"> <li>• Maintain current visual amenity within streetscape and screening of building.</li> <li>• Maintains traffic calming and carbon sequestration capabilities of trees.</li> <li>• Trees provide shading during hot summer months.</li> <li>• Maintains ecology and habitat within urban environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Risk of trees destabilising and falling over due to damaged structural roots.</li> <li>• Ongoing cost of regularly monitoring trees.</li> <li>• Some loss of visual amenity due to need to heavily prune one side of trees.</li> </ul>
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Option 2. Approve the removal of the 3 False Cypress trees.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Opportunity to redevelop street scape in line with new town centre upgrades.</li> <li>• No risk of destabilised trees falling.</li> <li>• No need for ongoing monitoring of trees.</li> <li>• Redevelopment of buildings is not restricted by the need to protect the trees.</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of mature specimen trees that screen the building.</li> <li>• Loss of traffic calming, and carbon sequestration associated with mature trees.</li> </ul>

Analysis Conclusion:

On analysis of the options the recommendation is option 2: approve the removal of the three False Cypress trees.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Whakahāngai ki tā te Kaunihera wawata | Alignment with Council’s Vision**

Council’s vision is ‘to be the most prosperous and liveable district in the North Island’. 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.

**Ngā Aronga Pūtea | Financial Considerations**

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

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under Parks Operations.

**Ngā Aronga Ture | 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 social and economic are of relevance to this particular matter.

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the relevant matters for consideration are as follows:

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.

**Ngā Hīraunga Kaupapa Here | Policy Implications**

The proposal has been evaluated against the following plans:

- Long Term Plan 2021-2031    Annual Plan    Waikato Regional Plan  
 Taupō District Plan    Bylaws    Relevant Management Plan(s)

The key aspects for consideration with regards to this proposal are as follows:

The removal of these trees would contravene Council's Tree and Vegetation Policy section 3.2 Removal of Healthy Trees (in report). The Policy does however allow for elected members to decide to remove trees, see narrative Section 3.1 "Where necessary tree removal requests may be referred to Council's elected members for a decision (refer to policies in section 3)". However, the Policy is supportive of the removal of healthy trees when it is part of programmed upgrades and streetscape improvements.

### **Te Kōrero tahi ki te Māori | Māori Engagement**

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori, and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

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.

### **Ngā Tūraru | Risks**

There are no known risks

### **TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is of a low degree of significance.

### **TE KŌRERO TAHI | 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.

### **TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA**

Direct communication has been/will be carried out with affected parties/key stakeholders and wider communication will be carried out with the community.

### **WHAKAKAPINGA | CONCLUSION**

The three False Cypress trees are all in good condition and are a valuable feature on the landscape. All attempts have been made to work with the developers to keep the trees. However, both the arborist acting for Woolworths and Council's Contract Arborist believe there is a real risk that the building works will impact on the health and structural stability of the trees. Thus, it is recommended that the trees are removed, and Council works with Woolworth's Landscape Architect to redesign the streetscape and planting for the intersection.

### **NGĀ TĀPIRIHANGA | ATTACHMENTS**

Nil

**5.3 MARKET CENTRAL ON NORTHCROFT RESERVE**

**Author:** Andrew Moor, Parks Operations Manager - Taupō

**Authorised by:** Julie Gordon, Acting Parks and Reserves Manager

**TE PŪTAKE | PURPOSE**

The purpose of this report is to seek a decision under section 54(1)(d) of the Reserves Act 1977 from the Committee as administering body of Taupō reserves to request a new licence for Market Central Limited on Northcroft Reserve.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

The farmers and craft market operated by Karen Cederwall (Market Central) on Northcroft Reserve has been operating for over three years. The initial three year licence term expired on 31 December 2022 and the licence has been on a monthly basis since then. The expired licence does not make any provision for future terms so a decision is required by this Committee as administering body of the reserve.

The expired licence was granted following an open procurement process but there is no expectation that this will occur this time.

Three options are proposed:

1. Decline to grant a new licence (status quo) and continue to operate on a month-by-month basis for the foreseeable future.
2. Grant a new licence to the incumbent for three to five years with no automatic rights of renewal.
3. Grant a new licence to the incumbent for three to five years with a right of first refusal at the end of the term for a further three to five years.

On balance it is considered that Option 2 (three-year term) is the preferred option.

