

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

Date:	Tuesday, 22 August 2023
Time:	1.00pm
Location:	Council Chamber 107 Heuheu Street Taupō

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
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- 6 Ngā Kōrero Tūmataiti | Confidential Business
Nil

4.1 ORDINARY TAUPŌ RESERVES & ROADING COMMITTEE MEETING - 4 JULY 2023

Author: Karen Watts, Senior Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the minutes of the Taupō Reserves & Roding Committee meeting held on Tuesday 4 July 2023 be confirmed as a true and correct record.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Taupō Reserves & Roding Committee Meeting Minutes - 4 July 2023 [⇒](#)

5.1 REQUEST TO REMOVE TREES FROM RESERVE ADJOINING 8 WALL STREET, TAUPŌ

Author: Andrew Moor, Parks Manager - Open Space

Authorised by: Greg Hadley, Parks and Reserves Manager

TE PŪTAKE | PURPOSE

To propose the removal of a Golden Totara (*Podocarpus totara 'Aurea'*) and a Kauri (*Agathis australis*) from the stormwater reserve adjoining 8 Wall Street, Taupō.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

The neighbour at 8 Wall Street, Taupō has requested that a Golden Totara and Kauri tree be removed from the adjoining stormwater reserve as they shade their property, and they are concerned they may damage their house should they fall over in a storm event. The trees have been assessed as healthy and showed no signs of failure in recent storm events.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the Taupō Reserves & Roding Committee declines the request to remove the Golden Totara (*Podocarpus totara 'Aurea'*) and a Kauri (*Agathis australis*) from the stormwater reserve adjoining 8 Wall Street, Taupō.

TE WHAKAMAHUKI | BACKGROUND

The proposal has not been presented previously.

The property owner at 8 Wall Street, Taupō has written to Council requesting that the Totara and Kauri trees planted within the reserve adjoining their property be removed [see attachment]. They are concerned that:

- The trees may fall onto their property in a storm event.
- The trees block the afternoon sun and shade their property.
- The trees are becoming smothered by jasmine that will in time kill them.

The owners believe that the trees, that were planted on the reserve prior to 2014 by the previous owner, contradict Council's Tree and Vegetation Policy 2014 in that they are planted within five metres of the boundary.

Policy 1.5 – Planting Near Boundaries on Council Land (excluding Road Reserve)

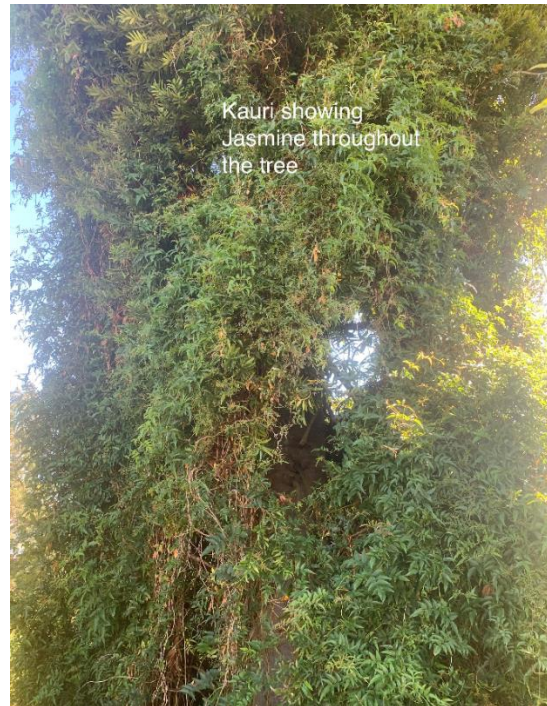
New trees on council and are planted at least five (5) metres from property boundaries.

The base of the trees are approximately 0.5 metres from the surveyed boundary.



As you can see all day shade in our garden. Fencing is incorrect - our actual boundary is 1m further towards the golden totara.

Photograph from owner showing extent of shading.



Kauri showing Jasmine throughout the tree

Photograph from owner showing Jasmine in Kauri.



