

**I give notice that  
an Ordinary Meeting of Council will be held on:**

<b>Date:</b>	<b>Tuesday, 17 December 2024</b>
<b>Time:</b>	<b>1.00pm</b>
<b>Location:</b>	<b>Great Lake Centre 5 Story Place Taupō</b>

# **AGENDA**

## **MEMBERSHIP**

**Chairperson** Mayor David Trewavas  
**Deputy Chairperson** Cr Kevin Taylor

**Members**

- Cr Duncan Campbell
- Cr Karam Fletcher
- Cr Sandra Greenslade
- Cr Kylie Leonard
- Cr Danny Loughlin
- Cr Anna Park
- Cr Christine Rankin
- Cr Rachel Shepherd
- Cr Kirsty Trueman
- Cr Yvonne Westerman
- Cr John Williamson

**Quorum** 7

**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**  
Nil
- 5 **Ngā Kaupapa Here Me Ngā Whakataunga | Policy and Decision Making**
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## 5.1 APPROVAL OF THE MOTUTERE RESERVE MANAGEMENT PLAN

**Author:** Haydee Wood, Policy Advisor, Resource Management  
 Kara Scott, Senior Policy Advisor, Resource Management  
 Erin OCallaghan, Team Leader Resource Management/Reserve Planning

**Authorised by:** Nick Carroll, Policy Manager

### TE PŪTAKE | PURPOSE

For Council to approve the recommendation by the Motutere Recreation Reserve Management Plan Committee (the Committee) to approve the draft Motutere Reserve Management Plan (RMP).

### WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Under Section 41 of the Reserves Act 1977 (the Act), Council is required to prepare reserve management plans for all recreation reserves for which they are the administering body. Council initiated the review of the Motutere Reserve Management Plan which was last reviewed in 2004.

The draft RMP has been developed in partnership between Council and Ngāti Te Rangiita ki Waitetoko hapū and overseen by the Committee.

The process for the review included a series of workshops and meetings with the Committee and two public consultation periods. In the first round of consultation at the start of the review process, feedback was received from 112 individuals and organisations, and 609 submissions were received during the second formal consultation period on the draft. Public Hearings were held on 27 November and 28 November 2024 in the Council Chambers with 31 submitters speaking to their submission.

Through the hearing and deliberations, the Committee made decisions on the recommended changes to the draft RMP. The Committee recommend that the draft RMP now be approved by Council. Compared to the 2004 version, the key changes are:

- A new vision statement and six objectives
- Restriction of vehicle access to a central carpark at Ōtaiātoa Bay, just to the south of Motutere Bay
- Identification of two new campground areas for recreation and accommodation
- Signalling an end to camping on the lakeshore part of the reserve after 2038 or earlier subject to conditions of a new lease.

### NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council

1. Approves the Motutere Reserve Management Plan 2024 as recommended by the Motutere Reserve Management Plan Committee, and
2. Authorises the Policy Manager to make minor editorial changes to the Motutere Reserve Management Plan prior to publication to correct errors and improve public understanding, without changing the intent.

### TE WHAKAMAHUKI | BACKGROUND

Under section 41 of the Reserves Act 1977 (the Act), councils are required to prepare reserve management plans for all recreation reserves for which they are the administering body. The Motutere Reserve is currently vested in Taupō District Council. Reserve management plans should be kept under continuous review, the last review for the Motutere Recreation Reserve was completed in 2004. Council resolved to review the management plan on 7 February 2022 [TDC20230/07].

### Mana Whenua

Ngāti Te Rangiita ki Waitetoko hapū, a hapū of Ngāti Tūwharetoa, are the mana whenua of Motutere and have a deep cultural and spiritual connection to the land. The draft RMP was developed in partnership

between the Council and Ngāti Te Rangiita, in recognition of their historic cultural, social, and spiritual connection to the reserve land.

### Review Process

Further information and context can be found on Council's website including workshop notes, meetings minutes and submissions to the draft RMP: <https://www.taupodc.govt.nz/council/meetings/motutere-recreation-reserve-management-plan-committee>. The minutes from the last Motutere Reserve Management Plan committee meeting are attached.