**NGĀ TŪTOHUNGA | RECOMMENDATION**

That the Taupō Reserves & Roding Committee as the administering body of Northcroft reserve agrees to grant a new license to Market Central Limited for a term of three (3) years.

**TE WHAKAMAHUKI | BACKGROUND**

In May 2019, Council acknowledged (by resolution TDC201905/15 28 May 2019) that the Northcroft Domain is the preferred place for a farmers and craft market, and approved a procurement process to select an external operator for a market operation on the reserve.

In August 2019, following an open procurement process for a new Farmers and Craft market operator Council approved the offer to Karen Cederwall of a licence to occupy part of Northcroft Reserve for the purpose of operating a farmers and craft market for a term of three years.

As the licence in this location for this activity was not provided for in the Tapuaeharuru Bay Lakeshore Reserves Management Plan (RMP), the proposed licence was publicly notified in August 2019. One submission was received in opposition to the proposed market activity on the basis that there was insufficient parking in the vicinity for the market and that the lack of parking was detrimental to other businesses on the reserve. At the time it was considered that the issues raised by the submitter could be managed effectively, and the decision to grant a licence was confirmed.

The licence was granted in late 2019 and commenced 1 January 2020. There was no right of renewal and the licence expired on 31 December 2022. The incumbent is currently occupying the site on a month by month basis as provided by the expired licence.

During the term of the expired licence the RMP was reviewed, in particular policy relating to commercial activity and concessions (lease/licence/permit) on the reserves covered by the RMP. The purpose of the review was to consider the proposed development of the Hole in One site and policy was added to allow this

to occur. Although Council had resolved in 2019 that Northcroft Domain is the preferred location for a market, this change in activity on Northcroft Reserve was not included in the RMP review and there is still no provision in the RMP for this activity or concession.

**NGĀ KŌRERORERO | DISCUSSION**

The incumbent licensee (Karen Cederwall) was chosen following an open procurement process on the basis of an Expression of Interest submitted to Council along with four others. The Licensee has met the requirements of her licence and has operated consistently with the proposal submitted. Based on the licence for Northcroft Reserve Ms Cederwall incorporated a new limited liability company in November 2019 (Market Central Limited trading as Market Central Taupō).

The public notice published in 2019 did not specify the term of the licence to be granted. The Reserves Act 1977 allows for licence terms up to 33 years, and the RMP allows for licence terms of 5 years. Without specifying the licence term in the public notice, it is unclear what the community’s expectations would have been for the term of this licence, and therefore whether or not any proposed new licence should be re-notified. However, given that the previous licence term was only three years, it is considered that a further short duration licence could be granted relying on the results of the previous public notification particularly as there was only one submission received during the previous notification period.

Based on this information it is considered that there are three options (including status quo or do nothing option).

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

The proposed options are as follows:

1. Decline to grant a new licence (status quo) and continue to operate on a month by month basis for the foreseeable future.
2. Grant a new licence to the incumbent for three to five years with no automatic rights of renewal.
3. Grant a new licence to the incumbent for three to five years with a right of first refusal at the end of the term for a further three to five years.

**Option 1. Decline to grant a new licence and operate month by month**

Option 1 is not sustainable for the medium to long term but would be an appropriate response if Council no longer wishes to use Northcroft Reserve for the weekly market, or wishes to use the area for something else. Option 1 would allow Council to let the market continue for the short term but terminate it with a month’s notice at any time.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Maintains maximum flexibility for Council to use the area for another purpose.</li> </ul>	<ul style="list-style-type: none"> <li>• No security for the incumbent licensee will reduce the value of the business and remove any incentive to improve the offering.</li> <li>• Loss of value of improvement works that Council has done to make the reserve more suitable for markets.</li> </ul>

**Option 2. Grant a new licence to the incumbent for three to five years with no automatic rights of renewal**

Option 2 would be a suitable option if Council is relatively satisfied with the performance of the incumbent but wishes to keep its options open for the future to either change the use of the reserve or select another operator. Three years is a similar term to what has been previously offered but it could be argued that a longer term is justified now that the operation has become established and is performing well. The new licence would be granted subject to similar terms and conditions as the expired licence, and would expire in either three or five years with no automatic rights of renewal.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides security of tenure for the licensee for three to five years.</li> <li>• Five years provides greater security than three years, and requires less administration cost from Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Three years is a relatively short term and will require a further decision in less than three years.</li> <li>• Having no automatic rights of renewal or first refusal does not incentivise good performance</li> </ul>