Location of trees

Council's Contract Arborist has undertaken an assessment of the trees [see attachment] and believes they are healthy, well-formed specimens in an excellent to very good condition. He believes there is no arboricultural justification for their removal.

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.

NGĀ KŌRERORERO | DISCUSSION

The jasmine that the neighbour has highlighted will, if left unchecked, smother the trees. However, the Parks Operations Team can address this by cutting it off at the base and spraying any regrowth.

The trees currently cast a shadow over the lawn of the neighbouring property. Removing the jasmine growth from both trees will alleviate this to some extent by creating a ‘light window’ at the base of the tree.

It is impossible to predict whether these trees will fall in a future storm event, but they did survive Cyclone Gabrielle in February 2023. Native trees grow slower than exotic species and are better adapted to adjusting to a change in conditions. The extensive root systems of the trees will be assisting to stabilise the gully bank, providing protection for the neighbouring property. The previous owner planted the trees within the five metre set back recommended in the Tree and Vegetation Policy 2014 - something the Parks Team would not do now. Rather, an attempt would be made to place them within the gully where they don’t encroach over onto neighbouring properties or block views.

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

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1. Remove the Kauri (*Agathis australis*) and Golden Totara (*Podocarpus totara ‘Aurea’*) from the reserve adjoining 8 Wall Street, Taupō.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Customer happy with uninterrupted view. • Removes shading on customer’s property. • Removes any unknown risk of the trees falling in a storm event. 	<ul style="list-style-type: none"> • Loss of visual amenity on ridgeline. • Loss of carbon sequestration capabilities of the trees. • Loss of cooling in warm summer months. • Loss of ecology and habitat within an urban environment. • Cost associated with tree removals.

Option 2. Retain the Kauri (*Agathis australis*) and Golden Totara (*Podocarpus totara ‘Aurea’*) on the reserve adjoining 8 Wall Street, Taupō. Remove the jasmine vine from both trees.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Maintain bank stability. • No cost associated with tree removals. • Maintain visual amenity on ridgeline. • Maintains carbon sequestration capabilities of trees. • Trees provide cooling during hot summer months. • Maintains ecology and habitat within urban environment. 	<ul style="list-style-type: none"> • Customer not happy with outcome. • Need to continue to monitor trees for health and stability.

Analysis Conclusion:

On analysis it is considered that the best option is to retain the Kauri (*Agathis australis*) and Golden Totara (*Podocarpus totara* 'Aurea') on the reserve adjoining 8 Wall Street, Taupō. Remove the jasmine vine from both 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: Quality.

Ngā Aronga Pūtea | Financial Considerations

The financial impact of the proposal is estimated to be \$2,500 should the trees be required to be removed.

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 environmental well-being is of relevance to this particular matter.

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 but no wider communication is considered necessary.

WHAKAKAPINGA | CONCLUSION

Based on the analysis of the options above it is recommended that the Kauri (*Agathis australis*) and Golden Totara (*Podocarpus totara 'Aurea'*) be retained on the reserve adjoining 8 Wall Street, Taupō. The jasmine vine should be removed from both trees.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Arborist's Assessment, 8 Wall Street, Taupō [⇒](#)
2. Letter from Reserve Neighbour, 8 Wall Street, Taupo [⇒](#)

5.2 OUTDOOR AMUSEMENTS LTD, NORTHCROFT RESERVE – NEW LICENCE TO OCCUPY

Author: Andrew Moor, Parks Manager - Open Space

Authorised by: Greg Hadley, 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 a request for a new licence to occupy for Outdoor Amusements Limited on Northcroft Reserve, Taupō.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Council has received a request from Outdoor Amusements Limited (OAL) for a new licence to occupy part of Northcroft Reserve on a seasonal basis for their family-oriented amusement rides and games. The previous licence commenced in 2018 for a term of five years and expires in mid-December 2023. The licence allows the use of the area identified in Attachment 1 for just over six weeks each summer during the term. OAL has requested a new licence for a term of five years with final expiry in December 2028.

