



**I give notice that
an Extraordinary Fences, Roading, Reserves & Dogs Committee
Meeting will be held on:**

Date:	Tuesday, 18 July 2017
Time:	10.00am
Location:	Council Chamber 72 Lake Terrace Taupo

AGENDA

MEMBERSHIP

Chairperson	Cr Barry Hickling
Deputy Chairperson	Cr John Williamson

Members	Cr John Boddy Cr Anna Park Mayor David Trewavas Vacancy
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Quorum	3
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Gareth Green
Chief Executive Officer

Order Of Business

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- 2 Conflicts of Interest**
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Nil

3.1 FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 23 MAY 2017

Author: Tina Jakes, Democracy & Community Engagement Manager

Authorised by: Brian Fox, Group Manager: Corporate and Community

RECOMMENDATION(S)

That the minutes of the Fences, Roding, Reserves & Dogs Committee meeting held on Tuesday 23 May 2017 be confirmed as a true and correct record.

ATTACHMENTS

1. Fences, Roding, Reserves & Dogs Committee Meeting Minutes - 23 May 2017 [⇒](#)

4.1 PROPOSED WAKA AMA STORAGE BUILDING ON COUNCIL ADMINISTERED LAND AT FERRY ROAD

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To decide on approval of a proposed storage building for the Waka Ama and Rowing Clubs for Council administered reserve land that they occupy on the lakefront at Ferry Road.

DISCUSSION

At the FRRd meeting of 23 May 2017 this committee approved a licence to occupy extension for the Taupō Rowing and Waka Ama Clubs for the land they currently occupy at the lakefront next to the Yacht Club on Ferry Road. At that meeting discussion was held around a proposed storage building. The committee requested that any approval for such a building be presented to them in the form of a formal report.

The Waka Ama club have presented details on the proposed building and location to officers. The location proposed is up against the bank, immediately adjacent to the existing boat pen as indicated below. The indicated area shows the approximate footprint which the building would occupy.



The building is modestly sized at 2.4m x 2.4m. The construction will be of the same style as the building already in place up by the harbour masters office (see image below). Being smaller in size it will have 1m double doors to the front and no windows. The building is not unattractive and the finish and colours will help it to blend into the vegetation growing up the bank behind the proposed location.

The club will be responsible for all costs associated with construction and ongoing maintenance; and will be responsible for obtaining any necessary consents which may be required to construct such a building.

**CONCLUSION**

The proposed building will help the club to store necessary rowing equipment such as paddles and lifejackets on site. The appearance is not incompatible with the existing adjacent developments and should blend quite well into the bank vegetation.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee approve the construction of a storage building by the Taupō Waka Ama Club as described in this report on the Council administered land they currently occupy under a licence to occupy on the lakefront at Ferry Road.

ATTACHMENTS

Nil

4.2 TAUPŌ ROWING CLUB PROPOSAL

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To consider the proposal from the Taupō Rowing Club to move from their current site at Ferry Road to an alternative site on the Taupō lakefront.

DISCUSSION

Taupō Rowing Club currently occupy a site with Taupō Waka Ama on Council administered land at Ferry Road, Taupō. They would like Council to consider the possibility of them moving to an alternative location next to the Sea Scouts hall on Council administered land. Duncan Brown from the Taupō Rowing Club has prepared a short presentation on the proposal to be presented during this committee meeting.

CONCLUSION

The proposal from the Taupō Rowing Club is not inconsistent with existing or proposed uses of this type of Council administered Reserve land.

RECOMMENDATION(S)

That the Fences, Roding, Reserves & Dogs Committee receives the presentation from the Taupō Rowing Club.

ATTACHMENTS

Nil

4.3 LEASE REVIEW REQUEST - TAUPŌ MARKET AT RIVERSIDE PARK, TAUPŌ

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To decide on varying the licence to occupy of the Taupō Market at Riverside Park to reflect changes and the current situation.

EXECUTIVE SUMMARY

The operators of Taupō Market at Riverside Park in Taupō have requested that Council adjust their licence to occupy to reflect their current concerns. Over the course of the licence agreement the occupation has changed and evolved to such an extent that it probably makes sense to re-evaluate the licence and to decide on the future management of the Taupō Market on Council administered land.

The market appears to be a successful enterprise, and has evolved to a point where it is no longer easily accommodated under the current conditions on the current site at Riverside Park. It is recommended that consideration is given to finding an alternative site for the Taupō Market which is better suited for the current purpose and any possible future evolution.

RECOMMENDATION(S)

That the Fences, Roothing, Reserves & Dogs Committee confirms the following variations to the current licence agreement for Monika and Hermann Geister

- *Insert changes here*

Or

That the Fences, Roothing, Reserves & Dogs Committee declines to make any changes to the current licence agreement for Monika and Hermann Geister.

Or

That the Fences, Roothing, Reserves & Dogs Committee commits to enforcing the conditions of the current licence agreement including moving the activity to the originally agreed licence area on the lower terrace of Riverside Park.

Or

That the Fences, Roothing, Reserves & Dogs Committee seeks an alternative location to accommodate the Taupō Market activity of Monika and Hermann Geister and instructs officers to carry out all necessary steps to facilitate this including termination of the current lease at the appropriate time and signing of a new lease to be negotiated by the Chief Executive.

BACKGROUND

The proposal has not been presented previously.

Monika and Hermann Geister wrote to Council requesting that the licence that they currently hold to occupy council land at Riverside Park be “adjust[ed]...to reflect our current situation and location” [Attachment 1].

The current licence to occupy was granted to Sue Rauch on 1 January 2013 for a period of 5 years [Attachment 2]. A subsequent variation extended the licence term by a further two years so that the final expiry would be 31 December 2019 and brought in a non-operating clause for specific events [Attachment 3]. Upon expiry of the current licence, Council is under no obligation to renew the licence, or to offer a new licence to the current operators.

A deed of assignment was completed effective 1 June 2015 assigning the licence to occupy to Monika and Hermann Geister.

The Geisters are seeking council approval for a number of variations to the licence:

- Change the licence area

- Change the name from Riverside Market to Taupō Market [presumably on the sign at the park boundary]
- Change the Assignee to Taupō Market Ltd

They are also seeking discussion around what they perceive to be other priorities for them:

- Ongoing site care
- Site maintenance
- Cleaning and upkeep of site and buildings
- Their perception of “pressure being applied so other events get priority”

There have been ongoing discussions between council officers and Taupō Market for some time which does not appear to have resolved Taupō Market’s issues around this licence to occupy.

Taupō Market would like to ensure future growth with planned investments in signage, tables, seating, storage and marketing. To this end they are seeking a secure agreement with council which addresses their concerns.

DISCUSSION

There is no doubt that the Taupō Market is a successful operation. In certain respects the market is however, a victim of its own success. The scope and scale of the use, including numbers of stalls and visitors has put significant pressure on the currently occupied site.

As the Taupō Market have initiated a desire a review the current terms of the licence to occupy, it seems that it also a good opportunity to appraise the current operation and suitability of the activity for this particular site, considering not only Taupō Market’s concerns, but the views of Council as well.

Wherever possible, it appears that Council officers have tried to accommodate the current and previous market owners to help them make the market as successful as possible. It has come to a point now though, where continued accommodation of their requests has started to negatively impact the use of the park and operational maintenance of the park. Further changes to move the activity even further away from the documented licence agreement is undesirable and will likely lead to unresolvable conflicts if not addressed.

