



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

STRATEGY AND OPERATIONS COMMITTEE MEETING AGENDA

**Tuesday 7 February 2023
at 1pm**

**Council Chamber
Liardet Street, New Plymouth**

Chairperson:

Members:

Cr Bali	Haque
Cr Tony	Bedford (Deputy)
Cr Sam	Bennett
Cr Max	Brough
Cr Gordon	Brown
Cr David	Bublitz
Cr Anneka	Carlson
Cr Murray	Chong
Cr Amanda	Clinton-Gohdes
Cr Harry	Duynhoven
Cr Te Waka	McLeod
Cr Dinnie	Moeahu
Cr Marie	Pearce
Cr Bryan	Vickery
Mayor Neil	Holdom
Ms Tamzyn	Pue

COMMITTEE PURPOSE

Purpose of Local Government

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. Unless otherwise stated, the recommended option outlined in each report meets the purpose of local government and:

- Promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
 - Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, or transfer the ownership or control of a strategic asset to or from Council.
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OPENING KARAKIA

Kia uruuru mai	I draw in (to my being)
Ā hauora	The reviving essence
Ā haukaha	The strengthening essence
Ā haumāia	The essence of courage
Ki runga, ki raro	Above, below
Ki roto, ki waho	Within, without
Rirerire hau paimarire	Let there be peace



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

Health and Safety Message

In the event of an emergency, please follow the instructions of Council staff.

Please exit through the main entrance.

Once you reach the footpath please turn right and walk towards Pukekura Park, congregating outside the Spark building. Please do not block the footpath for other users.

Staff will guide you to an alternative route if necessary.

If there is an earthquake – drop, cover and hold where possible. Please be mindful of the glass overhead.

Please remain where you are until further instruction is given.

APOLOGIES

None advised

CONFLICTS OF INTEREST

1. People who fill positions of authority must undertake their duties free from real or perceived bias. Elected members must maintain a clear separation between their personal interests and their duties as an elected member. Failure to do so could invalidate a Council decision and leave the elected member open to prosecution and ouster from office.
2. An elected member is entitled to interact with the Council as a private citizen. However, they cannot use their position as an elected member to gain an advantage not available to the general public.
3. Elected and appointed members will:
 - Declare any interest whether pecuniary or non-pecuniary at a meeting where the interest is relevant to an item on that agenda.
 - Exclude themselves from any informal discussions with elected members relating to a matter they have an interest in.
 - Seek guidance from the Chief Executive if they are unclear of the extent of any interest.
 - Seek guidance or exemption from the Office of the Auditor General if necessary.

ADDRESSING THE MEETING

Requests for public forum and deputations need to be made at least one day prior to the meeting. The Chairperson has authority to approve or decline public comments and deputations in line with the standing order requirements.

PUBLIC FORUM

Public Forums enable members of the public to bring matters to the attention of the committee which are not contained on the meeting agenda. The matters must relate to the meeting's terms of reference. Speakers can speak for up to 5 minutes, with no more than two speakers on behalf of one organisation.

- Rusty Kane

DEPUTATIONS

Deputations enable a person, group or organisation to speak to the meeting on matters contained on the agenda. An individual speaker can speak for up to 10 minutes. Where there are multiple speakers for one organisation, a total time limit of 15 minutes, for the entire deputation, applies.

- None advised

SUBMISSIONS

Submissions enable a person, group or organisation to speak for a reasonable amount of time as required.

Devon Street West Safety and Access Improvements

- North Taranaki Cycling Advocates (Robert Langedijk)
- I love Public Transport (Suraya Sidhu Singh)
- Carol Rhodes
- K&M Lilley (Karin Lilley)
- Tony Peters
- Jody Ward
- Lucy (LA Hair, Blagdon)

REPORTS

ITEMS FOR DECISION BY COMMITTEE

- 1 Devon Street West Safety and Access Improvements
- 2 Delivery of Service Reviews – Section 17A Local Government Act Review Programme
- 3 RMA Submissions (Spatial Planning and Natural and Built Environments)

ITEMS FOR RECOMMENDATION BY COMMITTEE

- 4 EV-Charging Station Framework
- 5 Commercial Sorting Depot Fees and Charges
- 6 Surrender and Re-Lease of Land – Airport
- 7 Grant of Encroachment Licence – 28 Carrington Street
- 8 Road Stopping – 12 Victoria Road, New Plymouth
- 9 Road Stopping – 57 Murray Street, Bell Block
- 10 New Lease – Bell Block Library
- 11 Lease – Level Two Civic Centre
- 12 Exclusion of the Public for the Remainder of the meeting

TRAVEL SAFETY AND ACCESS IMPROVEMENTS – CHANGES TO PARKING CONTROLS DEVON STREET WEST, SOUTH ROAD, BLAGDON ROAD AND BELAIR AVENUE

MATTER / TE WHĀINGA

1. The matter for consideration by Council is the changes to parking controls to support the proposed safety and access improvements to Devon Street West, South Road, Blagdon Road, Stuart Place and Belair Avenue.

RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

That having considered all matters raised in the report and pursuant to the New Plymouth District Council Consolidated Bylaws 2008 Part 13: Traffic, the following parking controls in the New Plymouth district be implemented:

State Highway 45 – South Road /Devon Street West

- a) **Create a parking prohibition (no-stopping) on the north side of SH45 South Rd from 320m to 626m (306m) measured in a easterly direction from the prolongation of the east kerb on Pioneer Road.**
 - b) **Create a parking prohibition (no-stopping) on the south side of South Road/Devon Street West (SH45) from 20m to 295m (275m) measured in a westerly direction from prolongation of the west kerb on Blagdon Road.**
 - c) **Revoke the existing on-street bus parking space on the north side of SH45 Devon St West from 71m to 85m (14m) measured in an easterly direction from the prolongation of the east kerb on South Rd.**
 - d) **Create an on-street bus parking space between the hours of 7am to 7pm Monday to Saturday on the north side of SH45 South Rd from 97m to 112m (15m) measured in a easterly direction from the prolongation of the east kerb on South Rd.**
 - e) **Create an on-street bus parking space between the hours of 7am to 7pm on a Saturday on the south side of SH45 South Rd from 20m to 58m (18m) measured in a westerly direction from the prolongation of the west kerb on South Rd.**
 - f) **Create a parking prohibition (no-stopping) on the north side of Devon Street West from 43m to 50m (7m) measured in a easterly direction from the prolongation of the east kerb on South Rd.**
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- g) **Create a parking prohibition (no-stopping) on the north side of Devon Street West from 66m to 72m (6m) measured in a easterly direction from the prolongation of the east kerb on South Rd.**
 - h) **Create one restricted (P30) parking space on the north side of Devon Street West from 25m to 35m (10m) measured in a easterly direction from the prolongation of the east kerb on South Rd.**
 - i) **Create three restricted (P120) parking spaces on the south side of Devon Street West from 41m to 60m (19m) measured in a westerly direction from the prolongation of the west kerb on Stuart Pl.**
 - j) **Create four restricted (P30) parking spaces on the south side of Devon Street West from 17m to 41m (24m) measured in a westerly direction from the prolongation of the west kerb on Stuart Pl.**

South Road

- k) **Revoke the parking prohibition (no stopping) on the east side of South Road from 588m to 620m measured in a southerly direction from the prolongation of the west kerb on Lawry St.**

Blagdon Road

- l) **Revoke one restricted (P10) on-street parking space on the east side of Blagdon Rd from 15.0m to 20.0m (5m) measured in a southerly direction from the prolongation of the south kerb of Devon Street West (SH45).**

Belair Avenue

- m) **Create a parking prohibition (no-stopping) on the west side of Bel Air Ave from 8m to 16m (8m) measured in a southerly direction from the prolongation of the west kerb on State Highway 45 – South Road**

Stuart Place

- n) **Create three restricted (P30) parking spaces on the west side of Stuart Pl from 7.5m to 25m (17.5m) measured in a southerly direction from the prolongation of the south kerb on SH45 Devon St West.**
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COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of some importance
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Endorse the proposed parking restrictions. 2. Endorse the proposed parking restrictions with amendment. 3. Do nothing and retain the existing on-street parking.
Affected persons	The persons who are affected by or interested in this matter are Ngāti Te Whiti Hapū, the business owners, residents and property owners, the schools along the corridor and users of the transportation network in the relevant locations. The views of these persons and entities are discussed in this report.
Recommendation	This report recommends option one for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY / WHAKARĀPOPOPTOTANGA MATUA

2. This report recommends that Council endorses option one, in order to improve public safety and access.
3. In 2014 Council Officers began the community engagement and construction of a best practise on road cycle lane from Manadon Street through to Morley Street, including improved crossing points where budget allowed. This project was broken into sections to allow for the appropriate funding and has been 100 per cent funded by Waka Kotahi.
4. This section from Belair Avenue to Bayly Road is the missing link and will be the final piece of the on-road connected facility, connecting community and schools through to the outskirts of the central city.
5. This section also includes safety improvements to one of the highest crash intersections in urban New Plymouth, being the Blagdon/South/Devon Road intersection.

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6. A concept plan was circulated for community engagement in August this year. Seventy six responses were received from the wider community and key stakeholders on the proposal. Twenty three submissions were in support of the proposal, thirty one supported the proposal in part, twenty one did not support the proposal and one was unclear. Minor revisions have been undertaken where possible to accommodate concerns raised by the community.
 7. A risk assessment of the existing road layout (Appendix 1) has been conducted by Council staff, and a Road Safety Audit of the proposed layout has been completed by an independent contractor. Overall the proposals provide a net reduction in the level of risk to the community when using the roading corridor.

BACKGROUND / WHAKAPAPA

8. South Road and Devon Street West (State Highway 45) is a significant urban road in the New Plymouth area. The most recent traffic survey indicates an average daily traffic volume of approximately 14,965 vehicles past Blagdon shops and an operating speed at 52 km/h.
 9. In 2007, Council approved a New Plymouth District Cycle Strategy. The strategy identifies State Highway 45 as a strategic on-road cycling link between Spotswood and the Central Business Area, connecting to Spotswood Primary, Te Pi'pinga Kakano Mai I Rangiatea, Spotswood College, the Blagdon shops, St Josephs Primary School, Devon Intermediate, Te Kura o Morere – West End School and through to the Central Business Area.
 10. The corridor of South Road / Devon Street West from Belair Avenue to Bayly Road is considered a high risk zone (see Appendix 1 which identifies the current risk profile of this section of State Highway 45) for users of the transport corridor due to lack of provision for on-road space for people cycling, poor pedestrian connectivity and the crash history at the Blagdon/South/Devon intersection.
 11. Over the past five years there have been eighteen crashes reported along this section of the corridor. One was an injury crash and one involved a cyclist. The majority of crashes were right angle crashes at the Blagdon/Devon intersection.
 12. Council Officers and Waka Kotahi staff have identified safety concerns with:
 - a) No on-road cycle lane
 - b) Inadequate safe crossing facilities for pedestrians
 - c) And significant risk at the Blagdon/South/Devon intersection
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Proposal

13. The safety and access improvements proposed include improvements to the on-road cycle lane facility, crossing points and intersection improvements. A plan outlining the proposed improvements is attached as Appendix 2.
 14. Improvements include:
 - a) *On-road cycle lanes*

The proposal is to complete the missing sections of the on-road cycle lane that starts at Manadon Street and finishes currently at the Morley Street lights. The cycle lanes would be at least 2m wide, so that vehicle doors can be opened safely without endangering passing cyclists. And 1.5m wide when there is no parking.
 - b) *Improved crossing points*

Many of the intersections along this corridor are very wide and challenging to cross. The proposal is to improve crossing points at all key intersections along this route.

A crossing point directly outside the Blagdon shops is proposed.
 - c) *On-street car parking*

Where possible, on-street car parking is to be retained or in-set car parks provided. The section of road opposite the Blagdon shops is particularly narrow and cannot provide sufficient space for the appropriate width of vehicle lanes, cycle lanes and car parking.
 - d) *Blagdon/Devon/South intersection*

This is one of New Plymouth's highest-risk urban intersections for crashes. To significantly reduce the risk of a crash occurring and the severity of injuries should a crash occur, it is proposed to remove the right-hand turn into and out of Blagdon Road, acknowledging that there are alternative routes for this movement.
 15. The concept plan sees a reduction in net car parking of approximately 75 car-parks. Outside the Blagdon Shops there is a net gain of two car parks, with the removal of three car parks on Devon Street West and the addition of five car parks on South Road which will allow for safer access for crossing to the shops.
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Results of engagement

16. Council staff have been working directly with key stakeholders through the delivery of the concept design Ngāti Te Whiti Hapū, Waka Kotahi, Tranzit and Taranaki Regional Council (TRC) who operate the bus services.
17. In August 2022 all adjacent residential properties along the stretch of Devon Street West, South Road, Stuart Place and Blagdon Road were directly consulted regarding the proposed changes via letter drop. Businesses were spoken to directly and drop-in sessions were made available to the public both online and at the Council offices. Notifications were provided in the local newspaper to encourage those who regularly travel through this location to consider the proposals and provide feedback.
18. Feedback was received from seventy six people and/or organisations (appendix 3). Twenty three submissions were in support of the proposal, thirty one supported the proposal in part, twenty one did not support the proposal and one was unclear.
19. The general themes in the feedback are summarised in Table 1 along with Council Officer's response.

Table 1 Summary of community feedback and Officer responses

Feedback	Officer response
Twenty respondents raised concern about the loss of car parking opposite the shops, and the impact this may have on business.	Council Officers have explored the opportunity to include additional car parks, five car parks have been allocated on South Road that will have close access to the new safer crossing point, and there is space for an additional inset car park on Devon Street West. The Proposal has been amended to provide Parking prohibitions (e.g. P30) at the businesses request to support better turnover of car parking. Due to the additional proposed car parks on South Road near the intersection, there is a net increase in two car parks.

Feedback	Officer response
Thirty four respondents either raised concern with the removal of the right hand turn from Blagdon Road, or suggested alternatives of either a roundabout or traffic lights.	A roundabout and traffic lights have been considered for this intersection. This has been discounted as an option due to the low number of vehicles that use the side roads; the predominant traffic flow east to west; the considerable land purchase which would be required; a greater impact on parking; the movement of the heavy vehicles; pedestrian and cyclist needs. If the proposal is approved traffic impact on the neighbouring roads will be monitored.
Three respondents suggested that the proposed crossing point be a raised pedestrian crossing.	Council Officers have discussed with Waka Kotahi the merits of a raised pedestrian crossing. This has been discounted due to additional impacts on car parking, and the current treatment will reduce speed of vehicles and allow safer crossing. It may be reconsidered in the future.

Further consultation

20. Based on the feedback received Council Officers went back to the community with a localised conversation on time restricted parking near the Blagdon shops in early December 2022.
21. Feedback was received from seven of the nine businesses, and no responses were received from directly affected residents. Five of the business indicated they were in support of the additional proposed parking restrictions, one requested no parking restrictions, and one raised concern with the four P120's. In response one car park will remain unrestricted in the proposal.
22. While there has been mixed feedback on the proposal, given the improved safety outcomes and better access for walking and cycling officers are recommending option one be progressed. This will further contribute to reducing the risk of crashes at this location, improving safety and support active transport options along this busy corridor, connecting Whalers Gate and Spotswood through to the central city.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

23. By improving our transport infrastructure to support active transport Council can have a positive impact on our community's reduction of emissions at an individual level. Enabling our community to adopt active and shared modes as a viable transport alternative, in particular for short distances.

THREE WATERS REFORM IMPLICATIONS

24. There are no Three Water Reform implications for this proposal.

NEXT STEPS / HĪKOI I MURI MAI

25. If Council approves these parking control amendments, work will be programmed to begin in Autumn 2023. Directly affected residents will receive a letter drop prior to the construction start, identifying key Council contacts throughout the build, and businesses will receive regular communications from the construction team.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

26. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance.
27. The current estimate on the proposal exceeds the budget allocation available from Waka Kotahi, the additional inset car park on Devon St West will require additional funding, that could be funded through Transport Choices.
28. Traffic controls are typically constrained by the technical requirements of the Land Transport Rule; Traffic Control Devices Rule (2004) and the New Zealand Transport Agency Traffic Control Devices Manual. In this instance the "consult" engagement type was considered appropriate when engaging with the resident community; when working with key stakeholders there was greater collaboration.
29. There are interested and affected parties regarding the matters raised in this report. Consultation has already been undertaken with these parties to obtain their views and preferences on the matters proposed in this report. Their views have been noted above.
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OPTIONS

30. There are three reasonably practical options:

Option 1 Endorse the proposed parking restrictions.

Option 2 Endorse the proposed parking restrictions with amendment

Option 3 Do nothing and retain the existing on-street parking.

The options have been assessed together below.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

- 31. The costs for amending parking controls along with all construction in relation to this project including road-marking and signage, the construction of traffic calming, shared pathways and crossing facilities, and associated administration costs are covered 100 per cent by Waka Kotahi.
- 32. It is expected that the Council's Regulatory team will continue to control and enforce the parking prohibitions in the area.
- 33. There are no short-term costs associated with these items should the Council choose not to endorse the proposed parking controls to allow the safety and access improvements along this corridor. However, this could incur future costs if the Council needs to address safety or amenity issues in the future.

Risk Analysis / Tātaritanga o Ngā Mōrearea

- 34. The upgrade to State Highway 45 is to improve safety and access for walking and cycling (our most vulnerable road users) and to improve traffic flow and efficiency through a busy and confusing site. There are no risks that we have identified by endorsing this proposal. Option one has been through a road safety audit and there are no residual risks identified with this option.
 - 35. Option one and two propose introducing best practise on road cycle lanes as they do not currently exist on this section of the corridor, leaving our vulnerable at risk.
 - 36. If the proposed parking prohibitions are not approved, we will not be able to provide a safer connection from Whalers Gate and Spotswood along SH45 to the centre city.
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Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

37. The proposed amendments promote both the 'community' and 'sustainability' outcomes by improving access, road safety and open space amenity for the wider community.

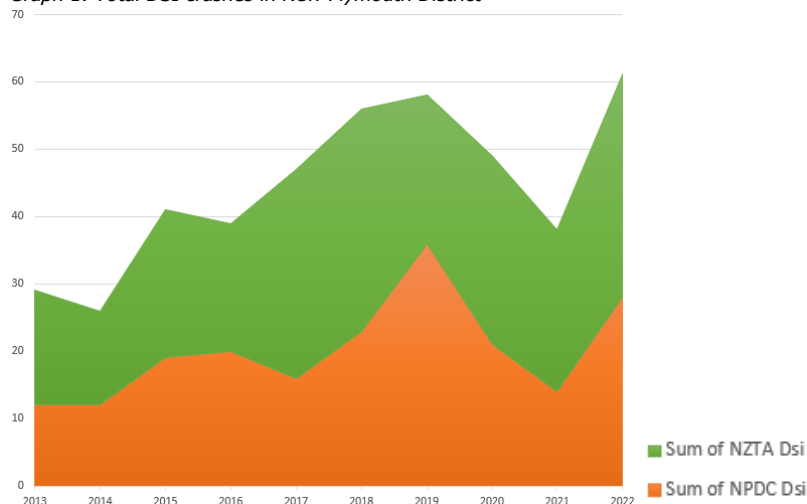
Statutory Responsibilities / Ngā Haepapa ā-ture

38. The proposed amendments enable the Council to meet its statutory responsibility to provide efficient, effective, and appropriate infrastructure to meet the needs of the community. The necessary road-marking and signage needed to make the changes necessary to implement this option must comply with:
- a) Land Transport Rule; Traffic Control Devices Rule 2004.
 - b) New Zealand Transport Agency; Traffic Control Devices Manual, Part 13 - Parking Control.
 - c) New Plymouth District Council; Bylaws 2008, Part 13 - Traffic; Council is required to publicly notify the proposed changes two weeks in advance of making the proposed change.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

39. The proposed amendments are consistent with the Long-Term Plan 2021-31. One of the key performance indicators for the transport network is reducing the number of fatal and serious crashes in the District, (see graph 1 below to see how death and serious injury crashes are tracking) and to provide a quality and safe cycle network.

Graph 1: Total DSI crashes in New Plymouth District



Participation by Māori / Te Urunga o Ngāi Māori

40. Ngāti Te Whiti Hapū have provided feedback on the proposal and are in support of what has been recommended. We are also working with Ngāti Te Whiti to explore what cultural expression could be included.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

41. A summary of the community views and preferences can be found above with a full breakdown of responses in Appendix 3.

Advantages and Disadvantages

42. Changes to parking controls and the introduction of cycle lanes and crossing points are being recommended to improve public safety, health, accessibility and amenity.

Recommended Option

This report recommends option one endorse the proposed parking restrictions for addressing the matter.

APPENDICES

Appendix 1 Point of entry risk review (ECM 8899874)

Appendix 2 Concept design (ECM 8899871, 8899872, 8899873)

Appendix 3 Community feedback (ECM 8899875)

Report Details

Prepared By:	Liz Beck (Let's Go Advisor)
Team:	Transportation
Approved By:	Kevin Strongman (Group Manager Planning and Infrastructure)
Ward/Community:	New Plymouth
Date:	9 January 2023
File Reference:	ECM 8906981

-----End of Report -----

Sensitivity: General

Transport project risk review - point of entry

Project details:	
Title	Devon Street West walking and cycling safety improvements
Location	Devon Street West between Belair and Bayly Road
Description	The creation of safer walking and cycling facilities and improvements to the Blagdon/South intersection

Background data:		
Crash Analysis System (CAS) data	Time period: 2017-2022	Details: 1 minor crash and 17 non-injury. 1 included a cyclist
Speed data (85th percentile speed)	The operating (85 percentile) speed is 52 km/h.	
Traffic volume data	SH 45 has 14,965 vehicles per day. South Road has 2,700 per day	
Will this project impact the on-street parking supply? Yes ☒ No ☐	Details: Yes. There are some losses along the corridor, with particular note all parking opposite the Blagdon Shops.	
Is this a bus route? Yes ☒ No ☐	Details: Route 2 from Whalers Gate 14 times per day and school services from Okato, Omata and Oakura	

Project drivers:	
Problems (please give each problem a risk rating):	Benefits (to solving these problems):
Problem 1 – Significant Description: Confusion at the Blagdon/South intersection leading to a poor crash history	Reduced risk to all users
Problem 2 – Serious Description: Non-compliant and/or non-existent cycle lanes	Reduced risk of cyclist vs vehicles crashes / encourage more cyclists to use cycling facilities.
Problem 2 – Serious Description: Lack of Safe pedestrian provisions	Reduced risk / severity of vehicle vs pedestrian crashes. Improved connectivity for pedestrians
Recommended Road Safety Audit stages: Concept stage ☒ Preliminary Design stage ☐ Detailed design stage ☒ Post construction stage ☒	

Prepared by		
Name: Liz Beck	Signature: 	Date: 31.1.22
Reviewed by		
Name:	Signature: 	Date: 31.01.22

Sensitivity: General

Template guide

This template has been prepared to provide a summary of new transportation projects for key decision makers. It is based upon the Waka Kotahi (the New Zealand Transport Agency) Road Safety Audit risk process and requires risk analysis of the expected crash frequency to be qualitatively assessed. This is based on the expected exposure (how many road users will be exposed to a safety issue) and the likelihood of a crash resulting from the presence of the issue.

To complete the **Transport project risk review - point of entry**, please undertake the following steps:

1. Complete the proposed project details
2. Gather the background data. See the NPDC Safety Engineer for the Crash Analysis System data.
3. Identify the Project Drivers, by first listing the Problems. Each problem requires a safety risk categorisation. Please identify the frequency and severity rating of each problem from the Risk Assessment Matrix in Table 1 below.

Table 1: Risk Assessment Matrix

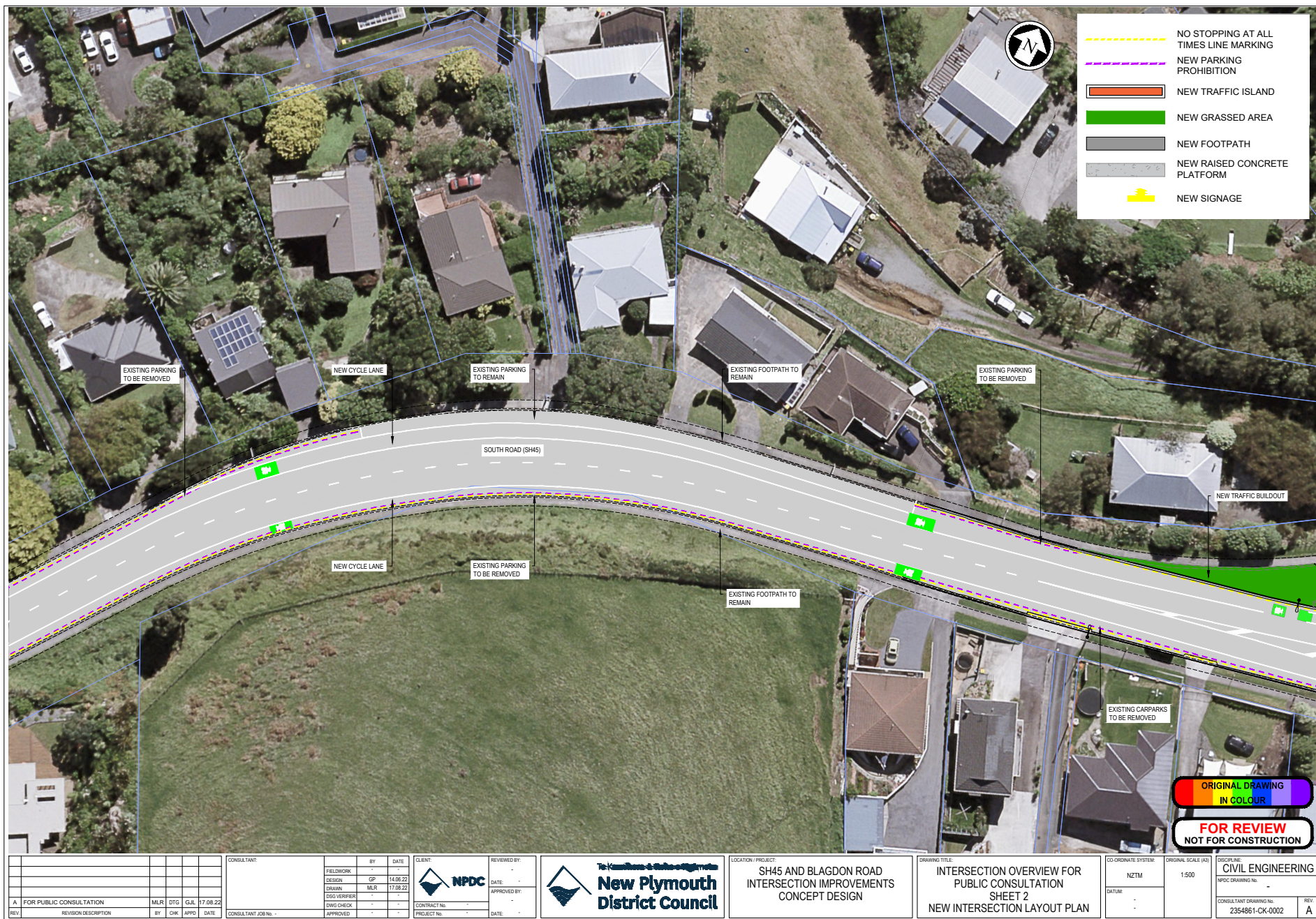
Severity (Likelihood of Death or Serious Injury Consequence)	Frequency (Probability of a Crash)			
	Frequent	Common	Occasional	Infrequent
Very Likely	Serious	Serious	Significant	Moderate
Likely	Serious	Significant	Moderate	Moderate
Unlikely	Significant	Moderate	Minor	Minor
Very Unlikely	Moderate	Minor	Minor	Minor

4. Confirm that the risk identified aligns with the actions in Table 2 below.

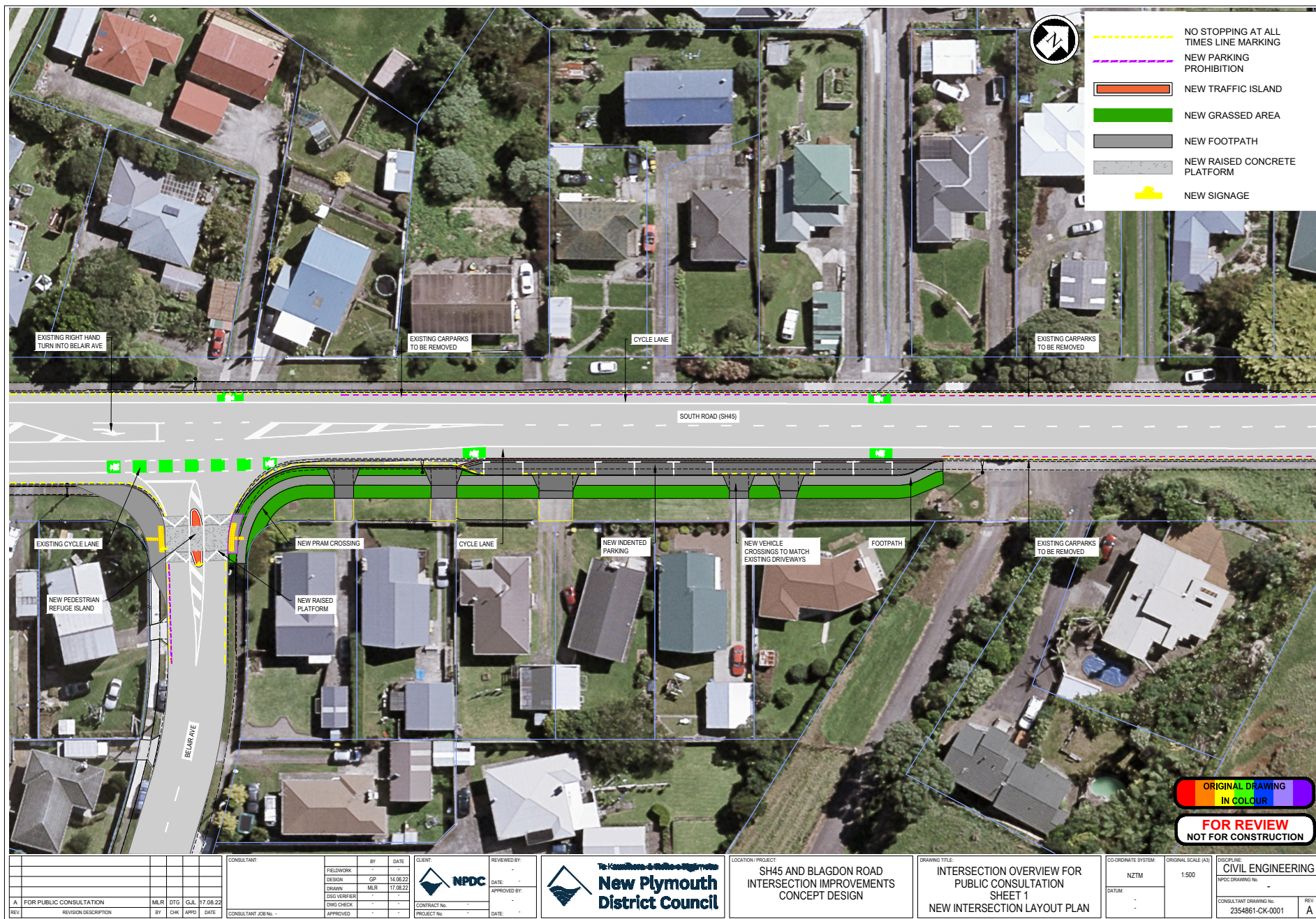
Table 2: Risk Categories

RISK	Suggested Action
Serious	A major safety concern that should be addressed and requires changes to avoid serious safety consequence.
Significant	Significant risk that should be addressed and requires changes to avoid injury consequence
Moderate	Moderate risk that should be addressed to improve overall safety
Minor	Minor risk that should be addressed where practical to improve overall safety.

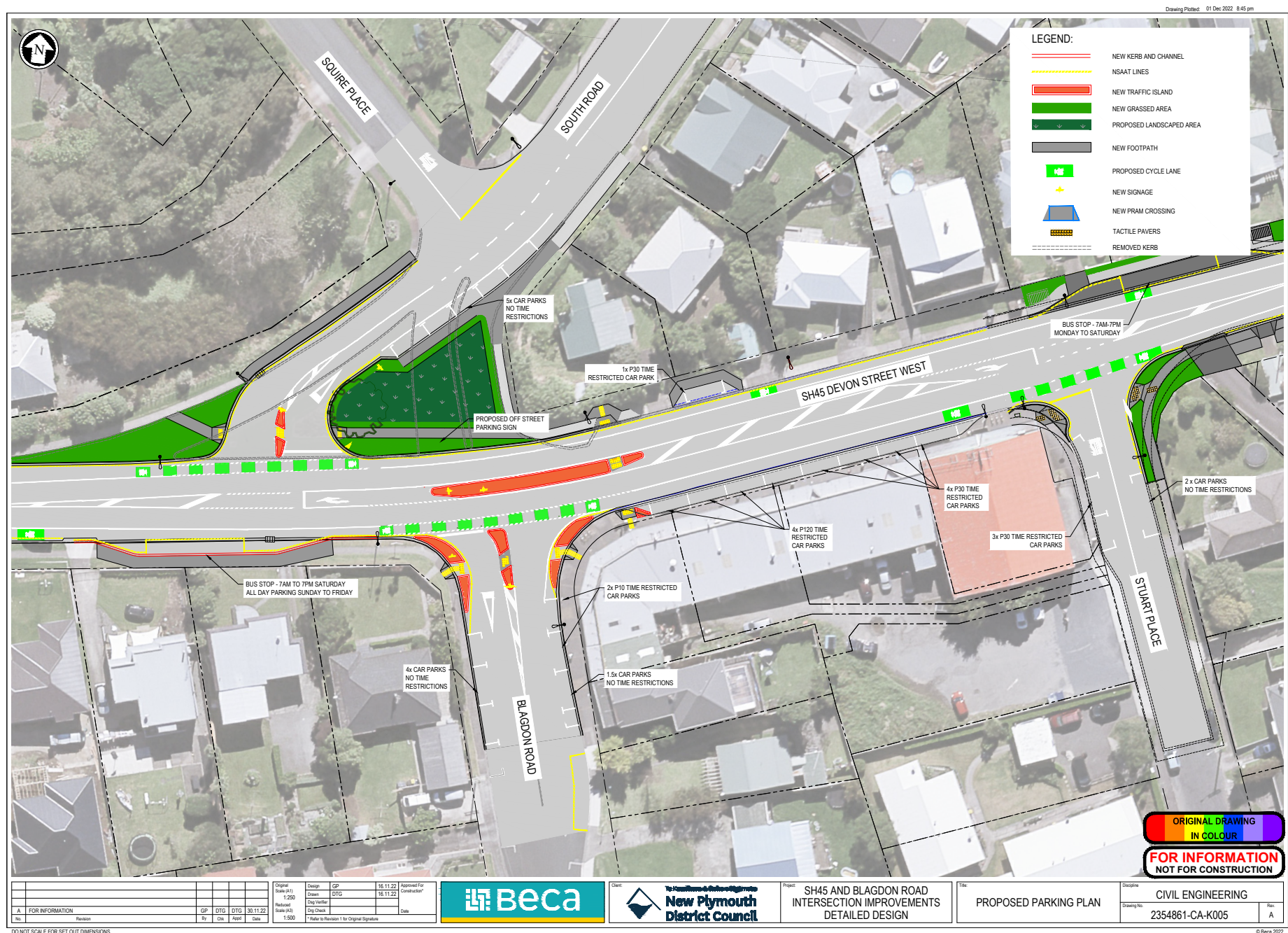
5. Identify the benefit of solving each safety problem.
6. Based on the severity of the problems identified, determine the Road Safety Audit stages that need to be completed for this project.
7. The last step is to complete your details at the bottom of the form.



Strategy and Operations Committee Agenda (7 February 2023) - Decision - Devon Street West Parking Controls



Strategy and Operations Committee Agenda (7 February 2023) - Decision - Devon Street West Parking Controls



Feedback received on Devon Street West / Blagdon – first round

Mower shop	In agreement that the intersection needs improvements and supports the proposal. Has requested additional P10 car parks outside their shop and across the road.	Officers have amended the proposal to incorporate more time restricted parking.
Tattoo shop	The whole plan is ridiculous	
Sushi shop	In support of the whole plan, but not in support of parking restrictions.	
Barber Shop		
Hairdressers		
Dairy	Agree that the intersection needs to be improved, does not want to see any loss of car parking across the road due to impact on business. Would like to see additional time parking restrictions on the existing car parks.	Officers have amended the proposal to incorporate more time restricted parking.
Bakery	Agrees that the intersection needs improving, however does not agree with removing the right hand turn into and out of Blagdon Road. Does not support the removal of the car parks opposite the shops due to the impact on business. Would like to see additional time parking restrictions on the existing car parks. Raised concern about visibility as you exit Stuart Place. Would like Council to invest in additional inset car parks opposite the shops.	Officers have amended the proposal to incorporate more time restricted parking. The road safety audit has reviewed concerns regarding visibility at the Stuart Place exit, and it supports the proposed design. The design has been revised to include additional car parks, there is insufficient budget to cover these from Waka Kotahi, and would required NPDC to fund (unsubsidised)
Four Square	Agrees that the intersection and walking and cycling access and safety needs to be improved. Requested additional time parking restrictions on the existing car parks. Raised concern about visibility as you exit Stuart Place and asked us to build out further the island to prevent vehicles parking illegally. Agrees with the no right hand turn out of Blagdon, although due to concern of its impact on business is wondering whether a turn around could be created on South Road. If inset parking is possible opposite the shops would like time restrictions there as well.	Officers have amended the proposal to incorporate more time restricted parking. The road safety audit has reviewed concerns regarding visibility at the Stuart Place exit, and it supports the proposed design. The design has been revised to include additional car parks, there is insufficient budget to cover these from Waka Kotahi, and would required NPDC to fund (unsubsidised)

Blagdon Road shop (phone)	Would like to not have parking restriction outside her property and is not in support of the removal of the right hand turn into and out of Blagdon Road	Discussed that parking restrictions are being considered and we will run another consultation for these following feedback from businesses.
Resident Havelock Place (email)	I object to the proposed plan on SH45 and blagdon road concept design.. 1, Majority of households on blagdon road and havelock place turn right to go to work into town,waiwakaiho or bellblock, 2, Alot of those households will also turn right and stop at the bakery/dairy or 4 square to pick up lunch for work or essentials for home 3, There is no left turn if travelling back from the countdown supermarket will have to travel longer and use more petrol to return home, 4, I Have monitored that stretch for a week along south road and devon street west and noticed only insufficient number of bikes riding along that stretch of road, That stretch was very busy throughout the day for that whole week of traffic usually from 8am-3pm. 5, Less parking means less customers to those bussinesses which also means closing of those bussinesses that we are trying to support as a community, we need more parking not less parking visit blagdon road from 11am-1pm you will see what i mean. 6, As we are focused on health and safety of our drivers/familys, implementing a roundabout would solve alot of these problems on blagdon road and south road with extra parking down blagdon road to help our local bussinesses.. I look forward to hearing your responce,	We have explored the option of a roundabout, but with the understanding of the number of vehicles that use the side roads and the predominant traffic flow east to west, along with the considerable land purchase and even greater impact on parking that a suitable roundabout would require to allow for the movement of the heavy vehicles along with vulnerable road users it was discarded as an option. The average number of vehicles on Blagdon Road is 1,500 a day which is not considered large, although we do appreciate will have an impact on the residents who live in the area such as yourself but we believe the safety gains will outweigh this.

Resident Belair Avenue (phone)	Not in support of loosing car parks outside their property, neither opposite the shops. Believes cyclists can detour down South Road and up Bayly.	Advised would look into what options are available to maintain a car park outside their property. And discussed that we are exploring the possibility to inset car parks opposite the shops, but that there are several challenges with this.
Resident Blagdon Road (email)	After attending the Civic Centre on 31 August and hearing what some had to say I have looked again at the Blagdon Rd/South Road/Devon Street intersection proposed improvements and now submit the following comments: Objectives - increase safety (vehicle/pedestrian/cycle) without inhibiting traffic flow - provide access into and out of all roads - remove cross road to reduce 4 way vehicular conflict - avoid disturbance to the valve (It's existence had just been discovered as a factor so I am unsure what type of valve it is or its exact location) - provide safe crossing areas - provide cycle lanes The proposed plan for consultation solved the intersection confusion of a cross road by replacing it with two T intersections but prevented vehicles from Blagdon road turning right into Devon Street (into town) and vehicles from the Spotswood direction and South Road from turning into Blagdon Road. As proposed, a left turn only at Blagdon Road would mean heading into town (a daily commute to work for many) would start with having to travel 180 degrees in the opposite direction! Alternative routes are convoluted. There has be a simple way to resolve this and other journeys that would be impacted and improve safety at the same time.	Thank you for attending the drop in session and for the feedback provided. We have explored the option of a roundabout, but with the understanding of the number of vehicles that use the side roads and the predominant traffic flow east to west, along with the considerable land purchase and even greater impact on parking that a suitable roundabout would require to allow for the movement of the heavy vehicles along with vulnerable road users it was discarded as an option.