Northcroft Reserve is covered by the Tapuaeharuru Bay Lakeshore Reserves Management Plan (RMP) which provides for this licence by establishing defined concession sites. One of the eight concession sites is for land-based recreation activity on Northcroft Reserve. The RMP allows for a five-year licence term for this activity. However, it is recommended that the license is granted for a three year term to align with the upcoming review of the RMP.

As the RMP provides for a licence to be granted for these activities, the Committee has the authority to grant a licence to OAL without further public consultation provided that it is consistent with the RMP and the Reserves Act.

Two options are proposed:

1. Decline the application for a new licence.
2. Agree to grant a new lease as requested for three years.

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 Northcroft Reserve, Taupō agrees to grant a new Licence to Occupy to Outdoor Amusements Limited for a term of Three years subject to the terms and conditions of the Tapuaeharuru Lakeshore Reserves Management Plan and the Reserves Act 1977.

TE WHAKAMAHUKI | BACKGROUND

Outdoor Amusements Limited (OAL) was incorporated on 4 August 1997 and is owned by David Raymond Mooney from Acacia Bay in Taupō.

Council has received a request from OAL for a new licence to occupy for their summer amusements on Northcroft Reserve. The current licence to occupy commenced in December 2018 for a term of 5 years with final expiry on 14 December 2023. The licence to occupy is for the area identified in Attachment 1.

OAL has requested a licence term of five years with final expiry on 14 December 2028. Activities are described as amusement rides and games for family entertainment. The activity will be open from 21 December to 6 February in each year of the lease term. For the rest of the year the site is empty which gives the grass a chance to recover.

Northcroft Reserve is covered by the Tapuaeharuru Bay Lakeshore Reserves Management Plan (RMP) which provides for this licence by establishing defined concession sites. One of the eight concession sites is for land-based recreation activity on Northcroft Reserve. The RMP allows for a five-year licence term for this activity.

NGĀ KŌRERORERO | DISCUSSION

As the RMP provides for a licence to be granted for land based recreational activities in this location, the Committee has the authority to grant a licence to OAL without further public consultation provided that it is consistent with the RMP and the Reserves Act.

The RMP requires that:

- a) established concession sites and activities are reviewed at the end of each licence term to ensure they are suitable;
- b) only Council approved structures are allowed on established concession sites;
- c) the terms of any licence provide for unrestricted public access except where there are health and safety issues;
- d) Council ensures commercial activities complement other activities within the reserves, protect the environment and have minimal impact on other users' enjoyment; and
- e) Concession applications are assessed against the following criteria as a minimum: record of previous experience, profile of proposal, environmental and recreational impact and compliance with other relevant agency's policies.

Northcroft Reserve has been used for this activity (seasonal amusements) for approximately fifteen years. The activity is well established and although it wears out the grass on the site where it is located, the grass recovers during the remainder of the year as the site isn't used for anything else. There is adequate parking around Northcroft Reserve and on the lake side of Lake Terrace. The activity runs smoothly and does not create any issues for Council. The activity is fenced for safety and security purposes. The licensee has complied with all requirements to date and is providing a valuable seasonal holiday activity for both visitors and local residents.

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 a new licence.
2. Agree to grant a new licence as requested for three years.

Option 1. Decline the application

There is little justification for Option 1 given that Council has previously granted a licence for this activity and that the RMP provides for a licence to continue. Council does have discretion but would need to have a good reason to decline a further licence.

Advantages	Disadvantages
<ul style="list-style-type: none"> • No further work required from Council 	<ul style="list-style-type: none"> • Loss of a popular seasonal holiday activity for both visitors and local users.

Option 2. Agree to grant the licence for three years

OAL has requested a new licence for five years which is consistent with the previous licence and the RMP. If granted, the new licence would be largely on the same terms and conditions as the previous licence.

Advantages	Disadvantages
<ul style="list-style-type: none"> • OAL will have the security of tenure they need to plan, fund, and operate on the site in accordance with the provisions of the RMP and the licence for five years. • The activity will continue to be available to visitors and local residents for a further five years. 	<ul style="list-style-type: none"> • None foreseen

Analysis Conclusion:

On the basis of the analysis of options, the preferred option is Option 2 where the licence is granted for 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 as recommended by a Registered Valuer.