It should be noted that the site which is currently occupied is not in fact the area which is identified as the official occupation site in the current licence to occupy. The licenced area is identified red below; and the currently occupied area is identified yellow. In addition, on most weekends council officers provide additional carparking on the Tongariro North part of the park (blue below) except on the rare occasion when weather makes it unusable for vehicle access. In order to try and accommodate the markets desires and help them out, they have been permitted to operate from the altered site; even though it was not the licenced area under the agreement. It is clear that this site was never the intended location for the market at the outset of the licence agreement, and is a site which has evolved due to the market’s desires for a location different to the originally agreed site.



The main point of discussion around the current use of this area is the conflict which arises between the Taupō Market's desire to establish a sense of ownership over their current location, their desire for year round uninterrupted use of the site and the Council's requirements to be able to maintain the site and the designation of Tongariro Domain and Riverside Park as the premier events space in Taupō.

What this means, is that there are times of the year when the market is required to either not operate, or relocate to an alternative site. This is to accommodate major events and to enable our operations staff to carry out necessary maintenance on the park grounds. The operators of the Taupō Market consider that the site was established specifically to build a town market, and see this displacement as an "eviction" which they are deeply unhappy about. They also feel that they should be able to decide when ground maintenance should take place on the site. Officers have been unable to locate any documented information to support this view.

There are a number of clauses in the licence agreement which address those matters which Taupō Market have raised. In some instances these clauses do not appear to have been given adequate consideration.

Maintenance.

- 13.4 *The Licensor is responsible for keeping the licence area maintained to the same standard as the surrounding Riverside Park. The Licensee shall meet the cost of any additional maintenance required as a result of their activities, or to improve the standard of the licence area over and above that provided on the remainder of the reserve.*
- 13.5 *The Licensee shall keep and maintain the Licensed Area in good order and tidy condition fair wear and tear excepted.*

If Taupō Market expect the Council to provide maintenance services for the area, the licence indicates that Taupō Market should meet those costs, or indeed carry out the maintenance themselves. It is not apparent that this has ever happened. This requires council's operations department to attempt to repair the damage to the grounds from the extensive regular use of the grounds. Without adequate rest for the grounds, it is a practical impossibility to remediate the grass, grounds and other vegetation on site.

Suitability of site.

- 17.1 *The Licensor does not warrant that the Licensed Area is or will remain suitable or adequate for the Licensee's purposes. All warranties as to suitability and adequacy implied by law are expressly negated to the full extent permitted by law.*

In no way does Council guarantee that the site is, or will remain suitable for the uses of the site employed by Taupō Market.

Right to occupy.

- 1.1 (n) *Operating Hours means Saturdays 7.00am to 2.00pm excluding Taupō cycle challenge and Taupō Iron Man event weekends which are non operating days.*

- 27.1 *The Licensee acknowledges that:*

- a) *The Licensee's rights under this licence are in personam rights only;*
- b) *The granting of this licence does not create a lease or an interest in land relating to the Licensed Area; and*
- c) *The granting of this licence does not confer on the Licensee any rights of exclusive possession of the Licensed Area (other than during the Operating Hours).*

Taupō Market has no official rights to the site outside of those times specified in the licence agreement – those currently being Saturday 7.00am to 2.00pm. In practice it is common for stall holders to begin set up of their stalls at 6.00am on market day. Council has also regularly given permission for the market to operate on Sundays when requested by the market, as well as finding alternate locations for the market to operate during non-operational weekends [typically the school site on Horomatangi Street with the agreement of the Board of Trustees].

Displacement.

- 29.1 *The Licensee may be displaced from the licence area during the Operating Hours on a maximum of four occasions per annum. During these displacements, the Licensee may choose to operate the market on the licence area on the following Sunday, or relocate the licence to the Tongariro Domain (if available), or cancel the market.*
- 29.2 *The Licensor may advise the Licensee that the licence area will not be available for use on the following Sunday. This may occur on no more than two of the four allowable displacements.*
- 29.3 *The Licensor shall give the Licensee at least a month's notice of such displacements, and the Licensee shall advise the Licensor of their intentions at least two weeks prior to the displacement.*
- 29.4 *The Licensor shall provide public notice of displacements in the form of on-site signage and promotion via social media.*
- 29.5 *Where the Licensee has advised the Licensor that they intend to operate the market on the licence area on a Sunday due to a displacement, the Licensor shall ensure that the licence area is clean and tidy and fit for use.*

On occasion, there are events operating on the park which require the market to be displaced. In the event of these occasions council has informed Taupō Market well in advance and has endeavoured to find alternate locations for the market to operate from.

Every attempt has been made to accommodate the activities of the market, from allowing uses outside of the agreed parameters of the licence agreement, undertaking ongoing unscheduled maintenance of the site, providing signage and seeking alternate locations for operation during non-operational or displacement days.

It is the opinion of officers that the market, while hugely successful, may no longer be suitable for the site that it currently occupies on Riverside Park. The success and expansion of the market has led to a number of difficulties that the current site finds it difficult to deal with, including:

- Use has outgrown the site
- Traffic and parking complications due to lack of designated parking and the proximity to the primary main road access into and through Taupo
- The operations team cannot carry out the necessary ground maintenance without recovery time
- Existing facilities are struggling to accommodate the numbers of visitors (e.g. toilets and vehicles)
- Accessibility to and through the site is not designed for this activity, especially on this scale with the number of vehicles and users which are present on site from stall-holders and visitors

In addition, the ongoing promotion of Taupō as an “events capital” means that one of the primary drivers for Council is to accommodate and improve the events experience for the district. Tongariro Domain and Riverside Park are currently the cornerstone of the events experience and the primary resource for holding events in Taupō. If Council wishes to continue pursuing this avenue of promotion for the district; then the expansion of events and market activities will (and have) inevitably led to conflicts over the limited time and space available on the park.

It appears that there is no desire to cease the events promotion of the district, or to displace major events from the park. In this circumstance it is inevitable that the market will continue to be displaced from this site, and that more events will desire to be held on the park. In addition, many of these major events require multiple days to set up and break down the infrastructure for the event, which makes it impossible to accommodate the market immediately following the event. The currently designated non-operational days are:

- Ironman
- Lake Taupō Cycle Challenge

The currently identified displacement days, of which there are a maximum four occasions per annum with one month notice are:

- Ironman 70.3
- Taupō Summer Concerts x 2

Other possible current known events which might benefit from a market displacement day are:

- Sika Show
- Home and Garden Show
- Winter Festival

It is however, only possible to cater for one more event which would require displacement of the market this year.

With these concerns in mind, officers believe that the best solution may be to find an alternative location for the Taupō Market. Any such site would need to take into account a number of requirements which would contribute to the ongoing success of the market, including:

- More security of use (i.e. minimal displacement potential) for the market
- Able to be used for the market activity
- Have adequate nearby facilities including parking and toilets
- Be relatively central to town with easy pedestrian and vehicle accessibility
- Be an attractive site
- Have long-term viability for this use
- Be supported by potential neighbours
- Possible nearby power source

Officers have taken into account these requirements and have come up with some alternative sites for discussion which may be suitable for the markets ongoing operations. Some of these locations cater to each

of these requirements to a greater or lesser degree, with each of them offering a unique opportunity for operations.

Sites currently under consideration are: The original licence area at the lower terrace of Riverside Park, Spa Thermal Park, Owen Delany and Northcroft Domain. The preferred location if the market was to be move is Northcroft Domain to the south of the mini-golf activity. It is felt that this site offers the best blend of all the above considerations.

