

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

<b>Date:</b>	<b>Tuesday, 19 March 2024</b>
<b>Time:</b>	<b>1.00pm</b>
<b>Location:</b>	<b>Council Chamber 107 Te Heuheu Street Taupō</b>

# **AGENDA**

## **MEMBERSHIP**

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

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

**Quorum** 5

**Julie Gardyne  
Chief Executive**

## Order Of Business

- 1 **Karakia**
- 2 **Whakapāha | Apologies**
- 3 **Ngā Whakapānga Tukituki | Conflicts of Interest**
- 4 **Whakamanatanga O Ngā Meneti | Confirmation of Minutes**
  - 4.1 Ordinary Taupō Reserves & Roding Committee Meeting - 5 December 2023 .....3
- 5 **Ngā Kaupapa Here Me Ngā Whakataunga | Policy and Decision Making**
  - 5.1 Request to Remove Tree from the Reserve Adjoining 19 Susan Lane, Kinloch .....4
  - 5.2 Art in the Park on Tapuaehearuru - New Licence.....8
  - 5.3 Proposed Unison Easement over Local Purpose Reserve to Supply 16-18 Chad Street, Rainbow Point .....14
- 6 **Ngā Kōrero Tūmataiti | Confidential Business**

Nil

**4.1 ORDINARY TAUPŌ RESERVES & ROADING COMMITTEE MEETING - 5 DECEMBER 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 5 December 2023 be confirmed as a true and correct record.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Taupō Reserves & Roding Committee Meeting Minutes - 5 December 2023

**5.1 REQUEST TO REMOVE TREE FROM THE RESERVE ADJOINING 19 SUSAN LANE, KINLOCH**

**Author:** Andrew Moor, Parks Manager - Open Space

**Authorised by:** Greg Hadley, Parks and Reserves Manager

**TE PŪTAKE | PURPOSE**

To propose the removal of a Mexican Pine (*Pinus patula*) from the reserve adjoining 19 Susan Lane, Kinloch.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

Council has been contacted requesting the removal of a Mexican Pine from the reserve at the rear of 19 Susan Lane, Kinloch. Two other trees nearby, of the same species, have failed in recent storm events. The remaining tree is multi stemmed with a misshaped crown, possibly because of being crowded in the past by the two other trees. The tree has been assessed by Council's Contract Arborist who believes there is no arboricultural justification for its removal. It is recommended that the tree is retained and pruning undertaken to improve the tree's health and appearance.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That the Taupō Reserves and Roding Committee:

1. Declines the request to remove the Mexican Pine (*Pinus patula*) from the reserve adjoining 19 Susan Lane, Kinloch; and
2. Directs officers to prune the Mexican Pine tree and plant three (3) Kowhai (*Sophora tetraptera*) to provide additional amenity to the reserve.

**TE WHAKAMAHIKI | BACKGROUND**

The proposal has not been presented previously.

Neighbours to the Kenrigg Reserve, Kinloch have contacted Council requesting the removal of a Mexican Pine (*Pinus patula*) from the reserve at the rear of their properties (see attachment). Two other trees of the same species have failed during storm events. The remaining tree is somewhat misshapen due to having been previously crowded by the other two trees.



Location of Mexican Pine.

Council's Contract Arborist has assessed the tree as being in an average condition (see attachment) and believes it to be an "upright specimen in good overall health, exhibiting vigorous new growth." He believes

although the tree is 'untidy', it shows no aboricultural condition that would justify its removal. He has recommended some pruning and believes in time, the crown of the tree may fill out, improving the overall appearance of the tree.

The neighbours to the tree accept that the tree poses no immediate risk. However, their concerns relate more to the appearance of the tree, stating it offers little to the overall aesthetic of the reserve. They are also concerned about the allelopathic nature of the tree in that it restricts any other plants from growing within its root zone. Again, diminishing the reserve aesthetic.

Council's Tree and Vegetation Policy 2014 states that generally in residential situations one tree will be permitted per property frontage. The Policy 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 Mexican Pine is not currently a particularly attractive specimen. It does however have moderate significance on the surrounding landscape as it is in a prominent position. Undertaking the remedial pruning recommended by Council's Contract Arborist along with the additional light and space the tree has with the other two gone, should improve the visual aesthetics of the tree in time.