Ngā Aronga Ture | Legal ConsiderationsLocal Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. 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 licence the Licensee will be subject to all acts, bylaws, regulations, rules and requisitions relating to the licensed area and the Licensee's use of the licensed 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 licence is consistent with the Tapuaeharuru Bay 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.

There is no anticipated need for specific consultation with hapū in this case as the activity is well established and a new licence is not expected to result in any changes.

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, 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. Map of Licence to Occupy area [↔](#)

5.3 TAUPŌ MINI GOLF, NORTHCROFT RESERVE – NEW LEASE

Author: Andrew Moor, Parks Manager - Open Space

Authorised by: Greg Hadley, 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 a request for a new lease for Taupō Mini Golf on Northcroft Reserve, Taupō.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Council has received a request from Taupō Mini Golf Limited (TMGL) for a new lease for their mini-golf course on Northcroft Reserve. The current lease was granted in 2009 for a term of five years with two further rights of renewal of five years each. The final term is due to expire on 31 January 2024. The lease is for the area identified in Attachment 1. TMGL has requested a new lease term of six years with three rights of renewal of six years and a further and final right of seven years making a total lease term of 25 years with final expiry on 31 January 2049.

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

Three options are proposed:

1. Decline the application for a new lease.
2. Agree to grant a new lease as requested for six years with three further rights of renewal.
3. Agree to grant a new lease for a different term.

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 Northcroft Reserve, Taupō agrees to grant a new lease to Taupō Mini Golf Limited for a term of six (6) years with two (2) further rights of first refusal for six (6) years and a final right of first refusal for seven (7) years subject to the terms and conditions of the Tapuaeharuru Lakeshore Reserves Management Plan and the Reserves Act 1977.

TE WHAKAMAHUKI | BACKGROUND

TMGL was incorporated on 6 May 2009 and is owned by Bailey Ingham Trustees Limited and Susan Boshier.

Council has received a request from TMGL for a new lease for their mini-golf course on Northcroft Reserve. The current lease was granted in 2009 for a term of 5 years with two further rights of renewal of five years each. The final term is due to expire on 31 January 2024. The lease is for the area identified in Attachment 1.

TMGL has requested a lease term of six years with two rights of refusal of six years and a further and final right of refusal for seven years making a total lease term of 25 years with final expiry on 31 January 2049. The lessees do not require any change to the lease area or permitted use. They have not identified any plans for improvement or redevelopment of the mini-golf course or associated improvements.

Northcroft Reserve is covered by the Tapuaeharuru Bay Lakeshore Reserves Management Plan (RMP) which provides for this lease. The policy in the RMP is to "Allow leases to the Lake Taupō Yacht Club, Taupō Mini Golf and Lake Taupō Sea Scouts to continue at Council's discretion". The RMP does not place a limit on the lease term.

All new 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 provides for a lease to be granted for these activities, the Committee has the authority to grant a lease to TMGL without further public consultation provided that it is consistent with the RMP and the Reserves Act.

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 the application for a new lease
2. Agree to grant a new lease as requested for six years with three further rights of refusal
3. Agree to grant a new lease for a different term

Option 1. Decline the application

There is little justification for Option 1 given that Council has previously granted a lease for this activity and that the RMP provides for lease to continue. Council does have discretion but would need to have a good reason to decline a further lease. There is no evidence that the lessee has not been compliant with the current lease.

Advantages	Disadvantages
<ul style="list-style-type: none"> • No further work required from Council 	<ul style="list-style-type: none"> • If a further lease is not granted beyond the expiry of the current lease, the lessee will have no security of tenure and may be required at any time (subject to the terms of the current lease) to remove their improvements. • Loss of a popular activity for both visitors and local users.

Option 2. Agree to grant the lease as requested

TMGL has requested a new lease for six years with three further rights of refusal making a total lease term of 25 years. The current lease is five years with two renewal terms of five years each making a total of fifteen years. Otherwise it is anticipated that the lease will be largely on the same terms and conditions as the current lease including the lessees, guarantors and lease area.