This summary provides a short timeline of key events through the process.

<b>26 September 2023</b>	<b>Council approved the establishment of the Motutere Recreation Reserve Management Plan Committee to oversee the Plan's development.</b>
<b>30 November 2023</b>	The Committee resolved to start the consultation process in accordance with section 41(5) of the Reserves Act 1977.
<b>4 December 2023 - 15 January 2024</b>	Public consultation period. 112 submissions received.
<b>15 February 2024</b>	Committee workshop to consider feedback received.
<b>21 March 2024</b>	Committee workshop to discuss issues and options for the reserve.
<b>2 May 2024</b>	Committee workshop on the draft RMP and vision.
<b>30 May 2024</b>	Committee workshop to provide further direction on the draft; lessee presented his proposed masterplan for the campground.
<b>25 July 2024</b>	Committee meeting to provide direction on the draft RMP and concept plan for consultation.
<b>29 August 2024</b>	Committee meeting to approve the draft RMP for formal consultation.
<b>3 September – 4 November 2024</b>	Formal public consultation period. 609 submissions received.
<b>27 and 28 November, and 2 December</b>	Hearing and Deliberations on submissions.

### Campground Lease

The current lease expires in 2038. Council has directed officers to begin negotiating a proposed new lease on a without-prejudice basis, in parallel with the RMP review [TDC202403/05]. The new lease cannot be granted until after the RMP is approved, as the new lease will need to conform with the new RMP.

The removal of all camping off the lakeshore proposed in the RMP will not take effect until the current lease expires, or unless agreed to by the lessee through a new lease.

### Cultural Values Report

A Cultural Values Report was commissioned for Motutere Reserve. The Ngāti Te Rangiita ki Waitetoko Cultural Values Report serves as an important foundation, offering insights into the historical, spiritual, and cultural values and connection the hapū has with Motutere reserve. The Cultural Values Report has allowed a proposed new camping area and a recreation area to be supported, with appropriate conditions.

### NGĀ KŌRERORERO | DISCUSSION

This has been a comprehensive review of the 2004 Motutere RMP. Key changes approved by the Committee include:

### **A New Vision Statement**

*The mauri (life essence) of Motutere and its taonga (values) are protected and restored, the rights of mana whenua are recognised and provided for, and the recreation reserve continues to be a place for people to share and enjoy.*

### **Six new objectives to support the vision and values of the RMP:**

1. Mana whenua cultural values are respected, celebrated, and protected.
2. The reserve's unique natural environment values are restored and protected.
3. Public access and associated safety is maintained and enhanced for all reserve users.
4. A reserve that provides for the recreation values and meets a range of needs and enjoyment for all reserve users.
5. Built structures are sensitively designed to integrate with the natural environment values of the reserve.
6. Leases and licenses are provided for where they enhance Motutere's recreation values.

### **Restriction of Vehicle access at Ōtaiātoa Bay**

The committee approved limiting vehicle access to Ōtaiātoa Bay to a single carpark and entry/exit point. This is intended to achieve the following objectives:

- a. reduce the risks associated with the current high-speed traffic environment and challenging turning situations.
- b. decrease the environmental degradation from vehicles driving through the reserve.
- c. reduce illegal camping, as a more confined and less private carpark will be less inviting compared to parking or camping on the grassed areas.

### **New Camping Areas**

During this RMP review, assessments were conducted to evaluate the suitability of two new sites for inclusion in the campground lease area. Area 1 is designated for new camping sites, while Area 2 is proposed for recreation purposes. The assessments included an Ecological Report, a Cultural Values Report, and a HAIL (Hazardous Activities and Industries List) Assessment. The reports identified that Area 1 holds both ecological and cultural significance, while Area 2 has cultural significance and contains the site of an old landfill. The HAIL assessment for Area 2 confirmed that levels of all potential contaminants tested were well below the human health standards for residential living, making the site suitable for the proposed recreational use.