<ul style="list-style-type: none"> <li>Allows Council to keep its options open beyond the initial term to either change the use of the reserve or select another operator.</li> </ul>	<p>from the licensee as they have no security beyond the initial term.</p>
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**Option 3. Grant a new licence to the incumbent for three to five years with a right of first refusal**

Option 3 would be a suitable option if Council is very satisfied with the performance of the incumbent but doesn't want to commit to the use of Northcroft Reserve for this purpose. Including a right of first refusal in the licence means that Council can decide at the end of the term whether or not to grant a licence for a Farmers and Craft Market at Northcroft Reserve. If Council wishes to continue with this activity in this location, and the licensee has complied with the licence terms and conditions, Council must offer the licence to the incumbent rather than an alternative operator.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Provides security of tenure for the licensee for three to five years, but some uncertainty beyond then.</li> <li>Five years provides greater security for the licensee than three years, and requires less administration from Council.</li> <li>Allows Council to keep its options open beyond the initial term to change the use of the reserve i.e. not offer a further licence for this activity.</li> <li>Having a right of first refusal incentivises good performance from the licensee as they are more likely to receive a further term if the market is a success.</li> </ul>	<ul style="list-style-type: none"> <li>Three years is a relatively short term for a business.</li> <li>Does not provide as much certainty for the licensee as a right of renewal.</li> </ul>

Analysis Conclusion:

On the basis of the analysis of options, the preferred option is Option 2 where the license is granted for a term of three years.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Whakahāngai ki tā te Kaunihera wawata | Alignment with Council's Vision**

Council's vision is 'to be the most prosperous and liveable district in the North Island'. 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.

**Ngā Aronga Pūtea | Financial Considerations**

The proposed licence is a commercial activity and will be subject to a commercial rental valuation.

**Ngā Aronga Ture | 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 social, and cultural outcomes in particular are of relevance to this particular matter.

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the relevant matters for consideration are as follows:

Authorisations as follows are required for the proposal:

- Resource Consent     Building Consent     Environmental Health
- Liquor Licencing     Licence to occupy     Lease

Authorisations are not required from external parties.

The Farmer's Market involves the sale of food items which will involve Environmental Health Licencing. This is the responsibility of the Licensee. Under the proposed licence the Licensee will be subject to all acts, bylaws, regulations, rules and requisitions relating to the Premises and the Licensee's use of the Premises.

#### Reserves Act 1977

The Committee as administering body of the reserve is authorised to grant a licence under section 54(1)(d) of the Reserves Act 1977 subject to compliance with the Act.

#### **Ngā Hīraunga Kaupapa Here | Policy Implications**

The proposal has been evaluated against the following plans:

- Long Term Plan 2021-2031     Annual Plan     Waikato Regional Plan  
 Taupo District Plan             Bylaws             Relevant Management Plan(s)

The key aspects for consideration with regards to this proposal are as follows:

The proposed licence is not consistent with the Tapuaeharuru Lakeshore Reserves Management Plan. However, the previous licence was publicly notified in 2019 and the term was not specified so it would not be unreasonable to rely on the results of the previous consultation in making the decision to grant this licence.

#### **Te Kōrero tahi ki te Māori | Māori Engagement**

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori, and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

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.

#### **Ngā Tūraru | Risks**

The anticipated risks associated with this decision are:

1. Council no longer wants to provide land for a market;
2. Northcroft Reserve proves to be unsuitable for this activity;
3. The licensee proves to be unsuitable;

Option 2 limits these risks to Council by limiting the licence to a single term of three years.

#### **TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is of a low degree of significance.

#### **TE KŌRERO TAHI | ENGAGEMENT**

Taking into consideration the above assessment, that the decision is of a low degree of significance, and the statutory public consultation that occurred during the review of the RMP and prior to the last licence term, officers are of the opinion that no further engagement is required prior to Council making a decision to grant the licence.

#### **TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA**

Direct communication has been/will be carried out with affected parties/key stakeholders but no wider communication is considered necessary.