*Mexican Pine viewed from the South.*

However, in the short to medium term the tree will remain a somewhat unattractive specimen. This could be offset by planting three smaller specimen trees (such as Kowhai) to provide an improved visual amenity as the pine corrects itself, attract birdlife and eventually replace the pine when it reaches the end of its life.

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

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

Option 1. Retain the Mexican Pine (*Pinus patula*), undertake the recommended pruning and plant 3 Kowhai (*Sophora tetraptera*) to provide additional amenity to the reserve.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Cost of pruning significantly less than that associated with tree removal.</li> <li>• Maintains carbon sequestration capabilities of a mature tree.</li> <li>• Mature tree maintains ecology and habitat within an urban environment.</li> <li>• Planting now means trees will be mature when the pine finally reaches the end of its life.</li> </ul>	<ul style="list-style-type: none"> <li>• Customer not as happy with outcome.</li> <li>• Some ongoing cost of pruning.</li> <li>• It will take a number of years for the tree to be corrected and become more attractive.</li> </ul>

Option 2. Remove the Mexican Pine (*Pinus patula*), and plant 3 Kowhai (*Sophora tetraptera*) to replace it.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Customer is happy with the outcome.</li> <li>• With the tree gone the bank could be better contoured and grassed.</li> <li>• No ongoing cost of pruning.</li> <li>• Tree is replaced with a species that will have less detrimental impact on neighbouring properties and will attract native birdlife.</li> </ul>	<ul style="list-style-type: none"> <li>• Cost associated with tree removal, although the neighbouring property owners have offered to contribute to this.</li> <li>• Loss of moderate visual amenity on reserve.</li> <li>• Loss of ecology and habitat provided by a mature tree.</li> <li>• Loss of carbon sequestration capabilities of a mature tree.</li> </ul>

Analysis Conclusion:

On analysis the recommended option is Option 1, retain the Mexican Pine (*Pinus patula*), undertake the recommended pruning and plant 3 Kowhai (*Sophora tetraptera*) to provide additional amenity to the reserve.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Ngā Aronga Pūtea | Financial Considerations**

The financial impact of the proposal is estimated to be \$450 for remedial pruning or \$1,300 for removing the tree. The neighbouring property owners have offered to contribute to the cost of removing the tree.

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under Parks Operations.

**Ngā Aronga Ture | Legal Considerations**

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social and environmental well-beings are of relevance to this particular matter.

Authorisations are not required from external parties.

## Ngā Hiraunga Kaupapa Here | Policy Implications

The proposal has been evaluated against the following plans:

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

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

The removal of this tree would not contravene Council's Tree and Vegetation Policy section 3.2 Removal of Healthy Trees (in report) if it was part of a planned redevelopment of this area of reserve. The Policy allows for elected members to decide to remove trees, see narrative Section 3.2 "Where necessary tree removal requests may be referred to Council's elected members for a decision (refer to policies in section 3)".

## 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.

No engagement with Māori required for this particular matter.

## Ngā Tūraru | Risks

Council's Contract Arborist has assessed the tree and believes it to be in good overall health with no signs of any instability around the base. There is however always an element of the unknown when assessing trees. With the other two trees failing recently it is recommended that if the trees remain, they are placed on the monitoring schedule to reduce any risk.

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

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

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

## TE KŌRERO TAHI | ENGAGEMENT

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

## TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

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

## WHAKAKAPINGA | CONCLUSION

On analysis the recommended option is Option 1, retain the Mexican Pine (*Pinus patula*), undertake the recommended pruning and plant 3 Kowhai (*Sophora tetraptera*) to provide additional amenity to the reserve.

## NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Arborist's assessment - Mexican Pine
2. Response from neighbour regarding Arb Report, Mexican Pine

**5.2 ART IN THE PARK ON TAPUAEHARURU - NEW LICENCE**

**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 from the Committee as administering body to the continued use of Tapuaeharuru (formerly Colonel Roberts Reserve) by Taupō Art in the Park Incorporated for a weekly art display and market.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

Taupō Art in the Park Incorporated (TAP) has held a Licence to Occupy part of Colonel Roberts Reserve since 2018. The LTO expired on 19 November 2023. Colonel Roberts Reserve has undergone a major redevelopment as part of the Taupō Town Centre Transformation (TTCT) and now incorporates part of Lake Terrace into the usable park area. The area is now known as Tapuaeharuru.