The Committee approved both areas for inclusion in future lease arrangements, subject to conditions.

### **Public Day-Use Area On Motutere Bay Lakeshore**

During the review process, concerns were raised about the balance between areas of the reserve designated for commercial camping and those available for public use. Over time, the lakeshore lease area has changed and now includes permanent caravans, domes, and motor homes, leading to challenges related to safety, erosion, and traffic. This configuration has also significantly limited public access to Motutere Bay and the boat ramp.

Motutere holds deep spiritual significance for Ngāti Te Rangiita ki Waitetoko hapū, especially the connection of Motutere Bay to Motutaiko Island. The exclusive private use of the campground has contributed to a sense of disconnection from ancestral lands for the hapū.

During the community consultation and engagement sessions, many campers shared their history of camping at Motutere and the importance of the campground to them. There were concerns that the campground might close and there was opposition to any changes to the existing lease area.

The Committee consulted on a shared-use lakeshore option. However, out of the 609 submissions an overwhelming number requested the removal of all camping from the lakeshore (lakefront) side of Motutere Bay on or before the end of the current lease term in 2038.

The Committee determined that lakeshore camping at Motutere is no longer appropriate and agreed to include an end to lakeshore camping in the Reserve Management Plan, effective at the conclusion of the current lease in April 2038.

The proposed changes to the lakefront will require investment from Council. The scale and timing of this investment will depend on Council's planning and budgeting process and influenced by other costs and

priorities. Failure to provide the necessary funding to create a public open space once camping is removed from the lakefront could pose a reputational risk to Council. To mitigate this, the Committee has ensured that the transition away from lakeshore camping is contingent upon securing funding for the development of day-use facilities.

Any new campground lease agreed prior to this date must meet the following outcomes:

- a. Cease all camping on the lakeshore reserve and transition the area to public day use.
- b. Establish a new camping area in Campground Area 1 before lakeshore camping is removed.
- c. Allow time for the campground Lessee to establish the new area and remove camping facilities from the lakeshore reserve.
- d. Ensure Council funding is secured, including through consideration in the Long-term Plan and Annual Plan processes, to develop public day use facilities on the lakeshore reserve after lakeshore camping ends.

Conclusion

The Committee has approved the key changes outlined above and the consequential amendments to the draft RMP (Attachment 1). The draft RMP is now ready for approval by Council.

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

**Option 1. Support the Recommendation from the Committee to approve the Motutere Reserve Management Plan**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• The 2004 Reserve Management Plan will be updated to reflect current legislation and reserve management practices.</li> <li>• Enhanced public access to the foreshore, supporting safe and equitable use for the public and campground visitors following the removal of camping off the lakeshore (2038).</li> <li>• Opportunity to improve public safety around the boat ramp and the jetty once lakeshore camping has been removed.</li> <li>• Opportunity to restore and enhance vegetation on the foreshore and enhance natural character once lakeshore camping has been removed.</li> <li>• Supports mana whenua’s values and preference for no camping on the lakeshore.</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of exclusive lakeshore camping for annual site holders and no lakeshore camping experience provided on Lake Taupō. From 2038 or potentially earlier if agreed to as part of a new lease.</li> <li>• Campground users will have to use public restrooms when on lakeshore once camping is removed (campground infrastructure will be removed from this side of campground).</li> <li>• Costs associated with upgrading reserve for day use. Timing to be determined through the Long-term Plan.</li> <li>• Increased pedestrian traffic crossing SH1 once camping on the lakeshore is removed.</li> <li>• Potential for decreased overnight tourist visits, especially if the new Area 1 campground area is not utilised. May be balanced by people staying elsewhere in the district.</li> </ul>

**Option 2. Make amendments to the Reserve Management Plan proposed by the Committee.**

The advantages and disadvantages will depend on the nature of the amendments proposed by Council.

Analysis Conclusion:

The preferred option is Option 1 Support the Recommendation from the Committee to approve the Motutere Reserve Management Plan.