**WHAKAKAPINGA | CONCLUSION**

On balance it is considered that Option 2 is the preferred option.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Market Central July 2023 - Lease Area Plan

**5.4 TAUPŌ TIMEBANK ON COUNTY AVENUE RESERVE - NEW LEASE**

**Author:** Andrew Moor, Parks Operations Manager - Taupō

**Authorised by:** Julie Gordon, Acting Parks and Reserves Manager

**TE PŪTAKE | PURPOSE**

The purpose of this report is to seek a decision under section 61(2A)(b) of the Reserves Act 1977 from the Committee as administering body of Taupō reserves to consider a request for a new lease for Taupō Timebank on County Avenue Local Purpose Reserve.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

Taupō Timebank was established in November 2021 and aims to involve local communities in an informal and inclusive network of people and organisations, who are willing to share their skills, services and products to help others. Their objective is to help people who participate in the Taupō Timebank to gain confidence and skills as well as to encourage a more community minded, self-sufficient and sustainable way of living.

Taupō Timebank plan to establish a community garden on the County Avenue local purpose reserve at 250 Spa Road and has requested a lease of part of the reserve for this purpose (see plan at Attachment 1). Timebank is a not-for-profit voluntary community organisation that was recently (May 2023) constituted and registered as a charitable trust (TTB Charitable Trust). The Trust's purposes are exclusively charitable.

Taupō Timebank successfully applied for a Taupō / Taupō East Rural Grant in 2022 and the grant was approved on the condition that Taupō Timebank set up a separate bank account for the community garden (not a personal bank account) and provided more information regarding their business model and operation including confirmation of a licence to occupy or lease for the site.

Since the grant was approved, Taupō Timebank has become a legal entity and can now enter into a lease or licence for part of the reserve for the community garden. Prior to the establishment of the Trust in May 2023 there was no legal entity for Taupō Timebank to which to grant a right of occupation.

Section 61(2A)(b) of the Reserves Act 1977 gives Council the authority to lease all or part of the reserve to the TTB Charitable Trust for "*farming, grazing, cultivation, cropping or other like purposes.*" In this case it is considered that a community garden is a sufficiently similar purpose to cropping or cultivation for a lease to be compliant with the Act.

Three options are proposed:

1. Decline to grant a new lease and require Taupō Timebank to remove all improvements.
2. Grant a lease for the area identified for a term of five years with no automatic rights of renewal.
3. Grant a lease for the area identified for a term of five years with a right of first refusal for a further term or terms.

On balance it is considered that Option 2 is the preferred option.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That the Taupō Reserves and Roding Committee, as administering body of County Avenue Reserve, agrees to grant a new lease to Taupō Timebank (TTB) Charitable Trust for a term of five years.

**TE WHAKAMAHUKI | BACKGROUND**

Taupō Timebank was established in November 2021 as a means to expand the skill sharing network established during the Covid-19 lockdowns and subsequent isolation felt by many in the community. Taupō Timebank is a not-for-profit voluntary community organisation that was recently (May 2023) constituted and registered as a charitable trust (TTB Charitable Trust). The Trust's purposes are exclusively charitable.

The aim of Taupō Timebank is to involve local communities in an informal and inclusive network of people and organisations, who are willing to share their skills, services and products to help others. Their objective

is to help people who participate in the Taupō Timebank to gain confidence and skills as well as to encourage a more community minded, self-sufficient and sustainable way of living.

Taupō Timebank plan to establish a community garden on the County Avenue local purpose reserve at 250 Spa Road and has developed the following policy for management of the community garden.

1. The community garden is established for the purpose of providing an opportunity for individuals and groups to grow fresh, healthy food, and engage in sustainable gardening practices.
2. Membership to the community garden is open to anyone who is willing to contribute to the upkeep and maintenance of the garden. Members are required to attend orientation sessions.
3. Members are expected to maintain their plot in a tidy and healthy condition. The garden will be maintained using organic and sustainable practices, with no use of synthetic pesticides or herbicides.
4. Members are responsible for harvesting their own produce. However, any surplus produce can be shared with other members or donated to local charities.
5. The community garden will encourage involvement and participation from local schools, community groups, and individuals. Members will be encouraged to participate in workshops, events, and volunteer days.
6. Any conflicts or disputes between members will be resolved through respectful communication and mediation.
7. Membership may be terminated if a member breaches the garden policy or fails to maintain their plot.

Overall, the community garden policy aims to create a safe and inclusive environment for members to enjoy the benefits of gardening while promoting sustainable and healthy living practices. The community garden has safety guidelines established.

Taupō Timebank is linked with LakeLocal Limited through its Director (Blair Cameron) who is also Settlor of the TTB Charitable Trust. LakeLocal Ltd is a fresh fruit and vegetable retail operation that operates out of two of the units at the old County Depot. By virtue of their connection with LakeLocal Ltd, Taupō Timebank has begun clearance of the old depot yard behind the units and has constructed lean-to shelters and some garden beds. However, they have recently realised that the LakeLocal lease for the buildings does not cover use of the adjacent reserve.

Taupō Timebank successfully applied for a Taupō / Taupō East Rural Grant in 2022 and confirmed that the current community garden was limited in space, had experienced vandalism and did not have secure storage for tools. Their vision for the community garden was more in line with urban farming, i.e rows of crops and allotments for which they needed more space and development funding. The grant was approved on the condition that Taupō Timebank set up a separate bank account for the community garden (not a personal bank account) and provided more information regarding their business model and operation including confirmation of a licence to occupy or lease for the site.

Since the grant was approved, Taupō Timebank has become a separate legal entity to LakeLocal Limited and can now enter into a lease or licence for part of the reserve for the community garden. Prior to the establishment of the Trust in May 2023 there was no legal entity for Taupō Timebank to which to grant a right of occupation.

## **NGĀ KŌRERORERO | DISCUSSION**

The County Avenue Reserve is a local purpose (community buildings) reserve so leasing powers of the administering body are defined by section 61 of the Reserves Act 1977. Section 61(2A)(b) gives Council the authority to lease all or part of the reserve to the TTB Charitable Trust for *“farming, grazing, cultivation, cropping or other like purposes.”* In this case it is considered that a community garden is a sufficiently similar purpose to cropping or cultivation for a lease to be compliant with the Act.

Subsection (2B) authorises leases for up to 33 years with or without a right of renewal, and specifies that leases must contain a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

The area that Taupō Timebank wishes to occupy has been defined and agreed with Council Parks Officers. A plan representing the extent of the area is included at Attachment 1. The area has been unutilised since the Parks Operations staff vacated the depot many years ago and is overgrown and has been used as a dumping ground for many years. Utilisation of this area for a community garden will make good use of an underutilised and neglected area.

Taupō Timebank has not specified the terms of the occupation they need to be able to carry out their objectives. However, they have identified in their grant application that they need sufficient space to enable large scale gardening, and security for tool storage and to prevent vandalism and theft.

The management of the County Avenue Reserve has been ad-hoc in the last fifteen years or so with no planning or policy to guide decision-making. When the Parks Operations activity vacated the old depot site the buildings were repurposed for use as an incubator for business start-ups (Taupō Venture Centre). However, this did not continue, and the buildings are currently leased to a mixture of community and commercial operations. The management of the buildings falls under Council’s Property Management team, but the management of the surrounding open space is uncertain.

Spa Thermal Park and Riverbank Recreation and Scenic Reserve Management Plan (2000) excludes the County Avenue Reserve and is well out of date in any case. Comments made by Councillors in 2009 indicated that they wanted the future use of this land investigated but for various reasons this has not occurred.

Based on this information it is considered that there are five options (including status quo or do nothing option).

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

The proposed options are as follows:

1. Decline to grant a new lease and require Taupō Timebank to remove all improvements.
2. Grant a lease for the area identified for a term of five years with no automatic rights of renewal.
3. Grant a lease for the area identified for a term of five years with a right of first refusal for a further term or terms.

**Option 1. Decline to grant a new lease and require removal of all improvements**

Taupō Timebank are relying on the use of the previously unused land behind the units occupied by LakeLocal Limited for the development of the community garden and have already developed activities, improvements and social media ([www.taupotimebank.org](http://www.taupotimebank.org)) on or referring to this location. Declining the lease and requiring Taupō Timebank to vacate the land would make it very difficult for them to achieve their stated objectives unless they were able to find an alternative location.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Maintains maximum flexibility for Council to use the area for another purpose.</li> </ul>	<ul style="list-style-type: none"> <li>• Taupō Timebank would lose the ability to develop the community garden along with the programme of educational activities and community benefits that are based around it.</li> <li>• Loss of the improvement works that Taupō Timebank has done to make the reserve more suitable for their purposes.</li> </ul>