Advantages	Disadvantages
<ul style="list-style-type: none"> • TMGL will have the security of tenure they need to plan, fund, develop and operate the site in accordance with the provisions of the RMP and the lease for 25 years. • The mini-golf activity will continue to be available to visitors and local residents for 25 years assuming that the business continues to be sustainable. 	<ul style="list-style-type: none"> • The reserve will be tied up potentially for 25 years for the Mini Golf activity and associated infrastructure.

Option 3. Agree to grant the lease but with a different term

The RMP does not specify a lease term. The Committee may consider that a shorter term is more acceptable. A recent precedent is the Hole in One lease which was granted for an initial term of fifteen years with two further rights of first refusal. The intention behind this shorter term is to keep options open for the future use of this area. The current lease is five years plus two further terms of five years. A term of fifteen years is proposed with no further rights of renewal.

Advantages	Disadvantages
<ul style="list-style-type: none"> • TMGL will have the security of tenure they need to plan, fund, develop and operate the site in accordance with the provisions of the RMP and the lease for 15 years. • The mini-golf activity will continue to be available to visitors and local residents for 15 years assuming that the business continues to be sustainable. 	<ul style="list-style-type: none"> • The applicants will not have the long-term security that they are requesting.

Analysis Conclusion:

On the basis of the analysis of options, the preferred option is Option 2 where the lease is granted with the term requested.

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.

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 lease 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 is consistent with the Tapuaeharuru Bay 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.

There is no anticipated need for specific consultation with hapū in this case as the activity is well established and a new lease is not expected to result in any changes.

Ngā Tūraru | Risks

There is a risk with Option 2 that Council may wish to change the use of the leased area on Northcroft Reserve within the 25 year lease term. If this occurred Council would have to wait until the final term expired in 2049 to be able change the use of the reserve. Option 3 would partially mitigate this risk by imposing a reduced lease term. However, the risk of this occurring is low and it is unlikely that Council would wish to resume use of the lease area for another purpose.

There is also a risk that the mini-golf course deteriorates during the lease term under current or future management (if the lease is assigned). Recent reviews of the course are very good and provisions could be included in the lease (assignment and renewal clauses) to reduce the risk of poor management.

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. Taupō Mini Golf Lease area [⇒](#)

5.4 MINISTERIAL CONSENT TO PRIVATE RIGHT OF WAY OVER LOCAL PURPOSE RESERVE (ROAD) FOR 16 & 18 CHAD STREET, RAINBOW POINT

Author: Karyn Hollman, Senior Solicitor

Authorised by: Nigel McAdie, Legal and Governance Manager

TE PŪTAKE | PURPOSE

To have Council, acting under delegation from the Minister of Conservation, consent to a right of way easement over a Council reserve under section 48(1) of the Reserves Act 1977 in favour of adjoining private land that is being developed by 18 Chad Street Limited. Council has delegated this function to the Taupō Reserves and Roothing Committee.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

18 Chad Street Limited is developing 16 and 18 Chad Street, Rainbow Point, as a residential apartment block. The development needs vehicular access across a Council reserve (Lot 69) to adjoining Chad Street. Council's consent is needed to legal easements being granted because the affected land is local purpose reserve (road).

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the Taupō Reserves & Roothing Committee:

1. gives Ministerial consent to the grant of a private right of way over (local purpose reserve) Lot 69 DP 375151 (shown A and B on Land Transfer Plan 592158) in favour of Lot 1 DP 375151 and Lot 2 DPS 10208 pursuant to section 48(1) of the Reserves Act 1977; and
2. authorises the Chief Executive and Mayor to sign the requisite certificate on behalf of Taupō District Council.

TE WHAKAMAHIKI | BACKGROUND

The proposal has not been presented previously.