	Someone in the meeting suggested traffic lights however was informed that these were costly. This indicated that traffic lights had been rejected as an option. After some thought and further observation of the area I think there is a solution - a roundabout. We are fortunate as the existing roads and islands mean that there is a large area available for a roundabout and the repositioning of the South Road intersection to the best location (avoiding the valve) The left turn only from Blagdon Road (as proposed) would then enable vehicles to travel left towards spotswood or continue round the roundabout and either turn left into South Road or continue and turn into Devon Street. This is the same as executing a right turn from Blagdon Road but with a great deal more safety. A roundabout enables vehicles to enter and exit all roads that join it. It also allows for pedestrian crossing points I see it as operating similar to the Tukapa St/Omata Rd/Francis Douglas Drive roundabout which was installed (instead of traffic lights). The plan may not be exactly the same layout but the same principle applies.	
Resident Havelock Place (email)	The proposed design 1. In principle extending the cycle lanes is fine, though despite the proposed width car driver carelessness will still likely knock off riders passing the shops. 2. These are needed, it is currently pretty tricky crossing Devon Street, though see below for an alternative and safer option. Just having refuges will not slow traffic, pedestrians will be only slightly less vulnerable.	In response to your question yes traffic lights were considered, however with the understanding of the number of vehicles that use the side roads and the predominant traffic flow east to west, along with the considerable land purchase and even greater impact on parking that traffic lights would require it was discarded as an option. If the proposal goes ahead we would monitor the ongoing traffic impact on the neighbouring roads.

	3. Reducing the car parking on the north side of Devon Street will not work - people will still park on the cycle lane, particularly as you are intending to take away the right turn into Blagdon Road. Reducing the number of bays could also deter customers to the very popular shops, especially the food outlets. No alternative parking is being proposed in your document, it is likely that cars will park further down Blagdon Road if coming from that direction, towards an already difficult corner and junction with Havelock Place - and no, this is not NIMBYism, I live at the very end of Havelock down a separate drive. 4. I agree this is a difficult and potentially dangerous junction. Moving the South Road access further west is a good idea, staggering the junction. However, removing the access and egress from Spotswood and to town is ridiculous. You mention alternative routes. To go to town I would need to drive down Blagdon Road, up Belair Road on to South Road to head back past Blagdon to town. Or I can cut through Endeavour and Grenville to Cook Street, onto Seaview and on to Devon. Or I can go up Omata and on through Westtown, all of them longer and in some cases very awkward. In two of those cases I've got to get out onto South/Devon at other tricky junctions, especially the Seaview one - a staggered junction like your proposal, and not always easy. If I have been to Spotswood, or down Highway 45 I will have to cut through Barrett Road, Omata, Belair and into Blagdon, or into Belair (and see below re that road) and up Blagdon, or turn in Stuart Place to come back past the shops! What is likely to happen is traffic turning left out of Blagdon Road will then turn right into South Road and execute a U turn either on the junction or on Squire Place. Traffic	The average number of vehicles on Blagdon Road is 1,500 a day which is not considered large, although we do appreciate will have an impact on the residents who live in the area such as yourself we believe the safety gains will outweigh this.
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	from Spotwood will turn in Stuart Place to double back to Blagdon Road. Is the intention to lower or increase the risk of accidents? Belair Road is already very busy at rush hour/school times. With its steep incline and tight bends this is not a sensible alternative route. You do not mention if traffic lights at the junction have been considered, and if they have, why you have presumably rejected them. Staggering the junction, with lights and if needed four way movement, with controlled pedestrian crossing seems to me a safer and better option, allowing road users to continue to use the junction as now, but more safely. There will at times be small queues outside the shops, but something similar does not present major problems in Westtown with the roundabout and pedestrian crossing. As most lights are controlled by induction loops in the road, if nothing was waiting in South Road from the sea, or Blagdon Road, the lights would remain green for the main route.	
(email)	Are you seriously considering making the Blagdon shops unable to function for the sake of the few cyclists I have seen using the road.. Don't get me wrong I have cyclists in my family but by removing car parks to make cycle lanes Have you sat by the shops and seen the traffic and the cars that stop on the way to town to go to the shops the lack of cyclist going both ways? Don't you think it would be better to take the frontage of the houses as you are proposing for the bus lane and turning that space into a dual footpath/bike lane. Crossing points will not be used as the one across Devon street is at the far end of the shops and the ones crossing Blagdon Rd just need an island in the middle of the road.	Thank you for your feedback. We are exploring the option to provide additional inset parking opposite the shops, there are a number of underground services that will make these expensive, but we intend to put this as an option for Council to decide on in due course. We have explored the option of a roundabout, but with the understanding of the number of vehicles that use the side roads and the predominant traffic flow east to west, along with the considerable land purchase and even greater impact on parking that a suitable roundabout would require to allow for the movement of the heavy vehicles along with vulnerable road users it was discarded as an option. If the proposal

	Have you thought about where the traffic will go if you remove right hand turning from Blagdon Rd. You will funnel it into and already problem crossing at Motoroa. I for one will not go round Seaview Rd exit nor do I want to go via western and add to my fuel bill. Why can't a round a bout be added as you have done on other cross roads?	goes ahead we would monitor the ongoing traffic impact on the neighbouring roads. The average number of vehicles on Blagdon Road is 1,500 a day which is not considered large.
(email)	I am a resident who lives near the Blagdon /South Road intersection where the proposed changes are being discussed. Thankyou for the opportunity to provide feedback in this proposal. My main concern is the speed in which many vehicles travel through the busy shopping area and down South Road towards Moturoa. Could there be the possibility of speed humps or red paint on the roads? Or a speed reduction throught the area? I am not not sure if removing the right hand turns on Blagdon and South Roads are the answers. I feel you would be moving the problem to the next two intersections which have less visibility than these. If more cars use the Four Square car park and attempt to turn right out of Stuart Place this would be more dangerous as cars come over the brow of the hill-again way too fast. Also if traffic is redirected to turn right out of Bayley Road that is also creating a new hazard further down the road with very low vision over the Devon street hill. Cycle lanes are wonderful to promote safe cycling but the car parks opposite the shops are always full-especially first thing in the morning. I wouldn't like to see the business suffer.	No response required

	It also seems a shame to have lose the Norfolk Pine tree it must be years old. I feel some changes are nessary but I do not consider this to one of " New Plymouth's highest risk urban intersections for crashes". I read there were 5 or 6 crashes in 10 years?? Thankyou for the chance to respond. Good luck with the descion making process.	
Resident Belair Avenue (email)	Thankyou for giving us good information on Proposed major changes to our roading. The part of the Plan I agree with is the raised foot crossing at the end of Belair Ave. This will hopefully slow traffic using this corner. But there is no need for an Island there which would cause losing a lane coming out of Belair, turning Left onto South rd to head towards the school. At the moment two cars can fit side by side exiting Belair, one turning left - one turning right. If you take this away ALL Traffic will be Held up behind the Right turning car. Not to mention that you want to send MORE Traffic along Belair Ave by shutting down Blagdon Rd intersection Right turn onto D.St. West. (I Presume Someone has Looked at the Belair traffic flow at School times?!) If the Islands are about Pedestrian safety - Well - Let's just build a Tunnel under the road shall we? - What happened to Personal Responsibility? I also agree with the change to South rd corner as it heads towards Moturoa. Remove the tree - and separate the South rd / Blagdon rd. intersections. I do Not agree with No Right turn out of (or Into) Blagdon Rd. We Don't need all those Islands there.	Thank you for your feedback. Please find below information on the crash history of the Blagdon/South intersection.

	By moving the South road 'direct cross over', consider whether this is still necessary. I like to know the statistics on 'crashes' at this intersection? If proceeded with, this would also push more traffic up Belair Ave, (and you're making the exit of Belair ave narrower as well!) I do Not agree with removing all those Car parks outside people's homes. Yes, no cars there would make cycling safer, - But Life's a Risk. People need places to park outside house's. And especially for those Business at Blagdon. Income will drop, as people can't stop easily as they head towards town.	
(email)	In regard to the proposed changes on Devon Street West I have a few concerns, I feel for the shopping centre in Blagdon as I'm pretty sure they will lose quite a bit of business if people cannot stop on their way into town from the Spotswood direction. The proposal will also channel more traffic into the very narrow Belair Ave if there is no right turn into Blagdon Rd. The intersection at the bottom of South Rd is often worse to get out of onto St Aubyn/ Breakwater Rd than right turning from Blagdon Rd. Bayley Rd intersection is also busy with port traffic. The road from Bayley Rd onto Devon St has just been made narrower too since a new footpath has been made and car parks fairly close to intersection. I feel problems will just be created elsewhere. The right turning lane into South Rd is nowhere near long enough for peak times and turning traffic will cause a backlog holdup for straight through	Thank you for your feedback. Yes the planners do drive and know these roads. We have explored the option of a roundabout, but with the understanding of the number of vehicles that use the side roads and the predominant traffic flow east to west, along with the considerable land purchase and even greater impact on parking that a suitable roundabout would require to allow for the movement of the heavy vehicles along with vulnerable road users it was discarded as an option. If the proposal goes ahead we would monitor the ongoing traffic impact on the neighbouring roads. The average number of vehicles on Blagdon Road is 1,500 a day which is not considered large. We are still exploring the option to provide additional inset parking opposite the shops, there are a number of underground services that will make these expensive, but we intend to put this as an option for Council to decide on in due course.

	drivers especially as no right turn out of Blagdon road. Do the planners drive these roads? A roundabout would probably be a better option or traffic lights to control the intersection. In regards to the parking opposite the shops if there is still enough room for a bus stop to be created why can't the council owned frontages be cut back along the rest of that section of road to accomodate parking and cycle lane? As you can probably tell I am not in favour of these proposed changes. I hope you at least consider the opinions of the residents that use these roads.	
Resident, South Road (email)	Hey there, I wanted to lend my support to the changes proposed for south rd/Devon st. I fully support adding cycle lanes and removing car parks and making access points better. It is really great that you extending the cycle way.	No response required
Resident Squire Place (email)	We wish to make this submission regarding the notified "Proposed Devon Street West Safety Access Improvement" dated 22/08/022. The essence of our submission is to construct a roundabout at the South Rd, Devon St, Blagdon Rd intersection. Please reference the attached supporting sketch. Pro's for Roundabout Submission - Land area and topography allows room for a roundabout as per attached sketch. Refer attached NP City Roundabouts for example of current roundabouts.	Thank you for the considerable time and effort you have put into your feedback. A roundabout has been considered for this intersection, but with the understanding of the number of vehicles that use the side roads and the predominant traffic flow east to west, along with the considerable land purchase and even greater impact on parking that a suitable roundabout would require to allow for the movement of the heavy vehicles along with vulnerable road users it was discarded as an option. If the proposal goes ahead we would monitor the ongoing traffic impact on the neighbouring roads. The average number

	- Improved traffic flow during peak periods. - No impact during low flow periods - Improved safety access for all traffic including vehicle, motorcycle, bicycle, pedestrian - Longevity, over the NPDC/WKNZ proposed intersection option, with regards to traffic flow increase over time. No further upgrade required for 20 years or more, with the exception of routine maintenance. - Long-term cost savings, over the NPDC/WKNZ proposed intersection option. The cost for a future “must do” upgrade within 10-15 years or less, due to further increases in traffic flow and an increased safety hazard, will be exponentially more expensive than installing a roundabout in the first instance. - Traffic flow at peak times is already a hazard at this intersection with drivers willing to take risks. Traffic has steadily increased over the 30 years we have lived in this area (home in Squire Place). - Allows Blagdon Rd exiting traffic to go right by going around the roundabout - Allows South Rd south bound traffic to enter Blagdon Rd - Allows Devon St west bound traffic a ‘straight-through’ laneway (with give-way at the roundabout of course) - Enough area to allow a bicycle laneway circling the roundabout - Allows traffic to do a u-turn safely at the roundabout - Radius of turns allows room for heavy vehicles to enter and exit at all points - Articulated vehicles heading west bound out of Devon St up South Rd have a straight through laneway - Articulated vehicles heading east bound down South Rd are able to use Ngamotu Rd/Paritutu Rd - A low profile berm design for the roundabout will enable articulated	of vehicles on Blagdon Road is 1,500 a day which is not considered large.
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	vehicles to pass through the roundabout exiting onto Devon St. - Pro Notes in comparison to the NPDC/WKNZ proposal - The NPDC/WKNZ proposal DOES NOT SOLVE the traffic flow safety access hazard. It only shifts the traffic flow safety access hazard to Belair Ave. - The Belair Ave intersection has a wider 'right' crossing than the Blagdon Rd intersection. Therefore right-turning traffic will need to wait longer to cross and will absolutely be more tempted to risk an unsafe crossing. - The Devon St, Blagdon Rd, South Rd intersection is a major arterial route for traffic flow from; - (1) Devon St to Spotswood, Ngamotu, Whalers Gate, around the coast and vice-versa - (2) St Aubyn St up to Omata Rd and upper Tukapa Rd, Spotswood, Whalers Gate and vice-versa. - Better use of land will offset some cost - Aesthetic value/Green value of roundabout islands by planting grass and flower gardens. Will add to soothing driver tension. Will be a winner for New Plymouth residences and also visitor impression of the city. Don't under estimate the value of green space when calculating cost savings. Especially with regards to traffic safety. - ROUNDABOUT equals LESS STRESS, CALMER DRIVERS, HEIGHTENED SAFETY, MINIMISED RISK OF ACCIDENTS, LONG RANGE TRAFFIC SOLUTION, LONG RANGE COST SAVINGS Con's against Roundabout Submission - Roundabout proposal is more expensive than the intersection proposal. However this is only from a short-sighted perspective. It is definitely a cheaper option from a long-sighted perspective.	
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	Submissions on Other Aspects of the NPDC/WKNZ Proposal - On-Road Cycle Lanes - We support this proposal, with some reservation about the section of road opposite the Blagdon shops. See comment below. - Note the circular bicycle laneway on the roundabout sketch Improved Crossing Points - We support this proposal - Note the crossing points on the roundabout sketch On-Street Car Parking - Noted that the car parks opposite the Blagdon shops are proposed to be removed. This will be an issue for shoppers arriving from the West-end. These car parks are regularly used, including by us. Doing away with them will possibly cause a backlash from the building owners and shop owners who risk losing income and also from shoppers in our region of town. - Alternative parking will need to be provided (nowhere to do this that we could think of). Or the bicycle laneway may have to be omitted along this stretch of road. If bicycle laneways are a 'priority' policy then we accept that the car parks will have to go. Blagdon/Devon/South Intersection - See above submission - Belair Ave intersection will not require any modification if a roundabout is constructed. Thank you for the notification and for the opportunity to provide feedback.	
Resident Squire Place (email)	I did respond on "Enquiries" saying how pleased I was that after a long time consideration is being given to improving this area-the unfashionable?-end of town.	Thank you for your feedback. A roundabout has been considered for this intersection, but with the understanding of the number of vehicles that use the side roads and the

	I have talked to other residents and shopkeepers in the area and the consensus is not to stop Blagdon Road Traffic turning right and increase the traffic hugely in and out of Belair Avenue. A roundabout is what we need which will slow the traffic flow which is what is needed to increase safety for pedestrians, cyclists and vehicular traffic. What works very nicely in all the Westown/Tukapa Street roundabouts is what is needed at Blagdon/Spotswood please.	predominant traffic flow east to west, along with the considerable land purchase and impact on parking that a suitable roundabout would require it was discarded as an option. If the proposal goes ahead we would monitor the ongoing traffic impact on the neighbouring roads, but as I mentioned the average number of vehicles on Blagdon Road is 1,500 a day which is not considered large.
(email)	Thank you for the information you provided. For me, the proposed changes would be very positive. To have a safer crossing point by the Blagdon shops would enable me to use them which at the moment I cannot do because the road is too dangerous to cross. I would also be able to use the Blagdon Rd bus stop whereas at the moment I get off the bus closer to the crossing at Lawry St and walk from there. I do feel that a controlled crossing at the shops would be even safer. I feel the impact on the shop owners could be quite negative with the reduction in parking. I understand the rationale for the removal of parking opposite the shops (though it is in constant use and will be really missed by car-using customers and delivery trucks) but are all the parking spots being removed from Blagdon Rd and Stuart Place too?	Thank you for your feedback. Parking spots on Blagdon Road will be slightly reduced to allow the visibility required for people crossing at the intersection, there will be no change to car parking on Stuart Place.
Resident South Road (email)	Hi. According to your diagram, it looks like, with the removal of the left turn into South Road, at Blagdon Road, as well as the right turn out, you are creating in effect a one way road between Bayly Road and Blagdon shops. My concern is the the heavy volume of cars that turn down South Road to	Thank you for your feedback, just to confirm the left hand turn into South Road is remaining, we are just tightening it up to reduce the speed of people driving as they make that manoeuvre. Access to Stuart Place is remaining. And yes we have the evidence on the crash history of this section of road, which is one of the worst in our district.

	access the beach and the city centre, will just use the next left, which is Bayly Road, causing traffic hold ups on the brow of the hill on Devon Street. And you are doing the same at the top of Blagdon Road? How will cars get into Stuart Place? Many people park there to get to the bakery. One of the things the current situation does, is slow traffic down. I suspect people will be able to whizz through with the new scheme. It will take a long time to retrain everyone. The high rate of traffic accidents is news to me, I've been here 22 years, but I'm guessing you have the research to back that up. (-:	
Resident Blagdon Road (email)	We do have concerns regarding closing right hand turn from Blagdon road to Devon street since that is our daily commute to office and school. Please do reconsider roundabout or alternate options to provide access to right-hand turn.	Thank you for your feedback. A roundabout has been considered for this intersection, but with the understanding of the number of vehicles that use the side roads and the predominant traffic flow east to west, along with the considerable land purchase and impact on parking that a suitable roundabout would require it was discarded as an option.
Resident South Road (email)	Thank you for the data on the above proposal and the opportunity to comment. I agree that points 1 to 3 would improve safety in the area and applaud this action, however in regard to point 4 I would like to make the following comments: 1. Has a roundabout been considered for the South Rd/Devon St/Blagdon Rd intersection? This would have the advantage of slowing Devon St traffic down plus allow traffic from Blagdon Rd to turn left go around the roundabout and eastwoods along Devon St to town. I do not see	Thank you for your feedback. A roundabout has been considered for this intersection, but with the understanding of the number of vehicles that use the side roads and the predominant traffic flow east to west, along with the considerable land purchase and impact on parking that a suitable roundabout would require it was discarded as an option. There are approximately 1,500 vehicles a day using Blagdon Road which is not considered large. In terms of additional parking, we are still exploring the ability to inset some car parks opposite the shops, however

	advantage of people having to use alternative routes to exit Blagdon Rd, particularly via Belair Avenue as it is hilly and not very wide. 2. If parking is removed on the section of road opposite the Blagdon Shops would any alternative provision be made? This is bearing in mind traffic currently regularly stop here for food and other services.	due to the significant number of underground services we anticipate this cost to be high. We intend to put this as an option for Council to decide on in due course.
Havelock Place resident (phone)	Resident raised concern that thought speed would increase through the intersection with the removal of the right hand turn. Would prefer a roundabout or lights/	
Belair Avenue resident (drop in session)	Raised concern of removal of the right hand turn from Blagdon increasing traffic flow on Belair Avenue	Advised that monitoring and evaluation would continue

Blagdon Road safety Improvement - Submission from North Taranaki Cycling Advocates (NTCA)

I write on behalf of North Taranaki Cycling Advocates (NTCA), who are a group of local residents who ride bikes and work together to make cycling easier, safer, and more visible in Taranaki. Our more than 150 members come from different experience levels and ride for many different reasons, but we all believe that New Plymouth could be and should be a city where getting on a bike is a quick, easy, and fun way to move around for many day-to-day activities.

We appreciate the opportunity to submit our thoughts on the proposed changes to the Blagdon area to improve the safety on SH45 and surrounding roads.

To help us in preparing this submission, we asked for suggestions and comments from our members and cycled the road in both directions with a few members who live in the area or cycle the road on a regular basis. Being part of the wider Cycling Action Network (CAN) we also have access to research done across New Zealand and worldwide to back up our suggestions.

General Comments

Overall, our members fully support the effort of Waka Kotahi and the NPDC to improve safety for cyclists and in particular to make cycle lanes continuous and safer along the commuter routes for work and schools. We believe this proposal is a good start, but believe that a few key improvements would improve this area for all road users. We suggest:

- Installing a full pedestrian crossing across Devon Street W near the shops
- Reducing the speed to 30 km/h in this area to make it more cycle- and pedestrian-friendly
- Improving signage and marking of car-parks to improve parking availability

There are currently key areas where commuting employees and students hesitate to ride their bikes. A number of sections along the cycle routes in and out of town are discontinuous, which poses a risk to people on bikes and puts off many cyclists; the Blagdon area is one of these areas, as highlighted in the proposal.

We support the improvement of safety for new and existing cycle lanes by:

- increasing their width,
- removing car parks alongside the lanes to prevent door-opening accidents ('dooring'),
- increasing the visibility of cycle lanes with road markings
- separating traffic flows with some form of barrier.

What's it like cycling around Blagdon shops today?

Some members of our group ride through this area regularly, while others reported that they avoid this area by bike because of the fast, heavy traffic and lack of safe cycling infrastructure.

The current situation we face in the area under investigation is illustrated by photos from our members below (figure 1 and 2). With cars jutting out of the marked spaces, the cycle lane is narrowed at many points (from an already narrow starting point), and there are sections where it just disappears entirely. These sections make it harder for people in cars to predict where they might see people on bikes, which makes it less safe for all road users.

The areas that are most challenging for people on bikes are the areas where the road is narrow and there is little space to avoid parked cars. With many cars parked coming and going, we believe this area is a high risk for "dooring" (where car drivers open their doors in the path of a cyclist); combined with heavy traffic in the road lanes, this poses a very high risk for people who ride bikes.

Members noted that once the clearly marked cycle lane appears after the shops, it felt much safer. A continuous cycle lane would be a huge improvement for this area in terms of cyclist safety.

Comments on the proposed changes to Blagdon Road / Surf Highway Intersection

The section reviewed in the proposal is in no doubt a dangerous area for cyclists with the cycle lane appearing and disappearing and car drivers needing their full attention to either turn on or off the Highway or intent on finding a car park at the Blagdon area shops. Several near-misses were highlighted by our members. The measures that are proposed at the Blagdon Road/Highway 45 intersection are fully supported in principle, removing the key root causes for possible crashes or incidents. In particular, we support the creation of the continuous cycle lane along the whole stretch of road between Belair Avenue and Stuart Place, including the green-coloured finish at the main intersections.

The new traffic islands/refuge islands are also supported. Some of the younger, school-going cyclists will cycle on the footpaths instead of the cycle lanes and they would definitely use them to cross the various streets. Being able to concentrate on only one stream of traffic at the time makes a big difference for our younger whanau.

Overall, we are supportive of the proposed plan as it is presented by NPDC but we would like to suggest three key improvements from our side.

- We would love the proposal to go one step further at the crossing to/from the Blagdon shops and install a full pedestrian crossing at that point (across Devon Street W). The traffic island is an improvement, but still leaves vulnerable road users stuck in the middle between heavy traffic flows. This is especially challenging for people with low-vision and other disabilities that make crossing roads quickly difficult. Traffic travels at speed and there is a high percentage of trucks and large car vehicles in either lane. A zebra crossing at this point would improve pedestrian safety and would also be useful for cyclists wanting to visit the shops, especially for younger kids.
- We also believe it would make sense to reduce the speed limit on a permanent basis to 30 kph from 100m before Stuart Place to 100m after the newly aligned South Road junction. This reduction in speed would help cyclists in areas of high traffic activity but would also help cars. One key risk identified from our observations is the right turn of cars from Stuart Place onto Devon Street W in the direction of town, something that will occur more frequently when turning right from Blagdon Road is stopped. The turning cars cannot see the traffic travelling at 50 kph coming up the Devon Street hill until the last moment. Reducing the speed would open up the possibility of using the car parking at the back of the shops more effectively as cars can enter Devon Street more readily.
- We also see potential in improving the signage to the car parking behind the shops in the Blagdon area, showing drivers there is an alternative to the parking in front of the shops. This would work only if combined with the previous measures.

We have also got a few more general suggestions for making the improvements more efficient and safer for all road users:

- The green paint on the cycle lanes is a great way to remind the other road users of the function of the lane, while at the same time it makes the road surface smoother to ride on. As a general point we would support painting a higher percentage of the lane green rather than just at key intersections.
- It is too easy for car drivers to take 'short-cuts' and end up inside the cycle lane. Installing soft barriers, with an example in figure 4 would prevent this. One of the sections where this would be beneficial is the (inner) bend on Devon Street W in Sheet 2 of your proposal. During a 10 minute observation period 75% of all cars crossed the solid line into the bicycle lane. Another key section would be opposite the Blagdon shops where a few small sections of soft barriers would improve cycle safety a lot.

Comments on car-parking

We understand that removal of car parking can be contentious. We are supporters of local shops as an important piece in reducing transport emissions and strongly believe that we can support both cycling infrastructure and local shops. Studies have shown that cycling infrastructure is beneficial to shopping centres. However, our members also put forward a few suggestions that could be considered to ensure the impact on the local community and shops is minimised:

- We see potential for 3 parking spots to be added as shown in figure 3, indicated in blue
- We suggest clear signs to the car parking behind the shops as mentioned above and marking of the individual car parks in roads like Blagdon Road and Stuart Place could alleviate parking pressures. This will make more parking available by making sure people position their cars in ways that leave room for others. Figure 5 shows some comments and ideas of how improving marking could improve parking availability in this area.
- Parking availability could also be improved by time-limiting public parking around the shops on Devon Street, Stuart Place and Blagdon Road, for example, to 10 minutes.

How New Plymouth can increase cycling

New Plymouth currently has low rates of cycling and walking. But we share many characteristics with cities around the world where cycling is popular. Far from hills being a barrier to cycling, hilly cities like Wellington, Taipei and San Francisco have many cyclists. New Plymouth has high sunshine hours, but rain isn't a barrier to cycling either – much rainier cities like Copenhagen and Oslo have many cyclists too. Even some low-density cities like Minneapolis enjoy high rates of cycling.

It seems likely New Plymouth's low rates of cycling are a product of infrastructure design that prioritises driving. If we make it easier, safer and more convenient to walk and cycle, national and international experience suggests we'll see big increases. This will benefit drivers in many ways, including increased parking, less congestion and less wear-and-tear on roads.

NZTA research shows great potential for more cycling across New Zealand. Numbers who can ride and already own a road-worthy bike¹ are among the highest in the world. This research also shows many want to cycle but feel the roads are not safe for bike-riding.

This is not a call for everyone to do all journeys on foot or by bike. Motor vehicles will always be ideal for some people and some trips. But the Blagdon shops—where many customers are grabbing a few things that can easily be carried on a bike—would be a great spot to make more cycle-friendly.

We believe that New Plymouth can be a great place for riding a bike, and that safe infrastructure is essential to enabling people to choose cycling for day-to-day transport. We call on our council and Waka Kotahi to proceed with these changes, but also to consider further protection for cyclists in this area and around New Plymouth.

Thank you for the opportunity to submit our views. If possible, we would like to speak to this submission at a council meeting.

¹ NZTA Report on Attitudes and Perceptions of Cycling and Walking
<https://www.nzta.govt.nz/assets/resources/understanding-attitudes-and-perceptions-of-cycling-and-walking/NZTA-Attitudes-and-perceptions-of-urban-cycling-final-report-2016.pdf>



Figure 1 – Cycle past parked cars at shops



Figure 2 – Cycle lane disappearing

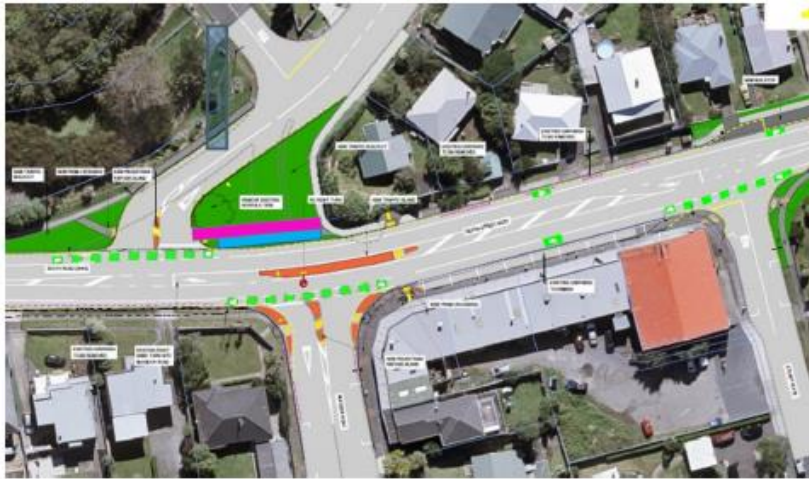


Figure 3 – Suggested new car parks in light blue, re-aligned footpath in pink



Figure 4 – example of soft barriers protecting cycle lane

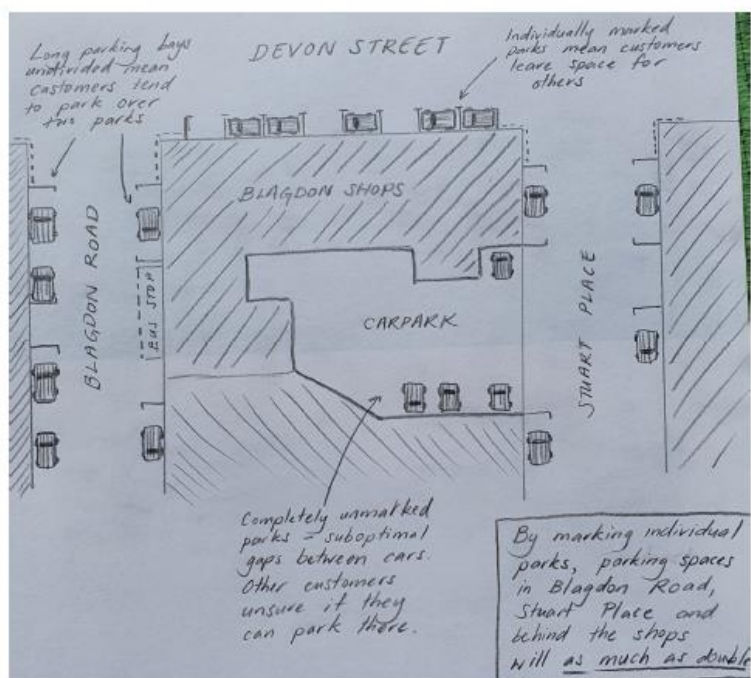


Figure 5 - Diagram showing how marking of parking could improve parking availability.

To: NPDC and Waka Kotahi NZ Transport Agency

From: I Love Public Transport, Taranaki

Subject: Our response to your consultation on Road Safety Improvements, Blagdon Area

Kia ora,

We are a group of public transport users and enthusiasts who would like to see safer and more accessible multi-modal transport in Taranaki. Below is our response to the proposed Devon Street/South Road/Blagdon Road intersection road safety improvements.

Submission summary

We broadly support these proposals. We believe they will create many benefits that will encourage more cycling, walking and public transport use.

We have **four key recommendations** we think will improve the proposals:

- Add a **“zebra” (pedestrian priority) crossing** across Devon Street for improved pedestrian safety and to slow cars before the intersection.
- **Keep the tree and add barriers and berm planting** at the adjustment of the South Rd intersection.
- To help reduce any impact of removing the four car parks on the other side of the road, **provide signage to parking** in Stuart Place, behind Blagdon shops and in Blagdon Road, and **mark out individual parking spaces**.
- **Road-mark bus stops more clearly** to help prevent cars parking in them.

Devon Street / South Road / Blagdon Road intersection

What it's like today:



NPDC and Waka Kotahi propose:

- Moving South Road intersection further west
- Removing one slip-lane
- Removing right-turns into and out of Blagdon Road.

Like this:



Our feedback:

- We request NPDC/Waka Kotahi provide **individual parking space markings and signage for parking behind the Blagdon shops and in Blagdon Road and Stuart Place**, to offset the removal of other car parks. Encouraging motorists to park away from the main highway will make both motorists and pedestrians feel safer. Mothers and families will be more inclined to park there if these simple changes are made.
- **Most members approve of the removal of the right hand turn.** Turning and through-traffic currently builds up at this intersection, often including large vehicles like utes. This makes the intersection intimidating and hard to cross for pedestrians and public transport users. The proposed dog-legging of the intersection and removing the right-hand turn may allow traffic to flow more freely and make the intersection easier to cross on foot.

- A member has raised concerns that without the right hand turn out of Blagdon Road, residents of Marfell, Blagdon and Spotswood **may instead use the intersection of Seaview and Devon, which is already backed-up**. We would like to know if there are any future plans to improve this intersection.
- We **request the tree stays**. It's understandable to want to remove the tree for better visibility but perhaps it could be retained with its lower branches removed? Trees have many benefits including providing shade in summer which encourages people to walk rather than drive. We would like to remind the council at this point of their commitment to "Climate Urgency", and how removing old established trees contradicts this.



- The new large grassed areas on either side of South Road will **need barriers** to prevent people driving over them. **Planting low native shrubs and grasses** would also help reduce the likelihood people will drive over it and give other environmental benefits.

Pedestrians

NPDC and Waka Kotahi propose adding:

- A crossing point with a pedestrian safety island on Devon Street outside the Blagdon shops, to improve pedestrians' access and safety.
- Pram/wheelchair ramps on Belair Ave, Blagdon Rd and Stuart Pl.

Our feedback:

- Multiple child members of our group would like to see a **painted zebra crossing from the Blagdon shops across Devon St West**. They use the bus stop every school day and this would improve their safety immensely. It would also make it safer for children to catch the bus who live in the neighbouring roads across the street from the bus stop, making bus travel more accessible and reducing cars on the road at peak traffic and around school zones.
- There is **overwhelming consensus from our group to add a pedestrian-priority crossing (Zebra crossing) over Devon Street**. This is important for encouraging walking and using public transport by making it safer, faster and more convenient. This is an ideal place for a pedestrian-priority crossing because of nearby bus stops, shops and schools.

Pram crossings and pedestrian ramps are great but where there is a high-traffic road they may lead to more accidents because some drivers will voluntarily stop while others won't. Whereas the legal requirement for drivers to stop at a **pedestrian-priority crossing makes driver and pedestrian movements much more predictable**.

A **pedestrian-priority crossing would also help slow down traffic** from the East before it reaches the problem intersection.

This location meets [Waka Kotahi's guidelines for placing pedestrian-priority crossings](#).



Cyclists

NPDC and Waka Kotahi propose:

Adding on-road cycle lanes to fill in the cycling network between Belair Avenue and Stuart Place. This requires removing car parking spaces on Devon Street north opposite the Blagdon Shops, and further car parks along the corridor.

Our feedback:

Removing car parks can have [safety benefits for pedestrians, cyclists, public transport users and drivers](#). It doesn't necessarily harm business and [can benefit businesses](#).

Parking placed sub-optimally can create unnecessary safety issues. For example, because you can currently park across from the shops, customers park there rather than in Stuart Place, Blagdon Road or behind the shops. In those other locations, you needn't cross the road. To reduce any impacts of losing parking spaces, **better signpost parking areas on the same side as the shops**. Demarking individual spaces would also make more parking available, as currently many drivers park across two potential parking spaces where individual parks aren't marked. Also **consider time-limiting parking and marking out accessible parking for disabled drivers**.

Public Transport Users

NPDC and Waka Kotahi propose:

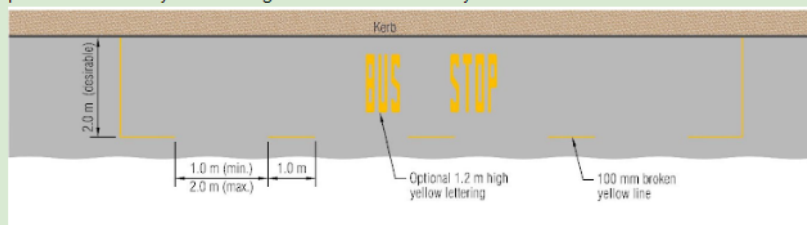
Moving the bus stop to the west of the power box for better visibility for bus drivers, noting that the bus would have to cross the cycle lane in order to park.



Our feedback:

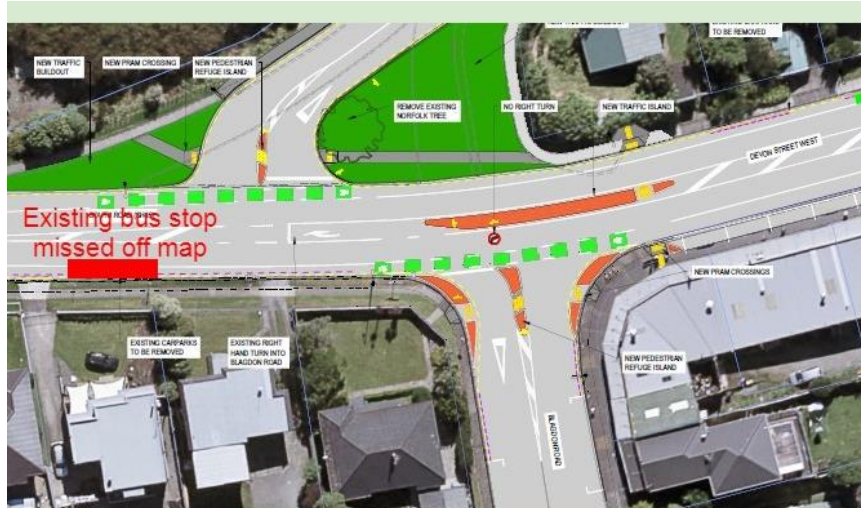
- The placement of the existing bus shelter behind the power box has long been a concern to public transport users. The box blocks drivers from seeing passengers waiting. Passengers have reported their driver did not see them and failed to stop. These kinds of incidents stop people using public transport – reducing the likelihood of this happening will help retain public transport users. We strongly support **moving the existing bus shelter so passengers are more visible** as proposed.

- As people parking in bus stops is a common problem in New Plymouth putting vulnerable bus users at risk (they have to get out in the middle of the street), **use clearer marking of bus stops** as is common in other parts of the country – stencilling BUS STOP within the yellow lines:



It would also help if **signage made clear bus stop hours of use** – when these signs don't specify hours people tend to guess and park in them, because they know buses in New Plymouth don't go regularly, but they often get the hours wrong.

- **A bus stop for the number 10 (Saturday only 'loop') bus has been missed off the drawing.** This is not in a great place given the cycle lane, but as it is only used twice on Saturdays, it seems unlikely there will be bus-cyclist conflicts.



Members of our group would like to speak about this submission, including a child member. A time outside of school hours would be preferable.

Thank you for your consideration of our submission.

Kind regards,

I Love Public Transport Taranaki

Karin and Murray Lilley
 65 South Road
 Blagdon,
 New Plymouth 4310

7th September 2022

To Liz Beck and New Plymouth City Council

RE: PLANNED CHANGES AT THE BLAGDON/SOUTH ROAD/DEVON STREET INTERSECTION

We were very recently informed that there will be changes to the roading outside our house and the four way crossing to our right. We have very grave concerns about these changes, both in the added danger of the area it will cause and the total loss of value on our property.

Presently we can leave our property with minimum delay, a good percent of the traffic from the south turning left towards Motoroa, and of course, traffic from Blagdon Road can turn right.

These new plans just make no sense on several levels.

- From our property we will not be able to either go right towards Devon Street or straight ahead to South Road. The accumulation of traffic in front of our house will be greater than ever. The cars that would have turned right from Blagdon Road will now turn left and then right, in front of our driveway. The normal left turning traffic will also be there. Presently, we lose all left turning traffic from the south, now they will be turning in front of our house. Add to that, all the right and left turning traffic from Motoroa will be turning immediately in front of our house.
-
- Living where we are now, how do we go north? Cannot go right or straight!! So left to where? To go all the way down Beldaire Ave to Tukapa Street, not. The other alternative is to Pioneer Road, take a right, go slowly to Breakwater Road, take a right, come to the roundabout and go right. How safe is that? Three rights and we haven't gone anywhere yet.
- This proposed plan is touted as being far safer than what it is now. We fail to see how. The intersection that will be in front of our house will not be any safer than what is there. Cars that normally avoid the intersection will all be there.

- Presently we look out onto a lovely green area with an old Norfolk Pine tree, what will be the future of our front window. Please for a minute don't think that you are preventing accidents, they will happen right out front, human nature

We have a very busy shopping centre, the Blagdon Shops and to go ahead with these plans will effectively close them down. You are making the road in front of them one way. Presently at any time of the day, shoppers stop on both sides of the road to shop there. Now, only south bound traffic will be able to do this. You won't have any need for the pedestrian crossing or whatever is being put there, no business. The bakery is one of the busiest in New Plymouth and their early morning trade will be totally cut off. Please don't tell us that shoppers can turn into Stuart Place and park. No one wants to try and get back into the traffic.

We fail to understand why this work needs to be done, there are several areas in New Plymouth that need help. We were told that this will make it safer for everyone. In all the years that we have lived here, we can maybe remember three fender bender type accidents. The latest one where the person went through the lawn mower business, could have happened on any corner. The driver was travelling at 90 plus kilometres along south road to avoid police. If you take a look at how far back from the road the shops are, it has to be really bad driving to go into them. If our area is so bad, why is there not more police presence? We have never seen them.

The removal of parking everywhere just adds to more frustration for the homes along here. This is a busy school route and parks are needed at certain times of the day.

All this new traffic must now go somewhere and the surrounding road intersections are already busy. The traffic is being forced to make more right hand turns, visibility on many corners is limited. The roundabout below us will get backed up.

The safety of everyone is a number one consideration and yet you can travel through the Blagdon Shops area at any speed. There are parked cars, bikes, pedestrians and a major corner, that does not stop anyone. Our suggestion is that that area should be 30ks and the sooner the better. This alone would make the area much easier to control. Presently, pedestrians take their lives into their own hands getting across Blagdon Road and Stuart Place. Cars pay no attention to road crossers, and most of them are children.

We would like to suggest that more consideration be put into traffic lights or a roundabout. We have been told that the New Zealand Transport Department does not want to slow traffic on their roads. Really. People's safety doesn't come into play. When we travel north from here, there are traffic lights on all the state roads.

This area is in a highly populated urban area with cars, trucks, bikes, pedestrians, schools, shops and so on. If your prime concern is for the safety of everyone, as stated in your first paragraph of your notification, your responses to our concerns are contradictory. No more safety that we can see.

At the beginning of our meeting we were told that this is the most dangerous intersection in New Plymouth, (obviously never tried to get out of Nobs Line, just one example) and as the meeting progressed we were told that it is among the top five.

In conclusion, we absolutely believe that you are making this area more dangerous than it already is. Our wish is to see the 30ks signage go up and more police presence.

And finally, we were very upset that no one in your organization even gave a thought to what this would do to our property, did not even take the time of day to come and see us. We would appreciate a visit or meeting, our first at the Civic Centre produced nothing.

Thank you


Karin and Murray Lilley

Officers response to residents on South Road: Officers and consultant engineer went and met with residents on site on 24 November 2022 to discuss their concerns.

In response to their concerns that they would not being able to turn right or straight ahead from their driveway, the response was: there will still be sufficient breaks in the traffic to allow this movement, similar to what is currently happening.

In response to their concerns raised that there was no issue to be solved, we discussed the crash history of the intersection, the rationale for what is being proposed and how it is anticipated that it will work, and the technical expertise that has been used to identify the proposed solution. That we are working alongside the businesses to mitigate as much as possible the car parking loss. And that the primary purpose of this project is to improve safety and access as there are currently no cycle lanes through this busy corridor or appropriate crossing points.

When officers met with the residents they did raise a concern around increased light into their property with the intersection being shifted. We are exploring what options are available to support either the construction of a fence or planting to mitigate that concern.

In addition council officers and Manager Infrastructure and Planning met with the residents on 21 December to hear their concerns.

Online survey feedback

Do you support our proposed safety improvements to this section of Devon Street West?	Do you have any comments on these proposals?
Yes	The raised platform crossing of Belair ave should be a formal marked zebra/pedestrian crossing. The use of raised platform crossings (such as those on Devon St through the city centre) create confusion for both pedestrians and motorists, with some motorists yielding and waving pedestrians across and some that do not. In an area with so many school children walking the route the crossing points should be extremely clear and unambiguous that motorists need to give way to crossing pedestrians.
In part	(All below feedback based on the 3rd Drawing CK-0003 at Blagdon shops) 1) Removing the parking on the side of the road opposite the shops will increase traffic down Stuart Place as people heading into NP use those parks to stop and grab lunch from the bakery. You will then have a large number of vehicles in a small street and many people turning right to get back into the traffic flow on a corner with reduced visibility. If it is possible to retain those parks I would definitely recommend it - even if they are 5-10min only spaces 2) A lot of cyclists ride down South Rd (toward Moturoa), the new South Rd-South Rd intersection will result in cyclists turning left sharply in the traffic lane - a cycle lane behind the traffic island for that corner could be of benefit as cyclists won't be turning alongside cars in that space 3) Getting the South road intersection further away from the large embankment will be great for visibility and is a good idea.
In part	Could a round about be useful?
Yes	Feel it should be a 30km area. Am new to New Plymouth and feel the 30km areas are brilliant. Think that Westown Shopping area should be 30km zone also.
No	I live in Omata Road and travel daily. I travel down Omata road, turn right into Blagdon road, turn right at Blagdon shops into Devon street and travel to town. The new layout will prevent me travelling this way. I will now have to turn right at either Belair or Seaview intersections. Both more dangerous and congested than the Blagdon intersection
Yes	Will the NPDC tag extra money to keep the other roads that will see an increase in traffic ie: Cook St., Grenville St., Bel-Air Ave. in good condition as these are not state highways. These streets get quite congested with parked vehicles already so what changes are planned?

No	How about a Roundabout, Fewer crashes and less severe crashes. ... Lower vehicle speeds. ... Less vehicle pollution. ... Lower maintenance costs as compared to a traffic signal. ... Increased landscaping opportunities. ... Pedestrians cross one direction of traffic at a time. Roundabouts make violent and deadly T-bone and head-on collisions unlikely. The collisions that do occur tend to be minor. Roundabouts always have a center island, which can be a place of refuge for pedestrians. This provides a place of safety when crossing a busy intersection. Safety: This is one of the primary reasons roundabouts have become so popular. Research shows that roundabouts reduce fatal and injury accidents by as much as 76%, due to slower speeds and the existence of fewer conflict points. roundabouts can increase traffic capacity by 30 to 50 percent compared to traditional intersections. Roundabouts are one of the safest engineering treatments for intersections, because any crashes that happen occur at low speed.
No	There should be a roundabout instead of the proposed alternations.
No	If you remove the ability turn right people will start to use Bayley Rd to make a right turn, which in itself is more dangerous particularly at peak school times. A more suitable solution would be a control turn right either via a round-about or lights. Removing the parks on the opposite side of the rd is a terrible idea. In the mornings the number one issue is people parking on double lines, stopping to wait for parks or doing a u-turn into Stuart Place as those parks get so much use for the shops on the way to school and town. (This also happens on the shop side of the rd at 3 and 5 - 5.30) The changes that were made at South Rd, Lawry st and Breakwater intersection are sub-par and I have witnessed far more near misses since this has been put in place. I am apprehensive that you are looking to create the same issue here due to poor consideration of how the rds are actually used and are instead pushing for sustainable transport option without the public transport infrastructure in place.
In part	Why not put in a roundabout
Yes	Ensure any new cycle lanes / extension of same meet the design guidelines of 1.5m width.
Yes	I especially very much support putting a pedestrian crossing in here. I cross Devon Street in this area regularly and it is very dangerous as cars drive relatively fast down devon street and the crest of the hill makes it difficult for the pedestrian to see whether cars are coming or not.
In part	leave parking as is, there is also a bus stop there which needs to be there.
Yes	Just turn the existing traffic island into a roundabout. There is heaps of room to do that. Will keep the traffic flowing much better than now or the proposed set up with give way signs
In part	I only have an issue with removal of the car parks. It's hard enough to get a park there most the time as it is, losing those parks will have a huge effect on the businesses there for no reason
No	1. Realignment of South road will turn one intersection into 2(close together) T-intersections, causing confusion and a build-up of turning vehicles. Especially when people exiting Blagdon Rd need to perform a left then a right to South road. 2. Removing the slip lane will direct more traffic into the problematic, busy area. At the moment it is a safe option to avoid the shopping area.

In part	Don't loose the car parks. How many of the crashes are specifically road layout design and unrelated ie drunk drivers .seems extreme how much is it? Would rather roads were fixed first ie potholes
Yes	
In part	Removing car parks on other side of road may reduce customers for the businesses, I use those parks on my way past in the morning. I won't bother to stop if no parks. Or may cause congestion in Stuart place for those seeking a park
In part	What are the parking options for those travelling past toward town? Removing parking spaces and stopping the ability to turn right onto Blagdon road (to park as well) may reduce customers for these businesses. Would it then cause congestion for Stuart Place as drivers try to seek parking?
Yes	Need to still be able to turn right into Blagdon Road. A roundabout seems sensible to slow traffic in all directions, as long as its a full round a bout, not a ridiculously confusing and unsafe one thats been put at Motorua.
Yes	
Yes	
Yes	The shops are very handy. Car parking for the shops is ideal especially on the shop side. Perhaps extend the car parking down the road on same side if losing car parks on the opposite.
Yes	Just to be mindful of where the crossing as placed, not at top of hill or on top of junction. Hopefully removing parking from opposite the shops will actually reduce the number of people needing to use the crossing as most walk on the side of the shops.
Yes	No
Yes	Eliminating the right hand turns onto/from Blagdon Rd is major inconvenience. There is only one proper solution and that is traffic lights. Why aren't traffic lights being installed ?
No	It does not make sense to remove car parking spaces, which will affect the businesses at that intersection. I have lived in Blagdon for over 2 years and travel this road Dailey. I Do Not See many cyclist along this route at all. What I do see are crap roads that are not maintained...making it dangerous for motorcyclists and drivers alike. Maybe a better idea would be a traffic light system, or small roundabout.. ..not to try to make Blagdon road a 1 way system.. not viable, with the cost of petrol , for people to have to do detours when heading to work at the port or Aubyn Street etc. Blagdon shops provide a important service to the locals and cannot afford to lose customers because some beurocrat has decided to remove car parks and put a cycle lane there even it would not be used !
In part	how do you get on road to go to town if you cant turn right.have seen near misses where supermarket is but not other end.crossing should b put on blagdon road as not many people walk on otherside of road and if you take the parks away will b no one crossing road.roundabout would b best idea
No	Car parks outside the shops should not be removed. These parks are full most of the time and would be an inconvenience for the businesses and their customers. The whole thing seems like a complete waste of rate payers money for no benefit. Saying its one of the worst crash sites in the district is a complete joke

No	No one in their right mind would support any proposal you put forward with your current record of road "improvements". More specifically, you state that this is to make things safer for cyclists. I am a cyclist, yet I know full well that no one who works in road is, as anything that makes any road anywhere more narrow makes it more dangerous to cycle. Anything that makes a road narrower and significantly increases congestion makes them even more dangerous for cyclists. Adding in raised platforms, and it makes it unusable for cyclists. And that is exactly what you want to do here. Increase congestion by narrowing road and making speed bumps. I am no longer able to cycle past vogeltown school because of the ignorance and incompetence shown when you redesigned those roads, so I don't want this to happen here.
No	I support the South Road corner and the Belair Ave Intersection but oppose the Blagdon Road / Devon street west Intersection change
In part	A pedestrian crossing is needed, removing right turn is not a solution, put a roundabout instead.
In part	The proposal is great except I don't agree the car parks should be removed as these are regularly used and this will affect the businesses. Vehicles travelling into the city won't turn right into Stuart Place and park behind the Four Square as they then have the issue of trying to get back out of Stuart Place turning right back onto Devon Street, therefore they will no longer stop and shop at the Blagdon shops and this will affect these businesses. Allowance has been made for the bus stop and this same allowance could be made for the car parks on that side of the road as well as, we need to support our local businesses not make it harder for them.
No	By removing parking the shops suffer. Why not Introduce traffic lights? No right turn? Understandable but how inconvenient
In part	Do not agree with the no right turn into and out of Blagdon road, feel either lights or a roundabout would be a better option.
No	I have lived in this area for almost 10 years now. As with any intersection, turning right requires more attention and comes with more risk as you have to give way to all traffic coming from all directions. Installing traffic light would be ideal solution instead of blocking right turn completely. What other alternative routes is the council thinking? Going to Westown and have to go through busy traffic around Westown shops in the early morning? That's just terrible.
In part	We definitely need space for cyclists - currently, the only way to be a safe distance away from car doors opening is to cycle in the traffic lane. Roundabouts aren't that safe for cyclists so thanks for not proposing one here. But do right-turn lanes really need to be removed from Blagdon Road?
In part	I would like the bus stop moved to the edge of the green grassed area opposite the Blagdon Road junction. That would free up the current bus stop opposite 4 Square for use for a few short term roadside parking spaces (essential to help sustain the Blagdon shops).

	Sheet 1 Please do due diligence in the before and after school rush. Narrowing Bel Air Ave to one exit lane only may block the left hand west turning vehicles. This is narrow already with parents parking on the west side of Bel Air ave in the afternoons. Pedestrian refuge a good idea but not a raised one. Heading East along state highway to NP parents park on the footpath and yellow lines. Consider bus movements and large vehicles (rubbish trucks) entering and exiting Bel Air Ave. Sheet 2 Good idea as South Rd vehicles are usually travelling faster than 50 km/hr down this slip road. Will cyclists heading down the hill east be able to access the footpath adjacent to the grassed area? This will enable them to miss the new intersection and head more safely down South Rd to Moturoa shops? Sheet 3 This looks good in theory but just sit at the intersection of Lawry-Seaview Road in the morning. The zig zag effect creates a tail back of cars in the middle of the road potentially blocking the traffic flow. Could this happen with the island in the middle of the road? Again have large vehicle movements around this island been considered? Have local schools been notified of these proposed changes as their school communities would make many of these vehicle movements during school runs. Bel Air Ave. Are NPDC going to fix the road surface on the west bound lane between Sheldon and Clearmont Crescent? Lawry St Needs a pedestrian refuge opposite Mangaotuku stream walkway. Vehicles speed along here and this would make it safer for pedestrians, school children crossing with their bikes etc around 14 Lawry St. Happy to discuss
In part	
In part	A roundabout would be better
Yes	
In part	Spend the money else where and fill some pot holes
In part	my children would like to see a zebra crossing from the bus stop to the shops. it would make it a lot a safer for them if cars were obliged to stop for them
Yes	
Yes	Sooner the better
In part	The addition of cycle lane closer to the College is logical with students/public moving by cycle more frequently. However, if/when the land where the radio towers are gets developed into housing, this will be a high traffic point where the cycle lane is proposed to start. The alterations for Blagdon shops, in my opinion will cause further frustration for drivers: 1- removing car parks on the seaside and introducing a pedestrian crossing seem to contradict each other. 2- no right turn from Blagdon road will further congest the BelAir avenue to turn right. This intersection is already under strain at peak hours. Could a round about be introduced similar to Francis Douglas/Omata Road? 3- The island on Devon St will cause a back log of south traffic for those who park at the shops. Could the car parks on both sides of the street be removed and users of the shopping centre use the car park behind the store, and widen the Stuart PI intersection with turning lanes and centre island for pedestrians?
In part	Please put a zebra crossing in. It's really unsafe for pedestrians to cross even with the new designs.
No	As a business owner in Blagdon,who often needs to park down Blagdon Rd as all parks are full{including behind shops},this idea is extremely detrimental to shops.Why is a roundabout not an option?I agree something is reqd.& years and witnsed one accident??

	Removing the parking spaces will negatively impact the businesses in Blagdon. It's hard enough to get a park as it is and I feel people double parking or turning into Stuart pl will cause problems to traffic flow. Removing the large Norfolk pine is a crime. It seems senseless to put money into this project when it's not broken. The money should be spent on fixing our terrible roading surfaces not remodeling an intersection you see has a high crash area. A round-a bout or speed bumps would be a much better solution. Bike paths are rarely used, talking to cyclists as to why there's so few people biking, they tell me the roads are too busy to be safe. NP is a growing city and cycle lanes are rarely used. Having more cycle lanes has not increased the number of cyclists on the roads. Taranaki weather is too unpredictable to use a bike as transport.
No	
Yes	Protect the cycle lane

DELIVERY OF SERVICE SIX YEAR REVIEW UNDER SECTION 17A LOCAL GOVERNMENT ACT 2002 – FORWARD REVIEW WORK PROGRAMME

MATTER / TE WHĀINGA

1. The matter for consideration by the Council is the approval of the Council's section 17A (s17A) Forward Review Work Programme (FRWP) following the six year delivery of service review.

RECOMMENDATION FOR CONSIDERATION/ NGĀ WHAIKUPU

That having considered all matters raised in the report the Council:

- a) **Note that section 17A of the Local Government Act (LGA) requires that the Council must review the cost effectiveness of current arrangements for meeting the needs of communities for good quality local infrastructure, public services and performance of regulatory services:**
 - **In conjunction with consideration of any significant change to levels of service**
 - **within 2 years before the expiry of any contract or other binding agreement relating to the delivery of that infrastructure, service, or regulatory function**
 - **at such other times as the local authority considers desirable, but not later than 6 years following the last review.**
- b) **Note that an initial assessment of the requirements of section 17A six year review included consideration of central government reforms, and a stocktake of contracts and any levels of service reviews since the last 2016 six year review.**
- c) **Approve the section 17A (s17A) Forward Review Work Programme (FRWP) attached in Appendix 1 and:**
 - i) **Is satisfied, in relation to the exemption provision in s17A(3)(a) Local Government Act (LGA) 2002, that the contracts included in the s17A FRWP cannot reasonably be altered to justify a s17A review at this time. Noting that s17A assessments for the contracts included in the s17A FRWP will be undertaken within two years before the expiry of each contract.**

- ii) **Is satisfied, in relation to the exemption provision in s17A(3)(b) LGA 2002, that due to the current status of central government reforms relating to Three Waters and the Resource Management Act, the potential benefits of undertaking a s17A review do not justify the costs of undertaking the review at this time for services and contracts relating to Water, Wastewater Treatment, Stormwater, and District Planning and Resource Consents within Customer and Regulatory Solutions.**
- iii) **Is satisfied, in relation to the exemption provision in s17A(3)(b) LGA 2002, that due to the current status of central government reforms relating to the Future of Local Government and the role of LTP planning for considering significant changes to levels of service, the potential benefits of undertaking a s17A review do not justify the costs of undertaking the review at this time for all other council services.**
- d) **Note that any future consideration of significant changes to levels of service by the Council would initiate a requirement for a s17A review.**

COMPLIANCE/ TŪTOHU	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Approve the s17A FRWP. 2. Approve the s17A FRWP with amendments.
Affected persons	The persons who are affected by or interested in this matter are users of council services and the wider district community.
Recommendation	This report recommends option one for addressing the matter.
Long-Term Plan / Annual Plan Implications	No.
Significant Policy and Plan Inconsistencies	No.

EXECUTIVE SUMMARY / TOHUTOHU KAI WHAKAHAERE

2. We recommend that Council approves the s17A FRWP for council services and contracts following the six year delivery of service review, recognising that the s17A FRWP reflects:

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- a) Timing of reviews relating to the expiry of contracts for service delivery.
 - b) Exclusion of certain services (and contracts related to these services) in light of the current status of central government reforms while also recognising the current additional high workload from the reforms and state of future uncertainty.
 - c) the role of Long-Term Plan (LTP) planning every three years for considering significant changes to levels of service.
 - d) Timing of reviews of services to the six yearly legislative review requirement.
- 3. We are not recommending undertaking further detailed s17A analysis for individual services, given the timing, uncertainty, and additional work related to the central government reforms.
 - 4. Taking this approach will ensure that the Council is meeting its legislative requirements under s17A and is taking a cost-effective approach to s17A requirements by concentrating resources to undertake s17A assessments on those contracts and services that would benefit from such a review.

The next step is to implement the s17A FRWP and embed s17A requirements and considerations into council contract management and LTP planning processes.

BACKGROUND / WHAKAPAPA

Requirements of s17A

- 5. S17A LGA 2002 requires the Council to review the cost-effectiveness of current arrangements for meeting the needs of communities within its district for good quality local infrastructure, local public services, and performance of regulatory functions (s17A reviews).
 - 6. S17A requires consideration of options for the responsibility of the governance, funding and delivery of infrastructure, services, or regulatory functions. It does not include the review of levels of service of council activities. Levels of service reviews are usually undertaken as part of LTP planning processes recognising that a decision to significantly alter an intended level of service for a significant activity can only be made if provided for in an LTP (s97 LGA 2002).
 - 7. S17A requires all Council services, including those undertaken by Council Controlled Organisations, to be reviewed.
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8. Triggers for undertaking s17A reviews are:
 - a) When considering significant changes to levels of service.
 - b) Within two years before the expiry of any service delivery contract or other binding agreement.
 - c) When desirable by the Council but no later than six years after the previous review.
 9. S17A reviews are not required where it is considered that:
 - a) A contract (or other binding agreement) cannot reasonably be altered within the following two years.
 - b) The potential benefits of undertaking a review do not justify the costs of undertaking the review.
 10. The Council's first six yearly s17A review was reported to the Council on 27 September 2016 with a s17A FRWP for the 2016 s17A reviews which recognised current long term contracts and identified the six yearly review for the majority of services. Therefore the six yearly s17A review is now required to be undertaken.
 11. This report covers the s17A FRWP for the 2022/23 review.

S17A FRWP for the 2022/23 s17A six yearly review

12. The proposed s17A FRWP is attached in Appendix 1 and reflects:
 - a) Timing of reviews relating to the expiry of contracts for service delivery.
 - b) Exclusion of certain services (and contracts related to these services) in light of the current status of central government reforms and the role of LTP planning for considering significant changes to levels of service.
 - c) Timing of reviews of services to the six yearly legislative review requirement.
 13. The review of contracts related to service delivery have been scheduled to commence consistent with the legislative timeframe of within two years before the expiry of each contract. For each contract, the intention is to commence the s17A process within this timeframe as part of the review of each contract process. To aid this approach, s17A information has been incorporated into internal contract management processes to ensure that s17A considerations are undertaken in a timely manner.
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14. Due to the current status and uncertainty of central government reforms for Three Waters and the Resource Management Act, the following services (and contracts related to these services) have been excluded from the s17A review process at this time; District Planning and Resource Consents within Customer and Regulatory Solutions, Stormwater Management, Wastewater Treatment, and Water Supply. The contracts related to Stormwater Management, Wastewater Treatment, and Water Supply will be subject to the transitional provisions of the Three Waters legislation and as a result are not included in the s17A FRWP. Similarly, any contracts related to District Planning and Resource Consents will also be subject to the outcomes of the RMA legislation and have therefore also not been included in the s17A FRWP.
 15. The next s17A reviews of council services have been aligned to the six yearly legislative review frequency of 2028 with potential for earlier reviews as part of 2024 and/or 2027 LTP processes relating to consideration of significant changes to levels of service. This review timeframe recognises that the potential benefits of undertaking s17A reviews (of those eligible services) do not justify the costs of undertaking the reviews at this time in recognition of the following:
 - a) Role of LTP planning for considering significant changes to levels of service. The LTP process is a three year opportunity for the community and Council to consider any significant changes to levels of service for council service provision and delivery. Levels of service were considered as part of the 2021 LTP process and any consideration of a significant change to levels of service will be undertaken as part of the 2024 and/or 2027 LTP processes. This approach aligns to legislative requirements recognising that a decision to significantly alter an intended level of service for a significant activity can only be made if provided for in an LTP (s97 LGA 2002).
 - b) Future of Local Government reforms. The uncertainty of the impacts on council service delivery of the central government reforms for the future of local government.
 - c) Covid-19 recovery. The ongoing impacts of Covid-19 affecting the availability of resources to undertake and participate in s17A review processes.
 16. The s17A FRWP will be regularly reviewed and updated reflecting progress and outcomes of any s17A review processes.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

17. There are no climate change considerations related to the approval of the s17A FRWP.
-

THREE WATERS REFORM IMPLICATIONS

18. This report does not involve an intended decision relating to, or affecting, the provision of water services.

NEXT STEPS / HĪKOI I MURI MAI

19. The next step is to initiate the s17A FRWP and embed s17A requirements and considerations into council contract management and LTP planning processes.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

20. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because this process determines the s17A FRWP instead of carrying out individual s17A reviews where the matter of service delivery, governance and funding may be more significant.

OPTIONS

General assessment

Promotion or Achievement of Community Outcomes / Te Tutuki o Ngā Whāinga ā-hāpori

21. The Council provides services to promote and achieve all of the community outcomes. Reviewing the cost-effectiveness of the current arrangements for the delivery of its services will make sure the Council delivers its services in a more efficient and effective manner further promoting and achieving the community outcomes.

Statutory Responsibilities / Ngā Haepapa ā-ture

22. Both options meet the legislative requirements of s17A LGA 2002.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

23. There are no inconsistencies with current plans or policies.

Participation by Māori / Te Urunga o Ngāi Māori

24. There are no specific matters for Māori regarding the s17A requirements.
-

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

25. Community views are provided through LTP consultation and annually through satisfaction surveys. While community views are not usually provided in relation to s17A reviews, any new or proposed changes to levels of service would require community engagement.

Option 1
Approve the s17A FRWP

Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi

26. Staff time will be required to assess contracts for s17A reviews. These assessments and any subsequent s17A reviews can be undertaken as part of the overall review process for each contract. S17A reviews on complex contracts may require additional budget and resources to undertake.

Risk Analysis/ Tātaritanga o Ngā Mōrearea

27. There is a risk that an exclusion of services from undertaking s17A reviews at this time due to uncertainty of the impacts on services of the Future of Local Government reforms may miss opportunities for efficiency gains. This risk is considered to be mitigated in light of opportunities to review any service as part of the 2024 and/or 2027 LTP process in line with consideration of a significant change to levels of service.

Advantages and Disadvantages

28. The advantage of this option is that it concentrates resources to undertake s17A assessments on those contracts and services that would benefit from such a review. This is considered to be the most cost-effective option due to excluding contracts and services where it is considered that the potential benefits of undertaking a s17A review do not justify the costs of undertaking a review.

Option 2
Approve the s17A FRWP with amendments

Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi

29. Additional funding and resources would be required if any s17A reviews were brought forward from the dates scheduled in the s17A FRWP.
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Risk Analysis/ Tātaritanga o Ngā Mōrearea

30. There is a risk that additional staff resources and costs will be used to undertake s17A assessments that are not considered to be cost-effective at this time. It is recommended that any proposed amendments to the s17A FRWP would require further assessment by Council officers to ensure alignment with legislative requirements and any contract obligations.

Advantages and Disadvantages

31. The s17A FRWP was prepared in a way that ensures the timeframes for the review of each service are the most cost-effective in relation to the potential benefits of a review compared to the costs of the review, and the cost of breaking a current contract for a service. Deciding to amend any timeframes for the review of a service may not be the most cost-effective approach.

Recommended Option

This report recommends option one - Approve the s17A FRWP for addressing the matter.

APPENDICES

Appendix 1 S17A Forward Review Work Programme 2022/23 (ECM 8906356)

Report Details

Prepared By:	Richard Mowforth (Senior Policy Adviser)
Team:	Corporate Planning and Policy
Reviewed By:	Mitchell Dyer (Corporate Planning and Policy Lead)
Approved By:	Joy Buckingham (Group Manager Corporate Services)
Ward/Community:	District wide
Date:	10 January 2023
File Reference:	ECM 8906357

-----End of Report -----

APPENDIX 1: S17A FORWARD REVIEW WORK PROGRAMME 2022/23

Services/Group of Services/Contracts	Time period for next s17A review	Stocktake analysis and rationale
All Council Services (with the exception of the contracts below)	2028	S17A review timeframe aligned to the six yearly legislative review frequency of 2028 with potential for earlier reviews as part of 2024 and/or 2027 LTP processes relating to consideration of significant changes to levels of service.
Contracts		
Election Management Contract (Corporate Services)	14 Dec 2022 – 14 Dec 2024	Contract expires 14 Dec 2024.
Parks Fleet Management (Parks and Open Spaces)	1 Jul 2022 – 30 Jun 2023	Contract expires 30 Jun 2023.
Security (Property)	30 Sept 2022 – 30 Sept 2024	Contract expires 30 Sept 2024.
Before You Dig Service (Asset Data)	20 Jan 2022 – 20 Jan 2024	Contract expires 20 Jan 2024. Large proportion of this contract covers the three waters with the remainder relating to transportation.
Coastal Monitoring Survey (Parks and Open Spaces)	1 Feb 2023 – 1 Feb 2025	Contract expires 1 Feb 2025.
Community Reuse and Recycle Centre – Sustainable Taranaki Contract Services Agreement with Wise Charitable Trust (Resource Recovery)	2027 - 2029	Contract expires 2029.
Community Reuse and Recycle Centre – Sustainable Taranaki Contract Services Agreement with Taranaki Environmental Education Trust (Resource Recovery)	2027 - 2029	Contract expires 2029.
Infrastructure Term Service Contract (Transportation)	30 Jun 2027 – 30 Jun 2029	Contract expires 30 Jun 2029.
Mobility Scooter Agreement for Pukekura Park (Parks and Open Spaces)	30 Jun 2022 – 30 Jun 2024	Contract expires 30 Jun 2024.
Mobility Scooter Agreement for the Coastal Walkway (Parks and Open Spaces)	30 Jun 2022 – 30 Jun 2024	Contract expires 30 Jun 2024.

Services/Group of Services/Contracts	Time period for next s17A review	Stocktake analysis and rationale
NPDC Traffic Signals Maintenance 2017-2020 (Transportation) extended to 28 February 2023	28 Feb 2021 – 28 Feb 2023	S17A already completed (essentially integrated into NZTA funding considerations).
Online Travel Booking Tool (Corporate Services)	1 Jun 2024 – 1 Jun 2026	Contract expires 1 Jun 2026.
Operation of New Plymouth Resource Recovery Facility and Transfer Station (Resource Recovery)	4 Sept 2034 – 4 Sept 2036	Contract expires 4 Sept 2036.
Parks Engineering Professional Services (Parks and Open Spaces)	13 Jul 2022 – 30 Jun 2023	Contract expires 30 Jun 2023.
Parks, Street and Open Spaces Tree Maintenance (Parks and Open Spaces)	28 Oct 2022 – 28 Oct 2024	Contract expires 28 Oct 2024.
Professional Services For Management and Supervision of NPDC Forestry Estate & Joint Venture Forests (Property)	30 Jun 2021 – 30 Jun 2023	Contract expires 30 Jun 2023.
Provision of Ground Maintenance Service for Housing of the Elderly Units (Property)	30 Jun 2021 – 30 Jun 2023	Contract expires 30 Jun 2023.
Provision of Interior Building Cleaning Services (Property)	31 Aug 2022 – 31 Aug 2024	Contract expires 31 Aug 2024.
Solid Waste Disposal Agreement (Resource Recovery)	30 Jul 2052 – 30 Jul 2054	Contract expires 30 Jul 2054. The contract provides for a review every 5 years if required.
Streetlighting Maintenance and Installation 2016-2019 (Transportation) extended to 28 February 2023	28 Feb 2021 – 28 Feb 2023	S17A already completed (essentially integrated into NZTA funding considerations).
Taranaki Solid Waste Services (Resource Recovery)	30 Sept 2022 – 30 Sept 2024	Contract expires 30 Sept 2024. S17A already completed.
Waste Transportation Services (Resource Recovery)	30 Sept 2022 – 30 Sept 2024	Contract expires 30 Sept 2024. Contract has potential extension till 30 Sept 2029 or 30 Sept 2036.
After Hours Contact Centre (Customer and Regulatory Solutions)	30 Apr 2023 – 30 Apr 2025	Contract expires 30 Apr 2025.
Youth Engagement (Community Partnerships)	30 Jun 2022 – 30 Jun 2024	Contract expires 30 Jun 2024.
Commercial Waste Sorting Facility (Resource Recovery)	Mar 2024 – Mar 2026	Contract expires in Mar 2026.

Services/Group of Services/Contracts	Time period for next s17A review	Stocktake analysis and rationale
Jack Trash (Resource Recovery)	2032 - 2034	Contract expires 2034. Contract review and s17A review recently completed in 2022.
Professional Services (Transportation)	30 Jun 2021 – 30 Jun 2023	Contract expires 30 Jun 2023. S17A review underway included as part of strategy developed for NZTA funding requirements.
Parks Maintenance Works (Parks and Open Spaces)	1 Aug 2022 – 8 Aug 2023	Contract expires 8 Aug 2023
District Licensing Commissioner (x2)	11 Nov 2023 – 11 Nov 2025	Contract expires 11 November 2025
District Licensing List Members (X7)	2 Oct 2021 - 2 Oct 2023	Contracts expire 2 October 2023

SUBMISSIONS ON RESOURCE MANAGEMENT REFORM BILLS

PURPOSE/ TE WHĀINGA

1. The purpose of this report is to outline the approach to a submission from the New Plymouth District Council on the Resource Management Reform Bills.

RECOMMENDATION / NGĀ WHAIKUPU

That, having considered all matters raised in the report, Council endorse the draft submission (Appendix 1) on the Resource Management Reform Bills.

SIGNIFICANCE AND ENGAGEMENT / TOHUTOHU KAI WHAKAHAERE

2. This report is provided for information purposes only and has been assessed as being of some importance.

BACKGROUND / WHAKAPAPA

Resource Management Reform programme

3. The Government plans to repeal the Resource Management Act and enact three new pieces of legislation.
4. The new laws are the:
 - a) Spatial Planning Act (SPA) which requires the development of long-term regional spatial strategies to help coordinate and integrate decisions made under relevant legislation
 - b) Natural and Built Environment Act (NBA), the main replacement for the RMA, to protect and restore the environment while better enabling development
 - c) Climate Adaptation Act (CAA) to address complex issues associated with managed retreat, and funding and financing climate adaptation.
5. The Natural and Built Environment Bill and Spatial Planning Bill were introduced to Parliament on 15 November 2022 and are the focus of this report. The Climate Change Adaptation Bill is scheduled to be introduced to Parliament later in 2023.

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6. Submissions close on the two Bills on the 5th February. NPDC has been granted an extension until the 19th February to ensure that the matters can be reported through Council. This has been granted by the House of Representatives, Environment Committee who has also requested that a draft of the submission is provided to officials prior to the 19th February.
 7. There are five objectives of the reform, identified directly from the Explanatory note of the Bill as follows:
 - a. *“protect and, where necessary, restore the natural environment, including its capacity to provide for the well-being of present and future generations:*
 - b. *better enable development within environmental biophysical limits including a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure, including social infrastructure:*
 - c. *give effect to the principles of te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori:*
 - d. *better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change:*
 - e. *improve system efficiency and effectiveness and reduce complexity, while retaining local democratic input.”*
 8. The key changes of the reform seek a system that is cheaper and easier to use. In summary it will provide:
 - a) Planning for positive outcomes, not just managing adverse effects as in the Reserve Management Act.
 - b) Stronger more consistent national direction, including a direction to enable infrastructure.
 - c) A much strong focus on Te Tiriti o Waitangi by giving effect to the principles of it.
 - d) A regional collaborative approach to planning. Regional planning committees (RPC) will be the stewards of the plan-making process, which reduces the number of plans from over 100 RMA plans to 15 NBE plans.
 - e) More integrated and strategic long-term planning flowing from Regional Spatial Strategies and Natural and Built Environment plans (NBE plans)
 - f) A move towards more efficient and fair resource allocations within limits.
 - g) Improved evidence, monitoring, feedback, and oversight.
 9. For further detail and information refer to the [overview](#) of the Resource Management System published by the Ministry for the Environment as included in Appendix 2. A copy of the Natural and Built Environment Bill can be found [here](#) and the Spatial Planning Bill can be found [here](#).
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Regional discussions

10. Council Officers have been working with Stratford District Council and South Taranaki District Council to identify common submission points and share the drafting resource.
11. Legal advice on the implications of the legislation to Council was obtained from Govett Quilliam who also provided advice to Council on the Proposed District Plan.
12. Discussions have also occurred with iwi representatives of Te Kotahitanga O Te Atiawa that have informed submission points.
13. It is also understood that working groups such as the WasteMINZ Territorial Authority Forum Steering Group are putting forward submission points.

General support for a more effective and efficient system

14. The draft submission aligns with the position of other organisations that support effective and efficient change.
15. The current resource management system is resource intensive, costly and does not ensure the best outcomes for communities and the environment.
16. However, there are a range of details that require clarification to ensure that the Councils and local communities' interests are reflected in the outcomes of the legislative change.

Clarification is required on the transitional provisions

17. Clarity is sought on how regions will transition to the new legislation. The legislation indicates that two pieces of legislation will run concurrently, and regions will continue to operate under the RMA until new plans are developed under the new legislation. The timeline for this varies from 2 to 8 years.
18. Although NPDC is well positioned for a long transition as it will have the most up to date District Plan in the country, this is not the case for some regional planning documents that are now overdue for review. As District and Regional Plans operate in tandem to provide the full suite of planning functions a regional approach/view is required.
19. Clarity and continuing dialogue on the order of developing new plans and therefore the enactment of the new legislation and the position of Taranaki in this review process is supported. It is important that the legislative context is flexible enough to consider the nature of planning practise in this region, so that it can adopt a bespoke processes that best fits its needs.

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20. On the basis that NPDC has an up to date District Plan there is strong support for ensuring that recently reviewed RMA planning document can be incorporated under the new system. There is a depth of policy context, technical rule settings and planning data that are directly transferable to another planning system. This is most effective and efficient and acknowledges the resourcing that has already gone into this project.
 21. The transition process suggests that the RMA will continue to operate until new planning documents are in place in the region. The efficiency of running two systems over a pro-longed period (potentially 8 years) is questioned and it is suggested that a more tailored approach to the transition is required.

Regional Planning Committees (RPC) need to have a stronger connection to local government

22. The Regional Planning Committee (RPC), made up of representatives from the regions Councils and Iwi will be responsible for making the new region wide Plans directed under the new Bills. In the Taranaki context this will reduce the number of plans from nine plans to two – being one Spatial Strategy for the region and one Built and Natural Environment Plan for the region.
23. In general Council supports a more streamlined approach to plan-making to share the costs across communities and ensure regional consistency. Key matters in the submission are:
 - a) Concerns around the RPC's lack of accountability to local authorities who are required to fund and resource the RPC's;
 - b) That the membership of the RPC's reflect the key planning issues in the region are. NPDC is a Tier 2 Council under the National Policy Statement – Urban Development and is required to respond to land supply requirements that the other District Councils are not tasked with. The membership should be proportionate to the nature of the planning issues in the region;
 - c) That further clarity is sought on who will be the host authority and acknowledgement that this may differ on a region by region basis. New Plymouth District Council has a track record of best practise in plan making that puts it in a strong position to host.
 - d) Clarity on how the funding distribution for RCP are to be agreed. New Plymouth District Council has invested in updating its District Plan to meet best practise. There is substantial work still required by the other Councils and specified criteria should ensure that communities do not pay for work that other communities have not done;
 - e) Central government need to support more funding of the RCPS, particularly to support iwi and hapū participation in these committees.

Need to focus more on enabling urban development

24. Council generally supports the inclusion and move towards the system outcomes and those that increase recognition of particular matters, such as those relating to climate change, natural hazards and infrastructure outcomes. These are matters that are canvassed in the Proposed District Plan but with the current lack of legislative direction a fulsome response is not possible.
25. However, Council considers that further emphasis needs to be provided for outcomes relating to urban development specifically to provide more direction to Councils managing urban growth.
26. The Bill indicates the National Planning Framework will provide further direction on each outcome, however, as the National Planning Framework is yet to be developed and does not form part of the legislation there is uncertainty around how urban development is expected to be managed under the Bill. There are currently conflicts between the various National Policy Statements (that the National Planning Framework will be based on) and currently no transparency in the Bill on how this will be resolved.

Local community voice and input needs to be strengthened

27. Local Government New Zealand has promoted the need for a continued local community voice and input into the reforms. Further centralisation of decision making could potentially reduce the importance of local issues in decisions.
28. The legislation provides the opportunity for Councils to develop Statements of Community Outcomes (SCO's) to reflect local community issues. As proposed this tool is currently too broad and not a key influencer of regional plans. Amendments are requested to provide more guidance on the intent of these provisions and ensure they are given more weight by RPC's.
29. It is essential that there is mandatory input from territorial authority's in the 'key process steps' for developing Regional Spatial Strategies. The need for this requirement is strengthened as there are not specific appeal processes relating to the development of Regional Spatial Strategies. It is noted that Regional Spatial Strategies will have budgetary implications through their implementation that will need to be appropriately provided for by local communities.

The detail will be in the National Planning Framework

30. There is concern around the lack of detail around the key environmental outcomes in the Bills, which will be deferred until the National Planning Framework is developed. It is critical that local authorities are key contributors to this framework. The Bill should provide clarity around the engagement process for local authorities, prior to its notification, to ensure it can be implemented on the ground and is relevant to the local context.

Consenting regime sits with individual Councils

31. The Bill seeks to simplify the consenting process by requiring fewer consents, and by putting a focus on outcomes and not just effects. Councils will continue to administer the consenting regime.
32. It is integral that territorial authorities have a more directive role in the RPCs and the contents of Natural Built Environment Plans. Councils will be tasked with the cost and burden on implementation and enforcement of a regime that they have no control over. This presents a significant risk to Council organisations.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

33. The Spatial Planning Bill and Natural Built Environment Bill provide a stronger legislative framework for Councils to plan around Climate Change. Climate change outcomes are one of five objectives for the reform, as follows. *"Better preparing for adapting to climate change and risks from natural hazards and better mitigate emissions contributing to climate change is a key objective of the reform".*
34. The Climate Adaptation Act (CAA) is intended to address the complex issues associated with managed retreat. This Bill is due to be released later in 2023.

THREE WATERS REFORM IMPLICATIONS

35. This resource management reform is a central government legislative initiative. Consideration to alignment with the Three Waters reform is required at this level. As currently drafted Water Service Entities will not have the same level of influence into planning outcomes as when services were delivered by Councils.

NEXT STEPS / HĪKOI I MURI MAI

36. The draft submission has been provided to iwi in the district, to the other territorial authorities and the Taranaki Regional Council. Following further discussions with regional partners any changes to the draft submission will be signed off by the Mayor and the Chair of the Strategy and Operations Committee.
37. A draft submission has also been provided to the Environment Committee/Komiti Taiao, at their request.
38. The final submission will be signed off and submitted to the Environment Committee/Komiti Taiao by the 19th February, at the latest.
39. The submission states that Council would like to speak to the committee on its submission.
40. The Environment Committee/Komiti Taiao have indicated that they wish to start hearings in early February and intend to travel to different centres, although a timetable has not yet been released.
41. The Minister for the Environment has directed that the Environment Committee report back to House by the 22nd March 2023 on both the Natural and Built Environment Bill and the Spatial Planning Bill. The government has signalled that it wants to pass the legislation before the general election.

FINANCIAL AND RESOURCING IMPLICATIONS / NGĀ HĪRAUNGA Ā-PŪTEA, Ā-RAUEMI

42. The financial implications of the Bills are currently unknown and will be better understood as the Bills progress and as regional discussions around the implementation of the Bills progress.

IMPLICATIONS ASSESSMENT / HĪRANGA AROMATAWAI

43. This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:
 - Council staff have delegated authority for any decisions made;
 - Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter;
 - Council staff have considered how the matter will promote the social, economic, environmental, and cultural well-being of communities in the present and the future.
 - Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan;

- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or would transfer the ownership or control of a strategic asset to or from the Council.

APPENDICES

Appendix 1 Draft submission of Resource Management Reforms - NPDC (ECM 8918890)

Appendix 2 [Overview](#) of the Resource Management System - Ministry for the Environment

Report Details

Prepared By:	Juliet Johnson (Manager Planning)
Team:	Planning and Infrastructure
Approved By:	Kevin Strongman (General Manager Planning and Infrastructure)
Ward/Community:	District wide
Date:	30 January 2023
File Reference:	ECM 8919472

-----End of Report -----



When replying please quote: 8918890

SUBMISSION ON RESOURCE MANAGEMENT REFORM

NEW PLYMOUTH DISTRICT COUNCIL

Introduction

1. This submission is prepared on behalf of New Plymouth District Council (NPDC) in relation to the Resource Management reform bills (the Natural and Built Environment Bill (NBE) and Spatial Planning Bill (SP)), referred to collectively as “the Bills”:
2. NPDC has considered the draft submissions from Local Government New Zealand (LGNZ) and Taituara and relies on the detail in these submissions and the general views of local government organisation on the Bills. NPDC has only submitted on points of particular importance/relevance to it. However, for clarity, NPDC does not take a formal position with respect to the particular submission points and recommendations in the LGNZ submission, except as specified within this submission.
3. NPDC has engaged with the other district councils within the Taranaki region (South Taranaki District Council and Stratford District Council) and understand that all three councils have a similar position in respect of the Bills. NPDC has also shared its submission with the Taranaki Regional Council and iwi representatives and supports working towards a reform that best meets the needs of the Taranaki community.
4. NPDC wishes to be heard on this submission.

General

5. NPDC generally supports the need for reform of New Zealand’s resource management system. NPDC considers that the current system can be inefficient and time consuming and does not ensure the best outcomes for communities and the environment.
6. At a high level NPDC questions the relationship of the RM reform to the Local Government reform programme. Many of its comments relate to the new system and the practical interactions and interests of the NPDC and how it operates under the system. NPDC supports timely but also logical reform that ensures the best system outcomes for its community. NPDC supports that alternative workable models for the new RM system are explored, beyond the RPC to ensure better outcomes for the community.
7. NPDC supports the stated objectives of the Bills, as set out in the explanatory note of the NBE, in particular the objective to improve system efficiency and effectiveness and reduce complexities.

8. NPDC considers that the current ability to review and change plans under the current system is cumbersome, with costly and lengthy processes that require significant resourcing from district councils. NPDC therefore supports in principle, the intention to reduce the number of planning documents through the consolidation of plans into NBE plans and Regional Spatial Strategies ("RSS"). However, NPDC is concerned that a key method for achieving this objective appears to be by reducing the input of Local Authorities. This concern is discussed in further detail later in this submission. Further, NPDC is concerned that while the number of plans may be reduced, the Bills may not achieve the intent to provide enhanced efficiencies and reduced complexities.

Purpose and preliminary matters

9. NPDC endorses the key matters raised in the draft LGNZ submission regarding purpose and preliminary matters, particularly seeking further clarification on:
 - the requirement to "uphold" Te Oranga o te Taiao;
 - the integration of Te Oranga o te Taiao and Te Mana o te Wai;
 - the meaning of "compromising" wellbeing of future generations;
 - the reconciliation of clauses 3(a) and (b) in the NBE; and
 - the meaning of "promotes outcomes" for the benefit of the environment.
 - The requirement to give effect to te Tiriti o Waitangi.

Transitional provisions and central government support for funding participation.

10. NPDC considers that the Bills lack sufficient clarity regarding the transition to and implementation of the new system, as well as the status of the existing RM system and planning documents during this transition.
11. In particular, NPDC submits that the NBE should be amended to provide further clarity regarding the following matters:
 - a. The role and status of the RMA and existing RMA planning documents, following the enactment of the Bills and the NPF and RSS.
 - b. NPDC understands that the consenting requirements set out in plans prepared under the RMA will continue to apply until an RPC notifies its decisions on NBE plans. However it is unclear whether the NPF and any operative RSS must be considered in resource consent applications lodged under the RMA or whether applications made under the RMA must be assessed against the RMA legislation only. There will be a significant period of time between the implementation of the NPF and an RSS and the RPC decisions on NBE plans.
 - c. The timing of the enactment of clause 2, Schedule 1 of the NBE and the impact of "subject to the NBEA"

- d. The impact of aspects of the NBEA that have commenced in relation to existing and ongoing RMA consenting.

Order of regions commencing new system

- 12. NPDC also submit that further clarification and up-front communication is required regarding which regions are intended to be part of the initial pilot group and subsequent tranches, and the process and considerations for establishing the order in which regions will be required to start introducing the new system. It is critical that Councils are informed as soon as possible as to when the new system will be commenced in their region so that this can be factored into planning and resourcing, particularly given the ongoing obligations under the RMA.

Incorporation of information from RMA planning documents

- 13. NPDC supports the inclusion of clause 2, Schedule 1 of the SP Bill regarding the incorporation of information from RMA planning documents into regional spatial strategies. NPDC is now at the conclusion of a full District Plan review process, with significant resource inputted over five years to ensure our district has a “future-proofed” plan. Accordingly, NPDC is supportive of any provisions which allow information from RMA planning documents to be incorporated into planning documents under the new system to avoid the duplication of work recently completed under the RM system.
- 14. NPDC considers that clause 2, Schedule 1 of the SP Bill should be a mandatory requirement rather than a discretionary requirement, to ensure that where information meets the requirements of clause 2, that the Regional Planning Committee (“RPC”) does incorporate this information into the RSS.
- 15. Accordingly, NPDC seeks that clause 2(1), Schedule 1 of the SPB be amended to “A regional spatial strategy must incorporate the following from an operative RMA planning document...”
- 16. NPDC also considers that the category of information that can be incorporated into RSS’ could be further expanded or clarified.

Recommendations

- 17. Amendments be made to the NBE to provide further clarity regarding the transition from the RMA system and the status of planning documents during this transition, including but not limited to:
 - a. The role and status of the RMA and existing RMA planning documents, following the enactment of the Bills and the NPF and relevant RSS.
 - b. Whether the NPF and any operative RSS must be considered in resource consent applications lodged under the RMA (prior to RPC decisions on NBE plans).
 - c. The timing of the enactment of Schedule 1, Subpart 1, clause 2 of the NBE and the impact of “subject to the NBEA”.

- d. The impact of aspects of the NBEA that have commenced in relation to existing and ongoing RMA consenting.
18. The Bills be amended and/or further central government guidance be prepared to provide further clarity regarding which regions will be included in the pilot tranche and the order in which other regions will commence the transition and/or the process for establishing this order. With Plans at different stages of plan-making there also needs to sufficient flexibility to ensure that a bespoke regional process can be adopted that best fits this region's needs. Amendment to clause 2(1), Schedule 1 of the SP Bill to "A regional spatial strategy must incorporate the following from an operative RMA planning document...

Regional Planning Committees

Lack of accountability to Local Authorities

19. NPDC supports LGNZ's concern regarding the RPC's lack of accountability to local authorities, who are required to fund and resource the RPC and to implement the plans developed by the RPC.

RPC membership

20. NPDC notes that (as per clause 3(d) of Schedule 8 of the NBE) the composition arrangement for RPCs must ensure that "in the case of a region with multiple local authorities, the local authority membership of the committees has been agreed with consideration of the different populations of the individual local authorities and the desirability of applying some weighting in respect of that".
21. NPDC seeks more certainty relating to composition arrangements and appointment policies, including the weight to be given to the relative populations of the individual local authorities, and consistency with the purpose and principles of local government in the provisions. It also considers that recognition should be given to the key planning issues in the region to ensure that key legislative requirements can be met. For example NPDC is a tier 2 growth Council under the NPS-UD and has key obligations in regards to land supply. Some recognition that membership is proportionate to the nature of the planning issues in the region is required.

Host Authority

22. NPDC supports the Bill's current approach that does not specify a default position on hosting the RCP. NPDC considers that the determination of the host authority should be based on a multitude of factors including resourcing, population and prior planning leadership experience and that this decision requires flexibility to account for region-specific considerations.
23. NPDC considers that the working arrangements of the secretariat and host authority appear to be uncertain, complex and potentially unworkable, particularly with regards to funding, resourcing and employment matters and endorses the concerns raised in the LGNZ submission. Accordingly, NPDC supports any further amendments to the Bills that provide more clarity regarding this system change and the appointment and operation of the host authority and

secretariat. However NPDC also considers that sufficient flexibility will need to be retained in these provisions to allow for region-specific matters to be addressed.

Funding

24. NPDC generally endorses the issues raised and recommendations sought in respect of funding and resourcing in the LGNZ submission. In particular, NPDC considers that:
 - a. the NBE lacks sufficient direction or clarity as to how funding contributions for the RPC are to be agreed. Currently, the NBE requires that all of the local authorities in the region “jointly fund” the RPCs and the secretariat. Where there are multiple local authorities, these authorities must work together in “good faith” to agree the amount of funding to be provided to the RPC, and the share of the funding to be provided by each authority. However, there is no further guidance beyond this. For example, the NBE provides for a process for determining a funding dispute, however does not specify factors to be considered in determining such a dispute which provides authorities with a lack of guidance and certainty;
 - b. the NBE should include matters for consideration when authorities are agreeing funding contributions and/or when a Minister’s appointee is make decisions on funding disputes; and
 - c. central government should fund the reform and transition process, in particular funding for meaningful iwi and hapū engagement.
25. NPDC considers that such clarifications would provide more certainty and direction for local authorities.

Recommendations

26. Retain or strengthen 3(d) of Schedule 8 of the NBE, regarding the consideration of the populations of local authorities and key legislative responsibilities in determining membership of the RPC.
27. Amendment of the NBE to provide further clarity regarding the appointment and operation of the host authority and secretariat.
28. Amendment of the NBE to provide further clarity regarding the agreement of funding contributions for the RPC, including:
 - a. The minimum matters for consideration when authorities are agreeing funding contributions;
 - b. the factors to be considered by a Minister’s appointee in determining a funding dispute;
 - c. The provision of more central government funding for the reform and transition process, particularly in regards to iwi and hapū participation.

NBE System Outcomes

29. NPDC generally supports the inclusion and move towards to the provision of system outcomes (as set out in clause 5 of the NBE).
30. NPDC supports the inclusion of system outcomes that provide for increased recognition of matters compared to the RMA – in particular, climate change, natural hazards and infrastructure outcomes.
31. However, NPDC considers that the system outcomes contained in the NBE do not provide sufficient direction regarding urban development outcomes, noting that clause 5(c) of the NBE provides for a combined system outcome of “well functioning urban and rural areas”. As a consequence of the removal of the reference to amenity values and the need to favour “caution” proportionate to the level of environmental protection (the new decision making principle in clause 6(2)), unpacking what constitutes a “well functioning urban area” will be challenging/up for debate. NPDC considers that more direction is required within the system outcomes to support well-functioning urban development outcomes.
32. In particular, NPDC considers that a standalone urban development system outcome is required, rather than a combined outcome for urban and rural areas. NPDC considers that an urban development system outcome should provide for the following matters:
 - Ensures that development occurs in a cohesive, compact and structured way;
 - Well-functioning urban form that provides for connected, liveable communities;
 - Recognition that existing urban environments may change over time;
 - Recognition that development enables greater productivity and economic growth and social and cultural vitality;
 - Development meets the community’s short, medium and long-term housing needs;
 - The provision of a variety of housing types, sizes and tenures in quality living environments to meet the community’s diverse social and economic housing needs;
 - Well-designed, liveable, connected, accessible and safe spaces for the community to live, work and play;
 - Recognition of the local context and character of an area.
33. The above suggestions are consistent with the strategic objectives on urban form and development as developed through its recent District Plan review and as included in the Proposed New Plymouth District Plan.
34. NPDC understands from the NBE’s explanatory text that the NPF is intended to provide further direction on each system outcome. NPDC therefore acknowledges that the above suggested urban development direction could alternatively be included in the NPF. However, as set out below, as the NPF is not currently available for review, NPDC is unable to confirm whether the further direction in the NPF will address NPDC’s concerns regarding the lack of a comprehensive urban development system outcome.
35. NPDC also endorse LGNZ’s draft submission that there is a lack of direction or guidance in the NBE about how competing or conflicting outcomes will be managed. NPDC understands that the NPF will provide further guidance on weighting of competing outcomes and national

direction, however until the NPF does so, it is difficult to determine whether the Bill's system outcomes will be able to be effectively achieved.

36. NPDC agrees with LGNZ's submission point that key conflicts should, if possible, be resolved in the NBE to ensure certainty, or at the least not left to the RPC and NBE plans (where these are national-level conflicts and not regional conflicts). Accordingly, we also agree that some flexibility should be retained to address local issues. NPDC considers that if weighting guidance and direction is to be addressed in the NPF, then this strengthens the need for enhanced local authority involvement in the development of the NPF as discussed elsewhere within this submission.

Recommendations

37. Amendment of the NBE to include a standalone and more comprehensive urban development outcome, with further direction addressing the following matters:
 - a. Development occurs in a cohesive, compact and structured way;
 - b. Well-functioning urban form that provides for connected, liveable communities;
 - c. Recognition that existing urban environments may change over time;
 - d. Recognition that development enables greater productivity and economic growth and social and cultural vitality;
 - e. Development meets the community's short, medium and long-term housing needs;
 - f. The provision of a variety of housing types, sizes and tenures in quality living environments to meet the community's diverse social and economic housing needs;
 - g. Well-designed, liveable, connected, accessible and safe spaces for the community to live, work and play;
 - h. Recognition of the local context and character of an area.
38. Further direction be included in the NBE regarding the resolution of conflicts between and the weighting of system outcomes.

Local community voice and input

39. NPDC considers that the role and voice of Territorial Local Authorities (TLAs) in the proposed plan making process has been significantly reduced. TLAs are best placed to understand the unique challenges and opportunities within their districts, and accordingly should have a stronger role in plan making.
40. TLAs will also be responsible for funding and implementing the plans made under the new system, and accordingly should have an enhanced role in the plan making process.
41. Fundamentally, NPDC is concerned that there will be a loss of good community outcomes if planning decisions are centralized, and the role of TLAs and planners is reduced. It would also serve to exacerbate the status quo whereby well-resourced submitters influence policy direction that may not address localised key resource management issues or reflect community aspirations. Planning is a multi-disciplinary profession and successful planning and

implementation requires interaction between various arms and departments of local government, a function often provided by planners.

42. As such, NPDC considers that the proposed changes to plan making may result in system inefficiencies based on the reality of local government structures and the interaction and multi-disciplinary approach required to implement plans.
43. NPDC supports further involvement of TLAs in the process.

Statement of Community Outcomes (SCOs)

44. NPDC generally supports the intent of SCOs (as captured by clause 107 and clause 14, Schedule 7 of the NBE and clause 24 of the SPB).
45. It is noted that Councils already develop Community Outcomes under the Local Government Act that support the strategic framework of Councils. Recognition and alignment of this requirement is requirement to ensure community outcomes developed under the LGA and RM reform are aligned and fit for purpose.
46. However, NPDC is concerned that insufficient weight is placed on SCOs to ensure that they are an effective and meaningful mechanism for TLAs to contribute to plan making.
47. NPDC considers that more clarity regarding the process, form and content of SCOs would be beneficial for local authorities and would create greater efficiencies in the planning processes under the Bills.
48. NPDC agrees with LGNZ/s submission that the scope of SCOs is currently too weak and supports any further amendment to clarify and strengthen the scope and purpose of SCOs. Currently SCOs are intended to provide a summary of “the views of a district or local community” – NPDC considers that this purpose is too high level. NPDC encourages the amendment of the scope of SCOs to enable district councils to prescribe particular local matters or rules within plans.
49. NPDC supports LGNZ’s recommendation that the Bills be amended to require RPC’s to “give effect” to SCOs, or alternatively at least a greater weighting than “have particular regard to”. SCOs are the primary mechanism for councils to influence RPC planning decisions, and accordingly they should carry sufficient weight to ensure that there is appropriate local input into plan making.

IHP recommendations

50. NPDC shares the concern with LGNZ that there is only a limited substantial role for local government in the Independent Hearing Panel process (IHP) (as a submitter). Accordingly, NPDC supports any amendment that would enable enhanced local government input into the IHP process.

51. The LGNZ draft submission also recommends that the Independent Hearings Panel be required to ensure that their recommendations “give effect” to, or alternatively, are “not inconsistent with” SCOs. NPDC supports this recommendation. As set out above, NPDC does not consider that SCOs are provided with sufficient weight, as one of the primary mechanisms for territorial authority input into plan making.
52. NPDC would also support and encourage an amendment to the NBE to require the RPC to seek advice from affected councils on any decision to accept or reject an IHP recommendation, and the provision of reasoning where the RPC does not adopt any comments or advice received from councils.

Recommendations

53. Amendment of the scope and purpose of SCOs to provide further direction and weight to these documents.
54. The amendment of the NBE to require RPC's to “give effect” to SCOs, or alternatively a weighting greater than “have particular regard to” in preparing RSS' and NBE plans.
55. The amendment of the NBE to require IHPs to ensure their decisions “give effect to”, or alternatively “are not inconsistent with” SCOs.
56. The amendment of the NBE requiring RPCs to seek advice from affected local authorities on any decision to accept or reject an IHP recommendation, and where the RPC does not adopt such advice, reasoning to be provided for this.
57. For clarity, NPDC supports any other recommendations made by other submitters that provide for greater local authority and territorial authority input into the plan making process for the NBE and RSS, and any other high order documents under the new system.

Spatial planning and RSS process

58. NPDC is generally supportive of regional spatial planning and the intent of the RSS (subject to the points raised in this submission). The Spatial Planning requirements will be of substantial benefit to areas such as Taranaki that have not under taken region wide spatial planning.

RSS planning process

59. NPDC is concerned that while Schedule 4 of the SP sets out the “key process steps” to be taken in preparing a RSS, clause 30 provides the RPC with the ability to adopt its own preparation process.

60. NPDC is concerned that there is insufficient TLA input into the development of the RSS. Accordingly, NPDC is supportive of any amendments that provide more mandatory TLA input/consideration of local authority's position in the "key process steps". NPDC considers that the need for more local authority input is strengthened by the fact that there are no appeal rights once an RSS is adopted.
61. This position is intensified by the fact that the RSS process does not have to include hearings (clause 35 states that the process may include hearings). Clause 28 however requires that the RPC ensure that the RSS is based on robust and reliable evidence and other information that is proportionate to the level of detail required in the particular context. NPDC is concerned that the failure to require hearings, or at least the opportunity for interested parties to be heard, limits the ability to ensure that the RSS is based on robust and reliable evidence. Further, NPDC acknowledges that the RSS does not include appeal rights, including for interested parties. NPDC considers that this strengthens the need for more meaningful and integrated local authority involvement in the RSS process.
62. There is a need for alignment of the Spatial Planning Bill with the Local Government Act to ensure that there is a clear distinction between statutory requirements. The Spatial Planning Bill's amendment to Section 76AA of the Local Government Act is misplaced. The effect of it is that Council's can only consult on issues with the public on the options that are consistent with the Regional Spatial Strategy. However, it does not mean that Council's can only choose from options consistent with the Regional Spatial Strategy. This means Council's would be consulting on only a subset of options that they can determine from.
63. Consequently Sections 77 and 79 also need to have similar amendments to ensure that Council's only consider options consistent with the Regional Spatial Strategy.

Recommendations

64. The "key process steps" in Schedule 4 of the SP be amended to include more local authority input.
65. The amendment of the NBE to require RPC's to "give effect" to SCOs, or alternatively a weighting greater than "have particular regard to" in preparing RSS'.
66. That there is better alignment between the Local Government Act and SP Bill.

National Planning Framework ("NPF")

67. NPDC supports the LGNZ submission seeking a co-design process for the NPF with local government. Given the importance of the NPF, and that it will inform all further planning documents, NPDC consider that it is vital that there is enhanced local authorities in the development of the NPF, to ensure that good community outcomes are achieved.

68. NPDC understands that as drafted, the responsible Minister must engage with “individuals or organisations that the Minister considers representative of the local government sector” before notification of an NPF proposal. NPDC considers that the extent of the engagement and who will be engaged is unclear. NPDC submits that all local authorities in the relevant region must be engaged with in the pre-notification stage and that the Bill provide further clarity regarding what that engagement looks like and to ensure that the engagement is meaningful.

Recommendations

69. Amendment of the NPF process to provide more opportunities for local authorities to contribute to the preparation of the NPF.
70. Amendment of the NBE to require engagement with local authorities in the pre-notification stage and further clarity and direction regarding that engagement.

Consenting

71. NPDC does not submitted in detail on the proposed consenting regime. However, NPDC supports proposals for efficient and effective consenting processes. NPDC also wishes to record its concern with the requirement that TLAs have as a consent authority and in implementing, administering and enforcing plans which have limited input from TLAs (noting in particular the requirement of clause 645 of the NBE to implement and administer the committee’s plan and regional spatial strategy).
72. As set out throughout this submission, NPDC considers that good community outcomes are achieved when plans have sufficient TLA and community input. NPDC is concerned that the implementation of the consenting regime may provide difficulties where there is limited meaningful TLA input into plans which may result in a disconnection between the plan making and consenting/implementation functions of local government. Accordingly, NPDC reiterates its submissions and recommendations set out above which request more mandatory TLA input into plan making.

ELECTRIC VEHICLE (EV) CHARGING FRAMEWORK

MATTER / TE WHĀINGA

1. This report considers the options for installing Electric Vehicle (EV) charging stations for public use ([minute 4 Strategy and Operations Committee 16 Nov 2021](#)). This report also recommends that Council endorse an EV-charging framework.

RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

That having considered all matters raised in the report that Council:

- a) **Endorse the EV-charging framework in Appendix 1.**
- b) **Call for expressions of interest from EV-charging operators.**

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Council endorses the EV-charging framework in Appendix 1 and call for expressions of interest from EV-charging operators. 2. Council does not endorse an EV-charging framework and continues to work with providers on a case by case basis. 3. Council considers the options for investing capital in creating council owned EV-charging assets.
Affected persons	The persons who are affected by or interested in this matter are the New Plymouth district community, Electric Vehicle owners within and outside the New Plymouth district.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	The implementation of the EV-charging framework can be undertaken within existing budgets.
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY / WHAKARĀPOPOPTOTANGA MATUA

2. It is recommended that Council adopt Option 1 of this report; to endorse an EV-charging framework in order to support public EV fast charging in the district.
4. Taking this approach will allow Council to support increasing the number of public fast chargers in the district from the current one fast charger at the New World supermarket.
5. An EV-charging framework has been developed and is recommended to apply until the district has a similar number of fast chargers to other comparable cities in New Zealand - a minimum of three fast charging sites, or the capacity to charge six EVs simultaneously.
6. Next steps are for New Plymouth District Council (NPDC) to publish an Expression of Interest to EV-charging operators, via Council procurement processes and work with the selected operator/s to select an appropriate site and implement the charging stations.
7. Any licence or changes to parking prohibitions would be brought to Council for approval.
8. Option 1 is in alignment with various Council plans and strategies, including the CBD strategy, the Integrated Transport Plan (in development), the Climate Action Framework and draft District-wide Emissions Reduction Plan, as well as the government's National Emissions Reduction Plan and various other plans and strategies from other government agencies.

BACKGROUND / WHAKAPAPA

9. Council considered a proposal to support in principle the installation of Tesla EV Chargers in November 2021. The proposal was not supported and Council resolved that "*Council officers investigate all options for the installation of an EV-charging station for public use and report back to Council within 12 months*".
 10. Tesla approached Council in 2022 and discussed an opportunity to install charging infrastructure at Puke Ariki carpark. The Council consulted with the community on this proposal and the level of community feedback showed support for more EV chargers. However, the terms of an agreement were not mutually agreed, so this was not progressed for Council consideration.
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EV Vehicles and charging behaviours

11. Nationally, there are 44,310 registered EVs and 16,209 Plug-in Hybrid EVs (PHEV). In Taranaki there are 526 full battery EVs and 278 PHEVs registered as at 30 November 2022, with 439 EVs and 235 PHEVs in New Plymouth.
12. The introduction of lower purchase prices, recent subsidies and the expansion of public EV-charging has increased. Battery EV sales rose to record levels of 20 per cent of sales in December 2022 up from less than 4 per cent in January 2022.
13. 82 per cent of EV owners charge their vehicles at home, with other charging happening at workplaces or public chargers. Providing public charging does not necessarily benefit local owners of EVs for commuter and short trips, but is of most benefit for those outside the district travelling for work or pleasure.
14. The most common barrier to using a public charger is having to queue, and this issue is likely to increase as more EVs enter the market, if charging stations do not keep up with demand.

DC fast charging vs AC (Slow charging)

15. DC fast charging technology allows EV drivers to charge batteries from empty to 80 per cent in less than an hour. These facilities are suited to interregional travelling and best sited at 75km intervals nationally. Typically the user pays for the charge with an app or fob. The infrastructure often requires a dedicated transformer and is accessible to all EV drivers. Operators typically operate a nationwide network of these chargers for example [Chargenet](#). Tesla offers DC charging through its Supercharger network, however the connector types offered by the Supercharger network is not compatible with all EV brands.
 16. AC chargers are typically located outside retail or recreational properties and connected via the building's supply (however some have dedicated connections to the electrical network). Commercial property tenants often add these chargers as value adds to customers and guests at retail outlets, hotels and campsites. The charging is complementary to home charging as charging from empty could take between 6-12 hours. Most users consider it a "top up", or "electrified parking". Charging is often free, New Plymouth has these located at the Warehouse, Mitre 10 Mega and the airport.
 17. For further information on EV-charging types see Appendix Two.
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EV-charging in the New Plymouth District

18. The current availability of DC fast EV-charging in New Plymouth is not comparable to other similar sized cities. There is one DC fast public charger in New Plymouth, located at New World supermarket. The charger, operated by Chargenet, allows for only one car to charge at a time. Additionally lack of redundancy has caused issues for tourists to the region with the Chargenet charger in New Plymouth, which has broken down several times recently.
19. Slow chargers (AC chargers) range from AC<22KW that can take 12-24 hours to fully charge to AC -22-50KW that can take 4-7 hours to charge. There are AC (slow) chargers at five private businesses in New Plymouth that anyone can use. New Plymouth Airport has recently entered a joint venture with Powerco to install four public and two private AC chargers which are currently free to use (plus car parking fees).
20. The typical length to charge an EV on a 50Kw DC fast charger is approximately 40-60 minutes, to a maximum of 80 per cent charge. Age and size of batteries can vary charging times.
21. Regionally Hāwera, Opunake, Waverley, Wanganui and Mōkau have at least one DC fast EV-charging station available for the public to use.
22. Chargenet has confirmed its EV charger at New World supermarket will be upgraded with additional chargers but were unable to provide a timeframe for this or a future roadmap of potential further New Plymouth sites in consideration.
23. Fast chargers are in demand from visitors coming from outside the region for leisure and business. Fast chargers are best located in destination areas that are convenient, such as the central city and local town centres, providing an opportunity to shop or eat while charging.
24. Fast chargers require significant infrastructure investment and typically require electrical network upgrades due to their high energy consumption.

How are Councils involved in EV-charging ?

25. Councils are attractive to operators as they tend to own large portfolios of land and property and are already attracting the community and visitors to their facilities like galleries, museums and recreational reserves.
 26. The commitment to supporting public EV-charging does vary by council and includes those who invest in their own charging stations and those who licence parking spaces with no financial compensation.
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27. Hutt City Council worked together with Wellington City Council on a ratepayer funded project (with some EECA funding) to install Council-owned medium speed (not "Fast charging") EV charging infrastructure that was procured and installed. This will be managed by a third party and the council will retain the revenue when the project breaks even in 7-10 years.
 28. Wellington City Council, Hutt City Council and Northland Regional Council have the most established networks and are working together with in joint ventures with the utility and neighbouring councils. Northland Regional Council is specifically trying to entice tourists from Auckland to visit using a trail of chargers along the Northland highways.

What are the options for NPDC to be involved in EV-charging ?

29. There are a range of options for Council to be involved in EV-charging.
 30. Using an EV-charging Framework, Council could communicate its conditions and expectations for entering a joint venture with an operator of a DC fast Charging Station. This provides clear direction to the market and a basis for negotiations. Council could seek Expressions of Interest to encourage competitive proposals from established operators. The framework would only apply until the district had comparable DC fast charging facilities to other destinations of its size. This is the preferred option.
 31. The Council could continue to work with providers on a case by case basis. This would involve reviewing each opportunity as it arises. An example is the offering from Meridian. Currently Meridian is offering to conduct feasibility studies in relation to installing AC chargers at NPDC public buildings such as the pool or library.
 32. Although the chargers are supplied at no cost they will feed from the existing electrical supply. There will need to be sufficient electricity capacity to ensure future requirements for electrical capacity can be met. There is no certainty this is feasible.
 33. Other AC chargers in the district have been successfully implemented by the private sector and have not needed any support from Council. Additionally these will use up car parking spaces close to our facilities, which may be inconvenient to non EV drivers. This proposal doesn't meet the demand for DC fast charging.
 34. The Energy Efficiency and Conservation Authority provide co-funding for councils to procure and manage their own charging infrastructure either locally or for regional consortia to provide charging in regional hubs. Co-funding is offered to Local Government organisations who are willing to invest their own capital. There is no provision for this in the current or future Long-Term Plans (LTP).
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35. Consortia are recommended for deploying large scale DC fast charging infrastructure hubs of 10 to 20 chargers. They rely on willing partnerships between local government, network utility companies, iwi and hapū and the commercial sector. This approach is future focused and again requires significant capital and/or time investment or from all parties. EECA is currently trialing these hubs with one in the North Island and one in the South Island. Currently stage one (of the two stage process) has closed (ROI and RFP), and successful RFP applications haven't been made publicly available so we're unable to say where these hubs will be located. Due to the trial status this is not a likely option at present.

Council could facilitate an increase in charging capacity

36. The Council has the opportunity to contribute to easing the current short fall in DC fast chargers in the district. Council can introduce a framework to communicate Council's expectations and conditions for considering proposals for DC fast charging infrastructure on council land.
37. Council hasn't signalled to operators what the requirements or it's position is on fast charging. Charging operators will still require approval for licences to occupy, satisfactory engagement and relevant consents prior to deployment.

EV-charging framework

38. In order to support EV fast charging in the district a framework has been developed to guide operators of EV chargers who would like to propose locating DC fast chargers on Council owned land (Appendix 1).
39. This framework includes:
- a) Rationale
 - b) Application and duration
 - c) Conditions for entering joint ventures
 - d) Implementation conditions
 - e) Site selection conditions
40. The framework is intended to remain in place until the district has facilities comparable to other cities of its size. After this time NPDC can review its need for future involvement in EV-charging according to the pace of development of EVs and their charging technology requirements.
41. This approach is not intended to preclude any consideration of future focussed EV-charging projects but provide an opportunity to close the current gap in provision in the district.
-

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

42. Option 1, endorsing an EV-charging framework that will support EV fast charging in the district, is in alignment with the draft District-wide Emissions Reduction Plan, and supports the mitigation of climate change through the reduction of transport emissions.
43. Having an EV-charging framework which enables future charging stations will support residents and visitors to the New Plymouth. The support for provision of additional charging infrastructure allows visitors to New Plymouth who drive an EV to reliably access charging infrastructure when travelling long distances.
44. There is currently high demand on the single Chargenet charger at New World. Implementing the framework will provide a mechanism for further infrastructure to be deployed which will give EV drivers more certainty they can charge their car while in New Plymouth if they have driven in from the outside the region.
45. A key action in the National Emissions Reduction Plan is: Improving EV-charging infrastructure across Aotearoa to ensure that all New Zealanders can charge when they need to.
46. In order to reduce transport emissions, the approach will focus on rapidly adopting low emissions vehicles to meet a target of "increasing low emissions vehicles to 30 per cent of the fleet by 2035". The mechanisms to meet this target include:
 - a) Clean vehicle discount
 - b) Development of a national EV-charging Strategy
 - c) Zero and low emissions truck funding
 - d) EV social leasing scheme
 - e) Scrap and replace scheme to enable low income groups to access low emissions vehicles.

THREE WATERS REFORM IMPLICATIONS

47. This matter does not involve an intended decision relating to, or affecting, the provision of water services.
-

NEXT STEPS / HĪKOI I MURI MAI

- 48. On endorsement of Option 1, Officers will implement the EV-charging Framework. Officers will initiate an Expression of Interest (EOI) for providers to put proposals to Council for supplying EV-charging on Council land. This will be undertaken via Council procurement processes. This process will outline the framework above to provide clear expectations to charging operators of Council requirements.
- 49. NPDC will then evaluate responses to the EOI and consider these against the EV-charging framework and identify a preferred supplier or suppliers.
- 50. NPDC will consider supporting the operator/s with site selection and deployment of a DC fast charger, within limits of the EV-charging Framework discussed above.
- 51. Any licence approvals and any changes to parking prohibitions will be brought to Council for approval as per standard Council reporting processes. An assessment will be made around compliance with the EV-charging framework.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

- 52. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance to the community.
 - 53. The council has adopted the Climate Action Framework, and successfully undertaken its own electric vehicle trial and is now considering other sustainable travel options. Supporting charging infrastructure providers to provide publicly available charging facilities aligns with this intent.
 - 54. The proposed Framework is aligned with the Council's Climate Action Framework and the intent of the draft Emissions Reduction Plan and the goal to reduce emissions in the district.
 - 55. The National Emissions Reductions Plan has key initiatives that support focusing on low-emissions vehicles including improving EV-charging infrastructure.
 - 56. The EV-charging framework will clearly signal to providers Council's expectations around charging infrastructure on council land. This will ensure a clear and consistent process for charging and outlines Council's role in providing land for publicly accessible charging infrastructure.
 - 57. Implementing the EV-charging framework can be undertaken under existing budgets and does not require capital investment from Council. Any specific proposals will require separate Council approval.
-

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- 58. Prior to this report, community feedback was gathered on an earlier proposal for an EV-charging to be installed by Tesla at Puke Ariki. Feedback was largely supportive for more EV-charging in the district. Details of this engagement can be found at Appendix Three.
 - 59. Taking into account the above matters the matter is considered of some importance as it will assist Council decision making in regards to accelerating the opportunity for fast chargers in the district.

OPTIONS

- 60. Three options have been considered for this matter:

- Option 1** Council endorses the EV-charging framework that will support EV fast charging in the district on Council-owned land.
- Option 2** Council does not endorse an EV-charging framework and continues to work with providers on a case by case basis.
- Option 3** Council considers investing capital in creating council owned EV-charging assets.

Option 1 - Council endorses the EV-charging framework in Appendix 1.

Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi

- 61. This report recommends endorsement of a framework for providers to supply EV fast charging on Council land. Officers will implement the framework within existing budgets. The EV-charging Framework requires costs to be met by the provider and any loss of revenue by Council (ie: from carparking) is expected to be reasonably compensated. Financial and Resourcing implications for each EV-charging site will be considered prior to confirming installation sites.

Risk Analysis / Tātaritanga o Ngā Mōrearea

- 62. There are limited risks of endorsing the framework itself as it provides certainty to providers on Council requirements.
 - 63. The framework ensures that risks for Council are managed by ensuring liability and costs sit with the provider. Further Council approvals will be required on detailed proposals allowing for consideration of the risks of any site-specific proposals.
-

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

- 64. Option 1 provides Council with the opportunity to support partnership, community, sustainability and prosperity outcomes.
- 65. Supporting increasing EV-charging facilities supports the uptake of EVs both within and outside the district, allowing for the reduction of transport emissions.
- 66. Supporting increasing of EV-charging sites also encourages EV drivers from outside the district to visit New Plymouth, contributing positively to the local economy

Statutory Responsibilities / Ngā Haepapa ā-ture

- 67. There are no statutory responsibilities that apply to endorsing the framework. Statutory requirements will be met through the implementation of the EV-charging Framework.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

- 68. Option 1 is consistent with Council's vision for a Sustainable Lifestyle Capital, as well as the following NPDC plans and strategies:
 - a) CBD Strategy – the strategy discusses limited certain areas to be car light, with the exception of low emissions vehicles.
 - b) Climate Action Framework – the draft District-wide Emissions Reduction Plan aims to lower community emissions.
 - c) Integrated Transport Plan (ITP) – in development – the ITP will provide the 30+ year vision for the district's transportation requirements and will promote the use of integrated modes and support emissions reduction from transport.

Participation by Māori / Te Urunga o Ngāi Māori

- 69. Council recognises iwi and hapū as mana whenua, and will work with relevant parties on potential site selection and implementation requirements

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

- 70. There is interest from the community both within and outside the district around increasing DC fast charging in New Plymouth.
-

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71. Prior to this report, community feedback was gathered on an earlier proposal for an EV-charging to be installed by Tesla at Puke Ariki. Feedback of this proposal was largely supportive towards EV-charging, and details of this engagement can be found at Appendix Three.

Advantages and Disadvantages

72. Advantages of this option include:
- a) Potential to accelerate the provision of fast chargers in the district by clearly outlining Councils position and proactively seeking interest.
 - b) Council can direct operators to the preferred sites it would like public EV-charging coverage, and ensures each operator has a fair chance at acquiring a public site.
 - c) Allows the operator to carry the cost of infrastructure, installation and legal costs, including the cost to upgrade the electrical infrastructure.
73. The disadvantage of this option is that it relies on a third party to provide fast chargers.

Option 2

Council does not endorse the EV-charging framework and works with providers on a case by case basis

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

74. The financial and resourcing implications of this decision is limited to officers' time responding to enquiries from operators and feedback from the community and public around Council's support of EV fast charging. The financial and resourcing implications for each EV-charging site would be considered on a case by case basis prior to confirming installation sites.

Risk Analysis / Tātaritanga o Ngā Mōrearea

75. If no further sites are provided in the District there is reputational risk that Council is perceived as not being proactive in promoting the opportunity for EV-charging in the District. The Council may be perceived as not being aligned with its own plans and strategies, as well as national direction on reducing transport emissions.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

76. This option would not allow for Council to promote or achieve its community outcomes, particularly those relating to sustainability.
-

Statutory Responsibilities / Ngā Haepapa ā-ture

77. There are no statutory responsibilities that apply to this option.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

78. Option 2 is not consistent with Council's vision for a Sustainable Lifestyle Capital, or the following NPDC plans and strategies:
- a) CBD Strategy – the strategy discusses limited certain areas to be car light, with the exception of low emissions vehicles.
 - b) Climate Action Framework – the draft District-wide Emissions Reduction Plan aims to lower community emissions.
 - c) Integrated Transport Plan (ITP) – in development – the ITP will provide the 30+ year vision for the district's transportation requirements and will promote the use of integrated modes and support emissions reduction from transport.

Participation by Māori / Te Urunga o Ngāi Māori

79. Council recognises iwi and hapū as mana whenua, and will work with relevant parties on any site specific proposals on a case by case basis.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

80. This option does not support community feedback gathered on an earlier proposal for an EV-charging to be installed by Tesla at Puke Ariki and the draft District-wide Emissions Reduction Plan, details of which can be found at Appendix Three. This feedback supports increased EV-charging in the district.

Advantages and Disadvantages

81. The advantage of this option is that financial and resourcing implications are limited to officer response time to enquiries. This is because officers will not be required to implement a framework and associated processes. Council can still consider proposals that come from providers on an ad hoc basis.
82. The disadvantages of this option include:
- a) The lack of clear signal to operators about how the Council intends to work with them. This could result in work on both sides which does not eventuate in a desired outcome.
 - b) Reputational risk of Council not being proactive in supporting EV-charging.
-

- c) Inability for Council to support the reduction of transport emissions in the district.

Option 3

Council considers the options for investing capital in creating council owned EV-charging assets.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

- 83. This option would require NPDC to provide capital investment in procuring and managing its own charging infrastructure
- 84. There is currently no capital funding for this type of project and therefore this funding would need to be sought via the next Long-Term Plan.
- 85. There is the potential to receive co-funding via central government through EECA. However, to qualify for this, Council would need to demonstrate commitment to the project through the Long-Term Plan and the ability to fund the project in its entirety if the funding bid was unsuccessful.

Risk Analysis / Tātaritanga o Ngā Mōrearea

- 86. There is a risk that this process would take a long time to deliver increased charging provision, due to the reliance on the LTP timeframes.
- 87. There is a risk that a co-funding bid may not be approved, and the cost of the project may fall entirely on Council.
- 88. There is a risk that the community would not support this level of investment and therefore increased chargers not provided.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

- 89. Option 3 provides Council with the opportunity to support partnership, community, sustainability and prosperity outcomes.
- 90. Supporting increasing EV-charging facilities supports the uptake of EVs both within and outside the district, allowing for the reduction of transport emissions.
- 91. Supporting increasing of EV-charging sites also encourages EV drivers from outside the district to visit New Plymouth, contributing positively to the local economy

Statutory Responsibilities / Ngā Haepapa ā-ture

92. There is no statutory responsibility for Council to provide EV-charging directly.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

93. Option 3 is consistent with Council's vision for a Sustainable Lifestyle Capital, as well as the following NPDC plans and strategies:
- a) CBD Strategy – the strategy discusses limited certain areas to be car light, with the exception of low emissions vehicles.
 - b) Climate Action Framework – the draft District-wide Emissions Reduction Plan aims to lower community emissions.
 - c) Integrated Transport Plan (ITP) – in development – the ITP will provide the 30+ year vision for the district's transportation requirements and will promote the use of integrated modes and support emissions reduction from transport.

Participation by Māori / Te Urunga o Ngāi Māori

94. Council recognises iwi and hapū as mana whenua, and will work with relevant parties on potential site selection and implementation requirements

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

95. There is interest from the community both within and outside the district around increasing DC fast charging in New Plymouth.
96. Prior to this report, community feedback was gathered on an earlier proposal for an EV-charging to be installed by Tesla at Puke Ariki. Feedback of this proposal was largely supportive towards EV-charging, and details of this engagement can be found at Appendix Three.

Advantages and Disadvantages

97. Advantages of this option include:
- a) Potential to gain co-funding for delivery of Council owned assets.
 - b) Potential to increase the provision of fast chargers in the District by providing infrastructure directly.
 - c) Council can directly install on sites it would prefer public EV-charging coverage or benefits for the local economy.
-

- d) Council can expect payback of deployment cost over 8-10 years by recovering the costs from EV drivers.

98. Disadvantages of this option are

- a) This option will take longer than an established operator could deploy therefore shortfall in EV-charging is not remedied in a timely manner.
- b) This option would divert funding from other community projects.
- c) Capital costs and operational liability fall on Council.
- d) Technology may move on before payback for deployment is achieved.

Recommended Option

This report recommends Option 1 – Council endorses the EV-charging Framework that will support EV fast charging in the district on Council-owned land for addressing the matter.

APPENDICES / NGĀ ĀPITI HANGA

Appendix 1	NPDC EV Fast Charging Framework (ECM8913567)
Appendix 2	Types of EV Chargers (ECM8910619)
Appendix 3	Community views on EV-charging (ECM8910939)

Report Details

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Ward/Community:	New Plymouth
Date:	17 January 2023
File Reference:	ECM 8910617

-----End of Report -----

Appendix 1

New Plymouth District Council EV Fast Charging Framework

EV charging framework rationale

1. The EV charging framework will guide suppliers of EV chargers when applying for approval to locate charging stations on Council owned land.

EV charging framework application

2. The framework is in place until the district has a minimum of three fast charging sites within the district, or the capacity to charge six EVs simultaneously.

Conditions for entering joint ventures with NPDC for EV charging

3. Council will consider entering a joint venture for the provision of fast or ultrafast DC public charging with an established commercial fast charging company, with an existing network across New Zealand.
4. Council's role in the joint venture will be limited to being the landowner of the site for the charging station. Any public or commercial liability for the operation of the site rests on the operator.
5. The joint venture proposal will meet the definition of public charging¹ as defined by Waka Kotahi.

EV charging framework – implementation conditions

6. Charging infrastructure, including connector types, will adhere to Waka Kotahi guidance² for public charging criteria.
7. Costs for feasibility, establishment, infrastructure and legal and conveyancing and deployment costs of both parties will be borne by the applying operator, whether the site progresses or not.
8. Council will not consider public third-party advertising on EV charging sites to offset cost to the operator. However, co-funding sponsorship branding will be acceptable, conditional on meeting consenting requirements.

¹ <https://www.nzta.govt.nz/planning-and-investment/planning/transport-planning/planning-for-electric-vehicles/national-guidance-for-public-electric-vehicle-charging-infrastructure/public-charging-infrastructure-definition/>

² <https://www.nzta.govt.nz/assets/planning/EV-connectors-and-socket-outlet-recommendations.pdf>

9. Any approvals required through the District Plan will need to be sought and paid for by the applying operator.
10. Approval by Council will be required for any licence to occupy land greater than five years, as this exceeds Council officer delegation. Any changes to parking prohibitions will be subject to consultation with the community and approval at Council, as per the Traffic bylaw³.

EV charging framework – site selection conditions

11. Council owned land as a potential site for a charging station will be considered on road reserve or in off-street car parks controlled by NPDC in New Plymouth CBD and local centre zones, Inglewood, Waitara, Ōkato, Fitzroy, Ōakura, Westown, Bell Block, or other locations.
12. Sites selected for EV charging on Council land will need to be in locations fit for purpose. Sites will need to be safe and accessible for the public to use 24 hours a day, 365 days per year.
13. The current and future activity on the site is required to, at all times, co-exist with operating a charging station for the duration of the licence to occupy.
14. New Plymouth CBD sites will only be considered in:
 - a) Road reserve which can be feasibly converted from roading use to charging bays at the expense of the operator
 - b) Established unmetered car parking bays which are time restricted
 - c) Established unmetered car parks which are not time restricted
 - d) Metered car parking bays may be considered where the revenue generally generated by these bays is reasonably compensated by the applying operator in the terms of the licence to occupy.
 - e) Other land in the central city deemed appropriate for carparking
15. The operator will ensure the required upgrades to the network capacity are installed to meet or improve the capacity required by the charging station.
16. The operator is required to demonstrate the site against evaluation guidance provided by Waka Kotahi⁴ to determine if it meets best practice requirements

³ [Microsoft Word - Traffic Bylaw \(npdc.govt.nz\)](#)

⁴ <https://www.nzta.govt.nz/planning-and-investment/planning/transport-planning/planning-for-electric-vehicles/national-guidance-for-public-electric-vehicle-charging-infrastructure/setting-up-public-charging-infrastructure/evaluating-a-site/>

APPENDIX 2

EV charging behaviour according to need

EV charging divides roughly into three methods. These are:

- i. Home and workplace charging
- ii. Opportunity charging
- iii. Journey charging.

The technology and required infrastructure are different for each, as per table below:

Charger type	AC <22KW	AC or DC – 22-50KW appx.	DC >50KW
Suited to	Home charging or workplace Opportunity charging.	- Opportunity charging - Journey charging - Destination charging.	Journey charging.
Also known as	- Trickle charging - Slow charging - Electrified parking.	- Medium charge - Electrified charging.	- Destination charging - Fast charging - Rapid charging - Hyper charging.
Minutes to charge	From 8km/30 mins to 20km/30 mins.	40km/30 mins.	100-170km/30 mins.
Charging behaviour	- Overnight charging “Electrified parking” - Battery top-ups over shorter periods of 1-2 hours.	- Battery tops ups at convenient locations - Longer dwell times at shopping centres - Destination recreation and culture sites - Big box retail.	- Interregional travel - Tourism - Business travel.
Suited to	- Visitors of amenities with long dwell times - Homes - Workplaces - Overnight fleet charging.	Visitors of amenities with moderate dwell times.	- Tourists - Visitors - Business travellers.

Charger type	AC <22KW	AC or DC – 22-50KW appx.	DC >50KW
Needs electrical upgrades?	Dependent on number of charging points required. Often connected to existing supply on the facility.	Likely to require some upgrading.	Often requires both a transformer and distribution upgrade to be installed.
BYO cable?	Often 'untethered' chargers which require drivers to BYO charging cable.	No.	No.
Cost to driver if used away from home	Often offered free or for a small donation, or, included in other costs (hotels/campgrounds). Workplaces may charge staff who are regular users.	Usually paid on mobile phone app, moving towards Paywave.	Paid on mobile phone app. Typically \$10/100kms charge.
Reasons for installing as public charging	• Incentive to spend money with a retailer/service provider • Fleet charging for business, allowing other users for limited user in return for donation/small charge.	• Used to fill gaps in charging network • Attract visitors.	• Increase network capacity • Improve redundancy where only one fast charger exists.
Who deploys these chargers?	• Councils at recreation/culture sites • Businesses • Hotels • Campsites • Domestic EV drivers in their homes • Fleet managers.	• Councils support these on public road reserve and carparks at i-Sites etc • Retail chains like New World and The Warehouse.	• ChargeNet • Tesla.
Can NPDC operate this independently of a third party?	Yes, with minimal investment (see public charging operating requirements).	Yes, with significant investment (see public charging operating requirements).	No, this would require a consortium for co-funding or minimally, a third-party operator, utility upgrades and approval from other landowners for power easements.
Third party operators that have approached NPDC	• Jolt • Meridian • Tesla.	• ChargeNet • Meridian.	• Tesla • ChargeNet.

APPENDIX THREE

Community views on EV charging

The views below were gathered on a proposal to use Puke Ariki as a Tesla Supercharger site for EV charging.

The feedback from the community was largely supportive (53 v 4). Responses were received from both inside and outside the region.

Reasons for being supportive of the proposal included:

- New Plymouth is severely lacking in EV infrastructure and this should be resolved urgently. Several indicated that lack of charging deterred visitors from visiting the district.
- Visitors charging their EVs contribute to the local economy while charging, through using hospitality businesses and retail opportunities nearby.
- The proposed site is a good choice for public amenity, easy to find and offers security.
- Supporting EV chargers contributes to emissions reduction.

Those not supporting the proposal indicated that:

- As parking was at a premium, Tesla owners shouldn't get exclusive access to parking spaces even for charging.
- EV charging shouldn't be afforded nominal terms to licence public land where this wouldn't be offered to petrol stations.
- The site was deemed important to parents visiting Puke Ariki with young children and reducing the general parking capacity would be an inconvenience for this segment of the community.

Those not in favour of the proposal were not against improving the level of EV charging in New Plymouth in principle.

Feedback to the *draft District-wide Emissions Reduction Plan*, generated a number of items of feedback around the lack of EV charging in the district, and a desire for Council to support EV charging initiatives as well as compel developers to install EV charging, even though EV charging was not mentioned specifically within the Draft Plan.

Officers often receive feedback from EV drivers from outside the district which express disappointment in the standard of EV charging infrastructure. Additionally, enquiries about the likelihood of future installations are also received.

THE SORTING DEPOT FEES AND CHARGES 2022/23

MATTER / TE WHĀINGA

1. The matter for consideration by Council is the proposed fees and charges for The Sorting Depot, the new commercial waste sorting facility opening in May 2023.

RECOMMENDATION FOR CONSIDERATION/ NGĀ WHAIKUPU

That having considered all matters raised in the report, Council adopts the fees and charges for The Sorting Depot for 2022/23 (as shown in Appendix 1).

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Adopt the proposed fees and charges for The Sorting Depot for 2022/23 (as provided in Appendix 1). 2. Adopt alternative fees and charges.
Affected persons	The persons who are affected by or interested in this matter are potential commercial customers of the facility including waste service providers and construction companies.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY / WHAKARĀPOPOPTOTANGA MATUA

2. Commercial and industrial waste makes up about 60 per cent of all waste sent to landfill in Taranaki. A key action in the Waste Management and Minimisation Plan which will contribute to our Zero Waste goal was to establish a commercial waste sorting facility in Taranaki where aggregating and sorting resources will provide our region with better access to reuse and recycling markets.

3. The Sorting Depot will be established on the existing transfer station site on Colson Road in May 2023, accepting mixed commercial waste from waste service providers and other commercial customers. Waste will be sorted and material recovered for reuse and recycling both locally and nationally where markets are available. The fees and charges for the facility need to be set to both incentivise customers to use the facility, and cover the costs of operation.
4. We recommend that Council adopt the proposed 2022/2023 fees and charges for The Sorting Depot in order to ensure the facility can open in May 2023. Taking this approach will ensure that the facility will be operated on a user pays basis, with fees and charges set to encourage commercial customers to use the facility. In turn this will ensure the broader outcomes of the facility are achieved, including diversion of commercial waste from landfill into reuse and recycling, creating local, cost effective alternative options to landfill, increasing employment and reducing carbon emissions.

BACKGROUND / WHAKAPAPA

5. Through the Waste Management and Minimisation Plan, New Plymouth District Council has set an aspirational goal of sending Zero Waste to landfill by 2040, which makes supporting waste reduction in the commercial sector a key focus area.
6. There have been limited options for the diversion of many commercial and industrial waste streams locally, meaning that disposal to landfill is often the cheapest and most convenient option for businesses. Therefore a key action in the Waste Management and Minimisation Plan was to establish a commercial waste sorting facility in Taranaki where aggregating and sorting resources will provide our region with more competitive access to recycling markets, as well as support circular economy¹ enterprises to expand within our region, and nationally.
7. A feasibility study was undertaken in 2019, recommended a commercial facility be established at Colson Road, using existing infrastructure at the New Plymouth Transfer Station, following relocation of the transfer station to a newly constructed site at the Resource Recovery Facility on neighbouring land. A more detailed business case completed in 2020 and the new facility named The Sorting Depot.
8. Aggregation of reusable and recyclable material through The Sorting Depot will:
 - a) Enable higher volumes of recyclable and reusable materials to be collected and sold;

¹ A circular economy is a system where waste and pollution are designed out as much as possible (avoiding waste generation), materials and resources are kept in use through reuse and recycling, resulting in less use of natural resources which enables our natural environment to regenerate.

-
- b) Support new resource markets and circular economy solutions to be developed locally;
 - c) Improve the commercial viability of recovery of unwanted materials
 - d) Create six new jobs locally;
 - e) Avoid resources being sent to landfill.
9. The site is currently being upgraded to better suit the operation, with construction expected to be completed in April 2023. The Ministry for the Environment's Waste Minimisation Fund has provided \$425,000 towards the construction of the facility. Tender for the operation of The Sorting Depot was completed in late 2022 and the contract awarded to Metallic Sweeping Ltd. The facility is due to open in May 2023.
 10. The Sorting Depot will operate on Colson Road, accepting skip bins of mixed waste which will be processed using a materail handler and manual sorting to remove reuseable and recyclable material. It will have an estimated throughput of 12,000 tonnes, approximately 50 per cent of local commercial waste, and an estimated recovery rate (keeping material out of landfill) of 25 per cent. It will be the second facility of its type in New Zealand, showing the leadership NPDC is taking to reduce waste.
 11. The Sorting Depot will receive unsorted mixed waste in skip bins as well as source-separated materials at a more competitive price than landfill waste. The setting of the fees and charges is intended to provide a financial incentive and time savings to businesses to use the facility. Key customers will be waste service providers and businesses (mostly from the construction and demolition industry).
 12. The fees and charges for 2022/2023 have already been adopted with a place holder for The Sorting Depot, while the operation of the facility was tendered. The financial model for the facility has been updated to reflect the actual site processing and transport costs now that the operations contract has been awarded. Based on the financial model, the fees and charges are proposed in Appendix 1, and include:
 - a) a mixed waste per tonne gate fee for all waste accepted into The Sorting Depot to cover processing, transport and recovery or landfill costs;
 - b) a minimum charge to cover fixed costs for waste acceptance;
 - c) a per load non-compliance charge to manage levels of contamination and prohibited or hazardous waste; and
 - d) gate fees for source separated, single waste streams where little or no processing is required.
-

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

13. The establishment of The Sorting Depot will improve resource recovery from commercial waste, resulting in a step change for reduction in waste to landfill, improve local markets for recovered material and make steps toward a circular economy, all of which contribute to a reduction in carbon emissions. The appropriate setting of the fees and charges will ensure the use of this facility is maximised.

THREE WATERS REFORM IMPLICATIONS

14. The setting of fees and charges for The Sorting Depot does not relate to or affect the provision of water services. There are no implications for the Three Waters Reform.

NEXT STEPS/ HĪKOI I MURI MAI

15. Following the adoption of the fees and charges, The Sorting Depot will open to commercial customers in May 2023. A comprehensive marketing plan will be implemented to promote the facility to potential customers, as well as providing the general community progress updates on how the facility is contributing to the Council's Zero Waste goal. Reporting on progress to the Ministry for the Environment will also be completed throughout the project and for 12 months after opening. Fees and charges for the 2023/24 year will increase as a result of the landfill disposal levy increasing by \$20 per tonne on 1 July 2023, which will be reported in the Annual Plan fees and charges.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

16. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because the setting of fees and charges for The Sorting Depot allows the project to be delivered as intended in the Long-Term Plan 2021-31, in accordance with the budgeted financial model and user pays approach. The setting of appropriate fees and charges aligns with previous decisions relating to this facility and feedback from key stakeholders and potential users of The Sorting Depot (waste service providers and construction sector).

OPTIONS

17. The following considerations apply to both options.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

18. The Sorting Depot particularly contributes to *Sustainability*, through the reduction of commercial waste from landfill and *Prosperity* through the generation of employment, local recycling solutions and cost effective alternatives to landfill disposal for the commercial sector. The appropriate setting of fees and charges for the facility supports the business model and ensures the service can be *Delivered* cost effectively without impacting on rates.

Statutory Responsibilities / Ngā Haepapa ā-ture

19. This option is consistent with the Local Government Act 2022 and Waste Minimisation Act 2008.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

20. The provision of a user pays commercial waste sorting facility is included in the LTP 2021-31 and Annual Plan 2022/23 and is listed as an action in the Waste Management and Minimisation Plan 2017.

Participation by Māori / Te Urunga o Ngāi Māori

21. A representative of Ngāti Tawhirikura sits on the project steering group for The Sorting Depot and is supportive of the establishment of The Sorting Depot.

Option 1

Adopt the proposed fees and charges for The Sorting Depot for 2022/23 (as provided in Appendix 1).

Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi

22. The facility is set up to ensure that user fees cover the costs of operating. The fees and charges have been determined based on the financial model for the facility. To ensure commercial customers use the facility and maximise material throughput, the gate fee must be set below the cost to landfill waste but still cover the operating costs. While the facility is establishing (first 2-3 years) there is a budgeted allowance for a deficit, which will be offset by surplus in future years (using a deficit reserve). A shift from a deficit to a surplus operating model will be managed through maximising diversion and establishing new (preferably local) markets for recovered materials over time.

Risk Analysis / Tātaritanga o Ngā Mōrearea

23. The financial model is based on a number of assumptions which are key risks to the success of the facility including:
 - a) total tonnage that moves through the facility (material throughput),
 - b) how much material can be diverted into reuse and recycling, and
 - c) how much of this diverted material is transported out of the region for recycling.
24. Under this option, setting a gate fee that is cheaper than landfill reduces the risk of low quantities of material going through the facility as it provides an incentive for commercial customers to use the facility. Focusing on diversion of waste and developing local options for reuse and recycling minimises the landfill costs incurred following the sorting of material i.e. the more material that can be recovered, the lower the landfill disposal costs.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

25. The key community affected by the setting of fees and charges for The Sorting Depot is the commercial sector and in particular potential customers of the facility - waste service providers and construction and demolition companies. Throughout the development of The Sorting Depot, these stakeholders have been engaged to ensure the facility meets the needs of this community. A key driver for users of the facility is an appropriately set gate fee for acceptance of mixed skip bins, offering a cheaper alternative to landfill disposal as well as wider sustainability and emission reduction outcomes. This option addresses this key driver by setting a fee that is lower than the cost of landfilling waste.

Advantages and Disadvantages

26. This option provides a cheaper alternative for waste disposal to landfill while maintaining a financial model where user fees cover the cost of operating the facility in the longer term.
-

Option 2 Adopt alternative fees and charges.

Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi

27. If alternative fees and charges were to be adopted, further modelling would need to be undertaken to determine the financial impact. Increasing the gate fee may increase revenue for the facility, however it will also reduce material throughput, which could undermine the financial model. Decreasing the gate fee would likely increase material throughput, however the revenue generated would potentially not cover operating costs and generate a larger short term operating deficit and longer period to shift to a surplus operating model.

Risk Analysis / Tātaritanga o Ngā Mōrearea

28. If an alternative gate fee was adopted, this would affect the amount of material accepted and processed through the facility by either being too high, resulting in less use by commercial customers and less diversion of waste from landfill; or lower gate fees resulting in operating costs not being covered.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

29. Setting higher gate fees would result in key potential customers needs not being met by this option (i.e. a cheaper alternative to landfill).

Advantages and Disadvantages

30. This option is not the most cost effective option.

Recommended Option

This report recommends option 1, adopt the proposed fees and charges for The Sorting Depot for 2022/23 (as provided in Appendix 1) for addressing the matter.

APPENDICES

Appendix 1 Proposed fees and charges for The Sorting Depot 2022/2023 (ECM8900155)

Report Details

Prepared By:	Kimberley Hope (Manager Resource Recovery)
Team:	Resource Recovery
Approved By:	Kevin Strongman (Group Manager Planning and Infrastructure)
Ward/Community:	District Wide
Date:	22/12/2022
File Reference:	ECM8900176

-----End of Report -----

APPENDIX 1 PROPOSED FEES AND CHARGES FOR THE SORTING DEPOT 2022/2023

2022/23	
Commercial waste sorting facility (account customers only, no public access)	
Mixed waste dry load	\$178.00 per tonne
	\$53.40 minimum weigh charge
Non-compliant load	\$60
Single waste stream ¹	\$75 per tonne
Tyres (per tyre)	
Car tyre	\$ 4.35
4x4 and ute	\$ 5.95
Light Truck	\$13.50
Heavy Truck	\$21.50
Super single	\$29.50
Off the Road/Tractor (per kg)	\$ 0.85

¹ Pre-sorted single waste streams listed within the waste acceptance criteria that are not specifically itemised in fees and charges

SURRENDER AND RE-LEASE OF LAND – NEW PLYMOUTH DISTRICT COUNCIL TO PAPA RERERANGI I PUKETAPU

MATTER / TE WHĀINGA

1. The matter for consideration by Council is an addition of approximately 1.2 hectares of Council owned land to the area currently leased to Papa Rererangi i Puketapu Limited (PRIP) for the purpose of operating New Plymouth Airport.
2. To achieve this the New Plymouth District Council (NPDC) Property Manager will prepare a Deed of Surrender and Re-Lease to incorporate the additional premises contained within Record of Title 914066 for execution by NPDC and Papa Rererangi i Puketapu Limited (PRIP). The surrender and re-lease process is a technical correction to enable continued operation with New Plymouth Airport.

RECOMMENDATION FOR CONSIDERATION/ NGĀ WHAIKUPU

That having considered all matters raised in the report, the Council:

- a) **Approves preparation and execution of a Deed of Surrender and Re-Lease for the land contained within Record of Title 914066, being the land leased to Papa Rererangi i Puketapu Limited for the purpose of operating New Plymouth Airport.**
- b) **Delegates authority to the Property Manager to undertake the necessary actions to complete this work.**

COMPLIANCE/ TŪTOHU	
Significance	This matter is assessed as being of some importance
Options	This report identifies and assesses the following Option as the only reasonably practicable option for addressing the matter: 1. Approve the execution of a Deed of Surrender and Re-Lease of the land contained within Record of Title 914066 to PRIP.
Affected persons	The persons who are affected by or interested in this matter are PRIP, Taranaki residents and airport users.
Recommendation	This report recommends Option One for addressing the matter.
Long-Term Plan / Annual Plan Implications	No

COMPLIANCE/ TŪTOHU	
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY / WHAKARĀPOPOPTOTANGA MATUA

3. We recommend that Council approves preparation and execution of a Deed of Surrender and Re-Lease of the land occupied by PRIP for the Airport land at 192 Airport Drive, New Plymouth in order to record the current and correct land area as defined within Record of Title 914066.
4. Taking this approach will ensure that the Airport's existing improvements are located within the leased area and will enable PRIP to continue with the development and enhancement of access, circulation and car parking at the airport facility. The next step is to prepare and execute the necessary documentation to record these actions.

BACKGROUND / WHAKAPAPA

Papa Rererangi i Puketapu Lease of the Airport

5. Papa Rererangi i Puketapu Limited is a Council Controlled Trading Organisation incorporated as a company on 3 July 2017. NPDC and PRIP have entered into a Service Level Agreement to enable PRIP to carry out airport operations on behalf of the Council.
6. As part of the transfer of day to day control of the airport operation, Council leased the airport site to PRIP by a Deed of Lease dated 8 January 2018. The lease refers to the Record of Title 209014 and covers the area outlined in blue in Figure One.

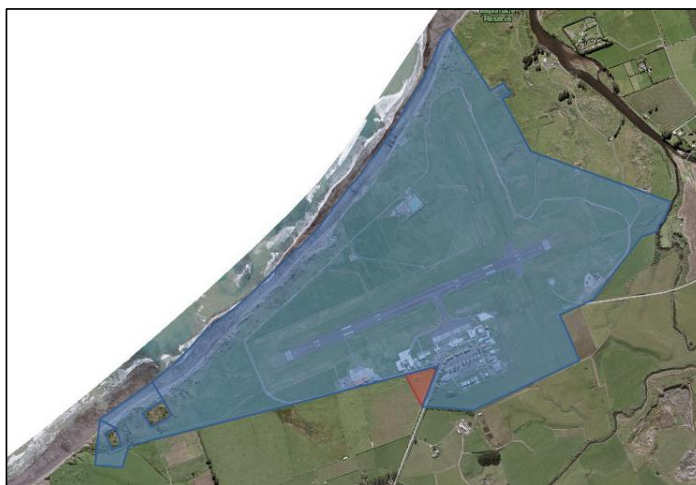


Figure One

Additional Land Purchased in 2019

7. On 13 August 2019, the Council resolved to purchase 1.2 hectares of land from an adjoining land owner (highlighted in red in Figure One and Two). The reason for the purchase was to allow PRIP to undertake road realignment work at the Airport entrance. The report (ECM 8089286), also stated that the 1.2 ha of land would be amalgamated with Record of Title 209014 on purchase.
8. The resolution did not include that the purchased land would be leased to PRIP. This was an oversight that this report seeks to address.
9. Upon settlement, amalgamation with the adjoining Airport title was completed. This resulted in a new title being issued (**Record of Title 914066**). The lease granted in 2018 still references the previous title (209104), which is no longer valid.
10. There are still works outstanding including an extended public drop off and pick up zone, dedicated taxi and shuttle pickups and an addition to the main carpark. Before undertaking this work, PRIP would like the land to be correctly recorded within their lease so requested that NPDC vary the lease to reference the new Record of Title.



Figure Two

Deed of Surrender of Lease and Re-Lease

11. The Property Team has received legal advice that the existing lease cannot simply be varied to reference the new title. This is because land would be added to the lease as a result of the variation. Section 92(7) of the Land Transfer Act 2017 states:

*"...a lease variation instrument must not be used to:
a) add any land or estate or interest in land to the land or estate or interest in land to which the original lease was subject;*

12. Instead, the advice is that the correct legal mechanism would be to prepare a Deed of Surrender and Re-Lease to record the new Record of Title and land area. In all other respects the new lease will contain the same terms as the one it replaces.
13. PRIP Directors and Management agree with this approach and have requested this action.
14. In order to action the Deed of Surrender and Re-Lease, a Council resolution confirming the lease of the additional land is required to effect the actions to progress that work (Refer Paragraph 8).

There is no other practicable option to resolve this situation

15. The current lease of the Airport Land from NPDC to PRIP describes the land by referencing a title that has been cancelled. It is therefore not possible to leave the existing lease in place and deal with the additional land in any other way.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

16. This is an exercise to correctly document the existing situation. There are no climate change impacts associated with the actions that will be undertaken with this work.

THREE WATERS REFORM IMPLICATIONS

17. No effect on Three Waters Reforms has been identified with this proposal. This is a paperwork exercise required to correctly reflect an existing activity and use of Council land.

NEXT STEPS/ HĪKOI I MURI MAI

18. The next steps will be to prepare a Deed of Surrender and Re-Lease for execution by the parties. This work can be undertaken by the NPDC legal team.
-

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

19. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because this is an operational matter, to correctly document the leased area.

OPTIONS

20. There is only one reasonably practicable option.

Option 1 Approve the execution of a Deed of Surrender and Re-Lease of the land contained within Record of Title 914066 to PRIP.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

21. There are no major financial or resourcing implications. Any costs associated with the preparation of the Deed of Surrender and Re-Lease can be met from operational budgets.

Risk Analysis / Tātaritanga o Ngā Mōrearea

22. There are no foreseen risks in adopting this option. However, if not approved, PRIP's design options for access, parking and vehicle circulation would be limited. Additionally, although this 1.2 hectares of land is owned by the Council, a small portion has already been developed for airport road access even though it sits outside the current Airport lease area.

Promotion or Achievement of Community Outcomes

23. The land was purchased to facilitate improvements to the entrance of the New Plymouth Airport. Because of the timing of the new Terminal opening, only a small part of the planned works was undertaken at the time. Further alterations to the road layout, car parking and landscaping are planned in order to enhance the operation of the Airport and the user experience.

Statutory Responsibilities / Ngā Haepapa ā-ture

24. There are no statutory responsibilities associated with this recommendation.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

25. This is consistent with best practice to have agreements in place for the occupation of NPDC land by a third party.
-

Participation by Māori / Te Urunga o Ngāi Māori

26. No specific consultation on this issue has been undertaken. It is an operational matter to define and document the land contained within the Airport Lease. Nonetheless, the involvement and assistance from Puketapu Hapū with the Airport development has been significant and beneficial to PRIP and there is a Puketapu representative on the PRIP Board. PRIP maintain ongoing dialogue and will continue to engage and obtain further input when appropriate.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

27. Parties affected will be the Airport users, both local and visitors. The land was originally purchased in order to undertake improvements to road access to the Airport, improve visibility and access to the entrance of the terminal and provide better parking options for visitors and airport users.

Advantages and Disadvantages

28. The advantage is including this additional area of land within the Airport lease will give PRIP the opportunity to further develop and improve access to the Airport, vehicle circulation and parking and correctly record the occupation of the land by PRIP.
29. There are no disadvantages.

Recommended Option

This report recommends option one – Approve the execution of a Deed of Surrender and Re-Lease of the land contained within Record of Title 914066 to PRIP, for addressing the matter.

APPENDICES

Appendix 1 Existing Lease (ECM8859472)

Appendix 2 Record of Title 914066 (ECM8908798)

Report Details

Prepared By:	Charlotte Dunning (Property Management Lead)
Team:	Property
Approved By:	Laura Keenan (Property Manager)
Ward/Community:	Puketapu Bell Block
Date:	13 January 2023
File Reference:	ECM 8910727

-----End of Report -----

EXECUTION COPY

DEED OF LEASE OF AIRPORT LAND

NEW PLYMOUTH DISTRICT COUNCIL

PAPA RERARANGI I PUKETAPU LIMITED

6

 **Simpson Grierson**
Barristers & Solicitors
Auckland, Wellington & Christchurch
New Zealand
www.simpsongrierson.com

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SCHEDULES

1. REFERENCE SCHEDULE
2. EXISTING LAND RIGHTS

DEED DATED

21 January

2018

PARTIES

1. NEW PLYMOUTH DISTRICT COUNCIL (Lessor)
2. PAPA RERERANGI I PUKETAPU LIMITED (Lessee)

BACKGROUND

- A. The Lessor is the owner of the Premises and, at the date of this lease is the Airport Authority for New Plymouth Airport.
- B. The Lessor has agreed to lease the Premises to the Lessee and the Lessee has agreed to take the Premises on lease.
- C. This lease is granted pursuant to the Local Government Act 2002 and section 45 of the Public Works Act 1981.

THIS DEED RECORDS THAT:

1. DEFINITIONS AND INTERPRETATION

- 1.1 **Definitions:** In this lease, unless the context indicates otherwise:

Airport Authority has the meaning given to it in the Airport Authorities Act 1966;

Annual Rent means the annual rent specified in Schedule 1;

Asset Transfer Deed means the deed between the parties dated on or about the date of this lease;

Authority means and includes every governmental, local, territorial and statutory authority having jurisdiction or authority over the Premises or their use;

Existing Land Rights means all existing third party rights over the Premises (including any leases, licences, easements or encumbrances) including those rights listed in Schedule 2;

GST means tax levied under the Goods and Services Tax Act 1985 and includes any tax levied in substitution for that tax;

Insured Risks means loss, damage or destruction resulting from fire, flood, explosion, lightning, storm, earthquake and volcanic activity, and any other risks which the Lessor reasonably requires the Lessee to be insured against (or the Lessee has covenanted with the Lessor to be insured against);

Lessee means the person specified as the Lessee in Schedule 1 and includes the Lessee's permitted assigns and the Lessee's agents, employees, contractors, invitees and successors;

Lessee's Improvements means the Lessee's property situated in, or on the Premises whether constructed before or after the commencement of this lease and includes all buildings, structures and improvements and all equipment and plant owned or placed on the Premises by the Lessee;

Lessor means the person specified as the Lessor in Schedule 1 and includes the Lessor's assigns and the Lessor's employees, contractors, agents and successors;

Month means a calendar month;

Outgoings means all rates, charges, levies, assessments, duties, impositions and fees from time to time payable to any Authority relating to the Premises;

Premises means the land described in Schedule 1 but excluding the Lessee's Improvements and subject to the Existing Land Rights;

Term means the term of this lease;

Utilities means all utility and other services connected and/or supplied to the Premises, including water, sewage, drainage, electricity, gas, telephone and rubbish collection; and

Working Day has the meaning given to it in the Property Law Act 2007.

1.2 Interpretation: In this lease, unless the context indicates otherwise:

- (a) **Building Act Terms:** the terms **Building Consent**, **Building Work** and **Code Compliance Certificate** have the meanings given to those terms in the Building Act 2004;
- (b) **Defined Expressions:** expressions defined in the main body of this lease have the defined meaning throughout this lease, including the background and the schedules;
- (c) **Joint and Several Obligations:** where two or more persons are bound by a provision in this lease, that provision will bind those persons jointly and each of them severally;
- (d) **Parties:** references to any **party** include that party's executors, administrators, successors and permitted assigns;
- (e) **Persons:** references to a **person** include an individual, company, corporation, partnership, firm, joint venture, association, trust, unincorporated body of persons, governmental or other regulatory body, authority or entity, in each case whether or not having separate legal identity;
- (f) **Plural and Singular:** references to the singular include the plural and vice versa;
- (g) **Clauses/Schedules/Attachments:** references to clauses, schedules and attachments are to clauses in, and the schedules and attachments to, this lease. Each such schedule and attachment forms part of this lease;

- (h) **Schedule Terms:** the terms **Commencement Date**, **Default Interest Rate**, **Final Expiry Date**, **Permitted Use**, **Rent Payment Date(s)**, **Rent Review Date(s)** and **Termination Date**, together with the other terms specified in Schedule 1, will be interpreted by reference to that schedule;
- (i) **Statutory Provisions:** references to any statutory provision are to statutory provisions in force in New Zealand and include any statutory provision which amends or replaces it, and any by-law, regulation, order, statutory instrument, determination or subordinate legislation made under it;
- (j) **Negative Obligations:** any obligation not to do anything includes an obligation not to suffer, permit or cause that thing to be done;
- (k) **Inclusive Expressions:** the term **includes** or **including** (or any similar expression) is deemed to be followed by the words **without limitation**; and
- (l) **Documents:** references to any document (however described) are references to that document as modified, novated, supplemented, varied or replaced from time to time and in any form, whether on paper or in an electronic form.

2. GRANT OF LEASE AND EXISTING LAND RIGHTS

- 2.1 **Grant:** Subject to the Existing Land Rights the Lessor leases to the Lessee and the Lessee takes the Premises on lease under the Local Government Act 2002 and section 45 of the Public Works Act 1981 for the Term beginning on the Commencement Date and ending on the Termination Date at the Annual Rent.
- 2.2 **Existing Land Rights:** The Lessee acknowledges:
 - (a) that the Premises are leased subject to the Existing Land Rights; and
 - (b) in accordance with clause 3 of the Asset Transfer Deed:
 - (i) the Lessor has assigned, and the Lessee has accepted assignment of, all of the Lessors rights and obligations of the Lessor under the Existing Land Rights;
 - (ii) the Lessee takes possession of the Premises subject to the Existing Land Rights and will be bound by and comply with all terms and conditions expressed or implied in the Existing Land Rights during the Term of this Lease.
- 2.3 **Iwi and Hapū Land Access:** The Lessee acknowledges and agrees that at the date of signing of this lease, the Lessor and Lessee are negotiating a Deed of Understanding with The Trustees of the Te Kotahitanga o Te Atiawa Trust (Trust) and an entity representing the Puketapu hapū to (amongst other things):
 - (a) acknowledge the strength of cultural connection between the members of the Puketapu hapū and the Premises; and

- (b) grant access for members of the Puketapu hapū to urupa and other culturally significant sites located on the Premises.

- 2.4 **Lessee bound:** The Lessee agrees, that following signing of the Deed of Understanding, it will be treated in the same manner as the Existing Land Rights and the Lessee will be bound by and comply with all of the terms and conditions of the Deed of Understanding.

3. RIGHT OF RENEWAL

- 3.1 **No Right of Renewal:** There is no right of renewal.
- 3.2 **Holding Over:** If, other than under the grant of a further lease, the Lessor permits the Lessee to remain in occupation of the Premises after the end or earlier termination of the Term, the occupation will be a periodic tenancy only, determinable by 20 Working Days' notice by either the Lessor or the Lessee to the other of them, at the rent then payable and otherwise on the same terms and conditions (as far as applicable to a periodic tenancy) as are contained in this lease.

4. RENT

The Lessee must pay the Annual Rent by equal annual payments in advance on the Rent Payment Dates if demanded.

5. RENT REVIEW

The Annual Rent will remain the same throughout the Term of the lease and there is no requirement for the rent to be reviewed.

6. GST

- 6.1 **Payment:** The Lessee must pay to the Lessor all GST payable on the Annual Rent and other money payable by the Lessee under this lease. The Lessee must pay GST:
 - (a) **Annual Rent:** on the Annual Rent on each occasion when any rent falls due for payment (if demanded); and
 - (b) **Other Money:** on any other money payable by the Lessee on demand.
- 6.2 **Default:** If:
 - (a) **Lessee Fails to Pay:** the Lessee fails to pay the Annual Rent (if demanded) or other money payable under this lease (including GST); and
 - (b) **Lessor Liable to Penalty:** the Lessor becomes liable to pay additional GST or penalty tax;

then the Lessee must pay the additional tax or penalty tax to the Lessor on demand.

7. DEFAULT INTEREST

If the Lessee fails to pay any money payable under this lease for 10 Working Days after:

- 7.1 **Due Date:** the due date for payment; or
- 7.2 **Demand:** the date of the Lessor's demand, if there is no due date;

then the Lessee must pay on demand default interest on the money unpaid from the due date or the date of the Lessor's demand (as the case may be) down to the date of payment. Default interest will be calculated at the Default Interest Rate (after as well as before judgment).

8. OUTGOINGS

- 8.1 **Lessee to Pay Outgoings:** The Lessee must on demand by the Lessor pay the Outgoings without deduction or set-off. If any Outgoing is not separately assessed on or charged to the Premises, the Lessee must pay a fair and reasonable proportion of that Outgoing.
- 8.2 **Apportionment:** Any Outgoing which is not assessed or charged for a period falling wholly within the Term will be apportioned between the Lessor and the Lessee.
- 8.3 **Penalties:** If any Outgoing is payable by a date after which a penalty applies, the Lessee will comply with clause 8.1 if the Lessee pays that Outgoing at least five Working Days before the penalty date.
- 8.4 **Lessor's Obligation:** The Lessor must pay all costs, expenses and charges relating to the Premises which are not the Lessee's responsibility under this lease.

9. UTILITY CHARGES

- 9.1 **Lessee to Pay Utility Charges:** The Lessee must promptly pay to the relevant Authority or supplier all charges for Utilities which are separately metered or charged to the Premises.
- 9.2 **Apportionment:** The Lessee must pay to the Lessor on demand a fair and reasonable proportion of the charge for any Utility which is not separately metered or charged to the Premises.
- 9.3 **Meters:** If the Lessor or any Authority requires the Lessee to do so, the Lessee must at the Lessee's own expense install any meter or other measuring devices necessary for the proper measurement of the charges for any Utility or other services supplied to the Premises.

10. COSTS

- 10.1 **Legal Costs Related to this Lease:** Each party will pay their own legal costs related to the negotiation, preparation and execution of this lease.
- 10.2 The Lessee must pay to the Lessor on demand:

- (a) **Legal Costs Related to Variation:** the Lessor's legal costs for any variation of this lease;
- (b) **Costs for Consents:** the Lessor's reasonable costs incurred in considering any request by the Lessee for the Lessor's consent to any matter contemplated by this lease; and
- (c) **Default Costs:** all costs, charges and expenses for which the Lessor becomes liable as a result of the Lessee's breach of any of this lease's terms.

11. INSURANCE

11.1 Lessee to Insure: The Lessee must at all times during the Term:

- (a) **Lessee's Improvements:** insure and keep the Lessee's Improvements insured in the joint names of the Lessor and the Lessee for their respective rights and interests to their full insurable value against the Insured Risks; and
- (b) **Pay Premiums:** pay the premium for the insurance taken out under clause 11.1(a) when due.

11.2 Public Risk Insurance: The Lessee must throughout the Term keep current a public risk insurance policy applicable to the Premises and the business carried on, in, or from the Premises for:

- (a) **Specified Amount:** the amount specified in Schedule 1 (being the amount which may be paid out arising from any single accident or event); or
- (b) **Increased Amount:** any increased amount that the Lessor reasonably requires.

11.3 Section 271 Property Law Act 2007: For the purposes of section 271 of the Property Law Act 2007, the Lessee acknowledges and agrees that:

- (a) **Premises Not Insured:** the Lessor has not insured the Premises against destruction or damage arising from fire, flood, explosion, lightning, storm, earthquake or volcanic activity; and
- (b) **Lessee to Make Good:** the Lessee, subject to the provisions of section 271(2)(a) – (c) of the Property Law Act 2007, will meet the cost of making good any destruction or damage to the Premises and indemnifies the Lessor against the cost of doing so should the Lessee default in that obligation.

12. MAINTENANCE

12.1 Maintenance: The Lessee must at its own cost throughout the Term:

- (a) **Improvements:** maintain the Premises and the Lessee's Improvements in good repair and condition;
- (b) **Keep Premises Clean:** keep the Premises clean and tidy;

- (c) **Removal of Rubbish:** regularly remove all rubbish and waste from the Premises and the Lessee's Improvements;
- (d) **Broken Glass:** replace all broken glass on the Premises and the Lessee's Improvements;
- (e) **Pests:** prevent and exterminate any pest infestation on the Premises and the Lessee's Improvements; and
- (f) **Paint:** If called upon by the Lessor paint in a proper and workmanlike manner the whole or such part of the outside of any Lessee's Improvements erected on the Premises. The Lessee must obtain the Lessor's prior written consent to all exterior colours to be used on any Lessee's Improvements and must not alter the exterior colour scheme at any time without similarly obtaining the Lessor's prior written consent.

13. USE OF PREMISES

13.1 **Permitted Use:** The Lessee must only use the Premises for the Permitted Use.

13.2 **Restrictions on Use:** The Lessee must:

- (a) **Resource Management Act:** not do anything which is or may become a breach of any duty imposed on any person by the Resource Management Act 1991;
- (b) **Health and Safety at Work Act:** not do anything which is or may become a breach of any duty imposed on any person by the Health and Safety at Work Act 2015;
- (c) **Acts, By-laws etc:** comply in all respects with all acts, by-laws, regulations, rules and requisitions relating to the Premises and the Lessee's use of the Premises including those of the Lessor in its capacity as a local authority;
- (d) **Signage and Colour:** obtain the prior consent in writing of the Lessor to all exterior signage and paint colour erected or used upon the Premises such consent not to be unreasonably withheld or delayed;
- (e) **Trees:** not plant any foliage, shrubs, trees or undertake any landscaping without the prior written consent of the Lessor such consent not to be unreasonably withheld or delayed;
- (f) **Fencing:** not undertake or permit any fencing of any description to be installed upon or within the Premises unless requested or directed by the Lessor or an Authority;
- (g) **Parking:** ensure that only vehicles owned or operated by the Lessee or by visitors permitted by the Lessee are present on the Premises and when present are parked in appropriate areas of the Premises. Vehicles may not be parked on any adjoining areas or other land retained by the Lessor and shall where necessary be parked in designated locations directed by the Lessor and any related parking fees shall be met by the Lessee;

- (h) **Interference:** must not do anything or allow anything to be done that might interfere with the use and enjoyment of the Premises as an airport or affect the safe operation of aircraft on or over the airport.

14. BUILDING WORK

- 14.1 Approvals:** Subject to the provisions of this section, the Lessee must not carry out any Building Work on the Premises without first giving plans and specifications of the proposed work to the Lessor and:

- (a) **Lessor's Consent:** obtaining the Lessor's prior written consent; and
- (b) **Building Consent:** obtaining and giving the Lessor a copy of all Building Consents required to enable the relevant Building Work to be carried out lawfully.

- 14.2 Building Act:** The Lessee must:

- (a) **Building Consent:** carry out all Building Work in conformity with the Building Consent produced to the Lessor under clause 14.1(b); and
- (b) **Compliance Certificate:** obtain a Code Compliance Certificate on completion of any Building Work;
- (c) **No Interference:** ensure that the Building Work and resulting Lessee's Improvements do not interfere with the use and enjoyment of the Premises as an airport or affect the safe operation of aircraft on or over the airport.

15. AIRPORT SECURITY AND OPERATIONS

- 15.1 Security:** The Lessee acknowledges the fundamental importance of maintaining the security of the airport operational area as defined by the Lessor from time to time and shall contribute to this by ensuring no person shall enter such airport operational area by means of or through the Premises, without proper authorisation.

- 15.2 Third Party Compliance:** In addition to clause 15.1, the Lessee shall at all times remain responsible to the Lessor for ensuring that any person accessing the Premises and/or operational area by means of or through the Premises complies with all obligations which the Lessee themselves must comply with, whether pursuant to this Lease or otherwise and the Lessee shall be in breach of this lease if such person commits an act or omission which, if done by the Lessee would be a breach of this lease.

16. EXPIRY OF LEASE

- 16.1 Lessee to Vacate:** Upon expiry of the lease or earlier termination or surrender, the Lessee will vacate the Premises, leaving them in a clean and tidy condition to the Lessor's reasonable satisfaction. The Lessee's Improvements will become the property of the Lessor and the Lessor will pay to the Lessee compensation for the Lessee's Improvements, with the amount of such compensation to be determined in accordance with clauses 16.2 to 16.6.

- 16.2 Lessor to Provide Valuation:** The Lessor must provide to the Lessee, within 40 Working Days of the date of expiry of the lease or earlier termination or surrender of the lease, a valuation of the Lessee's Improvements completed by an independent registered valuer (**Lessor's Valuation**).
- 16.3 Acceptance or Failure to Respond to Lessor's Valuation:** If, by written notice to the Lessor, the Lessee accepts the Lessor's Valuation, or does not respond within the timeframe specified in clause 16.4, the Lessor will pay the amount determined in the Lessor's Valuation to the Lessee as compensation for the Lessee's Improvements.
- 16.4 Process if Lessee Disputes Valuation:** If, by written notice to the Lessor (**Lessee's Notice**) within 10 Working Days after receipt of the Lessor's Valuation under clause 16.2 (time being of the essence) the Lessee disputes the valuation of the Lessee's Improvements, then the valuation will be determined in accordance with clause 16.5.
- 16.5 Valuation Dispute Process:** Immediately following receipt by the Lessor of the Lessee's Notice, the parties will endeavour to agree upon the valuation of the Lessee's Improvements, but if agreement is not reached within 10 Working Days of receipt of the Lessee's Notice then the valuation may be determined by either:
- (a) one party giving notice to the other requiring the valuation to be determined by arbitration to be carried out in accordance with clause 25; or
 - (b) if the parties so agree by independent registered valuers acting as experts and not as arbitrators as follows:
 - (i) each party must appoint a valuer and give written notice of the appointment to the other party within 10 Working Days of the parties agreeing to determine the valuation by arbitration;
 - (ii) if either party fails to appoint a valuer within the 10 Working Day period then the valuer appointed by the other party will determine the valuation and such determination will be binding on both parties;
 - (iii) before commencing their determination the valuers must appoint an umpire, who does not need to be a registered valuer;
 - (iv) the valuers will determine the valuation of the Lessee's Improvements and if they fail to agree, then the valuation will be determined by the umpire;
 - (v) each party must be given the opportunity to make written or verbal representations to the valuers or the umpire subject to such reasonable time and other limits as the valuers or the umpire may prescribe and they must have regard to any such representations, but are not bound by them.
- 16.6** When the valuation has been determined by the arbitrators or the umpire (as applicable) under clause 16.5, they must give written notice of the valuation to the parties and the Lessor must pay the amount determined to the Lessee as

compensation for the Lessee's Improvements. The notice must also provide how the costs of the determination will be borne and such provision will be binding on the parties.

17. ASSIGNMENT AND SUBLEASING

- 17.1 **No Assignment:** Subject to the provisions of this section, the Lessee must not assign the Lessee's interest in this lease.
- 17.2 **Control of Sublease:** Subject to the provisions of this section and the Existing Land Rights the Lessee may sublease or part with possession or share occupation of any part of the Premises without the prior approval of the Lessor, but will provide the Lessor with notice of the details of any sublease or other interests granted over the Premises as soon as practical.
- 17.3 **Costs:** The Lessee must pay the Lessor's reasonable costs for any consent or application for consent under this section (including the Lessor's legal costs).

18. LESSOR'S RIGHTS OF ENTRY

- 18.1 **Entry to Premises by Lessor:** The Lessor may, with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time without notice in the case of an emergency) enter the Premises to:
- (a) **Inspect Premises:** inspect the condition and state of repair of the Premises; or
 - (b) **Compliance with Statutes etc:** carry out any works to comply with any statutes, regulations, by-laws, ordinances, orders, proclamations, requirements of or notices by any Authority.
- 18.2 **Minimise Disturbance to Lessee:** The Lessor will take reasonable steps to minimise any disturbance to the Lessee or the operation of the Permitted Use when exercising the entry rights granted under clause 18.1.

19. QUIET ENJOYMENT

If the Lessee pays the Annual Rent and performs the Lessee's obligations in this lease, the Lessee will be entitled to quiet enjoyment of the Premises without interruption by the Lessor or any person claiming under the Lessor.

20. CANCELLATION FOR DEFAULT AND TERMINATION

- 20.1 **Lessor's Right to Cancel based on Permitted Use:** If at any time during the Term the Lessee ceases to use the Premises (or any part of it) for the Permitted Use, the Lessor may cancel, or partly cancel (as appropriate) this lease by not less than 6 months written notice, and the Premises or the relevant part of it, together with all relevant Lessee's Improvements (if any) will revert to the Lessor and the provisions of clause 16 will apply.

20.2 Cancellation: The Lessor may (in addition to the Lessor's right to apply to the Court for an order for possession and clause 20.1) cancel this lease by re-entering the Premises at the time or any time afterwards:

- (a) **Failure to Pay Rent:** if any instalment of the Annual Rent has been demanded and is in arrears for 10 Working Days after the due date to pay and the Lessee has failed to remedy that breach within 10 Working Days after service on the Lessee of a notice in accordance with section 245 of the Property Law Act 2007;
- (b) **Failure to Perform:** if the Lessee fails to observe or perform any obligation under this lease (other than the covenant to pay rent) and the Lessee has failed to remedy that breach within the period specified in a notice served on the Lessee in accordance with section 246 of the Property Law Act 2007;
- (c) **Lessee a Company:** if being a company the Lessee:
 - (i) is or is deemed to be unable to pay the Lessee's debts under section 287 of the Companies Act 1993;
 - (ii) goes into liquidation (other than voluntary liquidation for the purpose of reconstruction or amalgamation approved in writing by the Lessor);
 - (iii) is wound up or dissolved;
 - (iv) enters into any assignment or other compromise or scheme of arrangement with the Lessee's creditors or any class of the Lessee's creditors;
 - (v) has a receiver, manager or receiver and manager appointed relating to any of the Lessee's assets; or
 - (vi) has an application made to a court for, or a resolution proposed for, or any other step is taken in anticipation of, the appointment of an administrator or has an administrator appointed.

20.3 Lessor May Remedy Lessee's Default: The Lessor may, without being under any obligation to do so, remedy any default or breach by the Lessee under this lease at the Lessee's cost.

21. ESSENTIAL TERMS

21.1 Essential Terms: The Lessee's breach of the following terms is a breach of an essential term of this lease:

- (a) **Payment of Rent:** the covenant to pay rent or other money payable by the Lessee under this lease;
- (b) **Assignment and Subleasing:** the terms dealing with assignment and subleasing; or
- (c) **Use of Premises:** the terms restricting the use of the Premises.

21.2 Waiver: The Lessor's acceptance of any arrears of rent or other money payable under this lease is not a waiver of the essential obligation to pay any other rent or money payable under this lease.

21.3 Compensation: The Lessee must compensate the Lessor for any breach of an essential term of this lease. The Lessor may recover damages from the Lessee for those breaches. The Lessor's entitlement to compensation under this clause is in addition to any other remedy or entitlement of the Lessor (including the right to terminate this lease).

22. COMPENSATION

22.1 Lessee's Acts or Omissions: If any act or omission of the Lessee:

- (a) **Repudiation:** is a repudiation of this lease or of the Lessee's obligations under this lease; or
- (b) **Breach of Lease:** is a breach of any of the Lessee's obligations under this lease;

the Lessee must compensate the Lessor for the loss or damage suffered by reason of the repudiation or breach during the whole of the Term.

22.2 Entitlement: The Lessor's entitlement to recover damages will not be affected or limited by:

- (a) **Abandonment:** the Lessee abandoning or vacating the Premises;
- (b) **Re-entry or Termination:** the Lessor electing to re-enter or to terminate this lease;
- (c) **Acceptance of Repudiation:** the Lessor accepting the Lessee's repudiation; or
- (d) **Surrender:** the parties' conduct constituting a surrender by operation of law.

22.3 Legal Proceedings: The Lessor may bring legal proceedings against the Lessee claiming damages for the entire Term including the periods before and after:

- (a) **Premises Vacated:** the Lessee has vacated the Premises; and
- (b) **Abandonment etc:** the abandonment, termination, repudiation, acceptance of repudiation or surrender by operation of law referred to in clause 22.2;

whether the proceedings are instituted before or after that conduct.

22.4 Mitigation of Damages: If the Lessee vacates the Premises, whether with or without the Lessor's consent, the Lessor must take reasonable steps to:

- (a) **Mitigate Damages:** mitigate the Lessor's damages; and
- (b) **Lease Premises:** endeavour to lease the Premises at a reasonable rent and on reasonable terms.

The Lessor's entitlement to damages will be assessed on the basis that the Lessor should have observed the obligation to mitigate damages contained in this clause. The Lessor's conduct in pursuance of the duty to mitigate damages will not by itself constitute acceptance of the Lessee's breach or repudiation, or a surrender by operation of law.

23. NO WAIVER

The Lessor's waiver or failure to act in response to the Lessee's breach of any of the Lessee's obligations in this lease will not operate as a waiver of:

23.1 Waiver of Breach: the same breach on any later occasion; or

23.2 Waiver of Obligations: any other obligations in this lease.

24. INDEMNITY

24.1 Lessor Indemnified: The Lessee indemnifies the Lessor against all actions, proceedings, calls, claims, demands, losses, damages, costs, expenses or liabilities of any kind suffered or incurred by the Lessor resulting from the Lessee's acts or omission.

24.2 Repair Costs: The Lessee must pay to the Lessor on demand the amount of all costs and expenses incurred by the Lessor in making good any damage to the Premises resulting from the Lessee's acts or omission.

24.3 Extent of Indemnity: The Lessee is liable to indemnify the Lessor only to the extent that the Lessor is not fully indemnified under any insurance policy.

25. RESOLUTION OF DISPUTES

25.1 Disputes: Any dispute, difference or question arising between the parties about:

- (a) **Interpretation:** the interpretation of this lease;
- (b) **Matters Arising:** anything contained in or arising out of this lease;
- (c) **Rights, Liabilities or Duties:** the rights, liabilities or duties of the Lessor or Lessee; or
- (d) **Other Matters:** any other matter touching on the relationship of the Lessor and the Lessee under this lease (including claims in tort as well as in contract);

will be referred to the arbitration of a single arbitrator under the Arbitration Act 1996.

25.2 Arbitrator: The parties must try to agree on the arbitrator. If they cannot agree, the president or any vice president for the time being of the New Zealand Law Society (or his or her nominee) will, on either party's application, nominate the arbitrator.

- 25.3 Action at Law:** The parties must go to arbitration under this section before they can begin any action at law (other than an application for injunctive relief).

26. NOTICES

- 26.1 Service of Notices:** Any notice or document required or authorised to be given or served under this lease may be given or served:

- (a) **Section 245 or 246 of the Property Law Act:** in the case of a notice under sections 245 or 246 of the Property Law Act 2007, in the manner prescribed by section 353 of that Act 2007; and
- (b) **Other Cases:** in all other cases, unless otherwise required by sections 352 to 361 of the Property Law Act 2007;
 - (i) in the manner authorised by sections 354 to 361 of the Property Law Act 2007; or
 - (ii) by personal delivery, or by posting by registered mail or ordinary mail, or by facsimile, or by email.

- 26.2 Time of Service:** In respect of the means of service specified in clause 26.1(b)(ii) any notice or other document will be treated as given or served and received by the other party:

- (a) **Personal Delivery:** when received by the addressee;
- (b) **Post:** three Working Days after being posted to the addressee's last known address in New Zealand;
- (c) **Facsimile:** on completion of an error free transmission, when sent by facsimile; or
- (d) **Email:** when acknowledged by the addressee by return email or otherwise in writing and in any event at 5.00 pm on the first Working Day after the day on which it is sent unless a non-delivery notification has been received.

- 26.3 Signature of Notices:** Any notice or document to be given or served under this lease must be in writing and may be signed by:

- (a) **Party:** the party giving or serving the notice;
- (b) **Attorney:** any attorney for the party serving or giving the notice; or
- (c) **Authorised Person:** the solicitor or any director, officer, employee or other agent who has authority to give or serve the notice.

27. PROPERTY LAW ACT

The covenants and powers contained in clauses 4, 5, 6, 9, 10, 11 and 12 of Part 2 and clause 13 of Part 3 of Schedule 3 of the Property Law Act 2007 will not be implied in this lease and are expressly negated.

28. LEASE NOT REGISTRABLE

The Lessor does not warrant that this lease is in registrable form. The Lessee must not require registration of this lease against the title to the Premises.

29. LESSOR'S CONSENT

- 29.1 Consent Required on Each Occasion:** The Lessor's consent under this lease is required for each occasion even if the Lessor has given a consent for the same or a similar purpose on an earlier occasion.
- 29.2 Consent not to be Unreasonably Withheld:** If this lease states that the Lessor's consent is required for anything done or proposed to be done, then unless otherwise stated, in each case, the Lessor:
- (a) must not unreasonably withhold consent; and
 - (b) must, within a reasonable time of the Lessor's consent being requested:
 - (i) grant that consent; or
 - (ii) notify the Lessee in writing that the consent is withheld.

30. LESSOR AS LAND OWNER, NOT REGULATORY AUTHORITY

- 30.1 Lessor as Land Owner:** The Lessor has signed this lease in its non-regulatory capacity as land owner. This lease does not bind the Lessor in its capacity as a regulatory authority in any way, and any consent or agreement the Lessor gives under this lease is not an agreement or consent in its regulatory capacity and vice versa. When acting in its regulatory capacity, the Lessor is entitled to consider all applications to it without regard to this lease. The Lessor will not be liable to the Lessee or any other party if, in its regulatory capacity, the Lessor declines or imposes conditions on any consent or permission that the Lessee or any other party seeks for any purpose associated with this lease.

31. GENERAL

- 31.1 Further Assurances:** Each party will do all things and execute all documents reasonably required to give effect to the provisions and intent of this lease.
- 31.2 Governing Law and Jurisdiction:** This lease is governed by the laws of New Zealand. The parties submit to the exclusive jurisdiction of the New Zealand courts in respect of all matters relating to this lease.

EXECUTED AND DELIVERED AS A DEED

SIGNED by NEW PLYMOUTH DISTRICT COUNCIL as Lessor by:

NEIL HODDAM
Full name of Elected Member

[Signature]
Signature of Elected Member

RICHARD JORDAN
Full name of Elected Member

[Signature]
Signature of Elected Member

SIGNED by PAPA RERERANGI I PUKETAPU LIMITED as Lessee by:

PL GARY CRIGER
Full name of director/authorised signatory

[Signature]
Signature of director/authorised signatory

Chris Myers
Full name of director/authorised signatory

[Signature]
Signature of director/authorised signatory

Witness:
(if other than two directors sign)

Signature of witness

Full name of witness

Occupation of witness

Address of witness

SCHEDULE 1
REFERENCE SCHEDULE

Lessor:	NEW PLYMOUTH DISTRICT COUNCIL
Lessor's Address:	84 Liardet Street Private Bag 2025 New Plymouth 4342
Lessee:	PAPA RERERANGI I PUKETAPU LIMITED
Lessee's Address:	84 Liardet Street Private Bag 2025 New Plymouth 4342
Premises:	All that land comprising approximately 200.5562 hectare being all of the land comprised in Computer Freehold Register 209014
Term:	99 years
Commencement Date:	1 July 2017
Termination Date:	30 June 2116
Renewal Term(s):	No renewal
Final Expiry Date:	30 June 2116
Annual Rent:	\$1.00 per annum plus GST (if demanded)
Rent Payment Dates:	On the Commencement Date and each anniversary of the Commencement Date (if demanded)
Rent Review Date(s):	No rent review
Permitted Use:	The management and operation of New Plymouth Airport including facilities and services for the use and convenience of airport users and other uses specifically permitted by the Lessor
Public Risk Insurance:	\$20 Million
Default Interest Rate:	9 % per annum or the commercial overdraft base rate of the Lessor's Bank, whichever is higher

SCHEDULE 2
EXISTING LAND RIGHTS

<i>Tenant</i>	<i>Site</i>	<i>Airport File No.</i>
TERMINAL SPACE, TM series		
B & R Partnership (Rustic Rd Ltd & B F E Ltd)	Airspresso Airport cafeteria	TM-01*
Pegasus Rental Cars (Russell Rentals & Sales Ltd)	Booth 4 Pks 40, 41, 42, 43, 44, 45	TM-02*
Avis Rent A Car (Avis New Zealand Ltd)	Kiosk 1 & 1/2 share of storage area behind Pks 1, 2, 3, 4, 5, 6, 7, 8, 53, 54, 55, 56, 57, 58, 59	TM-03*
Hertz Rent-A-Car Ltd (Energy City Motors Ltd)	Booths 5 & 6 Pks 25-32, 33-35 & 36-39	TM-04*
Thrifty Car Rental (F V & J M Snowdon)	Booth 7 Pks 16-24	TM-05*
Budget Rent A Car	Booth 8 Pks 9-15, 60-64	TM-06*
Air New Zealand (Area A Koru Lounge)	Koru Lounge	TM-07*
Air New Zealand (Area B Air Nelson, <i>AIRNEL</i> , counter, pilots office, freight room plus manager's office from Dec 2014)	Counter, pilots office, freight rm Ex Airport Manager Office added WEF 1 Dec 14	TM-08*
Scott's Shuttles Ltd	Booth 3	TM-09*
Air New Zealand (AIRNE3)	Kingfish kiosk licence for passenger handling facility	TM-10*
TSB Bank Limited	ATM Machine (Licence)	TM-11*
Interspace advertising	Advertising contract	TM-12*
BUILDING LEASES, BL Series		
Snowdon, FV & JM	Maintenance Shed & yard, Wipiti Way	BL-01*

<i>Tenant</i>	<i>Site</i>	<i>Airport File No.</i>
Advanced Security Ltd	Room in ex Aero Training Rooms, Wipiti Way	BL-02*
<i>CAR PARK Licences, CP Series</i>		
Air Services (Taranaki) Ltd	Parks 69-74	CP-01*
AGL Rental Cars (Goldsworthy)	Parks 48, 49 (licence)	CP-02*
Cut Price Rentals (L Minnell & Son aka Naki Hire)	Parks 50, 51	CP-03*
East City Rentals Ltd (aka Rent a Dent)	Parks 52, 65-68 (licence)	CP-04*
Thrifty Car Rental (Snowdon, FV & JM)	Parks 16-24	CP-05*
Europcar New Zealand (BVJV limited)	CLOSED FILE. Lease terminated August 2012	CP-06
Pegasus Rental Cars (Russell Rentals & Sales Ltd)	Parks 40-45	CP-07*
Avis Rent A Car (Avis New Zealand Ltd)	Parks 1-8, 53-56, 57-59	CP-08*
Hertz Rent-A-Car Ltd (Energy City Motors Ltd)	Parks 25-32, 33-35, 36-39	CP-09*
Budget Rent A Car	Parks 9-15, 60-64	CP-10*
TOTAL CAR PARKS	69	
<i>LAND LEASES, LL Series</i>		
Paritutu Investment Company Ltd, c/- Williams Family Trust, formerly Bell Block Rental Services Ltd	Rental car servicing facility, (located west of Main Terminal Building)	LL-01*
Avis - Tama Trust, formerly Williams Family Trust, formerly Pennington	Rental car servicing facility, corner of Kataore Lane & Wipiti Way	LL-02*
Meteorological Service of NZ Ltd	2 x sites for instrument structures, Puketapu Crescent	LL-03*
Budget Rent A Car, Tama Trust, formerly Williams Family Trust	Rental vehicle compound, located on corner of Airport Drive & Kataore Lane	LL-04*
Hertz Rent-A-Car Ltd (Energy City Motors Ltd)	Rental car compound, Kataore Lane	LL-05*

Tenant	Site	Airport File No.
Vodafone NZ Ltd	Telecommunication mast & equipment	LL-06*
Taranaki Chapter of Sport Aircraft Association formerly NZ Amateur Constructors Association (Taranaki Chapter)	Hangar site, Wipiti Way	LL-07*
Faram Aviation Group Ltd & J G Faram (formerly Taranaki Air Ambulance Trust)	Former Fire Rescue Building, near control tower	LL-08*
Hawaiki Trust (prev. P L & B M Muller, Paul Muller Aircraft Ltd)	Hangar site, Wipiti Way	LL-09*
Fine Particle Application Ltd (previously B.A. and J.C. Emeny)	Hangar site west of Main Terminal Building	LL-10*
Vause Trusts Partnership (Hangar 1)	Lease 1 Airside (west of Main Terminal Building)	LL-11*
Vause Trusts Partnership (Hangar 2)	Lease 2, Grass Runway site, Wipiti Way	LL-12*
Air Taranaki Limited (Alan J Warner)	Hangar site, Wipiti Way	LL-13*
The Taranaki Skydiving Club Inc	Clubrooms site, Wipiti Way	LL-14*
J L Anderson	Hangar Site 1, corner Wipiti Way & Katore Lane	LL-15*
Murray Raymond Smith (SMITHM)	Hangar Site 4, Wipiti Way	LL-16
Sky West Aviation Ltd (assigned from NQ & SJ O'CONNOR Family Trust WEF 24 June 2014)	Hangar Site (Main Runway), Puketapu Crescent	LL-17
Southbound Helicopters Ltd t/a Helicopters (NZ) Ltd (lease 1) (HELICO)	Hangar Site 21	LL-18
BROUGH, Allan John & Carolyn Sue	Hangar Site	LL-19
Brian John Riley	Hangar Site	LL-20
Ice Aviation Ltd (James Finlayson)	Hangar Site (grass taxiway)	LL-21

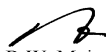
<i>Tenant</i>	<i>Site</i>	<i>Airport File No.</i>
CEV Ltd & Dennis Banks	Hangar Site (grass taxiway)	LL-22
Southbound Helicopters Ltd t/a Helicopters (NZ) Ltd (lease 2) (HELIC2)	Hangar Site 22	LL-23
Rustic Road Ltd (Jim & Sue Hickey)	Hangar site	LL-24
Southbound Helicopters Ltd t/a Helicopters (NZ) Ltd (lease 3) (HELIC3)	Hangar Site 20 (ex O'Connor)	LL-25
Taranaki Air Ambulance Trust	Ex Met Site west of the terminal, Puketapu Crescent	LL-26
B.P. Oil New Zealand Ltd	Airside Fuel Pump & Bulk Fuel Depot	LL-27
R. Hardwick-Smith (HARDWI)	Grazing block F	LL-30
Jones	Grazing Block D	LL-31
Westown Agriculture	Zero Grazing lease	LL-32
Powerco Ltd	Easement, second 11Kv line	LL-34
Her Majesty the Queen	Encumbrance Instrument 10824292.1	

NPDC		RECD: 11 JAN 2010	
DM No:			
CLASS:			
PROPERTY ID:			
LEGAL ID:			
TECH 1:		RELATED:	
PERIOD:		ACTION/FYI	REPLY REQUIRED
CMMTE			
REF TYPE			
REF NO			
ASSET			



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




 R.W. Muir
 Registrar-General
 of Land

6

Identifier **914066**
Land Registration District **Taranaki**
Date Issued 06 December 2019

Prior References
 209014 TNG2/980

Estate Fee Simple
Area 201.7561 hectares more or less
Legal Description Lot 2 Deposited Plan 542558 and Part
 Puketapu A1 Block and Part Puketapu A2
 Block and Part Puketapu E Block and Part
 Puketapu E Block and Part Puketapu B1B
 Block and Puketapu B1A Block and
 Puketapu B2 Block and Part Puketapu B4
 Block and Part Puketapu B3 Block and Part
 Puketapu C2 Block and Part Puketapu E
 Block and Puketapu C1 Block and
 Puketapu D Block and Part Puketapu
 Roadway Block and Section 151 Waitara
 West District and Part Section 64, 144, 64
 Waitara West District
Purpose for Aerodrome Purposes

Registered Owners
 New Plymouth District Council

Interests

Subject to a right to take, convey and lead water over Part Section 151 and Part Section 64 Waitara West District created by Transfer 171442 - 23.9.1969 at 11.11 am

Subject to laying out of a roadway over part marked A on DP 12895 created by Court Order 278262 - 12.6.1981 at 11.50 am (affects part Puketapu D Block herein)

371646.4 Certificate pursuant to Section 641(A)(1) of the Local Government Act 1974 - 12.6.1990 at 2.35 pm (affects part Puketapu C2 Block)

Appurtenant hereto is a right of way created by Easement Instrument 6355714.3 - 23.3.2005 at 9:00 am (affects all parcels excluding Lot 2 DP 542558)

7359140.1 Notice pursuant to Section 18 Public Works Act 1981.- 9.5.2007 at 9:00 am (affects Lot 2 DP 542558)

9812846.1 Notice of Access Rights pursuant to Section 83 Crown Minerals Act 1991- 14.8.2014 at 2:43 pm (affects all parcels excluding Lot 2 DP 542558)

Subject to a right (in gross) to convey electricity over part Section 151 Waitara West District marked A and E, over part Section 64 Waitara West District marked B and D and over part Section 144 Waitara West District marked C all on DP 483142 in favour of Powerco Limited created by Easement Instrument 9982230.1 - 23.3.2015 at 3:04 pm

Identifier

914066

Subject to a right (in gross) to drain sewage, convey telecommunications and computer media over part Puketapu D Block marked A, over part Section 151 Waitara West District marked B and D, over part Section 64 Waitara West District marked C, over part Puketapu C2 Block marked E and G, over part Puketapu Roadway Block marked F, over part Puketapu B3 Block marked H, over part Puketapu B4 Block marked I, over part Puketapu B2 Block marked J and over part Puketapu A2 Block marked K all on DP 466084 in favour of New Plymouth District Council created by Easement Instrument 9960092.1 - 14.4.2015 at 10:18 am
10824292.1 Encumbrance to Her Majesty the Queen - 4.7.2017 at 1:54 pm (affects all parcels excluding Lot 2 DP 542558)
Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991 (affects DP 542558)
Land Covenant in Covenant Instrument 11824154.1 - 11.9.2020 at 3:59 pm

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Identifier

914066

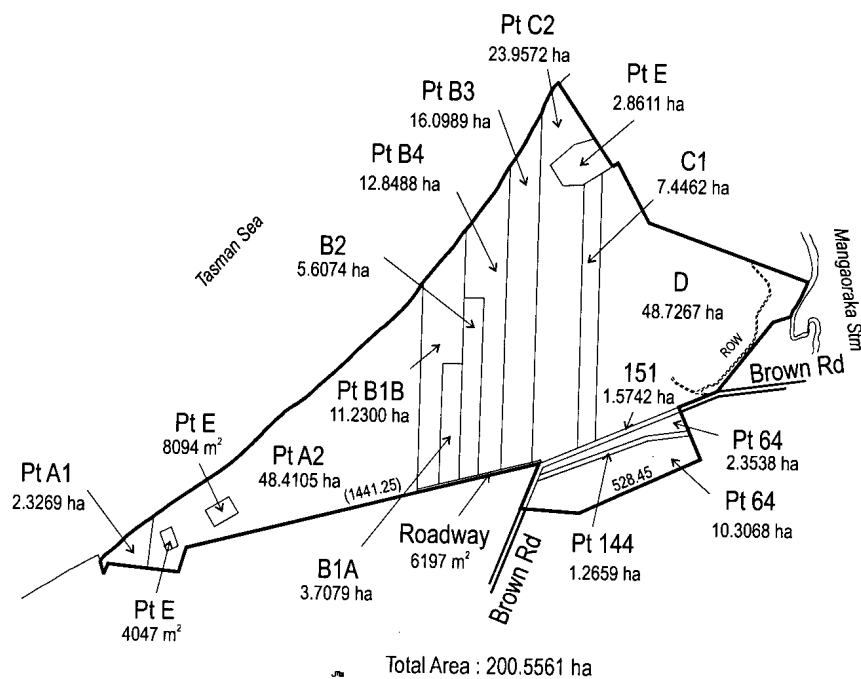
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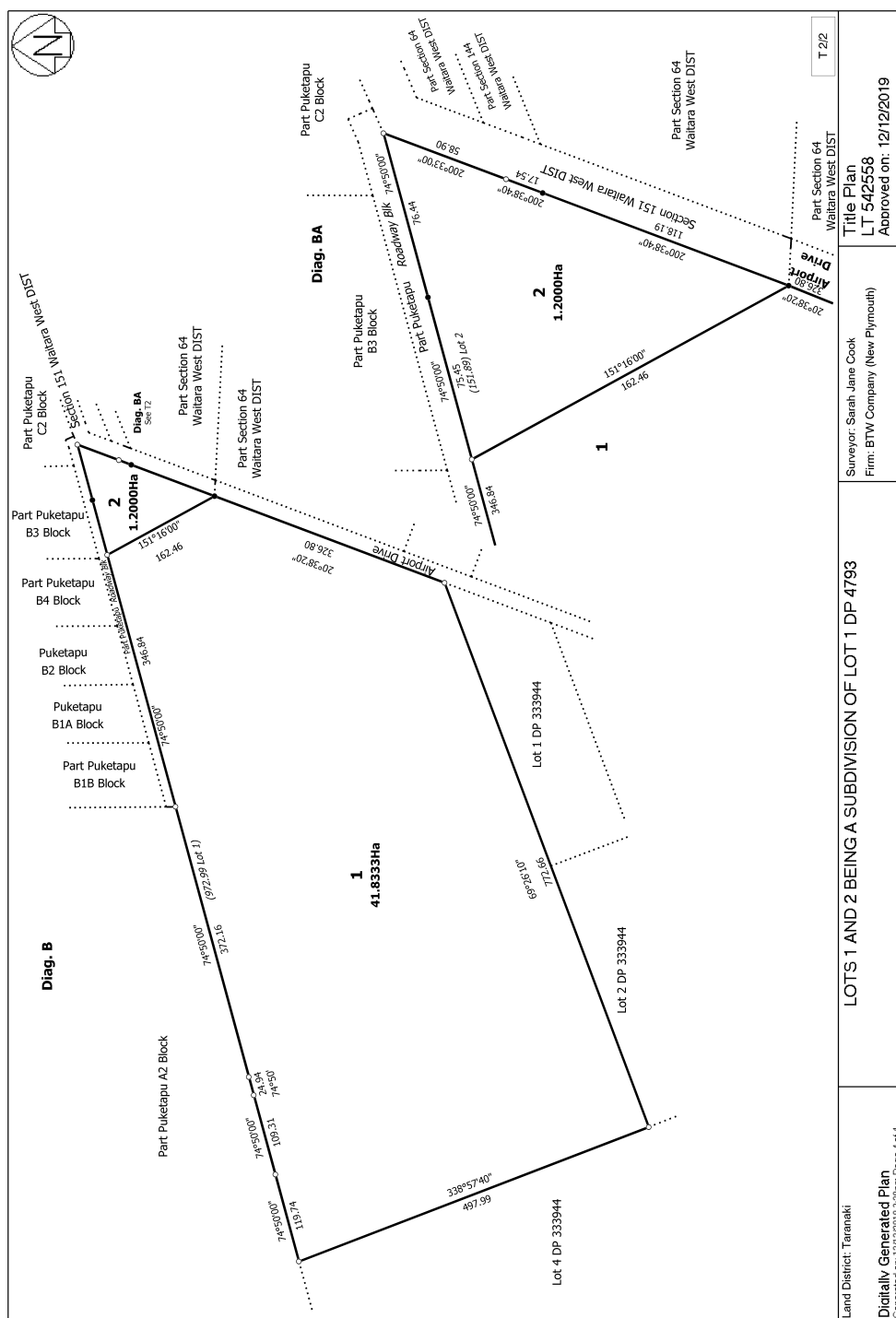
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GRANT OF ENCROACHMENT LICENCE - 28 CARRINGTON STREET, NEW PLYMOUTH

MATTER / TE WHĀINGA

1. The matter for consideration by Council is an application to enter into an Encroachment Licence with the Council for the purpose of occupying road reserve adjacent to 28 Carrington Street, New Plymouth.
2. The purpose of the Encroachment Licence application is to legitimise the applicant's occupation of road reserve.

RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

That having considered all matters raised in the report Council approves the application for an Encroachment Licence for 28 Carrington Street , New Plymouth subject to:

- a) **An initial licence term of twenty (20) years.**
- b) **Right of renewal for a further ten (10) years.**
- c) **Payment of an annual licence fee in accordance with Council Fees and Charges and Encroachments on Road Reserve Policy.**
- d) **The approval being subject to the licensee meeting all conditions of the Encroachment Licence (set out in Appendix 1)**

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Recommended: Approve the Encroachment Licence as most practicable option. 2. Not recommended: To not approve the Encroachment Licence.
Affected persons	The persons who are affected by or interested in this matter are the applicant and the Council.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No.

COMPLIANCE / TŪTOHU	
Significant Policy and Plan Inconsistencies	No.

EXECUTIVE SUMMARY / TOHUTOHU KAI WHAKAHAERE

3. The report recommends that Council approve the request from the applicant to enter into an Encroachment Licence agreement to occupy road reserve.
4. The encroachment licence will legitimise the applicant to occupy the road reserve totalling 68m²
5. The encroachment area includes part of the house and garage, therefore a licence term of 20 years with right of renewal for 10 years is proposed.

BACKGROUND / WHAKAPAPA

6. Council has an Encroachments on Road Reserve Policy for managing encroachment licences on road reserve. Council has delegated authority to Council officers to grant encroachment licences for a maximum of five years. Approval of a licence term exceeding five years must be made by Council resolution. This encroachment includes a permanent structure and therefore the applicant would need to occupy the space longer than five years. Due to the longer lease term Council approval is required.
 7. An encroachment on road reserve was discovered at 28 Carrington Street, New Plymouth via an application for a LIM report in December 2020. Investigation into the site discovered a garage and fence encroaching onto road reserve. Discussion with the owner indicated that he was wanting to remove all structures from the site and build within legal boundaries. Further discussions have taken place and this is no longer an option for the owner in the foreseeable future. The property was listed for sale in 2022 but has subsequently been taken off the market.
 8. The proposed encroachment licence will allow the applicant use of road reserve. Given the location of the land and its proximity to the main route access to Huatoki walkway New Plymouth District Council (NPDC) will not offer this land for sale.
-

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

9. There are no climate change implications for this proposal.

THREE WATERS REFORM IMPLICATIONS

10. There are no Three Waters Reform implications for this proposal.

NEXT STEPS / HĪKOI I MURI MAI

11. If approved, the next steps will be to complete the licensing process with the applicant and issue an Encroachment Licence for 20 years with a right of renewal for 10 more.
12. Council adopted P11-004 Encroachments on Road Reserve Policy. A copy of the policy is available on the Council's website.
13. This policy supports the provisions of the New Plymouth District Council Bylaw 2008 as the regulatory requirements for encroachment licences in New Plymouth District. The Policy provides principles guiding assessment of encroachments on road reserve.
14. Encroachments on road reserve should:
- a) Not significantly obstruct or adversely affect the safe and efficient passage of pedestrians or vehicles.
 - b) Not deter or inconvenience pedestrians or vehicles from using the adjacent public places.
 - c) Not significantly affect access to or use adjacent businesses and/or properties. Trade competition is excluded from consideration.
 - d) Not in terms of occupation and activity, extend beyond the boundaries of the approved licensed area.
 - e) Be of a design and location that complement the existing streetscape and any heritage values of the area.
 - f) Where possible provide benefit to the public.
 - g) Be the most appropriate option for the activity.
 - h) Not contradict any legal requirements and planning considerations.
 - i) Not interfere with the maintenance or utility carrying needs of the road reserve.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

15. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance as:
- a) There are no affected parties beyond the Council and Applicant.
 - b) No community beyond the residential property is affected by this proposal.
 - c) Financial or resourcing implications can be absorbed by application fees and the annual rental associated to the encroachment licence, should the licence be approved.

OPTIONS

Option 1

Approve Encroachment Licence for a term of 20 years

16. This option recommends the approval of an encroachment licence for 28 Carrington Street, New Plymouth. The applicant would be subject to meeting all requirements of the licencing process and complying with all conditions during the licence term.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

17. This option provides an ongoing financial return to Council, through charging the Licence and annual rental of \$1546.92 (GST inclusive) for the use of the road reserve defined in the licence area. Annual fees are determined by the existing Schedule of Fees and Charges and reviewed at three yearly intervals following rateable valuations.

Risk Analysis / Tātaritanga o Ngā Mōrearea

18. Approval of an Encroachment Licence would authorise the applicant to occupy road reserve. There is no identified legal risk associated to this proposal.

Promotion or Achievement of Community Outcomes / Te Tutuki o Ngā Whāinga ā-hāpori

19. The impose Encroachment contributes to the Delivery of the Community Outcome by understanding and balancing people's needs and wants through prudent delivery of quality infrastructure and services.

Statutory Responsibilities / Ngā Haepapa ā-ture

20. The application process and granting of an Encroachment Licence is guided by New Plymouth District Council Public Places Bylaw 2008, section 10 and consistent with the Councils powers under the Local Government Act 1974 Section 357.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

21. This option is consistent with the New Plymouth District Council Encroachments on Road Reserve Policy.

Participation by Māori / Te Urunga o Ngāi Māori

22. Council Officers held discussions with Iwi by phone on 9 January 2023. This discussion informed Iwi of the extent of the encroachment and the licence was to cover existing structures with no new additions. Discussion involved the existence of Waahi tapu sites outside the boundary of 28 Carrington Street on the east bank of the Huatoki Stream known as Alpha Flour Mill which is the site of the first flour mill built in Taranaki, in 1843. A second site called Paitawa is in the Huatoki River and marked by an information sign. This features a boundary marker (boulder) for traditional fishing boundaries. Both are outside the boundary of 28 Carrington Street, New Plymouth.
23. Iwi requested to view the report and this was emailed on 9 January 2023. A follow up email was sent on 11 January 2023. A further follow up phone call was made on 16 January 2023 to gauge response. No reply has been received to date.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

24. Council Officers have not canvassed the community for their views and preferences. It is not usual practice for Council to seek community views when applying the Encroachments on Road Reserve Policy.

Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga

25. The recommended option ensures that Council retains future flexibility around decision making over the use of the road reserve adjacent to 28 Carrington Street, New Plymouth and provides an annual return to Council.
26. Other residents who do not have the option for an Encroachment Licence, may consider allowing occupation of the road reserve to be unfair.
-

Option 2
To not approve an Encroachment Licence

27. This option does not authorise the approval of an Encroachment Licence to occupy Road Reserve. The applicant will need to remove structures from Road reserve.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

28. Not approving an Encroachment licence will resolve in a minor loss of potential income.

Risk Analysis / Tātaritanga o Ngā Mōrearea

29. The risk associated with not approving the Encroachment Licence is the applicant would have to remove all existing structures from Road Reserve at own cost.
30. The applicant might take legal action to defend the decision. Council would incur costs.

Promotion or Achievement of Community Outcomes / Te Tutuki o Ngā Whāinga ā-hāpori

31. There would be no change to community access of the Road Reserve in its current state.

Statutory Responsibilities / Ngā Haepapa ā-ture

32. These would be determined by future decision making around the use of the road reserve.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

33. Option two is not consistent with Council policy as the applicant meets eligibility and assessment criteria to have an Encroachment Licence according to the Encroachments on Road reserve Policy.

Participation by Māori / Te Urunga o Ngāi Māori

34. Council Officers held discussions with Iwi by phone on 9 January 2023. This discussion informed Iwi of the extent of the encroachment and the licence was to cover existing structures with no new additions. Discussion involved the existence of Waahi tapu sites outside the boundary of 28 Carrington Street on the east bank of the Huatoki Stream known as Alpha Flour Mill which is the site of the first flour mill built in Taranaki, in 1843.

- 35. A second site called Paitawa is in the Huatoki River and marked by an information sign. This features a boundary marker (boulder) for traditional fishing boundaries. Both are outside the boundary of 28 Carrington Street, New Plymouth.
- 36. Iwi requested to view the report and this was emailed on 9 January 2023. A follow up email was sent on 11 January 2023. A further follow up phone call was made on 16 January 2023 to gauge response. No reply has been received to date.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

- 37. Council Officers have not canvassed the community for their views and preferences. It is not usual practice for Council to seek community views when applying the Encroachments on Road Reserve Policy.

Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga

- 38. This option prevents the applicant from having the authorisation to occupy the road reserve adjacent to their property and he will be asked to remove all structures from within Road Reserve.

Recommended Option
This report recommends option one, approval of Encroachment Licence for addressing the matter.

APPENDICES / NGĀ ĀPITI HANGA

Appendix One	Draft Encroachment Licence between New Plymouth District Council and the Applicant (ECM 8907524)
Appendix Two	Site plan of Encroachment area (ECM 8907490)

Report Details	
Prepared By:	Shaun Ryan (Network Access Officer)
Team:	Transportation
Approved By:	Rui Leitao (Manager Transportation)
Ward/Community:	District wide
Date:	16 January 2023
File Reference:	ECM 8909767

-----End of Report -----



Te Kaunihera-ā-Rohe o Ngāmotu
NEW PLYMOUTH DISTRICT COUNCIL
newplymouthnz.com

ENCROACHMENT LICENCE

BETWEEN

NEW PLYMOUTH DISTRICT COUNCIL

and

[To Be Completed]

of

28 CARRINGTON STREET, NEW PLYMOUTH

ENC23/00309

7

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This Encroachment Licence dated this day of 20

PARTIES

- 1. **NEW PLYMOUTH DISTRICT COUNCIL**, a body corporate constituted under the Local Government Act 2002 (“Council”)
- 2. **[To be Completed] of 28 CARRINGTON STREET, NEW PLYMOUTH** (“Licensee”)

BACKGROUND

- A. The Licensee is the owner of the Licensee’s Land which is adjacent to the Licence Area.
- B. The Licence Area is road reserve administered by the Council.
- C. The Council requires the Licensee to enter into an encroachment licence to occupy the Licence Area for the purpose of a Structure, Fence and Landscaping.
- D. At the request of the Licensee, the Council has, in accordance with the Council’s policies on encroachment on road reserve, agreed to grant an encroachment licence (“the Licence”), to occupy the Licence Area on the terms set out in this Licence, including the Schedules.

GENERAL PROVISIONS

1. INTERPRETATION

In this Licence unless the context indicates otherwise:

1.1 Definitions:

- “Commencement Date” means the commencement date specified in Schedule 1;
- “Default Interest Rate” means the default interest rate specified in Schedule 1;
- “Expiry Date” means the expiry date specified in Schedule 1;
- “GST” means tax levied under the Goods and Services Tax Act 1985 and includes any tax levied in substitution for that tax;
- “Improvements” means any improvements made by the Licensee to the Licence Area;
- “Licence Area” means that area described in Schedule 1;
- “Licence Fee” means the licence fee specified in Schedule 1;
- “Licensee’s Land” means the land owned by the Licensee as described in Schedule 2;
- “Permitted Use” means the permitted use specified in Schedule 1;
- “Property” means the personal property of the Licensee placed on the Licence Area at any time;
- “Special Terms” means the special terms set out in Schedule 1; and

“Term” means the term of this Licence specified in Schedule 1 commencing on the Commencement Date and terminating on the Expiry Date.

[“Stormwater” means water run-off as a result of a rain event.]

- 1.2 **Defined Words and Expressions:** words and expressions defined in this Licence have the defined meaning in the whole of this Licence, including the Background and the Schedules.

2. TERM

- 2.1 The Term will commence on the Commencement Date and will end at 5.00pm on the Expiry Date, unless terminated sooner in accordance with this Licence.

- 2.2 For the avoidance of doubt, the Council is not obliged to grant the Licensee a further term after the Expiry Date.

3. LICENCE

- 3.1 The Council grants to the Licensee, and the Licensee accepts, the right to occupy the Licence Area for the purpose of the Permitted Use on the terms set out in this Licence.

- 3.2 The Licensee acknowledges that:

- (a) the grant of this Licence does not create a lease or any interest in the Licence Area or otherwise confer on the Licensee any rights of exclusive possession of the Licence Area, except as set out in the Licence; and
- (b) the Council will retain control and management of the Licence Area, subject only to the extent of the express provisions of this Licence.

- 3.3 This Licence is personal to the Licensee and is not transferable. If the Licensee transfers the Licensee’s Land to a third party, the Licensee will notify any third party (that wishes to occupy the Licence Area) of the requirement to apply to the Council for a new licence. The Licensee remains liable for the obligations under this Licence until terminated or a new Licence is entered into in respect of the Licence Area.

4. LICENCE FEE – NPDC ROADING AND ASSOCIATED FEES

- 4.1 The Licensee must pay to the Council the Licence Fee annually in advance with a first such payment due on the Commencement Date, without making any deduction from it or set off against it.
- 4.2 The Council may increase the Licence Fee, in accordance with the fees and charges (roading and associated fees) set by the Council from time to time, upon giving the Licensee not less than one (1) month’s written notice. The increased Licence Fee will be effective from the date set out in the notice. However, the Licence fee will not be increased more than once within a 12 month period.
- 4.3 If any moneys payable under this Licence remain unpaid for 7 days after the due date for payment, the Licensee will pay interest to the Council on any such amount at the Default Interest Rate calculated daily, and compounded monthly, from the due date for payment until the date of payment.

5. PAYMENTS

- 5.1 In addition to payment of the GST, the Licensee will pay any additional GST the Council may be required to pay as a result of the Licensee’s failure to pay when required.

- 5.2 If there is any dispute about any amount owing under this Licence, the Licensee will pay the undisputed amount by the due date for payment. Any disputes will be dealt with through the dispute resolution provisions in clause 10.

6. LICENSEE'S OBLIGATIONS

The Licensee will:

- 6.1 comply with all applicable statutes, bylaws, policies, regulations, rules and requisitions and district and regional plan rules in relation to the use of the Licence Area;
- 6.2 obtain and maintain all permits and consents necessary for the making of any (permitted) Improvements and/or the carrying out of the Permitted Use;
- 6.3 keep the Licence Area in good repair and in a tidy condition and free from all rubbish and weeds to the reasonable satisfaction of the Council;
- 6.4 on request, attend an annual inspection of the Licence Area with an authorised Council officer, in order to monitor and discuss the Council's satisfaction with the performance of the Licensee's obligations under this Licence;
- 6.5 permit any persons authorised by the Council, to enter upon the Licence Area at all reasonable times, (and immediately in the case of an emergency), for the purpose of, undertaking works, inspection and/or all other reasonable purposes;
- 6.6 comply with all reasonable instructions or requests from the Council in respect of the Licence Area and conduct themselves in a professional and appropriate manner to the satisfaction of the Council's Manager Transportation.

The Licensee will not:

- 6.7 use the Licence Area for any purpose other than the Permitted Use without the prior written consent of the Council;
- 6.8 use the Licence Area, or permit the Licence Area to be used, for any activity that is, or that may become, in the opinion of the Council, dangerous, offensive, noxious, noisy, illegal or immoral, or a nuisance or annoyance to the Council or to the owner or occupier of any neighbouring property;
- 6.9 place, leave, erect, construct, maintain or permit to be placed, left, erected, constructed or maintained on the Licence Area, any material or thing, whether mobile or immobile that the Council considers is likely to:
 - (a) constitute a danger to people; or
 - (b) obstruct access to adjoining properties;
- 6.10 interfere with, or permit persons using the Licence Area to interfere with the free passage of pedestrians/other road users on the road reserve adjacent to the Licence Area;
- 6.11 interfere with the maintenance of utility carrying needs of the Licence Area;
- 6.12 make any improvements or otherwise do anything to the Licence Area without first obtaining the prior written consent of the Council;
- 6.13 extend its occupation or activities beyond the Licence Area.

7. INDEMNITY AND LIABILITY

- 7.1 The Licensee indemnifies the Council in respect of any claims, loss, damage or expense suffered or incurred by the Council of whatsoever nature arising directly or indirectly from the Licensee's use of the Licence Area.
- 7.2 Without limiting clause 7.1, the Licensee will be liable for any damage caused to the footpath or road in the vicinity of the Licence Area or any of the Council's property as a result of the Licensee's use of the Licence Area; any such damage will be remedied by the Council at the cost of the Licensee, payable to the Council on demand.
- 7.3 The Licensee agrees to use the Licence Area entirely at its own risk and the Council will not be liable for any damage occurring to the Licensee's Land, Property or Improvements arising from theft, fire, vandalism, natural causes or otherwise.

8. TERMINATION

- 8.1 **The Licensee** may terminate this Licence on giving one (1) month's notice in writing to the Council.
- 8.2 The Council may, by the giving of written notice to the Licensee in accordance with the relevant provisions of the Property Law Act 2007, terminate this Licence if:
 - (a) the Licence Fee has been in arrears for more than 10 working days; or
 - (b) the Licensee breaches any other term of this Licence.
- 8.3 Termination of this Licence does not affect the rights or liabilities of the parties that have accrued prior to termination (including, without limitation, the liability to pay the Licence Fee).
- 8.4 No compensation will be payable by the Council to the Licensee on the termination of this Licence.

9. PROPERTY AND IMPROVEMENTS ON TERMINATION

- 9.1 At the Expiry Date, or earlier termination, of this Licence, the Licensee must immediately, if required by the Council, remove all Property and any Improvements from the Licence Area and reinstate the area. Any damage to the Licence Area caused by the removal of the Property and Improvements will be remedied by the Council at the cost of the Licensee, payable to the Council on demand.
- 9.2 If the Licensee fails to comply with clause 9.1, the Council may remove the Licensee's Property and any Improvements from the Licence Area and repair any damage caused by that removal. In that case the Licensee must pay to the Council, on demand, all costs incurred by the Council in doing so.

10. DISPUTE RESOLUTION

- 10.1 If any dispute arises between the parties relating to this Licence, unless agreed otherwise, the parties will attempt to resolve the dispute by informal dispute resolution techniques for at least 21 days from the day that a party receives written notice of the dispute from the other party. This clause does not prevent the parties from otherwise exercising their rights under this Licence.
- 10.2 If the parties are unable to resolve the dispute under clause 10.1, then either party may by written notice to the other refer the dispute for resolution in accordance with this clause.
- 10.3 The dispute shall first be referred to a mediator. If the parties are unable within 14 days of receipt of the notice of referral to agree upon a mediator then each party may request the President for the time being of the New Zealand Law Society to appoint one for them.

- 10.4 Following the appointment of a mediator, the parties shall continue to attempt to resolve the dispute with the mediator’s assistance. Each party shall pay one half share (or any agreed proportion) of the mediator’s costs and disbursements. If after 21 days no agreement has been reached then either party may thereafter by written notice refer the dispute to Arbitration.
- 10.5 The Arbitration shall be carried out in accordance with the provisions of the Arbitration Act 1996.
- 11. **GENERAL**
 - 11.1 **Council as land administering body:** The Licensee acknowledges that this Licence is entered into by the Council in its non-regulatory capacity. The Council will not be liable to the Licensee or any other party if, in its regulatory capacity, the Council declines or imposes conditions on any consent or permission that the Licensee or any other party seeks for any purposes associated with this Licence.
 - 11.2 **Amendment:** No amendment to this Licence will be effective unless it is in writing and signed by both parties.
 - 11.3 **Survival:** Any provision of this Licence which expressly or by implication is intended to come into or remain in force on or after termination will continue in full force and effect notwithstanding any such termination.
 - 11.4 **Costs:** The Licensee will pay all legal costs incidental to the preparation, and/or variation of this Licence and all legal costs incidental to the enforcement or attempted enforcement of the Council’s rights and powers under this Licence.
 - 11.5 **Notices:** Any notice required or authorised to be delivered under this Licence may be delivered in any manner mentioned in Part 7 of the Property Law Act 2007 to the contact details specified in Schedule 1.

SIGNED on behalf of
NEW PLYMOUTH DISTRICT COUNCIL by: RUI LEITAO, MANAGER TRANSPORTATION

under delegated authority

SIGNED by {To be Completed}
as Licensee

SCHEDULE 1**REFERENCE SCHEDULE**

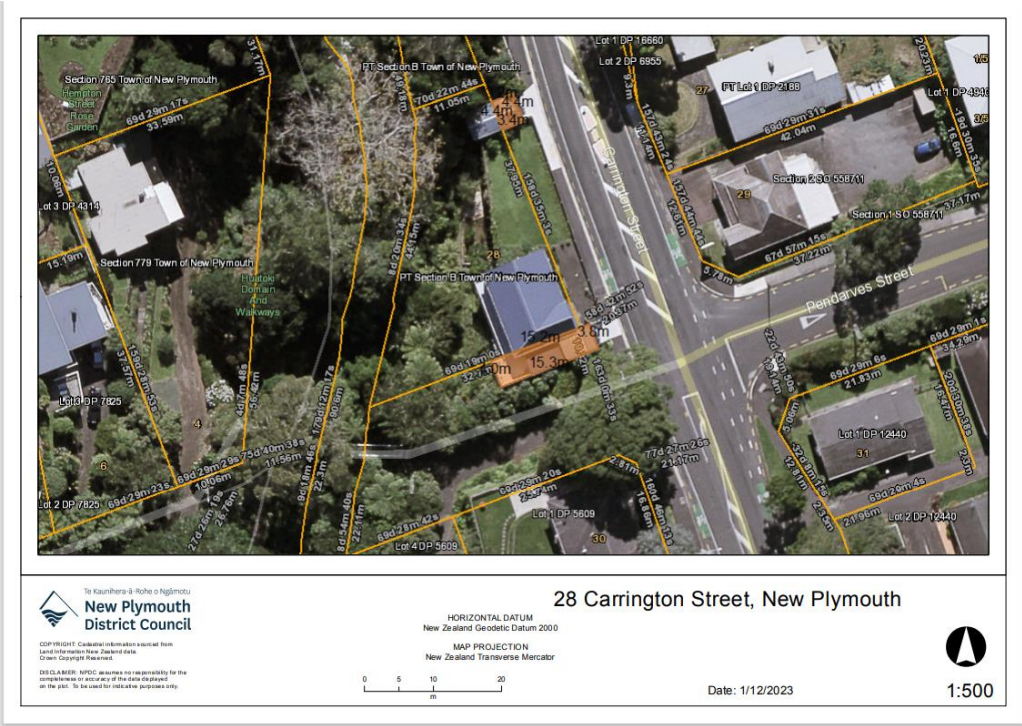
LICENCE AREA	That part of Carrington Street, New Plymouth adjacent to 28 Carrington Street, New Plymouth, as described in Schedule 2 and as shown on the Plan attached to Schedule 3.
COMMENCEMENT DATE:	day of 20
EXPIRY DATE:	day of 20
LICENCE FEE:	\$1546.92 per annum (incl GST)
DEFAULT INTEREST RATE:	Westpac New Zealand Limited's floating interest rate for businesses plus [5%] calculated daily and compounded monthly.
PERMITTED USE:	Garage space, Fencing and garden/lawn encroachment
SPECIAL TERMS:	1. The Licensee will ensure that hedges and plants are not planted or permitted to become established along any fence line within the Licence Area and that the area is kept weed free. 2. Any fence erected within the Licence Area must be erected on a line approved by the Council or its approved agent. 3. The Licensee is responsible for the ongoing maintenance costs of Improvements on the Licence Area. 4. The Licensee must make adequate provision for Stormwater coming from the Licence Area, to the satisfaction of the Council, to ensure that it will not adversely impact on any adjoining or other properties. 5. The Licensee shall ensure that no plants with a deep root system are planted or permitted to become established within the section of the Licence Area over the sewer lateral or water service pipe, to avoid plant roots growing into the sewer lateral or water service pipe and causing blockages.
COUNCIL'S CONTACT DETAILS:	Civic Centre, Liardet Street, New Plymouth 4342
LICENSEE'S CONTACT DETAILS:	[To be Completed]

SCHEDULE 2

AREA and FEES

Licence No:	ENC23/00309
Licensee:	[To be completed]
Physical location of Licensee’s Land:	28 Carrington Street, New Plymouth
Property ID:	14013
Legal Description:	PT SEC B TOWN OF NEW PLYMOUTH
Record of Title:	
Details of Encroachment Area and calculation of Licence Fee:	68 M² \$1643.60 (incl GST)

SCHEDULE 3
PLAN



7



Te Kaunihera-ā-Rohe o Ngāmotu
NEW PLYMOUTH DISTRICT COUNCIL
newplymouthnz.com

When replying please quote: - ENC23/00309
Property ID: 14013

5 January 2023

[To be completed]
No associations of Trading Name are linked to this application
28 Carrington Street
NEW PLYMOUTH 4310

Dear Sir/Madam

LICENCE TO OCCUPY ROAD RESERVE

We refer to your request to Road - Structure and fence and landscape at 28 Carrington Street NEW PLYMOUTH 4310.

Please find **enclosed** two copies of this licence which require your signature.

When each copy has been signed in the appropriate places and each page initialled, please return both copies to the Council.

When the signing process is complete we will forward a copy of the licence to you for your records.

Yours faithfully

Shaun Ryan
Network Access Officer



Te Kaunihera-ā-Rohe o Ngāmotu

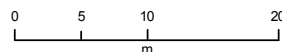
**New Plymouth
District Council**

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DISCLAIMER: NPDC assumes no responsibility for the
completeness or accuracy of the data displayed
on the plot. To be used for indicative purposes only.

HORIZONTAL DATUM
New Zealand Geodetic Datum 2000

MAP PROJECTION
New Zealand Transverse Mercator



28 Carrington Street, New Plymouth



Date: 1/12/2023

1:500

PROPOSED ROAD STOPPING AND SALE TO ADJOINING OWNER – UNFORMED LEGAL ROAD – 12 VICTORIA ROAD, NEW PLYMOUTH

MATTER / TE WHĀINGA

1. The matter for consideration by Council is a recommendation seeking approval to declare part of Victoria Road comprising 146m² (the Land) as surplus road and stop the Land as road pursuant to the Local Government Act 1974 (LGA) and subject to no objections to the stopping, sell the Land to the Applicants by way of title amalgamation.

RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

That having considered all matters raised in the report, Council:

- a) **Approves pursuant to Section 342 and 10th Schedule of the Local Government Act 1974, initiating the stopping as road of the Land.**
- b) **Subject to and conditional upon the successful completion of the statutory road stopping process, approves the sale of the Land by way of standard conveyance and title amalgamation to the Applicants (Record of Title TNG2/98 – located at 12 Victoria Road, New Plymouth) at market value plus associated costs including valuation, survey, accredited agent's costs and legal costs. The Applicants have agreed to meet costs.**
- c) **Authorises the Chief Executive to conclude all matters in relation to the road stopping and disposal of the Land, including, without limitation, issuing relevant public notice, should no public objection be received to proceed to declare the road stopped, secure a fee simple title to the Land and to authorise the Property Manager to effect all terms of sale of the Land.**
- d) **Notes that if any objection(s) are received to statutory public notice to stop the affected area of road, that a further report will be submitted for consideration of any objection(s) and a decision as to whether, or not, to proceed with an application to the Environment Court to stop the road.**

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of some importance
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: Recommended: Declare the Land as surplus road and stop the Land as road pursuant to the Local Government Act 1974 and subject to no objections to the stopping to sell the land to the Applicants. Not Recommended: Decline to stop the road.
Affected persons	The persons who are affected by or interested in this matter are the adjoining owners of Victoria Road, the public and the local hapū.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY / WHAKARĀPOPOPTOTANGA MATUA

- The Applicants have made an application to Council to purchase the Land.

BACKGROUND / WHAKAPAPA

Request for road-stopping by the Applicants

- The Applicants currently occupy, use and maintain the Land, and they wish to purchase the Land.
- The Applicants have a garage within the road reserve. Stopping and sale of road reserve is the preferred procedure for accommodating buildings and structures of a permanent nature on road reserves and is consistent with Council's Policy on Road Encroachments that provides:

'Council generally considers 'road stopping' (where the applicant purchases unformed legal road) to be the preferred procedure for accommodating buildings and structures of a permanent nature on road reserve. 'Road stopping' is preferred to an encroachment licence due to the longevity of the building or structure in relation to the primary purpose of the road reserve and its potential future use.'

5. The Land provides the only access to the Applicants' property which is via an elevated concrete walkway. The applicants' own the single garage which is fully within the road reserve (see Figure two).
6. Council's Transportation Team has indicated that it does not require the Land for road purposes and is supportive of the stopping and sale of the Land to the Applicants. The Land is also not required for public access or services now or in the future.

Description of the unformed road to be stopped and sold

7. The Applicants, who seek to have the affected road stopped, own the property adjacent to the Land as shown in Figure one below.
8. The Land is mostly a steep bank (see figure two) and provides foot access to the property at 12 Victoria Road, no other properties use this portion of road reserve for access.



Figure one: Road to be stopped shown outlined in red



Figure Two: Showing the applicants garage and access which is currently within road reserve

Applicants' Agreement to Purchase and meet costs

9. The Applicants' have agreed (conditional upon road stopping) to purchase the Land at market valuation and to pay for the associated costs including valuation, survey, LINZ accredited agents costs and legal costs.

Title Amalgamation Condition

10. The Land will be amalgamated with the Applicants' existing title (Record of Title TNG2/98) as a standard condition of sale in the Agreement for Sale and Purchase.

Statutory Provisions

11. The Land, being part of Victoria Road, is local legal road vested in Council pursuant to the provisions of Section 316(1) of the Local Government Act 1974.
12. Council may, subject to compliance with all statutory processes, declare a road stopped and deal with the stopped road pursuant to Section 319(1)(h), Sections 342, 345 and Schedule 10 of the Local Government Act 1974.
13. The sale of the Land is conditional upon successful completion of the road stopping process as Council cannot bind itself in advance.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

14. There are no known climate change implications for this road stopping.

THREE WATERS REFORM IMPLICATIONS

15. No three waters reform implications have been identified, this matter does not affect any provisions of any water services.

NEXT STEPS / HĪKOI I MURI MAI

16. The process to undertake the road stopping will be undertaken in accordance with the statutory requirements of the 10th Schedule of the Local Government Act 1974 including the following actions:
- a) Council, at the Applicants' cost, will procure a Cadastral survey and a Survey Office Plan of the Land, and lodge this plan for approval with Toitū te Whenua Land Information New Zealand. That plan will include any easements or other interests that may need to be created and noted on the title to the Land on disposal.
 - b) Council will undertake the statutory public notice and will also provide a copy of public notice and legalisation plan to neighbouring properties and affected Hapū.
 - c) The public notice requirement provides an opportunity for any member of the public to make representation or object to the road stopping. If objections are received they will be reported back to Council for consideration. Any objections if not up-held up by Council, will be determined by the Environment Court not Council.
17. All costs associated with the road stopping (including survey plan and public notification) are to be paid by the Applicants. The Applicants have requested that this initial Council approval be granted to commence the road stopping process and if no objections are submitted that they are able to purchase the stopped road.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

18. In accordance with Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because there is little impact on the district and community.
19. Stopping and selling the Land to the Applicants has been identified as the most practicable solution to enable the Applicants to secure guaranteed private title ownership of the Land and to formalise the current practical use and occupation of the Land.
20. The proposal does not impact on Council's statutory purpose or obligations and has no impact on levels of service or public use of Victoria Road as a public highway for the common use of the public.
-

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21. The only parties who are able to purchase unformed road parcels of this type are the adjoining owners.
 22. The Land cannot be stopped and sold to a third party as it does not meet the minimum lot size in the district plan and also provides the only access to the property at 12 Victoria Road.
 23. If the road stopping is unsuccessful, the Land will remain as legal road, but if successfully stopped, and sold to the applicants the consequential freehold Record of Title secured by Council will be amalgamated with their existing land title.
 24. Council has consulted in advance with Ngati Te Whiti Hapū on this road stopping application. This is discussed further within the report.

OPTIONS

Option 1 Recommended: Declare the Land as surplus road and stop the Land as road pursuant to the Local Government Act 1974 and subject to no objections to the stopping to sell the Land to the Applicants.

Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi

25. There are no financial implications for Council with this option. The stopping and sale of the Land is based on an independent market valuation with the Applicants meeting all costs associated with the process.
26. The road stopping will generate revenue from the sale of the land. Section 103 of the Local Government Act 2002 – states that proceeds from asset sales are to be used for funding operating or capital expenditure and will be applied in accordance with Council's Revenue and Financing Policy.
27. Council's Revenue and Financing Policy states '*NPDC will use proceeds from asset sales as an appropriate source for purchasing assets, building a reserve for the future purchase of assets, or retiring debt.*'

Risk Analysis / Tātaritanga o Ngā Mōrearea

28. No risks have been identified with this option.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

29. This option meets the Community Outcome of Prosperity by providing the Applicants certainty of tenure and legal title ownership of the unformed road that currently adjoins, and practically forms part of their property.
-

Statutory Responsibilities / Ngā Haepapa ā-ture

30. The road stopping will be undertaken in accordance with the statutory provisions of the Local Government Act 1974. The section of stopped road is to be amalgamated with the land in Computer Freehold Record of Title TNG2/98, and any easements or other required interests registered against the amalgamated title.
31. Council has a statutory obligation to proceed with this road stopping as it has been assessed that there is no requirement for the road in question to remain open for any current/future access or infrastructure purpose.
32. Council is obligated to administer roads in accordance with the provisions of the Local Government Act, which includes the processing of road stopping applications.
33. There is a legal risk if the Council does not approve initiating the road stopping process due to matters that are not related to the need for the road.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

34. This option is consistent with the Blueprint Key Directions of Growth – Direct a cohesive growth strategy that strengthens the city and township. It has identified land not required for its original infrastructure purpose (road).

Participation by Māori / Te Urunga o Ngāi Māori

35. As part of administering road stoppings under the Local Government Act 1974 Council does not have an obligation to separately consult with hapū on road stoppings however in accordance with Council's obligations under the Local Government Act 2002, Council consults with hapū on all road stopping proposals.
36. As administering body for roads, Council is only able to consider any issues related to access to significant sites that hapū may have. Council is not able to consider any historic land claims or settlement matters between hapū/iwi and the Crown.

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37. Council consulted Ngati Te Whiti hapū in writing on 22 September 2022 and 13 December 2022, informing them of the proposed road stopping and the process Council must follow under the Local Government Act 1974, and asking if there was any further information regarding access or significant site relevant to the subject road stopping. We advised that the matter will be going before Council in the meeting round starting 7 February 2023. No response from hapū has been received to date. No access issues or significant sites have been raised. Council officers have assessed the application and cannot identify any reason why the road is required now or in the future for any statutory or other public purpose. The road in question does not provide access to a waterbody or reserve and there is no identified waahi tapū. Council therefore has a statutory responsibility to progress the application for a decision by the Elected Council.
38. A copy of this report has been provided to both hapū along with information on how to make a deputation at a meeting.
39. If approved by Council we will provide hapū with the public notice. It is at this stage hapū would have the opportunity to formally object to the road stopping. Any objections, if not up-held up by the Council, will then be determined by the Environment Court.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

40. The stopping will be subject to statutory public notice, which will provide the opportunity for a public process.

Advantages and Disadvantages

41. The advantages of this option, are that it:
- a) Enables Council to dispose of an unformed legal road that is not required for future road functional purposes.
 - b) Does not affect the status quo of the remainder of Victoria Road for public access passage.
 - c) Has no financial implication to Council because the Applicants are required to meet all costs associated with the road stopping and sale.
 - d) Provides revenue.
42. No disadvantages have been identified.
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Option 2 Not Recommended: Decline to stop the road

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

43. Council will forgo the receipt of potential land proceeds and receiving the benefit of the applicants meeting the processing costs.

Risk Analysis / Tātaritanga o Ngā Mōrearea

44. The Applicants would have the opportunity to refer the decision not to stop a road to the Courts for review. The Courts then have the opportunity consider if Council considered the issues relevant to the need for the land to remain as road in reaching its decision. In this case the section of road to be stopped is not presently required for access purposes by the public and is unlikely to be required in the future.
45. There is a legal risk if Council does not approve initiating a road stopping based on the fact the Transportation Team clearly indicate the land is not required for road and prima facie is surplus as land held for a public work.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

46. This option does not promote any community outcomes.

Statutory Responsibilities / Ngā Haepapa ā-ture

47. There are no statutory responsibilities relating to these options. However, there is a legal risk for Council if Council declines initiating the road stopping process due to matters that are not related to the need for the road.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

48. This option is not consistent with Council's Encroachment Policy. If declined Council will have to negotiate an Encroachment Licence.

Participation by Māori / Te Urunga o Ngāi Māori

49. There has been no participation with Māori in relation to these options as it maintains the status quo.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

50. The Applicants' preference is the first option. Community views and preferences will be tested with the first option to stop and sell the affected area of road.
-

Advantages and Disadvantages

51. No advantages have been identified with this option.
52. The disadvantages identified with this option are that it:
- a) Forgoes revenue that could be applied towards debt reduction.
 - b) Results in Council retaining the affected area of unformed legal road that is not required for future road purposes.

Recommended Option

This report recommends option 1 for addressing the matter.

Report Details

Prepared By:	Dee Jury (Property Officer)
Team:	Property Team
Approved By:	Laura Keenan (Property Manager)
Ward/Community:	District wide
Date:	13 December 2022
File Reference:	ECM 8902418

-----*End of Report*-----

PROPOSED ROAD STOPPING AND SALE TO ADJOINING OWNER – UNFORMED LEGAL ROAD – 57 MURRAY STREET, BELL BLOCK

MATTER / TE WHĀINGA

1. The matter for consideration by Council is further information in relation to the recommendation seeking approval to declare part of Murray Street comprising 870m² (subject to survey) (the **Land**) as surplus road and stop the Land as road pursuant to the Local Government Act 1974 (**LGA**) and subject to no objections to the stopping to sell the Land to the Applicants by way of title amalgamation.

RECOMMENDATION FOR CONSIDERATION/ NGĀ WHAIKUPU **That having considered all matters raised in the report, Council:**

- a) **Uplifts the matter of the Proposed Road Stopping and Sale to Adjoining owner at 57 Murray Street from the table.**
- b) **Approves pursuant to Section 342 and 10th Schedule of the LGA initiating the stopping as road of the Land.**
- c) **Subject to and conditional upon the successful completion of the statutory road stopping process, approves the sale of the Land by way of standard conveyance and title amalgamation to the Applicants (TNC1/178 – located at 57 Murray Street, Bell Block) at market value plus associated costs including valuation, survey, accredited agent's costs and legal costs. The Applicants have agreed to meet costs.**
- d) **Authorises the Chief Executive to conclude all matters in relation to the road stopping and disposal of the Land, including, without limitation, issuing relevant public notice, should no public objection be received to proceed to declare the road stopped, secure a fee simple title to the Land and to authorise the Property Manager to effect all terms of sale of the Land.**
- e) **Notes that if any objection(s) are received to statutory public notice to stop the affected area of road, that a further report will be submitted for consideration of any objection(s) and a decision as to whether or not to proceed with an application to the Environment Court to stop the road.**

COMPLIANCE/ TŪTOHU	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: Recommended: Declare the Land as surplus road and stop the Land as road pursuant to the LGA and subject to no objections to the stopping to sell the land to the Applicants. Not Recommended: Decline to stop the road.
Affected persons	The persons who are affected by or interested in this matter are the adjoining owners of Murray Street, the public and the local hapū.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY / TOHUTOHU KAI WHAKAHAERE

- On 22 November 2022 Council considered the initial report dated 1 November 2022 and resolved that the matter lie on the table until the next meeting round to investigate if the Land could be retained as a separate Lot and used by Council or sold to a third party on the open market. Council does not have any plans to redevelop the Land for its own purposes, e.g. for housing, parks or similar purposes. Even if Council had plans to use the Land, it would not be able to stop the road and hold the Land for its own purposes, as this would require the adjacent owner's consent, which is unlikely obtainable, given the adjacent owner has applied to purchase the Land and uses the Land for access.
- Council has certain rights to stop road and dispose of the land stopped as road under the LGA as set out in more detail in this report. These rights do not include the right to stop road following an application by an adjacent owner and sell the Lot so created on the open market. The only possible disposal of the Land under the circumstances is to the adjacent owner, being the applicant.

BACKGROUND / WHAKAPAPA

Request for road-stopping by the Applicants

4. The Applicants currently use the Land for access and maintain the Land.
5. The Applicants wish to purchase the Land.
6. The Land is:
 - a) not formed road,
 - b) not required for public access (other than for 57 Murray Street)
 - c) not required for future roading
 - d) not required for infrastructure purposes or services

and therefore, the preference is to stop the Land as road and sell the Land to the Applicants.

7. Upon receipt of a road stopping application, under sections 342, 345 and Schedule 10 of the LGA, Council has to decide whether to stop the road as road and sell it to the adjacent owner. If the land is not required for road, the Council should proceed with the application to dispose of the land to the adjacent owner in accordance with its own policy and following the process set out in Schedule 10 of the LGA.
8. Council's Transportation Team has indicated that it does not require the land for road purposes and is supportive of the stopping and sale of the Land to the Applicants.

Can Council consider this Land for its own purposes in this instance?

9. Once stopped as road, Council has no choice but to dispose of the land under section 345 of the LGA:
 - a) It can dispose of the land to the adjoining owners, or if they do not want to purchase it;
 - b) Council may sell it by way of a public disposal process.
 - c) Council may also use the land for any purpose to which Council may apply at law. However practically, Council would need to publicly notify the stopping and any objections would be referred to the Environment Court. Generally, the Court will be concerned to uphold public rights in the road (including rights of frontager access and passage) and will require good "public" reasons for stopping.

10. Council administers any land held as road as the administering body for roads. The land is vested in Council by the Crown as road pursuant to section 316 of the LGA. Council's main obligation in respect of road is best summarised as the obligation to ensure free right of passage over roads.
11. Council's main consideration in assessing whether a road may be stopped is whether or not the land is required to be held as road. It has been determined that this land is not required to be held as road now or in the future.
12. Currently, services to the adjacent property owned by the applicant run through the Land. Council has previously enquired whether it may be able to require the relocation of these services and redevelop the Land as residential land or otherwise itself.
13. Council has no rights to require the relocation of existing access or services arrangements to private property, other than for example as regulator as part of the assessment of a subdivision. In this particular road stopping application, Council does not have the right to require that an existing property access should be reconfigured.
14. Therefore, it would not be possible or reasonable for Council to consider its own potential use of any particular part of a road upon application to stop the road by an adjacent owner.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

15. There are no known climate change implications for this road stopping.

THREE WATERS REFORM IMPLICATIONS

16. No three waters reform implications have been identified, this matter does not affect any provisions of any water services.