This park has a current concession for the segway operation which expires this year. The only other regular use is once annually by the offshore powerboat event. It is considered that both of these activities could be accommodated in other locations. These parties and the mini-golf operation have not been approached for comment at this stage.

A weighted appraisal of potential sites is included below.

	Usage Security	Suitable	Facilities	Access	Attractive	Long Term Viability	Power Possible	Adjacent People	Town Proximity	Weighted Score
Weighting	10	30	10	10	5	20	5	5	5	
Riverside Upper		X			X		X	X	X	50
Riverside Lower		X			X		X	X	X	50
Spa Park	X	X	X	X	X	X		X		90
Owen Delany		X	X	X			X			55
Northcroft Domain	X	X	X	X	X	X	X	?	X	95-100

Northcroft Domain and Spa Park are the best candidates from this assessment, although the proximity and overall visibility of Spa Park is a drawback compared to Northcroft Domain.

A summary of the main advantages and disadvantages of Northcroft Domain as a potential market site are indicated in the table below.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Lakefront location highly visible, accessible and attractive • Easy access for pedestrians and vehicles • Infrequently used for events (powerboats once per year which could be accommodated elsewhere, and very infrequently for petanque) • Close to existing toilets across road at Kaimanawa Reserve • Close to CBD • Proximity to power • Can be developed specifically for market use • Relatively easily developed for purpose e.g. lighting, power, paths, fencing, signage etc. • Can be used all year around, most probably even during existing non-operation and displacement days 	<ul style="list-style-type: none"> • Would result in costs to prepare site for occupation (would need to invest in Tongariro Domain if market were to remain as well though) • Would need to find alternative venue for Segway operation if their licence is renewed • Proximity to relatively busy road • Constrained site has absolute limit on size • Can be exposed to weather in certain conditions

The Northcroft domain site is approximately 6,500m². This compares to the available area at Riverside of between 4,000 and 11,000m² on the top terrace depending on which space is used and up to 7,500m² on the lower terrace in the original agreement. These areas however are compromised by landform, roads and vegetation which the Northcroft Domain site is not as limited by; meaning that the Northcroft Domain site is much more usable and easy to develop.



Northcroft Domain location



View across Northcroft toward the lake



View across Northcroft towards Mt Tauhara

If Taupō Market is to stay on at the current Riverside Park site, the terms of use should be revised or enforced to take into account the concerns of Taupō Market and Council.

The existing licence agreement is pretty clear in terms of what is included in the agreement, but could be varied to include concerns unforeseen at the outset of the agreement. Regardless of the location of the market, these could include:

- Location [upper or lower terrace of Riverside Park or elsewhere in town]
- Clarification of expectations for:
 - Exclusive occupation [not recommended]
 - Lease term
 - Hours of operation
 - What is included in terms of services provided by council to Taupō Market
- Annual licence fee suitability and rent review dates [currently only one provided for in 2016]
- Cap on market footprint size and number of vendors
- Power supply provisions and charges
- Event signage, signage locations and who is responsible for signage
- Displacement provisions and non-operating days
- Maintenance windows for ground rehabilitation
- Car parking options
- Future site development
- Sanitation and facilities requirements, provision and maintenance responsibilities and costs

The current Tongariro Domain Reserve Management Plan [of which riverside Park is a part] contains policies around leases, licences, commercial activities and events. While the plan was created in 2005, it anticipated the closure of the motor camp and the development of the amphitheatre space and Riverside Park; providing a high level development plan for the site. This plan did not include a market. It was indicated in this plan that no new licences would be considered [the market was not identified as a lease or licence at this time]. In addition, extensions of existing licences would not be considered where there is clear evidence of limits to their potential growth, it compromised reserve values or existing or proposed activities or had an impact on the potential future development of the reserve. It could reasonably be thought that the existing market operation compromises all of these policy conditions. Commercial activities were to be permitted for *intermittent temporary periods only* in keeping with the plan provisions. The events section of the plan identifies policies which promote the venue for local community and national/international recreation events and shows; the default position being that *recreational, cultural, festival and concert type events that provide social and/or economic benefits to the district will be permitted if appropriate*.

The market activity does not appear to fully comply with the provisions of the current Reserve Management Plan.

In addition, the current makeup of the market stalls does not strictly comply with the agreed licenced use or the Riverside Market Philosophy, both of which are part of the licence to occupy agreement. The licenced use is for *operation of a weekly market selling produce, art and crafts, food and refreshments, curios and collectables and other quality products consistent with the Riverside Mark (sic) Philosophy*. That philosophy identified community connectivity as a primary purpose along with the benefits of:

- Providing the opportunity to test a small business venture at low cost
- Encourage creativity and enterprise
- Showcase art, craft and design talent
- Support fundraising and 'not for profit' organisations

It could be considered that a number of the stalls which operate at the market at various times do not really fall into this description of operation or the principle of the philosophy; which was based on the initial idea of a "farmer's market" with local crafts and produce when the market idea was first floated with Council by the original licence holder. Some of the stalls in attendance have the possibility of competing with permanently established stores in town which have made a strong commitment to Taupō by basing their businesses here and paying the associated rates and rentals.

Based on this information it is considered that there are six options:

OPTIONS

Analysis of Options

Option 1. Maintain the current situation with no changes

Advantages	Disadvantages
<ul style="list-style-type: none"> • Status quo – everybody understands what the situation is 	<ul style="list-style-type: none"> • Neither party is satisfied with the situation as it currently stands • The current situation does not comply with the licence agreement or Reserve Management Plan • Does not provide for future development of the market or Tongariro Domain/Riverside Park

Option 2. Maintain the current agreement – but enforcing the terms of the agreement so that the market moves back to the original location and all other clauses are suitably actioned

Advantages	Disadvantages
<ul style="list-style-type: none"> • The original intent of the licence agreement is honoured and complied with • Clarity of expectations and location are more clearly defined and understood 	<ul style="list-style-type: none"> • Taupō Market do not want to move back down to the lower terrace • Does not comply with the Reserve Management Plan • Does not provide for future development of

	the market or Tongariro Domain/Riverside Park
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Option 3. Vary the current agreement to take into account the concerns of Taupō Market

Advantages	Disadvantages
<ul style="list-style-type: none"> Taupō Market would be appeased 	<ul style="list-style-type: none"> Park operations would be more difficult Maintenance could not be adequately performed Taupō will likely lose events if the Taupō Market has exclusive rights to the space Council will be providing services which weren't initially agreed to in the original licence, and that council has not anticipated paying for Would be less compliant with the licence agreement and Reserve Management Plan than is currently the case Does not provide for future development of the market or Tongariro Domain/Riverside Park

Option 4. Terminate the current agreement and enter into a new agreement for a new market site

Advantages	Disadvantages
<ul style="list-style-type: none"> Long term viability of the market is more likely to be secured Future plans can be made to develop a more suitable site Conflicts between the market and events will be removed 	<ul style="list-style-type: none"> Taupō Market do not want to move from the current site Possible dispute resolution required

Option 5. Terminate the current agreement and do not enter into a new agreement for a new market site

Advantages	Disadvantages
<ul style="list-style-type: none"> All current issues would be ended 	<ul style="list-style-type: none"> Loss of a successful vibrant activity from town Taupō Market do not want to move from the current site Possible dispute resolution required

Option 6. Do not seek to modify the current agreement with the intent not to enter into a new licence to occupy upon expiry of the current licence term

Advantages	Disadvantages
<ul style="list-style-type: none"> There would be a definitive end to all of the issues and problems being encountered by the current licence holder and Council It would give Council the opportunity to seek expressions of interest by other potential operators on a site considered more appropriate for the activity 	<ul style="list-style-type: none"> Loss of a successful vibrant activity from town upon expiry of the licence if another operator is not interested in developing a market on another site

Analysis Conclusion:

It appears that the market has outgrown its current site. Combined with the evolution of the park and town, it is perhaps no longer suitable for Taupō Market to continue to operate as it has historically done on Riverside Park or Tongariro Domain. The long term success of the Taupō Market and the future development of Tongariro Domain and Riverside Park as an event space depends in part on Taupō Market moving to a location which is more suitable for its long term viability.