NGĀ KŌRERORERO | DISCUSSION

18 Chad Street Limited's development is permitted by resource consent RM230015 and land use consent RM1500446A.

Condition 7 of RM230015 requires a right of way to be granted over those parts of Lot 69 shown A and B on Land Transfer Plan 592158; and Conditions 28 and 34 of RM150046A specify the design and standard of construction, and terms of easement, that secure to Council control over what may and what may not be established on the reserve.

These conditions require the formation of a vehicle crossing and a sealed driveway with suitable kerbing and channelling, as approved by Council's Infrastructure Manager, within the areas of Lot 69 shown A and B on Land Transfer Plan 592158 (shown coloured yellow in the first diagram on the next page).

By s 48(3) of the Reserves Act, public notice of Council's intention to grant an easement over reserve is not required where the easement is unlikely to materially alter or permanently damage the reserve or the public's rights in respect of it.

The reserve is classified for road purposes. Areas A and B comprise 26.4% of Lot 69. The surface of these areas has been compacted and hard filled with clean stone, and other parts of Lot 69 are formed with a sealed path (see photos on next page). The situation will be enhanced for road purposes by the establishment of a sealed driveway, vehicle crossing and landscaping over Areas A and B.

Scheme plan of Areas A and B in yellow, with new development on the left

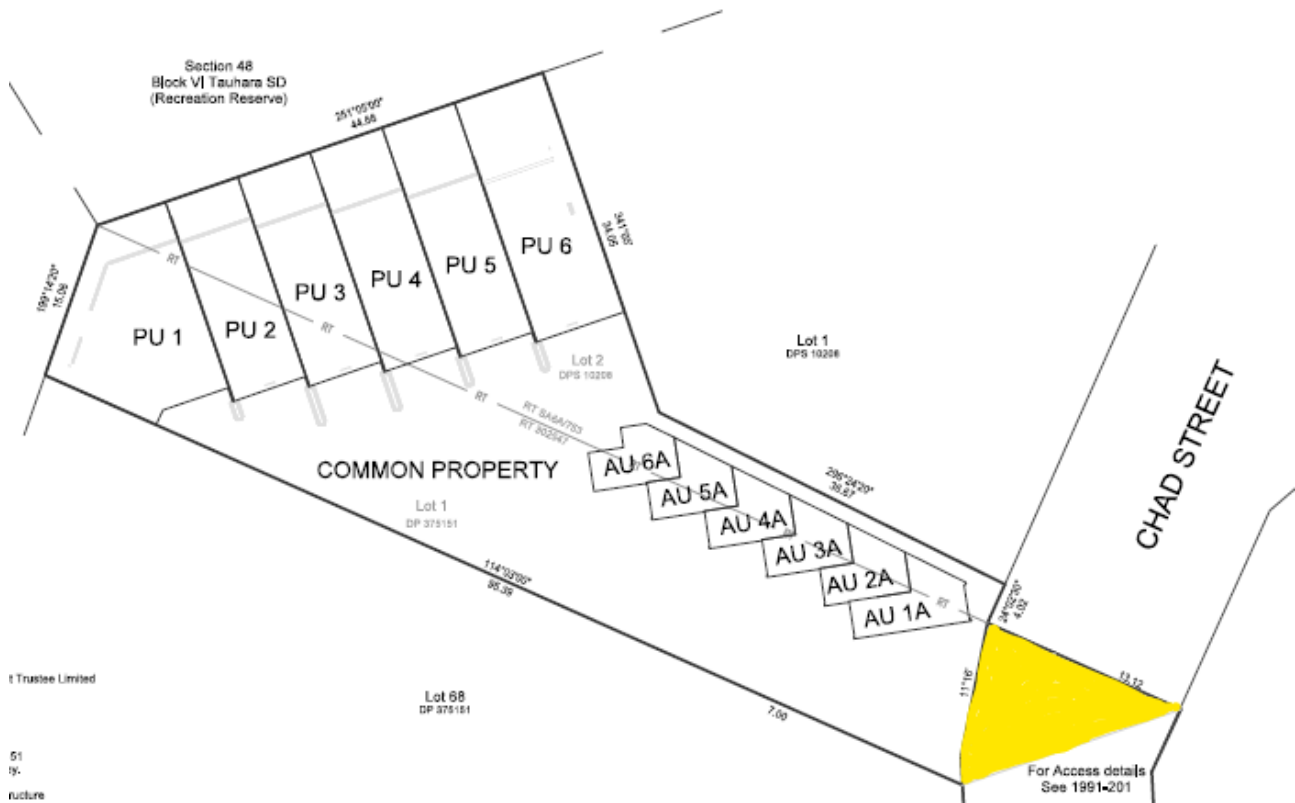


Photo looking north toward the end of Chad Street, with new development on the left.