If neither option is agreed upon, the draft RMP will need to be referred back to the Committee in accordance with the Terms of Reference and Delegations. In this case, Council must clearly identify the aspects of the draft RMP that the Committee needs to reconsider.

## **NGĀ HĪRAUNGA | CONSIDERATIONS**

### **Ngā Aronga Pūtea | Financial Considerations**

There will be consequential costs to Council with implementing the reserve management plan. These costs are anticipated to include:

- Construction of public facilities, such as a car park, toilet block and creation of a picnic area.
- Installation of a gate for vehicle management and security.
- Remediation work and native vegetation planting to enhance the natural character of the area and support environmental restoration.
- Rope fencing to define the public walkways along the foreshore to help manage erosion and protect sensitive areas.

This expenditure will need to be planned and budgeted through Council's Long-term Plan (LTP) or Annual Plan processes to ensure alignment with other Council priorities.

There will be financial implications for the lessee when buildings and infrastructure need to be removed or relocated. According to the lessee's submission, there be an impact on the value of the business and potentially reduced visitor numbers and income during the summer period. A new camping area has been approved under the draft RMP, subject to conditions, which will help offset some of the loss of lakeshore sites.

While the above costs are an important consideration, they must be balanced against the wider benefits that transitioning the lakeshore will bring:

- Enhanced public access to the lakeshore for the entire community, removing the current exclusivity associated with camping.
- Opportunities to restore and protect the natural character of the lakeshore.
- Opportunities to acknowledge and restore the cultural connection of Ngāti Te Rangiita ki Waitetoko to this area.
- Opportunities to better manage safety issues around the boat ramp.

### **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, economic, environmental, and cultural are of relevance to this particular matter.

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

#### Reserves Act 1977

Taupō District Council is the administering body of the Motutere Recreation Reserve under the Reserves Act 1977. Under section 41 of the Reserves Act Council is required to have a management plan for the Reserve which shall be kept under continuous review so that the plan is adapted to changing circumstances or in accordance with increased knowledge.

The Motutere Recreation Reserve Management Plan Committee were delegated to oversee the review and make a recommendation to Council to approve the final plan.

The review of the Reserve Management Plan is in accordance with the Reserves Act 1977 and all decisions must be consistent with the purposes of the Act, as set out in section 3.

#### Resource Management Act 1991 (RMA)

An administering body, like any other occupier or owner of land, is required to comply with a range of legislation about land administration and management. The RMA is the key piece of legislation to manage the effects of use and development of natural and physical resources.

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

The proposal has been evaluated against the following plans:

- ✓ Long Term Plan 2024-2034     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 existing reserve management plan was developed in 2004 and this review process ensures the ongoing management direction remains relevant.

While this management plan might set out a series of actions for Council to undertake to realise some of the objectives, the funding and timing of those actions will be dictated by Council's future Long-term Plan processes.

### **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 iwi, and hapū of our district.

In addition, administering bodies under the Reserves Act 1977 have a duty similar to the Crown to interpret and administer the Act to give effect to the principles of the Treaty of Waitangi. This duty extends to all reserves managed under the Act, which are also subject to the obligations of section 4 of the Conservation Act 1987.

This review is being undertaken in partnership with Ngāti Te Rangiita ki Waitetoko hapū, mana whenua of Motutere. The hapū has had an active role in the project team with a codesign approach. Hapū representatives were also on the Committee overseeing the review of the Reserve Management Plan.

A cultural values report for the Motutere area was undertaken by Herea Winitana of Ōtaiātoa Ltd on behalf of Ngāti Te Rangiita ki Waitetoko hapū.

### **Ngā Tūraru | Risks**

Implementing the proposed changes on the lakefront will require investment from Council. The level and timing of any such investment is reliant on Council's planning and budgeting process and influenced by other costs and priorities. There is a reputational risk if Council does not make the required investment to develop the public open space with adequate facilities if camping is removed from the lakefront. The Committee has addressed this risk by making sure the removal of camping off the lakefront is tied to the provision of funding to establish the day use facilities.