Colonel Roberts Reserve has been used on and off as a venue to promote local artists for the last 20 years. Since it has been redeveloped as Tapuaeharuru the future use of this area by TAP for regular arts promotion is uncertain. With the expiry of the LTO, there is now an opportunity to review the use of this area for this purpose.

Although the Art in the Park Licence expired in November 2023, the activity has been allowed to continue on a trial basis since then until a decision can be made about its future. Tapuaeharuru (as Colonel Roberts Reserve) is included in the Tapuaeharuru Lakeshore Reserves Management plan (RMP). The RMP has not yet been updated to reflect the new development and how the area will be used and occupied. The RMP currently makes provision for the Art in the Park activity.

Three options are proposed:

1. Decline to grant a new licence or permit for use of Tapuaeharuru and give notice for the activity to relocate.
2. Grant a new licence or permit to Taupō Art in the Park for a short term (eighteen months).
3. Grant a new licence or permit to Taupō Art in the Park for the maximum of 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 Tapuaeharuru agrees to grant a new permit for a term expiring in May 2025 to Taupō Art in the Park for a weekly display, demonstration and sale of arts and crafts by Taupō residents.

**TE WHAKAMAHUKI | BACKGROUND**

The proposal has not been presented previously.

There has been an organised art exhibition in Colonel Roberts Reserve, between Lake Terrace and Roberts Street for some time, with the first formal mention being in 2003. The art exhibition was initially run by Active Arts Taupō, but since 2018 has been managed by Taupō Art in the Park Incorporated (TAP). TAP has held a Licence to Occupy part of Colonel Roberts Reserve since 2018. The LTO expired on 19 November 2023.

TAP is a not for profit organisation and was constituted in 2018 for the following purposes:

- a) To promote and showcase visual arts and crafts within our community.
- b) To encourage participation, development in arts and crafts as creative therapy, skill, cultural growth and awareness.
- c) To demonstrate arts and crafts where applicable.
- d) Promote local Taupō artists and craftspeople on a weekly basis with a Licence to occupy Taupō District Council reserve land adhering to Health and Safety regulations as required.



- e) To administer a fund, being the accumulation of monies received on behalf of the Society.
- f) To use the fund to further the objectives of the Society as deemed to be in the best interests of the Society.
- g) To use any surplus funds available at the end of a financial year to go towards youth art projects as the Society see fit.

Since the LTO was granted in 2018, Colonel Roberts Reserve has undergone a major redevelopment as part of the Taupō Town Centre Transformation (TTCT) and now incorporates part of Lake Terrace into the usable park area. The area is now known as Tapuaeharuru and includes paved areas and carved pou that are an acknowledgement to Te Ao Tūroa (the enduring world), Ngā Kaitiaki (the spiritual guardians that are caretakers over the land, lake and ocean), the ancient peoples of the land, and the many hapū including all living people.

Lake Terrace is still legal road and is not part of the area classified as recreation reserve. See plans at Attachment 1.

Colonel Roberts Reserve has been used on and off as a venue to promote local artists for the last 20 years. Since it has been redeveloped as part of the TTCT, the future use of this area by TAP for regular arts promotion is uncertain. With the expiry of the LTO, there is now an opportunity to review the use of this area for this purpose.

### **NGĀ KŌRERORERO | DISCUSSION**

TAP members require:

- convenient vehicle access for shifting bulky or heavy artworks onto the venue.
- steady foot traffic from people who have the time and willingness to engage with the artworks; and
- a dedicated space that is available on a weekly basis and on public holidays.

Tapuaeharuru is favoured by TAP as it is a high-profile location with reasonable vehicle access. Weekly displays are held on Saturdays and public holidays (with a postponement day on Sunday). Participants are required to park elsewhere once they have unloaded their displays. Tapuaeharuru has a good synergy with the Art in the Park activity due to its proximity to Roberts Street where there is a steady stream of people relaxing, eating and spending discretionary funds. Other venues were trialled when Colonel Roberts Reserve was unavailable during reconstruction but were not as successful.

Although the Art in the Park Licence expired in November 2023, the activity has been allowed to continue on a trial basis since then until a decision can be made about its future. The only reported adverse effects of the activity have been excessive wear and tear on the new grass which is not yet robust enough to withstand constant use. It is anticipated that this situation will improve with time and good management.

Tapuaeharuru (as Colonel Roberts Reserve) is included in the Tapuaeharuru Lakeshore Reserves Management plan (RMP). The RMP has not yet been updated to reflect the new development and how the area will be used and occupied. The RMP currently makes provision for the Art in the Park activity (restricted to the area adjacent to Ruapehu Street) and the granting of a Licence to occupy for up to five years for display, demonstration and/or sale of arts and crafts by Taupō residents.

The RMP treats the Art in the Park activity as a commercial activity due to the potential for sale of art works by members. However, it is arguably an activity that could be authorised with a permit under section 53(1) of the Reserves Act.

Based on this information it is considered that there are three options. A status quo or do nothing option is not included.

### **NGĀ KŌWHIRINGA | OPTIONS**

#### Analysis of Options

The proposed options are as follows:

1. Decline to grant a new licence or permit for use of Tapuaeharuru and give notice for the activity to relocate.
2. Grant a new licence or permit to Taupō Art in the Park for a short term (eighteen months).
3. Grant a new licence or permit to Taupō Art in the Park for the maximum of three years.

**Option 1. Decline to grant a new licence or permit**

Option 1 would be the most suitable option if Council as administering body of the reserve considers for any reason that Tapuaeharuru is no longer a suitable location for the Art in the Park activity. Council has no obligation to provide an alternative location, but it is likely that there would be an expectation that a suitable location would be made available.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Maintains maximum flexibility for Council to use the area for another purpose.</li> <li>• The wear and tear on the grass by this activity would be eliminated.</li> </ul>	<ul style="list-style-type: none"> <li>• TAP would lose the use of a site that works well for its members. This may ultimately make the activity unsustainable as no other suitable location has been identified.</li> <li>• The lawn area would become available for other activities which may be even more destructive of the park's assets.</li> <li>• Taupō residents and visitors would lose convenient access to art and craft displays and sales.</li> </ul>

**Option 2. Grant a new licence or permit for a short term (eighteen months)**

Option 2 would allow the activity to continue in this location but would limit the term to allow decisions to be made about the long term use and occupation of the newly developed Tapuaeharuru. These decisions could be made through a review of the RMP, or revised operational policies or procedures for booking event spaces and granting longer term occupation. As the licence expired on 19 November 2023, a term of eighteen months with final expiry on 19 May 2025 would allow the activity to continue through next summer until some long term decisions can be made.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• TAP can continue to operate in the same or similar location for another year (approx.)</li> <li>• Council will have just over a year to review the long term use of this area and determine the best way to manage this.</li> <li>• Maintains flexibility for the future beyond May 2025 if it is determined that the TAP activity is no longer suitable, or an alternative use would be more appropriate.</li> <li>• Gives just over a year to identify a suitable alternative location (if there is one).</li> <li>• A new permit or licence gives the opportunity to review the terms and conditions of occupation and restrict use of the grassed areas to reduce wear and tear.</li> <li>• Taupō residents can continue to have access to arts and crafts activities and products in a convenient location until May 2025.</li> </ul>	<ul style="list-style-type: none"> <li>• TAP will have no security beyond 19 May 2025.</li> </ul>

**Option 3. Grant a new licence or permit for the maximum of three years**

Option 3 would be a suitable option if Council is satisfied that TAP should continue to occupy Tapuaeharuru for a further three years. This does not really take into consideration the changes that have been made to this area since the RMP was adopted in 2009, and assumes that the Art in the Park activity is still a good fit for this area. However, a term of three years would coincide with the proposed review of the RMP.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides security of tenure for TAP for three years until 19 November 2026.</li> <li>• A new permit or licence gives the opportunity to review the terms and conditions of occupation and restrict use of the grassed areas to reduce wear and tear.</li> <li>• Maintains flexibility for the future beyond November 2026 if it is determined that an alternative use would be more appropriate.</li> <li>• Council will be able to review the long term use of this area through an RMP review and determine the best way to utilise the space.</li> <li>• Taupō residents can continue to have access to arts and crafts activities and products in a convenient location until November 2026.</li> </ul>	<ul style="list-style-type: none"> <li>• Assumes that the Art in the Park activity is still a good fit for Tapuaeharuru despite the change in its character.</li> <li>• Restricts alternative uses of the area until November 2026.</li> </ul>

Analysis Conclusion:

On the basis of the analysis of options, the preferred option is Option 2 where the Licence or permit is granted for a short term to allow long term planning and decision making for the use and occupation of Tapuaeharuru.

**NGĀ HĪRAUNGA | CONSIDERATIONS**

**Ngā Aronga Pūtea | Financial Considerations**

Taupō Art in the Park is a not-for-profit organisation so although members may sell artworks, the activity is not strictly speaking a trade, business or occupation in terms of the Reserves Act. This allows the activity to be authorised by way of a permit rather than a licence. The revenue derived from the licence has previously been nominal and it is anticipated that this will continue.

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under Parks Operations.

**Ngā Aronga Ture | Legal Considerations**

Local Government Act 2002

The matter comes within scope of the Council’s lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social and environmental well-beings are of relevance to this particular matter.

Authorisations as follows are required for the proposal:

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

Authorisations are not required from external parties.

### Reserves Act 1977

The Committee as administering body of the reserve is authorised to grant a permit under section 53(1)(f) or 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  
 Taupō District Plan    Bylaws    Relevant Management Plan(s)

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

The proposed licence or permit is consistent with the Tapuaeharuru Lakeshore Reserves Management Plan.

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

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

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

Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Te Ātea has elements that acknowledge Te Ao Tūroa (the enduring world), Ngā Kaitiaki (the spiritual guardians that are caretakers over the land, lake and ocean), the ancient peoples of the land, and the many hapū including all living people. Use of Te Ātea and surrounding reserve and road areas must be appropriate and respectful.

### **Ngā Tūraru | Risks**

Option 2 limits the risk to Council and TAP by providing a short term solution that continues the activity until May 2025 allowing time for further long term planning to ensure that the TAP activity is still appropriate in this location.

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

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

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

### **TE KŌRERO TAHI | ENGAGEMENT**

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

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

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

**WHAKAKAPINGA | CONCLUSION**

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

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Art in the Park Area

**5.3 PROPOSED UNISON EASEMENT OVER LOCAL PURPOSE RESERVE TO SUPPLY 16-18 CHAD STREET, RAINBOW POINT**

**Author:** Karyn Hollman, Senior Solicitor  
**Authorised by:** Roger Stokes, Infrastructure Manager

**TE PŪTAKE | PURPOSE**

To consider the grant of a new electricity easement in favour of Unison Networks Limited through Lot 69 DP 375151 (Record of Title 302612), being a local purpose reserve (road), pursuant to section 48(1) of the Reserves Act 1977.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

The new residential units at 16-18 Chad Street, Rainbow Point, are supplied for power by Unison Networks Limited (“Unison”) via electricity assets within the adjoining Council reserve. By section 48(1) of the Reserves Act 1977 the Minister of Conservation’s consent is needed to such easement grant. The Committee, as sub-delegate of Council of the Minister, may give this consent.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That the Taupō Reserves and Roding Committee:

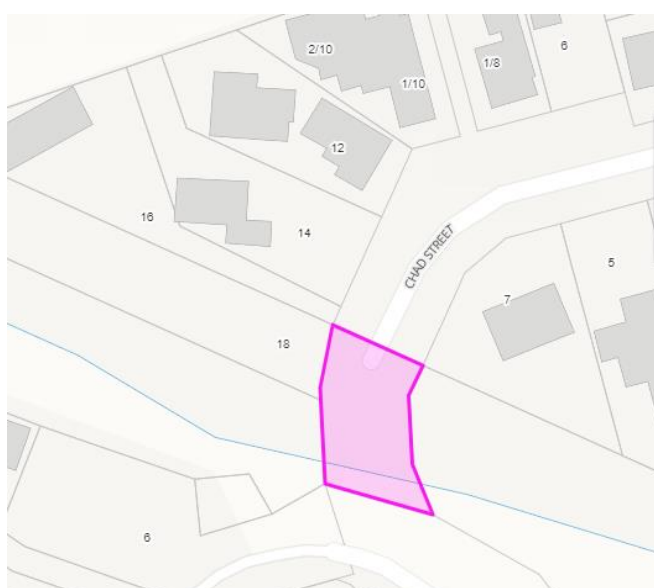
1. Exercises (under sub-delegation of Council) the Ministerial power of consent to the grant to Unison Networks Limited of rights to convey electricity under Lot 69 DP 375151 (Record of Title 302612), being local purpose reserve (road), pursuant to section 48(1) of the Reserves Act 1977; and
2. authorises the Chief Executive and Mayor to sign the requisite certificate on behalf of Taupō District Council, as delegate of the Minister of Conservation for the purposes of s48(1) of the Reserves Act 1977.

**TE WHAKAMAHUKI | BACKGROUND**

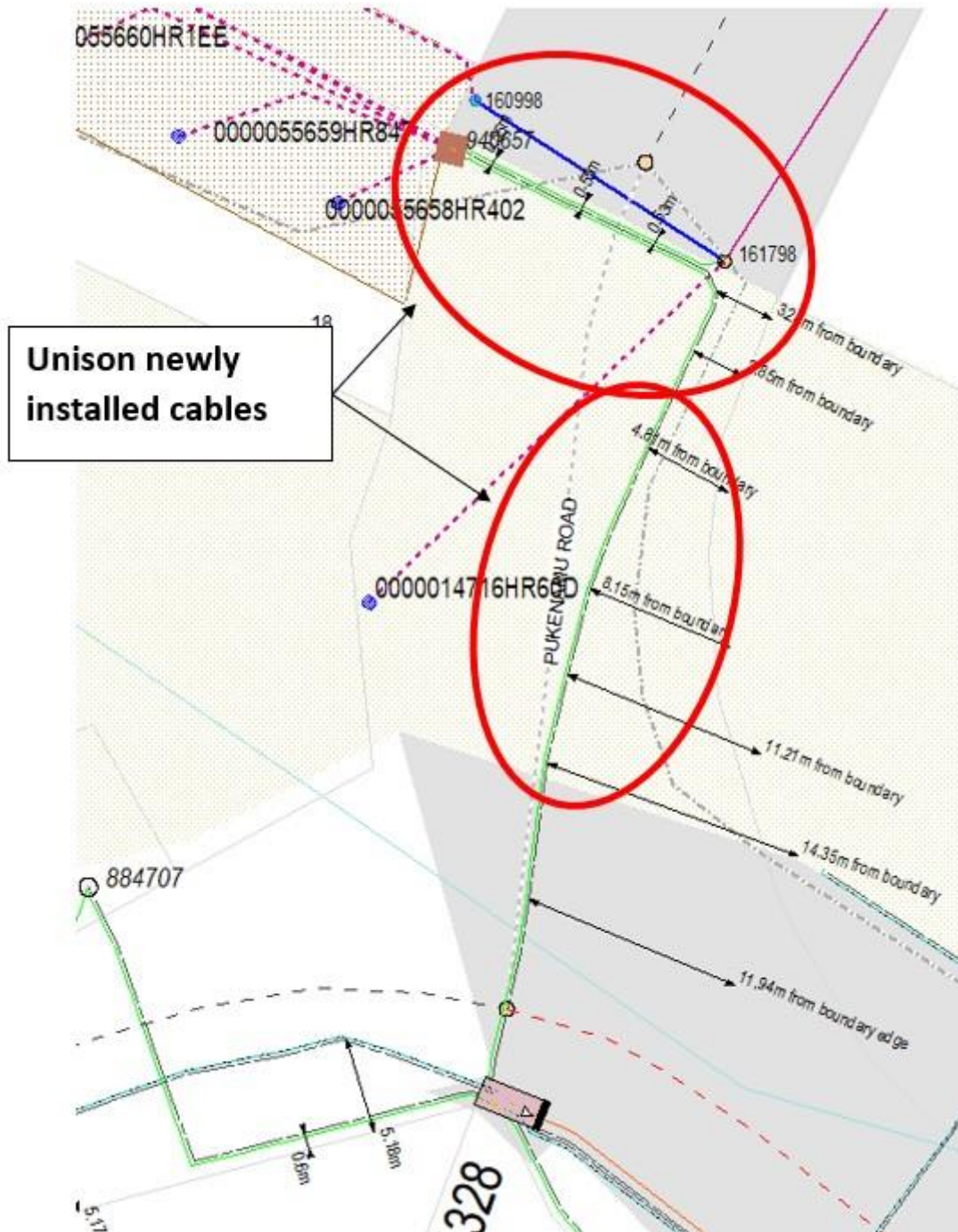
The proposal has not been presented previously. But in August 2023 the Taupō Reserves and Roding Committee gave approval to private right of way easements over this same reserve (TRARC202308/06).

**NGĀ KŌRERORERO | DISCUSSION**

The residential units at 16-18 Chad Street are powered by electricity supplied by Unison. To avoid an expensive upgrade in Chad Street, it was agreed supply be via a low voltage cabling from a new HV Pedestal in front of 18 Chad Street back to a transformer within Pukenamu Road but requiring the cabling to cross a Council reserve (in pink below).



Unison’s assets are shown in green circled in red below. The top (horizontal) section traverses existing private right of way areas.



The reserve is vested in Council as a local purpose reserve (road). Section 48(3) of the Reserves Act requires public notice of the intention to grant an easement over reserve unless the easement is unlikely to materially alter or permanently damage the reserve or the public’s rights in respect of it.

Unison’s assets are installed underground, and we believe the reserve is unlikely to be adversely affected by the creation and proper use of the easement rights, and the public’s rights in respect of the reserve. Therefore, we believe public notice is not required on this occasion.

Unison has asked that the easement affect the entire reserve, saving Unison time and survey costs.

Accordingly, there are three options.

## NGĀ KŌWHIRINGA | OPTIONS

### Analysis of Options

#### **Option 1: Do not consent to granting Unison electricity rights over road reserve**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>None known.</li> </ul>	<ul style="list-style-type: none"> <li>A condition of Unison’s electrical installation (for a registered easement in Unison’s favour) cannot be satisfied.</li> <li>Unison might remove its assets.</li> <li>An alternative power supply arrangement, involving an expensive upgrade within Chad Street, will need to be pursued.</li> </ul>

#### **Option 2: Grant Unison electricity rights over part of the road reserve**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>We can satisfy a condition of Unison’s electrical installation.</li> <li>The Chad Street units will be available for use at the first opportunity.</li> <li>No need for a costly upgrade within Chad Street.</li> <li>Affects as little as possible of the reserve but which reserve is used as road only.</li> </ul>	<ul style="list-style-type: none"> <li>Unison incurs survey costs for little benefit to Council.</li> <li>Might impact Council’s relationship with Unison as being unnecessarily pedantic for little-to-no benefit to Council.</li> </ul>

#### **Option 3: Grant Unison electricity rights over the entire road reserve**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>The first three advantages in Option 2 apply.</li> <li>Enhances Council’s relationship with Unison if Council is seen as a reasonable, commercially sympathetic counter-party.</li> </ul>	<ul style="list-style-type: none"> <li>Grants Unison rights to lay electrical installations under the entire area of the reserve, but this is mitigated by Unison’s obligations to:                             <ol style="list-style-type: none"> <li>lay only easement facilities that Unison reasonably requires, and</li> <li>obtain the prior approval of Council (acting reasonably) to any new easement facility, (as implied by clause 10(1) in Schedule 5 to the Land Transfer Regulations 2018, and not negated by Unison’s standard terms of easement).</li> </ol> </li> </ul>

#### **Analysis Conclusion:**

The preferred option is **Option 3: Grant Unison electricity rights over entire road reserve.**

## NGĀ HĪRAUNGA | CONSIDERATIONS

### **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 Unison Networks Limited.

#### 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 (Act), and of relevance are the following matters:

1. The reserve is vested in Council as local purpose reserve (road).
2. Section 48(1) of the Act permits an administering body, with the Minister of Conservation's consent, to grant easements over any part of a reserve vested in that administering body for electrical installation purposes.
3. Pursuant to section 10 of the Act, the Minister has delegated to Council the Minister's powers under s48(1) in respect of reserves vested in Council as the administering body. Council has sub-delegated this power to the Committee.
4. Section 48(2) requires public notice of the intention to grant easements over reserves 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, and the nature and purpose of the electrical installation.
5. The easements rights are to be granted by registered instrument on Unison's standard terms, modified appropriately to recognise the status of the land as reserve.
6. There is nothing within the existing right of way easements that prevent Unison's assets being located within the existing easement areas or the registration of a legal easement.
7. It is possible to grant the easement over the entire road reserve, and so avoid the need to survey the relevant areas, without prejudicing the function of the reserve for road purposes.

Authorisations are not required from external parties.

#### **Ngā Hīraunga 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 is the risk that Unison might wish to lay additional new cables if the easement covers the entire reserve, but that risk can be mitigated by the requirement for Unison to obtain Council's prior approval.

#### **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 the Committee making a decision.

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

No communication/media required.

**WHAKAKAPINGA | CONCLUSION**

It is proper for the Committee, as sub-delegate of the Minister of Conversation, to consent to the grant of a registered electricity easement to Unison Networks Limited under Lot 69 DP 375151 (Record of Title 302612), being local purpose reserve (road), adjoining the new residential development at 16-18 Chad Street, Rainbow Point.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

Nil