The best outcome appears to be moving the market location from its current site on the upper terrace at Riverside Park to the proposed alternative at Northcroft Domain.

If the parties are unable to come to an agreement on the outcome of the market location and issues that have been raised. The best solution may be to enforce the conditions of the current agreement, to see out the term of the current licence to occupy and not to seek to enter into a new agreement upon expiry of the current licence in December 2019. This would remove any ambiguity or opportunity for misunderstanding of responsibilities in the relationship between Council and the licence holder.

CONSIDERATIONS**Financial Considerations**

The financial impact of the proposal is unknown at this particular stage. There will be costs associated with setting up any new area for a market activity, or if the decision is made to agree to additional maintenance and facilities at the current site. It is considered that it may be most appropriate for the costs to be borne by the licence holder as it is for the benefit of their commercial operation; but there may be some rationale to Council contributing towards development of a new market site if there is an obvious community benefit.

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. The matter will enable the Council to meet the current and future needs of communities for good quality performance of Council's regulatory functions. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The proposal has been evaluated with regards to a range of legislation. The key documents applicable to the proposal is the Reserves Act 1977 and the Tongariro Domain Reserve Management Plan 2005.

The following authorisations may be required for the proposal:

- | | | |
|---|---|---|
| <input type="checkbox"/> Resource Consent | <input type="checkbox"/> Building Consent | <input type="checkbox"/> Environmental Health |
| <input type="checkbox"/> Liquor Licencing | <input checked="" type="checkbox"/> Licence to occupy | |

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Risks

There are risks associated with any changes to the Taupō Market activity. The current activity does not comply with the terms of the licence or the Reserve Management Plan. Continuing with the status quo or modifying the agreement to take into account Taupō Market concerns entails a small, but not insignificant legal risk.

Any changes to the current activity would likely upset the market operators, generate a number of complaints and come with some political risk.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;

- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

COMMUNICATION/MEDIA

Decisions made by Council should be communicated in the appropriate manner. It is planned to discuss this report and provide a copy of the report to Monika and Hermann Geister prior to the Committee meeting.

CONCLUSION

The market is somewhat a victim of its own success, appearing to have outgrown its current site. The evolution of the market, township and the events driven climate means that it is no longer suitable for Taupō Market to continue to operate in its current format at Riverside Park. The long term success of the Taupō Market and the future development of Tongariro Domain and Riverside Park as an event space depends in part on Taupō Market moving to a location which is more suitable for its long term viability.

ATTACHMENTS

- 1. Request to adjust Monika and Hermann Geister Licence to Occupy ➡
- 2. Licence to Occupy Sue Rauch 2013 ➡
- 3. Deed of Variation 2014 ➡

4.4 LICENCE TO OCCUPY - PURE KIWI ADVENTURES AT NORTHCROFT DOMAIN, TAUPŌ

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To decide on offering a new five year licence to occupy to Pure Kiwi Adventures at Northcroft Domain, Taupō, for the purpose of running an amusement operation consisting of hiring segways to the public.

EXECUTIVE SUMMARY

Pure Kiwi Adventures who operate the segway hire operation on Northcroft reserve currently hold a three year licence to occupy Council reserve land, which expires 28 September 2017. The operators have asked Council for a new five year licence to occupy which would commence immediately upon expiry of the current licence to occupy.

The land is currently being considered as an option for relocation of the Taupō Market. Depending on the outcome of those discussions, the land may not be suitable for their operation. In that case, a new location should be sought which would be suitable for the operation.

RECOMMENDATION(S)

That the Fences, Roothing, Reserves & Dogs Committee authorises Taupō District Council to enter into a five year licence to occupy agreement with Pure Kiwi Adventures Limited for the land identified in red in image 1 of this report for the purposes of operating a segway hire and operation business at a rental amount in line with the current Taupō District Council fees and charges policy.

Or

That the Fences, Roothing, Reserves & Dogs Committee authorises Taupō District Council to enter into a five year licence to occupy agreement with Pure Kiwi Adventures Limited for the purposes of operating a segway hire and operation business at a rental amount in line with the current Taupō District Council fees and charges policy following investigation of a suitable Council administered site to the satisfaction of both parties.

BACKGROUND

The proposal has not been presented previously.

Pure Kiwi Adventures have operated from the site with no known major problems during the term of the licence. The operating period outlined in the lease is school holidays, Queens Birthday weekend, Labour weekend, and Easter weekend only between the hours of 8.00am and 7.00pm.

DISCUSSION

The segway use is an irregular attraction, with the segways operating in a confined area on Northcroft Domain during the operating periods identified above. The use does have some impact on the health of the grass on the reserve, usually resulting in significant bare patches following any extended use.

The operation seems to be reasonably popular with visitors to the area.

The site is rarely used for any other purpose, with the only currently known regular use being once annually during the offshore powerboat event.

This site has been identified as a possible site for relocation of the Taupō Market if it is decided that their current Riverside Park location is no longer appropriate. Taupō Market runs nearly every Saturday all year round. This would result in much more consistent use of the reserve if it were to be based here.

If this site is considered for an alternative use, then the segway operation would either have to cease operation, or an alternative location would have to be found. This possibility has not been discussed with the operators at this stage due to the early stages of any discussions around the Taupō Market issue.

The area identified for the current licenced use is identified in image 1 below.

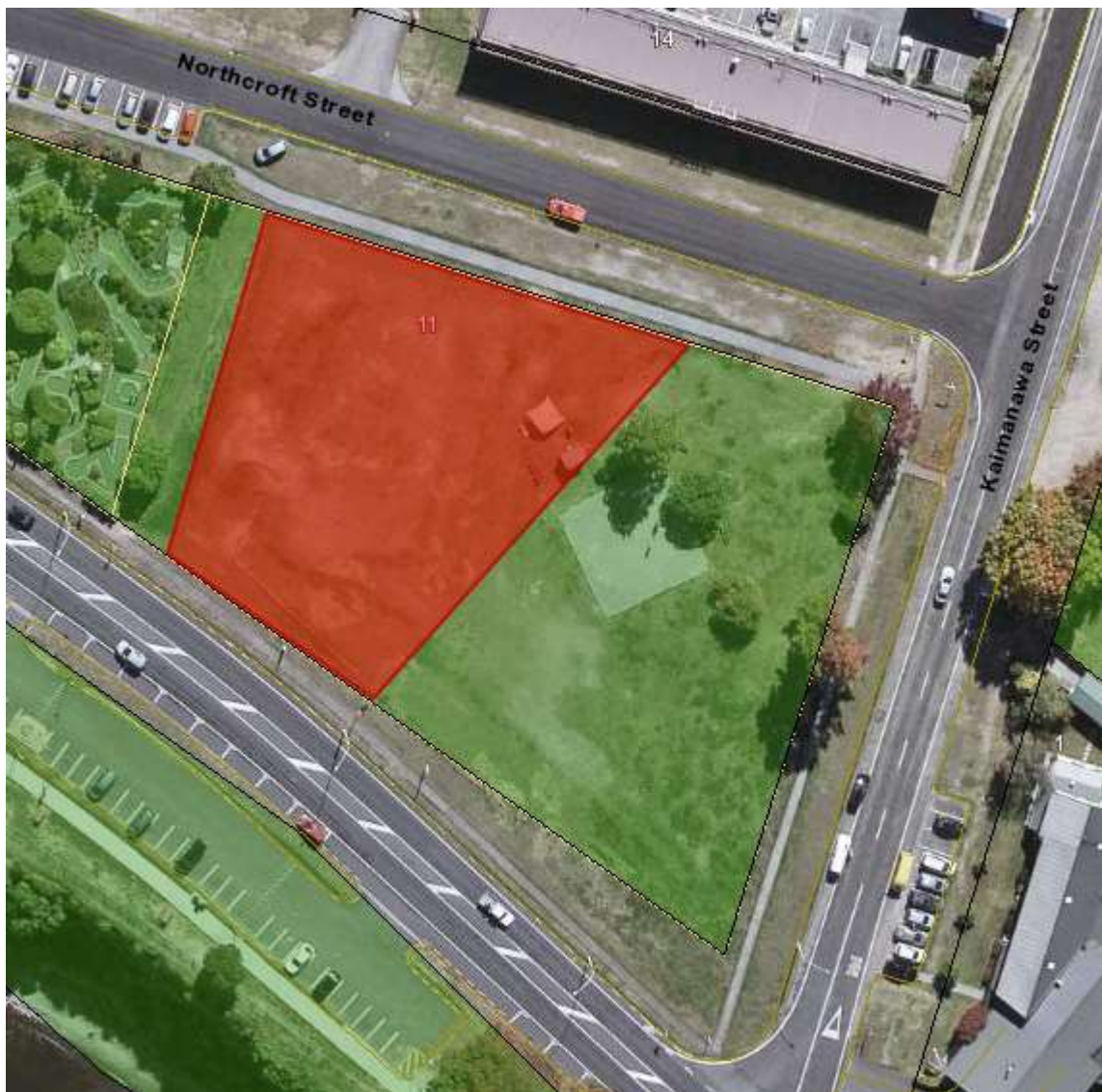


Image 1

One of the alternative sites for use is on the other side of the mini golf activity on Northcroft Domain (see image 2 below). This site is unused for the majority of the year except for a one month licence period between 15 December and 15 January granted to David and Stephanie Mooney for the purposes of operating amusement devices on the reserve. During this period it may be possible to offer an alternative site for one month in another location or to designate this as a non-operational period for the licence.

An option for this month is for them to use a site on Tongariro Domain. While not ideal, the operation requires much less space, and is much easier to set up and move around than the many individual stalls of a market operation. There may still be displacement days required for specific events over the summer however if they happen to clash. It would however likely be easier to find an alternative irregular venue for this operation than is currently the case for the Taupō Market.

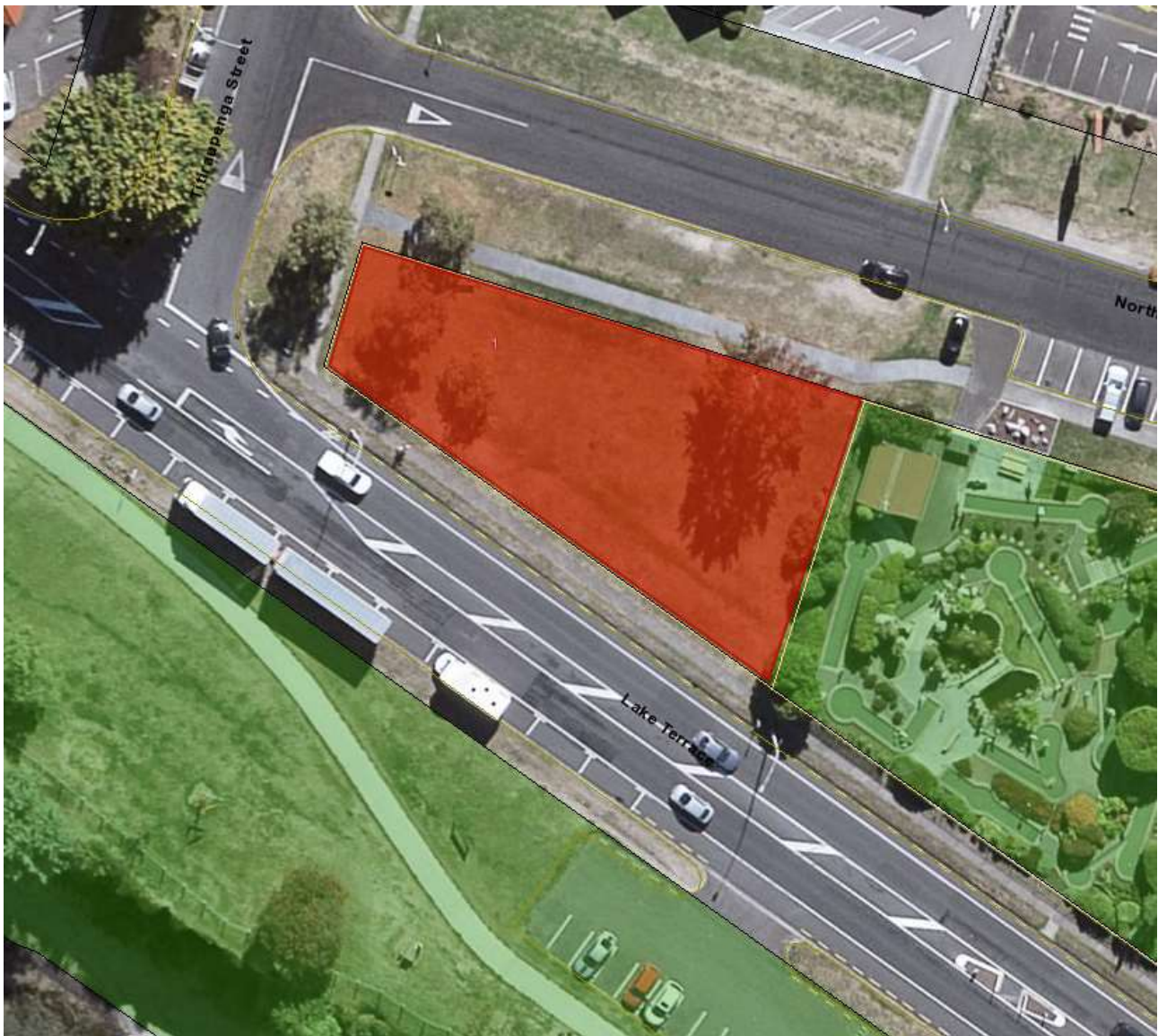


Image 2

There are other possibilities for operation, either throughout the year, or for a shorter period if a location is decided which requires temporary displacement such as the Northcroft Domain West site. The location for use should be visible, accessible and easy to use much as the current site is. Locations which might be considered are below.

Riverside	<ul style="list-style-type: none"> • Would potentially clash with events, market currently located there
Tongariro North	<ul style="list-style-type: none"> • Existing use mainly for additional vehicle parking for events and market • Suitable surface • Easier to remediate and maintain due to proximity of irrigation
Kaimanawa	<ul style="list-style-type: none"> • Currently used for cricket • Not irrigated • Close to roads
Northcroft West	<ul style="list-style-type: none"> • Similar to existing site • Used for one month per year by another operator
Northcroft East	<ul style="list-style-type: none"> • Current site – appears to suit the operators requirements
Taharepa	<ul style="list-style-type: none"> • Further from town • Slope too steep to easily accommodate activity



It is not desirable for this activity to take place on Lakefront Reserve, primarily due to the potential risks of conflict with users of the Great Lake Walkway with the motorised segways. The limited width of the walkway already results in a compromise between cyclists and walkers and it is likely that segways would only add to the tension of the current situation.

If we take the view that it is not appropriate for the operation to take place on Lakefront Reserve, then there are few other similar sites in such high profile locations in Taupō. Tongariro Domain can be very busy with events, Taharepa is not flat enough, Colonel Roberts is used for art in the park and the site isn't that suitable and Kaimanawa is a relatively high quality sports (cricket) surface which may not respond well to the segway use.

One suitable option could be to locate the activity on the Northcroft West location for the majority of the year, with the option to locate on Tongariro North for the month that the other amusement activity is licenced to use the Northcroft West site (15 December to 15 January). The segway activity is reasonably easy to relocate and would not be as obtrusive as some potential uses if another activity or event required use of the adjacent areas.

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

OPTIONSAnalysis of Options

Option 1. Decline to offer a new licence to occupy

Advantages	Disadvantages
<ul style="list-style-type: none"> Do not have to administer the licence or maintain the damage created by the segway use on the park 	<ul style="list-style-type: none"> Loss of rental income Loss of activity Less use of the reserve Displeased segway operator

Option 2. Offer a new five year licence to occupy for the Northcroft Domain site

Advantages	Disadvantages
<ul style="list-style-type: none"> Continued occupation of the site by a known operator 	<ul style="list-style-type: none"> Site would not be able to be used by other events or operations when in use by the segway operation

Option 3. Offer a new five year licence to occupy for a different site

Advantages	Disadvantages
<ul style="list-style-type: none"> Would allow the Northcroft Domain site to be used for other activities 	<ul style="list-style-type: none"> Do not have a designated alternative site yet No guarantee that the operator would be willing to operate from a different site

Analysis Conclusion:

The preferred option depends on the decision made around the Taupō Market. If moving the market to Northcroft Domain is a possibility then finding an alternative location for Pure Kiwi Adventures is preferred; otherwise offering a new licence on the existing Northcroft domain site is preferred.

CONSIDERATIONS**Financial Considerations**

The financial impact of the proposal is estimated to be the rental amount charged to the operator. There may be development costs if the Domain is thought to be used for the market activity.

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. The matter will enable the Council to meet the current and future needs of communities for good quality performance of Council's regulatory functions. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The following authorisations are required for the proposal:

- | | | |
|---|---|---|
| <input type="checkbox"/> Resource Consent | <input type="checkbox"/> Building Consent | <input type="checkbox"/> Environmental Health |
| <input type="checkbox"/> Liquor Licencing | <input checked="" type="checkbox"/> Licence to occupy | |

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Risks

There are no known risks.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

Officers have discussed this with the applicant.

COMMUNICATION/MEDIA

No communication/media is required.

If a licence is to be granted for the activity on an alternative site, then one month public notification of the intended licenced use will be necessary, following which the council must consider any objections received to the proposal. It may be possible if Northcroft West is considered suitable for it to be considered as a minor variation of the existing licence as it is a slight relocation of the activity on the same reserve space. If this is the case it would likely not necessarily require public notification.

CONCLUSION

The operator has not caused council any major issues in the past. If there are no alternative uses identified for the Northcroft Domain site then the operator should be granted a new licence to occupy for up to five years.

ATTACHMENTS

Nil

4.5 RESERVE TREES COMPLAINT - BETWEEN DOCHERTY DRIVE AND ACACIA BAY ROAD

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To reconsider the removal or modification of trees on Council reserve land between Docherty Drive and Acacia Bay road.

EXECUTIVE SUMMARY

Council previously considered a complainants request to modify or remove vegetation in a Council administered reserve between Docherty Drive and Acacia Bay Road for the purposes of maintaining the lake views of the resident of 6 Prince Place. This request was declined at a FRReD Committee meeting.

The complainant subsequently attended a Council public forum and asked elected members to reconsider the request under a different set of considerations, including that the vegetation was too dense and did not allow use of the reserve for recreation, and had a large number of exotic trees.

The purpose of the reserve is primarily for storm water attenuation. The vegetation within the reserve supports this purpose. The Reserves Act 1977 also supports the vegetation which is planted within the reserve.

It is recommended that the Committee declines the current request, and any future requests for vegetation removal or modification from this complainant regarding this reserve.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee declines the request to remove or modify any vegetation in the Council reserve between Docherty Drive and Acacia Bay Road.

BACKGROUND

The proposal has been before Council at a prior FRReD Committee meeting on 21 March 2017 [refer item 4.4] and the following resolution was made:

FRD201703/06 RESOLUTION

Moved: Cr Anna Park
Seconded: Cr Zane Cozens

That the Fences, Roading, Reserves & Dogs Committee declines the request from Mrs L White of 6 Prince Place, Taupō to remove the trees in the Council reserve between Docherty Drive and Acacia Bay Road identified in her request.

CARRIED

Councillor John Boddy requested his dissent to resolution FRD20170306 above be recorded.

Following this meeting, the complainant requested speaking rights at a subsequent Council meeting to express her displeasure at the decision and to present her case in person. In response, elected members asked officers to reassess the situation.

The complainants location is noted red below, with the reserve area in question highlighted yellow. The lake is towards the south at the bottom of the image.



DISCUSSION

The initial complaint related to the trees obstructing the complainant's views of the lake from their property at 6 Prince Place. This complaint was rejected as it is not good practice, and it also contradicted the current Tree and Vegetation policy.

At the subsequent meeting, the complainant raised further concerns around the suitability of the vegetation both in terms of species and density of planting.

Staff members consider the planting in the reserve to be completely suitable for the purposes of the reserve. Its primary purpose is as a stormwater gully, with secondary recreation uses, mainly as a walkway linking different parts of the neighbourhood.

The planting is mainly evergreen native revegetation in the stormwater detention areas, with more open areas of exotic deciduous species on open mowed areas in the low flow locations. There is the odd exotic tree within the native revegetation areas which appear to be self-seeded which will eventually be removed by our operations department as resources allow. These are very few in number however and have a negligible impact on the overall environment of the reserve.

All of the plants in the reserve appear to be in good health and serving the purpose for which they were planted. In particular, the native revegetation is an excellent and well-executed example of introducing native biodiversity into our parks and reserves which is largely lacking within the townships of the district. This type of planting in a stormwater gully achieves the best results in what is otherwise a reasonably difficult area to manage. The infrequent water inundation, difficulty of public use and access to stormwater gullies, and being hard to manage with traditional maintenance techniques means that native revegetation achieving total cover is the most suitable solution. This reduces weed species and maintenance, increases biodiversity, and stabilises the ground conditions which might otherwise suffer from the variable water flows. This amount of vegetation also provides a buffer for water flows, absorbing and slowing down a large amount of water which would otherwise be carried straight down to the lake, with all of the suspended and absorbed contaminants associated with stormwater which travels through modified urban and rural areas.

It is the opinion of officers that this is a good example of reserve vegetation which the district should have more of, not less.

Removing this vegetation would be hugely expensive and compromise all of the reasons which the vegetation was initially planted for. Topping the vegetation is only a short term solution [less than a year]. Topped vegetation grows back quicker, more thickly and with less strength than naturally growing plants. This thick, weakened growth causes maintenance and vegetation health issues, as well as being much less safe for users of the reserve, as weaker growth is more likely to suffer from debris drop which could injure anybody walking beneath the trees.

Thinning the vegetation will have little impact on the views as the height of the surrounding trees will still be the same, and the canopy spread of mature vegetation is reasonably large. In addition, the overall area and length of the reserve which has this vegetation within it is about 28500m² and 550 metres. Modifying the vegetation over this area is a very large job which will take a considerable amount of resources.

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

OPTIONS

Analysis of Options

Option 1. Maintain the current situation

Advantages	Disadvantages
<ul style="list-style-type: none"> Increased biodiversity and ecological values including increased native birdlife Reduced maintenance requirements Ground conditions protection Absorb groundwater and contaminants from stormwater runoff 	<ul style="list-style-type: none"> Views of the complainant will continue to be partially obscured

Option 2. Remove or modify the vegetation

Advantages	Disadvantages
<ul style="list-style-type: none"> Complainant would have a relatively unobscured view of the lake 	<ul style="list-style-type: none"> Loss of biodiversity Large initial and ongoing operational costs Reduction in groundwater holding capacity Aesthetic and cultural value reduction

Analysis Conclusion:

There are no compelling reasons to modify or remove this vegetation. It is a good example of native restoration combined with usable spaces on a stormwater gully in an urban area; contributing multiple positive values.

CONSIDERATIONS

Financial Considerations

The financial impact of the proposal is estimated to be nil if the vegetation is retained. The costs are unknown, but likely to be in the tens of thousands of dollars if vegetation needs to be modified. In addition the value/cost of the mature and maturing vegetation, if it were to be replaced with specimens of the same age, would likely be hundreds of thousands of dollars.

Long-term Plan/Annual Plan

The expenditure outlined is currently unbudgeted for.

Legal Considerations

Local Government Act 2002

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

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications if the vegetation is not modified or removed. If the vegetation is modified or removed there are significant policy implications.

The proposal has been evaluated against the Long-term Plan, Annual Plan, Council Policy and Asset Management Plans and Reserve Management Plans. Removing or modifying the vegetation would not comply with existing Council policy or best practice.

Risks

There are no known risks if the vegetation is not modified. If the vegetation is modified or removed it will be in contradiction of existing Council policy and would set a precedent for future decisions of a similar nature which could result in a need for extensive budget increases.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance if the decision is made not to remove the vegetation. Given the amount of vegetation within Council reserves which could be influenced by this decision, the precedent set and the contradiction of existing Council policy, it may be considered significant if the decision made is to modify or remove the vegetation.

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 not to modify or remove the vegetation.

Any other decision should be taken in a wider context and more publicly evaluated and assessed.

COMMUNICATION/MEDIA

No communication/media is required if the vegetation remains. Any other decision should be communicated to the public and media through appropriate channels.

CONCLUSION

There are no obvious compelling reasons to modify or remove the vegetation. The resources required and the loss of greater public and ecological benefits far outweigh any reasons which may be given to change the vegetation in the reserves.

ATTACHMENTS

Nil

4.6 DECISION ON TREE REMOVAL AT TAUPAHI ROAD, TURANGI

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To decide on a request for tree removal at 183/187 Taupahi Road, Turangi.

EXECUTIVE SUMMARY

The operators of Creel Lodge at 183/187 Taupahi Road, Turangi have requested that Council removes a tree within the roadside berm outside of their property.

The reason for this request is to improve the off-street parking capacity in front of the business.

Senior leadership have asked that the request be considered by this committee.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee decline to approve the request to remove the tree located in the roadside berm outside of the property at 183/187 Taupahi Road, Turangi.

BACKGROUND

The proposal has not been presented previously.

Trees within Turangi have been a contentious issue for a number of years, and the understanding of officers is that there is generally to be no modification or removal of trees within the Turangi streetscape until an overall assessment of the street tree condition and future planning requirements has taken place. The location of the tree in question is indicated below.



DISCUSSION

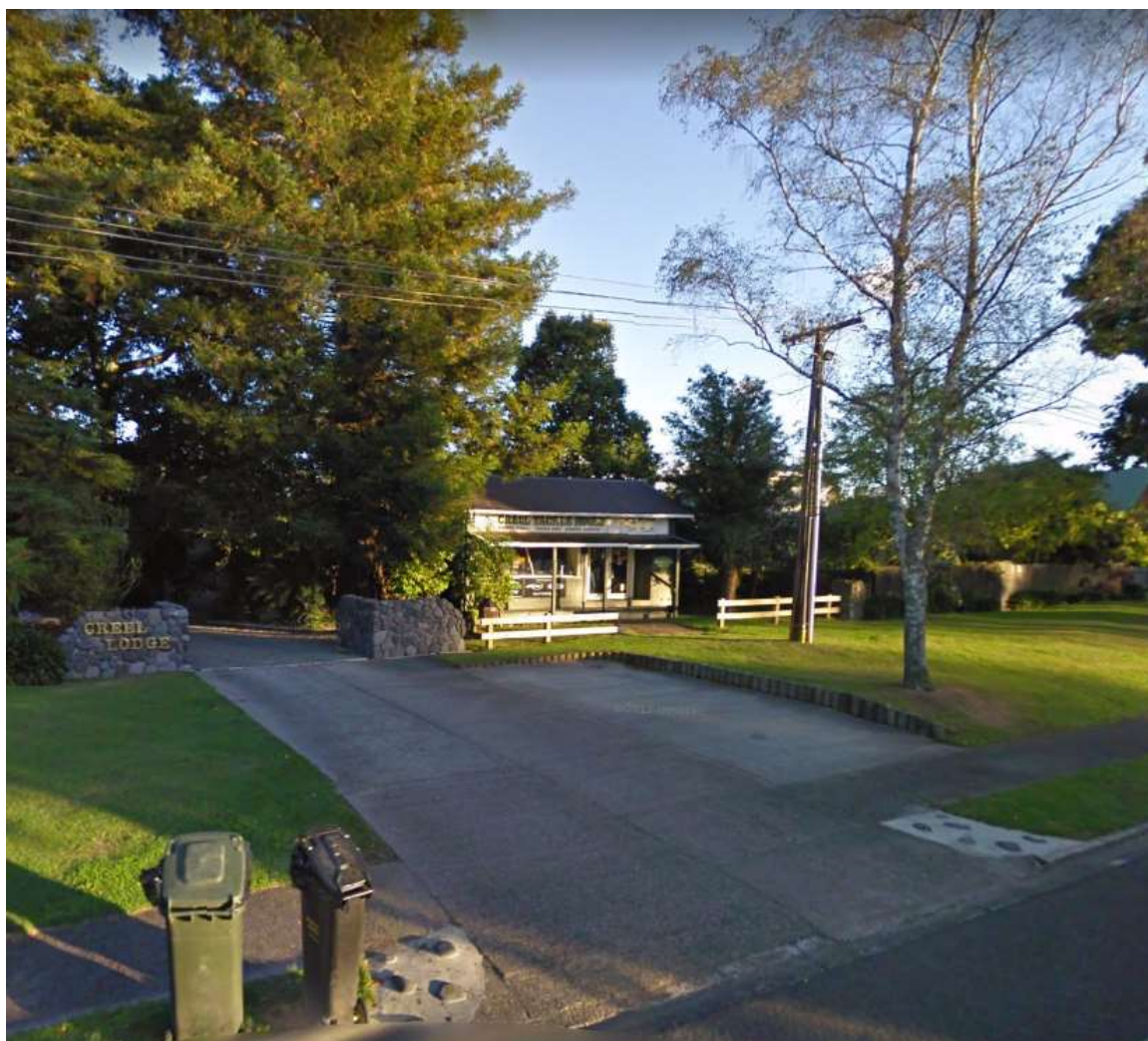
The tree in question is a relatively mature silver birch which appears to be healthy and in good condition. The tree is similar in age and form to the other trees which are growing along Taupahi Road, which are of a variety of exotic species. The berm is particularly wide and able to easily accommodate large mature trees. The tree is not interfering with access, traffic safety, clear visibility of drivers or pedestrians, overhead or underground services at this time.

The issue being put forward by the complainant is that the tree is inhibiting safe off road parking of customers. This is because it is claimed that if a customer parks perpendicular to the driveway, the proximity of the tree doesn't allow them to position the car far enough into the park to avoid the tail of the vehicle being in the way of the driveway. The image below shows the situation with the parking area and tree.

In the image above it can be seen that there is a dark red vehicle which seems to be safely parked in the identified parking area without impeding driveway access however.

It appears that the primary consideration for removal of the tree would be to enable the complainant to enable an expansion of the off street parking capacity for their business. Taupahi Road is not a particularly busy road, and there is adequate parallel parking provided along the length of the road for the use it receives and the number of businesses and residents situated on Taupahi Road.

It seems reasonable to infer that the only reason to remove the tree would be to enable the complainant to expand the carpark further onto Council administered land rather than providing for customer carparking on their property or having customers park on the roadside. Council does not need any further carparking assets in this area, and it leads to possible issues and costs for Council if work needs to be carried out in this location in the future if even more of the berm is covered by what is essentially a private business, concrete covered carpark.



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

OPTIONS

Analysis of Options

Option 1. Decline to grant the request to remove the tree

Advantages	Disadvantages
<ul style="list-style-type: none"> Streetscape consistency is maintained Council policy is complied with Mitigates future issues with any possible further private carpark development 	<ul style="list-style-type: none"> Complainant dissatisfied

Option 2. Approve the request to remove the tree

Advantages	Disadvantages
<ul style="list-style-type: none"> Complainant is satisfied Potential to increase the size of the off street carpark 	<ul style="list-style-type: none"> Streetscape is compromised Undesirable precedent is set Does not comply with Council policy

Analysis Conclusion:

The preferred option is to decline the request to remove the tree.

CONSIDERATIONS

Financial Considerations

The financial impact of the proposal is estimated to be nil. It would be expected that the cost of any work which might be carried out in association with tree removal or carpark provision would be borne by the complainant.

Legal Considerations

Local Government Act 2002

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

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications if the tree is retained.

There will be policy implications if the tree is removed as it would not be in compliance with adopted Council policy.

The key aspects for consideration with regards to this proposal are as follows from the Taupō District Council Tree and Vegetation Policy 2014.

Policy 1.8 – Street and Reserve Amenity Tree Replacement

Established street and reserve amenity trees that are removed will be replaced in a similar location if suitable, subject to funding.

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.

Risks

There are no known risks if the tree is retained.

There are risks involved if the decision is made to remove the tree in terms of policy contradiction and precedent.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance if the tree is retained. If the tree is removed it may be considered significant due to the number of street trees throughout the district which have the potential to be affected by this precedent.

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.

It may be necessary to notify the public if the decision is made to remove the tree as specified under Council policy (see communication below).

COMMUNICATION/MEDIA

Decisions made by Council should be communicated in the appropriate manner. It is considered that communication should be undertaken as outlined in the Tree and Vegetation Policy (below).

Policy 3.5 – Notification of Tree Removal

Decisions to remove trees and reasons for removal will be notified to the public, using the most appropriate method for the situation.

Decisions to remove trees and the reasons to do so will be appropriately notified and may include:

- Notification to surrounding neighbours, and /or reserve users
- Media release – these also appear on council's website
- Public notice if required

Notification may include information on any plans to make tree replacements.

CONCLUSION

It is not considered appropriate to remove the tree in this situation. The tree appears to be in good health and is not unsafe or causing any problems. There are no compelling reasons to remove the tree in this circumstance.

ATTACHMENTS

Nil

4.7 UPDATES TO TAUPŌ DISTRICT COUNCIL TRAFFIC CONTROLS - HEUHEU STREET**Author:** Vincent Wang, Engineering Officer**Authorised by:** Kevin Strongman, Group Manager, Operational Services**PURPOSE**

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

EXECUTIVE SUMMARY

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

RECOMMENDATION(S)

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

Sign/Marking	Why	Where
90 minutes [Mon-Fri] parking time restrictions	To provide ten 90 minute time restricted parking spaces [Mon-Fri]	South kerb line of Heuheu Street outside numbers 109 and 111

BACKGROUND

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

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

OPTIONS

The two options before Council are:

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

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

CONSIDERATIONS

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

Sign/Marking	Why	Where
90 minutes [Mon-Fri] parking time restrictions	To provide ten 90 minute time restricted parking spaces [Mon-Fri]	South kerb line of Heuheu Street outside numbers 109 and 111

In March 2015, Taupō Health Centre and Taupō Medical Centre contacted Council and requested that parking restrictions be installed for the parking spaces outside their property. The primary issue was Waiariki Polytechnic students parking long-term and catching the bus to Rotorua. Patients accessing the medical centres were unable to find parking spaces for their appointments. Age Concern - who often drop off patients for appointments - had also requested a short-term parking space or drop off zone as they were unable to stop in mobility spaces without the required permit.

A P90, P30 zone plus two additional mobility spaces on Heuheu Street and Kaimanawa Street around the Taupō Medical Centre and Taupō Health Centre blocks [113 – 119 Heuheu Street, and 118 Tuwharetoa Street] was approved at the FRReD committee meeting held on 3 November 2015 [A1549898].

Taupō Health Centre [113 Heuheu Street] contacted the transportation team in January 2017 and advised that there were still issues [lack of] parking spaces near their building post installation of the 90 minutes parking restriction time over the last year.

There will also be added pressure on parking in this area when the office at 111 Heuheu Street is occupied by Council in the next few weeks.

Financial Considerations

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

Legal Considerations

Local Government Act 2002

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

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

Policy Implications

There are no policy implications associated with this paper.

Risks

There are no risks associated with this paper except not having prescribed signs installed.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

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

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

The key stakeholders on Heuheu Street including Taupō Health Centre [no. 113], Adrienne Morgan Lawyer [no.111], Church@109 [no.109], and Council's business support and regulatory team leaders have been advised of the proposed 90 minutes parking restriction area. Adrienne Morgan Lawyer was not in support of the proposed changes.

COMMUNICATION/MEDIA

No communication/media is required.

CONCLUSION

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

ATTACHMENTS

1. Proposed P90 [Mon-Fri] zone on Heuheu Street [↗](#)