There could potentially be more pedestrian traffic if we move campers from the lakefront to the other side of the state highway. The Committee has identified this issue and signalled the need for safe crossing points on SH1. The New Zealand Transport Agency has indicated they do not intend to proactively provide crossing points. Council may need to take a proactive approach through further advocacy to the Agency or through direct funding.

### **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 significant. The review of the management plan is of high interest to the local community, campers, the hapū, Tūwharetoa iwi, and the lessee of the campground.

### **TE KŌRERO TAHI | ENGAGEMENT**

The community had two opportunities to provide their views during the review process. These consultation phases included engagement events where the public could discuss the project with staff and Committee



members. Over last summer, 112 submissions were received, and an additional 609 submissions were submitted during the recent consultation on the draft. Hearings were held to allow submitters to present their views directly to the Committee and the hearings were live-streamed on the Council's YouTube channel, ensuring accessibility for out-of-town submitters and other interested viewers.

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

Direct communication will be carried out with affected stakeholders and wider communication will be carried out with the community once Council has approved the RMP.

### **WHAKAKAPINGA | CONCLUSION**

Under Section 41 of the Reserves Act 1977, councils are required to prepare reserve management plans for all recreation reserves for which they are the administering body. The Motutere Recreation Reserve is presently vested with Taupō District Council.

The Motutere Recreation Reserve Management Plan Committee have undertaken the review in accordance with the Reserves Act 1997. The Committee now recommend Council approve the draft Motutere Reserve Management Plan 2024.

### **NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Motutere RMP - final for Council approval
2. Minutes of the Motutere Recreation Reserve Management Plan meeting that commenced 27 November 2024

**5.2 ADOPTION OF THE ANNUAL REPORT 2023/24**

**Author:** Jeanette Paenga, Finance Manager

**Authorised by:** Sarah Matthews, General Manager Organisation Performance

**TE PŪTAKE | PURPOSE**

To adopt the Annual Report 2023/24 and the Summary of the Annual Report 2023/24.

**NGĀ KŌRERORERO | DISCUSSION**

The Annual Report 2023/24 is the key public accountability document that compares Council's actual performance for the year against its forecast and targets in the Annual Plan and the third year of the Long-term Plan 2021-2031. Highlights of this report are set out in the introductory sections of the Annual Report and reproduced in the Summary of the Annual Report including the key message from the Mayor, a summary of the financial results for the year, Council's achievements in its activity areas and a summary of its major initiatives. Both documents are available in Attachments 1 and 2, respectively.

Council must adopt its Annual Report 2023/24 and Summary of the Annual Report 2023/24 by 31 December 2024 as required by s.98 of the Local Government Act, 2002 (reproduced in Attachment 3). This deadline is later than in previous years due to delayed Long-Term Plan adoption, and as provided for by Schedule 1AA, Clause 47 of the LGA (reproduced in Attachment 3).

The Annual Report and Summary of the Annual Report are both audited to ensure consistency between the two documents and overall compliance with relevant legislation, accounting standards and generally accepted accounting principles. Council is due to receive an audit opinion from Council's Auditor - Audit New Zealand, in relation to Council's statement of service performance.

The Annual Report and Summary of the Annual Report were presented to Council's Risk and Assurance Committee on 09 December 2024, and the Committee recommends that Council adopts both reports.

In terms of financial performance, the Statement of Comprehensive Revenue and Expense shows a Group Operating Surplus of \$28.2 million against a budget of \$11.1 million. There are variances from budget and where significant these are explained in Note 34 of the Annual Report.

Performance measures for each group of activities aim to report on whether or not Council met its target levels of service. Performance measures usually relate to the quality, quantity, timeliness, or customer satisfaction for Council's key services. Council achieved 47 out of its 67 performance measures which is an improvement over last year's result of 46 out of 67. Details of achievement of performance measures by group of activities and the reason for not achieving some of them are detailed in the Annual Report.

**WHAKAKAPINGA | CONCLUSION**

Council is asked to adopt the Annual Report 2023/24 and the Summary Annual Report 2023/24.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council, pursuant to section 98 of the Local Government Act 2002, and on the recommendation of the Risk and Assurance Committee:

1. Adopts the Taupō District Council Annual Report 2023/24; and
2. Adopts the Taupō District Council Summary Annual Report 2023/24.

**NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Draft Annual Report 2023-24 (under separate cover 1) [⇒](#)
2. Draft Annual Report 2023-24 Financials (under separate cover 1) [⇒](#)
3. Draft Annual Report 2023-24 Summary (under separate cover 1) [⇒](#)
4. Draft Annual Report 2023-24 Summary - Financials (under separate cover 1) [⇒](#)

**5.3 LAND EXCHANGE - STOPPING OF UNFORMED LEGAL ROAD AND ACQUISITION OF LAND AND EASEMENTS FOR WATER RESERVOIRS - NAPIER ROAD (SH 5) AND POIHIPI ROAD**

**Author:** Tom Swindells, Asset Manager Water

**Authorised by:** Sarah Lealand, Three Waters Manager

**TE PŪTAKE | PURPOSE**

To seek approval to progress a road stopping, and an exchange of stopped road for land and easement rights for water treatment reservoir purposes, on terms set out in agreements negotiated with Landcorp Farming Limited and Funnell Farms Limited.

**WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY**

This proposal involves Council obtaining from Landcorp Farming Limited (**Landcorp**) some land and certain easement rights at 107 Poihipi Road, and some land at 352 State Highway 5, Taupō for water supply purposes, in exchange for Council stopping and vesting sections of unformed legal road in, respectively, Landcorp and Funnell Farms Limited, as owners of land that immediately adjoins the road.

**NGĀ TŪTOHUNGA | RECOMMENDATION(S)**

That Council:

1. Approves (as interrelated transactions) pursuant to sections 17, 20, 28, 116, 117 and 120 (as applicable) of the Public Works Act 1981:
  - a. The acquisition of approximately 0.4800ha (subject to survey) of the land at 107 Poihipi Road in Record of title SA59B/490, as shown Section 1 on Survey Office Plan (SO) 589776, for the purpose of a water treatment reservoir;
  - b. The acquisition of easements of right of way and water supply, as required in connection with the water treatment reservoir, over Section 2 on SO 589776 shown A-E, G-K and N on SO 589776, on terms agreed between Landcorp Farming Limited (as grantor) and Council (as grantee);
  - c. The acquisition of approximately 0.5691ha (subject to survey) of the land at 352 State Highway 5 (Napier Road) in Record of title 470090 (South Auckland Registry), as shown Section 1 on SO 590444, for the purpose of a water treatment reservoir;
  - d. The stopping of the unformed legal road that adjoins the land in Record of title 470090, being approximately 5.3006ha (subject to survey), as shown Section 3 on SO 590444 and the disposal of the road (once stopped) to the owner of the land in Record of title 470090 by way of amalgamation;
  - e. The stopping of the unformed legal road that adjoins the land in Record of title 298462, being approximately 1.0532ha (subject to survey), as shown Section 4 on SO 590444 and the disposal of the road (once stopped) to the owner of the land in Record of title 298462 by way of amalgamation;and otherwise on the terms and conditions of agreements between Council and Landcorp Farming Limited, and an agreement between Council and Funnell Farms Limited.
2. Authorises the Chief Executive to sign the relevant agreements under the Public Works Act 1981, and to sign and do any other thing needed to complete the transactions envisaged in the agreements.

**TE WHAKAMAHIKI | BACKGROUND**

The proposal has not been presented previously.

**NGĀ KŌRERORERO | DISCUSSION**

Council proposes to acquire land from Landcorp for water supply purposes (and, specifically, water treatment reservoirs) on Poihipi Road and State Highway 5 (Napier Road) to meet anticipated future growth and development of Taupō.

A 5,000m3 reservoir is planned for construction on the Poihipi Road site between 2027 and 2030 with a total of \$9.8M budgeted in the current Long-term Plan (LTP). The reservoir will support growth areas north of the Waikato River, including the Nukuhau Structure Plan area, improve emergency storage levels to more than 24 hours, and reduce the risk of pump failures impacting Taupō customers.

A 2,000m3 reservoir is planned for construction on the Napier Road site between 2026 and 2029 with a total of \$5.9M budgeted in the current LTP. The reservoir will service higher elevation growth land in the East Urban Lands and will also allow higher pressure water to be fed through the main Taupō industrial areas (Crown Rd, Miro Street areas) to improve pressure and fire flow.

Specifically, the land and interests proposed to be acquired from Landcorp only are:

1. 0.4800ha more or less (subject to survey) being proposed Section 1 on Survey Office Plan 589776, being part of Landcorp’s land at 107 Poihipi Road, Taupō in Record of Title SA59B/490;
2. Easements in gross for a right of way and water supply over those areas of Landcorp’s land shown A - E, G - K and N on SO 589776, on terms agreed between the parties; and
3. 0.5691ha more or less (subject to survey) being proposed Section 1 on Survey Office Plan 590444, being part of Landcorp’s land on 352 State Highway 5 (Napier Road) in Record of Title 470090.

These interests are proposed to be obtained in exchange for unformed legal road parcels that are owned by Council and shown Sections 3 and 4 on SO 590444. Sections 3 and 4 each adjoin land respectively owned by Landcorp and Funnell Farms Limited. Sections 3 and 4 are contiguous, so if Section 3 is cancelled as to its road status, it makes sense that Section 4 is likewise cancelled: Section 4 is of no use as road without Section 3. And Council’s responsibility to maintain Section 4 will end.

The proposed reservoir sites have been selected based on the desired elevation to ensure the reservoirs will provide the appropriate level of service to future growth land. The possibility of a land exchange was initially conceived in 2020 following discussion with Landcorp. Its advantage over a stand-alone land purchase is that it does not require potentially substantial initial capital expenditure.

In relation to the agreements with Landcorp, the land exchange is based on registered valuations obtained [2021 and 2022] for that purpose. In relation to the agreement with Funnell Farms, Section 4 is proposed to be transferred for no consideration for the reasons identified above.

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

**NGĀ KŌWHIRINGA | OPTIONS**

Analysis of Options

**Option 1. Approve land acquisitions and road stopping and disposal.**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Capital cost of land acquisition is minimised.</li> <li>• Rationally disposes of unused/unformed legal road, thereby reducing ongoing risk.</li> </ul>	<ul style="list-style-type: none"> <li>• Lengthier legalisation process than that involved in a standard sale/purchase.</li> </ul>

**Option 2. Do not approve land acquisitions and road stopping and disposal.**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Acquiring only land without the road stopping in exchange is less involved.</li> </ul>	<ul style="list-style-type: none"> <li>• Need to budget for capital costs involved in standard land purchase.</li> <li>• Unused/unformed legal road remains in place, to no benefit but with potential liability for Council.</li> </ul>

Analysis Conclusion:

The preferred option is **Option 1: Approve land acquisitions and road stopping and disposal.**

**NGĀ HĪRAUNGA | CONSIDERATIONS****Ngā Aronga Pūtea | Financial Considerations**

The financial impact of the proposal is estimated to be \$50,000. This is an estimate of the remaining legal and land transfer costs required to complete the legalisation exercise involved in the land acquisition and road stopping/disposal. (The costs to construct the reservoirs are separately budgeted for).

If the road stopping proceeds, no compensation is payable by Council for the land and easement rights to be acquired from Landcorp because of a set-off of land values. Council is not to receive any payment for (stopped road) Section 4 to be transferred to Funnel Farms Limited: Section 4 is of no value once Section 3 is stopped as road.

If the road stopping does not proceed, Council will need to acquire the land from Landcorp in accordance with the agreements for a total compensation payment of \$176,100.00 plus GST if any.

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for under project W00370 in the current LTP within which there is (as at November 2024) \$94,000 available.

In the unlikely event the road stopping does not proceed, we will need to request additional funding for the land purchase.

**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 are relevant to the matter.

The proposal has been evaluated with regards to key legislation and the following matters are relevant to consider:

By sections 17 and 28 of the Public Works Act 1981, Council may acquire by agreement land and easement rights for a public work for which it is responsible.

By sections 16 and 117 of the Public Works Act 1981, Council may cancel the status of land as road ("stop" the road) and transfer that cancelled ("stopped") road in the adjoining landowner. It is not necessary to use the Local Government Act 1974 in this case because there is not high public interest in the exercise.

The Public Works Act provides for compensation to be payable on an acquisition. The compensation payable is based on the land's value as assessed by a registered valuer on an open market 'willing seller, willing buyer' basis. The fact that land is being acquired for a public work does not affect the land's value or the amount of compensation to be paid.

In this case, no monetary exchange is required because the land and stopped road to be exchanged between Landcorp and Council are of equal value.

Following signing of the Landcorp agreements, Council is entitled to register a compensation certificate under section 19 of the Public Works Act against the titles to Landcorp's land. This certificate gives notice to all the world that Council has an interest in the land.

Upon becoming owner of the land, Council will be committed to comply with the terms of the Nitrogen Management Deed secured by an encumbrance to the Lake Taupō Protection Trust. The proposed land use, for which the land is being acquired, will not affect the level of nitrogen discharge from the land.

Required authorisations in respect of the proposal have been obtained from Taupō District Council (regulatory approval to the right of way easement under s348 of the Local Government Act 1974) and Contact Energy Limited and The Lake Taupō Protection Trust respectively as encumbrancees of Landcorp's land.

Authorisation is still required from the Minister of Land Information in the form of declarations under sections 20, 116 and 117(3)(b) of the Public Works Act 1981.

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

The proposal has been evaluated against the obligations under the Nitrogen Management Deed imposed on the land by encumbrance to The Lake Taupō Protection Trust.

### **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 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 iwi, and hapū of our district.

In line with these obligations and commitments, before commencing negotiations, Landcorp obtained confirmation from the Office for Māori Crown Relations–Te Arawhiti that the specific areas of interest are not required for treaty settlements and therefore available for sale to the Council for public work purposes.

We believe no further engagement is needed beyond the engagement with the Office for Māori Crown Relations.

### **Ngā Tūraru | Risks**

There is a risk that the Minister for Land Information does not make the declarations required under the Public Works Act. We believe this a low risk and the agreements between the parties provide for what is to happen if the required Ministerial declaration is not available, and that is, Council will be obliged to acquire the land for a total compensation payment of \$176,100.00 plus GST if any, for which we need to request additional funding. A request for additional funding would be presented to Council for decision.

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

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

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

### **TE KŌRERO TAHI | ENGAGEMENT**

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

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

No communication/media required.

### **WHAKAKAPINGA | CONCLUSION**

For the above reasons it is recommended that Council approve the acquisition of land and easement rights, in exchange for stopping and vesting sections of unformed legal road (once stopped) in the adjoining owners, to future proof the district's future water supply requirements.

### **NGĀ TĀPIRIHANGA | ATTACHMENTS**

1. Survey Office Plan 589776

2. Survey Office Plan 590444

## 6 NGĀ KŌRERO TŪMATAITI | CONFIDENTIAL BUSINESS

### RESOLUTION TO EXCLUDE THE PUBLIC

I move that the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution	Plain English reason for passing this resolution in relation to each matter
<p><b>Agenda Item No: 6.1</b> Release of Resolutions from Confidence</p>	<p>Section 7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 7(2)(d) - the withholding of the information is necessary to avoid prejudice to measures protecting the health or safety of members of the public</p> <p>Section 7(2)(h) - the withholding of the information is necessary to enable [the Council] to carry out, without prejudice or disadvantage, commercial activities</p> <p>Section 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>Section 48(2)(a)(i) - the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>	<p>Council will consider these resolutions still retained in confidence from previous meetings and determine if they should be released.</p>



	<p>deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings</p> <p>Section 48(1)(d) - the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings</p>		
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I also move that *[name of person or persons]* be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of *[specify]*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *[specify]*.