**Option 2. Grant a lease for the area identified for a term of five years with no automatic rights of renewal**

Option 2 would allow Taupō Timebank to develop and use the site on the basis that they have security of tenure for five years. This would give them the ability to get established but they would still have no ability to plan beyond this date as they would have no security of tenure. If they wished to continue, they would be relying on negotiation of further terms subject to Council policy at the time. This option gives Council the ability to utilise the space for another activity in the relative short-term, should through a planning process, a preferred use is identified.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides security of tenure for the licensee for five years.</li> <li>• Allows Council to keep its options open beyond the initial term to change the use of the reserve or decline to grant further terms to the lessee for any reason.</li> </ul>	<ul style="list-style-type: none"> <li>• The lessee would have no security beyond the first five years which would make it difficult to plan or invest.</li> <li>• The lessee would potentially be constrained in what they could achieve in five years.</li> <li>• The lessee would potentially lose the improvements</li> </ul>

	works that they established in the first five years with no compensation.
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**Option 3. Grant a lease for the area identified for a term of five years with a right of first refusal for a further term or terms**

Option 3 would be a suitable option if Council is satisfied that the lessee will be a suitable tenant but doesn't want to commit to the long term use of County Avenue Reserve for this purpose. Including a right of first refusal in the licence means that Council can decide at the end of each term whether or not to grant a lease for a further term for a community garden on the County Avenue reserve. If Council wishes to continue with this activity in this location, and the lessee has complied with the lease terms and conditions, Council must offer the lease to the incumbent.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides security of tenure for the lessee for five years, but some uncertainty beyond then.</li> <li>• Allows Council to keep its options open beyond the initial term to change the use of the reserve i.e. not offer a further lease for this activity.</li> <li>• Having a right of first refusal incentivises good performance from the lessee as they are more likely to receive a further term if the community garden is a success.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not provide as much certainty for the lessee as a right of renewal.</li> </ul>

Analysis Conclusion:

On the basis of the analysis of options, the preferred option is Option 2 where a lease is granted for a term of five years with no automatic rights of renewal.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Whakahāngai ki tā te Kaunihera wawata | Alignment with Council's Vision**

Council's vision is 'to be the most prosperous and liveable district in the North Island'. 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.

**Ngā Aronga Pūtea | Financial Considerations**

The proposal has no anticipated financial impact on Council.

**Ngā Aronga Ture | 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 social, and cultural outcomes in particular are of relevance to this particular matter.

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the relevant matters for consideration are as follows:

Authorisations as follows are required for the proposal:

- Resource Consent     Building Consent     Environmental Health
- Liquor Licencing     Licence to occupy     Lease

Authorisations are not required from external parties.

Under the proposed lease the lessee will be subject to all acts, bylaws, regulations, rules and requisitions relating to the Premises and the lessee's use of the Premises.

Reserves Act 1977

The proposed lease is authorised and provided for by section 61 of the Reserves Act 1977.

### **Ngā Hiraunga Kaupapa Here | Policy Implications**

The proposal has been evaluated against the following plans:

- Long Term Plan 2021-2031    Annual Plan    Waikato Regional Plan  
 Taupo District Plan    Bylaws    Relevant Management Plan(s)

The key aspects for consideration with regards to this proposal are as follows:

The proposed lease area is not included in the Spa Thermal Park and Riverbank Recreation and Scenic Reserve Management Plan (2000). However, being a local purpose reserve, it is not necessary to include it in a management plan, and leasing without public notice is not reliant on provision for the lease in a reserve management plan.

### **Te Kōrero tahi ki te Māori | Māori Engagement**

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori, and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

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.

### **Ngā Tūraru | Risks**

The anticipated risks associated with this decision are:

1. Leasing the land makes it unavailable for an alternative purpose that is as yet unknown;
2. The community garden fails or is poorly managed;
3. Taupō Timebank is unable to prosper due to lack of security of tenure beyond five years.

Option 2 limits the risk to Council by ensuring that Council can review the use of the land at the end of each term and is not bound to offer a new lease. Option 3 limits the risk to Timebank placing them in a better position to renew the lease at the end of each term subject to compliance with lease terms and conditions.

### **TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL**

Council's Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is of a low degree of significance.

### **TE KŌRERO TAHI | ENGAGEMENT**

Taking into consideration the above assessment, that the decision is of a low degree of significance, and the statutory public consultation that occurred during the review of the RMP and prior to the last licence term, officers are of the opinion that no further engagement is required prior to Council making a decision to grant the licence.

### **TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA**

Direct communication has been/will be carried out with affected parties/key stakeholders but no wider communication is considered necessary.

### **WHAKAKAPINGA | CONCLUSION**

On balance it is considered that Option 2 is the preferred option.



**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Timebank July 2023