NEXT STEPS / HĪKOI I MURI MAI

17. The process to undertake the road stopping will be undertaken in accordance with the statutory requirements of the 10th Schedule of the LGA.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

18. In accordance with Councils Significance and Engagement Policy, this matter has been assessed as being of some importance because there is little impact on the district and community.
19. The proposal does not impact on Councils statutory purpose or obligations and has no impact on levels of service or public use of Murray Street as a public highway for the common use of the public.

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20. Council has consulted in advance with Puketapu Hapū on this road stopping application. This is discussed further within the report.

OPTIONS

Option 1

Recommended: Declare the Land as surplus road and stop the Land as road pursuant to the Local Government Act 1974 and subject to no objections to the stopping to sell the land to the Applicants.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

21. There are no financial implications for NPDC with this option. The stopping and sale of the Land is based on an independent market valuation with the Applicants meeting all costs associated with the process.
22. The road stopping will generate proceeds from the sale. Council Revenue and Financing Policy states proceeds from asset sales will be used for purchasing assets, building reserve for the future purchase of assets, or retiring debt.

Risk Analysis/ Tātaritanga o Ngā Mōrearea

23. No risks have been identified with this option.

Promotion or Achievement of Community Outcomes / Te Tutuki o Ngā Whāinga ā-hāpori

24. This option meets the Community outcome of Prosperity by providing the Applicants certainty of tenure and legal title ownership of the unformed road that currently adjoins, and practically forms part of, their property.

Statutory Responsibilities / Ngā Haepapa ā-ture

25. The road stopping will be undertaken in accordance with the statutory provisions of the LGA. The section of stopped road is to be amalgamated with the land in Computer Freehold Record of Title TNC1/178, and any easements or other required interests registered against the amalgamated title.
26. Council has a statutory obligation to proceed with this road stopping for a council decision as it has been assessed that there is no requirement for the road in question to remain open for any current/future access or infrastructure purpose.
27. Council is obligated to administer roads in accordance with the provisions of the LGA, which includes the processing of road stopping applications.
-

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28. There is a legal risk if Council does not approve initiating the road stopping process due to matters that are not related to the need for the road.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

29. This option is consistent with the Blueprint Key Directions of Growth – Direct a cohesive growth strategy that strengthens the city and township. It has identified land not required for its original infrastructure purpose (road).

Participation by Māori / Te Urunga o Ngāi Māori

30. As part of administering road stoppings under the Local Government Act 1974 Council does not have an obligation to separately consult with hapū on road stoppings however, in accordance with Council's obligations under the Local Government Act 2002, Council consults with hapū on all road stopping proposals.
31. As administering body for roads, Council is only able to consider any issues related to access to significant sites that hapū may have. Council is not able to consider any historic land claims or settlement matters between hapū/iwi and the Crown.
32. Council consulted Puketapu hapū in writing on 10 October 2022, informing them of the proposed road stopping and the process Council must follow under the Local Government Act 1974, and asking if there was any further information regarding access or significant site relevant to the subject road stopping. A response was received and no access issues or significant sites have been raised. Council officers have assessed the application and cannot identify any reason why the road is required now or in the future for any statutory or other public purpose. The road in question does not provide access to a waterbody or reserve and there is no identified waahi tapū. Council therefore has a statutory responsibility to progress the application for a decision by the Elected Council.
33. A copy of the initial report has been provided to hapū.
34. If approved by Council we will provide hapū with the public notice. It is at this stage hapū would have the opportunity to formally object to the road stopping. Any objections, if not up-held up by the Council, will then be determined by the Environment Court.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

35. The stopping will be subject to statutory public notice, which will provide the opportunity for the public to provide their views and preferences.
-

Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga

36. The advantages of this option, are that it:
- a) Enables Council to dispose of an unformed legal road that is not required for future road functional purposes.
 - b) Enables the underutilised legal road to be available for a more productive use – i.e. future residential.
 - c) Does not affect the status quo of the remainder of Murray Street for public access passage.
 - d) Has no financial implication to Council because the Applicants are required to meet all costs associated with the road stopping and sale.
 - e) Provides revenue.
37. No disadvantages have been identified.

Option 2

Not Recommended: Decline to stop the road

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

38. Council will forgo the receipt of potential land proceeds.

Risk Analysis / Tātaritanga o Ngā Mōrearea

39. The Applicants would have the opportunity to refer the decision not to stop a road to the Courts for review. The Courts then have the opportunity to consider if Council considered the issues relevant to the road stopping in reaching its decision. In this case the section of road to be stopped is not presently required for access purposes by the public and is unlikely to be so required in the future.
40. There is a legal risk if Council does not approve initiating a road stopping based on the fact the Transportation Team clearly indicate the land is not required for road and prima facie is surplus as land held for a public work.

Promotion or Achievement of Community Outcomes / Te Tutuki o Ngā Whāinga ā-hāpori

41. This option does not promote any community outcomes.
-

Statutory Responsibilities / Ngā Haepapa ā-ture

42. There are no statutory responsibilities relating to these options. However, there is a legal risk if Council declines initiating the road stopping process due to matters that are not related to the need for the road.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

43. This option is not consistent with Council Encroachment Policy.

Participation by Māori / Te Urunga o Ngāi Māori

44. There has been no participation with Māori in relation to this options as it maintains the status quo.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

45. The Applicants preference is the first option. Community views and preferences will be tested with the first option to stop and sell the affected area of road.

Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga

46. No advantages have been identified with this option.
47. The disadvantages identified with this option are that it:
- a) Results in Council retaining and maintaining the affected area of unformed legal road that is not required for future road purposes.
 - b) Limits the future use of the land to use for roading purposes only.
 - c) Forgoes revenue that could be applied towards debt reduction.

Recommended Option

This report recommends option 1 for addressing the matter.

APPENDICES / NGĀ ĀPITI HANGA

Appendix 1 Initial Report (ECM 8868493)

Report Details

Prepared By:	Dee Jury (Property Officer)
Team:	Property Team
Approved By:	Laura Keenan (Property Manager)
Ward/Community:	Puketapu Bell-Block
Date:	14 December 2022
File Reference:	ECM 8902405

PROPOSED ROAD STOPPING AND SALE TO ADJOINING OWNER – UNFORMED LEGAL ROAD – 57 MURRAY STREET, BELL BLOCK

MATTER

1. The matter for consideration by Council is a recommendation seeking approval to declare part of Murray Street comprising 870m² (subject to survey) shown marked in red on the below aerial maps (the Land) as surplus road and stop the Land as road pursuant to the Local Government Act 1974 and subject to no objections to the stopping to sell the Land to the Applicants by way of title amalgamation.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report, Council:

- a) **Approves pursuant to Section 342 and 10th Schedule of the Local Government Act 1974, initiating the stopping as road of the Land.**
- b) **Subject to and conditional upon the successful completion of the statutory road stopping process, approves the sale of the Land by way of standard conveyance and title amalgamation to the Applicants (TNC1/178 – located at 57 Murray Street, Bell Block) at market value of \$170,000 (including GST, if any) plus associated costs including valuation, survey, accredited agent's costs and legal costs. The Applicants have agreed to meet costs.**
- c) **Authorises the Chief Executive to conclude all matters in relation to the road stopping and disposal of the Land, including, without limitation, issuing relevant public notice, should no public objection be received to proceed to declare the road stopped, secure a fee simple title to the Land and to authorise the Property Manager to effect all terms of sale of the Land.**
- d) **Notes that if any objection(s) are received to statutory public notice to stop the affected area of road, that a further report will be submitted for consideration of any objection(s) and a decision as to whether or not to proceed with an application to the Environment Court to stop the road.**

COMPLIANCE	
Significance	This matter is assessed as being of some importance
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Recommended: Declare the Land as surplus road and stop the Land as road pursuant to the Local Government Act 1974 and subject to no objections to the stopping to sell the land to the Applicants. 2. Not Recommended: Declare the Land as surplus road and stop the Land as road pursuant to the Local Government Act 1974 and subject to no objections to the stopping to create the land as a separate lot. 3. Not Recommended: Decline to stop the road.
Affected persons	The persons who are affected by or interested in this matter are the adjoining owners of Murray Street, the public and the local hapū.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY

2. The Applicants have made an application to Council to purchase the Land.

BACKGROUND

Request for road-stopping by the Applicants

3. The Applicants currently uses the Land for access and maintains the Land.
4. The Applicants wish to purchase the Land.
5. The Land is not formed road, is not required for access (other than for 57 Murray Street) or future roading or infrastructure purposes and therefore the preference is to stop the Land as road and sell the Land to the Applicants.

-
6. Council's Transportation Team has indicated that it does not require the land for road purposes and is supportive of the stopping and sale of the Land to the Applicants. The Land is also not required and for public access or services now or in the future.
 7. The Applicant has discussed the potential road stopping with the Taranaki Anglican Trust Board, the owner of the cemetery adjoining the western boundary of the unformed road. The Trust do not use the road for access and we have been advised they have no objection to the road stopping and sale of the Land to the applicant.
 8. The stopping and sale is consistent with Council Policy on Road Encroachments that provides:

'Council generally considers 'road stopping' (where the applicant purchases unformed legal road) to be the preferred procedure for accommodating buildings and structures of a permanent nature on road reserve. 'Road stopping' is preferred to an encroachment licence due to the longevity of the building or structure in relation to the primary purpose of the road reserve and its potential future use.'

Description of the unformed road to be stopped and sold

9. The Applicants, who seek to have the affected road stopped own the property at 57 Murray Street which is adjacent to the Land as outlined in blue in Figure one below.
10. The Land is shown below highlighted in red in Figure one. The total area is approximately 870m² (subject to final survey). Figure three provides the wider location context.



Figure one – road to stop highlighted in red applicant's property highlighted in blue

11. The Land is 870m² in size and while this meets the minimum lot size of 450m² for a Residential A Environment Area within the Operative District Plan. Officers have assessed and recommend the Land should not be sold as a separate lot for the following reasons;
 - a) The road reserve currently gives access to 57 Murray Street and this provides the only legal access to the property (refer figure two):
 - i) State Highway 3 adjoins the rear of the property and is a limited access road, meaning 57 Murray Street cannot access off it.
 - ii) 57 Murray Street has no easement rights over the private right-of-way to the north of the property (shown in green in figure two).
 - iii) If Council stopped a portion of the road to create a separate lot the Council would have to provide alternative access for 57 Murray Street.
 - iv) 57 Murray Street has no alternative access.
 - v) Council cannot take away legal access for 57 Murray Street.

- b) A separate lot would require a connection to the sewer network located in Antonia Place (approximately 115 meters away) and provide alternative access for 57 Murray Street:
 - i) Connecting the land to the sewer network and creating alternative access would be expensive and cost prohibitive.
 - ii) Council would also be responsible for any survey and consenting costs.
 - c) State Highway 3 adjoins the rear of the boundary which causes excessive noise, and a cemetery adjoins the property to the western boundary. These factors may deter a large portion of potential purchasers.
 - d) The owner of 57 Murray Street may have reasonable grounds to formally object to a road stopping for sale as a separate lot given its use of the land for access.
12. Amalgamating the stopped road with the adjoining section will create additional land for future residential use.



Figure two – 57 Murray Street yellow shows the current driveway providing access. Green shows the private ROW

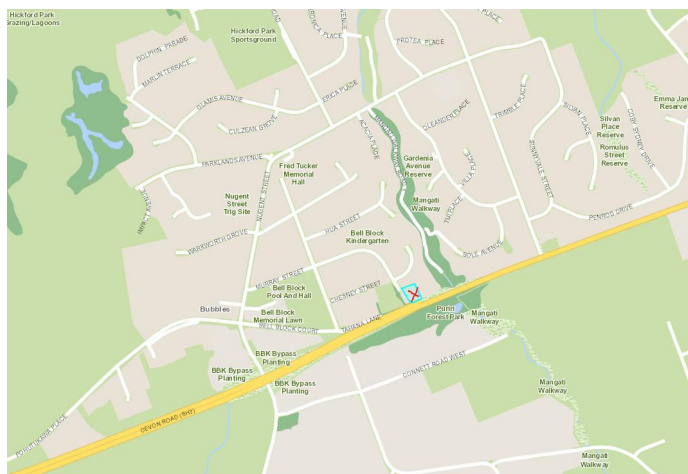


Figure three – wider location map – x shows 57 Murray Street

Independent valuation of the unformed road to be stopped and sold

13. For sale purposes an independent valuation of the market value for the purchase of the Land has been assessed at \$170,000 (including GST, if any) in accordance with section 345(1)(a)(i) of the LGA 1974, which provides that Council may *sell to the owner of any adjoining any part of land not required for road for a price to be fixed by a competent valuer appointed by the Council to value that part.*

Applicants Agreement to Purchase and meet costs

14. The Applicants have agreed (conditional upon road stopping) to purchase the Land at the market valuation of \$170,000 including GST (if any) and to pay for the associated costs including valuation, survey, LINZ accredited agents costs and legal costs, estimated at approximately \$12,000.

Title Amalgamation Condition

15. The Land will be amalgamated with the Applicant's existing title (Record of Title TNC1/178) as a standard condition of sale in the Agreement for Sale and Purchase.
16. The Applicants land area will increase from 2,276m² to 3,146m².

Proceeds from the sale of stopped road

17. Section 103 of the Local Government Act 2002 – states that proceeds from asset sales are to be used for funding operating or capital expenditure.

18. In accordance with Council Revenue and Financing Policy - Proceeds from asset sales – *'NPDC will use proceeds from asset sales as an appropriate source for purchasing assets, building a reserve for the future purchase of assets, or retiring debt.'*
19. Any proceeds from this transaction will form part of general revenue so council can put sales proceeds towards debt, purchase land for various purposes including roading network improvements, esplanade reserves and strips to protect waterways, and other local or recreation reserves for the benefit of the wider community.

Statutory Provisions

20. The Land, being part of Murray Street, is local legal road vested in Council pursuant to the provisions of Section 316(1) of the Local Government Act 1974.
21. Council may, subject to compliance with all statutory processes, declare a road stopped and deal with the stopped road pursuant to Section 319(1)(h), Sections 342, 345 and Schedule 10 of the Local Government Act 1974.
22. The sale of the Land is conditional upon successful completion of the road stopping process as the Council cannot bind itself in advance.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

23. There are no known climate change implications for this road stopping.

NEXT STEPS

24. The process to undertake the road stopping will be undertaken in accordance with the statutory requirements of the 10th Schedule of the Local Government Act 1974 including the following actions:
 - a) Council, at the Applicants' cost, will procure a Cadastral survey and a Survey Office Plan of the Land, and lodge this plan for approval with Toitū te Whenua Land Information New Zealand. That plan will include any easements or other interests that may need to be created and noted on the title to the Land on disposal.
 - b) Council will undertake the statutory public notice, and will also provide a copy of public notice and legalisation plan to neighbouring properties and affected Hapū.
 - c) The public notice requirement provides an opportunity for any member of the public to make representation or object to the road stopping. If objections are received they will be reported back to Council for consideration. Any objections if not up-held up by Council, will be determined by the Environment Court not Council.

-
25. All costs associated with the road stopping (including survey plan and public notification) are to be paid by the Applicants. The Applicants have requested that this initial Council approval be granted to commence the road stopping process and if no objections are submitted that they are able to purchase the stopped road.

SIGNIFICANCE AND ENGAGEMENT

26. In accordance with Councils Significance and Engagement Policy, this matter has been assessed as being of some importance because there is little impact on the district and community.
27. Stopping and selling the Land to the Applicants has been identified as the most practicable solution to enable the Applicants to secure guaranteed private title ownership of the Land and to formalise the current practical use and occupation of the Land.
28. The proposal does not impact on Councils statutory purpose or obligations and has no impact on levels of service or public use of Murray Street as a public highway for the common use of the public.
29. The only parties who are able to purchase unformed road parcels of this type are the adjoining owners.
30. It has been assessed that the Land should not be stopped and sold to a third party.
31. If the road stopping is unsuccessful, the Land will remain as legal road, but if successfully stopped, and sold to the applicants the consequential freehold Record of Title secured by the Council will be amalgamated with their existing land title.
32. Council has consulted in advance with Puketapu Hapū on this road stopping application. This is discussed further within the report.

OPTIONS

- Option 1 Recommended: Declare the Land as surplus road and stop the Land as road pursuant to the Local Government Act 1974 and subject to no objections to the stopping to sell the land to the Applicants.**

Financial and Resourcing Implications

33. There are no financial implications for NPDC with this option. The stopping and sale of the Land is based on an independent market valuation of \$170,000
-

including GST (if any) with the Applicants meeting all costs associated with the process, estimated at a further \$12,000.

34. The road stopping will generate revenue of \$170,000 including GST (if any). Section 103 of the Local Government Act 2002 – states that proceeds from asset sales are to be used for funding operating or capital expenditure and will be applied to Council debt reduction in accordance with Council's Revenue and Financing Policy.

Risk Analysis

35. No risks have been identified with this option.

Promotion or Achievement of Community Outcomes

36. This option meets the Community outcome of Prosperity by providing the Applicants certainty of tenure and legal title ownership of the unformed road that currently adjoins, and practically forms part of, their property.

Statutory Responsibilities

37. The road stopping will be undertaken in accordance with the statutory provisions of the Local Government Act 1974. The section of stopped road is to be amalgamated with the land in Computer Freehold Record of Title TNC1/178, and any easements or other required interests registered against the amalgamated title.
38. Council has a statutory obligation to proceed with this road stopping for a council decision as it has been assessed that there is no requirement for the road in question to remain open for any current/future access or infrastructure purpose.
39. Council is obligated to administer roads in accordance with the provisions of the Local Government Act, which includes the processing of road stopping applications.
40. There is a legal risk if Council does not approve initiating the road stopping process due to matters that are not related to the need for the road.

Consistency with Policies and Plans

41. This option is consistent with the Blueprint Key Directions of Growth – Direct a cohesive growth strategy that strengthens the city and township. It has identified land not required for its original infrastructure purpose (road).
-

Participation by Māori

- 42. A letter was sent via email to Puketapu hapū 10 October 2022, informing them of the road stopping and the road stopping process under the LGA. No access issues have been raised.
- 43. A copy of this report has been provided to hapū and if approved by Council a copy of the public notice will also be provided.

Community Views and Preferences

- 44. The stopping will be subject to statutory public notice, which will provide the opportunity for a public process.

Advantages and Disadvantages

- 45. The advantages of this option, are that it:
 - a) Enables Council to dispose of an unformed legal road that is not required for future road functional purposes.
 - b) Enables the underutilised legal road to be available for a more productive use – i.e. future residential.
 - c) Does not affect the status quo of the remainder of Murray Street for public access passage.
 - d) Has no financial implication to Council because the Applicants are required to meet all costs associated with the road stopping and sale.
 - e) Provides revenue to be applied towards Council debt reduction in accordance with Council Revenue and Financing Policy - Proceeds from asset sales - *NPDC will use proceeds from asset sales as an appropriate source for purchasing assets, building a reserve for the future purchase of assets, or retiring debt.*
- 46. No disadvantages have been identified.

Option 2 Not Recommended: Declare the Land as surplus road and stop the Land as road pursuant to the Local Government Act 1974 and subject to no objections to the stopping to create the land as a separate lot.

Financial and Resourcing Implications

47. The financial and resourcing implications if the Land was created as a separate lot has been assessed as follows:
- a) Access would need to be created for 57 Murray Street which will make the effective Land area approximately 750m². Based on the valuation obtained for the road stopping 17 October 2022 an estimate of the land value as a separate lot would be \$300,000.
 - b) A separate lot would require a connection to the sewer network located in Antonia Place and the creation alternative access for 57 Murray Street. Connecting the land to the sewer network and creating alternative access would be expensive and cost prohibitive (located 115 meters away). Council would also be responsible for any survey and consenting costs. We estimate costs to be approximately \$200,000 to \$250,000.
48. Officer resources would be required to undertake the road stopping process and complete the subdivision required to create a separate lot for a potential sale.

Risk Analysis

49. There is a high probability that the Applicant would formally object to the road stopping given their current use of the land for access. Their objection could be upheld given access rights would not be as favourable with the creation of a right-of-way or narrow road access.
50. The public notification period is after the survey work is undertaken, Council will have outlaid survey costs of approximately \$5,000.

Promotion or Achievement of Community Outcomes

51. This option meets the Community outcome of Prosperity by providing a separate lot for potential future use.

Statutory Responsibilities

52. The road stopping will be undertaken in accordance with the statutory provisions of the Local Government Act 1974.

Participation by Māori

53. We have discussed this option with Puketapu hapū. We advised that this was not our recommended option due to this option being cost prohibitive and the likelihood of objections.
-

Consistency with Policies and Plans

54. This option is consistent with the Blueprint Key Directions of Growth – Direct a cohesive growth strategy that strengthens the city and township. It has identified land not required for its original infrastructure purpose (road).

Community Views and Preferences

55. The stopping will be subject to statutory public notice, which will provide the opportunity for a public process.

Advantages and Disadvantages

56. The advantages of this option, are that it:
- a) Enables Council to dispose of an unformed legal road that is not required for future road functional purposes.
 - b) Enables the under-utilised legal road to be available for a more productive use – ie future residential.
 - c) Does not affect the status quo of the remainder of Murray Street for public access passage.
 - d) Has no financial implication to Council as Council can recover costs from the sale of any Land. However, Council will be responsible for all survey, consenting and connection costs to make this a serviced lot up front. It is estimated to be less revenue than if the Land was sold and amalgamated with the adjoining owner.
 - e) Provides revenue to be applied towards Council debt reduction in accordance with Council Revenue and Financing Policy - Proceeds from asset sales - *NPDC will use proceeds from asset sales as an appropriate source for purchasing assets, building a reserve for the future purchase of assets, or retiring debt.*
57. The disadvantages identified with this option are that it:
- a) Opens Council to objections to the road stopping from the applicant.
 - b) Council will be responsible for all the work involved in the creation of a serviced separate lot.
 - c) Based on the current valuation and the estimate of costs to make a serviced separate lot council will receive less revenue to put towards debt reduction.
-

Option 3 Not Recommended: Decline to stop the road

Financial and Resourcing Implications

58. Council will forgo the receipt of potential land proceeds.

Risk Analysis

59. The Applicants would have the opportunity to refer the decision not to stop a road to the Courts for review. The Courts then have the opportunity to consider if Council considered the issues relevant to the road stopping in reaching its decision. In this case the section of road to be stopped is not presently required for access purposes by the public and is unlikely to be so required in the future.
60. There is a legal risk if Council does not approve initiating a road stopping based on the fact the Transportation Team clearly indicate the land is not required for road and prima facie is surplus as land held for a public work.

Promotion or Achievement of Community Outcomes

61. This option does not promote any community outcomes

Statutory Responsibilities

62. There are no statutory responsibilities relating to these options. However, there is a legal risk if Council declines initiating the road stopping process due to matters that are not related to the need for the road.

Consistency with Policies and Plans

63. This option is not consistent with Council Encroachment Policy.

Participation by Māori

64. There has been no participation with Māori in relation to this options as it maintains the status quo.

Community Views and Preferences

65. The Applicants preference is the first option. Community views and preferences will be tested with the first option to stop and sell the affected area of road.

Advantages and Disadvantages

66. No advantages have been identified with this option.
67. The disadvantages identified with this option are that it:
- a) Results in Council retaining the affected area of unformed legal road that is not required for future road purposes.
 - b) Limits the future use of the land to use for roading purposes only.
 - c) Forgoes revenue that could be applied towards debt reduction.

Recommended Option

This report recommends option 1 for addressing the matter.

Report Details

Prepared By:	Dee Jury (Property Officer)
Team:	Property Team
Approved By:	Laura Keenan (Property Manager)
Ward/Community:	Puketapu Bell-Block
Date:	1 November 2022
File Reference:	ECM 8868493

-----End of Report-----

APPROVAL TO ENTER INTO A LEASE – BELL BLOCK LIBRARY AND SERVICE CENTRE, BELL BLOCK

MATTER / TE WHĀINGA

1. The matter for consideration by the Council is a recommendation to enter into a lease (with updated terms and conditions) of the property currently occupied and utilised as the Bell Block Library and Service Centre.

RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

That having considered all matters raised in the report, the Council

- a) Approves a new lease with Westwill Properties Limited for the Bell Block Library and Service Centre premises (295m², part Lot 189 DP 10887 contained in Computer Freehold Register TNF2/197) subject to:
 - i) The lease term shall commence 1 August 2023, for an initial term of five years, a right of renewal for three years and then a further right of renewal for two years (total term of 10 years if all rights of renewal are exercised).
 - ii) The rental being determined by a market valuation assessment.
 - iii) Negotiation and final approval of the lease terms and conditions to be undertaken by the Property Manager.
- b) Delegates authority to the Property Manager to finalise the lease.

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following as the only reasonable option for addressing the matter: 1. Approve a new lease, to commence on expiry of the current lease, of the premises of the Bell Block Library and Service Centre. 2. Initiate a Long-Term Plan amendment in order to not approve a new lease, to commence on expiry of the current lease, of the premises of the Bell Block Library and Service Centre.
Affected persons	The persons who are affected by or interested in this matter are users of the Bell Block Library and Service Centre and NPDC ratepayers.
Recommendation	This report recommends option 1 for addressing the matter.

COMPLIANCE / TŪTOHU	
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY / WHAKARĀPOPOPTOTANGA MATUA

2. We recommend that on expiry of the current lease, Council enters into a new lease with Westwill Properties Limited for the premises at Parklands Shopping Centre utilised for the Bell Block Library and Service Centre.
3. The Council is committed to providing a Library and Service Centre to the residents of Bell Block and neighbouring communities. The current premises are fit for purpose in the short to medium term and landlord is agreeable to offering the Council a new lease.

BACKGROUND / WHAKAPAPA

The Current Lease

4. The Council currently leases 295m² within the Parklands Shopping Centre (188 Parklands Avenue, Bell Block) from Westwill Properties Limited for the Bell Block Library and Service Centre. The current lease commenced 1 August 2017 for a two year term with two rights of renewal for two years, the final expiry of the lease is 31 July 2023
5. The Bell Block Library has been at this location for the past 28 years is well utilised by the community and is the busiest of the Community Libraries in terms of circulation of library material. The Bell Block Library has 18,495 items in its collection with each book in the collection averaging being checked out 4 times a year. With the growth of the Bell Block community the size of the collection is expected to grow, requiring additional area.

Proposed New Lease until a New Library can be developed

6. Consultants were engaged to produce a strategy report for the Bell Block Library in 2020. This report defined an ideal facility (in terms of size and services) however, a study of potential locations did not result in identification of a suitable facility. The 2021-2031 Long-Term Plan (LTP) identified the Bell Block Library as needing redevelopment in the next 11 to 15 years.



Bell Block Library, Parklands Shopping Centre, Bell Block

7. A project for redevelopment of a new Bell Block Library and Service Centre will be included in the 2024-2034 LTP. Until such a project is approved, it is necessary to negotiate a new lease of the existing premises in order to allow continued operation of the library and service centre.
8. Officers have approached Westwill Properties who confirmed they are agreeable to a new 10 year lease (an initial term of five years with an initial right of renewal of three years, followed by a further right of renewal of two years). The new lease will be based on the terms and conditions of the current lease and will be negotiated and finally approved by the Property Manager under delegation. The rental will be determined by an independent Market Rental Valuation.

THREE WATERS REFORM IMPLICATIONS

9. The proposal has little or no effect on Three Waters Reforms. This is an existing activity and no changes are envisaged that would impact on the Three Waters Reforms.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

10. The proposal has little or no effect on climate change. This is an existing activity and no changes are envisaged that would impact on climate change.

NEXT STEPS / HĪKOI I MURI MAI

11. If Council agrees with the recommendation, negotiations will take place with Westwill Properties to finalise the terms and conditions and the market rental of the lease. Westwill will prepare lease documents for review by Council's Legal Team. Once reviewed the lease will be finalised and executed.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

12. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being Significant because the Bell Block Library and Service Centre provides a core service to Bell Block Library and the wider Bell Block Community.
13. The Bell Block Library is a strategic asset under the Significance and Engagement Policy. As such, section 97 of the Local Government Act 2002 requires that a decision to transfer control of the Bell Block Library must be made in a Long-Term Plan, or by way of a Long-Term Plan amendment. This would require extensive community consultation.

OPTIONS

Option 1: Approves a new lease, to commence on expiry of the current lease, of the premises of the Bell Block Library and Service Centre.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

14. The operational cost to Council for leasing the building is the rental and outgoings which has been budgeted and allowed for in the Annual Plan and Long-Term Plan.

Risk Analysis / Tātaritanga o Ngā Mōrearea

15. The use of the site is an existing activity, and its continued use is low risk to Council. Officers have identified that entering into a new lease as there are no other sites currently available. To not do so would result in adverse publicity and create a situation where the library and service centre would need to relocate to another site of which there are no options currently available.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

16. Obtaining a new lease will assist the Council to meet the outcome of "Our Community" by supporting the Bell Block and neighbouring communities by providing a community library and service centre in a convenient and accessible location.

Statutory Responsibilities / Ngā Haepapa ā-ture

17. Entering into a new lease will meet the statutory requirements of Section 10(b) and 17A(1) of the Local Government Act 2002 to meet the requirements of current and future needs of communities for good quality local public services and to have regard to the provision of core services that includes libraries and community amenities.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

18. Approval of entering into a new lease is consistent with the Blueprint Key Directions of Communities and Citizens by strengthening and connecting local communities and will also ensure the Council meets its service levels defined in the Annual and Long-Term Plan.
19. The Puke Ariki and Community Libraries Strategy identified the need to provide a more up to date library facility in Bell Block and Waitara. The 2021-2031 LTP included a project for redevelopment of the Waitara Library. The Bell Block Library redevelopment project will be submitted for consideration in the 2024-2034 LTP. There is a need to extend the lease in the current building until such time as a decision is made on the future development and location of the library.

Participation by Māori / Te Urunga o Ngāi Māori

20. The lease proposal involves an existing activity and for the Council to continue to lease the private land and buildings. Iwi has been informed of the intention to pursue a new lease term for the library, no comment has been received regarding the proposal.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

21. The community has not been consulted given that it is an existing activity and the service levels will remain the same. As the landlord is agreeable to granting of a new lease for a term of a total of ten years in effect the proposal is an extension of the current arrangement and is does not impact on the existing community use and availability of the facility which meets the needs of the community and Council. Consultation will be necessary if the Council does not approve a new lease.

Advantages and Disadvantages

22. A new lease supports the Bell Block community who have used the Library and Service Centre at its current location for 28 years. It allows the library to remain in its current location and the term of the lease allows Council time to pursue other locations and redevelopment of any future library which is needed to be provided for within the Long-Term Plan. The facility is centrally located and is easily accessible.
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23. There have been no disadvantages identified.

Option 2: Initiate a Long-Term Plan amendment in order to not approve a new lease, to commence on expiry of the current lease, of the premises of the Bell Block Library and Service Centre.

24. This option would initiate a Long-Term Plan amendment before Council can make a decision to not approve a new lease.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

25. There would be a saving to Council of rental payments for the building. The resources held by the library would have to be housed elsewhere or disposed of and consideration given to Council Employees who work at the Library. There would be short-term costs associated with a Long-Term Plan amendment, including staff time and auditing fees.

Risk Analysis / Tātāritanga o Ngā Mōrearea

26. To not enter into a lease would result in adverse publicity and create a situation where the library and service centre would need to either relocate to another site (no suitable alternative locations have been identified) or close.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

27. This option would not support Community Outcomes.

Statutory Responsibilities / Ngā Haepapa ā-ture

28. Not entering into a new lease will not meet the statutory requirements of Section 10(b) and 17A(1) of the Local Government Act 2002 by not meeting the requirements of current and future needs of the Bell Block Community by not providing good quality local public services and not having regard to the provision of core services that includes libraries and community amenities.
29. Section 97 of the Local Government Act requires a decision to transfer control of a strategic asset to be made through a long-term plan (including an amendment to a long-term plan).

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

30. This option is inconsistent with the Blueprint Key Directions of Communities and Citizens and service levels defined in the Annual and Long-Term Plan.
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Participation by Māori / Te Urunga o Ngāi Māori

- 31. Iwi were informed of the intention to pursue a new lease term for the library, not entering into a new lease was not presented to them.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

- 32. Consultation with the Community would be necessary if the Council does not approve a new lease as part of the Long-Term Plan amendment process and would be a change to levels of service.

Advantages and Disadvantages

- 33. No advantages have been identified for this option. The disadvantage is that if a new lease is not approved, the Bell Block Library would close as no alternative location has been identified.

Recommended Option:

This report recommends Option 1 (Approve a new lease, on expiry of the current lease, of the premises of the Bell Block Library and Service Centre) for addressing this matter:

Report Details

Prepared By: Janice Caldwell (Property Officer – Commercial Leases)
Team: Property
Approved By: Laura Keenan (Property Manager)
Ward/Community: Bell Block
Date: 10 January 2023
File Reference: ECM 8887959

-----End of Report -----

APPROVAL TO ENTER INTO A NEW LEASE – LEVEL TWO – CIVIC CENTRE - 84 LIARDET STREET – NEW PLYMOUTH

MATTER / TE WHĀINGA

1. The matter for consideration by the Council is a recommendation to identify a new tenant and enter into a new lease for level two of the Civic Centre.

RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

That having considered all matters raised in the report, the Council approves granting a new lease of level two and up to 19 car spaces at the Civic Centre Administration Building to a new tenant pursuant the Local Government Act 2002 and Property Law Act 2007; subject to the final terms and conditions of the lease being negotiated and approved by the Property Manager.

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following as the only reasonable option for addressing the matter: 1. Approves granting a new lease to a new tenant for level two of the Civic Centre. 2. Declines to grant a new lease.
Affected persons	The persons who are affected by or interested in this matter are staff of the Civic Centre and NPDC ratepayers and residents.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY / WHAKARĀPOPOPTOTANGA MATUA

2. We recommend the Council enters into a new lease with a tenant for level two of the Civic Centre being 911.6m² of office space, 207m² of outside deck areas and up to a maximum of 19 car parks dependent on the new tenants' requirements.

3. The area is currently leased to Powerco, who are vacating on expiry of their lease on 31 March 2023 and is not required by Council. The area currently returns a revenue of \$219K.

BACKGROUND / WHAKAPAPA

The Previous Lease

4. The Council has leased level two of the Civic Centre to Powerco since 1998. The area is made up of office space, decking and 19 car spaces.



Figure 1: Level 2 Office Space

Proposed New Lease

5. Powerco will be vacating the premises by 31 March 2023 when their lease expires. Level two has been marketed since October 2022 in anticipation of the space becoming vacant at the end of March 2023. Negotiations have been taking place with a potential tenant however final terms have not been reached. To enable Council to act swiftly in securing a preferred tenant, it is imperative that we are able to enter into a lease quickly.
6. The final lease terms and conditions will be set and approved by the Property Manager.

Retaining level two for NPDC Use

7. Having considered Council's own accommodation requirements, now and into the foreseeable future, it has been determined that level two is not required for Council's own purposes. It is far more beneficial to obtain revenue from this space instead to align with the Long-Term Plan 2021-31 assumptions. Large office areas are becoming more difficult to rent out with working from home being a viable work option in today's environment. Finding a tenant with a good reputation and operational model will be a positive outcome for the Council as Landlord.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI

8. The proposal has little or no effect on climate change. This is an existing activity and no changes are envisaged that would impact on climate change.

THREE WATERS REFORM IMPLICATIONS

9. The proposal has little or no effect on Three Waters Reforms. This is an existing activity and no changes are envisaged that would impact on Three Waters Reforms.

NEXT STEPS / HĪKOI I MURI MAI

10. If Council agrees with the recommendation, any final negotiations with a proposed tenant will take place. Lease documents will be prepared, finalised and executed.

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

11. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because revenue generated from leasing the Civic Centre offsets the costs of providing core services to the residents of the New Plymouth District.

OPTIONS

Option 1: Approves granting of a new lease to a new tenant for Level Two of the Civic Centre.

Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi

12. Leasing commercial office space within the Council's Civic Centre premises provides for efficient and effective use of the Council's property assets by achieving budgeted income from leasing activities. The revenue for leasing level two is budgeted for.

Risk Analysis / Tātaritanga o Ngā Mōrearea

13. The use of the site is an existing activity, and its continued use is low risk to Council. Officers have identified that entering into a new lease is a reasonable practicable option for office space which is not currently required by for its own use by Council.

Promotion or Achievement of Community Outcomes / Hāpaitia / Te Tutuki o Ngā Whāinga ā-hāpori

14. The proposed lease will support the community by promoting appropriate, efficient, effective and economic use of Council assets.

Statutory Responsibilities / Ngā Haepapa ā-ture

15. Entering into a new lease will meet the statutory requirements of Sections 10(b) and 17A (1) of the Local Government Act 2002 to meet the requirements of current and future needs of communities for good quality local public services to have regard to the provision of core services that includes community amenities.

Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere

16. Approval of entering into a new lease is consistent with the Blueprint Key Directions of Communities and Citizens by strengthening and connecting local communities.

Participation by Māori / Te Urunga o Ngāi Māori

17. Iwi has not been consulted with as the lease proposal involves an existing activity for a Council owned office building.

Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori

18. The community has not been consulted given that leasing of the Civic Centre Office space is an existing activity which does not impact on service levels and does not impact on the existing community use and availability of the Civic Centre facility. Leasing office space is a routine property management function of the Council.

Advantages and Disadvantages

19. A new lease will enable NPDC to continue to bring in rental revenue for the office space which otherwise would not be utilised. The Civic Centre has had a number of corporate tenants over the years and has been an ongoing source of income.
20. There have been no disadvantages identified with leasing out the office space which is not required for Council purposes

Option 2: Declines to grant a new lease

21. This option is not recommended. It would result in a loss of rental income, would leave space in the Civic Centre underutilised and be an inefficient use of Council's assets. Furthermore, the space is surplus to Council requirements.

Recommended Option:

This report recommends Option 1 (approve granting a new lease to a new tenant for level two of the Civic Centre) for addressing this matter.

Report Details

Prepared By:	Janice Caldwell (Property Officer – Commercial Leases)
Team:	Property
Approved By:	Laura Keenan (Property Manager)
Ward/Community:	New Plymouth City
Date:	9 January 2023
File Reference:	ECM 8908934

-----*End of Report*-----

EXCLUSION OF THE PUBLIC FOR THE REMAINDER OF THE MEETING

MATTER

1. This report details items that are recommended should be considered with the public excluded, and the reason for excluding the public.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report, the Council hereby resolves that, pursuant to the Local Government Official Information and Meetings Act 1987, the public be excluded from the following parts of the proceedings of this meeting:

- a) **Property Matter**
The withholding of the information is necessary to maintain legal professional privilege. This particular interest being protected by section 7(2)(g) of the Act.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987.

COMPLIANCE	
Significance	This matter has been assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Exclude the public. 2. Not exclude the public.
Recommendation	This report recommends Option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	There are no budget considerations.
Significant Policy and Plan Inconsistencies	This report is consistent with Council's Policy and Plans.

BACKGROUND

2. This report details items that are recommended should be considered with the public excluded, and the reason for excluding the public.
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SIGNIFICANCE AND ENGAGEMENT

3. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because the exclusion of the public is a statutory procedure that will have a little or no impact on the Council's strategic issues.

OPTIONS

Option 1 Pursuant to the Local Government Official Information and Meetings Act 1987, good reason exists to exclude the public for consideration of the items listed.

Option 2 The Council can choose to consider these matters in an open meeting.

Risk Analysis

4. Release of information which meets the statutory tests for withholding (under the Local Government Official Information and Meetings Act 1987) may expose the Council to legal, financial or reputational repercussions.

Recommended Option

This report recommends **Option 1**: Exclusion of the public for addressing the matter.

Report Details

Prepared By:	Jane Hickmott (Governance Advisor)
Team:	Governance
Approved By:	Julie Straka (Governance Lead)
Ward/Community:	District Wide
Date:	31 January 2023
File Reference:	ECM 8919772

-----End of Report -----

CLOSING KARAKIA

Unuhia, unuhia,	Draw on, draw on
Unuhia i te uru tapu-nui	Draw on the supreme sacredness
Kia wātea, kia māmā te ngākau, te tinana	To clear, to free the heart, the body
Te Wairua i te ara takatū	and the spirit of mankind
Koia rā Rongo whakairihia ake ki runga	Rongo suspended high above us (in heaven)
Kia wātea, kia wātea	To be cleared of obstruction
Ae rā kua wātea	It is cleared
Hau Paimarire	

This karakia is recited to close a hui or event. It takes us from a place of focus and releases us to be clear of all the issues or tensions that may have arisen during the hui. We are now free to get on with other things.