Photo looking south from the end of Chad Street, with new development on the right.



Bearing in mind the reserve classification and location of areas A and B, the nature of the surface improvements, and the specific terms of easement required, council officers believe the reserve, and the public’s rights in respect of it, are unlikely to be adversely affected by the creation and proper use of the easements. For those reasons, we believe public notice is not required.

Therefore, there are two options.

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1: Do not give Ministerial consent to the grant of private easements over Lot 69 DP 375151

Advantages	Disadvantages
<ul style="list-style-type: none"> None known. 	<ul style="list-style-type: none"> 18 Chad Street Limited cannot satisfy the conditions of RM230015 and RM150046A. 18 Chad Street Limited cannot legitimise the installation and use of the right of way needed to development its land and have new unit titles issue. 18 Chad Street Limited is at risk of defaulting on its obligations to purchasers under existing sale agreements.

Option 2: Give Ministerial consent to the grant of private easements over Lot 69

Advantages	Disadvantages
<ul style="list-style-type: none"> • 18 Chad Street Limited can satisfy the conditions of RM230015 and RM150046A . • 18 Chad Street Limited can proceed with its residential development and have new unit titles issue. • 18 Chad Street Limited can settle existing sale agreements. 	<ul style="list-style-type: none"> • None known.

Analysis Conclusion:

The preferred option is **Option 2: give Ministerial consent to the grant of private easements over Lot 69.**

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 proposal: World Class; Vibrant; Quality; Resilient and Value.

Ngā Aronga Pūtea | Financial Considerations

The financial impact of the proposal is estimated to be Nil. The costs pertaining to the easements are to be met by the developer.

Long-term Plan/Annual Plan

There is no expenditure to be budgeted for.

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 wellbeing of communities in the present and for the future. It is considered that social and economic wellbeing are relevant to this matter.

The proposal has been evaluated with regards to the relevant legislation. Applicable to this proposal is the Reserves Act 1977, and the following are relevant matters to consider:

1. Section 48(1) of the Act permits an administering body of a reserve to grant easements over any part of a reserve vested in that administering body for the purposes of *inter alia* providing access with the consent of the Minister of Conservation.
2. Pursuant to section 10 of the Act, by instrument of delegation dated 12 June 2013, the Minister of Conservation delegated to Council the Minister’s powers under s48(1) in respect of reserves vested in Council as the administering body.
3. Lot 69 is vested in Council as local purpose reserve for road purposes.
4. Section 48(2) requires public notice of the intention to grant such easements unless the circumstances in s 48(3) of the Act exist. In this case we believe the circumstances in s48(3) Act do exist, bearing in mind the purpose of the reserve, the current state of the reserve, the nature of the proposed improvements, and the terms of the legal easements.
5. The proposed easements are to be granted on terms consistent with specific consent conditions, and first approved by Council’s Infrastructure Manager.

Authorisations are not required from external parties.

Ngā Hiraunga Kaupapa Here | Policy Implications

There are no known policy implications.

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.

The report author has considered the above obligations and concludes that no engagement with Māori is required in this instance.

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 considered 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

No communication/media required.

WHAKAKAPINGA | CONCLUSION

Given the circumstances of Lot 69, and the nature and function of the surface improvements required for the easement, it is proper for the Taupō Reserves and Roading Committee to consent to the proposed private right of way over Areas A and B on Land Transfer Plan 592158 in favour of the land at 16 and 18 Chad Street at Rainbow Point being developed by 18 Chad Street Limited.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil