



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

# **COUNCIL MEETING AGENDA**

**Tuesday 24 June 2025  
at 1pm**

**Council Chamber  
Liardet Street, New Plymouth**

**Chairperson:**

Mayor Neil

Holdom

**Members:**

Cr Tony

Bedford

Cr Sam

Bennett

Cr Max

Brough

Cr Gordon

Brown

Cr David

Bublitz

Cr Murray

Chong

Cr Amanda

Clinton-Gohdes

Cr Harry

Duynhoven

Cr Bali

Haque

Cr Te Waka

McLeod

Cr Anneka Carlson

Matthews

Cr Dinnie

Moeahu

Cr Marie

Pearce

Cr Bryan

Vickery

**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**

### **Tutawa Mai**

Tūtawa mai i runga

Tūtawa mai i raro

Tūtawa mai i roto

Tūtawa mai i waho

Kia tau ai

Te mauri tū

Te mauri ora

Ki te katoa

Haumi e, hui e, tāiki e!

I summon from above

I summon from below

I summon from within

I summon from the outside  
environment

to calm and settle

the vital inner essence

the wellbeing of everyone

Be joined,

together united!



**Health and Safety Message / Te Whaiora me te Marutau**

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 / NGĀ MATANGARO**

None noted

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**Elected Members Declaration of Interests (ECM9017076)**

**as at 30 April 2025**

(please advise the Governance Team of any amendments)

**Mayor and Councillors**

<b>Name of Member</b>	<b>Interest Being Declared</b>	<b>Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)</b>
Tony Bedford	Taranaki Electricity Trust Waitara Services and Citizens Club Hurricanes Schools Council Family Trust Taranaki Electricity Trust Hurricanes Alumni Tony and Wainui Bedford Family Trust Methanex Community Advisory Panel Waitara Spatial Plan	Trustee Member Life Member  Member  Member Council appointee

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Sam Bennett	Speaking Made Easy Full Circle Bespoke Life Events Heart of Brooklands New Plymouth Operatic Society Celebrants Aotearoa (CANZ) Celebrants Aotearoa (Taranaki) Residential Property Owner APJ and DM Bennett and PJ Bennett Star Gym Yarrow Stadium Joint Committee Age Concern Justice of the Peace for New Zealand Institute of Directors Taranaki Age Concern Taranaki New Plymouth Club FENZ Taranaki Local Advisory Committee (LAC) Taranaki Chamber of Commerce	Ownership of company and contract with NPDC Ownership of Company Ownership of Company Sponsorship Manager Member Member and Committee  Family Trust Council representative Council representative Board member Ministerial duties and Nominated Person Oranga Tamariki Member Chairperson Member Chairperson  Member
Gordon Brown	Taranaki Chamber of Commerce New Plymouth Bowls Club Writing Services Ltd	Contracting work Member Director

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Max Brough	Aluminium Imports (NZ) Ltd Edging Systems (NZ) Ltd Waste Minimisation (NZ) Ltd Knight Ridge Orchard Ltd Fitzroy Kiosk Ltd Max Brough Family Trust Residential properties TRC Solid Waste Working Party TRC Policy and Planning Committee	Director Director Director Director Director  Alternate Council appointee Alternate Council appointee
David Bublitz	New Plymouth Boys' High School New Plymouth Golf Club Residential Property owner Bublitz Family Trust YMCA Taranaki Sport Taranaki	Employee Member  Board member Council appointee
Anneka Carlson	Residential property owner Sutton Road Animal Sanctuary Charitable Trust	

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Murray Chong	ZenVest Adviser Services Ltd T2X Productions Taranaki Chamber of Commerce NZMCA Port Areas of Mutual Interest (PAMI) TRC Solid Waste Working Party	Co-Director Director Member Member Council appointee Council appointee
Amanda Clinton-Gohdes	Institute of Directors Residential Property Owner District Licensing Committee Taranaki Biodiversity Trust (Wild for Taranaki)	Member  Deputy Chairperson Board member (Council appointee)
Harry Duynhoven	Habitat for Humanity, Taranaki NZ Federation of Motoring Clubs Automobile Association (Taranaki) Council NZ Motor Trade Assn Guild Residential Property Air Quality Asia (NGO based in New York) Private trustee TRC Regional Transport Committee Taranaki Disabilities Information Centre Trust Patron	Chairperson Executive Member Executive Member Member Beneficiary Secretary of Board Independent Trustee (private trusts for impaired individuals) Council appointee Life member  (Several local voluntary organisations)

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Neil Holdom	New Plymouth Mountain Bike Club Lifestyle Block Owner (Smallholding) TRC Civil Defence Emergency Management Committee WOMAD NZ (Board Member) LGNZ National Council LGNZ Rural & Provincial LGNZ Transport Steering Group FENZ Taranaki LAC Committee	Member  Council appointee  Council appointee Member Chair Chair Member
Bali Haque	Residential Property Toi Foundation Trustee Taranaki Regional Council Policy and Planning Committee	Ministerial Appointment Council appointee
Te Waka McLeod	Puna Hau Ltd Residential property interests	



Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Dinnie Moeahu	Institute of Directors Te Kotahitanga o Te Atiawa Te Korowai o Ngaruahine Te Kahui o Taranaki Ngāti te Whiti Ngati Moeahu Ngati Manuhiakai Puketapu Hapū Te Maruata Roopu Whakahaere Te Aroha Connections	Member Affiliate Affiliate Affiliate Affiliate Affiliate Affiliate Hapū appointed Trustee National Board Member Ownership of Company
Marie Pearce	Rural Property Owner Wakefield Family Trust Inglewood First Trust Inglewood District Health Trust Taranaki Arts Festival Trust Trustee of the Len Lye Trust	Council appointee Council appointee

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Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Bryan Vickery	Bryan Vickery Media Taranaki Chamber of Commerce Friends of Pukekura Park Heritage Taranaki	Council Adviser Council Adviser

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**Community Boards Declaration of Interests (ECM9017076)**

**as at 4 April 2025**

(please advise the Governance Team of any amendments)

<b>Name of Member</b>	<b>Interest Being Declared</b>	<b>Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)</b>
Mike Baker	Family Residence Waitara Bowling Club Bell Block Pool Society	Member / Bar Manager certification Committee member
Jono Burrows	Burrows Lawn Mowing Family Residence Inglewood Bowling Club	
Graham Chard	New Plymouth and Districts Returned & Services Association NPRSA Support Trust NPRSA Poppy Trust Okato Community Trust Chardz Holdingz Ltd Chardz Investmentz Ltd Taranaki Iwi Trust New Plymouth Club Kaitake Community Sports Hub NZMCA	President  Chairman, Trustee Chairman, Trustee Vice Chairman, Trustee Managing Director Director Affiliate Executive Committee Member Social Member Member

Paul Lobb	Asset Plus NZ King Salmon Sanford Residential Properties Oakura Board riders Club Kaitake Ranges Conservation Trust NZ Plant Protection Society	Life member Member Member
Trevor Dodunski	Nil declared	
Christine Fabish	Dudley District Hall Society Hudson Essex Terraplane Club Family residence Inglewood First Trust	Member Member
Teresa Goodin	Lumen Gallery Teresa Goodin	
Neville Hagenson	Nil declared	
Teresa Hayston	Urenui Beach Camp & Store Urenui Community Centre Clifton Rugby & Sports Club Waitara Citizens and Services Club -	Joint owner Treasurer Treasurer and Bar Manager Member

Renee Hohaia	R & Co Skin and Beauty – Ōākura	Owner
Nick Jones	Indemic Limited Indemic Ventures Limited Rewild Limited Bangers and Mash Limited	Director Director Director / Employee Director
Sarah Lucas	Be Natural Soap Ltd Royal Society for Forest and Bird (until September 2024) East End Surf Lifesaving Club The Collaboration, design store and gallery Riding Programme (Inglewood Primary School) Alpine Club Residential Property Community Boards Executive Committee Surf Lifesaving NZ te noninga o Hākuturi ETEC	Director Employee      Chair Employee Member of Project Steering Group Trustee

Jonathan Marshall	Private Wealth (Asia Pacific) Ltd – Investments Business 229 Brokers Ltd – Fire and General Insurance Veritus Financial Planning Ltd – Financial Advice Business 229 Financial Services – Financial Advice Jakin & Boaz Properties Ltd – Property Investments Sovereign Perpetual Investments Ltd – Investments The Crossroads Foundation Charitable Trust – Charity Kapa Solutions Ltd Naki Labour Hire NZ Labour Hire The New Plymouth Pistol Club Inc New Zealand Antique Arms Association The New Zealand Black Powder Shooters Federation Inc Residential Property Owner	Director  Director / Employee  Director  Director / Employee  Director  Director  Director / Employee  Employee Employee Employee
Tyla Nickson	Statistics NZ	Employee
Jane Parker-Bishop	The Finance Lady Ltd Residential Property	Employee

Joe Rauner	ANZCO Foods (Eltham)	Employee
Murray Seamark	MW & CJ Seamark Family Trust Tongaporutu Hall Society Inc Family residence	
Adrian Sole	Red Rabbit Coffee Co Ltd Red Rabbit Group Ltd Squirt Products Taranaki Health Foundation MA & AE Sole Trust Residential Property	Director Director Director
Kim Sowman	Waitara East School Residential Property Investment Property (Waitara) Bell Block Community Facebook Page TSB Showplace	Employee  Administrator Volunteer
Tane Webster	Reality Check Radio	Contractor

## **CONFLICTS OF INTEREST / NGĀ ARA KŌNATUNATU**

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 / ĀTEA Ā-WĀNANGA**

*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.*

- Andrew Fabish (NZ Police) Taranaki Area Commander
- Carol Rhodes - Devon Street West

## **DEPUTATIONS / MANUHIRI**

*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.*

- Fiona Young and colleagues – Protect our Moana – Notice of Motion (Seabed Mining) – Tab 1
- Te Kotahitanga o Te Atiawa (Gina Blackburn, Dion Tuuta) Egmont Road Stopping Application – Tab 7
- Orenia Williams and colleagues (Youth Council) – NPDC'S Youth Engagement Approach - Tab 10
- Luke Galley (Zeal) – NPDC'S Youth Engagement Approach – Tab 10

## **PREVIOUS COUNCIL MINUTES / NGĀ MENETI O MUA**

### ***Recommendation:***

**That the minutes of the following meeting of the Council, and the proceedings of the said meeting, as circulated, be taken as read and confirmed as a true and correct record:**

Council	13 May 2025	ECM 9487857
Extraordinary Council	27 May 2025	ECM 9505610

## **COMMITTEE MINUTES**

### ***Recommendation***

**That the minutes of the following meetings, as circulated be received and:**

- a) Decisions made under delegated authority by the committees be incorporated in the minutes of this meeting of the Council.**

Strategy and Operations Committee	20 May 2025	ECM 9501813
Kaitake Community Board	26 May 2025	ECM 9504053
Inglewood Community Board	28 May 2025	ECM 9508381
Puketapu-Bell Block Community Board	28 May 2025	ECM 9504075
Clifton Community Board	29 May 2025	ECM 9505093
Waitara Community Board	30 May 2025	ECM 9503093
Te Huinga Taumatua	10 June 2025	ECM 9516860
CE Performance Review	11 June 2025	ECM 9510808
Strategic Projects Committee	11 June 2025	ECM 9518270
Finance, Audit and Risk Committee	17 June 2025	ECM 9520432

## **REPORTS**

- 1 Notice of Motion
  - 2 Whare Ora Loans Scheme - Report back on Consultation and Proposed Changed Approach to the Ratepayer Assistance Scheme (RAS)
  - 3 Trade Waste Bylaw 2025 – Consideration of Submissions, Deliberations and Adoption
  - 4 Traffic, Parking and Stock Control Bylaw 2025 – Consideration of Submissions, Deliberations and Adoption
  - 5 Activities in Public Places Bylaw 2025 – Deliberations and Adoption
  - 6 Tarata Road Endowment Fund
  - 7 Egmont Road Stopping Application
  - 8 Draft Climate-Related Financial Disclosure Statement 2024/2025
  - 9 NPDC GreenHouse Gas Emission Inventory 2023/2024
  - 10 NPDC'S Youth Engagement Approach
  - 11 Community Funding Investment Policy Update
  - 12 Art in Public Places Strategy Review 2025
  - 13 Waitara Spatial Plan – Approval for Consultation
  - 14 Adoption of Manutahi/ Lepperton Green Space Concept
  - 15 NPDC Performance Report for the Period 1 July 2024 to 31 March 2025
  - 16 Health, Safety and Wellbeing Quarterly Report – Period Ending March 2025 (Q3) – Due Diligence Obligations
  - 17 Strategic Review of Insurance Arrangements
  - 18 Development and Financial Contributions Policy Amendment
  - 19 New Plymouth Part Operative District Plan
  - 20 Huatoki Daylighting Project – Boundary Adjustment Subdivision, Land Transfer and Pedestrian Easements
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- 21 Appointment of District Licencing Commissioners
  - 22 Exclusion of the Public for the Remainder on the Meeting
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## **NOTICE OF MOTION – COUNCILLOR CLINTON-GOHDES – OPPOSITION TO SEABED MINING**

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### **MATTER**

1. The matter for consideration by the Council is whether to oppose seabed mining in the South Taranaki Bight.

### **RECOMMENDATION FOR CONSIDERATION**

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

- a) **Opposes seabed mining in the South Taranaki Bight;**
- b) **Formally request that the panel convened by the Environmental Protection Authority (EPA) use its discretion to allow NPDC to make written comment on the Trans-Tasman Resources Limited seabed mining application in accordance with the discretion under section 53 of the Fast Track Approvals Act;**
- c) **That if the EPA approve the Council's request to comment, NPDC officers draft and submit written comment.**

### **EXECUTIVE SUMMARY**

2. At the Strategy and Operations Committee meeting on 20 May 2025, the Committee was presented with a petition asking Council to oppose seabed mining, specifically, the application of Trans-Tasman Resources Limited (TTRL) to mine the seabed in the South Taranaki Bight which is currently going through the Fast Track Approvals Act process (the Fast Track process).
3. Trans-Tasman Resources Limited (TTRL) has sought marine consents and marine discharge consents for seabed mining in the South Taranaki Bight since 2013 to mine up to 50 million tonne a year over a 35-year consent. This type of seabed mining has never been done before globally.<sup>1</sup>

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<sup>1</sup> The United Nations Environment Programme (UNEP) and International Resource Panel have noted that "no commercial deep-sea mining operations are currently under way anywhere in the world," warning that such projects carry significant ecological uncertainty and "cannot be considered sustainable at this stage" (UNEP, 2023). Greenpeace Aotearoa describes the TTRL project as "the first project of its kind in the world: an underwater open-cast mine dredging up 50 million tonnes of iron sand every year" (Greenpeace Aotearoa, 2024).

4. TTRL currently holds a mining permit under the Crown Minerals Act 1991, granting rights to the iron sands in its target area of the South Taranaki Bight. However, to begin seabed mining they require and have previously applied for marine consents and marine discharge consents under the EEZ Act (Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012). These consents were grants by a Decision-Making Committee (DMC) of the Environmental Protection Authority (EPA) in 2017, but ultimately quashed by the Supreme Court in 2021.
5. TTRL are now seeking marine and marine discharge consents under the Fast Track Approval Act (the FTAA). On 15 May 2025, the EPA confirmed that TTR's application under the FTAA had been accepted as complete, and that a panel is in the process of being convened to consider it via the statutory fast-track process.<sup>2</sup>
6. The proposed seabed mining operation poses significant environmental risks to marine biodiversity and culturally significant areas, while offering uncertain long-term economic benefit to the region. The impacts of the proposed activity include a sediment plume - a cloud of sand and mud which is discharged into the ocean following extraction - noise, and light in the marine environment. The proposal also competes with recreational and commercial users of the area such as fisheries, wind energy, recreation, mahinga kai and tourism.
7. There has been long-standing opposition from the Taranaki community to this proposal, including from iwi led by Ngāti Ruanui and Ngāa Rauru, environmental groups, divers and recreational fishers, and opposition from other commercial operators such as the fishing industry which actively opposed the applications at the EPA level and all the way to the Supreme Court, over the period 2013 – 2024.
8. This Notice of Motion recommends that NPDC formally oppose seabed mining within the Taranaki coastal region and seek to provide input into the Fast Track process.

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<sup>2</sup> Manuka Resources Ltd, *Taranaki VTM Project Application Progresses in NZ Fast Track Process*, ASX Announcement, 20 May 2025, <https://wcsecure.weblink.com.au/pdf/MKR/02795034.pdf>.

**TE HUINGA TAUMATUA RECOMMENDATION**

9. At the Te Huinga Taumatua komiti meeting held on 10 June 2025, the following resolution was passed:

That Te Huinga Taumatua:

- a) having heard the public fora in relation to the application for Seabed mining off the South Taranaki Coast, and
- b) being made aware that Council will be considering this matter, through a Notice of Motion, at the Council meeting on Tuesday 24 June,
- c) being made aware of the opposition of all eight Iwi of Taranaki to seabed mining

support Council lodging a submission opposing the seabed mining application.

**BACKGROUND**

- 10. Trans-Tasman Resources Ltd's Taranaki VTM Project (the Project) was designated as a listed project in the Fast-track Approvals Act. On 15 May 2025, the EPA confirmed that TTRL's application was complete, and steps are now underway to assemble a Panel to assess it.
- 11. The Project involves offshore extraction of iron sand from the South Taranaki Bight. Located beyond the territorial sea, within New Zealand's exclusive economic zone, the site spans an area of nearly 66 square kilometres, situated between 22 and 36 km offshore in waters ranging from 20 to 42 metres deep.
- 12. TTR proposes to extract up to 50 million tonnes of seabed material annually. Around 10% of this volume would be refined into iron ore concentrate, with possible offshore extraction of vanadium and titanium. The remaining 45 million tonnes of de-ored material would be returned to the seafloor via a deposition system within the original excavation zone.

### *Summary of Legal Proceedings*

13. The application by Trans-Tasman Resources to mine the seabed of the South Taranaki Bight has been subject to significant legal proceedings for over a decade. The table below summarises the process:

<b>Year</b>	<b>Event</b>	<b>Outcome</b>
2013	First EPA application lodged	Declined (2014)
2015	Second application lodged	Approved with 109 conditions (2017, by Chair's casting vote). The EPA ran a Decision-Making Committee (DMC) Process. This included extensive public hearings, including evidence from iwi, NGOs, fishing groups, scientists, and TTR experts. Over 13,700 submissions were received, with the vast majority opposed.
2018	High Court appeal	Consent quashed – legal errors
2020	Court of Appeal	Dismissed TTR's appeal – upheld environmental & Treaty principles
2021	Supreme Court	Final appeal dismissed – EPA approval ruled unlawful due to significant environmental uncertainty, and lack of consideration of Treaty principles.
2023-24	Reinitiation of EPA hearing	The hearing commenced in 2023, continuing into 2024. In March 2024, with evidence having been heard from both sides, and the hearing panel having requested further plume modelling evidence be commissioned, TTRL withdrew from hearing and instead successfully applied to be included in the Fast Track Approvals Act.
2024	Fast-Track Approvals Act process	Application has been accepted, panel being convened

### *Environmental Effects*

14. Environmental impacts of the activity have been a subject of significant evidence through the legal proceedings. One of the key findings of the Supreme Court was that having considered all the evidence, the effects of the activity were so uncertain that the application must be declined unless further information could be provided. This applied to the modelling and impact of the plume, the effect on marine mammals and seabirds, and the effect on rocky reef ecosystems. In TTRL's application to the Fast Track process, no new studies of any of these subject matters are included.<sup>3</sup>

<sup>3</sup> TTRL's substantive application can be found at: <https://www.fasttrack.govt.nz/projects/taranaki-vtm/substantive-application>



15. The following key issues were addressed by the three appellate courts:
- a) There remains a high level of uncertainty in the information provided in support of the application.
  - b) The application is inconsistent with the purpose of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) 4 and that granting the application fails to uphold the precautionary principle.
  - c) There remains significant uncertainty about the effects to the marine environment which are not addressed (or cannot be addressed) through conditions of consent, including:
    - i) Effect on marine mammals including Maui dolphins, and a population of Pygmy Blue Whales endemic to the South Taranaki Bight.<sup>5</sup>
    - ii) Effects to marine seabirds in the area, including Kororā (Little Blue Penguins), and Fairy Prions.<sup>6</sup>
16. In the 2017 DMC decision, they concluded that there would be effects to rocky reefs ecosystems off the Taranaki Coastline including to the Patea Shoals, The Traps and Project Reef: 7

“There will be severe effects on seabed life within 2 – 3 km of the project area and moderate effects up to 15 km from the mining activity. Most of these effects will occur within the CMA (Coastal Marine Area). There will be adverse effects such as avoidance by fish of those areas. Kaimoana gathering sites on nearshore reefs are likely to be subject to minor impacts given background suspended sediment concentrations nearshore.”

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<sup>4</sup> The purpose of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) is to manage environmental effects of activities in New Zealand’s exclusive economic zone and continental shelf, ensuring sustainable use and protection of marine resources. The EEZ Act is the legislation that governs consents for marine activities—including seabed mining—and controls environmental effects from discharges and disturbances in New Zealand’s exclusive economic zone and continental shelf.

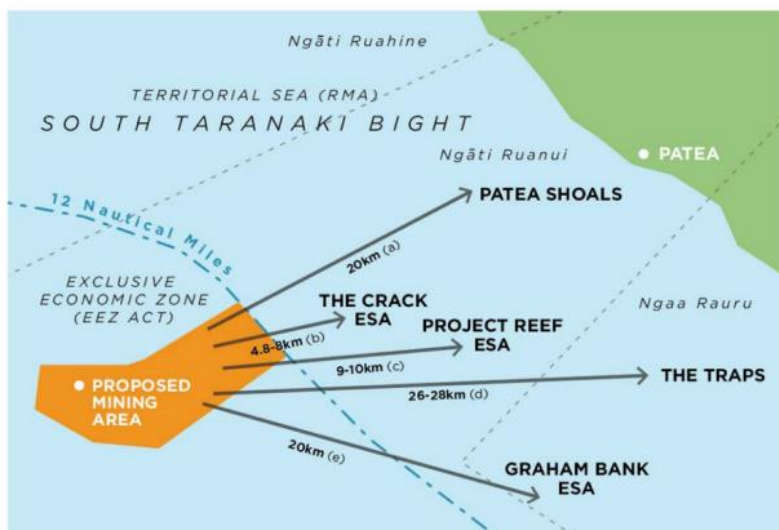
<sup>5</sup> Supreme Court decision [125]; [275] per Glazebrook J.

<sup>6</sup> Supreme Court decision [271];

<sup>7</sup> [2017 DMC decision](#) [724]

17. The following diagram and tables are taken from Appendix 3 of the Supreme Court judgment, which summarized the 2017 DMCs decision regarding effects:

### DMC's Findings On Effects



ESA	DMC Finding on Effect	Ref to DMC Decision
<b>PATEA SHOALS</b>	Moderate effect	At [350]
	Significant effect	At [970] At [968]
<b>THE CRACK</b>	Significant effect	At [350]
	Effects of concern	At [970]
	Effects including temporary or permanent displacement of species	At [406]
	Major effect	At [437] At [980]
<b>THE PROJECT REEF</b>	Significant effect	At [952]
	Major effect	At [350] At [970]

ESA	DMC Finding on Effect	Ref to DMC Decision
<b>THE TRAPS</b>	Minor effect	At [970]
<b>GRAHAM BANK</b>	Significant adverse effect	At [350] At [940] At [970]
	Effects including temporary or permanent displacement of species	At [437] At [980]

18. Ultimately, the Supreme Court determined that the effects of the activity on the environment were too uncertain, there was not enough baseline data to accurately measure or control for impact, and that accordingly the EPA should not have granted the consent.<sup>8</sup>
19. The effects of the activity considered included noise and light pollution, but the biggest factor across the legal proceedings has been the extent and effect of the sediment plume. The accuracy of this modelling is key because it informs the effects on the wider marine ecosystem.
20. Throughout the legal proceedings, there has been disagreement between experts about the adequacy of the TTRL plume modelling – some experts asserted that the model was accurate and fit for purpose, while others disagreed. The Supreme Court identified concerns about the uncertainty of the sedimental effects and the associated conditions dealing with those effects.<sup>9</sup>
21. In the 2023/2024 hearing, the DMC also considered issues regarding the plume modelling and concluded that it needed further information before it could make a decision. The DMC Panel sought further information from an independent expert on the sediment plume modelling of TTRL. <sup>10</sup> However, TTRL withdrew from the 2023/2024 hearing process before this further information could be produced.

#### *Consideration of Māori interests*

22. The Supreme Court ruled that the EEZ Act must be interpreted consistently with Te Tiriti o Waitangi principles, requiring active consideration of Māori interests. It confirmed that tikanga Māori is part of “other applicable law” decision-makers must consider.<sup>11</sup>
23. The Court found the EPA’s Decision-Making Committee failed to properly assess Māori cultural values, customary rights, and environmental guardianship (kaitiakitanga), giving insufficient weight to iwi concerns and tikanga.
24. As a result, the Court quashed the marine consents and ordered reconsideration, emphasizing the need for meaningful engagement with Māori and proper recognition of Treaty obligations.

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<sup>8</sup> Supreme Court, [11], [118-131].

<sup>9</sup> Supreme Court decision, [131]

<sup>10</sup> DMC Minute 23, from 2024 Hearing (dated 26 March 2024).

<sup>11</sup> Supreme Court decision, [8]-[9], [139]-[174]

*Economic analysis*

25. Economic analysis commissioned by TTRL states that there will be economic benefits for Taranaki and New Zealand including jobs, export earnings, corporate taxes and royalties. An [updated economic analysis](#) has been provided as part of the Fast Track application, which outlines broadly the same benefits, but with updated numbers.
26. The economic analysis undertaken by NZIER estimates the following benefits of the Project for Taranaki and Whanganui regions:<sup>12</sup>
  - a) Compared to the current situation where the Project is not in place, they estimate the flow-on economic impacts from the Project's *capital* investment will contribute NZ\$27 to GDP and add about 211 new jobs to employment in the regional economy of the Taranaki Region and Whanganui.
  - b) Estimate the flow-on impacts of the Project's annual operational activities will be an annual GDP contribution of NZ\$222 million and about 1,124 jobs to the regional economy of the Taranaki Region and Whanganui District
27. These estimates do not account for input constraints, price changes and effects in other sectors that offset the Project's positive impacts on the economy arising from increased production.<sup>13</sup>
28. NZIER also estimate benefits for the wider New Zealand economy, including During the 20-year operation phase of the Project, TTRL will contribute NZ\$36 million to NZ\$54 million in royalties per year and NZ\$91 million to NZ\$136 million in corporate taxes per year to the New Zealand Government.<sup>14</sup>
29. The method and accuracy of previous economic estimates has been challenged through previous legal proceedings, including how many jobs would be new jobs, how many would be likely to be awarded to locals versus importing expertise from overseas, where the majority of profits would be likely to accrue,<sup>15</sup> and the fact that impacts on existing commercial activities such as fishing nor the environmental costs were not quantified.

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<sup>12</sup> Economic impact assessment of TTRL's Taranaki VTM Iron Sands Project, NZIER report to Trans-Tasman Resources Limited, 12 March 2025, page 20.

<sup>13</sup> Supreme Court decision, page 20-21

<sup>14</sup> Supreme Court decision, page 21

<sup>15</sup> TTRL is 100% owned by Manuka Resources, an Australian-owned mining company listed on the Australian Stock Exchange, with offices based in Sydney.

30. There is also significant uncertainty about the ability for offshore wind development to co-exist with seabed mining. The Fast Track process does not require the Panel to consider this potential incompatibility, nor does it allow for off-shore wind developers to comment on the application unless invited by the Panel.

### **Fast-track Approvals Process Overview**

31. The purpose of the Fast Track Approvals Act 2024 (the Act) is to “facilitate the delivery of infrastructure and development projects with significant regional or national benefits.” The Act then sets a framework for a single process to grant approvals across multiple pieces of legislation. The Act significantly limits opportunities for public engagement, the grounds for projects to be declined once they are accepted into the fast-track process, compresses timeframes, and limits the ability to appeal a decision.
32. It also mandates that the new decision-making criteria of ‘significant regional and national benefit’ to be given greater weight than other matters, including environmental impact.
33. Approvals under this regime may span a range of legislation, including:
  - The Resource Management Act 1991 (RMA)
  - The Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953, and National Parks Act 1980
  - The Heritage New Zealand Pouhere Taonga Act 2014
  - The Freshwater Fisheries Regulations 1983
  - The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act)
  - The Crown Minerals Act 1991
34. Entry into the fast-track pathway occurs through one of two mechanisms:
  - Inclusion as a named project in the Act itself (e.g., the Taranaki VTM Project), or
  - Referral via ministerial discretion, initiated by an application to the Ministry for the Environment and determined by the Minister for Infrastructure.

35. Once accepted into the process, the Environmental Protection Authority (EPA) verifies that the application is complete and meets procedural requirements. A decision-making panel is then formed to evaluate the proposal and, if approved, determine the conditions it must comply with.
36. The panel itself must bring together technical and subject matter expertise relevant to the proposal. At least one member must have strong understanding of Te Ao Māori and Māori development perspectives. There must also be one representative on behalf of relevant local authorities.
37. The Fast Track Approvals Act 2024 includes mechanisms to consider Māori interests, such as panel expertise and iwi input. However, the framework prioritises economic development, limits public participation, and reduces the legal weight of Māori environmental and cultural concerns compared to other environmental legislation.
38. According to section 53 of the Act, the panel must invite written comments on the application from:
  - Relevant local authorities
  - Relevant iwi authorities
  - Relevant treaty settlement entities
  - Any groups with protected customary rights
  - The Minister for the Environment and other relevant portfolio ministers
  - Relevant administering authorities
39. Section 53(3) allows that comments may be invited from any other person the panel considers appropriate, but it is not required to do so. Those invitations will be at the Panel's discretion.
40. For a marine consent, 'relevant local authority' is defined as "any local authority whose region or district is adjacent to the site where the relevant activity would be undertaken." In the case of this project, Taranaki Regional Council meets that definition, and possibly the Horizons Regional Council.
41. South Taranaki District Council and Whanganui District Council have written to the EPA to request that the Panel's discretion under section 53 of the Act be used to consider them as 'relevant local authorities' and allow them opportunity to provide written comment.

42. Parties that are invited to provide comments have 20 working days to do so. There is no requirement to hold a hearing in respect of a substantive application, and no person has a right to be heard by the panel.
43. Appeals against the panel's decision are strictly limited. Only legal questions can be brought before the High Court, and only certain parties — including the applicant, relevant councils, the Attorney-General, and those who made submissions — are entitled to appeal.

### **Why should NPDC submit (if granted permission)?**

44. Under the Fast Track Approvals Act, only limited parties have the opportunity to provide comments on the application. This means that community voices will be excluded from the process, including many of the groups who provided key evidence in previous legal proceedings which highlighted shortcomings in the TTRL application. This includes marine scientists, divers, recreational fishers, and local communities. This shifts the burden of representation of these local voices to local authorities.
45. It is also noted that off-shore wind developers will not have the opportunity to provide input into the process, despite questions about whether and how the activities could co-exist.
46. Our community is urging NPDC to represent their views into the process, as one of the only organisations who may have the ability to.
47. This also represents an opportunity to have a united Taranaki voice. All eight iwi of Taranaki have jointly stated that they oppose seabed mining and TTRL's application. South Taranaki District Council (STDC) have publicly stated that they oppose seabed mining. In 2023 STDC also submitted to the Environment Committee's Inquiry into Seabed Mining in New Zealand, stating "The Council opposes mining of the seabed anywhere in New Zealand's economic exclusion zone." The full submission is attached as Appendix 2 (ECM 9517707).
48. Stratford District Council has not yet publicly stated a position. The same is true of Taranaki Regional Council, though TRC is in a slightly different position of being able to nominate someone to the panel and therefore need to remain neutral at this point in time.<sup>16</sup>
49. In December 2024 Whanganui District Council unanimously supported a Notice of Motion to oppose seabed mining and TTRL's application.

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<sup>16</sup> For further information and analysis about TRC's role in this process, see TRC's [Policy and Planning Committee Agenda for 10 June 2025](#), beginning at page 10.

50. There have been calls from TTRL for local Councils to remain neutral on this matter, stating that the application should now be decided by the Panel, who will have the relevant expertise. However, because of the limited opportunities for the full evidence against the application to be heard through the Fast Track process, remaining neutral means that the Panel receives less information and community views on which to make a decision. It is noted that the previous legal proceedings have had access to the full evidence, and have concluded that the environmental impact and ability to mitigate it is too uncertain.
51. Section 10 of the Local Government Act 2022 (LGA), states that the purpose of the LGA “provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.” This provides scope for Council to come to a view on this matter and seek input into the Fast Track process.
52. TTRL’s application to the Fast Track process can be found [here](#). As noted above, an updated economic analysis has been provided but no new environmental studies have been completed since the 2017 hearing.

### **CLIMATE CHANGE IMPACT AND CONSIDERATIONS**

53. The activity of seabed mining will have emissions associated with the activity itself. There is also risk that the sediment disruption may lead to a release of dissolved organic carbon and carbon dioxide, and the effects of the activity may compromise the ocean’s ability to sequester carbon.

### **NEXT STEPS**

54. If Council supports the motion, the next step is for officers to write to the EPA to ask that the Panel uses its discretion to consider NPDC a relevant local authority under the Act, and therefore allow Council the opportunity to provide written comments on the application.
55. If the Panel grants the request, officers will then need to prepare written comments on the application in accordance with Council’s position opposing seabed mining and submit them to the Panel.

### **SIGNIFICANCE AND ENGAGEMENT**

56. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance.



## OPTIONS

57. There are two reasonably practicable options:

**Option 1: To support the recommendations.**

This option enables the Council to resolve to oppose seabed mining

**Option 2: To not support the recommendations.**

This option supports the status quo – that the Council has no formal position on seabed mining or TTRL's application

58. These two options have been assessed together.

### *Financial and Resourcing Implications*

59. There are no financial implications. Resourcing implications will be staff time to develop written comments in response to the application, likely within constrained timeframes.

### *Risk Analysis*

60. There is some political risk with either option as there are varying views in the community. Option 1 has been requested by members of the community, supported by all eight iwi of Taranaki, and there is a political and reputation risk in not responding to that request.

### *Promotion or Achievement of Community Outcomes*

61. Option 1 promotes the Trusted community outcome through strengthening Te Tiriti partnerships, and promotes the Environmental Excellence community outcome by mitigating environmental impacts. Both Options support the Prosperity outcome, as either would result in economic benefit, albeit through different activities.

### *Statutory Responsibilities*

62. Option 1 allows Council to meet its statutory responsibilities under Section 10 of the Local Government Act 2002:
- a) to enable democratic local decision-making and action by, and on behalf of, communities; and
  - b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

*Consistency with Policies and Plans*

63. Option 1 is consistent with the regional economic development plan for Taranaki; the plan does not include seabed mining but does make reference to off-shore wind development and tourism.

*Participation by Māori*

64. Ngāti Ruanui and Ngāa Rauru of South Taranaki have taken a vocal and active position opposing the seabed mining proposal since 2013. Both iwi filed evidence in 2013 and 2017 EPA hearings setting out the significant adverse effects to them from the proposal and reasons for their opposition:
- a) including to mahinga kai areas;
  - b) impacts to taonga species such as the pygmy blue whales and maui dolphins;
  - c) impacts to areas of significance including the rocky reefs systems
  - d) loss of mauri and mana; and
  - e) inability to give effect to Kaitiaki obligations.
65. Both iwi were involved in legal proceedings to the Supreme Court which found that decision-makers needed to consider the application of tikanga and impact to cultural values from the proposal.
66. On 28 May 2025, Ngā Iwi o Taranaki, all eight iwi of Taranaki, published a joint statement that they strongly oppose the proposed TTRL plans to mine ore off the South Taranaki Coast.
67. At the Te Huinga Taumatua komiti meeting held on 10 June 2025, the following resolution was passed:
- That Te Huinga Taumatua:
- a) having heard the public fora in relation to the application for Seabed mining off the South Taranaki Coast, and
  - b) being made aware that Council will be considering this matter, through a Notice of Motion, at the Council meeting on Tuesday 24 June;

- c) being made aware of the opposition of all eight Iwi of Taranaki to seabed mining

support Council lodging a submission opposing the seabed mining application.

#### *Community Views and Preferences*

- 68. Council has received several public fora urging NPDC to oppose seabed mining, including presentation to the Strategy and Operations Committee of Council on 28 May 2025 of a petition. The petition was named "Concerned Communities of Taranaki and Manawatu Against Seabed Mining" and was signed by 3048 people from Taranaki and Manawātū. Of those signatures 836 identified as being within the New Plymouth District Council area, and 527 from within the South Taranaki District Council area.
- 69. There have been ongoing protests across Taranaki over many years in opposition to seabed mining.
- 70. However, there are also likely to be members of our community who support seabed mining and TTRL's proposal.

#### **APPENDICES**

Appendix 1: [Supreme Court Decision: Trans-Tasman Resources Limited vs Taranaki-Whanganui Conservation Board, September 2021](#) (ECM 9519516)

Appendix 2: South Taranaki District Council's 2023 Submission to Inquiry into Seabed Mining in New Zealand (ECM 9517707)

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This Notice of Motion is for the consideration of Council at the full Council meeting on 24 June 2025.



Councillor Amanda Clinton-Gohdes

**IN THE SUPREME COURT OF NEW ZEALAND****I TE KŌTI MANA NUI****SC 28/2020  
[2021] NZSC 127**

BETWEEN	TRANS-TASMAN RESOURCES LIMITED Appellant
AND	TARANAKI-WHANGANUI CONSERVATION BOARD, CLOUDY BAY CLAMS LIMITED, FISHERIES INSHORE NEW ZEALAND LIMITED, GREENPEACE OF NEW ZEALAND INCORPORATED, KIWIS AGAINST SEABED MINING INCORPORATED, NEW ZEALAND FEDERATION OF COMMERCIAL FISHERMEN INCORPORATED, SOUTHERN INSHORE FISHERIES MANAGEMENT COMPANY LIMITED, TALLEY'S GROUP LIMITED, TE OHU KAI MOANA TRUSTEE LIMITED, TE RŪNANGA O NGĀTI RUANUI TRUST, ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED AND THE TRUSTEES OF TE KĀHUI O RAURU TRUST First Respondents
AND	ENVIRONMENTAL PROTECTION AUTHORITY Second Respondent

Hearing: 17–19 November 2020

Court: Winkelmann CJ, William Young, Glazebrook, Ellen France and Williams JJ

Counsel: J B M Smith QC, V N Morrison-Shaw and P F Majurey for Appellant  
J D K Gardner-Hopkins for Taranaki-Whanganui Conservation BoardTRANS-TASMAN RESOURCES LIMITED v TARANAKI-WHANGANUI CONSERVATION BOARD,  
[2021] NZSC 127 [30 September 2021]

R A Makgill and P D M Tancock for Cloudy Bay Clams Ltd,  
 Fisheries Inshore New Zealand Ltd, New Zealand Federation of  
 Commercial Fishermen Inc, Southern Inshore Fisheries  
 Management Co Ltd and Talley's Group Ltd  
 D M Salmon QC, D A C Bullock and D E J Currie for Greenpeace  
 of New Zealand Inc and Kiwis Against Seabed Mining Inc  
 R J B Fowler QC, J Inns, H K Irwin-Easthope and N R Coates for  
 Te Ohu Kai Moana Trustee Ltd, Te Rūnanga o Ngāti Ruanui Trust  
 and the Trustees of Te Kāhui o Rauru Trust  
 M C Smith, H E McQueen and P D Anderson for Royal Forest  
 and Bird Protection Society of New Zealand Inc  
 V E Casey QC and C J Haden for Second Respondent  
 D A Ward and Y Moinfar-Yong for Attorney-General as Intervener

Judgment: 30 September 2021

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### JUDGMENT OF THE COURT

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- A The appeal is dismissed.**
  - B Leave is reserved to a party to apply to the High Court for directions if necessary.**
  - C Costs are reserved.**
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### SUMMARY OF RESULT

(Given by the Court)

[1] The appellant sought marine consents and marine discharge consents in order to undertake seabed mining within New Zealand's exclusive economic zone. By a majority decision, the decision-making committee (DMC) of the Environmental Protection Authority granted the application for consents with conditions under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act). The first respondents successfully challenged the DMC decision in the High Court as wrong in law. The Court of Appeal dismissed the appellant's appeal, upholding the High Court's decision to quash the decision of the DMC and refer the matter back for reconsideration. The appellant was granted leave to appeal to this Court on the question of whether the Court of Appeal was correct to dismiss the appeal.

[2] The Supreme Court has unanimously dismissed the appeal. In doing so, the Court addressed the correct approach to a number of provisions of the EEZ Act.

[3] In particular, Glazebrook J (with whom Williams J agreed<sup>1</sup>) held that the purpose provision in s 10 provides an overarching framework for decision-making under the Act and, to this extent, has substantive or operative force.<sup>2</sup> This means that s 10(1)(b), which applies to marine discharges and dumping, creates an environmental bottom line in the sense that, if the environment cannot be protected from material harm through regulation, then the discharge or dumping activity must be prohibited.<sup>3</sup> The assessment of whether there is material harm requires qualitative, temporal, quantitative and spatial aspects to be weighed.<sup>4</sup> The s 10(1)(b) requirement is cumulative on the requirement in s 10(1)(a) (which applies to all consent applications) to achieve sustainable management.<sup>5</sup>

[4] The operative force of s 10(1) means the relevant decision-making criteria in s 59 must be weighed by the decision-maker in a way that achieves both the s 10(1)(a) and s 10(1)(b) purposes.<sup>6</sup> However, the bottom line in s 10(1)(b) does not mean applicants for discharge consents are limited to showing there is no material harm. Rather, they may also accept conditions that avoid material harm, mitigate the effects of pollution so that harm will not be material, or remedy it so that, taking into account the whole period of harm, overall the harm is not material.<sup>7</sup> To meet the bottom line, remediation will have to occur within a reasonable time in the circumstances of the case and, in particular, in light of the nature of the harm to the environment, the length of time that harm subsists (that is, the total duration of projected harm until remediation occurs), existing interests and human health.<sup>8</sup> All else being equal, economic benefit considerations to New Zealand may also have the potential to affect the decision-maker's approach to remediation timeframes, but only at the margins.<sup>9</sup>

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<sup>1</sup> At [292]–[293].

<sup>2</sup> At [240] per Glazebrook J.

<sup>3</sup> At [245] per Glazebrook J.

<sup>4</sup> At [255] per Glazebrook J.

<sup>5</sup> At [245] and [250] per Glazebrook J.

<sup>6</sup> At [249] and [253] per Glazebrook J.

<sup>7</sup> At [260] per Glazebrook J.

<sup>8</sup> At [256]–[259] per Glazebrook J.

<sup>9</sup> At [259] per Glazebrook J.

[5] Accordingly, decision-makers must follow a three-step test when assessing applications for marine discharge and dumping consents under the EEZ Act:<sup>10</sup>

- (a) Is the decision-maker satisfied that there will be no material harm caused by the discharge or dumping? If yes, then step (c) must be undertaken. If not, then step (b) must be undertaken.
- (b) Is the decision-maker satisfied that conditions can be imposed that mean:
  - (i) material harm will be avoided;
  - (ii) any harm will be mitigated so that the harm is no longer material; or
  - (iii) any harm will be remedied within a reasonable timeframe so that, taking into account the whole period harm subsists, overall the harm is not material?

If not, the consent must be declined. If yes, then step (c) must be undertaken.

- (c) If (a) or (b) is answered in the affirmative, the decision-maker should perform a balancing exercise taking into account all the relevant factors under s 59, in light of s 10(1)(a), to determine whether the consent should be granted.

[6] The Chief Justice took a similar view to Glazebrook and Williams JJ's approach to s 10, with one key difference.<sup>11</sup> She did not consider economic benefit considerations were relevant in any circumstances to the assessment of materiality and so could not be taken into account in terms of setting remediation timeframes.<sup>12</sup> Nevertheless, for pragmatic reasons, the Chief Justice was content to adopt the

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<sup>10</sup> At [261] per Glazebrook J.

<sup>11</sup> At [302] and [315].

<sup>12</sup> At [316]–[317].

three-step approach set out above at [5], in order to reach a majority.<sup>13</sup> This therefore represents the majority approach to how discharge and dumping applications are to be determined.

[7] William Young and Ellen France JJ differed in that, on their approach, what is required is an overall assessment of the relevant factors in s 59, albeit those factors need to be addressed with both s 10(1)(a) and (b) purposes in mind.<sup>14</sup> Section 10(1)(b) does not set an environmental bottom line.<sup>15</sup> Material harm was not automatically decisive, but s 10(1)(b)'s sole focus on protection and other elements of the statutory scheme meant the balancing exercise may well be tilted in favour of environmental factors where discharge and dumping consents are concerned. That decision, however, would need to be made on a case-by-case basis.<sup>16</sup>

[8] In considering the effect of the Treaty of Waitangi clause in s 12 of the EEZ Act, all members of the Court agreed that a broad and generous construction of such Treaty clauses, which provide a greater degree of definition as to the way Treaty principles are to be given effect, was required. An intention to constrain the ability of statutory decision-makers to respect Treaty principles should not be ascribed to Parliament unless that intention is made quite clear.<sup>17</sup> Here, s 12(c) provided a strong direction that the DMC was to take into account the effects of the proposed activity on existing interests in a manner that recognises and respects the Crown's obligation to give effect to the principles of the Treaty.<sup>18</sup> It followed that tikanga-based customary rights and interests constitute "existing interests" for the purposes of the s 59(2)(a) criterion, including kaitiakitanga and rights claimed, but not yet granted, under the Marine and Coastal Area (Takutai Moana) Act 2011.<sup>19</sup>

<sup>13</sup> At [319]. The Chief Justice at [319] also makes explicit the point which she considers implicit in step (c) of the three-step test set out above, which is that because s 10(1)(b) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 is cumulative on s 10(1)(a), it may be that a decision-maker would want to impose conditions to mitigate, remedy or avoid adverse effects even though the threshold of material harm will not be met.

<sup>14</sup> At [59].

<sup>15</sup> At [102].

<sup>16</sup> At [102].

<sup>17</sup> At [150]–[151] per William Young and Ellen France JJ, [237] per Glazebrook J, [296] per Williams J and [332] per Winkelmann CJ.

<sup>18</sup> At [149] per William Young and Ellen France JJ, [237] per Glazebrook J, [296] per Williams J and [332] per Winkelmann CJ.

<sup>19</sup> At [154]–[155] per William Young and Ellen France JJ, [237] per Glazebrook J, [296]–[297] per Williams J and [332] per Winkelmann CJ.



[9] Further, drawing on the approach to tikanga in earlier cases such as *Takamore v Clarke*,<sup>20</sup> all members of the Court agreed that tikanga as law must be taken into account by the DMC as “other applicable law” under s 59(2)(l) of the EEZ Act where its recognition and application is appropriate to the particular circumstances of the consent application at hand.<sup>21</sup>

[10] The Court was also largely in agreement on the remaining issues relating to the approach to the requirement to consider economic benefit in s 59(2)(f),<sup>22</sup> whether the conditions imposed amounted to adaptive management,<sup>23</sup> whether the DMC erred in not requiring a bond,<sup>24</sup> the approach to the casting vote,<sup>25</sup> whether the appeal raised questions of law,<sup>26</sup> what is required to take into account the nature and effect of other marine management regimes under s 59(2)(h)<sup>27</sup> and the approach to the information principles in ss 61 and 87E.<sup>28</sup> On the latter two issues, the points of disagreement flowed inevitably from the different approaches to s 10(1)(b). Thus, the majority held that if the other marine management regime provided for a bottom line, this could not be outweighed by other s 59 factors,<sup>29</sup> and that discharge consents may be granted on incomplete information, as long as that is the best available information and that,

<sup>20</sup> *Takamore v Clarke* [2012] NZSC 116, [2013] 2 NZLR 733.

<sup>21</sup> At [169] per William Young and Ellen France JJ, [237] per Glazebrook J, [296]–[297] per Williams J and [332] per Winkelmann CJ. Williams J at [297] (with whom Glazebrook J agreed at n 371) wished to make explicit that these questions must be considered not only through a Pākehā lens.

<sup>22</sup> At [188]–[197] per William Young and Ellen France JJ, [237] per Glazebrook J, [299] per Williams J and [332] per Winkelmann CJ.

<sup>23</sup> At [199]–[213] per William Young and Ellen France JJ, [281]–[284] per Glazebrook J (where she also observed the conditions may nevertheless fall within the spirit of the prohibition), [299] per Williams J and [332] per Winkelmann CJ.

<sup>24</sup> At [214]–[221] per William Young and Ellen France JJ, [285]–[286] per Glazebrook J (where she also considered it irrational not to require a bond in this case), [299] per Williams J and [332] per Winkelmann CJ.

<sup>25</sup> At [222]–[226] per William Young and Ellen France JJ, [287] per Glazebrook J (where she also expressed unease about the legislation which gives a casting vote), [299] per Williams J and [332] per Winkelmann CJ.

<sup>26</sup> At [227] per William Young and Ellen France JJ, [237] per Glazebrook J, [299] per Williams J and [332] per Winkelmann CJ.

<sup>27</sup> At [175]–[187] per William Young and Ellen France JJ, [280] per Glazebrook J, [298] per Williams J and [331] per Winkelmann CJ.

<sup>28</sup> At [103]–[138] per William Young and Ellen France JJ, [238] and [272]–[279] per Glazebrook J, [294]–[295] per Williams J and [321]–[330] per Winkelmann CJ.

<sup>29</sup> At [280] per Glazebrook J, [298] per Williams J and [331] per Winkelmann CJ. Compare at [186] per William Young and Ellen France JJ.

taking a cautious approach and favouring environmental protection, the decision-maker is satisfied that the bottom line in s 10(1)(b) is met.<sup>30</sup>

[11] Although differing on the correctness of the approach adopted to the purpose provision, all members of the Court were satisfied that the Court of Appeal was right to find there were errors of law in the DMC's decision. A fundamental error was that the DMC's decision did not comply with the requirement to favour caution and environmental protection in ss 61 and 87E, as was illustrated by the conditions imposed by the DMC relating to marine mammals and seabirds.<sup>31</sup> Winkelmann CJ, Glazebrook and Williams JJ also made the point that the attempt to rectify information deficits by imposing conditions requiring pre-commencement monitoring which would subsequently inform the creation of management plans inappropriately deprived the public of the right to be heard on a fundamental aspect of the application.<sup>32</sup>

[12] As a result, the Court is agreed that the Court of Appeal was correct to uphold the High Court's decision to quash the DMC's decision. A majority consider the matter should be referred back to the DMC for reconsideration.<sup>33</sup> Leave is reserved to a party to seek directions from the High Court should that prove necessary.<sup>34</sup>

[13] The reasons of the Court for this result are given in the separate opinions delivered by:

	<b>Para No</b>
William Young and Ellen France JJ	<a href="#">[14]</a>
Glazebrook J	<a href="#">[236]</a>
Williams J	<a href="#">[290]</a>
Winkelmann CJ	<a href="#">[301]</a>

<sup>30</sup> At [\[273\]–\[274\]](#) per Glazebrook J, [\[294\]](#) per Williams J and [\[327\]](#) per Winkelmann CJ. Compare at [\[117\]](#) per William Young and Ellen France JJ.

<sup>31</sup> At [\[118\]–\[131\]](#) per William Young and Ellen France JJ, [\[274\]–\[276\]](#) and [\[279\]](#) per Glazebrook J, [\[294\]](#) and [\[299\]](#) per Williams J and [\[328\]](#) per Winkelmann CJ.

<sup>32</sup> At [\[277\]–\[278\]](#) per Glazebrook J, [\[295\]](#) per Williams J and [\[329\]](#) per Winkelmann CJ. Compare at [\[133\]](#) per William Young and Ellen France JJ.

<sup>33</sup> At [\[229\]](#) per William Young and Ellen France JJ, [\[299\]](#) per Williams J and [\[333\]](#) per Winkelmann CJ. Compare at [\[288\]–\[289\]](#) per Glazebrook J.

<sup>34</sup> At [\[231\]](#) per William Young and Ellen France JJ, [\[299\]](#) per Williams J and [\[333\]](#) per Winkelmann CJ.

## REASONS

### WILLIAM YOUNG AND ELLEN FRANCE JJ

(Given by Ellen France J)

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<i>The approach in the Court of Appeal</i>	<a href="#">[145]</a>
<i>The effect of s 12</i>	<a href="#">[146]</a>
<i>The scope of “existing interests” in s 59(2)(a) and the application of those interests</i>	<a href="#">[152]</a>
<b>The scope of “any other applicable law” in s 59(2)(l)</b>	<a href="#">[162]</a>
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<b>What is required by the direction in s 59(2)(h) to take into account the nature and effect of other marine management regimes?</b>	<a href="#">[175]</a>
<b>The approach to the requirement in s 59(2)(f) to consider economic benefit</b>	<a href="#">[188]</a>
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#### Introduction

[14] The appellant, Trans-Tasman Resources Ltd (TTR), wants to mine iron sands. It seeks to do so in an area in the South Taranaki Bight 22–36 km offshore and

comprising an area of approximately 66 km<sup>2</sup> within New Zealand's exclusive economic zone (EEZ). The EEZ comprises the areas of the sea, seabed and subsoil between the outer boundary of New Zealand's territorial sea (12 nautical miles from shore) and 200 nautical miles from shore.<sup>35</sup>

[15] TTR has a permit issued under the Crown Minerals Act 1991 in relation to its proposed seabed mining activities. However, to undertake those activities, TTR also requires marine consents and marine discharge consents under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act or the Act).<sup>36</sup> The Act is an environmental and resource management measure relating to New Zealand's EEZ.<sup>37</sup>

[16] TTR applied for the necessary consents in August 2016. After a hearing of 22 days over a period of just over three months, marine consents and marine discharge consents were subsequently granted by a decision-making committee (the DMC) appointed by the Board of the Environmental Protection Authority (the EPA).<sup>38</sup> The consents were subject to a range of conditions. The four-person DMC was equally divided on whether or not to grant the consents and the decision to grant the consents was made on the casting vote of the chairperson of the DMC.

[17] Under the consents, TTR can extract up to 12.5 million tonnes of seabed material during any three-month period and up to 50 million tonnes of seabed material per annum, and process that material on an integrated mining vessel. About 10 per cent of the seabed material extracted will be processed into iron ore concentrate, which is retained for later shipping. The de-ored material which remains after that

<sup>35</sup> The exclusive economic zone (EEZ) means the EEZ as defined in s 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977: Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 [the EEZ Act], s 4(1) definition of "exclusive economic zone".

<sup>36</sup> The Act in force as at the time of Trans-Tasman Resources Ltd's (TTR) application is the version as at August 2016. That is the version used in this judgment, unless otherwise stated.

<sup>37</sup> The area in which the mining would take place abuts the coastal marine area (CMA). Activities in that area are governed by the Resource Management Act 1991 [the RMA].

<sup>38</sup> Environmental Protection Authority | Te Mana Rauhi Taiao *Decision on Marine Consents and Marine Discharge Consents Application – Trans-Tasman Resources Ltd – Extracting and processing iron sand within the South Taranaki Bight* (August 2017) [DMC decision]. An earlier application made by TTR in November 2013 was declined by a differently constituted decision-making committee (DMC) in June 2014: Environmental Protection Authority | Te Mana Rauhi Taiao *Trans-Tasman Resources Ltd – Marine Consent Decision* (June 2014).

process would be returned to the seabed via a controlled discharge. The discharge of de-ored sediment from the integrated mining vessel is a mining discharge of harmful substances under the EEZ Act for which TTR requires a marine discharge consent.<sup>39</sup> The other marine and marine discharge consents granted to TTR cover a range of matters, including extraction, the redistribution of de-ored sediments, anchor handling, and noise caused by the integrated mining vessel during extraction activities.<sup>40</sup> The marine consents and marine discharge consents would be valid for 35 years.<sup>41</sup>

[18] An important focus of the DMC's assessment of TTR's application was on the likely environmental effects of the sediment plume. In addition, the DMC was required to address the direct effect of mining on the seabed floor and benthos (that is, the flora and fauna on the bottom of the seabed in the 66 km<sup>2</sup> mining area) and the effect on marine mammals and other fauna of the noise generated by the mining activities, as well as the effects on iwi and on various existing interests.

[19] The first respondents all participated in the hearing before the DMC.<sup>42</sup> They made submissions opposing the grant of the consents. The first respondents appealed to the High Court challenging the DMC decision on the basis that it was wrong in law on a number of grounds. The High Court allowed the appeal on one ground.<sup>43</sup> The High Court found that the consents adopted an "adaptive management approach", which is not permitted under the EEZ Act in relation to marine discharge consents.<sup>44</sup> The High Court quashed the decision of the DMC and the matter was referred back to the DMC for reconsideration, applying the correct legal test on adaptive management.

[20] TTR appealed to the Court of Appeal, arguing that the consents should not have been quashed because they did not adopt an adaptive management approach. The first respondents sought to uphold the High Court decision and filed cross-appeals in the Court of Appeal contending that there were other errors of law in the DMC decision.

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<sup>39</sup> EEZ Act, s 20C.

<sup>40</sup> A full list of authorised restricted activities as set out in the DMC decision, above n [38](#), is reproduced below at Appendix 1.

<sup>41</sup> See EEZ Act, ss 73 and 87H.

<sup>42</sup> The second respondent, the Environmental Protection Authority (the EPA), also participated.

<sup>43</sup> *Taranaki-Whanganui Conservation Board v Environmental Protection Authority* [2018] NZHC 2217, [2019] NZRMA 64 (Churchman J) [HC judgment].

<sup>44</sup> EEZ Act, s 87F(4).

[21] The Court of Appeal dismissed the appeal.<sup>45</sup> The High Court's decision to allow the first respondents' appeal and quash the decision of the DMC was upheld but on other grounds. Leave to appeal to this Court was granted on the question of whether the Court of Appeal was correct to dismiss the appeal.<sup>46</sup>

[22] TTR's appeal to this Court raises a number of issues about the approach to the EEZ Act, in particular, to its purposes, how the Act gives effect to the Treaty of Waitangi and customary interests, the place of tikanga,<sup>47</sup> the approach to international instruments, the adequacy of the information before the DMC and its ability to address any uncertainty about that information and adverse effects by the conditions that were imposed on the consents, as well as the interrelationship between the regime in the EEZ Act and other marine management regimes. Finally, there is also a question about the use of the chairperson's casting vote.

[23] We address these issues in the discussion which follows but first provide an overview of the statutory scheme.

### **Overview of the statutory scheme**

[24] It will be necessary in due course to refer to a number of provisions in the EEZ Act, but for the moment, it suffices to give a brief description of the outline of the Act<sup>48</sup> and to set out the key provisions relating to TTR's application for marine consents and marine discharge consents.

[25] The purpose of the Act is set out in s 10 and at this point it is sufficient to note the two purposes in s 10(1), that is:

- (a) to promote the sustainable management of the natural resources of the exclusive economic zone and the continental shelf; and

<sup>45</sup> *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZCA 86, [2020] NZRMA 248 (Kós P, Courtney and Goddard JJ) [CA judgment].

<sup>46</sup> *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67.

<sup>47</sup> The Attorney-General was granted leave to intervene on the issues arising in relation to the Treaty of Waitangi, Māori customary interests and the applicability of tikanga to marine consent and marine discharge consent applications. Leave was also given to the EPA to make submissions on systemic issues raised in the appeal which may affect the Authority's further work.

<sup>48</sup> See EEZ Act, s 3.

- (b) in relation to the exclusive economic zone, ... to protect the environment from pollution by regulating or prohibiting the discharge of harmful substances and the dumping or incineration of waste or other matter.

[26] The Act also provides that it continues or enables the implementation of New Zealand's international obligations relating to the marine environment,<sup>49</sup> and sets out how the Crown's responsibility to give effect to the principles of the Treaty of Waitangi is recognised and respected by provisions of the Act.<sup>50</sup>

[27] Subpart 3 of Part 1 then sets out the functions, duties and powers of the EPA and of the Māori Advisory Committee which assists the EPA under the EEZ Act.<sup>51</sup>

[28] Central to the Act's consenting regime is the classification of activities as permitted, discretionary or prohibited. An activity is a permitted activity if it is described in regulations made under the Act as a permitted activity.<sup>52</sup> Permitted activities can be undertaken without a marine consent, provided the activity complies with the specifications set out in the regulations.<sup>53</sup> An activity is a discretionary activity if, relevantly, the Act or regulations describe the activity as discretionary or allow the activity with a marine consent.<sup>54</sup> Discretionary activities can only be undertaken with a marine consent.<sup>55</sup> An activity is a prohibited activity if it is described in the Act or regulations as a prohibited activity.<sup>56</sup> Such activities cannot be undertaken, nor can consents be applied for or granted in relation to them.<sup>57</sup>

[29] Part 2 of the Act sets out the duties, restrictions and prohibitions relating to various activities in the EEZ. The effect of s 20 is that the activities listed in s 20(2), which do not include discharges and dumping, may not be carried out in the EEZ

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<sup>49</sup> Section 11.

<sup>50</sup> Section 12.

<sup>51</sup> The EPA and its Māori Advisory Committee are both established under the Environmental Protection Authority Act 2011: ss 3 and 18. Section 8 provides that the EPA is a Crown entity for the purposes of s 7 of the Crown Entities Act 2004 (that section sets out the various categories of Crown entities).

<sup>52</sup> EEZ Act, s 35(1).

<sup>53</sup> Section 35(2).

<sup>54</sup> Section 36(1).

<sup>55</sup> Section 36(2).

<sup>56</sup> Section 37(1).

<sup>57</sup> Section 37(2)–(3).

unless the activity is a permitted activity or authorised by a marine consent,<sup>58</sup> or by ss 21, 22 or 23. (Sections 21–23 permit specific existing and planned petroleum activities to continue.) The listed activities are as follows:

- (a) the construction, placement, alteration, extension, removal, or demolition of a structure on or under the seabed:
- (b) the construction, placement, alteration, extension, removal, or demolition of a submarine pipeline on or under the seabed:
- (c) the placement, alteration, extension, or removal of a submarine cable on or from the seabed:
- (d) the removal of non-living natural material from the seabed or subsoil:
- (e) the disturbance of the seabed or subsoil in a manner that is likely to have an adverse effect on the seabed or subsoil:
- (f) the deposit of any thing or organism in, on, or under the seabed:
- (g) the destruction, damage, or disturbance of the seabed or subsoil in a manner that is likely to have an adverse effect on marine species or their habitat.

[30] TTR required various marine consents for the activities linked to the recovery of iron ore deposits and the related environmental monitoring activities as these were not permitted activities. To illustrate the nature of the consents in terms of the activities referred to, s 20(2)(d) relates to the removal of non-living natural material from the seabed or subsoil. That subsection was relevant to two of TTR’s proposed activities: the removal of sediment from the seabed and subsoil using its crawler and by grade control drilling; and the taking of sediment and benthic grab samples from the seabed and subsoil associated with environmental monitoring.<sup>59</sup>

[31] There are also duties, restrictions and prohibitions relating to discharges of harmful substances or dumping into the EEZ.<sup>60</sup>

<sup>58</sup> A “marine consent” is defined to mean “(a) a marine consent granted under section 62; or (b) an emergency dumping consent, a marine discharge consent, or a marine dumping consent”: s 4(1) definition of “marine consent” or “consent”.

<sup>59</sup> TTR’s impact assessment report prepared as part of its application describes grade control drilling as involving “closely spaced seabed sampling to further define the extent of the extraction area as well as providing further information of the sediment characteristics within this area, prior to any extraction activity”.

<sup>60</sup> See Subpart 2 of Part 2.



[32] To put this part of the legislation in context, it is necessary first to explain what is meant by a “harmful substance”. Harmful substances are defined in s 4(1) of the EEZ Act as “any substance specified as a harmful substance by regulations made under [the] Act”. The Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2015 (EEZ Regulations 2015) relevantly define harmful substance as including “sediments from mining activities other than petroleum extraction”.<sup>61</sup>

[33] It is also important to note the interrelationship between the EEZ Act and the Maritime Transport Act 1994.<sup>62</sup> The Maritime Transport Act and the Maritime Rules and Marine Protection Rules made under that Act comprise the primary mechanisms for regulating maritime activity in New Zealand. The Maritime Transport Act and its associated delegated legislation, broadly speaking, address both maritime activity generally and the protection of the marine environment.<sup>63</sup> For present purposes, it is relevant that the Maritime Transport Act also regulates the discharge of harmful substances into the sea or seabed of the EEZ but not discharges associated with mining activity. TTR’s activities with which the DMC’s decision was directly concerned are accordingly governed by the EEZ Act rather than the Maritime Transport Act because the relevant discharges are mining discharges.<sup>64</sup> A “mining discharge”, in relation to a harmful substance, is defined in s 4(1) of the EEZ Act to mean “a discharge made as an integral part of, or as a direct result of, a mining activity”.<sup>65</sup>

<sup>61</sup> Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2015 [EEZ Regulations 2015], reg 4(d). The applicable version of the regulations is the version as enacted on 28 September 2015. This is the version used in this judgment.

<sup>62</sup> The RMA also deals with marine pollution, providing criminal liability for certain dumping and discharges within the CMA: RMA, ss 15A, 15B and 338(1A)–(1B).

<sup>63</sup> The purposes of the Maritime Transport Act 1994 include “to protect the marine environment” and “to continue, or enable, the implementation of obligations on New Zealand under various international conventions relating to pollution of the marine environment” (long title).

<sup>64</sup> EEZ Act, s 20A. See also s 224A of the Maritime Transport Act, which sets out how the discharge of harmful substances is regulated under that Act and under the EEZ Act. See further ss 226(1)–(2) and (4) and 226A of the Maritime Transport Act, the effect of which is that harmful substances other than mining discharges cannot be discharged from a ship into the sea within the EEZ or into or onto the seabed below that sea except where discharged in accordance with the Marine Protection Rules.

<sup>65</sup> A “mining activity” means “an activity carried out for, or in connection with,—(a) the identification of areas of the seabed likely to contain mineral deposits; or (b) the identification of mineral deposits; or (c) the taking or extraction of minerals from the sea or seabed, and associated processing of those minerals”: EEZ Act, s 4(1) definition of “mining activity”.

[34] Section 20B of the EEZ Act prevents the discharge of a harmful substance from a structure into the sea or into or onto the seabed of the EEZ unless the discharge is a permitted activity or authorised by a marine consent or ss 21, 22 or 23.<sup>66</sup> Section 20C makes similar provision for mining discharges of harmful substances from a ship into the sea of the EEZ. To illustrate the application of those provisions here, s 20C applied to the discharge of de-ored sediments and any associated contaminants back to the water column from TTR's integrated mining vessel. We add that the term "marine consent" is used in these reasons to encompass consents required for s 20 activities, not consents relating to discharges and dumping.

[35] The next part of the Act, Part 3, provides for regulations to be made and the matters to be considered in making the various regulations.<sup>67</sup> This Part also contains the process for making and deciding on applications for marine consents (in respect of the activities described in s 20).<sup>68</sup> We will come back to some of the detail of the processes for applications and hearings later. We will also return shortly to the detail of s 59, which sets out the factors to be taken into account by the EPA in considering an application for a marine consent, as well as to s 60, which provides for the matters to be considered in considering the effect of an activity on existing interests, and to s 61, which describes the information principles applicable to applications for a marine consent.

[36] Section 62(1) states that after complying with ss 59–61, the EPA or (as here) the DMC may grant an application for a marine consent in whole or in part, or may refuse the application.<sup>69</sup> If the application is granted, it may be subject to conditions as provided for in s 63.<sup>70</sup> Section 64(1) provides that the EPA may incorporate an adaptive management approach into a marine consent, as defined in that section. Section 65 deals with bonds and s 66 with monitoring conditions.

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<sup>66</sup> Under reg 10 of the EEZ Regulations 2015, the discharge of sediments other than a discharge permitted by regs 7, 8 or 9, or prohibited by reg 11, is classified as a discretionary activity under the EEZ Act.

<sup>67</sup> Subpart 1 of Part 3.

<sup>68</sup> Subpart 2 of Part 3.

<sup>69</sup> Where referring to the decision-maker in the present case, reference will be to the DMC rather than to the EPA. Further, references to the DMC's approach are references to the DMC majority unless specified otherwise.

<sup>70</sup> Section 62(3).

[37] Where the activity involves a mining discharge of a harmful substance which is not a permitted activity, as was the case here, the relevant processes are described in Subpart 2A of Part 3. The effect of this Subpart is, broadly, that the provisions governing applications for marine consents also apply to applications for marine discharge or dumping consents but with some important modifications. In terms of the modifications, for example, and as noted above, on a marine discharge or dumping consent it is not permissible to impose a condition that amounts to or contributes to an adaptive management approach.<sup>71</sup>

[38] Part 4 of the Act deals with objections, appeals and enforcement. The only aspect of this Part that needs to be recorded is that there is a right of appeal from a decision of the EPA to the High Court on a question of law.<sup>72</sup>

### **The correct approach to determine applications for a marine discharge consent**

[39] This part of the appeal turns on whether the Court of Appeal was correct in its approach to the statutory purpose and, in particular, as to the interrelationship between s 10, the purpose provision, and s 59 (and s 87D),<sup>73</sup> which sets out various factors the DMC was required to take into account.

[40] It is helpful at this point to set out s 10 in full:

#### **10 Purpose**

- (1) The purpose of this Act is—
  - (a) to promote the sustainable management of the natural resources of the exclusive economic zone and the continental shelf; and
  - (b) in relation to the exclusive economic zone, the continental shelf, and the waters above the continental shelf beyond the outer limits of the exclusive economic zone, to protect the environment from pollution by regulating or prohibiting the discharge of harmful substances and the dumping or incineration of waste or other matter.

<sup>71</sup> Section 87F(4).

<sup>72</sup> Section 105. See s 113 for appeals to the Court of Appeal.

<sup>73</sup> When considering an application for discharge and dumping consents, s 87D(2) provides that the DMC must take into account the matters described in s 59(2) apart from some specific exceptions depending on the type of application. Accordingly, and for convenience, throughout these reasons we refer to the “s 59 factors” even where they relate to the discharge aspects of the application.

- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural resources in a way, or at a rate, that enables people to provide for their economic well-being while—
  - (a) sustaining the potential of natural resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of the environment; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- (3) In order to achieve the purpose, decision-makers must—
  - (a) take into account decision-making criteria specified in relation to particular decisions; and
  - (b) apply the information principles to the development of regulations and the consideration of applications for marine consent.

[41] When considering an application for a marine consent and submissions on the application, the specified decision-making criteria are those factors set out in s 59. For applications for a marine discharge consent and the submissions on the application, s 87D(2)(a) provides that the relevant criteria are also as set out in s 59(2), with one amendment relating to s 59(2)(c), as we will discuss.<sup>74</sup>

[42] The list of factors in s 59(2) begins with a number of environmental factors and the effects on existing interests. Section 59(2)(a) accordingly directs the EPA to consider “any effects on the environment or existing interests of allowing the activity” and s 59(2)(b) refers to “the effects on the environment or existing interests of other activities undertaken in the area covered by the application or in its vicinity”. When considering an application for a marine consent, s 59(2)(c) provides that the EPA is to take into account “the effects on human health that may arise from effects on the environment”. But when the application is for a marine discharge consent, this requirement is expressed as “the effects on human health of the discharge of harmful substances if consent is granted”.<sup>75</sup> Section 59(2)(d) directs attention to “the importance of protecting the biological diversity and integrity of marine species,

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<sup>74</sup> Section 87D(2)(a)(i).

<sup>75</sup> Section 87D(2)(a)(ii).

ecosystems, and processes” and s 59(2)(e) to “the importance of protecting rare and vulnerable ecosystems and the habitats of threatened species”.

[43] The remaining factors in s 59(2) are as follows:

- (f) the economic benefit to New Zealand of allowing the application; and
- (g) the efficient use and development of natural resources; and
- (h) the nature and effect of other marine management regimes; and
- (i) best practice in relation to an industry or activity; and
- (j) the extent to which imposing conditions under section 63 might avoid, remedy, or mitigate the adverse effects of the activity; and
- (k) relevant regulations; and
- (l) any other applicable law; and
- (m) any other matter the EPA considers relevant and reasonably necessary to determine the application.

[44] Section 59(3) makes it clear that the EPA must also have regard to submissions and evidence given in relation to the application, any advice the EPA has sought, and any advice from the Māori Advisory Committee. Under s 59(5), the EPA is directed not to have regard to the following factors:

- (a) trade competition or the effects of trade competition; or
- (b) the effects on climate change of discharging greenhouse gases into the air; or
- (c) any effects on a person’s existing interest if the person has given written approval to the proposed activity.

[45] As the case has developed, two main issues arise about the correct approach to the purpose provision and its interrelationship with s 59. The first is whether, as the Court of Appeal found, s 10(1)(a) and (b) provide the operative criteria for the DMC’s decision. The second issue is whether the Court was correct to conclude that the objective of s 10(1)(b) can only be achieved by regulating the proposed activity in a way that will avoid material pollution of the environment or, if that is not possible, by prohibiting the relevant discharge or dumping.

[46] On these two aspects of the appeal, TTR’s position is that the Court of Appeal has erred in adopting an environmental bottom line or a position close to that. TTR says that what the Act requires is an overall assessment of the various relevant factors with no requirement to give ascendancy to the environmental effects of an application. The first respondents support the judgment of the Court of Appeal on this aspect.<sup>76</sup> As is apparent from TTR’s case, the issues arising under this head are interrelated, but it is useful nonetheless to first address how ss 10(1) and 59 work together before turning to the meaning of s 10(1)(b).

*Decision-making criteria?*

[47] The Court of Appeal saw s 10(1) as the “principal criteria by reference to which powers must be exercised under the EEZ Act”. Indeed, the Court considered that for marine consents and marine discharge consents s 10 provides “the only decision-making criteria in the EEZ Act and must be the touchstone of the EPA’s analysis”.<sup>77</sup> In developing this point, the Court said the DMC erred in not asking two questions, that is, whether granting the consents would give effect to sustainable management and whether granting the consents was consistent with the objective in s 10(1)(b) of protecting the environment from pollution caused by the discharge of harmful substances.<sup>78</sup> The DMC, and similarly the High Court, were accordingly wrong to have “undertaken a broad evaluation of the desirability of granting a marine discharge consent weighing all the relevant s 59 factors in the mix—an ‘Integrated Assessment’ in which all the factors are balanced together, and a conclusion reached by reference to an unarticulated overall test”.<sup>79</sup>

[48] We do not agree with the view of the Court of Appeal that s 10(1)(a) and (b) provide the main operative decision-making provisions.<sup>80</sup> That is clear from s 10(3), which says that to achieve the purpose in s 10(1), decision-makers must “take into

<sup>76</sup> The first respondents generally adopted each other’s submissions. Individual respondents led the argument on various topics. We accordingly largely focus on the primary submissions on any topic.

<sup>77</sup> CA judgment, above n [45](#), at [35].

<sup>78</sup> At [106].

<sup>79</sup> At [107]. See also at [110].

<sup>80</sup> See also, in the context of s 5 of the RMA, *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593 at [130] and [151] as to the operative decision-making criteria applying in that case.

account decision-making criteria specified in relation to particular decisions”.<sup>81</sup> The Court of Appeal accepted that s 10(3) “identifies key steps that the decision-maker must take in order to achieve the [statutory] purpose”. But the Court stated that neither s 10(3), “nor the provisions to which it refers, provide any criteria to govern the overall assessment and determination of applications”. As noted, the Court said the “relevant criteria are found in s 10(1)”.<sup>82</sup> That approach, however, does not fit with the words of s 10(3)(a), which expressly describe the matters set out in s 59 as “decision-making criteria”. That point is emphasised by the direction in s 62(1) (the provision on decisions for applications for consents) that, “[a]fter complying with” ss 59–61, the EPA may grant or refuse an application for a marine consent.

[49] Further, the s 10(1) purposes apply in the context of a definition of the environment which addresses the biophysical aspects.<sup>83</sup> Section 59, by contrast, also lists non-biophysical and environmental factors as needing to be taken into account, which suggests s 10(1) does not provide the full considerations.<sup>84</sup>

[50] Finally, it is clear from the overall statutory scheme, which sets out which factors apply to which type of proposed activity, that the approach is to provide, via those factors, for the way in which the purposes are to be achieved in respect of different activities.

<sup>81</sup> This appears also to have been the responsible Minister’s view at the time of the passage of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill 2011 (321-1) [EEZ Bill] through the House. The Minister said she saw the s 59 factors as mirroring s 6 of the RMA (which provides a range of matters decision-makers must recognise and provide for in order to achieve the purpose of the RMA): (16 August 2012) 682 NZPD 4492. The departmental report to the Select Committee also described the clauses which became s 59 as the “operative decision-making clauses”: Ministry for the Environment *Departmental Report on the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill* (March 2012) [Departmental Report on EEZ Bill] at 41.

<sup>82</sup> CA judgment, above n 45, at [108].

<sup>83</sup> The definition of “environment” in s 4(1) of the EEZ Act is narrower than that in s 2(1) of the RMA. In the EEZ Act, “environment” means “the natural environment, including ecosystems and their constituent parts and all natural resources” of New Zealand, the EEZ, the continental shelf and the waters beyond the EEZ and above and beyond the continental shelf. The RMA definition of “environment” also includes “amenity values” and “the social, economic, aesthetic, and cultural conditions” affecting ecosystems, natural and physical resources and amenity values: s 2(1) definition of “environment”, paras (c)–(d).

<sup>84</sup> R I Carter *Burrows and Carter Statute Law in New Zealand* (6th ed, LexisNexis, Wellington, 2021) notes at 341 the need to keep “in mind that the statement of purpose, being only a précis, may sometimes not accurately cover the whole scope of the Act, and individual provisions may go beyond it”.

[51] We therefore accept TTR’s argument that what is required is an overall assessment of the s 59 factors albeit, as we will come to, the statutory purpose must always be kept to mind.

[52] An approach requiring an overall assessment or judgment is not inconsistent with this Court’s decision in *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd*.<sup>85</sup> The Court in that case considered the Board of Inquiry had erred in making an “overall judgment” on the facts and in light of the purposes and principles set out in Part 2 of the Resource Management Act 1991 (the RMA) in deciding whether or not to make the changes sought by New Zealand King Salmon Co Ltd to the Marlborough Sounds Resource Management Plan. The changes sought would move salmon farming from a prohibited activity to a discretionary activity in eight locations.

[53] The Court found that, in the plan change context in issue, the “overall judgment” approach did not recognise environmental bottom lines, which in that case were those in the New Zealand Coastal Policy Statement (NZCPS).<sup>86</sup> The NZCPS was “an instrument at the top of the hierarchy [of planning instruments]” and contained “objectives and policies that, while necessarily generally worded, are intended to give substance to the principles in Part 2 [of the RMA] in relation to the coastal environment”.<sup>87</sup> Therefore, the Court held there was “no need to refer back to [Part 2] when determining a plan change”.<sup>88</sup> There were also other factors supporting rejection of the “overall judgment” approach in relation to the implementation of the NZCPS.<sup>89</sup>

[54] Since *King Salmon*, there has been debate as to how that decision impacts the approach to applications other than for plan changes under the RMA, such as applications for resource consent which have different statutory directives.<sup>90</sup> Differing approaches have emerged in the lower courts.<sup>91</sup> This issue was recently considered by

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<sup>85</sup> *King Salmon*, above n.80.

<sup>86</sup> At [132]. See also at [136]–[137] and [152]–[153].

<sup>87</sup> At [152].

<sup>88</sup> At [85].

<sup>89</sup> At [136]–[139].

<sup>90</sup> Peter Salmon and David Grinlinton (eds) *Environmental Law in New Zealand* (2nd ed, Thomson Reuters, Wellington, 2018) at 591.

<sup>91</sup> At 591.



the Court of Appeal in *RJ Davidson Family Trust v Marlborough District Council*.<sup>92</sup> This decision addressed the interrelationship between the purpose provision in s 5 of the RMA and s 104 of that Act, dealing with applications for resource consents. The case concerned the same resource management plan as was in issue in *King Salmon*.<sup>93</sup> The Court of Appeal accordingly addressed the effect of the rejection of the “overall judgment” approach in *King Salmon*. The Court did not consider that the ability to consider the purposes and principles in Part 2 of the RMA (including s 5) in the context of s 104 was subject to any limitations of the kind contemplated by *King Salmon*.<sup>94</sup> Various statutory provisions relied on by this Court in rejecting the “overall judgment” approach in *King Salmon* were not relevant in *RJ Davidson*. The Court concluded that s 5 was relevant to the decision as to whether or not to grant a resource consent under s 104.<sup>95</sup>

[55] In the present case, there is a clear link between the purposes in s 10(1) and s 59. The decision-maker has to consider the criteria in s 59 with a view to ensuring that the statutory purposes in s 10(1) are met.<sup>96</sup> Accordingly, the DMC, when taking into account the s 59(2) factors and having regard to the matters in s 59(3) and (4), will always have to consider those aspects in terms of the purpose. Treating both of the purposes as a cross-check is a way in which that consideration may be achieved. To this extent we accept the notion that s 10(1) is the ultimate touchstone.<sup>97</sup>

[56] However, the approach taken by the Court of Appeal unduly elevates the purpose provision by giving it an operational effect and by treating s 10(1)(b) as thereby giving priority to some effects in s 59 over others.<sup>98</sup> If that means a

<sup>92</sup> *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 283.

<sup>93</sup> At [54].

<sup>94</sup> At [66].

<sup>95</sup> At [47], [51]–[52] and [70].

<sup>96</sup> This is clear from the wording of s 10(3)(a), which states that “[i]n order to achieve the purpose”, the decision-maker must take into account the decision-making criteria specified in relation to particular decisions. See similarly *RJ Davidson*, above n [92](#), at [52], where the Court held that the reference to Part 2 in s 104(1) of the RMA “enlivens ss 5–8 in the case of applications for resource consent”.

<sup>97</sup> Carter, above n [84](#), at 343 makes the point that “individual sections of an Act may be so clearly expressed that they are not susceptible to qualification in the light of [a] purpose statemen[t]”, but, even then, the purpose statement is “an important part of the context in which every section of the Act must be read before a meaning is attributed to it”.

<sup>98</sup> The High Court similarly rejected a submission that the s 10(1)(b) purpose overrode the purpose in s 10(1)(a): HC judgment, above n [43](#), at [102].

hierarchical approach to s 59 is required, we do not agree. The obvious contrast is with ss 6, 7 and 8 of the RMA, which plainly establish a hierarchy of interests.<sup>99</sup> But, when dealing with marine discharge consents, both limbs of s 10(1) are relevant, so each must be addressed. The sustainable management purpose therefore remains part of the equation when considering the s 59 factors.

[57] Further, the legislative history suggests that the decision not to adopt a hierarchical approach in the EEZ Act was a deliberate one. During the parliamentary process, an amendment was proposed by a member of Parliament which would have amended the purpose clause in the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill 2011 (EEZ Bill)<sup>100</sup> by establishing the priority of environmental-focused matters over the broader matters, including economic benefit.<sup>101</sup> This amendment was not passed.<sup>102</sup>

[58] That said, in a particular case, some factors will be more relevant and more important as a matter of fact than others. To take an obvious example, some situations may involve impacts on human health where the proposed activity has only limited economic benefit. In those situations, the impact on public health will take primacy. As the Court in *RJ Davidson* said, this reflects “the possibility of different outcomes where an overall judgment is applied”.<sup>103</sup>

[59] To summarise, an overall assessment of the s 59 factors (except for s 59(2)(c) and substituting s 87D(2)(ii)) was required to be taken in this case, but the DMC also needed to address those factors with both s 10(1) purposes in mind. The DMC’s approach was to focus on the s 59 factors, albeit acknowledging the need to achieve

<sup>99</sup> Section 6 of the RMA lists matters of national importance that the decision-maker “shall recognise and provide for”, s 7 lists other matters that decision-makers “shall have particular regard to” and s 8 provides that decision-makers “shall take into account” the principles of the Treaty of Waitangi. All three sections apply as part of achieving the statutory purpose set out in s 5, but Salmon and Grinlinton, above [90](#), at 595 state that the different phraseology “establish[es] a hierarchy of importance for decision-makers to follow”.

<sup>100</sup> EEZ Bill, above n [81](#).

<sup>101</sup> Supplementary Order Paper 2012 (89) Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill (321-2) (explanatory note) at 2–3. See also (16 August 2012) 682 NZPD 4506–4507. The departmental report to the Select Committee explicitly rejected any hierarchical or tiered approach to the s 59 factors, contrasting this aspect of the Bill with the RMA. The report suggested the matters listed were “equally weighted and the weight will depend on the circumstances of a given case”: Departmental Report on EEZ Bill, above n [81](#), at 12.

<sup>102</sup> (16 August 2012) 682 NZPD 4518.

<sup>103</sup> See *RJ Davidson*, above n [92](#), at [69]. See also at [74].

the statutory purpose. The DMC undertook what it described as an “Integrated Assessment” which worked through those factors in turn. However, it is fair to say, as the Court of Appeal did, that this assessment comes to a “somewhat abrupt end” with no clear indication of the test applied in coming to the conclusion to grant the consents.<sup>104</sup> Further, the DMC took the view that it was not possible to deal with the applications for marine consents separately from the applications for marine discharges because they were linked. That may well have been a practical approach to take but the risk in doing so was that the s 10(1)(b) purpose was overlooked. We consider that, at least in respect of the significant adverse effects identified by the DMC, for example, in relation to the Pātea Shoals and other environmentally sensitive areas, it appears that the s 10(1)(b) purpose was not considered. However, given our approach to s 10 is not one shared by the majority, we do not need to reach a concluded view on this.

*The requirement to “protect the environment from pollution”*

[60] We turn to consider what s 10(1)(b) means in the present context. On this aspect also we take a different view from the majority. The dispute between the parties turns on whether the Court of Appeal’s approach is correct. While the first respondents generally adopt the Court of Appeal’s approach, TTR says the Court incorrectly attributed “protection” with an absolute quality. TTR argues that what is required instead is a trade-off against a range of protective measures and the DMC can balance the materiality of harm against economic benefits. This exercise, it says, should be undertaken in the round. In supporting the approach taken by the Court of Appeal, Mr Fowler QC for the iwi parties submitted that the addition of s 10(1)(b) shifts the focus to the prevention of pollution. He says this does not allow an activity to proceed where essentially that would entail cleaning up the environmental damage left behind, albeit over time that damage may be mitigated.

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<sup>104</sup> CA judgment, above n [45](#), at [99].

[61] To put the argument in context, it is helpful to begin with the key conclusion on this point in the judgment of the Court of Appeal, namely that:<sup>105</sup>

It is not consistent with s 10(1)(b) to permit marine discharges or marine dumping that will cause harm to the environment, on the basis that the harm will subsequently be remedied or mitigated. The s 10(1)(b) goal can only be achieved by regulating the activity in question (for example, by imposing conditions) in a manner that will avoid material pollution of the environment, or if that is not possible, by prohibiting the relevant discharge or dumping in question. ... [T]he reference to regulating discharges or dumping is a reference to regulating those activities in order to pursue the goal of protecting the environment from pollution: it does not indicate that there are circumstances in which that goal need not be pursued.

[62] The Court of Appeal in this passage and elsewhere discusses both “harm” (and “pollution”) and “material harm” (and “material pollution”). There was some debate at the hearing in this Court about the test being applied, but it was generally accepted that the Court of Appeal meant “material” harm. That this is the position is confirmed by the Court’s emphasis on the findings of the DMC as to the real prospect that the sediment plume resulting from TTR’s proposed activities would have “material” adverse effects on the environment despite the conditions imposed.<sup>106</sup>

[63] The Court said that protecting means “keeping the environment safe from pollution”.<sup>107</sup> If regulation will not achieve that, then prohibition is the appropriate response.<sup>108</sup> The Court stated that it followed that the criteria for marine discharge consents were “more demanding” than for marine consents generally, and, importantly, the Court explained:<sup>109</sup>

It is not consistent with the scheme of the EEZ Act to trade off harm to the environment caused by a marine discharge against other benefits, such as economic benefits. Nor is it consistent with the scheme of the EEZ Act to permit harm to the environment caused by a marine discharge on the basis that this harm will subsequently be remedied or mitigated. It would be inconsistent with s 10(1) for the EPA to grant a marine discharge consent if granting the consent is not consistent with the goal of protecting the environment from pollution. Protecting the environment—keeping it safe from harm caused by marine discharges or marine dumping—is in this sense a bottom line. It is not open to the EPA to grant a consent for a marine discharge or marine dumping

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<sup>105</sup> At [86].

<sup>106</sup> At [111].

<sup>107</sup> At [109]. See also at [85]. In this respect, the Court of Appeal cited (at [85], n 56) *Environmental Defence Society Inc v Mangonui County Council* [1989] 3 NZLR 257 (CA) at 262.

<sup>108</sup> CA judgment, above n 45, at [109].

<sup>109</sup> At [89] (footnote omitted).

unless it is satisfied that the relevant activity is not likely to cause harm to the environment. If there is a real prospect of material pollution of the environment, a marine discharge or dumping consent should not be granted.

[64] It is clear from the legislative history that, at the time the EEZ Act was enacted, the intention was to enable the natural resources of the EEZ to be exploited but “in an environmentally responsible way”.<sup>110</sup> What was envisaged was a balancing process between environmental and economic interests in the exploitation of those natural resources. As Hon Amy Adams, the responsible Minister, put it in the course of the second reading debate, the Bill was not about “pitting the economy against the environment. It is about balance, and responsible management of our oceans”.<sup>111</sup>

[65] In the Bill as introduced, the purpose clause (cl 10) was framed in terms of that balance: the “balance between the protection of the environment and economic development”.<sup>112</sup> Neither environmental nor economic interests prevailed. This balancing exercise was to be undertaken by requiring decision-makers to do various things, including taking into account the matters in cls 12 and 13. Clause 12 listed many of the factors which are now in s 59, including adverse effects on the environment and economic wellbeing. Clause 13 set out the information principles which are now in s 61. In the report back on the Bill from the Select Committee, the Committee recommended moving the requirements in cls 12 and 13 to the “substantive decision-making clauses” in the Bill (what is now s 59).<sup>113</sup> This, the Committee said, “would strengthen the connection between decision-making and the relevant considerations”.<sup>114</sup>

[66] A number of supplementary order papers were introduced at the Committee stage of the Bill. In one supplementary order paper, the responsible Minister sought

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<sup>110</sup> See the speech of the responsible Minister at the time in the first reading: (13 September 2011) 675 NZPD 21216.

<sup>111</sup> (30 May 2012) 680 NZPD 2734. The departmental report to the Select Committee was clear that the EEZ Bill did not have “an absolute conservation or protection purpose”, noting that there were “better tools available to address conservation needs in the EEZ [such as] the Marine Reserves Bill”: Departmental Report on EEZ Bill, above n [81](#), at 10.

<sup>112</sup> EEZ Bill, above n [81](#).

<sup>113</sup> Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill 2011 (321-2) (select committee report) [EEZ Bill (select committee report)] at 3–4.

<sup>114</sup> At 3.

an amendment to cl 10 which would insert a new purpose provision. The proposed amendment read:<sup>115</sup>

#### **10 Purpose**

- (1) The purpose of this Act is to promote the sustainable management of the natural resources of the exclusive economic zone and the continental shelf.
- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural resources in a way, or at a rate, that enables people to provide for their economic well-being while—
  - (a) sustaining the potential of natural resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of the environment; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- (3) In order to achieve the purpose, decision-makers must—
  - (a) take into account decision-making criteria specified in relation to particular decisions; and
  - (b) apply the information principles to the development of regulations and the consideration of applications for marine consent.

[67] The explanatory note to the supplementary order paper advanced by the Minister noted that the proposed amendment replaced the balancing purpose with a purpose of promoting sustainable management.<sup>116</sup> The Minister did not see this change as reflecting a shift away from a balance. Rather, the Minister described it as substituting a term, “sustainable management”, that was “well defined in case law” and well understood.<sup>117</sup> This, the Minister later reiterated, would “provide for fundamentally the same process [as the original balancing exercise] but directed

<sup>115</sup> Supplementary Order Paper 2012 (100) Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill 2011 (321-2) at 2.

<sup>116</sup> Supplementary Order Paper 2012 (100) Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill 2011 (321-2) (explanatory note) at 14.

<sup>117</sup> (16 August 2012) 682 NZPD 4492. To the same effect, see the Minister’s speech in the third reading: (28 August 2012) 683 NZPD 4780.

through better-understood legal mechanisms”.<sup>118</sup> This proposed amendment was adopted by a majority of the House following the Committee debate.

[68] As we have noted, another member proposed an amendment to cl 10 and consequential changes, which would have provided for a prioritised list of factors for decision-makers to consider. This was rejected.<sup>119</sup> A proposed amendment to the purpose clause so that it provided that the Act’s purpose was “to protect and preserve the environment while providing for sustainable economic development” was also rejected.<sup>120</sup>

[69] Section 10 was enacted in the same terms as the Minister’s proposed amendment. This was then the position until the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2013 (the 2013 Amendment Act).<sup>121</sup> The 2013 Amendment Act inserted s 10(1)(b) into the EEZ Act, this provision coming into force in October 2015. What became the 2013 Amendment Act arose from an omnibus bill, the Marine Legislation Bill 2012, which was introduced to the House shortly after the EEZ Bill was given its third reading.<sup>122</sup>

[70] The explanatory note to the Marine Legislation Bill recorded that the Bill amended the EEZ Act in order to transfer the responsibility for the regulation of discharges and dumping in the EEZ and continental shelf from Maritime New Zealand to the EPA.<sup>123</sup> The transfer was to enable discharges and dumping “to be assessed

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<sup>118</sup> (28 August 2012) 683 NZPD 4780.

<sup>119</sup> See above at [\[57\]](#).

<sup>120</sup> Supplementary Order Paper 2012 (97) Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill 2011 (321-2).

<sup>121</sup> The EEZ Bill did not address management of the effects of discharges and dumping because these were regulated under the Maritime Transport Act and Marine Protection Rules by Maritime New Zealand. That may have been because the Bill was seen as gap-filling, a point to which we return later: at n [297](#) below. An early regulatory impact statement produced shortly after the EEZ Bill had its first reading recommended transferring discharge and dumping regulatory functions to the EPA under the EEZ Bill: see Ministry for the Environment *Regulatory Impact Statement: Transfer of discharge and dumping regulatory functions from Maritime New Zealand to the Environmental Protection Authority* (14 September 2011) [Regulatory Impact Statement on Transfer of Discharge and Dumping Regulatory Functions] at 3 and 10. However, this did not occur in the EEZ Act as originally enacted.

<sup>122</sup> Marine Legislation Bill 2012 (58-1).

<sup>123</sup> Marine Legislation Bill 2012 (58-1) (explanatory note) at 7.

within the same consenting regime as other activities relating to the wider operation”.<sup>124</sup>

[71] The explanatory note also recorded that some of the amendments made to the EEZ Act were required to ensure New Zealand acted consistently with the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 (MARPOL) and the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (the London Convention).<sup>125</sup> It was as part of this exercise that s 11 of the EEZ Act dealing with international instruments relevant to the Act was amended to add s 11(c) and (d), which refer respectively to MARPOL and to the London Convention.

[72] Of cl 92, which inserted s 10(1)(b), the explanatory note stated that the clause amended s 10 “so that it encompasses the new provisions relating to discharges and dumping”.<sup>126</sup> The scope of the discharges that would come under the EEZ Act was to be determined by the definition of “harmful substance” which would be provided for in regulations.<sup>127</sup> The High Court said that because of the more limited focus of MARPOL and the London Convention, “it was not obvious that, at the time the Bill was introduced, the discharge of sediments from marine mining would be caught by this provision”.<sup>128</sup> The Court said this was due to the fact that “the definition of ‘harmful substance’ had not yet been set by regulation, and sediments from seabed mining had not been included as ‘harmful substances’ under the prior regime under the [Maritime Transport Act]”.<sup>129</sup>

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<sup>124</sup> At 7.

<sup>125</sup> At 7, citing Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 1340 UNTS 61 (signed 17 February 1973, entered into force 2 October 1983) [MARPOL]; Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1046 UNTS 120 (opened for signature 29 December 1972, entered into force 30 August 1975) [London Convention]; and 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (adopted 7 November 1996, entered into force 24 March 2006) [1996 London Protocol]. The Ministry of Transport and Ministry for the Environment’s joint report to the Select Committee did not support replacing the phrase “to protect the environment from pollution” with the words “to protect and preserve the marine environment” as the current wording complied with MARPOL and the London Convention: Ministry of Transport and Ministry for the Environment *Marine Legislation Bill 2012* (15 November 2012) at 123.

<sup>126</sup> Marine Legislation Bill 2012 (58-1) (explanatory note) at 19.

<sup>127</sup> At 20.

<sup>128</sup> HC judgment, above n [43](#), at [81].

<sup>129</sup> At [81].



[73] Against this background, we turn to how the addition of s 10(1)(b) altered the position from that when the EEZ Act was enacted. Does the word “protect” mean to protect from material harm, as the Court of Appeal found, with no ability to trade off against other benefits such as economic benefits? Or, as TTR would have it, does it envisage a range of protective measures which may have the effect of partially or fully addressing any harm?

[74] We agree with TTR that the construction of s 10(1)(b) has to leave some room for the effective operation of the considerations in s 59. The need to leave room for s 59 means factors other than the environmental effects are necessarily part of the equation. That must be so where s 87D(2)(a), which was introduced along with s 10(1)(b), makes it clear that s 59(2)(f) (referring to the economic benefit to New Zealand of allowing the application), s 59(2)(g) (referring to the efficient use and development of natural resources) and s 59(2)(j) (requiring consideration of the extent to which imposing conditions might “avoid, remedy, or mitigate” the adverse effects) remain relevant considerations to applications relating to the discharge of harmful substances. The ongoing relevance of those factors reflects the statutory intention, which was to allow for some exploitation of the natural resources in the EEZ.

[75] By contrast, the approach to dumping consents is more restrictive than that applicable to marine discharges. Under s 87D(2)(b)(i), for example, the factors in s 59(2)(c), (f), (g) and (i) are excluded, which means that economic benefit is irrelevant when the proposed activity comes within the definition of dumping.<sup>130</sup>

[76] Further, in their ordinary dictionary meanings, the three words “avoid, remedy, or mitigate” in s 59(2)(j) suggest varying levels of “protection”.<sup>131</sup> The notion of something less than complete protection from material harm is also consistent with the use of the word “protect” in the definition of sustainable management in s 10(2),

<sup>130</sup> Section 59(2)(c) refers to the effects on human health arising from effects on the environment and s 59(2)(i) refers to best practice in relation to an industry or activity.

<sup>131</sup> “Avoid” means to “[k]eep off; prevent; obviate”, “remedy” means to “[p]ut right, reform, (a state of things); rectify, make good”; and “mitigate” means to “lessen the suffering or trouble caused by ... [a] difficulty” and to “[m]oderate (the severity, rigour, etc, of something)”: see William R Trumble and Angus Stevenson (eds) *Shorter Oxford English Dictionary* (5th ed, Oxford University Press, Oxford, 2002) vol 1 at 159 and 1800; and William R Trumble and Angus Stevenson (eds) *Shorter Oxford English Dictionary* (5th ed, Oxford University Press, Oxford, 2002) vol 2 at 2526.

referring to the “protection of natural resources in a way ... that enables people to provide for their economic well-being”. Its use in s 10(2) clearly envisages some balancing.<sup>132</sup>

[77] We do not consider that the idea that there may be some balancing of interests is inconsistent with the ordinary dictionary meaning of “protect”, namely:<sup>133</sup>

- (1) Defend or guard against injury or danger; shield from attack or assault; support, assist, give [especially] legal immunity or exemption to; keep safe, take care of; extend patronage to.

...

- (1C) Aim to preserve (a threatened plant or animal species) by legislating against collecting, hunting, etc; restrict by law access to or development of (land) in order to preserve its wildlife or its undisturbed state; prevent by law demolition of or unauthorized changes to (a historic building etc).

[78] A similar approach to the meaning of “protection” was taken by Cooke P in *Environmental Defence Society Inc v Mangonui County Council*, in a passage adopted by the Court of Appeal in the present case. The Town and Country Planning Act 1977 referred to the “protection of [the coastal environment and margins of lakes and rivers] from unnecessary subdivision and development”.<sup>134</sup> The argument put to the Court in *Mangonui* was that “protection” was “not as strong a word as prevention or prohibition; that it means keeping safe from injury and that a development may be permitted if the natural environment is more or less protected”.<sup>135</sup> Cooke P, apart from noting that “more or less” was vague, accepted this argument, but did not consider that the Planning Tribunal had found that the natural environment would be “kept safe from injury”.<sup>136</sup>

[79] TTR is critical of the application of *Mangonui* to the present case, given the different statutory context. We do not see the passage cited from *Mangonui* as

<sup>132</sup> As discussed, the sustainable management purpose in s 10(1)(a) represented a way to balance environmental and economic factors: see above at [\[64\]–\[67\]](#).

<sup>133</sup> Trumble and Stevenson *Shorter Oxford English Dictionary* (vol 2), above n [131](#), at 2376.

<sup>134</sup> Town and Country Planning Act 1977, s 3(1)(c).

<sup>135</sup> *Mangonui*, above n [107](#), at 262.

<sup>136</sup> At 262.

adopting a different approach to the ordinary dictionary meaning. Obviously though, the phrase as used in s 10(1)(b) has to be read in light of the overall statutory scheme.

[80] Nor do we see the passage referred to by the Court of Appeal from this Court's decision in *King Salmon* as adding particularly to the issue in this case. The point made in the passage cited was that in some cases the sustainable management goal may be most appropriately pursued via preservation or protection of the environment.<sup>137</sup> But we consider the Court of Appeal draws too much from that passage in concluding that for marine discharges and dumping, "the way in which the broader goal of sustainable management is to be pursued is by protecting the environment from harm caused by those activities", such that discharges and dumping could not be permitted if they would cause material harm (pollution) to the environment.<sup>138</sup>

[81] Some weight must be given to the reference in s 10(1)(b) to achieving protection by "regulating or prohibiting" marine discharges. "Regulate" in its ordinary dictionary meaning encompasses controlling, governing or directing by rule or regulations and to "adapt to circumstances or surroundings".<sup>139</sup> We agree with the conclusion of the High Court that the ability to regulate or prohibit means that the EEZ Act envisages circumstances where the discharge of harmful substances need not be prohibited if it can be appropriately regulated.<sup>140</sup> By contrast, some discharges are separately and completely prohibited.<sup>141</sup> No consents can be applied for, or granted, for such discharges.<sup>142</sup> Discharges of the nature in issue in this case necessarily involve the ejection of "harmful" substances to the marine area where the substances previously were not present, thus disrupting the marine ecosystem, but they are not automatically prohibited. That supports the view that "protect" does not mean there can be no material harm.

<sup>137</sup> *King Salmon*, above n 80, at [149].

<sup>138</sup> CA judgment, above n 45, at [86].

<sup>139</sup> Trumble and Stevenson *Shorter Oxford English Dictionary* (vol 2), above n 131, at 2516.

<sup>140</sup> HC judgment, above n 43, at [93].

<sup>141</sup> For example, the discharge of sediments that are prohibited radioactive materials: EEZ Regulations 2015, reg 11.

<sup>142</sup> EEZ Act, s 37(2).

[82] Thus, as TTR submits, the use of the word “regulate” suggests protection is a relative and not an absolute concept. The effect of the ability to regulate may mean that if harm, albeit material, can be avoided, remedied or mitigated over time, the goal of s 10(1)(b) may nonetheless be able to be met.<sup>143</sup> Of course, whether that is so in any given case is a factual question. This interpretation is further supported by the reference to “protection” in s 10(2)’s definition of sustainable management. As this Court said in *King Salmon* about the analogous definition in s 5(2) of the RMA, “the use of the word ‘protection’ links particularly to subpara (c)”, namely, “avoiding, remedying, or mitigating any adverse effects of activities on the environment”.<sup>144</sup> It seems likely that “protection” in s 10(2) has the same meaning as “protect” in s 10(1)(b).

[83] Despite the analogy with s 10(2)(c) (and s 5(2)(c) of the RMA), we accept, as the iwi parties submit, that the addition of s 10(1)(b) must add something to the equation. Indeed, TTR accepts there is a heightened threshold when it comes to authorising discharges and dumping. That must be so where, unlike s 10(1)(a) (and s 10(2)), the focus in s 10(1)(b) is solely on protection. And the activities covered by s 10(1)(b) are broader than those activities, such as emptying ballast water from ships, which do not have much to do with sustainable management.<sup>145</sup>

[84] The prohibition, in applications for discharge and dumping, on imposing conditions which involve adaptive management is also relevant.<sup>146</sup> That prohibition

<sup>143</sup> Compare CA judgment, above n [45](#), at [86]. While the DMC’s decision suggests it considered the conditions imposed had the effect of avoiding, remedying or mitigating material harm over time, any such consideration was tainted by the DMC’s fundamental error, discussed below, of acting on the basis of uncertain information. As we discuss at [\[129\]](#) in relation to seabirds and marine mammals, on the information before it, the DMC simply could not be satisfied that the harm would be remedied, mitigated or avoided.

<sup>144</sup> *King Salmon*, above n [80](#), at [24(c)].

<sup>145</sup> The discharge of ballast water from ships is dealt with under the Maritime Transport Act, not the EEZ Act: Maritime Transport Act, Part 19A. In the early regulatory impact statement recommending the transfer of discharge and dumping regulatory functions from Maritime New Zealand (under the Maritime Transport Act) to the EPA (under the EEZ Act), the Ministry for the Environment considered that such a transfer would produce better environmental results, noting that the Maritime Transport Act was “largely a transport Act” and “not suited to assessments of environmental effects”: Regulatory Impact Statement on Transfer of Discharge and Dumping Regulatory Functions, above n [121](#), at 6. See also at 10.

<sup>146</sup> EEZ Act, s 87F(4). The High Court Judge pointed out that although neither the London Convention nor the associated 1996 London Protocol prohibited adaptive management in relation to dumping, it appeared that adaptive management was prohibited to ensure consistency with both MARPOL and the 1996 London Protocol: HC judgment, above n [43](#), at 80, citing Ministry of Transport and Ministry for the Environment, above n [125](#), at 111.

too suggests a greater concern by the legislature with protection of the environment than is the case for general marine consents. We interpolate here that we consider the submission for the Royal Forest and Bird Protection Society of New Zealand Inc (Forest and Bird) goes too far, however, in saying that the unavailability of adaptive management means that an activity causing material harm must be prohibited. We say that because s 59(2)(j) – “the extent to which imposing conditions ... might avoid, remedy, or mitigate the adverse effects of the activity” – still applies to applications for marine discharges as a matter the DMC must take into account.<sup>147</sup>

[85] The fact that there is a heightened threshold is also emphasised by the need to favour caution and environmental protection if there is uncertainty as to the information available.<sup>148</sup> In practice, the uncertainty is likely to relate to environmental effects. This more cautious approach is reflected also in the requirements applicable to the Minister in recommending the making of regulations relating to discharges and dumping, and that, in turn, imposes limits on what could otherwise become a permitted activity in terms of s 20C.<sup>149</sup>

[86] Obviously the relevant international obligations also provide an overlay to the approach to be taken. Section 11 provides that the EEZ Act “continues or enables the implementation of New Zealand’s obligations under various international conventions relating to the marine environment”. Section 11 provides that those conventions include: the United Nations Convention on the Law of the Sea 1982 (LOSC);<sup>150</sup> the

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<sup>147</sup> EEZ Act, s 87D(2)(a)(i).

<sup>148</sup> Section 87E(2).

<sup>149</sup> For example, unlike the position for regulations relating to cases requiring general marine consents, when developing regulations relating to discharges and dumping the Minister cannot take into account the economic benefit of an activity, the efficient use and development of natural resources and best practice in relation to an industry or activity: s 34A(3)(a). The Minister can however consider adaptive management as an approach that would allow a dumping or discharge activity to be classified as discretionary in circumstances where it would otherwise be prohibited due to the need to favour caution and environmental protection: see s 34(3), which s 34(1) says applies to regulations made under s 29A.

<sup>150</sup> United Nations Convention on the Law of the Sea 1833 UNTS 3 (opened for signature 10 December 1982, entered into force 16 November 1994) [LOSC].

Convention on Biological Diversity 1992;<sup>151</sup> MARPOL;<sup>152</sup> and the London Convention.<sup>153</sup>

[87] Of those instruments listed in s 11, the LOSC and the Convention on Biological Diversity apply directly. While MARPOL and the London Convention are also relevant, neither applies directly to TTR's application.

[88] The LOSC applies to activities in the EEZ.<sup>154</sup> The relevant part of the LOSC (Part XII) deals with the "protection and preservation of the marine environment". The "[g]eneral obligation" is set out in art 192, under which states "have the obligation to protect and preserve the marine environment". Relevant also is art 193, which recognises the national economic interests of states along with the duty to protect and preserve the marine environment. Art 193 provides that:

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

[89] Reference should also be made to art 194, which sets out obligations in relation to measures to prevent, reduce and control pollution of the marine environment. Under art 194(1), states parties are required to take:

... all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance

<sup>151</sup> Convention on Biological Diversity 1760 UNTS 79 (opened for signature 5 June 1992, entered into force 29 December 1993).

<sup>152</sup> Art 1(2) to the Protocol of 1978 relating to MARPOL states that the provisions of the MARPOL Convention and Protocol shall be read and interpreted together as one single instrument.

<sup>153</sup> Art 23 of the 1996 London Protocol provides that it supersedes the London Convention for those contracting parties to the Protocol which are also parties to the Convention.

<sup>154</sup> Article 55 defines the EEZ and subjects it to the "specific legal regime" in Part V. Part V's regime is "characterized by a combination of selected exclusive rights and jurisdiction of the coastal State and rights and freedoms of other States": Alexander Proelss "Exclusive Economic Zone" in Alexander Proelss (ed) *United Nations Convention on the Law of the Sea: A Commentary* (Nomos Verlagsgesellschaft, Munich, 2017) 408 at 409. Article 56(1)(a) provides that a coastal state has "sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living" in the EEZ. Article 56(1)(b)(iii) states that the coastal state has jurisdiction, as provided for in the relevant provisions of the LOSC, with regard to "the protection and preservation of the marine environment". Thus, the general obligation in art 192 to protect and preserve the marine environment is applicable to activities in the EEZ of coastal states: Detlef Czybulka "Protection and Preservation of the Marine Environment" in Alexander Proelss (ed) *United Nations Convention on the Law of the Sea: A Commentary* (Nomos Verlagsgesellschaft, Munich, 2017) 1277 at 1280.

with their capabilities, and they shall endeavour to harmonize their policies in this connection.

[90] “Pollution of the marine environment” is a defined term and means:<sup>155</sup>

... the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities[.]

[91] Art 194(3) provides that the measures taken need to deal with all sources of pollution of the marine environment. The measures are to include, amongst other things, “those designed to minimize to the fullest possible extent” pollution from various sources, including pollution from seabed activities subject to national jurisdiction. One commentator writes that the objective of art 194(3) “is not to eliminate pollution as such but to reduce it, thus minimizing it to the greatest extent possible”.<sup>156</sup> That is seen as a “realistic approach, as otherwise most kinds of ocean uses would have to be banned”.<sup>157</sup>

[92] Finally, art 208(1) provides for coastal states to “adopt laws and regulations to prevent, reduce and control pollution of the marine environment arising from or in connection with sea-bed activities subject to their jurisdiction”. Under art 208(3), the national legislation and regulations in this respect are to be “no less effective” than international rules. Unlike the position for dumping, the information we have is that international rules on seabed pollution subject to national jurisdiction are not commonplace.

[93] The case law and commentary on arts 192–194 of the LOSC suggest that what is envisaged is a balance between environmental protection and preservation (art 192) and the economic development of resources (art 193), but that the balance is tilted towards environmental protection. That environmental protection has priority over economic development is apparent in the wording of art 193 which provides that states

<sup>155</sup> Art 1(1)(4) definition of “pollution of the marine environment”.

<sup>156</sup> Czybulka, above n.154, at 1307.

<sup>157</sup> At 1307. See also Joanna Mossop *The Continental Shelf Beyond 200 Nautical Miles: Rights and Responsibilities* (Oxford University Press, Oxford, 2016) at 103.

can exploit resources “*in accordance with*” their duty to protect and preserve the environment.<sup>158</sup>

[94] That something less than absolute protection is envisaged is also reflected in the characterisation of the art 194(1) obligation as one of “due diligence” rather than strict liability, given the leeway in art 194(1) for states to prevent, reduce and control pollution “using the best practicable means at their disposal and in accordance with their capabilities”.<sup>159</sup> Further, the International Tribunal for the Law of the Sea’s (ITLOS) Advisory Opinion on Seabed Activities, to which we were referred, has said that the obligation of due diligence is a variable standard that changes over time and in relation to the risks, with the standard of due diligence being more severe for riskier activities.<sup>160</sup>

[95] The Convention on Biological Diversity has as its objectives:<sup>161</sup>

... the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources...

[96] The Convention, like art 193 of the LOSC, provides that states have “the sovereign right to exploit their own resources pursuant to their own environmental policies”.<sup>162</sup> Under art 6(a), each party shall “in accordance with its particular

<sup>158</sup> Emphasis added. See, for example, Elizabeth A Kirk “Science and the International Regulation of Marine Pollution” in Donald R Rothwell and others (eds) *The Oxford Handbook of the Law of the Sea* (Oxford University Press, Oxford, 2015) 516 at 521; Czybulka, above n [154](#), at 1288; and Robin Warner *Protecting the Oceans Beyond National Jurisdiction: Strengthening the International Law Framework* (Martinus Nijhoff Publishers, Leiden, 2009) at 48.

<sup>159</sup> Warner, above n [158](#), at 48, quoting Patricia Birnie and Alan Boyle *International Law and the Environment* (2nd ed, Oxford University Press, Oxford, 2002) at 352. See also Donald R Rothwell and Tim Stephens *The International Law of the Sea* (2nd ed, Hart Publishing, Oxford, 2016) at 370. Sands and others describe art 194(1) as “introduc[ing] the element of differentiated responsibility based upon economic and other resources available”: Phillipe Sands and others *Principles of International Environmental Law* (4th ed, Cambridge University Press, Cambridge, 2018) at 463. In the context of interpreting a bilateral treaty with similarly worded obligations to protect and preserve the environment and prevent pollution, see the comments of the International Court of Justice in *Pulp Mills on the River Uruguay (Argentina v Uruguay) (Merits)* [2010] ICJ Rep 14 at [197]. See also at [116].

<sup>160</sup> *Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area (Advisory Opinion)* [2011] ITLOS Reports 10 [Seabed Advisory Opinion] at [117]. See further Mossop, above n [157](#), at 103–104.

<sup>161</sup> Convention on Biological Diversity, above n [151](#), art 1.

<sup>162</sup> Article 3.



conditions and capabilities ... [d]evelop national strategies, plans or programmes for the conservation and sustainable use of biological diversity”.<sup>163</sup>

[97] We turn, then, to MARPOL and the London Convention and its associated 1996 Protocol (the 1996 London Protocol). MARPOL deals with marine pollution from ships.<sup>164</sup> The preamble to MARPOL states the parties’ wish “to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances”. Article 1(1), setting out the general obligations, accordingly requires parties “to prevent the pollution of the marine environment by the discharge of harmful substances ... in contravention of the Convention”. MARPOL does not apply to discharges of harmful substances from ships that arise directly from seabed mining activities and is therefore not directly applicable to TTR’s application.<sup>165</sup>

[98] The London Convention deals with marine pollution from the dumping of waste and other matter.<sup>166</sup> As TTR’s application does not involve dumping as defined, this Convention is not directly applicable.<sup>167</sup> Under art 2 of the 1996 London Protocol, parties must “protect and preserve the marine environment from all sources of pollution and take effective measures, according to their ... capabilities, to prevent, reduce and where practicable eliminate pollution caused by dumping”. But the

<sup>163</sup> There are other international instruments relevant to New Zealand’s obligations in terms of the LOSC. None of these add substantively to the present issue. In this category are the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region [1990] NZTS 22 (signed 24 November 1986, entered into force 22 August 1990) [Noumea Convention] and various soft law instruments endorsed by New Zealand, namely, the Rio Declaration on Environment and Development UN Doc A/Conf 151/26 (vol 1) (12 August 1992) [Rio Declaration] and *Agenda 21: Programme of Action for Sustainable Development* UN GAOR 46th Sess, Agenda Item 21, A/Conf 151/26 (1992) [Agenda 21]. The Noumea Convention and the Rio Declaration have provisions equivalent to arts 192 and 193 of the LOSC; that is, while emphasising the need for environmental protection, a state’s sovereign right to exploit resources is affirmed. Agenda 21 is an action plan “calling for the ‘further development of international law on sustainable development, giving special attention to the delicate balance between environmental and developmental concerns’”: James Crawford *Brownlie’s Principles of Public International Law* (9th ed, Oxford University Press, Oxford, 2019) at 339.

<sup>164</sup> MARPOL, above n [125](#), preamble and art 2(3)(a).

<sup>165</sup> Article 2(3)(b)(ii).

<sup>166</sup> London Convention, above n [125](#).

<sup>167</sup> Dumping is defined in art 3(1)(a)–(c). Art 3(1)(c) provides the “disposal of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention”.

Protocol, like the Convention, does not apply to the dumping of waste related to seabed mining activities.<sup>168</sup>

[99] We agree with the Court of Appeal that these instruments all inform the interpretation of the EEZ Act.<sup>169</sup> The effect of such instruments on interpretation is set out in this way by McGrath J in *Helu v Immigration and Protection Tribunal*:<sup>170</sup>

[143] Parliament takes differing approaches to the implementation of international obligations. It sometimes gives them effect by incorporating their exact terms into New Zealand law. At other times, it enacts legislation, with the purpose of giving effect to such obligations, using language which differs from the terms or substance of the international text. In such cases, the legislative purpose is that decision-makers will apply the New Zealand statute rather than the international text. Resort may still be had to the international instrument to clarify the meaning of the statute under the long-established presumption of statutory interpretation that so far as its wording permits, legislation should be read in a manner consistent with New Zealand's international obligations. But the international text may not be used to contradict or avoid applying the terms of the domestic legislation.

[144] Accordingly, if the legislation confers a discretion in general terms, without overt links to pertinent international obligations, the application of this principle of consistency may, depending on the statute and, in some instances, the nature of international obligation, require that the power is exercised in a manner consistent with international law. Or it may require that a decision maker take into account particular considerations arising from international instruments to which New Zealand is a party. If, however, Parliament has provided that a decision-maker is to have regard to specific considerations drawn from international obligations, the legislation must be applied in its terms, although they may be clarified by reference to the international instrument.

[100] The EEZ Act has been enacted with the purpose of giving effect to New Zealand's international obligations, but has used language which differs from the international texts. In such cases, as McGrath J says, the legislative purpose was that decision-makers would apply the EEZ Act rather than the international text, but resort can be had to the relevant international instruments to clarify the meaning of the Act.

[101] Here, neither the LOSC nor the Convention on Biological Diversity imposes absolute requirements on states parties to these Conventions. They do nonetheless

<sup>168</sup> 1996 London Protocol, above n [125](#), art 1(4.3).

<sup>169</sup> See CA judgment, above n [45](#), at [269]–[270].

<sup>170</sup> *Helu v Immigration and Protection Tribunal* [2015] NZSC 28, [2016] 1 NZLR 298 (footnotes omitted). See also at [207] per Glazebrook J in *Helu*; and *Ortmann v United States of America* [2020] NZSC 120, [2020] 1 NZLR 475 at [96].

provide support for the proposition that s 10(1)(b) imposes a heightened threshold in favour of environmental protection. It is less clear in our view that the Court of Appeal is correct to say that the interpretation of the provisions in the Act dealing with marine discharges and dumping must take into account the objective of giving effect to MARPOL and the London Convention.<sup>171</sup> To put it another way, we do not see either instrument as adding to the effect of the LOSC or the Convention on Biological Diversity in the present case.

*Conclusions on the correct approach to s 10(1)(b)*

[102] When all of these features of the statutory scheme are considered, in disagreement with the majority, we do not consider it would be correct to describe s 10(1)(b) as creating an environmental bottom line.<sup>172</sup> Harm, even material harm, is not automatically decisive. The ongoing relevance of all but one of the considerations listed in s 59(2) to marine discharge applications is the strongest pointer against that. But the addition of s 10(1)(b) with its sole focus on protection must be given effect. As we see it, that will likely mean that the s 59 balancing exercise may well be tilted in favour of environmental factors, particularly when s 10(1) is read in light of the information principles, but that is a decision that will need to be made on a case-by-case basis having considered all of the relevant factors.

**The information principles**

[103] In accordance with s 10(3)(b) of the Act, the DMC was obliged to apply the relevant information principles. Those principles are, on our analysis, part of the decision-making criteria. Section 61 sets out the information principles applicable to the DMC's consideration of an application for a marine consent. Section 61(1) provides that the DMC must:

- (a) make full use of its powers to request information from the applicant, obtain advice, and commission a review or a report; and
- (b) base decisions on the best available information; and
- (c) take into account any uncertainty or inadequacy in the information available.

<sup>171</sup> CA judgment, above n 45, at [28]–[29] and [88].

<sup>172</sup> See below at [245] per Glazebrook J, [292] per Williams J and [305] per Winkelmann CJ.

[104] Under s 61(2), if, in making a decision under the Act, “the information available is uncertain or inadequate, the EPA must favour caution and environmental protection”. If the effect of favouring caution and environmental protection is that “an activity is likely to be refused, the EPA must first consider whether taking an adaptive management approach would allow the activity to be undertaken”.<sup>173</sup> Section 87E provides that the same principles apply to applications for marine discharge and dumping consents,<sup>174</sup> except, as discussed, there is no ability to take an adaptive management approach.<sup>175</sup> The relevant provisions also make clear, for the avoidance of doubt, that the EPA may refuse a general marine consent application or discharge or dumping consent application if it considers it does not have adequate information to determine the application.<sup>176</sup>

[105] As TTR submits, the information principles recognise that considerably less is known about the marine environment as opposed to the terrestrial environment.<sup>177</sup>

[106] A number of issues arise in respect of the information principles. We begin with TTR’s challenge to the finding by the Court of Appeal that the requirement to favour caution and environmental protection in the Act is a statutory implementation of the “precautionary principle” in international environmental law.<sup>178</sup>

<sup>173</sup> EEZ Act, s 61(3). Section 61(4) states that s 61(3) does not limit ss 63 or 64.

<sup>174</sup> Accordingly, and for convenience, our discussion refers to the information principles in s 61 even in relation to the discharge aspects of the application, except where it is necessary to refer to s 87F(4)’s prohibition on adaptive management for discharge applications.

<sup>175</sup> In addition, applications for consent must include an impact assessment. That assessment must contain, among other things, information about the effects of the activity on the environment and existing interests in “sufficient detail” to enable an understanding of the nature of the activity and its effects. If the impact assessment does not comply with these requirements, the EPA may return the application as incomplete: see ss 38(2)(c), 39 and 41 in relation to marine consents and s 87B(2)(c) for discharge and dumping consents.

<sup>176</sup> Sections 62(2) and 87F(3).

<sup>177</sup> The Fisheries Act 1996 contains a similar set of information principles, including the requirement for decision-makers to be “cautious when information is uncertain, unreliable, or inadequate”: s 10(c). Further, s 10(d) states that any uncertainty in information “should not be used as a reason for postponing or failing to take any measure to achieve the purpose” of the Act. In her dissenting reasons in *New Zealand Recreational Fishing Council Inc v Sanford Ltd* [2009] NZSC 54, [2009] 3 NZLR 438 at [9], Elias CJ said s 10 meant “imperfect information” was not a reason “for postponing or failing to take measures to achieve the purpose of the Act”.

<sup>178</sup> CA judgment, above n 45, at [127]. Some states prefer to refer to a “precautionary approach”, but for our purposes we do not need to deal with the difference (if any) between the two.

*Implementation of the precautionary principle?*

[107] This point can be dealt with briefly. As has been said in the commentary, “At its most basic, environmental precaution involves the idea that it is better to be safe than sorry when the effects of activities are uncertain.”<sup>179</sup> The concern underlying the reference to the need to favour caution in the EEZ Act obviously reflects that idea. Further, two of the international instruments referred to in s 11 of the EEZ Act, the Convention on Biological Diversity<sup>180</sup> and the London Convention as modified by art 3(1) of the 1996 London Protocol (in respect of dumping), incorporate the precautionary principle and so are relevant to the interpretation of the phrase “favour caution”.<sup>181</sup> The Rio Declaration on Environment and Development 1992 (Rio Declaration) and the Programme of Action for Sustainable Development (Agenda 21), both of which New Zealand has endorsed, also incorporate the precautionary approach.<sup>182</sup> That said, for the reasons we discuss, it is important to focus on the actual words used. The observations of McGrath J in *Helu*, discussed above, are apposite here.<sup>183</sup> The following points can be made.

[108] First, Parliament could have used the term the “precautionary principle” but did not. Rather, as TTR submits, the choice of the wording “favour caution” was a deliberate one reflecting the uncertainty around the “precautionary principle” at international law.<sup>184</sup> Given that uncertainty, the international instruments do not assist substantially in clarifying the interpretation of the statutory wording.

<sup>179</sup> Catherine J Iorns Magallanes and Greg Severinsen “Diving in the Deep End: Precaution and Seabed Mining in New Zealand’s Exclusive Economic Zone” (2015) 13 NZJPIIL 201 at 201. Jacqueline Peel “Precaution — A Matter of Principle, Approach or Process?” (2004) 5 MJIL 483 at 484 says the heart of the principle “is a reminder of the limitations of scientific knowledge as a guide to decision-making, and a warning to heed the lessons of the past to prevent the occurrence of environmental damage in the future”.

<sup>180</sup> Convention on Biological Diversity, above n [151](#), preamble.

<sup>181</sup> The precautionary approach is incorporated into the RMA regime via Policy 3 of the New Zealand Coastal Policy Statement (NZCPS): Department of Conservation *New Zealand Coastal Policy Statement 2010* (issued by notice in the New Zealand Gazette on 4 November 2010 and taking effect on 3 December 2010) [NZCPS].

<sup>182</sup> Rio Declaration, above n [163](#), at Principle 15; and Agenda 21, above n [163](#), at [17.1].

<sup>183</sup> See above at [\[99\]](#).

<sup>184</sup> A supplementary order paper which would have replaced the word “caution” with the words the “precautionary approach” was rejected: Supplementary Order Paper 2012 (103) Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill 2012 (321-2). See also (21 August 2012) 683 NZPD 4601 where the Hon Nick Smith, the responsible Minister at the time of the Bill’s introduction, referred to the uncertainty of the principle at international law.

[109] Second, there are suggestions that the “precautionary principle” may have a narrower effect than the wording adopted in the EEZ Act. This Court noted in *Sustain Our Sounds Inc v The New Zealand King Salmon Co Ltd* that there is material in the international law context to support the view that “rather than being concerned with taking precautionary measures in allowing development, the term is more often used for advocating precautionary measures to protect the environment”.<sup>185</sup> There is also debate in the international law context about the scope of the principle.<sup>186</sup> Further, the references to the principle in international instruments are not uniform. Under Principle 15 of the Rio Declaration, for example, the threshold is “threats of serious or irreversible damage” and the approach is only to be applied by states “according to their capabilities”. By contrast, art 3(1) of the 1996 London Protocol refers to the application of a precautionary approach where the dumping of waste is “likely to cause harm”.<sup>187</sup> Further, under the Protocol, dumping is not permitted unless specifically allowed.<sup>188</sup>

[110] These contextual matters serve to emphasise the importance of considering the way in which the concept is expressed in a particular context. The DMC was cognisant of this context. The DMC obtained legal advice from counsel assisting as to the relevance of New Zealand’s international obligations including those relating to the precautionary principle. The DMC adopted the advice from counsel on this aspect.<sup>189</sup> That advice in turn adopted the advice given to the DMC that considered Chatham Rock Phosphate Ltd’s application, noting the absence of any universal approach to applying the precautionary principle and that the language of s 61 could “be taken to embody” that principle. The advice also noted that this interpretation was supported by the legislative history. The opinion concluded there was no need for the DMC to

<sup>185</sup> *Sustain Our Sounds Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 40, [2014] 1 NZLR 673 at [109], n 208. The Court referred in that context to the International Union for Conservation of Nature “Guidelines For Applying the Precautionary Principle to Biodiversity Conservation and Natural Resource Management” (as approved by the 67th meeting of the IUCN Council 14–16 May 2007). For a discussion of the precautionary principle in international law, see Sands and others, above n [159](#), at 229–240; and World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) *The Precautionary Principle* (United Nations Educational, Scientific and Cultural Organization, March 2005).

<sup>186</sup> See, for example, Peel, above n [179](#), at 500.

<sup>187</sup> The preamble to the Convention on Biological Diversity, above n [151](#), adopts the precautionary principle, referring to “a threat of significant reduction or loss of biological diversity”.

<sup>188</sup> See 1996 London Protocol, above n [125](#), art 4(1).

<sup>189</sup> DMC decision, above n [38](#), at [40]–[41].

apply a precautionary approach in addition to the requirement to favour caution and that it was not clear what practical distinction there was between the requirement in s 61(2) and the precautionary principle as it is “generally understood”.<sup>190</sup>

[111] There is no apparent reason to read down the wording adopted in the EEZ Act. Against the background outlined above, we see no reason to depart from the ordinary meaning of those terms. The dictionary definition of “favour” includes “[t]reat with partiality” and “have a liking or preference for”, and “caution” means “a taking of heed”, “[p]rudence”, “taking care” and “attention to safety, avoidance of rashness”.<sup>191</sup>

[112] Finally, we do not consider that Kiwis Against Seabed Mining Inc (KASM) and Greenpeace of New Zealand Inc’s reliance on the ITLOS Advisory Opinion or on the International Seabed Authority Regulations assists. These regulate seabed activities in areas beyond national jurisdiction (the Area) to which a different international regime applies.<sup>192</sup>

[113] In conclusion, for these reasons, we do not consider the DMC misdirected itself when it summarised the test as imposing “no requirement ... to apply a precautionary approach”. When faced with uncertainty, as the DMC said, it was “required to favour caution”.<sup>193</sup> As the DMC was advised, this, in any event, accords with the precautionary principle as it is generally understood.

<sup>190</sup> See also Environmental Protection Authority | Te Mana Rauhi Taiao *Decision on Marine Consent Application – Chatham Rock Phosphate Ltd – To mine phosphorite nodules on the Chatham Rise* (February 2015) at [838].

<sup>191</sup> Trumble and Stevenson *Shorter Oxford English Dictionary* (vol 1), above n [131](#), at 363 and 932.

<sup>192</sup> LOSC, above n [150](#), Part XI. For an explanation of the international regime for seabed activities in the Area, see Joanna Dingwall “Commercial Mining Activities in the Deep Seabed beyond National Jurisdiction: the International Legal Framework” in Catherine Banet (ed) *The Law of the Seabed: Access, Uses, and Protection of Seabed Resources* (Koninklijke Brill NV, Leiden, 2020) 139.

<sup>193</sup> DMC decision, above n [38](#), at [40]. Nor is it necessary for us to resolve whether the precautionary principle is a mandatory consideration as “other applicable law” under s 59(2)(1) of the EEZ Act for the reasons discussed below at n [290](#).

*The link between s 87E and s 10(1)(b)*

[114] After addressing the relevance of the precautionary approach, the DMC considered it was sufficient to impose conditions managing the potential effects on the environment.<sup>194</sup>

[115] The Court of Appeal considered that while the DMC understood the requirement that it favour caution, it was apparent that the DMC “did not put the same emphasis on the requirement to favour environmental protection, despite the reference to that requirement in s 87E(2)”.<sup>195</sup> It was important to recognise that the information principles operate differently in the context of discharge consents compared to marine consents generally. That was because, on the Court’s analysis, the environmental bottom line in s 10(1)(b) applied to discharge consents.<sup>196</sup>

[116] Reflecting the respective views on s 10(1)(b), TTR submits the Court of Appeal has in this way erroneously imposed a gloss on the requirement in s 87E, whereas the first respondents support the Court of Appeal’s approach.

[117] It follows from our approach to s 10(1)(b) that we disagree with the Court of Appeal that the DMC erred because it did not consider the effect of that section as the Court of Appeal interpreted s 10(1)(b), that is, as providing absolute protection from material harm.<sup>197</sup> We take the view that it is possible that even material harm may be able to be mitigated, avoided or remedied by conditions. Accordingly, we also accept TTR’s proposition that consents may be granted subject to conditions even when the full information may not be available in a particular case so long as taking a cautious approach means that harm can be avoided, remedied or mitigated. As we have accepted, however, the effect of the information principles in the context of applications for a marine discharge may nonetheless tilt the balance in favour of environmental protection.

<sup>194</sup> At [40]. The DMC also added that s 61(2) required it to “favour environmental protection in addition to caution, if the information we receive is uncertain or inadequate”: at [42]. The DMC said that some of the information it received did have uncertainties, noting that it was “in that context, for the purpose of environmental protection, that we have imposed a suite of conditions to avoid, remedy or mitigate environmental effects”: at [44].

<sup>195</sup> CA judgment, above n [45](#), at [118].

<sup>196</sup> At [129].

<sup>197</sup> Compare at [\[274\]](#) per Glazebrook J, [\[294\]](#) per Williams J and [\[327\]](#) per Winkelmann CJ.



*Did the DMC comply with the requirement to favour caution and environmental protection?*

[118] As the High Court noted, the fact the DMC did not err in law in the way it formulated the test is a “different question to whether or not they actually applied an approach which ‘favoured caution and environmental protection’”.<sup>198</sup> It is helpful to address this question by considering the approach taken by the DMC in relation to the effects of TTR’s application on seabirds and marine mammals. The Court of Appeal took the view that the uncertainty identified by the DMC in relation to seabirds and marine mammals, which was reflected in the conditions imposed, activated the requirement to favour caution and environmental protection. The Court concluded that granting consent based on this level of information and on these conditions was inconsistent with the requirement to favour caution and environmental protection.

[119] There was information showing the presence of a diverse range of seabirds and marine mammals in the general region of which the South Taranaki Bight forms a part. There was also a lack of information available about these species and, as a result, difficulty in assessing the risks or effects on these species in particular areas and in assessing the effects on them of particular aspects of the mining operation.

[120] In terms of seabirds, the DMC noted the “diverse range” of seabirds either passing through or foraging in the South Taranaki Bight but said that there had been “no systematic and quantitative studies of the at-sea distributions and abundances of seabirds within the area”.<sup>199</sup> Regarding potential effects on seabirds, the experts agreed that they included the sediment increasing turbidity and reducing light intensity within the water column, and mortality from vessel strike for seabirds attracted to artificial nocturnal light from the mining vessel. But the experts disagreed on the potential for other effects on foraging efficiency and food availability, and also as to the scale and consequences of any effects.<sup>200</sup> Ultimately, the DMC concluded there was a “lack of detailed knowledge about habitats and behaviour of seabirds” in the

<sup>198</sup> HC judgment, above n 43, at [337].

<sup>199</sup> DMC decision, above n 38, at [563]. The experts for TTR and Kiwis Against Seabed Mining Inc (KASM)/Greenpeace of New Zealand Inc agreed a number of “threatened” and “at risk” taxa occur within the South Taranaki Bight year-round or seasonally (conservatively, 10 and 24 taxa respectively).

<sup>200</sup> The expert for KASM/Greenpeace was of the view that mining would have adverse effects on seabirds, while the expert for TTR was of the view there would be no adverse effects.

area and said it was therefore “difficult to confidently assess the risks or effects at the scale of the Patea Shoals or the mining site itself”.<sup>201</sup>

[121] The marine mammals in the general region of which the South Taranaki Bight forms a part include the Māui dolphin, killer whale and Bryde’s whale, all of which are nationally critical species, as well as the Hector’s dolphin, bottlenose dolphin and the southern right whale, which are nationally endangered or vulnerable species. There was also evidence of blue whale, a migratory species that is internationally critically endangered. But, as the Court of Appeal noted, there was incomplete evidence about habitats and population numbers in the area and that evidence was subject to various uncertainties.<sup>202</sup> There were also uncertainties about effects, particularly of noise, on marine mammals. The DMC, the Court of Appeal said, accepted “the absence of comprehensive well-researched species-specific and habitat-specific information about noise effects on marine mammals”.<sup>203</sup>

[122] The DMC responded to these uncertainties by including various conditions concerning seabirds and marine mammals in the consents. Condition 9 in relation to seabirds required TTR to comply with various matters including that there be “no adverse effects at a population level” of seabirds that fell within various categories of the New Zealand Threat Classification System, including those that are “Nationally Endangered” or “Nationally Critical”. The condition then set out a non-exhaustive list of what comprised adverse effects, for example, effects arising from lighting or from the effect of sediment in the water column on diving birds that forage. These adverse effects were to be mitigated and, where practicable, avoided. A similar approach, that is directing that there be no adverse effects at a population level, was found in condition 10, which applied to the various marine mammal species listed. Condition 10 further provided that adverse effects on marine mammals, including those arising from noise, were to be “avoided to the greatest extent practicable”. There was also a condition, condition 11, imposing limits on underwater noise generated by the operation of marine vessels and project equipment.

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<sup>201</sup> At [579].

<sup>202</sup> CA judgment, above n [45](#), at [244].

<sup>203</sup> At [244], citing DMC decision, above n [38](#), at [544].

[123] The second aspect of the conditions imposed affecting seabirds and marine mammals was the provision for pre-commencement environmental modelling, that is, two years of environmental monitoring to be undertaken before mining operations begin. The list of matters to be monitored in condition 48 included seabirds, marine mammals and sediment concentrations and quality. The Court of Appeal described the pre-commencement monitoring in this way:<sup>204</sup>

The purpose of the pre-commencement monitoring would include establishing a set of environmental data that identifies natural background levels while taking into account spatial and temporal variation of the various matters to be included in the plan. The pre-commencement monitoring would, among other matters, inform preparation of an Environmental Management and Monitoring Plan (EMMP) in accordance with condition 55. The EMMP would be submitted to the EPA for certification that it meets the requirements of the relevant conditions (with certification deemed to have occurred if the EPA has not given a decision within 30 working days). Condition 54 then requires ongoing environmental monitoring of a range of matters including marine mammals, to be undertaken in accordance with the EMMP.

[124] Finally, conditions 66 and 67 required TTR to prepare a Seabird Effects Mitigation and Management Plan and Marine Mammal Management Plan setting out how compliance with conditions 9 and 10 about adverse effects at the population level for seabirds and marine mammals were to be met. For seabirds, the plan had to include indicators of adverse effects at a population level of seabird species that utilise the area, and this plan was to be submitted to the EPA for certification that the requirements of the condition have been met. The plan for marine mammals was along similar lines.

[125] It is plain that the information available about the environmental effects on seabirds and on marine mammals was uncertain. It is sufficient to quote the DMC's conclusion in relation to seabirds that, because of the lack of detailed knowledge about habitats and behaviour of seabirds in the South Taranaki Bight, it was "difficult to confidently assess the risks or effects at the scale of the Patea Shoals or the mining site itself".<sup>205</sup> The obligation to favour caution and environmental protection was accordingly triggered.

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<sup>204</sup> At [250].

<sup>205</sup> DMC decision, above n [38](#), at [579]. The Patea Shoals was an area of particular focus in the DMC's decision.

[126] Forest and Bird says the DMC could not remedy the uncertainty in information by granting consent subject to the conditions that TTR gather information post-approval and prepare management plans. Forest and Bird also says the imposition of very general conditions, leaving specific controls to management plans, was too uncertain, unlawfully delegated decision-making power and deprived submitters of participation rights.

[127] TTR, however, says the DMC's approach was sufficient for a number of reasons. First, the pre-commencement monitoring conditions will provide any further necessary information. Second, the conditions imposed were sufficiently specific and set clear limits, noting for example that the phrase "population level" is a term of art, and experts called upon to consider compliance will be able to determine whether or not that is met. TTR also notes that the DMC's conditions relating to noise levels and marine mammals adopted recognised noise standards. The matters left to the management plans were, TTR says, technical details. Third, TTR says that conditions 66 and 67, in indicating a list of adverse effects, provide sufficient protection. In other words, TTR says that the requirement to favour caution and environmental protection was met by this combination of conditions. Finally, because the appeal is limited to questions of law, TTR maintains that the respondents have to show that the DMC's approach was so wrong that it has effectively misdirected itself.

[128] As discussed, on our approach to s 10(1)(b) and the information principles, we accept TTR's proposition that consents may be granted subject to conditions even when the full information may not be available in a particular case, so long as taking the cautious approach means that harm can be avoided, remedied or mitigated. That is not to say that, as TTR submits, the purpose of the information principles is to facilitate the granting of consents. Accordingly, on our analysis, the key question in terms of the requirement to favour caution and environmental protection is whether the Court of Appeal was right in its conclusion that by granting the consents on the broad terms it did, the DMC did not meet that requirement.

[129] The difficulty with the conditions imposed in terms of the requirement to favour caution and environmental protection in this case is twofold. First, given the uncertainty of the information, it was not possible to be confident that the conditions

would remedy, mitigate or avoid the effects. Second, the physical environment in the South Taranaki Bight is, as the DMC said, “challenging, dynamic and complex”.<sup>206</sup> The margins involved in relation to seabirds and marine mammals in the area may be extremely fine, with the outcomes turning on those margins extreme. To take just one example, for those dolphin species which are critically endangered, a very small change in population could have a disastrous effect. But conditions 9 and 10 do not respond to or reflect this because the population level that is problematic is not defined. The end result is that the DMC simply could not be satisfied that the harm could be remedied, mitigated or avoided.

[130] A very basic way of putting the problem is that as a result of the uncertainty of the information, it could not be known whether the death of one or 10 Hector’s dolphins would be treated as an adverse effect at a population level or not. We consider in those circumstances the DMC had to say something more than “at a population level” in terms of how the adverse effect would be measured and that not doing so was an error of law. We accept that in other contexts, it may be sufficient to require an absence of adverse effects, for example, where the effects of noise can be measured against a standard. And in other cases, it may be sufficient to impose a condition effectively requiring that no damage be done. But the particular factual situation here is quite different, and the DMC has misdirected itself in concluding that such conditions are adequate to avoid, remedy or mitigate adverse effects. Accordingly, although the DMC cited the correct test, it did not apply that test, which is an error of law.<sup>207</sup>

[131] We have focused on the conditions relating to seabirds and marine mammals as the most obvious illustration of the problems. But we agree with the Court of Appeal that there are similar problems in terms of the uncertainty as to the effects caused by the sediment plume and the associated conditions dealing with suspended sediment levels, although we base that on the need to favour caution and environmental protection rather than s 10(1)(b) per se.<sup>208</sup>

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<sup>206</sup> At [931].

<sup>207</sup> We do not accept TTR’s submission that it is necessary to show that the likely resultant degradation is so extreme that no reasonable person properly directing themselves could countenance it or come to the same conclusion.

<sup>208</sup> CA judgment, above n [45](#), at [259(b)].

[132] Before leaving this topic, we very briefly address the argument for Forest and Bird that the pre-commencement monitoring conditions are ultra vires on the basis that they were not imposed to deal with adverse effects, but rather were conditions imposed for the purpose of baseline investigation and identifying effects. This is a reference to s 63(1) of the EEZ Act, which allows conditions to be imposed “to deal with adverse effects of the activity authorised by the consent on the environment or existing interests”. On this topic, we agree with the Court of Appeal that the relevant conditions came within the statute because they ensure that adverse effects can be identified and a response provided.<sup>209</sup> Section 63(2)(a)(iii) anticipates conditions which “monitor, and report on, the exercise of the consent and the effects of the activity” authorised. Section 66(1) also makes it clear that a condition imposed under s 63(2)(a)(iii) may require the consent holder to undertake a range of activities directed towards monitoring, for example, making measurements, taking samples, and undertaking analyses or other specified tests.

[133] We do not agree, however, with the Court of Appeal that dealing with aspects of the conditions via management plans was inconsistent with the public participation rights in the EEZ Act.<sup>210</sup> Rather, we consider that TTR is right that in this case that was not an issue because drafts of the plans were included with the application for consent as lodged. That was sufficient in this case to enable public participation.

*“Best available information”?*

[134] The last of the issues relating to the information principles requires consideration of the joint submission for KASM/Greenpeace that the Court of Appeal erred in concluding that the DMC had not applied the wrong legal test for whether it had the “best available information” as required by the information principles. “Best available information” is defined to mean “the best information that, in the particular circumstances, is available without unreasonable cost, effort, or time”.<sup>211</sup>

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<sup>209</sup> At [272].

<sup>210</sup> At [259(c)]. Compare at [\[277\]–\[278\]](#) per Glazebrook J, [\[295\]](#) per Williams J and [\[329\]](#) per Winkelmann CJ.

<sup>211</sup> EEZ Act, ss 61(5) and 87E(3).

[135] The Court of Appeal agreed with the High Court<sup>212</sup> that this challenge to the DMC's decision did not raise a question of law.<sup>213</sup> The Court said that the DMC was required to decide "in the exercise of its judgment, whether it had obtained the best available information and then proceed to make its substantive determination".<sup>214</sup> We agree. We accept the submissions for TTR that the DMC correctly set out its understanding of the requirement to use the best information and carefully explained the steps it took to satisfy itself that this requirement was met. In terms of s 61(1)(a), the DMC made use of its powers to request further information and to obtain advice.<sup>215</sup> The view that sufficient information had been received to enable a decision to be made was the unanimous decision of the DMC.<sup>216</sup>

[136] KASM/Greenpeace submit that the imposition by the DMC of the pre-commencement monitoring conditions demonstrated that the best available information had not been obtained before granting the consent. The argument is that the information that could be obtained from the pre-commencement monitoring was obtainable without unreasonable cost, effort or time and hence represented the best available information. Accordingly, KASM/Greenpeace argue the DMC should have required this information before granting the consent, rather than granting the consent in the absence of this information with the condition that TTR gather this information at a later time.<sup>217</sup>

<sup>212</sup> HC judgment, above n [43](#), at [294].

<sup>213</sup> CA judgment, above n [45](#), at [267].

<sup>214</sup> At [266].

<sup>215</sup> In the DMC decision, above n [38](#), at [21], the DMC set out the further requests for information which it made to TTR encompassing a number of issues, including effects on plankton, fish and marine mammals, worst-case sediment plume modelling, noise modelling not based on a simple spherical approach, and questions for TTR's noise expert. The DMC also set out at [18] and [26] the various sources of information on which it relied, which included requiring experts to confer, considering submissions, expert and non-expert evidence, and taking expert and legal advice in relation to a range of issues.

<sup>216</sup> Environmental Protection Authority | Te Mana Rauhi Taiao *Trans-Tasman Resources Limited (TTRL) iron sand extraction and processing application: M46 – Minute of the Decision-making Committee – 31 May 2017* at [2]. Contrary to the notice to support on other grounds filed by KASM/Greenpeace, nothing turns on the use of the word "sufficient" information in this minute given the other explanations within the DMC decision which show an appreciation of the standard required. This point was not developed in the written submissions or oral argument for KASM/Greenpeace.

<sup>217</sup> The Royal Forest and Bird Protection Society of New Zealand Inc (Forest and Bird) made submissions of a similar tenor.

[137] That submission conflates satisfying the requirement to have the best available information with the need to favour caution and environmental protection if information is uncertain. As the Court of Appeal noted, if the information was not adequate to support a consent, then the consent would be refused. Inadequacies “in the information available to the DMC would disadvantage the applicant”, not others.<sup>218</sup> Mr Makgill, on behalf of the various fisheries organisations, also made the point that if the presumption is that the best available information meant there was enough information on which to grant consent, that would obviate the need for the other requirements such as the need to favour caution and environmental protection.

[138] We add that the DMC recorded that its approach was to reduce uncertainty whilst recognising that the cost of supplementing some of the information about the marine environment by requiring further surveys would not meet the definition of “best available information” in the Act.<sup>219</sup> That was an orthodox approach to the statutory definition of “best available information”, given the qualifier that the information be available “without unreasonable cost ... or time”. The DMC was required to make a factual assessment of what constituted unreasonable cost and delay in the circumstances of this case.

### **The place of the Treaty of Waitangi and customary interests**

[139] In addressing this aspect of the appeal, two questions arise. The first relates to the effect of s 12 of the EEZ Act, which sets out the way in which the Crown’s responsibilities in terms of the principles of the Treaty of Waitangi are to be given effect. The second question concerns the effect of the requirement that the DMC must take into account any effect on existing interests of allowing the activity that is the subject of the application for a marine consent. The two questions are interrelated.

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<sup>218</sup> CA judgment, above n [45](#), at [266].

<sup>219</sup> DMC decision, above n [38](#), at [13].



*The relevant provisions*

[140] Section 12 is in the following terms:

**12 Treaty of Waitangi**

In order to recognise and respect the Crown’s responsibility to give effect to the principles of the Treaty of Waitangi for the purposes of this Act,—

- (a) section 18 (which relates to the function of the Māori Advisory Committee) provides for the Māori Advisory Committee to advise the Environmental Protection Authority so that decisions made under this Act may be informed by a Māori perspective; and
- (b) section 32 requires the Minister to establish and use a process that gives iwi adequate time and opportunity to comment on the subject matter of proposed regulations; and
- (c) sections 33 and 59, respectively, require the Minister and the EPA to take into account the effects of activities on existing interests; and
- (d) section 45 requires the Environmental Protection Authority to notify iwi authorities, customary marine title groups, and protected customary rights groups directly of consent applications that may affect them.

[141] In relation to existing interests, there are two key provisions. First, as noted above, the relevant part of s 59 provides that the DMC must take into account “any effects on the environment or existing interests of allowing the activity”.<sup>220</sup> The DMC must also take into account “the effects on the environment or existing interests of other activities undertaken in the area covered by the application or in its vicinity”.<sup>221</sup>

[142] “Existing interest” is defined in s 4(1) as follows:

**existing interest** means, in relation to New Zealand, the exclusive economic zone, or the continental shelf (as applicable), the interest a person has in—

- (a) any lawfully established existing activity, whether or not authorised by or under any Act or regulations, including rights of access, navigation, and fishing:

<sup>220</sup> EEZ Act, s 59(2)(a). “Effect” is broadly defined in s 6(1) and in s 59(2)(a) “effects” include both cumulative effects and effects occurring in the waters above or beyond the continental shelf beyond the outer limits of the EEZ.

<sup>221</sup> Section 59(2)(b).

- (b) any activity that may be undertaken under the authority of an existing marine consent granted under section 62:
- (c) any activity that may be undertaken under the authority of an existing resource consent granted under the Resource Management Act 1991:
- (d) the settlement of a historical claim under the Treaty of Waitangi Act 1975:
- (e) the settlement of a contemporary claim under the Treaty of Waitangi as provided for in an Act, including the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992:
- (f) a protected customary right or customary marine title recognised under the Marine and Coastal Area (Takutai Moana) Act 2011

[143] In relation to para (f) of the definition of existing interests, s 4(1) defines “protected customary rights group” as having the same meaning as that in s 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act).<sup>222</sup> That definition in turn refers to a group to which a “protected customary rights order” applies, where both “protected customary rights order” and “protected customary rights” are also defined in s 9(1).

[144] Second, reference should be made to s 60 of the EEZ Act, which sets out the matters to be considered in deciding the extent of adverse effects on existing interests. Those matters are as follows:

- (a) the area that the activity would have in common with the existing interest; and
- (b) the degree to which both the activity and the existing interest must be carried out to the exclusion of other activities; and
- (c) whether the existing interest can be exercised only in the area to which the application relates; and
- (d) any other relevant matter.

<sup>222</sup> Section 4(1) definition of “protected customary rights group”. In the Marine and Coastal Area (Takutai Moana) Act 2011, a “protected customary right” is defined in s 9(1) as “an activity, use, or practice— (a) established by an applicant group in accordance with subpart 2 of Part 3 [which addresses establishment of protected rights]; and (b) recognised by— (i) a protected customary rights order; or (ii) an agreement”.

*The approach in the Court of Appeal*

[145] The approach of the Court of Appeal to these questions can be summarised briefly. The first point to note is that the Court decided that it was not necessary to resolve the question of whether s 12 is exhaustive or, as the iwi parties submitted in this Court, a “non-exhaustive way of directing attention to those sections in the EEZ Act that are of particular significance” in relation to the Treaty. That was because the correct focus was on making sure that the provisions referred to in s 12, especially s 59 in relation to existing interests, were interpreted correctly.<sup>223</sup> As the Court saw it, that required existing interests in s 59(2)(a) to include the interests of Māori in respect of all of the taonga referred to in the Treaty.<sup>224</sup> Further, the Court said that all customary rights and interests relating to the natural environment (whether or not they are referred to or recognised in a Treaty settlement) and relating to claims under the MACA Act were existing interests.<sup>225</sup> The Court found that the DMC had not approached its task in this way and, at the least, should have given reasons to justify determining that these interests were appropriately overridden.<sup>226</sup>

*The effect of s 12*

[146] The challenge to the findings of the Court of Appeal by TTR and, at least to some extent, the Attorney-General requires consideration of the effect of the deliberate absence in the EEZ Act of any direction requiring the decision-maker, the DMC, to give effect to the principles of the Treaty of Waitangi. To illustrate the point, TTR highlights the difference between s 12 of the EEZ Act and s 4 of the Conservation Act 1987. The latter provides that the Conservation Act is to be “interpreted and administered [so] as to give effect to the principles of the Treaty of Waitangi”.

[147] The submission that the difference between the method adopted to address Treaty obligations in the EEZ Act and that in other statutes such as the Conservation Act reflected a deliberate choice draws some support from the legislative history of s 12. Relevantly, in the EEZ Bill as introduced, the clause that became s 12 referred

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<sup>223</sup> CA judgment, above n [45](#), at [162].

<sup>224</sup> At [163].

<sup>225</sup> At [167]–[168].

<sup>226</sup> At [175] and [178]–[179].

to the Crown’s responsibility to “take appropriate account” of the Treaty.<sup>227</sup> The Select Committee considering the Bill recommended that the clause be amended “to give effect to the principles of the Treaty of Waitangi” through the specified provisions.<sup>228</sup> That change was made, but a supplementary order paper which would have added in a new subsection like that in s 4 of the Conservation Act stating that the Act “must be interpreted and administered so as to give effect to the principles of the Treaty” was rejected.<sup>229</sup>

[148] The legislative history, however, only takes the matter so far. While the amendments proposed in the supplementary order paper were not accepted, the clause was strengthened in accordance with the Select Committee’s recommendation.<sup>230</sup>

[149] In any event, s 12 does not limit or constrain the DMC in the way that TTR and the Attorney-General suggest. When read with s 59, as s 12(c) itself directs, s 12 requires the DMC to take into account the effects of the activity on existing interests in a manner that recognises and respects the Crown’s obligation to give effect to the principles of the Treaty.<sup>231</sup> That is a strong direction. And that direction can only be given effect through the way in which the DMC interprets and applies the relevant factors in s 59(2).

[150] Ultimately, it was not contended that s 12 has the effect of ousting Treaty principles. That is not surprising, given the Treaty’s constitutional significance. The broader, constitutional context in which Treaty clauses like s 12 are to be interpreted has been the subject of attention in the authorities. Chilwell J in *Huakina Development Trust v Waikato Valley Authority* made the point that the cases “show that the Treaty was essential to the foundation of New Zealand and since then there has been considerable direct and indirect recognition by statute” of the Crown’s Treaty obligations.<sup>232</sup> Of that statutory recognition, s 12 illustrates the trend in more recent

<sup>227</sup> EEZ Bill, above n [81](#), cl 14.

<sup>228</sup> EEZ Bill (select committee report), above n [113](#), at 4.

<sup>229</sup> Supplementary Order Paper 2012 (96) Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill 2011 (321-2). See (16 August 2012) 682 NZPD 4518–4519.

<sup>230</sup> See the responsible Minister’s speech in (30 May 2012) 680 NZPD 2733–2734.

<sup>231</sup> An analogy can be drawn with the interrelationship between ss 9 and 27 of the State-Owned Enterprises Act 1986 considered by the Court of Appeal in *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA) [*Lands case*] at 658 per Cooke P.

<sup>232</sup> *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR 188 (HC) at 210.

statutes to give a greater degree of definition as to the way in which the Treaty principles are to be given effect and a departure from the more general, free standing Treaty clauses like that in s 4 of the Conservation Act.<sup>233</sup> The author of *Burrows and Carter Statute Law in New Zealand*, for example, notes that in recent years there has been a move towards precise consideration of how Parliament “wants particular legislative schemes to provide for and protect Māori interests in the light of the Crown’s responsibility under the Treaty”.<sup>234</sup>

[151] But the move to more finely tuned subtle wording does not axiomatically give support to a narrow approach to the meaning of such clauses. Indeed, the contrary must be true given the constitutional significance of the Treaty to the modern New Zealand state. The courts will not easily read statutory language as excluding consideration of Treaty principles if a statute is silent on the question.<sup>235</sup> It ought to follow therefore that Treaty clauses should not be narrowly construed.<sup>236</sup> Rather, they must be given a broad and generous construction.<sup>237</sup> An intention to constrain the ability of statutory decision-makers to respect Treaty principles should not be ascribed to Parliament unless that intention is made quite clear.<sup>238</sup>

*The scope of “existing interests” in s 59(2)(a) and the application of those interests*

[152] Whether or not there are existing interests has considerable impact in terms of the procedure applicable to an application for a marine consent as well as on the substantive decision-making process. There are various provisions in the EEZ Act which require the identification of existing interests<sup>239</sup> and action subsequent on such

<sup>233</sup> Carter, above n [84](#), at 697–699.

<sup>234</sup> At 697. See also Matthew SR Palmer *The Treaty of Waitangi in New Zealand’s Law and Constitution* (Victoria University Press, Wellington, 2008) at 96–101 and 183–184; and Legislation Design and Advisory Committee *Legislation Guidelines* (2018) at ch 5.

<sup>235</sup> *Huakina*, above n [232](#), at 210 and 233; *Barton-Prescott v Director-General of Social Welfare* [1997] 3 NZLR 179 (HC) at 184; *Tukaki v Commonwealth of Australia* [2018] NZCA 324, [2018] NZAR 1597 at [36]–[37]; and *Ngaronoa v Attorney-General* [2017] NZCA 351, [2017] 3 NZLR 643 at [46].

<sup>236</sup> *Ngai Tahu Maori Trust Board v Director-General of Conservation* [1995] 3 NZLR 553 (CA) [*Whales case*] at 558.

<sup>237</sup> *Tainui Maori Trust Board v Attorney-General* [1989] 2 NZLR 513 (CA) [*Coals case*] at 518; and *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 at [48]–[54].

<sup>238</sup> See similarly *Lands case*, above n [231](#), at 655–656 per Cooke P.

<sup>239</sup> See EEZ Act, ss 38(2)(c) and 39(1)(c)–(d). The same approach applies to applications for marine discharge or dumping consents: s 87B(2)(c).

identification, for example, the giving of notice.<sup>240</sup> Further, on a review of the durations or conditions of a marine consent, the EPA can cancel the consent if the activity has significant adverse effects on the environment or existing interests.<sup>241</sup>

[153] Against this background, TTR says the terms of s 12 mean that the Court of Appeal was wrong in its approach to the meaning of “existing interests” in s 59(2)(a). TTR also says that the Court erred in concluding that the DMC was required to, and did not, “engage meaningfully” with the impact of TTR’s application on the “whanaungatanga and kaitiakitanga relationships between affected iwi and the natural environment”.<sup>242</sup> Similarly, the Attorney-General submits that the Court of Appeal’s approach is inconsistent with the statutory history, scheme and purpose.

[154] The iwi parties submit that giving appropriate recognition to Treaty principles in terms of s 12 means that the Court of Appeal was right to conclude that tikanga-based customary rights and interests are existing interests under s 59(2)(a). The submission is that, accordingly, the existing interests that the DMC needed to consider here are kaitiakitanga of iwi of their relevant rohe; rights recognised by the MACA Act; and interests under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.<sup>243</sup> We agree. That follows from the guarantee in art 2 of the Treaty of tino rangatiratanga in the context of the marine environment.<sup>244</sup> The answer to the submission that the Court of Appeal goes too far in treating all customary interests in this context as existing interests is found in that guarantee. Further, as the Court of

<sup>240</sup> Section 45(1)(d). The same procedure applies to applications for marine discharge and dumping consents: s 87C(1). The probability of significant adverse effects on the environment or existing interests must be considered when determining whether a discretionary activity can be treated as non-notified in regulations: s 29D(2)(a).

<sup>241</sup> Section 81(3).

<sup>242</sup> CA judgment, above n [45](#), at [174]. See also at [175].

<sup>243</sup> The iwi parties adopt the following definition of kaitiakitanga: “the obligation to care for one’s own”, citing Joseph Williams “Lex Aotearoa: An Heroic Attempt to Map the Māori Dimension in Modern New Zealand Law” (2013) 21 Waikato L Rev 1 at 3. The author also emphasises the importance of whanaungatanga to kaitiakitanga (and other core values), as “the glue that ... holds the system together” and “the fundamental law of the maintenance of properly tended relationships”: at 4. See also Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (Wai 262, 2011) vol 1 at 13, where the Tribunal describes how Kupe’s people brought with them Hawaikian culture which “enabled human exploitation of the environment, but through the kinship value (known in te ao Māori as whanaungatanga) it also emphasised human responsibility to nurture and care for it (known in te ao Māori as kaitiakitanga)”.

<sup>244</sup> To the extent the Court of Appeal’s approach may suggest the environment as a whole to be a taonga in the way that term is used in the Treaty, we disagree. See the discussion in Waitangi Tribunal, above n [243](#), at 269.

Appeal notes, the processes such as that provided for by the MACA Act are not the source of such customary interests but rather provide a mechanism for their recognition.<sup>245</sup> Thus, we agree with the Court of Appeal that rights claimed under the MACA Act but not yet granted may qualify as “existing interests” under para (a) of the definition.<sup>246</sup> It may be that there are questions to be resolved to clarify the nature and extent of existing interests in a particular case, but that is an evidential issue and not an obstacle to the interpretation adopted by the Court of Appeal.

[155] In challenging the Court of Appeal’s approach, TTR emphasises that existing interests in the EEZ Act reflect the interests a person has in any lawfully established activity rather than the relationship a person has with a particular resource.<sup>247</sup> However, as the iwi parties submit, practice and principle in this respect are intertwined. Kaitiakitanga manifests itself in an activity. Nor do we find persuasive TTR’s submission that New Zealand’s limited “sovereign rights” in the EEZ,<sup>248</sup> where the proposed seabed mining will take place, means that case law on how the principles of the Treaty are to be recognised by decision-makers under other environmental legislation has little relevance. The nature of New Zealand’s rights does not dictate the scope of existing interests in the EEZ Act.<sup>249</sup>

[156] As noted, the Court of Appeal also found that the DMC was required to “[give reasons] to justify a decision to override existing interests of this kind”.<sup>250</sup> The

<sup>245</sup> CA judgment, above n [45](#), at [168].

<sup>246</sup> At [168]. There is support for this approach in decisions of the Supreme Court of Canada which recognise the Crown’s duty to consult (and where necessary, accommodate) indigenous peoples in relation to aboriginal title and rights extended to situations where the aboriginal rights and title had not yet been proved: see, for example, *Haida Nation v British Columbia (Minister of Forests)* 2004 SCC 73, [2004] 3 SCR 511. More recent Supreme Court of Canada decisions have confirmed that the Crown can rely on steps taken by an administrative body or regulatory agency to partially or completely fulfil its duty to consult and accommodate: *Chippewas of the Thames First Nation v Enbridge Pipelines Inc* 2017 SCC 41, [2017] 1 SCR 1099; and *Clyde River (Hamlet) v Petroleum Geo-Services Inc* 2017 SCC 40, [2017] 1 SCR 1069.

<sup>247</sup> The EPA makes a similar submission.

<sup>248</sup> LOSC, above n [150](#), arts 55–56. See Scott Davidson and Joanna Mossop “Law of the Sea” in Alberto Costi (ed) *Public International Law: A New Zealand Perspective* (LexisNexis, Wellington, 2020) 687 at 701; and Proelss “Exclusive Economic Zone”, above n [154](#), at 409 and 416.

<sup>249</sup> The distinction between waters and seabed within New Zealand’s territorial sea and EEZ has legal implications, but as noted by commentators, from the perspective of te ao Māori, this division is immaterial: see Andrew Erueti and Joshua Pietras “Extractive Industry, Human Rights and Indigenous Rights in New Zealand’s Exclusive Economic Zone” (2013) 11 *New Zealand Yearbook of International Law* 37 at 66; and Benjamin Ralston and Jacinta Ruru “Landmark EPA Decision” [2014] NZLJ 284 at 285.

<sup>250</sup> CA judgment, above n [45](#), at [171].

Attorney-General submits that this imposes an unduly high standard where the requirement in s 59 is to take account of the listed factors.

[157] Plainly, the DMC must give reasons: s 69 of the EEZ Act says as much. However, that requirement must be tempered by the fact that this is an area where it may not be possible to do much more than explain the balance struck, having set out the evidence for the findings of fact on which that balance depends.<sup>251</sup> It also needs to be kept in mind that the DMC is not a judicial body, but is comprised of lay members.<sup>252</sup> Further, the DMC has to work within the statutory time limits, and the subject matter which the DMC has to deal with in a case like the present is complex and will often involve measuring incommensurable values.<sup>253</sup> In context then, and as we understand the Attorney-General accepts, where there are a number of factors to be taken into account and interests relevantly reflecting Treaty obligations, the decision-maker will need to explain, albeit briefly, the way in which the balance has been struck.

[158] The next question is whether the DMC approached these matters correctly. In supporting the analysis adopted by the Court of Appeal, the iwi parties used the following statement from Ngā Rauru to the DMC to illustrate the significance and effects of TTR's application on the environment and the relevant iwi:

[W]e submit that seabed mining is an experimental operation and that it will have destructive effects on our marine environment, marine species and people. As kaitiaki we cannot support this activity. It is the absolute antithesis of what we stand for. ... Seabed mining effects are a violation of kaitiakitanga. ... [A]s kaitiaki, we, as Ngā Rauru Kīahi, are defenders of the ecosystems and its constituent parts. We believe that everything has a mauri or a life force and that mauri must be protected.

<sup>251</sup> See *Lewis v Wilson & Horton Ltd* [2000] 3 NZLR 546 (CA) at [81]; and Harry Woolf and others *De Smith's Judicial Review* (8th ed, Thomson Reuters, London, 2018) at [7-105]–[7-106]. See also *Belgiorno-Nettis v Auckland Unitary Plan Independent Hearings Panel* [2019] NZCA 175, [2019] 3 NZLR 345.

<sup>252</sup> Accordingly, reasons of the detail and scope of legal reasoning normally expected in High Court judgments are not required: GDS Taylor *Judicial Review: A New Zealand Perspective* (4th ed, LexisNexis, Wellington, 2018) at 318, 322 and 327; and Woolf and others, above n [251](#), at [7-105].

<sup>253</sup> In the context of the values set out in s 5(2) of the RMA, Royden Somerville notes the difficulties that may arise in balancing incommensurable values where there is no common measure to undertake that balancing: *Resource Management* (online ed, Thomson Reuters) at [IN4.06]. See also *Helu*, above n [170](#), at [221] per William Young and Arnold JJ (dissenting).



[159] In this case, as we shall explain, we see the DMC’s error as the failure to properly engage with the nature of the interests affected rather than the absence of reasons. The DMC did consider a range of interests including kaitiakitanga, noting that the legal advice it received stated that the lawful exercise of kaitiaki responsibilities might fall within the scope for consideration of effects under s 59(2)(a).<sup>254</sup> The DMC also said it took into account the duty of active protection of Māori interests,<sup>255</sup> although it concluded that the relevant interests of iwi could be met through the conditions imposed. Of particular relevance were the conditions relating to the direction to TTR to offer to establish and maintain a “Kaitiakitanga Reference Group” with the purpose of, amongst other things, recognising the kaitiakitanga of tangata whenua and the establishment of the kaimoana monitoring programme, which would be required to operate even in the absence of iwi engagement in the Reference Group.<sup>256</sup>

[160] However, despite the references to the effect of the proposal on kaitiakitanga and the mauri of the marine environment, the DMC did not effectively grapple with the true effect of this proposal for the iwi parties or with how ongoing monitoring could meet the iwi parties’ concern that they will be unable to exercise their kaitiakitanga to protect the mauri of the marine environment, particularly given the length of the consent and the long-term nature of the effects of the proposal on that environment.

[161] What was required was for the DMC to indicate an understanding of the nature and extent of the relevant interests, both physical and spiritual, and to identify the relevant principles of kaitiakitanga said to apply. Here, while there was some reference to spiritual aspects, the primary focus does appear to have been on physical and biological effects, for example, of the sediment plume.<sup>257</sup> Further, while the DMC acknowledged there would be “some impact” on kaitiakitanga, mauri and other cultural values, that significantly underrated the effects.<sup>258</sup> The DMC then needed to explain, albeit briefly, why these existing interests were outweighed by other s 59

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<sup>254</sup> DMC decision, above n [38](#), at [647].

<sup>255</sup> At [716].

<sup>256</sup> See at [726] and [728]–[729].

<sup>257</sup> At [721]–[725].

<sup>258</sup> At [727]. See also at [728].

factors, or sufficiently accommodated in other ways. Further, also reflecting the advice it had received, the DMC did not consider that the as yet unrecognised claims made by iwi under the MACA Act were existing interests, and nor was this a situation where these “future possibilities” could be considered under s 59(2)(m) as any other relevant matter.<sup>259</sup> Finally, the DMC’s starting point was that the principles of the Treaty were not directly relevant but, rather, could “colour” the approach taken.<sup>260</sup> On our approach, these two aspects were also errors of law.

### **The scope of “any other applicable law” in s 59(2)(l)**

[162] Section 59(2)(l) directs the DMC to take into account “any other applicable law”. Two issues require consideration under this heading. The first of these is whether tikanga Māori comprises “applicable law”. The second issue is whether the relevant international law instruments should have been treated as applicable law.

#### *Tikanga Māori*

[163] In the Act as it was at the relevant time, there were two situations in which tikanga appeared. In the first of these, s 53(3)(b) provides that in deciding on an “appropriate and fair” procedure for a hearing, the EPA must “recognise tikanga Māori where appropriate”.<sup>261</sup> Second, under s 158(1)(a), the EPA has the power to provide for a hearing or parts of a hearing to be held in private and to prohibit or restrict the publication of information relating to a proceeding if such an order is necessary “to avoid causing serious offence to tikanga Māori”. In addition, since 1 June 2017, the responsible Minister may appoint a board of inquiry to decide an application for a marine consent in specified situations.<sup>262</sup> In appointing members to such a board, the responsible Minister must consider the need for the board to have “from its members, knowledge, skill, and experience relating to ... tikanga Māori”.<sup>263</sup>

<sup>259</sup> At [696]. See also at [710] and [719].

<sup>260</sup> At [628]–[629] and [720].

<sup>261</sup> See also cl 2(3)(b) of sch 2, cl 3(3)(b) of sch 3 and cl 7(3)(b) of sch 4 of the current version of the EEZ Act.

<sup>262</sup> See the changes made to the EEZ Act providing for boards of inquiry by the Resource Legislation Amendment Act 2017.

<sup>263</sup> See ss 52(5)(c) and 99A(5)(a)(iii) of the current version of the EEZ Act.

[164] The Court of Appeal said that tikanga Māori must be treated as an “applicable law” under s 59(2)(l) where it is relevant to an application before the EPA.<sup>264</sup> That approach followed from the fact that the tikanga that “defines the nature and extent of all customary rights and interests in taonga protected by the Treaty” is part of the common law of New Zealand.<sup>265</sup> The iwi parties support that approach.

[165] TTR supports the conclusion of the High Court that tikanga Māori was not a matter to be considered under s 59(2)(l).<sup>266</sup> TTR says that although tikanga is acknowledged as forming “part of the values of the New Zealand common law”, citing the reasons of Elias CJ in *Takamore v Clarke*,<sup>267</sup> it is not an “independent source of law” requiring separate consideration under s 59(2)(l).<sup>268</sup> The submission for the Attorney-General is to similar effect. In addition, TTR argues that to the extent tikanga is a relevant factor in the exercise of existing interests, it is to be considered under s 59(2)(a). To consider it under the “applicable law” limb in s 59(2)(l) would be double counting.

[166] In the context of considering what the position was in New Zealand at common law in relation to the duties and rights of executors, the majority of this Court in *Takamore* relevantly made two points in relation to the relevance of tikanga to the common law. First, it was noted that the English common law has applied in New Zealand “only insofar as it is applicable to the circumstances of New Zealand”.<sup>269</sup> It followed that, subject to conflicting statute law, “our common law has always been seen as amenable to development to take account of custom”.<sup>270</sup> In *Paki v Attorney-General*, the majority said that accordingly, common law presumptions of

<sup>264</sup> CA judgment, above n [45](#), at [178].

<sup>265</sup> At [177].

<sup>266</sup> The High Court accepted it was a matter for the DMC to consider under s 59(2)(m) (other relevant matters): HC judgment, above n [43](#), at [177].

<sup>267</sup> *Takamore v Clarke* [2012] NZSC 116, [2013] 2 NZLR 733 [*Takamore* (SC)] at [94].

<sup>268</sup> Citing Williams, above n [243](#), at 16.

<sup>269</sup> *Takamore* (SC), above n [267](#), at [150] per Tipping, McGrath and Blanchard JJ, citing *Paki v Attorney-General* [2012] NZSC 50, [2012] 3 NZLR 277 at [18] per Elias CJ, Blanchard and Tipping JJ and [105] per McGrath J. See English Laws Act 1858, s 1; and English Laws Act 1908, s 2, the effect of which is preserved by the Imperial Laws Application Act 1988, s 5. See also *Attorney-General v Ngati Apa* [2003] 3 NZLR 643 (CA) at [13] and [17] per Elias CJ, [134]–[135] per Keith and Anderson JJ and [183]–[185] per Tipping J.

<sup>270</sup> *Takamore* (SC), above n [267](#), at [150] per Tipping, McGrath and Blanchard JJ, citing *Baldick v Jackson* (1910) 30 NZLR 343 (SC); and *The Public Trustee v Loasby* (1908) 27 NZLR 801 (SC).

Crown ownership “could not arise in relation to land held by Maori under their customs and usages, which were guaranteed by the terms of the Treaty of Waitangi”.<sup>271</sup>

[167] The second of the points made by the majority in *Takamore* was that the common law of New Zealand required reference to tikanga (as well as other important values and relevant circumstances) in that case.<sup>272</sup> As foreshadowed above, in a separate judgment, Elias CJ said that “Maori custom according to tikanga is ... part of the values of the New Zealand common law.”<sup>273</sup> More recently, and in a similar vein, this Court in *Ngāti Whātua Ōrākei Trust v Attorney-General* recognised that the Ngāti Whātua Ōrākei Trust should be able to pursue claims based on tikanga.<sup>274</sup> Elias CJ in a partial dissent put the point directly, stating: “Rights and interests according to tikanga may be legal rights recognised by the common law and, in addition, establish questions of status which have consequences under contemporary legislation.”<sup>275</sup> The issue in that case arose in the context of a strike-out application, but the approach indicates the way in which the common law in New Zealand has been developing.

[168] One commentator suggests that the decision in *Takamore* has resulted in some confusion in that although the Court recognised “that customary law is clearly relevant in the common law, [the Court] did not explicitly address the possibility of customary law being recognised as law based on the doctrine of continuity and the additional tests set out in [*The Public Trustee v Loasby*]<sup>276</sup> and by the Court of Appeal’s *Takamore* decision<sup>[277]</sup>”.<sup>278</sup> That is correct because it was not necessary to determine whether the tests for the recognition of custom at common law in cases such as *Loasby* were met or whether tikanga was a source of law on the approaches taken. But undoubtedly, the

<sup>271</sup> *Paki*, above n [269](#), at [18].

<sup>272</sup> *Takamore* (SC), above n [267](#), at [164].

<sup>273</sup> At [94]. See also *Ngāti Apa*, above n [269](#), at [205] per Tipping J.

<sup>274</sup> *Ngāti Whātua Ōrākei Trust v Attorney-General* [2018] NZSC 84, [2019] 1 NZLR 116.

<sup>275</sup> At [77] (footnote omitted).

<sup>276</sup> *Loasby*, above n [270](#).

<sup>277</sup> *Takamore v Clarke* [2011] NZCA 587, [2012] 1 NZLR 573 [*Takamore* (CA)].

<sup>278</sup> Natalie Coates “The Recognition of Tikanga in the Common Law of New Zealand” [2015] NZ L Rev 1 at 12. See also Philip A Joseph *Joseph on Constitutional and Administrative Law* (5th ed, Thomson Reuters, Wellington, 2021) at 120–123.

aspects of tikanga relevant in *Takamore* were treated as norms influencing the development of the common law.<sup>279</sup>

[169] For the purposes of the EEZ Act, tikanga Māori has the same meaning as in s 2(1) of the RMA,<sup>280</sup> that is, “Maori customary values and practices”.<sup>281</sup> That definition is not to be read as excluding tikanga as law, still less as suggesting that tikanga is not law. Rather, tikanga is a body of Māori customs and practices, part of which is properly described as custom law. Thus, tikanga as law is a subset of the customary values and practices referred to in the Act. It follows that any aspects of this subset of tikanga will be “applicable law” in s 59(2)(l) where its recognition and application is appropriate to the particular circumstances of the consent application at hand.<sup>282</sup>

[170] It is not entirely clear what it was intended would be encompassed by the reference to other applicable law, given s 59(2) already requires the DMC to take into account the other marine management legislative regimes obviously relevant by virtue of s 59(2)(h) and relevant regulations under s 59(2)(k).<sup>283</sup> Counsel for the Attorney-General suggests that, because caution is required in referring in general terms to tikanga as a single body of law, a general reference to tikanga Māori in number 12 of a list of 13 factors does not appear a likely portal for the approach adopted by the Court of Appeal.

<sup>279</sup> In *Te Aka Matua o Te Ture* | Law Commission *Māori Custom and Values in New Zealand Law* (NZLC SP9, 2001) at [77], the Law Commission observed that “The debate about whether ‘law’ exists in societies which do not have written laws, law courts and judges is an old one. Anthropologists now generally accept that all human societies have ‘law’, in the sense of principles and processes, whether or not it can be classified as ‘institutional law generated from the organisation of a superordinate authority’.” The Law Commission also refers to the conclusion of ET Durie that “Māori norms were sufficiently regular to constitute law”: at [79], citing ET Durie *Custom Law* (draft paper for the Law Commission, January 1994) at 4.

<sup>280</sup> EEZ Act, s 4(2)(d).

<sup>281</sup> RMA, s 2(1) definition of “tikanga Maori”.

<sup>282</sup> We leave open for determination the questions of whether or not tikanga is a separate or third source of law and whether or not there should be any change to the tests for the recognition of customary law as law set out in *Loasby*, above n [270](#); see *Takamore* (CA), above n [277](#), at [109]–[134], [197] and [254]–[258] per Glazebrook and Wild JJ; and see also *Takamore* (SC), above n [267](#), at [164] per Tipping, McGrath and Blanchard JJ and [94] per Elias CJ.

<sup>283</sup> For completeness, we note that s 26(a) of the EEZ Act provides that, for the avoidance of doubt, compliance with the Act “does not remove the need to comply with all other applicable Acts, regulations, and rules of law”.

[171] The only other indication of the scope of s 59(2)(l) is provided by the amendment in June 2017, which made it clear that EEZ policy statements are excluded from consideration as other applicable law.<sup>284</sup> These policy statements appear to have been introduced to provide a broad equivalence to the various policy instruments in the RMA context.<sup>285</sup> Although not legislative instruments, these policy statements are disallowable instruments in terms of the Legislation Act 2012 and must be presented to the House of Representatives under s 41 of that Act.<sup>286</sup> The fact the Act expressly excludes these policy statements from “other applicable law”, suggests that “law” in s 59(2)(l) should otherwise be understood in a wide sense. Thus, the better view is that s 59(2)(l) is intended as something of a catch-all provision and there is no apparent reason to interpret it more restrictively.

[172] As we have discussed, we see tikanga as also covered by the effect of s 12 as it relates to s 59.<sup>287</sup> It seems more likely that because the primary issues in an application for a marine consent will be directed to the effects on existing interests, the focus will, for practical purposes, be on s 59(2)(a) and (b). But we accept that tikanga could also be covered by s 59(2)(l) in those cases where the issues facing the decision-maker require its consideration.<sup>288</sup> Section 59(2)(a) and (b) and s 59(2)(l) do serve different purposes. The emphasis in the former two subsections, as we have said, is on the effects. Under s 59(2)(l), the decision-maker would look at the tikanga itself and consider what it might say about the rights or interests of customary “owners” or of the resources itself. To give just one illustration, the iwi parties in this case emphasise the mauri of the area. Considering the proposed activity in terms of tikanga may indicate that material harm extends beyond the physical effects of a discharge, or that pollution can be spiritual as well as physical. In any event, the relevant issues need to be considered under one or the other heading.

<sup>284</sup> The amendment was made by s 229(5) of the Resource Legislation Amendment Act.

<sup>285</sup> (5 April 2017) 721 NZPD 17164. See also Ministry for the Environment *Regulatory Impact Statement: Resource Legislation Amendment Bill 2015 – EEZ Amendments* (28 October 2015) at 19–21.

<sup>286</sup> See s 37G of the current version of the EEZ Act.

<sup>287</sup> As discussed above at [\[154\]](#), the art 2 guarantee in the Treaty of Waitangi of tino rangatiratanga over taonga katoa (which includes taonga within the marine environment) means tikanga-based customary interests are existing interests under s 59(2)(a). This gives appropriate recognition to the Treaty principles in s 59, as required by s 12.

<sup>288</sup> It is not necessary in the present case to consider the evidential issues that may arise. See also above at n [282](#).

*International law instruments*

[173] The Court of Appeal concluded that the relevant international law instruments (LOSC, the Convention on Biological Diversity, MARPOL, and the London Convention and associated 1996 London Protocol) do not need to be taken into account separately as “other applicable law” under s 59(2)(l), given they are considered under s 11. The Court said that a separate reference to these instruments as “applicable law” under s 59(2)(l) “would not add anything of substance and would result in duplication of analysis and unnecessary complexity”.<sup>289</sup>

[174] KASM/Greenpeace submit that this was an error. The submission is advanced “for completeness” and can be dismissed shortly. Essentially, the Court of Appeal’s analysis of this point is consistent with the statutory scheme and with the approach taken by this Court in *Helu*. There is no need, as TTR submits, to “strain” the statutory language to require international instruments to be considered again under s 59(2)(l).<sup>290</sup>

**What is required by the direction in s 59(2)(h) to take into account the nature and effect of other marine management regimes?**

[175] The principal point at issue in this part of the appeal is whether the DMC was required to consider inconsistencies between TTR’s proposal and the NZCPS, which is a part of the marine management regime governing the coastal marine area

<sup>289</sup> CA judgment, above n [45](#), at [270].

<sup>290</sup> Customary international law, however, is part of the law of New Zealand and so could comprise other applicable law: see *Zaoui v Attorney-General (No 2)* [2005] NZSC 38, [2006] 1 NZLR 289 at [24]; Alberto Costi *Laws of New Zealand International Law* (online ed) at [128]; and Kenneth Keith “The Impact of International Law on New Zealand Law” (1998) 7 *Waikato L Rev* 1 at 22. KASM/Greenpeace and the fisheries organisations referred to the Seabed Advisory Opinion, above n [160](#), at [135], where the International Tribunal for the Law of the Sea’s Seabed Disputes Chamber observed there was “a trend towards making [the precautionary] approach part of customary international law”. Mr Makgill accepted, however, that the Chamber was not saying the precautionary principle had reached the status of being customary international law. Whether the precautionary principle has crystallised into a norm of customary international law is much debated: Sands and others, above n [159](#), at 234–240; and Warwick Gullett “The Contribution of the Precautionary Principle to Marine Environmental Protection: From Making Waves to Smooth Sailing?” in Richard Barnes and Ronán Long (eds) *Frontiers in International Environmental Law: Oceans and Climate Challenges* (Koninklijke Brill NV, Leiden, 2021) 368 at 370. Accordingly, we do not need to consider whether the DMC erred in not taking it into account as “other applicable law” under s 59(2)(l) of the EEZ Act. Nor was the argument put to us on this basis. See also *New Zealand Pork Industry Board v Director-General of the Ministry for Primary Industries* [2013] NZSC 154, [2014] 1 NZLR 477 at [124]–[125].

(CMA).<sup>291</sup> As we have noted, the CMA abuts the area of proposed seabed mining.<sup>292</sup> The other question is whether, if so, the DMC's consideration of this issue met the statutory test.

[176] Marine management regimes are defined as including the:<sup>293</sup>

... regulations, rules, and policies made and the functions, duties, and powers conferred under an Act that applies to any 1 or more of the following:

- (a) territorial sea:
- (b) exclusive economic zone:
- (c) continental shelf.

[177] Section 7(2) of the EEZ Act then sets out a non-exhaustive list of 15 marine management regimes encompassed by the section. Some of these regimes have general application, such as the Crown Minerals Act, the Fisheries Act 1996, the RMA, the MACA Act and the Wildlife Act 1953. Other regimes are specific to a particular area, such as the Hauraki Gulf Marine Park Act 2000 and the Kaikōura (Te Tai o Marokura) Marine Management Act 2014.

[178] The context for the consideration of the approach to s 59(2)(h) of the EEZ Act is the practical reality that the effects of a proposed activity in a particular part of the marine environment may well spill over into other areas.<sup>294</sup> Here for example, as the Court of Appeal said, the effects of the sediment plume will in fact be felt mostly within the CMA.<sup>295</sup> There are good policy reasons for not ignoring the fact that if the proposed activity took place on the other side of an arbitrary line<sup>296</sup> between two regimes, its proposed effects would be assessed differently.

<sup>291</sup> The NZCPS, above n [181](#), is made under the RMA on the recommendation of the Minister of Conservation: RMA, s 57.

<sup>292</sup> See above at n [37](#). A map of the project area as reproduced in the DMC decision, above n [38](#), is set out below at Appendix 2 to this judgment.

<sup>293</sup> EEZ Act, s 7(1).

<sup>294</sup> In the third reading debate, the responsible Minister said that alignment between the approach to matters within the 12 nautical mile limit (governed by the RMA) and those outside that limit between 12 to 200 nautical miles (governed by the EEZ Act) was desirable because it was not hard to envisage applications “that cross or could have impact on both sides of the 12 nautical mile limit”: (28 August 2012) 683 NZPD 4780. It has to be said, however, that it is not clear from the legislative history that facilitating integrated consideration of effects and decision-making across the jurisdictional boundaries was a priority.

<sup>295</sup> CA judgment, above n [45](#), at [199].

<sup>296</sup> It is a jurisdictional line, rather than a line drawn on the basis of environmental or scientific factors.



[179] What then is the DMC required to consider? TTR and the EPA resist the suggestion that the DMC has to apply the other regimes or undertake a detailed evaluation of consistency with the policies, plans or environmental bottom lines of the other regimes. We agree that the DMC was not required to apply those regimes or to consider the minutiae of each particular regime, but nor did the Court of Appeal suggest that.

[180] Indeed, that would be an impossible task inconsistent with the intention to create a specific regime for the regulation of mining and other activities in the EEZ.<sup>297</sup> The EPA members will not necessarily have the expertise to undertake such an inquiry, and in any event, work under timeframes would not permit such an inquiry.<sup>298</sup> And, as has been noted, the definition of the environment in the EEZ Act is different from that in the RMA, and the relevant considerations for consent applications are also different. Further, as Ms Casey QC for the EPA submits, the EEZ Act provides the procedure applicable for activities requiring both consent under the RMA for activities in the CMA and consent under the EEZ Act for activities in the EEZ.<sup>299</sup> That procedure envisages the possibility of separate or joint application processes.<sup>300</sup> But even if a joint process is followed, the applications are dealt with separately, with the EPA having responsibility for deciding the marine consent application under the EEZ Act and the consent authority having responsibility for deciding the resource consent application under the RMA.<sup>301</sup> Finally, the DMC is required to take into account the nature and effect of the other regimes, but there is no prescription as to how that is to be achieved.<sup>302</sup>

<sup>297</sup> As we have noted above at n [121](#), the regime in the EEZ Act was seen as a gap-filler. Further, it was plain that the intention was not to create the “[RMA] of the seas”: (18 July 2012) 681 NZPD 3680. See also (13 September 2011) 675 NZPD 21215; (30 May 2012) 680 NZPD 2734–2735; and (28 August 2012) 683 NZPD 4802.

<sup>298</sup> A desire to avoid the lengthy, more complicated approach under the RMA was to the forefront in considering the scope of the EEZ Act. The more complex RMA framework was seen as “overkill” in the relatively uncrowded EEZ. Further, it was seen as important that consent decisions were made in a timely manner, which in turn was investment-friendly: see (30 May 2012) 680 NZPD 2734; (18 July 2012) 681 NZPD 3684; and (28 August 2012) 683 NZPD 4785.

<sup>299</sup> EEZ Act, Subpart 3 of Part 3.

<sup>300</sup> Section 90(a) and (b).

<sup>301</sup> Section 98.

<sup>302</sup> In response to a question from the Select Committee about how regional coastal plans were to be considered under the Act, the officials said it “will be up to the EPA how to give effect to the consideration of other marine management regimes in marine consent decision-making”: Departmental Report on EEZ Bill, above n [81](#), at 145.

[181] That said, approaching the matter by using the ordinary dictionary meaning of the words “nature and effect”, it is apparent that the DMC does have to consider the key features of the other management regimes and how they would apply if the activity “were” being pursued under those regimes. The word “nature” means the “inherent or essential quality ... of a thing”.<sup>303</sup> The word “effect” means “a consequence”, “a contemplated result”, or “a purpose”.<sup>304</sup> Accordingly, consideration of the nature and effect of the other marine management regimes must, as the Court of Appeal said, involve considering:<sup>305</sup>

- (a) the objectives of the RMA and NZCPS, and the outcomes sought to be achieved by those instruments, in the area affected by the TTR proposal; and
- (b) whether TTR’s proposal would produce effects within the CMA that are inconsistent with the outcomes sought to be achieved by those regimes.

[182] We agree also with the Court of Appeal that, importantly, the DMC had to consider:<sup>306</sup>

... whether TTR’s proposal would be inconsistent with any environmental bottom lines established by the NZCPS. If a proposed activity within the EEZ would have effects within the CMA that are inconsistent with environmental bottom lines under the marine management regime governing the CMA, that would be a highly relevant factor for the DMC to take into account. The DMC would need to squarely address the inconsistency between the proposal before it and the objectives of the NZCPS. If the DMC was minded to grant a consent notwithstanding such an inconsistency, it would need to clearly articulate its reasons for doing so.

[183] The question then is whether the Court of Appeal is right that the DMC did not consider the matter in this way and that its failure to do so was an error of law,<sup>307</sup> or whether the High Court was correct that the issues raised by the parties were matters merely going to the weight to be given to this factor, which would not comprise an error of law.<sup>308</sup>

<sup>303</sup> Trumble and Stevenson *Shorter Oxford English Dictionary* (vol 2), above n [131](#), at 1891.

<sup>304</sup> Trumble and Stevenson *Shorter Oxford English Dictionary* (vol 1), above n [131](#), at 793.

<sup>305</sup> CA judgment, above n [45](#), at [199].

<sup>306</sup> At [200].

<sup>307</sup> At [201].

<sup>308</sup> HC judgment, above n [43](#), at [161]–[162].

[184] The approach of the DMC was that it had taken into account the other marine management regimes.<sup>309</sup> The DMC took advice on this point and agreed with that advice that the NZCPS was not directly applicable within the EEZ, but said that it had regard to the fact that many of the effects were going to be felt in the CMA, which was covered by the NZCPS,<sup>310</sup> and identified the provisions of the NZCPS that were of potential relevance.<sup>311</sup> The DMC also made specific reference to the submission from Ngā Motu Marine Reserve Society that the NZCPS requires avoidance of adverse effects on areas with outstanding natural character and threatened species.<sup>312</sup> Ultimately, the DMC said of the NZPCS that:<sup>313</sup>

... many of its potentially relevant provisions have parallels in the EEZ. For instance, the NZCPS has provisions related to indigenous ecosystems / biodiversity; and Section 59(2)(d) of the EEZ requires us to take into account the importance of protecting the biological diversity and integrity of marine species, ecosystems, and processes. Similarly, taking into account Te Tiriti is required under both documents. Importantly, we note that the NZCPS establishes discretionary activities as the highest consent status under regional coastal plans.

[185] The correctness of this approach can be viewed in the light of policy 13(1)(a) of the NZCPS, which provides that to “preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development”, local authorities are directed to “avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character”. This part of the NZCPS has been described as providing “something in the nature of a bottom line” by this Court in *King Salmon*.<sup>314</sup> But the majority of the DMC has not squared up to that in the context of s 59(2)(h), simply treating the NZCPS as equating to s 59(2)(d) (take into account the importance of protecting biodiversity). In other words, the DMC did not recognise the impact of the fact that the proposed activities would have adverse effects in some locations, such as “The Traps” (an area within the Pātea Shoals and some 26–28 km east of the mining site). It is, as the Court of Appeal found,<sup>315</sup>

<sup>309</sup> DMC decision, above n [38](#), at [1003].

<sup>310</sup> At [1011]–[1012].

<sup>311</sup> At [1019]. See also at [1023]. The DMC took particular account of Horizon Regional Council’s “One Plan” and the Taranaki Regional Council’s regional policy framework under the RMA (at [1014]–[1016]) but, as we shall discuss, did not consider the effect of the environmental bottom lines relevant to those instruments via the NZCPS.

<sup>312</sup> At [1018].

<sup>313</sup> At [1022].

<sup>314</sup> *King Salmon*, above n [80](#), at [132].

<sup>315</sup> CA judgment, above n [45](#), at [203].

seriously arguable that if the same activities had occurred in the CMA, this would have resulted in those activities being prohibited.<sup>316</sup>

[186] By contrast, the minority of the DMC, in considering the nature and effect of the marine management regimes, noted there were some environmental bottom lines which would have been relevant if the proposed activities were taking place in the CMA. The minority considered “significant weight” had to be given to such bottom lines “where discharge activities occur in close proximity to the CMA and the effects predominantly occur in the CMA”.<sup>317</sup> The DMC similarly needed to directly confront the effect of the environmental bottom lines in the NZCPS in relation to areas where TTR’s mining activities would be felt and explain, albeit briefly, why it considered that factor was outweighed by other s 59 factors or sufficiently accommodated in other ways.<sup>318</sup>

[187] Accordingly, we agree with the Court of Appeal that the difference in approach between the DMC majority and the minority on this aspect was not solely one of weight. Rather, there was an error of law in “not assessing whether the proposal would produce outcomes inconsistent with the objectives of the RMA and NZCPS within the CMA”. In particular, the DMC majority “did not identify relevant environmental bottom lines under the NZCPS and did not consider whether the effects of the TTR proposal would be inconsistent with those bottom lines”.<sup>319</sup>

### **The approach to the requirement in s 59(2)(f) to consider economic benefit**

[188] Three issues arise from KASM/Greenpeace’s submissions on this topic. The first is whether the Court of Appeal erred in finding that the DMC took into account the economic costs of the proposals as well as the benefits. The second issue is whether the Court was correct to find that the DMC was not required to quantify environmental, social and cultural costs and benefits. The final issue is whether the

<sup>316</sup> See, for example, policy 4.1 of the Taranaki Regional Council *Regional Coastal Plan for Taranaki* (1997), which identifies The Traps as being of “outstanding coastal value”. (The Plan is currently under review.) In terms of the hierarchy of planning instruments in the RMA, that Plan must give effect to the NZCPS: RMA, s 67(3)(b); and see *King Salmon*, above n [80](#), at [31], [125] and [152].

<sup>317</sup> DMC decision, above n [38](#), at [45].

<sup>318</sup> The DMC minority’s reasons focused on the effect of the NZCPS in relation to the effects on the Pātea Shoals: DMC decision, above n [38](#), at [46]–[47], [49]–[50] and [56] of the minority reasons.

<sup>319</sup> CA judgment, above n [45](#), at [201].

Court was right that there was no error of law in the DMC's approach to "potential economic benefits in the counterfactual".<sup>320</sup>

[189] On the first issue, the Court of Appeal considered that addressing economic benefit under s 59(2)(f) must address net economic benefit, but said there was nothing to suggest that the DMC only considered gross benefits.<sup>321</sup> We agree that the DMC would need to satisfy itself that there was an economic benefit so that, if there were material economic costs, the DMC would be obliged to take those into account. The issue then is whether the DMC approached this matter correctly.

[190] In addressing s 59(2)(f), the DMC said it was not necessary to consider "a benefit cost analysis". Rather, it said that: "Understanding that there is an economic benefit is all that is necessary and is consistent with the purpose of the Act."<sup>322</sup> On its face, if net economic benefit must be shown, this observation is perhaps not a promising start. However, it is not entirely clear from the decision whether the DMC in this passage was rejecting the need to consider net economic benefit at all or whether the DMC was rejecting a broader cost/benefit analysis in the sense of the second issue raised by KASM/Greenpeace. We say that because, first, the DMC immediately went on to say that consideration had been given to "the potential environmental, social or cultural 'costs' (or benefits) that might arise", but the DMC did not consider that it was necessary "to ascribe a monetary value to those things".<sup>323</sup> Further, it appears that the primary difference between the experts who gave evidence before the DMC was whether there was any need to weigh up environmental costs against economic benefits. The DMC also had evidence suggesting any economic costs were negligible. Finally, the DMC did in fact note that, "[i]n considering benefits, ... any economic dis-benefits must also be taken into account", citing, for example, impacts on existing interests.<sup>324</sup>

[191] To put the matter in context, the DMC's observation followed a review, in some detail, of the expert evidence on this topic. Mr Leung-Wai, who gave expert evidence

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<sup>320</sup> At [284].

<sup>321</sup> At [281].

<sup>322</sup> DMC decision, above n [38](#), at [805].

<sup>323</sup> At [806].

<sup>324</sup> At [995].

on behalf of TTR based on a report he prepared for Martin, Jenkins & Associates Ltd (MartinJenkins), applied an input-output multiplier analysis which assumed recovery over time of the seabed environment and no ongoing irreversible effects.<sup>325</sup> His evidence covered the district, regional, national and offshore figures, for example, as to potential benefits in terms of direct spend and employment. While Mr Leung-Wai's analysis did not reflect a net benefit, he did address the likelihood of achieving the reported benefits, concluding that negative impacts were likely to be insignificant, temporary or trivial. He did not favour a benefit-cost analysis encompassing costs such as environmental costs, which was the preferred approach of Mr Binney, the expert who gave evidence on behalf of KASM/Greenpeace.

[192] Further, the conclusions of the MartinJenkins report were set out in TTR's impact assessment report. The impact assessment report first addressed potential costs, noting arguments there could be some adverse effects on other industries in the local and regional areas such as tourism. The report considered that there was, for example, likely to be limited impact on tourism, given the project was offshore and not visible from the shore. The report then noted MartinJenkins' conclusion that "[o]verall ... when considering the balance of economic effects of the project, the positive economic effects are significantly greater than any other effects". The report said that this overall outcome had been accepted by the DMC in their earlier decision on TTR's previous marine consent application, "where they concluded that, while the value of the potential adverse effects is difficult to quantify, the project is likely to have a positive net economic benefit".

[193] Our attention has not been drawn to evidence of material economic costs which should have been taken into account.

[194] Against this background, we do not consider the DMC has erred in law in its approach to this issue.

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<sup>325</sup> The expert conferencing on this topic noted that the input-output multiplier analysis identified the economic benefits of the iron sands project in terms of employment and gross domestic product (GDP).

[195] Similarly, we agree with the Court of Appeal in the approach to the second question. As the Court said:

[283] We do not consider that there was any error of law in the DMC’s decision not to seek to quantify, and include in a cost-benefit analysis, environmental, social and cultural costs. It was consistent with the scheme of the EEZ Act, and open to the DMC, to have regard to these matters on a qualitative basis. Indeed, we see force in TTR’s argument that taking those costs into account in the assessment of economic benefit, and then weighing them separately under other limbs of s 59, could give rise to double-counting.

[196] As we have indicated, the DMC had expert evidence about the perceived pros and cons of the two approaches. We see no error of law in the DMC’s preference for a qualitative analysis of environmental, social and cultural benefits and costs.<sup>326</sup>

[197] We also adopt the Court of Appeal’s reasoning on the final issue, the approach to potential economic benefits in the counterfactual. The DMC had received submissions on the potential for adverse impacts on businesses not yet established. KASM/Greenpeace argue the DMC erred in failing to take into account these potential economic benefits that would be precluded or harmed by the activity, relying in this respect on the fact “effects” in s 6 of the EEZ Act are defined to include “future effect[s]”. But the DMC did not ignore that. Rather, the DMC determined that in the absence of evidence “that such a venture or ventures were imminent”, it could place no weight on the possibility of such a business being established in the future.<sup>327</sup> As the Court of Appeal said, that was a factual determination for the DMC.<sup>328</sup>

### **The correct approach to the imposition of conditions**

[198] Two issues arise under this head. The first of these is whether the DMC’s approach to conditions amounted to an adaptive management approach, which is not permitted in the context of an application for a marine discharge consent. The second issue is whether the DMC erred in its approach to the imposition of a bond. We deal with each issue in turn.

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<sup>326</sup> DMC decision, above n [38](#), at [806].

<sup>327</sup> At [809].

<sup>328</sup> CA judgment, above n [45](#), at [284].

*An adaptive management approach?*

[199] “Adaptive management” for these purposes has the meaning set out in s 64(2),<sup>329</sup> and includes:

- (a) allowing an activity to commence on a small scale or for a short period so that its effects on the environment and existing interests can be monitored;
- (b) any other approach that allows an activity to be undertaken so that its effects can be assessed and the activity discontinued, or continued with or without amendment, on the basis of those effects.

[200] The question here is whether, in imposing conditions seeking to avoid particular effects and requiring ongoing monitoring to achieve that outcome, the DMC has in fact applied an adaptive management approach as the High Court found.<sup>330</sup>

[201] It is clear that the DMC adopted too narrow an approach to what constitutes an adaptive management approach. The DMC proceeded on the basis that conditions only comprised adaptive management where, as a result of the assessment of effects, the activity would be wholly discontinued.<sup>331</sup> The High Court and Court of Appeal were in agreement the DMC erred in this respect.<sup>332</sup> There were, however, differing views as to whether the conditions imposed comprised an adaptive management approach.

[202] In determining that the High Court was wrong to treat the approach adopted as one of adaptive management, the Court of Appeal saw the prohibition on adaptive management as linked to the objective in s 10(1)(b). “In other words”, the Court said, the EPA could not “grant a marine discharge or dumping consent if it is unsure whether the consented activity will cause [the harms to the environment that must be avoided], on terms that provide that if such harms do occur then the consent envelope will be adjusted prospectively”.<sup>333</sup>

<sup>329</sup> Section 4(1) definition of “adaptive management approach”.

<sup>330</sup> HC judgment, above n [43](#), at [404].

<sup>331</sup> See DMC decision, above n [38](#), at [54]. See also at [55].

<sup>332</sup> HC judgment, above n [43](#), at [392], [399(d)] and [420]; and CA judgment, above n [45](#), at [217].

<sup>333</sup> CA judgment, above n [45](#), at [221].



[203] The Court of Appeal noted that in this case, the consents provided for pre-commencement monitoring “to establish relevant baselines, development of management plans, and ongoing monitoring by reference to the relevant conditions and the monitoring plans”. The Court observed that the monitoring plans were necessary to “provide for operational responses” if the requirements of the consent and the monitoring plans were not met.<sup>334</sup> However, the Court of Appeal did not consider that the conditions imposed by the DMC comprised adaptive management. That was because they did not envisage any “adjustment of the consent envelope in response to monitoring and assessment of the effects of the consented activities”.<sup>335</sup> The Court continued:<sup>336</sup>

The conditions do not contemplate the scaling back of the authorised mining activities, or any adjustment of the effects permitted under the consent, over and above the adjustments contemplated by the EEZ Act in relation to consents generally. The conditions do contemplate TTR adjusting the way it carries out its operations to ensure it remains within the consent envelope—but that does not amount to adaptive management.

[204] It is helpful to address the correctness of this conclusion by considering the two broad categories of conditions imposed, that is, those involving pre-commencement monitoring and those involving ongoing monitoring.

[205] Conditions 9(a) and 66(b)–(c) relating to seabirds, discussed above, are illustrative of the approach to pre-commencement monitoring conditions. Condition 9(a) states that “There shall be no adverse effects at a population level of [various threatened] seabird species that utilise the South Taranaki Bight” at all times during the terms of the consent. Under condition 66(b) and (c), the Seabirds Effects Mitigation and Management Plan, which must be prepared and certified before any seabed extraction can begin, must set out indicators of adverse effects at a population level of those seabirds and identify responses or actions to be undertaken by TTR if the indicators are reached.<sup>337</sup> In this way, the broad consenting terms in condition 9(a)

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<sup>334</sup> At [225].

<sup>335</sup> At [226].

<sup>336</sup> At [226].

<sup>337</sup> Although condition 66 is not strictly speaking a pre-commencement monitoring condition, it has a pre-commencement aspect. While the Seabirds Effects Mitigation and Management Plan can be amended on an ongoing basis, an initial plan must be prepared and certified before any seabed extraction can begin. That initial plan will be informed by the data obtained from pre-commencement monitoring: DMC decision, above n [38](#), at [36].

(“no adverse effects”) are left to be “flesh[ed] out” in management plans prepared following extensive post-decision information gathering.<sup>338</sup> There is much force in the argument for the first respondents that these conditions and other pre-commencement monitoring conditions are a mechanism for providing baseline information as to effects, which was lacking in TTR’s application. There is some support for that in the descriptions used in the decision of the DMC.<sup>339</sup> And we agree, as the Court of Appeal also found, that these conditions suffer the more fundamental problem we have identified above in that they do not meet the requirement to favour caution and environmental protection.<sup>340</sup>

[206] We turn, then, to the ongoing monitoring conditions. There is plainly a tension here between the provisions in the Act which allow for, respectively, monitoring conditions<sup>341</sup> to be imposed and, as well, envisage the EPA initiating the review process under s 76,<sup>342</sup> and the bar on the use of an adaptive management approach for marine discharge consents. How else, apart from requiring some form of ongoing monitoring, would the EPA be able to exercise its obligations in relation to the review process? We agree with the submission for TTR that there must accordingly be some distinction to be drawn between orthodox review conditions, which the EPA is expressly empowered to impose, and those which constitute adaptive management conditions, which are prohibited.

[207] Given this tension, we do not agree with the submissions for KASM/Greenpeace and Forest and Bird that the Court of Appeal’s test for adaptive management is incorrect. In its written submissions, Forest and Bird notes that an adaptive management approach involves “courting a material risk of harm” so that “further information may be gathered and the management of the activity adapted accordingly to address that harm appropriately prospectively”.<sup>343</sup> Both KASM/Greenpeace and Forest and Bird emphasise the words “so that” in s 64(2)(b), but we do not consider the wording can be read literally because of the need to manage

<sup>338</sup> CA judgment, above n 45, at [227(c)].

<sup>339</sup> For example, see the DMC decision, above n 38, at [155] and [1065].

<sup>340</sup> CA judgment, above n 45, at [227].

<sup>341</sup> Sections 63(2)(a)(iii) and 87F(4).

<sup>342</sup> Section 87I(1)(b) provides that s 76 also applies to marine discharge and dumping consents.

<sup>343</sup> Both KASM/Greenpeace and Forest and Bird draw on the discussion in *Sustain Our Sounds*, above n 185, of when an adaptive management approach is an available response.

the tension identified. In our view, the “consent envelope” test advanced by the Court of Appeal provides a rule of thumb which can assist in resolving this tension in a manner consistent with the overall scheme of the Act.

[208] The Taranaki-Whanganui Conservation Board accepts that the “consent envelope” test is a possible test for determining whether conditions comprise adaptive management. But the Board says that the conditions imposed met that test. The Board also emphasises that s 87F(4) precludes the imposition of conditions on a marine discharge consent that amount or “contribute to” adaptive management. In other words, it is sufficient for conditions to contribute to an adaptive management approach, but the Court of Appeal has not factored that into its analysis. The Board argues that some of the conditions do not leave compliance and “operational responses” solely to TTR’s discretion and that in this way they contribute to adaptive management.

[209] We consider the Court of Appeal was right, for the reasons given, in concluding that the conditions did not comprise adaptive management.<sup>344</sup>

[210] The conditions imposed in relation to the suspended sediment limits illustrate the point that the conditions do not contemplate scaling back the authorised activities or an adjustment of permitted effects beyond those contemplated by the Act. As TTR submits in response to the challenge to these conditions, conditions 5 and 51 and sch 3 provide a means by which the numerical values for each of the specified percentiles of background suspended sediment limits (25th, 50th, 80th, and 95th) in sch 2 can be reviewed and updated after the pre-commencement monitoring, but before the seabed extraction activities commence. The effect of this is that the number of grams of sediment per litre already occurring in the environment at, say, 75 per cent, 50 per cent, 20 per cent and 5 per cent of the time can be updated before the mining commences. But neither that mechanism nor the requirement to comply with it in condition 5(b) changes. There are no new thresholds. Nor do they allow for the numerical values of suspended sediment limits to change once mining has commenced.

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<sup>344</sup> See above at [\[203\]](#).

[211] Further, condition 5(b) does not provide for the assessment of effects or any further decision-making based on the outcome of the monitoring and assessment. Rather, the requirement in condition 5(b) is that TTR ceases extraction activities if it cannot achieve compliance with the suspended sediment limits. As TTR says, this is a standard compliance requirement. Non-compliance does not result in any consequential amendment to the consented activity or any change to its scale or intensity but rather would mean that the enforcement provisions in the Act would come into play.<sup>345</sup> If TTR cannot meet that condition, then it cannot continue to operate.

[212] It does not seem to us that the addition of the requirements of the environmental management and monitoring plans, here condition 55, alters the position. For example, the requirement to identify operational responses to be undertaken if unanticipated effects are identified (condition 55(g)) does not amount to adaptive management as it does not contemplate any adjustment of the consent envelope as a result of the monitoring. Rather, it simply contemplates TTR adjusting the way it carries out its operations to ensure it remains within the envelope, which, as we have said, does not amount to adaptive management. Similarly, the ability to amend the environmental and management plans in condition 56 does not allow changes to any limits or thresholds.

[213] For these reasons, we agree with the Court of Appeal that the conditions imposed do not constitute adaptive management.

*Did the DMC err in its approach to the imposition of a bond?*

[214] Under s 63(2)(a)(i) of the Act, the DMC has the power to impose a condition requiring the consent holder to “provide a bond for the performance of any 1 or more conditions of the consent”, and under s 63(2)(a)(ii), the DMC may also make it a condition, as it did in this case, that the consent holder “obtain and maintain public liability insurance of a specified value”.

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<sup>345</sup> The effect of ss 20B and 20C of the EEZ Act is that if a limit is exceeded, continuing the activity would not be permitted. TTR would be liable to prosecution under s 134 and enforcement action is available under s 115. Under ss 125 and 126, abatement notices can be served and TTR would have to comply with them.

[215] The Court of Appeal found that the DMC had wrongly treated “a bond and public liability insurance as alternative ways of achieving similar outcomes”.<sup>346</sup> As such, the Court said the DMC failed to identify the different purposes served by a bond and failed to turn its mind to whether a bond was required in this case. Some forms of harm caused by the planned activities were not insubstantial but would not be covered by insurance. It would, however, be covered by a bond. Thus, the Court said the DMC needed to have turned its mind to whether a bond should be required.<sup>347</sup>

[216] TTR supports the approach to this issue taken by the High Court. That is, that the DMC was entitled to treat a bond and public liability insurance as alternative ways of achieving similar outcomes, although accepting they operated differently.<sup>348</sup> Further, the Act does not require either, and whether the DMC adopted either, both or neither was a matter within the DMC’s discretion.<sup>349</sup>

[217] Section 65 sets out the relevant provisions relating to bonds as follows:

## **65 Bonds**

- (1) A bond required under section 63(2)(a)(i) may be given for the performance of any 1 or more conditions of a marine consent that the Environmental Protection Authority considers appropriate and may continue after the expiry of the consent to secure the ongoing performance of conditions relating to long-term effects, including—
  - (a) a condition relating to the alteration, demolition, or removal of structures;
  - (b) a condition relating to remedial, restoration, or maintenance work;
  - (c) a condition providing for ongoing monitoring of long-term effects.
- (2) A condition of a consent that describes the terms of the bond may—
  - (a) require that the bond be given before the consent is exercised or at any other time;
  - (b) provide that the liability of the holder of the consent be not limited to the amount of the bond;

<sup>346</sup> CA judgment, above n [45](#), at [239].

<sup>347</sup> At [240].

<sup>348</sup> HC judgment, above n [43](#), at [305] and [308].

<sup>349</sup> At [303].

- (c) require the bond to be given to secure performance of conditions of the consent, including conditions relating to any adverse effects on the environment or existing interests that become apparent during or after the expiry of the consent:
  - (d) require the holder of the consent to provide such security as the EPA thinks fit for the performance of any condition of the bond:
  - (e) require the holder of the consent to provide a guarantor (acceptable to the EPA) to bind itself to pay for the carrying out of a condition in the event of a default by the holder or the occurrence of an adverse environmental effect requiring remedy:
  - (f) provide that the bond may be varied, cancelled, or renewed at any time by agreement between the holder and the EPA.
- (3) If the EPA considers that an adverse effect may continue or arise at any time after the expiration of a marine consent, the EPA may require that a bond continue for a specified period that the EPA thinks fit.

[218] The relevant condition required TTR to take out public liability insurance to cover the costs of environmental restoration and damage resulting from an unplanned event. The condition, condition 107, as ultimately imposed provided as follows:

The Consent Holder shall, while giving effect to these consents, maintain public liability insurance for a sum not less than NZ\$500,000,000 (2016 dollar value) for any one claim or series of claims arising from giving effect to these consents to cover costs of environmental restoration and damage to the assets of existing interests (including any environmental restoration as a result of damage to those assets), required as a result of an unplanned event occurring during the exercise of these consents.

[219] In addition, condition 108 imposed a requirement for a certificate of insurance to be submitted prior to giving effect to the consents and that the certificate be updated annually. There was no requirement that TTR pay a bond.

[220] The need for a bond was raised by submitters. On this topic, the DMC had before it the joint statement of issues by the experts and legal advice on both a bond and on a condition TTR obtain insurance. The statement of issues said there was no agreement as to whether or not a bond was required. The legal advice treated a bond and insurance as separate and, in a passage set out by the DMC, stated that the “key requirement” for the imposition of a bond “is that it must relate to – and in effect

secure – the performance of one or more other conditions of consent”.<sup>350</sup> Finally, the DMC noted the advice of Dr Lieffering as to the purpose of a bond, namely, “to ensure that an event such as restoration occurs, not to solve compliance issues”.<sup>351</sup> Given the advice before the DMC that treated the bond and insurance as different, it is not necessarily the case that the DMC did not understand the two served different purposes. Nor is there the need to make an adverse inference that the DMC did not understand the advice.

[221] The more significant issue relates to the DMC’s reasons. The reason given by the DMC for declining to require a bond was to note that given “the circumstances of the application, and taking into account the legal and technical advice” obtained, a bond was “not necessary in addition to the \$500 million insurance offered by TTR”.<sup>352</sup> However, that reasoning did not explain, even briefly, how the risks a bond would address were met by insurance, or could somehow be put to one side. To illustrate the point, in their submissions in this Court, KASM/Greenpeace expressed particular concern about two risks – what would happen if TTR went into liquidation and what would happen if it failed to fulfil its post-extraction conditions. KASM/Greenpeace say those risks would not be covered by the condition as to insurance, which provides only for unplanned events. As noted, the need for a bond to ensure environmental restoration work would take place had been raised by submitters.<sup>353</sup> The DMC did therefore need to explain (briefly) why it considered it was not necessary to impose a bond in addition to the insurance offered by TTR. It was an error of law not to have done so.

### **The exercise of a casting vote**

[222] KASM/Greenpeace submit that the Court of Appeal was wrong to reject their argument that in exercising the casting vote, the chairperson was required to separately

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<sup>350</sup> As quoted in the DMC decision, above n [38](#), at [1072].

<sup>351</sup> At [1073].

<sup>352</sup> At [1074].

<sup>353</sup> Although consideration of whether to impose a bond and/or insurance condition is not a mandatory factor which the DMC must consider, it is mandatory for the DMC to have regard to any submissions made, evidence given and advice received in relation to the application, including advice from the Māori Advisory Committee: s 59(3).

consider the exercise of the vote, give reasons for the exercise of the casting vote, and favour caution in the exercise of the vote.

[223] The Court of Appeal dealt with this argument shortly on the basis that there was no “additional overlay of caution” necessary in relation to the exercise of the casting vote, “or that any factors were relevant to the exercise of the casting vote that were not also relevant to the Chairperson’s deliberative vote”.<sup>354</sup>

[224] We agree. The procedure adopted in Appendix 5 to the DMC’s decision was to make decisions “[a]s far as possible” on a consensus basis. All members had a vote. When there was no clear majority, the procedure was that the chairperson has a casting vote.<sup>355</sup> The approach adopted by the DMC reflected in this respect the procedure applicable to the EPA as a Crown entity.<sup>356</sup>

[225] It is clear on the face of the report that the chairperson was aware of the minority’s views.<sup>357</sup> Further, the chairperson considered that the approach adopted by the majority favoured caution and environmental protection. We do not see how the fact that the chairperson was now exercising a casting vote changed that or required reconsideration. As the EPA submits, if the chairperson properly applying the law is satisfied that granting the consent is appropriate in the exercise of the general vote, the chairperson is then also properly satisfied of those matters for the purposes of exercising a casting vote.<sup>358</sup>

<sup>354</sup> CA judgment, above n [45](#), at [276].

<sup>355</sup> Matthew Ockleston “... in the event of an equality of votes ...”: The Chairperson’s Casting Vote” (2000) 11 PLR 228 at 229 notes that the term “casting vote” is at least 300 years old and derives from an archaic use of the word “cast” to mean to tilt the balance.

<sup>356</sup> The EPA is a Crown entity: Crown Entities Act 2004, s 7(1)(a) and sch 1 pt 1. Clause 12(2) of sch 5 gives the chairperson “in the case of an equality of votes” a casting vote. Clause 14 empowers a board of a Crown entity to appoint committees to perform or exercise any of the entity’s functions. The common law did not recognise casting votes: see Ockleston, above n [355](#), at 229; Madeleine Cordes, John Pugh-Smith and Tom Tabori (eds) *Shackleton on the Law and Practice of Meetings* (15th ed, Sweet & Maxwell, London, 2020) at 75; and Roger Pitchforth *Meetings: Practice and Procedure in New Zealand* (4th ed, CCH, Auckland, 2010) at 70.

<sup>357</sup> See DMC decision, above n [38](#), at [5].

<sup>358</sup> See *Television New Zealand Ltd v Viewers for Television Excellence Inc* [2005] NZAR 1 (HC) at [59]–[64].



[226] Nor were further reasons for the view required to be given. The chairperson had explained the position adopted in the context of reaching the views set out in respect of his deliberative vote.<sup>359</sup>

### **A question of law**

[227] In relation to various aspects of the appeal, TTR, in its written submissions, said that the Court of Appeal had strayed into the merits of the application and did not identify any error in a question of law.<sup>360</sup> This was not a central focus of the oral argument. The point can be dealt with briefly. There was no real dispute between the parties as to the test for what constitutes a question of law for these purposes.<sup>361</sup> Apart from the two questions discussed earlier – whether the DMC was correct to decide that it had the best information and as to the DMC’s approach to potential economic benefits in the counterfactual – it is clear that the other issues arising on the appeal raise questions of law.

### **Relief**

[228] Having quashed the decision of the DMC, the Court of Appeal referred TTR’s application back to the EPA for reconsideration in light of the Court’s judgment.<sup>362</sup> The iwi parties along with Forest and Bird argue that if the Court upholds the decision of the Court of Appeal, this is one of those cases in which TTR’s application should be dismissed outright.<sup>363</sup> The essential submission is that there are specific DMC findings that would compel the view that if s 10(1)(b), the information principles and powers as to conditions are correctly applied, TTR’s application would not succeed. Mr Fowler illustrated the point by reference to some of the findings of the DMC, for example, the finding that the modelling “indicates that there will be significant adverse effects within [ecologically sensitive areas] to the east-southeast of the mining site

<sup>359</sup> See *Love v Porirua City Council* [1984] 2 NZLR 308 (CA) at 313.

<sup>360</sup> Section 105(4) of the EEZ Act provides that appeals to the High Court from decisions of the EPA can only be on a question of law.

<sup>361</sup> *Vodafone New Zealand Ltd v Telecom New Zealand Ltd* [2011] NZSC 138, [2012] 3 NZLR 153 at [50]–[58]; and *Bryson v Three Foot Six Ltd* [2005] NZSC 34, [2005] 3 NZLR 721 at [24]–[28]. Both discuss the older case of *Edwards (Inspector of Taxes) v Bairstow* [1956] AC 14 (HL).

<sup>362</sup> CA judgment, above n 45, at [290] and [292].

<sup>363</sup> The Taranaki-Whanganui Conservation Board submits that the decision should be remitted back but raises the possibility that the decision simply be quashed.

extending to at least Graham Bank”<sup>364</sup> In that context, the DMC also considered the effect on primary production would be significant at ecologically sensitive areas such as the Crack and the Project Reef.<sup>365</sup>

[229] We see no reason not to refer the matter back to the EPA for reconsideration as is the usual course on an appeal of this nature. Given the complex and evolving nature of the issues involved, it would not be appropriate to deny TTR the opportunity to have the application reconsidered. TTR may, for example, be able to remedy some of the information deficits identified. If a reconsideration is ordered, the Conservation Board sought directions that TTR should not be able to further amend its proposal to avoid the need for adaptive management or to reduce its effects. Obviously there are costs implications for submitters, like the Conservation Board, if the proposal is amended, but TTR should be able to remedy matters if it can.

[230] Finally, it is necessary to address the EPA’s submission that if the Court of Appeal decision is upheld and the order to remit to the EPA confirmed, we should reserve jurisdiction for the High Court to make practical directions relating to the determination of the application. The EPA says this is necessary because of the passage of time since the DMC heard and determined the application in 2016–2017. For example, under s 16 of the EEZ Act, the EPA’s delegation to the DMC requires that one member of the DMC be a member of the EPA board.<sup>366</sup> The DMC member who had that role in 2016–2017 no longer serves on the EPA board. The EPA also submits it would be necessary to consider a range of evidential issues.

[231] We consider the EPA/DMC may well be able to deal with these sorts of things which are not unusual in the situation where a decision has to be reconsidered following an appeal. That said, we see no issue with this Court reserving leave to a party to seek directions from the High Court should that prove necessary.<sup>367</sup>

<sup>364</sup> DMC decision, above n [38](#), at [350].

<sup>365</sup> Mr Fowler submits that while it is not explicit, it is nevertheless clear from the DMC decision that the conditions imposed do not create the reduction in adverse effects that would be required.

<sup>366</sup> A reference to cl 14 (1)(b) of sch 5 to the Crown Entities Act.

<sup>367</sup> In reliance on r 20.19 of the High Court Rules 2016, which provides that a court, after hearing an appeal, may “make any order the court thinks just”.

## Result

[232] Although differing on aspects of the reasoning, the Court upholds the decision of the Court of Appeal. Accordingly, the appeal is dismissed. Leave is reserved to a party to seek directions from the High Court should that prove necessary.

## Costs

[233] We reserve costs.

[234] Unless the parties are able to agree on costs, we seek submissions on that issue. We note in this respect that a full set of costs for each of the five groupings making up the first respondents would comprise over-recovery. That is so in light of the fact that the first respondents were asked to divide up the hearing time available to them and as a result, as we have noted, each took responsibility for the primary argument on particular topics.

[235] Submissions for the first respondents are to be filed and served by 1 November 2021. Submissions for TTR are to be filed and served by 15 November 2021 and any submissions from the first respondents in reply by 22 November 2021.

## GLAZE BROOK J

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## Summary

[236] I write separately because I take a different view from William Young and Ellen France JJ on some aspects of the appeal, although I agree with much of what is in their reasons.<sup>368</sup>

[237] I adopt Ellen France J's description of the background and the statutory scheme.<sup>369</sup> I agree with her discussion of the place of the Treaty of Waitangi and customary interests,<sup>370</sup> the scope of any other applicable law,<sup>371</sup> and the approach to the requirement to consider economic benefit.<sup>372</sup> I agree with her discussion of whether there is a question of law.<sup>373</sup> I agree the appeal should be dismissed and also agree with costs being reserved.<sup>374</sup>

[238] I take a different view on the approach to determining an application for a marine discharge consent and in particular the effect of the purpose provision, s 10 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act),<sup>375</sup> on the relevant s 59 factors.<sup>376</sup> I add some comments on the information principles, although agreeing with much of what Ellen France J says on that topic.<sup>377</sup> I also add some comments on her discussion of what is required to take

<sup>368</sup> In these reasons from now on I refer to Ellen France J alone as she is the author of their joint reasons.

<sup>369</sup> Above at [14]–[38].

<sup>370</sup> Above at [139]–[161].

<sup>371</sup> Above at [162]–[174]. I also agree with Williams J's further comments below at [297] that the question of what is meant by existing interests and other applicable law must not only be viewed through a Pākehā lens.

<sup>372</sup> Above at [188]–[197], although see below at [253] and [259] for discussion of when economic benefit can legitimately be taken into account for discharge consents.

<sup>373</sup> Above at [227].

<sup>374</sup> Above at [232]–[235].

<sup>375</sup> All references are to the version of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 [EEZ Act] in force as at August 2016, as that was the version in force when Trans-Tasman Resources Ltd (TTR) made its application.

<sup>376</sup> I thus do not agree with Ellen France J's reasons above at [39]–[102], except as expressly indicated. Williams J agrees with my approach to s 10 of the EEZ Act and its effect on the s 59 factors below at [292]–[293].

<sup>377</sup> Above at [103]–[138]. In particular, I agree with her discussion of the implementation of the precautionary principle (above at [107]–[113]). I agree that the decision-making committee (DMC) majority did not comply with the requirement to favour caution and environmental protection (above at [118]–[131]), although I do not agree that the DMC majority applied the correct test and so do not agree with the reasons above at [114]–[117], at [128] to the extent it does not apply the bottom line approach to s 10(1)(b) and the reference to the DMC majority citing the correct test in [130]. I also agree with the discussion on best available information (at [134]–[138]). Williams J agrees with my approach to the information principles below at [294]–[295].

into account the nature and effect of other marine management regimes,<sup>378</sup> the correct approach to the imposition of conditions<sup>379</sup> and the exercise of a casting vote.<sup>380</sup> I differ from the other members of the Court on the issue of relief.<sup>381</sup>

### Role of s 10(1)(b)

[239] It is helpful to set out s 10 of the EEZ Act again:

#### 10 Purpose

- (1) The purpose of this Act is—
  - (a) to promote the sustainable management of the natural resources of the exclusive economic zone and the continental shelf; and
  - (b) in relation to the exclusive economic zone, the continental shelf, and the waters above the continental shelf beyond the outer limits of the exclusive economic zone, to protect the environment from pollution by regulating or prohibiting the discharge of harmful substances and the dumping or incineration of waste or other matter.
- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural resources in a way, or at a rate, that enables people to provide for their economic well-being while—
  - (a) sustaining the potential of natural resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of the environment; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- (3) In order to achieve the purpose, decision-makers must—
  - (a) take into account decision-making criteria specified in relation to particular decisions; and
  - (b) apply the information principles to the development of regulations and the consideration of applications for marine consent.

<sup>378</sup> Above at [175]–[187].

<sup>379</sup> Above at [199]–[213] (adaptive management) and [214]–[221] (bond).

<sup>380</sup> At [222]–[226].

<sup>381</sup> Above at [228]–[231] per Ellen France J and below at [299] per Williams J and [333] per Winkelmann CJ.

[240] As a purpose provision, s 10 provides the basis for the purposive interpretation of the other sections of the EEZ Act.<sup>382</sup> It also, however, provides an overarching guiding framework for decision-making under the Act and, to this extent, has substantive or operative force.<sup>383</sup> This Court took a similar view of the purpose provision in s 5 of the Resource Management Act 1991 (RMA) in *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd*.<sup>384</sup> It held that the definition of sustainable management in s 5(2) of the RMA “states a guiding principle which is intended to be applied by those performing functions under the RMA”.<sup>385</sup>

[241] The central concept of the definition of sustainable management in s 5(2) of the RMA is the same as that in s 10(2) of the EEZ Act, the differences merely reflecting the different contexts in which the two Acts operate.<sup>386</sup> Section 10(1)(a), coupled with s 10(2), uses language of compromise between economic and environmental needs. As is clear from the legislative history,<sup>387</sup> s 10(1)(a) is also aimed at achieving a balance between protecting the environment and exploiting it for economic reasons.

[242] *King Salmon* is authority for the proposition that even sustainable management can, however, at times require absolute protection from environmental harm, depending on the circumstances or the terms of other planning documents.<sup>388</sup> If that is the case for sustainable management, then it must be even more the case when account is taken of s 10(1)(b).

[243] Section 10(1)(b) was inserted in 2013 as part of transferring responsibility for the regulation of discharges and dumping to the Environmental Protection Authority (EPA).<sup>389</sup> Unlike s 10(1)(a), the language in 10(1)(b) is not premised on compromise. There is no mention of economic well-being or sustainable management. It simply provides that the purpose of the EEZ Act with regard to the designated areas and waters

<sup>382</sup> See Interpretation Act 1999, s 5(1).

<sup>383</sup> Winkelmann CJ agrees with this below at [\[303\]](#).

<sup>384</sup> *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593.

<sup>385</sup> At [24(a)]. See also at [30] and [151].

<sup>386</sup> *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZCA 86, [2020] NZRMA 248 (Kós P, Courtney and Goddard JJ) [CA judgment] at [34].

<sup>387</sup> See Ellen France J’s reasons above at [\[64\]–\[68\]](#).

<sup>388</sup> *King Salmon*, above n [384](#), at [149]–[154] and in particular [150] and [153].

<sup>389</sup> Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2013. The provision came into force on 31 October 2015.

is “to protect the environment from pollution by regulating or prohibiting the discharge of harmful substances and the dumping or incineration of waste or other matter”.

[244] I do not agree that “protect” means the same thing in s 10(1)(b) as “protection” does in the context of the definition of sustainable management in s 10(2).<sup>390</sup> If it did, then there would have been no need for its separate identification in s 10(1)(b). Further, in s 10(2), the word “protection” is used with the words “use, development, and protection” not of the environment but of natural resources, and in a context that provides for the balancing of the need to enable people to provide for their economic well-being with the three factors in s 10(2)(a)–(c). By contrast, s 10(1)(b) just talks about the purpose being to protect the environment from pollution. Under s 10(1)(a), environmental protection can be subordinated to economic needs, but under s 10(1)(b), it cannot.<sup>391</sup>

[245] Section 10(1)(b) is cumulative on s 10(1)(a).<sup>392</sup> It must therefore provide for something more than sustainable management. In my view, s 10(1)(b) is an operative restriction for discharges and dumping and thus an environmental bottom line in the sense that, if the environment cannot be protected from pollution through regulation, then discharges of harmful substances or dumping must be prohibited.<sup>393</sup> I therefore agree with the Court of Appeal that s 10(1)(b) is a separate consideration from sustainable management and should have been separately addressed by the decision-making committee (DMC) of the EPA as a bottom line.<sup>394</sup>

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<sup>390</sup> Contrary to Ellen France J’s view at [\[76\]](#) and [\[82\]](#). It means more than merely a heightened threshold, contrary to the view expressed above at [\[83\]](#) of Ellen France J’s reasons. Winkelmann CJ agrees with my reasoning below at [\[308\]](#) and n [509](#).

<sup>391</sup> Winkelmann CJ agrees with this below at [\[309\]](#).

<sup>392</sup> I note that Ellen France J also accepts that the decision-maker has to consider the criteria in s 59 of the EEZ Act with both purposes in s 10(1) in mind: see above at [\[55\]](#), [\[59\]](#), [\[83\]](#) and [\[102\]](#).

<sup>393</sup> Winkelmann CJ agrees with this below at [\[305\]](#).

<sup>394</sup> CA judgment, above n [386](#), at [\[84\]](#), [\[89\]](#), [\[106\]](#) and [\[107\]](#). Winkelmann CJ agrees with this below at [\[303\]](#) and [\[305\]](#).

[246] Other features of the EEZ Act such as the need for the best available information,<sup>395</sup> the prohibition on adaptive management<sup>396</sup> and the need for caution<sup>397</sup> support this view of s 10(1)(b), as do New Zealand’s international obligations.<sup>398</sup>

[247] Section 10(3) does not affect the conclusion that s 10(1) has substantive or operative force.<sup>399</sup> Section 10(3) merely makes it clear that the information principles and the specific decision-making criteria in the EEZ Act must be considered and applied in “order to achieve the purpose” of the Act, meaning that any assessment must be done in light of both of the purposes in s 10(1) in cases where s 10(1)(b) applies.<sup>400</sup> This is consistent with the approach in *King Salmon*, which rejected an “overall judgment” approach that did not take account of the other provisions of the RMA or of any relevant instruments.<sup>401</sup>

[248] I do not, however, agree with the Court of Appeal that s 10(1) provides the main operative criteria for the determination of applications.<sup>402</sup> As Ellen France J points out, the Court of Appeal’s approach does not fit with the words of s 10(3), which

<sup>395</sup> EEZ Act, ss 61(1)(b) and 87E(1)(b).

<sup>396</sup> Section 87F(4).

<sup>397</sup> Sections 61(2) and 87E(2).

<sup>398</sup> In accordance with s 11 of the EEZ Act. Article 192 of the United Nations Convention on the Law of the Sea 1982 (LOS) provides that “States have the obligation to protect and preserve the marine environment”. Article 194 imposes an obligation on States to use the “best practicable means” to “prevent, reduce and control pollution of the marine environment”. It is true that art 193 allows the exploitation of natural resources, but it also provides that this must accord with the duty to protect and preserve the marine environment. I thus see LOS as being consistent with the bottom line approach of protection from material harm in s 10(1)(b). The same applies to the Convention on Biological Diversity, the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 (MARPOL) and the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention). It follows that I do not adopt Ellen France J’s commentary on these instruments: see above at [\[86\]–\[101\]](#) of her reasons. See United Nations Convention on the Law of the Sea 1833 UNTS 3 (opened for signature 10 December 1982, entered into force 16 November 1994); Convention on Biological Diversity 1760 UNTS 79 (opened for signature 5 June 1992, entered into force 29 December 1993); Protocol of 1978 Relating to the International Convention for the Prevention of Pollution From Ships, 1973 1340 UNTS 61 (signed 17 February 1973, entered into force 2 October 1983); Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1046 UNTS 120 (opened for signature 29 December 1972, entered into force 30 August 1975); and 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (adopted 17 November, entered into force 24 March 2006).

<sup>399</sup> Contrast Ellen France J’s reasons above at [\[48\]](#).

<sup>400</sup> See similarly Winkelmann CJ’s reasons below at [\[304\]](#).

<sup>401</sup> *King Salmon*, above n [384](#), at [130] and [151], where this Court said that s 5 of the Resource Management Act 1991 [the RMA] was not intended to be an operative provision under which particular planning decisions are made, although Part 2 (of which s 5 is part) remains relevant. As indicated above at [\[240\]](#), this Court described s 5 of the RMA as a guiding principle.

<sup>402</sup> See CA judgment, above n [386](#), at [35] and [108].



expressly describe the matters set out in s 59 as “decision-making criteria”.<sup>403</sup> Section 10(1) sets out guiding principles but is not the section under which particular consent decisions are made.<sup>404</sup> Nevertheless, the s 10(1) purposes are not merely context for decision-makers. Nor are they factors to be given special weight. Ensuring those purposes are met is the very point of the s 59 assessment.

[249] In respect of discharges and dumping, therefore, this means that the relevant s 59 factors must be weighed in a way that achieves both the sustainable management purpose in s 10(1)(a) and the bottom line purpose in s 10(1)(b) of protecting the environment from pollution. Contrary to Ellen France J’s view, I do not see this as imposing a hierarchical approach to s 59.<sup>405</sup> It just means applying the s 59 factors consistently with s 10(1)(b). It follows that I disagree with Ellen France J that there is a balancing exercise under s 59 but that s 10(1)(b) means this may be more tilted in favour of environmental protection.<sup>406</sup> To perform an “overall assessment” of the s 59 factors<sup>407</sup> in effect would mean that the protective aspect of s 10(1)(b) is not given effect (even assuming a heightened threshold).<sup>408</sup>

[250] Section 10(1)(b) is a cumulative and substantive provision requiring separate consideration when applying s 59 to ensure the bottom line of protection of the environment from pollution is achieved.

<sup>403</sup> Above at [\[48\]](#). I also agree with her comments above at [\[49\]–\[50\]](#), but not the conclusion she draws at [\[51\]](#).

<sup>404</sup> See above at n [401](#) for the similar position under the RMA. In the EEZ Act, the link between the decision-making criteria and statutory purpose is in s 10, the purpose section itself, whereas in the RMA the decision section for resource consent applications, s 104, is expressly “subject to Part 2”, in which s 5, the statutory purpose section, is located. I note, as Ellen France J does at [\[171\]](#), that s 227 of the Resource Legislation Amendment Act 2017 amended the EEZ Act and made provision for EEZ policy statements (see Subpart 2 of Part 3A of the current EEZ Act), aligning the EEZ Act with the RMA in this regard (see (5 April 2017) 721 NZPD 17164).

<sup>405</sup> See above at [\[56\]](#).

<sup>406</sup> Above at [\[102\]](#) and [\[117\]](#). Winkelmann CJ agrees with this below at [\[306\]](#).

<sup>407</sup> As suggested by Ellen France J above at [\[59\]](#).

<sup>408</sup> See above at [\[83\]](#), [\[85\]](#) and [\[101\]](#) of Ellen France J’s reasons for the use of the term “heightened threshold”. At [\[102\]](#) and [\[117\]](#) above she speaks of the possible tilting of the balance in favour of environmental protection factors.

### What does protection require?

[251] There remains the issue of how the term “protect” is to be interpreted, whether the Court of Appeal’s threshold of material harm is correct and, if so, how this is measured and over what period.

[252] The standard used by the Court of Appeal, “material harm”, seems sensible as a bottom line.<sup>409</sup> If the environment is materially harmed, then it cannot be said to have been protected from pollution. On the other hand, it seems most unlikely that the purpose of s 10(1)(b) was to protect the environment against immaterial harm.<sup>410</sup> What amounts to “material harm” and the period over which this is measured will be for the decision-maker to determine on the facts of each case. Of course, harm does not have to be permanent to be material. Temporary harm can be material.<sup>411</sup>

[253] How then do the relevant s 59 factors fit with this bottom line? On my approach, s 10(1)(b) is not only relevant to the interpretation of s 59 but has substantive or operative force in its own right and is thus a qualification on s 59.<sup>412</sup> In light of this, I do not accept that protection is balanced against economic benefit. That is the province of s 10(1)(a).<sup>413</sup> Section 10(1)(b) is only concerned with protection. The fact that the list of factors in s 59 includes economic benefit and the efficient use and development of natural resources<sup>414</sup> with regard to discharges does not change this analysis and in particular does not mean that s 10(1)(b) allows varying levels of protection from material harm, depending on the amount of economic benefit. There is room between protection from all harm and protection from material harm for factors such as economic benefit and the efficient use of resources to operate.<sup>415</sup>

<sup>409</sup> I agree with Ellen France J above at [\[62\]](#) that the criterion used by the Court of Appeal was material harm.

<sup>410</sup> Winkelmann CJ agrees with this below at [\[308\]](#).

<sup>411</sup> Section 6(1)(b) of the EEZ Act defines “effect” as including “any temporary or permanent effect”.

<sup>412</sup> See similarly Winkelmann CJ’s reasons below at [\[304\]](#) where she describes the s 59(2) factors as serving the s 10(1) purposes and hence subservient to those purposes.

<sup>413</sup> I do not rely on the reasoning of the Court of Appeal decision in *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 283: see Ellen France J’s reasons above at [\[54\]](#), [\[58\]](#) and n [96](#). I do not comment on *RJ Davidson*, except to refer to the discussion of the approach in *King Salmon* above at [\[240\]](#), [\[242\]](#), [\[247\]](#) and n [401](#).

<sup>414</sup> Sections 59(2)(f)–(g) and 87D(2)(a)(i) of the EEZ Act.

<sup>415</sup> Winkelmann CJ agrees with this below at [\[312\]](#).

[254] I do not, however, agree with the Court of Appeal’s view that consent cannot be granted where material harm to the environment may be caused in circumstances where that harm can be remedied or mitigated.<sup>416</sup> The Court of Appeal’s approach does not give sufficient weight to the word “regulating” in s 10(1)(b) or indeed to practice both nationally and internationally. Section 59(2)(j) also supports this conclusion in the sense that it requires consideration of the extent to which imposing conditions under s 63<sup>417</sup> might avoid, mitigate or remedy adverse effects.

[255] The consequence of the link between ss 59 and 10(1) is that the s 59 factors are to be weighed in order to achieve the s 10(1)(b) purpose where that paragraph applies. This means that the terms in s 59(2)(j) in relation to conditions (avoid, remedy and mitigate) are aimed at achieving the bottom line. This approach also gives effect to the phrase “the extent to which” imposing conditions might avoid, remedy or mitigate adverse effects, which is defined in s 6(1)(b) as including temporary effects. There will be an acceptable extent of harm and an unacceptable extent. I accept, as the Chief Justice notes, that the assessment of whether there is material harm has qualitative, temporal, quantitative and spatial aspects that have to be weighed.<sup>418</sup>

[256] The meaning of the term “avoid” is obvious (avoid material harm).<sup>419</sup> The bottom line in s 10(1)(b) (protection from material harm) determines what is an acceptable extent of mitigation: mitigation must bring any harm below the threshold of material harm. As to the term remedy, this must mean that it may be permissible for discharges to cause harm, so long as the decision-maker is satisfied that any effects can be remedied and so rendered immaterial.<sup>420</sup> That by definition creates a margin of appreciation around timing, but in order to meet the bottom line (no material harm), remediation will have to occur within a reasonable time in the circumstances of the

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<sup>416</sup> CA judgment, above n 386, at [86].

<sup>417</sup> Section 63 of the EEZ Act sets out the types of conditions the decision-maker may impose.

<sup>418</sup> See Winkelmann CJ’s reasons below at [310].

<sup>419</sup> As this Court said in *King Salmon*, above n 384, at [96], the term “avoid” in s 5(2)(c) of the RMA has its ordinary meaning of “not allow” or “prevent the occurrence of”.

<sup>420</sup> I see this as including any natural remediation that is projected to occur, except where there are no related conditions (which would be rare). In terms of the three-stage test set out below at [261], absent conditions, the matter will not be dealt with at the [261](b) step but at the [261](a) step. The issue at the [261](a) step will be only whether the duration and severity of any harm means it is material and with no consideration of economic benefit. It is only if the harm is not material, that economic benefit may come into play at the [261](c) step.

case and particularly in light of the nature of the harm to the environment, the length of time that harm subsists, existing interests and human health.

[257] The assessment of what is a reasonable time must take into account not only the duration of any recovery once the activity has ceased but also the total duration of the projected harm before remediation will occur. The longer the period before remediation occurs, the longer there will have been harm to the environment. That in itself may mean that the bottom line of protection is not achieved. In other words, what is a reasonable time for remediation must be assessed in a manner that is consistent with the s 10(1)(b) bottom line of protection of the environment from material harm.

[258] It follows that the length of time there is projected to be (unremedied) harm must also be factored into decisions on the duration of consents in order to ensure the bottom line in s 10(1)(b) is met.<sup>421</sup> Logically, too, the longer the timeframe before remediation and the longer the duration of any remediation measures, the less likely it is that a decision-maker could be satisfied, taking a cautious approach and favouring environmental protection,<sup>422</sup> that remediation will in fact occur as projected.

[259] Generally, therefore, what constitutes a reasonable time is for the decision-maker to decide, applying all the factors in s 59 but also meeting the standard of protection in s 10(1)(b). All else being equal, economic benefit considerations to New Zealand may have the potential to affect the decision-maker's approach to remediation timeframes in respect of discharges, but only at the margins.<sup>423</sup>

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<sup>421</sup> See ss 73(2)(a) and 87H(4) of the EEZ Act, which provide that when determining the duration of the consent the decision-maker must, among other things, comply with ss 59 and 61.

<sup>422</sup> See below at [\[270\]](#).

<sup>423</sup> It follows that I disagree with the Chief Justice's view below at [\[316\]](#) about the complete irrelevance of economic benefit in the assessment of whether there will be material harm. The survival of s 59(2)(f) (economic benefit), following the 2013 reform inserting s 10(1)(b) into the EEZ Act, as a factor the decision-maker must consider, means economic benefit must play some role in dumping and discharge applications. But ultimately, as I have said above at [\[249\]](#), all the s 59 factors must be weighed with a view to achieving the s 10(1)(b) bottom line, and as such economic benefit will likely only be relevant at the margins to the assessment of a reasonable time for remediation. Thus, I do not consider that there is any practical difference between my approach and that of the Chief Justice.

[260] One possible objection to adopting a bottom line approach is that it may leave no realistic room for activities that require discharges, as most discharges could cause material harm through pollution of the environment.<sup>424</sup> The answer is that applicants for discharge consents are not limited to showing there is no material harm. They may also accept conditions that avoid material harm, mitigate the effects of pollution so that harm will not be material or remedy it so that, taking into account the whole period of harm, overall the harm is not material. It is only where there would be material harm and conditions cannot be imposed such that this material harm will be avoided, mitigated (so that it is no longer material) or remedied (within a reasonable timeframe taking into account the whole period harm subsists) that a discharge consent cannot be granted.

### **How applications should be determined**

[261] In practice, the exercise of determining applications for discharge and dumping consents comprises up to three steps:

- (a) Is the decision-maker satisfied that there will be no material harm caused by the discharge or dumping?<sup>425</sup> If yes, then step (c) must be undertaken. If not, then step (b) must be undertaken.
- (b) Is the decision-maker satisfied that conditions can be imposed that mean:
  - (i) material harm will be avoided;
  - (ii) any harm will be mitigated so that the harm is no longer material; or
  - (iii) any harm will be remedied within a reasonable timeframe so that, taking into account the whole period harm subsists, overall the harm is not material?

<sup>424</sup> See Ellen France J's reasons above at [\[81\]](#).

<sup>425</sup> Unlike the definition of environment in s 2(1) of the RMA, the definition of the environment in s 4(1) of the EEZ Act is limited to the biophysical aspects of the environment: see Ellen France J's reasons above at [\[49\]](#).

If not, the consent must be declined. If yes, then step (c) must be undertaken.

- (c) If (a) or (b) is answered in the affirmative, the decision-maker should perform a balancing exercise taking into account all the relevant factors under s 59, in light of s 10(1)(a), to determine whether the consent should be granted.

[262] This provides a coherent and clear framework for thinking about the different standards required for the different types of consents. It means the standard for dumping is the strictest because at step (c), the decision-maker cannot consider economic benefit, efficiency or best practice.<sup>426</sup> By contrast, those factors can be considered for discharges, so such consents will be more likely to be granted at step (c), but only provided the bottom line is cleared at steps (a) or (b).

[263] This sets discharges and dumping apart from other activities, where s 10(1)(b) does not apply and so there is no bottom line. In those cases, it is purely a balancing of the s 59 factors in light of the purpose of sustainable management in accordance with s 10(1)(a), but even in those cases, absolute protection from material harm may be required in some circumstances.<sup>427</sup>

### **The DMC's approach in this case**

[264] I agree with Ellen France J that the DMC majority's approach was to focus on the s 59 factors to undertake what it described as an "Integrated Assessment" which worked through those factors in turn.<sup>428</sup> Like Ellen France J, I also agree with the Court of Appeal that this assessment comes to a "somewhat abrupt end" with no clear indication of the test applied in coming to the conclusion to grant the consents.<sup>429</sup>

<sup>426</sup> Instead, as well as the remaining factors in s 59(2), the factors in s 87D(2)(b) must be considered, along with the absolute prohibition in the circumstances described in s 87F(2). Section 87D(2)(b)(ii) is effectively substituted for s 59(2)(c).

<sup>427</sup> See above at [242].

<sup>428</sup> Above at [59].

<sup>429</sup> CA judgment, above n 386, at [99].

[265] While it might be implicit in the DMC majority's ultimate conclusion that it found the economic benefits of the project outweighed its adverse environmental effects, the integrated assessment does not explicitly weigh the relevant s 59 factors against an overall test of sustainable management.<sup>430</sup> Further, there does not seem to be any suggestion that the DMC understood that even sustainable management can, at times, require absolute protection from environmental harm.<sup>431</sup> In this sense, it is likely the DMC erred in not giving even s 10(1)(a) its requisite substantive or operative force as a guiding principle.

[266] Whether or not the DMC majority in this exercise took into account s 10(1)(b) at all is, as Ellen France J notes, open to doubt.<sup>432</sup> However, what is clear from the fact the DMC majority undertook an integrated assessment of all relevant s 59 factors is that it did not follow the three-step approach set out at [261] above and that it did not treat s 10(1)(b) as a cumulative and operative provision providing a bottom line of protection of the environment from material harm. This was an error of law.

[267] The problem may have stemmed from the DMC majority's decision not to separate out the marine consent and marine discharge aspects of the application as it considered the two to be "so interrelated that they must be regarded as an integrated whole".<sup>433</sup> I agree with Ellen France J that this may have been a practical approach,<sup>434</sup> but even on an integrated approach, what is required is that the decision-maker understands and applies the different standard relevant to the discharge aspects of the application. The DMC majority did this in some respects: for example, it understood that it could not impose conditions that contributed to adaptive management because the application involved discharges.<sup>435</sup> But there is no indication that it understood the significance of the bottom line imposed by s 10(1)(b) in addition to s 10(1)(a).

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<sup>430</sup> The Court of Appeal made a similar observation at [107].

<sup>431</sup> See above at [242].

<sup>432</sup> Above at [59].

<sup>433</sup> Environmental Protection Authority | Te Mana Rauhi Taiao *Decision on Marine Consents and Marine Discharge Consents Application – Trans-Tasman Resources Ltd – Extracting and processing iron sand within the South Taranaki Bight* (August 2017) [DMC decision] at [126].

<sup>434</sup> Above at [59].

<sup>435</sup> See, for example, DMC decision, above n [433](#), at [46] and [1055].

Indeed, in some parts of its decision, the DMC majority only identifies sustainable management as a purpose.<sup>436</sup>

[268] There is also much force in the iwi parties' submission that the DMC majority could not, had it properly directed itself in terms of the requirements of s 10(1)(b), have rationally come to the conclusion it did in light of a sediment plume that, for a distance of 2–3 km of the mining site, would have “severe effects on seabed life”<sup>437</sup> and significant effects on ecologically sensitive areas (ESAs) substantially further from the site.<sup>438</sup>

[269] It does appear that the DMC majority considered the effects on the environment would either not be material or that any adverse effects could be avoided, mitigated or remedied through the conditions imposed. It said that the effects will be in some sense “temporary” with “no constant level of effect in most locations”.<sup>439</sup> It also saw various effects on the environment as minor or negligible,<sup>440</sup> although some others, such as effects on benthic fauna and oceanic productivity, were identified as more significant.<sup>441</sup>

[270] Ultimately, the DMC majority seems to have concluded that the conditions it imposed “will avoid, remedy or mitigate effects to the extent required to achieve the

<sup>436</sup> For example, in setting out the purpose at [4] of its decision, the DMC majority simply says that the purpose of the EEZ Act is to “promote the sustainable management of natural resources” in the EEZ.

<sup>437</sup> At [939].

<sup>438</sup> At [350] and sch 2 of Appendix 2. See also Appendix 3 of this judgment.

<sup>439</sup> At [933].

<sup>440</sup> See, for example, at [938], [941], [943], [953] and [954]. Note that the DMC majority uses the scale of harm set out in Table 5 of the decision: see [135]. Similar tables are used by the Ministry of Environment and in Australia. That scale sets a consequence level from negligible to catastrophic, taking into account the proportion of habitat affected; the population, community, and habitat impact; and the recovery period. The first two are appropriate for assessing whether there will be material harm. The third column, however, concentrates on recovery time once the activity ceases. This is not the correct measure for assessing material harm. The third consideration should be the total duration of material harm including recovery time: see above at [\[257\]–\[258\]](#) and below at [\[270\]](#). The level of harm (and in particular whether there would be material harm) would then be considered taking all three factors into account. I note that in any event, Table 5 assumes a linear approach of effects across all three columns. It does not seem to take account of situations where, for example, effects are “measurable but localized” (minor) but with population, habitat or community components “substantially altered” (major) and a recovery period of one to two decades (severe). This means that a more nuanced analysis may be required – see, for example, the analysis from TTR’s ecology expert, Dr MacDiarmid, regarding eagle rays, which was accepted by the DMC majority: at [431] and [433] of the majority decision.

<sup>441</sup> See, for example, at [939], [968], [970], [972] and [974].



Act’s purpose”.<sup>442</sup> But this conclusion suffers from the same flaw as its assessment of the relevant s 59 factors: the failure to recognise s 10(1)(b) as providing a bottom line. In particular, the DMC majority does not follow the approach to economic benefit outlined at [253] and [259] above. Nor does it address the length of time before remediation and whether it will occur within a reasonable period, taking into account the bottom line of environmental protection in s 10(1)(b).<sup>443</sup> In this respect, the DMC majority seems to rely on its view that the effects will not be permanent, rather than assessing whether recovery will occur within a reasonable period taking into account the fact that the longer the total period of unremedied harm before remediation, the more likely the bottom line in s 10(1)(b) will be breached.<sup>444</sup> This was an error of law. The gist of this approach is evident in the following two paragraphs of the DMC majority’s decision:<sup>445</sup>

[25] Most of the effects on the environment will be temporary, albeit of considerable duration. When the extraction of material from the seabed finally comes to an end so will the generation of the plume and most of associated deposition and build up of sediment particles. We acknowledge recovery of the project site and areas in close proximity to it will recover over varying and longer periods than the rest of the [sediment model domain]. Noise from the extraction and processing of seabed material will cease and the existing ecology will be largely restored.

...

[43] Our record of decision acknowledges that there will be effects related to the mining. The effects will stop when the mining stops, or within a reasonable time period after that point.<sup>[446]</sup> We acknowledge that the 35-year duration of the consent means that the effects will be long term, but they will

<sup>442</sup> At [1028]. Although, as noted above, the DMC majority does not treat s 10(1)(b) as creating an environmental protection bottom line and so it was not assessing the conditions it imposed to the correct standard.

<sup>443</sup> See above at [256]–[259] for the correct approach to this question. And see, for example, in light of the comments in that paragraph, the long timeframes (and uncertainties) associated with the recovery of some benthic fauna in the DMC decision, above n 433, at [402]–[408] and [972]. The DMC minority’s assessment was that the recovery of certain ecological and cultural values was “extremely uncertain”, and that more complex reef habitat and hard rocky outcrops “would take significantly longer to recover”: at [97]–[99] of the minority’s reasons. See also conditions 7–8 and 57–59 set out in Appendix 2. It must be remembered too that the consents (and therefore the effects) are for a very long period (35 years), as the DMC majority acknowledged at [43] of its summary set out in this paragraph.

<sup>444</sup> See above at [257]–[258] and n 440. As noted above at [252], s 6(1)(b) of the EEZ Act means the DMC must consider temporary as well as permanent adverse effects.

<sup>445</sup> See also, for example, DMC decision, above n 433, at [402] and [933]. I note too that Mr Leung-Wai’s economic benefit analysis (expert for TTR) “assumed recovery over time of the seabed environment, and no ongoing irreversible effects”: at [789].

<sup>446</sup> I acknowledge that the DMC majority did mention remediation within a reasonable time in this passage. However, it is not just the period after mining ceases that should have been considered but the whole period of projected unremedied harm: see above at [256]–[259] and n 440.

not be permanent. Our consideration of this point also acknowledges recovery, and that recovery may not be an exact replication of the environment that existed before the commencement of mining.

[271] There is another major issue with the majority's approach. Even if in some respects some of the conditions imposed may have had the effect of avoiding, remedying or mitigating material harm (at least over time), any such consideration was tainted by the DMC majority's fundamental error of acting on the basis of uncertain and incomplete information.<sup>447</sup> As discussed below in relation to seabirds and marine mammals and some other factors, the DMC majority simply could not be satisfied, on the basis of the information before it and taking the required cautious approach favouring the environment, that the conditions imposed would ensure all of the material harm would be remedied, mitigated or avoided.

### **Information principles**

[272] Under s 61(1)(b) of the EEZ Act, the decision-maker must base the decision on the best available information. Section 61(1)(a) requires a decision-maker to make full use of its powers "to request information from the applicant, obtain advice, and commission a review or a report". Under s 61(1)(c), the decision-maker must "take into account any uncertainty or inadequacy in the information available" and, where this is the case, under s 61(2) must "favour caution and environmental protection".<sup>448</sup>

[273] This means that discharge consents may be granted even on incomplete information, as long as that is the best available information and that, taking a cautious approach and favouring environmental protection, the decision-maker is satisfied that the bottom line in s 10(1)(b) is met: that there is no material harm from pollution or that material environmental harm can be avoided, remedied (within a reasonable timeframe) or mitigated (so that it is not material) through the use of conditions.<sup>449</sup> Where this is not the case, the application must be refused.<sup>450</sup>

<sup>447</sup> See also Ellen France J's reasons above at n [143](#) and [1291](#).

<sup>448</sup> See also s 87E of the EEZ Act, which applies in respect of marine discharge and dumping applications.

<sup>449</sup> See also Ellen France J's reasons above at [1117](#) and [11281](#).

<sup>450</sup> See also the comment in the CA judgment, above n [386](#), at [266], referred to in Ellen France J's reasons above at [1371](#).

[274] I agree with Ellen France J that the DMC did not favour caution or environmental protection in this case.<sup>451</sup> Given my view of the effect of s 10(1)(b), I do not, however, agree with Ellen France J's discussion of the link between the information principles and s 10(1)(b). Rather, I agree with the approach of the Court of Appeal.<sup>452</sup> It follows from my view of s 10(1)(b) that the DMC could not have met either step [\[261\]\(a\)](#) or [\[261\]\(b\)](#) above, given the almost total lack of information in this case on seabirds and marine mammals and the similar issues with the sediment plume and suspended sediment levels discussed by Ellen France J.<sup>453</sup>

[275] This information deficit could not legitimately be compensated for by conditions designed to collect the very information that would have been required before any conclusion at all could be drawn as to the possible effects, any possible material harm and any effect of any possible conditions. No conclusion was therefore possible on whether the bottom line could be met and a consent could not legitimately be granted.<sup>454</sup>

[276] While it is not necessary to decide this point, I think it is strongly arguable that in this case the pre-commencement monitoring conditions (conditions 48 to 51) were ultra vires as they went well beyond monitoring or identifying adverse effects and were for the purpose of gathering totally absent baseline information.<sup>455</sup>

[277] In my view, there is also force in the Royal Forest and Bird Protection Society of New Zealand Inc's submissions about conditions in this case meaning there was a deprivation of participation rights, as the Court of Appeal found.<sup>456</sup> Participation is

<sup>451</sup> Above at [\[118\]–\[131\]](#) (but see above at n [377](#) for specific aspects of the reasoning I disagree with). See also at [\[205\]](#).

<sup>452</sup> Ellen France J's discussion is above at [\[114\]–\[117\]](#). For the Court of Appeal's view, see CA judgment, above n [386](#), at [129].

<sup>453</sup> See Ellen France J's reasons above at [\[131\]](#).

<sup>454</sup> I agree with Ellen France J's analysis above at [\[129\]–\[130\]](#) as to the effect of the conditions but do not agree the DMC majority cited the correct test.

<sup>455</sup> As the Royal Forest and Bird Protection Society of New Zealand Inc (Forest and Bird) submits. Contrast Ellen France J's reasons above at [\[132\]](#); and CA judgment, above n [386](#), at [272]. I do agree with Ellen France J's comments at [\[205\]](#) where she says there is much force in the argument that the seabird and other pre-commencement conditions are a mechanism for providing baseline information as to effects which had been lacking in TTR's application. As Ellen France J points out at n [337](#), even though condition 66(b)–(c) (relating to seabirds) is not strictly a pre-commencement condition, it has a pre-commencement aspect.

<sup>456</sup> CA judgment, above n [386](#), at [259(c)]. See similarly Williams J's reasons below at [\[295\]](#) and Winkelmann CJ's reasons below at [\[329\]](#). Contrast Ellen France J's reasons above at [\[133\]](#).

only meaningful on the basis of sufficient information, including as to the possible effects of the conditions. That information was in important respects entirely lacking and would only become available once the pre-commencement monitoring had occurred and the opportunity for public input had passed.<sup>457</sup>

[278] In particular, there would have been no opportunity for public input into vital conditions that would only be set after the informational gaps had been remedied. For example, as the Taranaki-Whanganui Conservation Board submits, some of the suspended sediment concentration limits required to be complied with under condition 5 are only to be set following the pre-commencement monitoring.<sup>458</sup> The same comment applies to the management plans related to seabirds and marine mammals.<sup>459</sup>

[279] I agree with Ellen France J that the conclusion of the DMC that it had the best available information that could have been delivered without unreasonable cost and time is a question of fact and therefore not subject to review by this Court.<sup>460</sup> The information before the DMC was, however, not sufficient to satisfy a decision-maker that there would be no material harm or that it would, through the conditions, be avoided or mitigated so that it was no longer material or remedied so that, taking into account the whole period harm subsists, overall the harm was not material. Consequently, the application should have been refused because the DMC could not rationally be satisfied that the bottom line in s 10(1)(b) would be met.

### **Other marine management regimes**

[280] I agree with Ellen France J's general approach to s 59(2)(h) and other marine management regimes.<sup>461</sup> I agree that the way the New Zealand Coastal Policy

<sup>457</sup> The existence of the Technical Review Group and the Kaitiakitanga Reference Group does not change that conclusion.

<sup>458</sup> See conditions 48 and 51 and sch 2 set out in Appendix 2 of the DMC decision, above n [433](#). I do not agree with Ellen France J at [\[210\]](#) that condition 51 only allows for the updating of numerical values pre-commencement, but that the "thresholds" do not change following pre-commencement monitoring.

<sup>459</sup> See conditions 66 and 67 set out in Appendix 2 of the DMC decision. As Ellen France J notes above at [\[205\]](#), these are designed to set indicators of adverse effects at a population level before mining commences.

<sup>460</sup> Above at [\[134\]–\[138\]](#).

<sup>461</sup> Discussed above at [\[175\]–\[187\]](#).

Statement 2010 (NZCPS)<sup>462</sup> was dealt with by the DMC majority was an error of law.<sup>463</sup> My reasons for this differ from those of Ellen France J. She says that, although the NZCPS was not directly applicable to Trans-Tasman Resources Ltd's (TTR) proposed activities, the DMC majority needed to confront the effect of the environmental bottom line in the NZCPS and explain briefly why that factor was outweighed by other s 59 factors.<sup>464</sup> I agree that the NZCPS was not directly applicable and that the DMC nevertheless needed to take into account the environmental bottom line in the NZCPS. I do not, however, consider this environmental bottom line can be outweighed by other s 59 factors. This is because, on the approach I take, s 10(1)(b) itself provides an environmental bottom line that cannot be overridden. There must be synergy in the approach to the NZCPS bottom line and s 10(1)(b).<sup>465</sup>

### **Adaptive management**

[281] I agree with Ellen France J that the DMC adopted too narrow an approach to adaptive management.<sup>466</sup> I also agree with the Court of Appeal that an adaptive management approach is one where there is uncertainty as to harm and a discharge or dumping consent is granted "on terms that provide that if such harms do occur then the consent envelope will be adjusted prospectively".<sup>467</sup> I agree too that there is a distinction between an adaptive management approach and one where monitoring and management plans are designed to "provide for operational responses" if the requirements of a consent are not met.<sup>468</sup> I thus agree with the Court of Appeal's "consent envelope" approach, endorsed by Ellen France J.<sup>469</sup>

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<sup>462</sup> Department of Conservation *New Zealand Coastal Policy Statement 2010* (issued by notice in the New Zealand Gazette on 4 November 2010 and taking effect on 3 December 2010) [NZCPS].

<sup>463</sup> Above at [\[187\]](#).

<sup>464</sup> Above at [\[178\]–\[179\]](#) and [\[186\]](#).

<sup>465</sup> That is, the bottom line in the NZCPS must be interpreted and applied in light of s 10(1)(b). It follows that I also disagree with the Court of Appeal's conclusion where it seems to contemplate that it would have been possible for the DMC to grant consent even if the proposed activity would have effects within the coastal marine area that were inconsistent with the NZCPS bottom line: CA judgment, above n [386](#), at [200].

<sup>466</sup> Above at [\[201\]](#).

<sup>467</sup> CA judgment, above n [386](#), at [221].

<sup>468</sup> At [225].

<sup>469</sup> Above at [\[207\]](#).

[282] In this case the real issue was that there was totally inadequate baseline information provided by TTR in a number of respects and therefore, as indicated above, the application should have been declined.<sup>470</sup> The pre-commencement monitoring and the management plans for seabirds and marine mammals were designed to gather baseline information that should have been provided by TTR in its application and were to be used, in effect, to set the consent envelope before mining began.<sup>471</sup> It was not, however, a case of starting mining and then adjusting the consent envelope prospectively and, thus, does not amount to adaptive management.

[283] It is true that, under the conditions, monitoring continues once the mining begins. This ongoing monitoring will inform further management plans,<sup>472</sup> but the ability to amend operational responses in the plans in light of the ongoing monitoring is not adaptive management as it does not allow for changes to the consent envelope. It only allows for changes in how TTR carries out its operations in order to stay within the consent envelope. I agree therefore with Ellen France J that this was not a case of adaptive management.<sup>473</sup>

[284] Having said that, even if not strictly adaptive management, what occurred here seems to me to fall within the spirit of the prohibition against adaptive management. It also reinforces the conclusion that the baseline information gathering conditions were not appropriate and that, on the basis of the information before the DMC, the discharge consent should have been refused.<sup>474</sup>

### **Bond vs insurance**

[285] There is a clear difference between bonds and insurance in terms of when each operates and, while sometimes they will coincide in what they cover and therefore

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<sup>470</sup> See above at [\[275\]](#).

<sup>471</sup> As noted above at n [455](#). See similarly Ellen France J's reasons above at [\[205\]](#).

<sup>472</sup> DMC decision, above n [433](#), at [36].

<sup>473</sup> I thus agree with the discussion in Ellen France J's reasons above at [\[206\]–\[213\]](#), with the exception noted above at n [458](#). As discussed at n [458](#), I consider condition 51 does allow for the changing of thresholds following the pre-commencement monitoring. But this still does not amount to adaptive management as any change to the thresholds (and hence the consent envelope) occurs before mining begins.

<sup>474</sup> See similarly CA judgment, above n [386](#), at [227], where the Court of Appeal said that the DMC's decision suffered from a much "more fundamental" problem than adaptive management of not meeting the requirement to favour caution and environmental protection. Ellen France J agrees with this finding of the Court of Appeal above at [\[205\]](#).

have similar outcomes, this will not always be the case. Consideration should be given to each where there is not congruence between the two and brief reasons should be given for not requiring both.<sup>475</sup> I do not consider this requirement was fulfilled here and thus there was an error of law.<sup>476</sup>

[286] In this case, given the uncertainties involved, the fact that there was no evidence that insurance would cover all of the risks, the length of time the conditions were to continue after mining ceases<sup>477</sup> and the real possibility of insolvency should the worst happen, it was in any event in my view irrational not to have required a bond.<sup>478</sup>

### **Casting vote**

[287] I am uneasy about the use of a casting vote in favour of a consent where the legislation requires the exercise of caution. But this is a criticism of the provision of the legislation which gives a casting vote. I agree with Ellen France J that there was no error of law in its exercise in this case.<sup>479</sup>

### **Relief**

[288] As indicated above, on the basis of the information before the DMC (which was found to be the best available information), the consent application should have been declined. In these circumstances, there is no point in referring the matter back for reconsideration.<sup>480</sup> It would also put an unwarranted burden on the first respondents if TTR is now allowed to try to fill the information gaps.<sup>481</sup>

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<sup>475</sup> This is so whether or not the issue is raised by the submitters.

<sup>476</sup> In agreement with Ellen France J's reasons above at [\[214\]–\[221\]](#).

<sup>477</sup> See, for example, the conditions relating to benthic recovery. Once mining ceases, there are no direct economic incentives to comply with the conditions and operational capacity would also no doubt be much reduced.

<sup>478</sup> I do not consider the possibility of enforcement proceedings meets this point, contrary to TTR's submissions. This is self-evidently not sufficient in the case of insolvency and in any event would mean time, trouble and expense.

<sup>479</sup> Above at [\[222\]–\[226\]](#).

<sup>480</sup> As Forest and Bird and the iwi parties submit.

<sup>481</sup> There is nothing to indicate that the information gaps have been or will be filled to the degree that would be necessary to come to a positive conclusion on the environmental bottom line. Contrary to Ellen France J's reasons above at [\[229\]](#), I would in any event accept the submission of the Taranaki-Whanganui Conservation Board that the parties should not be put to the cost of responding to yet more evidence or a modified proposal even if the matter were referred back.

[289] I also consider there to be great force in the submissions of the iwi parties that there are specific DMC findings related to ESAs<sup>482</sup> that would in any event have compelled the refusal of the application. In addition, and more generally, it is difficult to see how a more than 35-year duration of significant effects could rationally meet the test of the environment being remediated within a reasonable period.<sup>483</sup>

## **WILLIAMS J**

[290] I have had an opportunity to read my colleagues' drafts as they have evolved and to discuss various aspects with them. I record my appreciation for the collaborative approach they have taken.

[291] It remains for me to set out where (and occasionally why) I agree with the reasons of William Young and Ellen France JJ, and where I support Glazebrook J's reasons, having, on those aspects only, parted company with William Young and Ellen France JJ.

### **Section 10(1)(b) and the material harm bottom line**

[292] For the reasons she adopts, I agree with Glazebrook J's assessment of the role of s 10(1)(b) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act).<sup>484</sup> In particular, I agree that s 10 performs the same structural function as s 5 of the Resource Management Act 1991 and that, as s 10(3) makes clear, the criteria in s 59 must be applied to achieve the s 10(1) purposes.<sup>485</sup> Similarly, I agree with Glazebrook J that s 10(1)(b) imposes an environmental bottom line to protect the marine environment against material harm from marine dumping

<sup>482</sup> Summarised in Ellen France J's reasons above at [\[228\]](#). See also Appendix 3 of this judgment.

<sup>483</sup> See above at [\[270\]](#) and the conclusion at [43] of the DMC majority's decision, above n [433](#), that the effects will be throughout the 35-year period and cease only when mining stops or within a reasonable time thereafter. I make the comment about the lack of rationality despite economic benefit being able to be taken into account at the margins in assessing what is a reasonable period for remediation, given that what is a reasonable period must take into account the whole period harm will endure: see above at [\[256\]–\[259\]](#). I comment that such a long period of significant effects may well not meet the s 10(1)(a) threshold either, given s 10(2)(a)–(c).

<sup>484</sup> See above at [\[239\]–\[263\]](#).

<sup>485</sup> I note that the same drafting formula as that in s 10(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 [EEZ Act] is used in ss 6–8 of the Resource Management Act 1991.



and discharges.<sup>486</sup> The decision-making committee's (DMC's) failure to apply s 10(1)(b) in that way was an error of law.

[293] I agree with Glazebrook J that the reference in s 59(2)(j) to consent conditions that “avoid, remedy or mitigate” adverse effects contemplates the possibility that discharges may cause temporary harm of a material kind. But that will be so only if it can (with a reasonable degree of confidence) be remediated within a reasonable time, so that it is nonetheless appropriate to treat the harm as immaterial in all of the circumstances. In addition to that temporal aspect, those circumstances will include the scale of the receiving environment, the magnitude of any (temporary) effect, the sensitivity of the receiving environment and so forth. I also agree (subject to the careful caveats set out by Glazebrook J) that economic factors may be considered in making that judgment.<sup>487</sup>

### **Information principles**

[294] Like Glazebrook J, I am in general agreement with William Young and Ellen France JJ's conclusions in respect of the effect of the EEZ Act's information principles. But in light of my view of the effect of s 10(1)(b), I do not agree with the latter's conclusions about the relationship between the information principles and s 10(1)(b).<sup>488</sup> Rather, I prefer Glazebrook J's analysis.<sup>489</sup>

[295] I also disagree with William Young and Ellen France JJ's conclusion at [\[133\]](#) in relation to management plans, even though, as they rightly note, Trans-Tasman Resources Ltd (TTR) provided drafts of those plans in the application documents and their content would have been no surprise to submitters. It would be usual in complex consent applications such as TTR's to deal with some effects through management plans. But such plans would generally contain clear operational and effects parameters because their purpose would be to demonstrate how the applicant will keep the activity within those parameters and what will happen if it does not. TTR's management plans

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<sup>486</sup> See above at [\[251\]–\[260\]](#).

<sup>487</sup> EEZ Act, s 59(2)(f). See above at [\[259\]](#). Compare Winkelmann CJ's reasons below at [\[315\]–\[317\]](#).

<sup>488</sup> See above at [\[117\]](#) and [\[128\]](#). Nor do I agree that the decision-making committee (DMC) majority cited the correct test in relation to s 10(1)(b): compare above at [\[130\]](#).

<sup>489</sup> See above at [\[273\]–\[274\]](#).

did not contain clear parameters at all; rather, their first purpose would be to *set* the parameters. This allowed the applicant to postpone this task to a post-consent administrative phase. The Court of Appeal was right that this deprived submitters of the ability to engage at the hearing with what was plainly a fundamental aspect of the application.<sup>490</sup>

### **The Treaty of Waitangi, existing interests and tikanga**

[296] I am in broad agreement with William Young and Ellen France JJ’s reasoning and conclusions with respect to the Treaty of Waitangi and existing interests, and whether tikanga Māori (and international law instruments) are “other applicable law” in terms of s 59(2)(l).<sup>491</sup> In particular, I agree that s 12 contains a strong Treaty direction and that, in any event, the constitutional significance of the Treaty means that Treaty clauses will be generously construed. If Parliament intends to limit or remove the Treaty’s effect in or on an Act, this will need to be made quite clear.<sup>492</sup>

[297] As to what is meant by “existing interests”<sup>493</sup> and “other applicable law”,<sup>494</sup> I would merely add that this question must not only be viewed through a Pākehā lens. To be clear, I do not say the reasons of William Young and Ellen France JJ reflect that shortcoming. On the contrary, they make the same point implicitly at [155] and [161]. I simply wish to make it explicitly. As the Court of Appeal rightly pointed out, the interests of iwi with mana moana in the consent area are the longest-standing human-related interests in that place.<sup>495</sup> As with all interests, they reflect the relevant values of the interest-holder. Those values—mana, whanaungatanga and kaitiakitanga—are relational. They are also principles of law that predate the arrival of the common law in 1840. And they manifest in practical ways, as William Young and Ellen France JJ note.<sup>496</sup> There would have to be a very good reason to read them out of the plain words of s 59(2)(a), (b) and (l). I see no such reason.

<sup>490</sup> *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZCA 86, [2020] NZRMA 248 (Kós P, Courtney and Goddard JJ) [CA judgment] at [259(c)]. See similarly Glazebrook J’s reasons above at [277]–[278].

<sup>491</sup> See above at [139]–[174].

<sup>492</sup> See the reasons of William Young and Ellen France JJ above at [149]–[151].

<sup>493</sup> EEZ Act, s 4(1) definition of “existing interest”.

<sup>494</sup> Section 59(2)(l).

<sup>495</sup> CA judgment, above n <sup>490</sup>, at [166].

<sup>496</sup> See above at [155].

### Other matters including relief

[298] I largely agree with William Young and Ellen France JJ’s approach to “other marine management regimes”, particularly their approach to the New Zealand Coastal Policy Statement 2010 (NZCPS)<sup>497</sup>, which was the focus of argument.<sup>498</sup> I disagree, however, with their conclusion that the bottom line contained in that document is defeasible by reference to other s 59 factors. Like Glazebrook J, I consider that in this respect the NZCPS is in lockstep with s 10(1)(b).<sup>499</sup>

[299] On all other matters I adopt in full William Young and Ellen France JJ’s reasons and conclusions. I also agree with William Young and Ellen France JJ that the appropriate remedy is to refer the matter back to the Environmental Protection Authority (EPA) for reconsideration, subject to the reservation of leave to a party to seek directions from the High Court should that prove necessary.<sup>500</sup> TTR may wish to apply to provide further material in relation to the information deficits identified in those aspects of the reasons given by Ellen France and Glazebrook JJ that represent the majority view of this Court. I agree the scale and complexity of this application is such that TTR should not be denied an opportunity to convince the EPA that, despite our findings, this would be an available and worthwhile course to take. Further, as a matter of principle, I would be most reluctant to take away from an expert statutory decision-maker the final reassessment of the substantive merits of the application.

[300] Finally, I also agree with the costs order.<sup>501</sup>

### WINKELMANN CJ

[301] I write separately to record the areas of my agreement with the reasons of Glazebrook J and with the reasons of William Young and Ellen France JJ.<sup>502</sup>

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<sup>497</sup> Department of Conservation *New Zealand Coastal Policy Statement 2010* (issued by notice in the New Zealand Gazette on 4 November 2010 and taking effect on 3 December 2010).

<sup>498</sup> See above at [\[175\]–\[187\]](#).

<sup>499</sup> See above at [\[280\]](#).

<sup>500</sup> See above at [\[228\]–\[231\]](#).

<sup>501</sup> See above at [\[233\]–\[235\]](#).

<sup>502</sup> As given by Ellen France J.

**Relationship between s 10(1) and s 59(2) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012**

[302] I agree in large part with the reasons of Glazebrook J in relation to the role s 10(1)(b) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act) plays in the decision whether to grant a marine consent for the discharge of harmful substances in the exclusive economic zone. The scope of my disagreement with her reasons is set out below at [\[315\]](#)–[\[317\]](#).

[303] I agree with Glazebrook J that it is clear from the statutory scheme that s 10(1)(b) is an operative restriction for the grant of consents for discharges of harmful substances and the dumping or incineration of waste or other matter.<sup>503</sup> It is operative in the sense that this section, along with s 10(1)(a), provides the standard against which an application for consent for such activities is to be assessed.

[304] As s 10(3) makes clear, the decision-making criteria and information principles are to be applied in order to achieve the statutory purposes set out in s 10(1)(a) and (b). In that sense, the s 59(2) factors serve the s 10(1) purposes, and therefore are subservient to them.<sup>504</sup> I see s 10(1)(a) and (b) as providing the critical standard to be applied by the decision-maker, with the s 59(2) factors relevant only to the extent that they assist the decision-maker in making decisions that achieve those purposes. This approach is consistent with the language of s 59(2). Although it provides that the Environmental Protection Authority (EPA) must take the factors listed there into account, it gives no indication as to how they are to be taken into account – that can only be determined by reference back to the s 10(1)(a) and (b) standard.

*Environmental bottom line*

[305] The next issue that arises is the nature of the operative restriction imposed by the s 10(1)(b) requirement to “protect” the environment from pollution. I agree with Glazebrook J, and for the reasons she gives, that s 10(1)(b) imposes a requirement cumulative on the s 10(1)(a) requirement of sustainable management. I also agree that it provides an environmental bottom line in the sense that where the discharge of a

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<sup>503</sup> Above at [\[245\]](#).

<sup>504</sup> See similarly Glazebrook J’s reasons above at [\[247\]](#).

harmful substance will cause pollution that the environment cannot be protected from through regulation, then a consent should not be granted.<sup>505</sup>

[306] I therefore disagree with the reasons given by Ellen France J that the EEZ Act requires an overall assessment, balancing the factors set out in s 59(2), and that the s 10(1)(a) and (b) purposes operate as a cross-check on that balancing exercise,<sup>506</sup> or that they operate to tilt the s 59 balancing exercise in favour of environmental factors in some but not necessarily all cases.<sup>507</sup> Either approach elevates the s 59(2) factors to operate independently of the s 10(1) purposes – an approach that is inconsistent with the requirements of s 10(3). Ellen France J sets out the legislative history of s 10, which suggests an intention that decision-making in respect of proposed activities within the exclusive economic zone and the continental shelf proceed by way of a balancing exercise – balancing environmental and economic interests.<sup>508</sup> But, in my view, that history is not of any assistance in interpreting the requirements of s 10(1)(b) because it pre-dates the enactment of s 10(1)(b) – and really does no more than describe the concepts that lie at the heart of sustainable management, as captured in s 10(1)(a) and s 10(2).

[307] What does it mean to protect the environment from pollution by regulating or prohibiting the discharge of harmful substances? There is nothing in the language of s 10 or in the wider statutory context to suggest that the word “protect” in s 10(1)(b) has anything other than its ordinary meaning, namely;<sup>509</sup>

- (1) Defend or guard against injury or danger; shield from attack or assault; support, assist, give [especially] legal immunity or exemption to; keep safe, take care of; extend patronage to.

...

- (1C) Aim to preserve (a threatened plant or animal species) by legislating against collecting, hunting, etc; restrict by law access to or development of (land) in order to preserve its wildlife or its

<sup>505</sup> Above at [\[245\]](#).

<sup>506</sup> Above at [\[51\]](#), [\[55\]](#) and [\[102\]](#).

<sup>507</sup> Above at [\[102\]](#).

<sup>508</sup> Above at [\[64\]](#)–[\[68\]](#).

<sup>509</sup> William R Trumble and Angus Stevenson (eds) *Shorter Oxford English Dictionary* (5th ed, Oxford University Press, Oxford, 2002) vol 2 at 2376. I agree with Glazebrook J above at [\[244\]](#) that “protect” in s 10(1)(b) does not mean the same thing as “protection” in the definition of sustainable management in s 10(2) – the context makes plain that the words are used in a different sense.

undisturbed state; prevent by law demolition of or unauthorized changes to (a historic building etc).

[308] As to the standard of protection, I agree with Glazebrook J that s 10(1)(b) is not intended to protect the environment from all harm – there seems no environmental utility in protecting the environment from immaterial or insignificant harm.<sup>510</sup> The Court of Appeal and Glazebrook J adopt a standard of material harm. I am content with that. It is consistent with the use of the descriptor “pollution” in s 10(1)(b) as the effect to be avoided. I note that the definition of “pollution of the marine environment” in the United Nations Convention on the Law of the Sea 1982 is also set at the level of what can be described as material harm.<sup>511</sup>

... the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities[.]

[309] Trans-Tasman Resources Ltd (TTR) says that the s 10(1)(b) purpose of protection does not preclude consent being granted where the discharge will cause material harm, if other s 59(2) interests (economic benefit and efficient use and development of natural resources) are assessed as justifying that harm. TTR argues that interpretation is consistent with the ordinary meaning of “protect” and how the word is used in the EEZ Act. In my view, the requirement to protect is inconsistent with permitting material harm to the environment through the consented discharge of a harmful substance. Whilst the approach suggested by TTR may be open where the decision is to be judged against the s 10(1)(a) purpose alone, it is not available in the case of marine discharge and dumping consents to which s 10(1)(b) also applies. If the environment is materially harmed by the consented discharge, it has not been protected from pollution, even if economic benefits flow from the activity – the environment cannot be said to have been defended or guarded against injury.

[310] The qualification added by the descriptor “material” is important in making sense of the statutory scheme and in terms of how it operates. Whilst s 10(1)(b) applies

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<sup>510</sup> Above at [\[252\]](#).

<sup>511</sup> United Nations Convention on the Law of the Sea 1833 UNTS 3 (opened for signature 10 December 1982, entered into force 16 November 1994), art 1(4).

to every consent application for discharge of a harmful substance, not every discharge of a harmful substance will cause harm to the environment – material or otherwise. The continental shelf and exclusive economic zone cover a large and varied expanse of seabed. The exclusive economic zone contains a vast volume of ocean water and supports a wide variety of life. Whether harm is material in any one case will require assessment of a multiplicity of factors, such as the volume of the harmful substance discharged into the expanse of the sea, the flora, fauna and natural characteristics of the area of seabed affected, the size of seabed or volume of water affected, and the time for which the damage will last. There are therefore qualitative, temporal, quantitative and spatial aspects to materiality that have to be weighed.<sup>512</sup>

[311] The assessment of whether the projected harm crosses the threshold of materiality therefore requires a factual inquiry. Consideration must be given to the impact of the discharge upon the marine ecosystem when assessing what is to be adjudged a material level of harm. Consideration must also be given to the impact upon those who depend upon that ecosystem – s 59(2)(a) and (b) require any effects on existing interests of allowing the activity to be taken into account.

[312] TTR argues that the construction of s 10(1)(b) has to leave room for the effective operation of the factors in s 59(2), and that there is significance in the fact that, when s 10(1)(b) was engrafted onto the legislative scheme, the s 59(2)(f) and (g) factors of economic benefit and efficient use of resources were not removed from consideration for discharge consents. This suggests, says TTR, that the protection s 10(1)(b) describes is not intended to be absolute. The answer to this argument is the point made by Glazebrook J – there is room between protection from all harm and protection from material harm for factors such as economic benefit and the efficient use of resources to operate.<sup>513</sup> In other words, if the decision-maker is satisfied that the discharge will not, if regulated and subject to such conditions as the decision-maker imposes, cause material harm to the environment, the decision-maker must nevertheless still take into account whether there is any economic benefit (or detriment) to allowing the activity, and whether the activity allows for the efficient use and development of resources.

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<sup>512</sup> See similarly Glazebrook J's reasons above at [\[255\]](#) and Williams J's reasons above at [\[293\]](#).

<sup>513</sup> Above at [\[253\]](#).

[313] TTR argues that its interpretation is strengthened by the express contemplation within s 10(1)(b) that the discharge of harmful substances can be allowed where the environment can be protected from pollution through regulation, which must be a different standard to outright prohibition. It further argues that its approach is supported by the application of s 59(2)(j) to discharge consents: “the extent to which imposing conditions under section 63 might avoid, remedy, or mitigate the adverse effects of the activity”. In my view, neither point assists TTR’s argument. The EEZ Act clearly contemplates the discharge of harmful substances, and so must provide for regulation or mitigation to be used to reduce the impact caused by the consequent pollution of the exclusive economic zone and continental shelf below the threshold of material harm. The EEZ Act provides for the imposition of conditions requiring remediation of adverse effects for the same reason it provides for the imposition of conditions requiring mitigation – conditions may be imposed requiring remediation of the adverse effects, so that the pollution caused by the discharge does not cause material harm to the environment.

[314] I therefore agree with the Court of Appeal, and with Glazebrook J, that s 10(1)(b) provides an environmental bottom line and the s 59 factors are to be taken into account by the decision-maker in achieving that purpose.<sup>514</sup>

*Relevance of economic benefit considerations to the assessment of material harm*

[315] I differ from Glazebrook J in one respect.

[316] Glazebrook J,<sup>515</sup> with whom Williams J agrees,<sup>516</sup> says that all else being equal, economic benefit considerations to New Zealand may have the potential to affect the decision-maker’s approach to remediation timeframes in respect of discharges, albeit noting only at the margins. As noted above, I agree that economic benefit will be relevant in the decision to grant a consent, where the harm the discharge causes the

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<sup>514</sup> *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZCA 86, [2020] NZRMA 248 (Kós P, Courtney and Goddard JJ) [CA judgment] at [82]–[83] and [89]; and Glazebrook J’s reasons above at [\[249\]–\[250\]](#).

<sup>515</sup> Above at [\[259\]](#).

<sup>516</sup> Above at [\[293\]](#).



environment is assessed as falling beneath the threshold of material harm.<sup>517</sup> However, I disagree if it is suggested that economic benefits associated with the activity necessitating the harmful discharge affects the assessment of materiality. In my view, the decision-maker's assessment of whether the discharge of a harmful substance will cause material harm cannot be affected by considerations of economic benefit. If the harm cannot be avoided through regulating the discharge or through imposing conditions requiring mitigation or remediation, then consent must be refused, regardless of economic considerations.

[317] I see this conclusion as flowing inevitably from my earlier conclusions: that the s 10(1) purposes provide the standard against which consent decisions are to be made, and that s 10(1)(b), while cumulative upon s 10(1)(a), is an environmental bottom line which requires that decisions about the discharge of harmful substances be made so as to protect the environment from pollution which causes material harm. On my view of the legislative scheme, considerations of sustainable management play a part in relation to consents for discharge of harmful substances only where the proposed discharge (with all regulatory, remedial and mitigatory steps) does not cross the threshold of material harm.

*How applications should be determined*

[318] This, however, leaves the situation that there is no clear majority within the Court on this critical issue of how applications should be determined. The pragmatic solution is that I should join with Glazebrook and Williams JJ on this point, viewing that as the preferable of two approaches, each of which I disagree with, at least in part.

[319] I am therefore content with the three-step approach suggested by Glazebrook J at [261] of her reasons, but make explicit the following point which I see as implicit in the third step set out at [261](c). Since s 10(1)(b) is cumulative on s 10(1)(a), I do not exclude the possibility that a decision-maker would want to impose conditions to mitigate, remedy or avoid adverse effects even though the threshold of material harm will not be met.

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<sup>517</sup> See above at [312]. To be clear, whether it meets that threshold is to be assessed taking into account any conditions regulating the discharge, or requiring remediation or mitigation of adverse effects.

*The DMC's approach in this case*

[320] That takes me to the issue of whether the EPA decision-making committee (DMC) erred in its application of s 10(1). I agree with Glazebrook J that the integrated assessment undertaken by the DMC did not explicitly weigh the relevant s 59 factors against the s 10(1) purposes.<sup>518</sup> There is no indication in the DMC majority's reasons that the majority asked themselves the critical question, at the end of that assessment, whether the granting of the consents would give effect to the s 10(1) purposes, and in particular, to the s 10(1)(b) environmental bottom line.<sup>519</sup> I consider that the Court of Appeal was therefore correct in its conclusion that the DMC did not ask itself the right question when undertaking the decision-making process for the grant of the consents.

**Information principles**

[321] Section 10(3) requires the decision-maker to apply the information principles in order to achieve the s 10(1) purposes. The information principles that apply to applications for the discharge (or dumping) of harmful substances are those set out in s 87E of the EEZ Act. Section 87E is largely duplicative of s 61, which sets out the information principles that apply to marine consents other than for discharge or dumping activities,<sup>520</sup> save in one important respect relating to the prohibition on adaptive management for discharge and dumping consents.<sup>521</sup> These information principles require a decision-maker to make full use of its powers to obtain information,<sup>522</sup> to base its decisions on the best available information,<sup>523</sup> and to take into account any uncertainty or inadequacy in the information available.<sup>524</sup> Most relevantly, s 87E(2) provides that if, in relation to a decision on the application, "the

<sup>518</sup> Above at [265] (in relation to s 10(1)(a)) and [266]–[267] (in relation to s 10(1)(b)).

<sup>519</sup> See similarly the discussion in CA judgment, above n 514, at [106]–[107]; the reasons given by Ellen France J above at [59]; Glazebrook J's reasons above at [264]–[271]; and Williams J's reasons above at [292].

<sup>520</sup> For activities described in s 20 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

<sup>521</sup> Section 87F(4). Compare s 61(3).

<sup>522</sup> Section 87E(1)(a).

<sup>523</sup> Section 87E(1)(b). This obligation is qualified by s 87E(3), which provides that "best available information" means the "best information that, in the particular circumstances, is available without unreasonable cost, effort, or time".

<sup>524</sup> Section 87E(1)(c).

information available is uncertain or inadequate, the EPA must favour caution and environmental protection”.

[322] TTR challenges the Court of Appeal finding that s 87E(2) is a statutory implementation of the “precautionary principle”, sometimes called the “precautionary approach”,<sup>525</sup> at international environmental law.<sup>526</sup> That principle is expressed in Principle 15 of the Rio Declaration on Environment and Development 1992, which provides:<sup>527</sup>

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

[323] TTR says that neither the Rio Declaration nor the precautionary principle are expressly mentioned in s 11, and are not mentioned elsewhere in the EEZ Act.

[324] I see no error in the Court of Appeal’s characterisation of ss 61 and 87E as a statutory implementation of the precautionary principle. It is true that s 11, which contains a list of international conventions which the EEZ Act implements, does not expressly refer to the Rio Declaration. However, the list of conventions is expressed to be non-exclusive – the introductory part of s 11 states:

This Act continues or enables the implementation of New Zealand’s obligations under various international conventions relating to the marine environment ...

It is also true that the EEZ Act does not use the expression “precautionary principle”; nevertheless, it is apparent from the content of ss 61 and 87E that they implement aspects of the precautionary principle as found in international environmental law.

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<sup>525</sup> The language of “principle” and “approach” is a matter of preference between some states. In this context, it is unnecessary to deal with the difference (if any) between the two, and thus I will refer to “principle” as a matter of efficiency for the remainder of my reasons.

<sup>526</sup> For a discussion of the principle and its source, see *Sustain Our Sounds Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 40, [2014] 1 NZLR 673 at [109] and [111]. See also the reasons given by Ellen France J above at [\[107\]](#).

<sup>527</sup> Rio Declaration on Environment and Development UN Doc A/Conf 151/26 (vol 1) (12 August 1992).

[325] Nevertheless, it is also important to bear in mind that these provisions in the EEZ Act are a particular and detailed statutory expression of that principle. As Ellen France J notes, the exact scope and application of the precautionary principle remains unsettled in international law.<sup>528</sup> It is arguable that the obligations imposed by s 87E, when applied in the context of a proposed marine discharge of harmful substances, are more protective of the environment than the precautionary principle.<sup>529</sup> Certainly nothing of substance was presented to us to suggest that interpreting this provision in light of that principle of international environmental law would enlarge the scope of obligations upon a decision-maker. I agree with the reasons given by Ellen France J that the DMC was therefore correct that there was “no requirement” for it “to apply a precautionary approach” in addition to applying the s 87E information principles.<sup>530</sup>

[326] TTR also contends that the Court of Appeal was wrong to say that the information principles operate differently between marine consents under s 61(2) and s 87E(2), an error, it says, that flowed from the Court of Appeal’s finding that s 10(1)(b) operated as an environmental bottom line. It says that the provisions of ss 61 and 87E are in all material respects identical and had Parliament intended that a different or more restrictive meaning of “favour caution” should apply to discharge/dumping consents under s 87E(2), it could have used a different expression. It did not.

[327] It follows, as a matter of logic, from the conclusions I make above that there is an environmental bottom line and, as to the status of s 10(1) in the statutory scheme, that I am satisfied that the Court of Appeal was correct to find error in the DMC’s approach, which failed to make the connection between the requirement to favour

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<sup>528</sup> Above at [\[108\]–\[109\]](#).

<sup>529</sup> In that they are to be applied to achieve the s 10(1)(b) purpose, and in that adaptive management is not permitted as a means of gathering information.

<sup>530</sup> Above at [\[113\]](#). See Environmental Protection Authority | Te Mana Rauhi Taiao *Decision on Marine Consents and Marine Discharge Consents Application – Trans-Tasman Resources Ltd – Extracting and processing iron sand within the South Taranaki Bight* (August 2017) [DMC decision] at [40].

caution and environmental protection in s 87E(2) and the objective of protecting the environment from pollution caused by marine discharges.<sup>531</sup>

[328] I otherwise agree with the reasons given by Ellen France J that the DMC did not apply the s 87E(2) requirement to favour caution and environmental protection, given the paucity of information available to the DMC to allow it to assess the level of harm the proposed discharges would cause to seabirds and marine mammals, or as to the effects caused by the sediment plume and suspended sediment levels.<sup>532</sup>

[329] I also agree with the Court of Appeal that the information deficits in this case were such that there was a deprivation of participation rights. The DMC attempted to deal with the uncertainty arising from the lack of information not by favouring caution and refusing the consent, but by imposing conditions, including a condition requiring two years of pre-commencement environmental modelling to be undertaken before mining began. That monitoring would then inform the creation of management plans.<sup>533</sup> As the Court of Appeal said, the result of deferring these issues to management plans was to remove submitters' rights to be heard by the DMC.<sup>534</sup> This approach deprived submitters of the right to be heard on whether the conditions contained in those management plans would meet the risk of material harm caused by the discharges.

[330] I agree with Ellen France J that the DMC did not err by applying the wrong legal test in determining whether it had the best available information.<sup>535</sup>

<sup>531</sup> CA judgment, above n [514](#), at [131]. I therefore disagree with the reasons given by Ellen France J on this point above at [\[117\]](#), and agree with Glazebrook J's reasons above at [\[274\]](#) and Williams J's reasons above at [\[294\]](#).

<sup>532</sup> Above at [\[118\]–\[131\]](#). See also above at [\[205\]](#). Glazebrook J also agrees with this above at [\[274\]–\[275\]](#), as does Williams J above at [\[294\]](#).

<sup>533</sup> See DMC decision, above n [530](#), at [36] and condition 48.

<sup>534</sup> CA judgment, above n [514](#), at [259(c)]. I therefore disagree with the reasons given by Ellen France J on this point above at [\[133\]](#) and agree with Glazebrook J's reasons above at [\[277\]](#) and Williams J's reasons above at [\[295\]](#). I agree with Glazebrook J that participation is only meaningful on the basis of sufficient information: above at [\[277\]](#).

<sup>535</sup> Above at [\[134\]–\[138\]](#), agreeing with the Court of Appeal finding that the challenge to the DMC's decision did not raise a question of law: CA judgment, above n [514](#), at [266]–[267].

### Other marine management regimes

[331] I agree with Ellen France J<sup>536</sup> and Glazebrook J<sup>537</sup> that the New Zealand Coastal Policy Statement (NZCPS)<sup>538</sup> and other marine management regimes do not apply directly to TTR's marine consents application. The DMC was therefore not required to apply the entirety of every marine management regime governing the coastal marine area. Rather, as Ellen France J says<sup>539</sup> the nature and effect of those other policies are to be taken into account under s 59(2). But, like Glazebrook J,<sup>540</sup> I disagree with the approach suggested by Ellen France J<sup>541</sup> that the DMC needed to consider whether the environmental bottom lines in the NZCPS were outweighed by the other s 59(2) factors or sufficiently accommodated in other ways, if it is thereby suggested that the s 10(1)(b) bottom line could be overridden or displaced. As stated above, the ultimate assessment for the DMC must take place against the s 10(1)(b) standard.

### Remaining issues

[332] I agree with the reasons given by Ellen France J in relation to all remaining issues.

### Relief

[333] I agree with the reasons given by Ellen France J that, having quashed the decision of the DMC, it is appropriate to refer the matter back to the EPA for reconsideration in light of this Court's judgment, rather than, as the iwi parties along with the Royal Forest and Bird Protection Society of New Zealand Inc argue, dismiss TTR's application outright.<sup>542</sup> I also agree that leave should be reserved to a party to

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<sup>536</sup> Above at [\[179\]](#).

<sup>537</sup> Above at [\[280\]](#).

<sup>538</sup> Department of Conservation *New Zealand Coastal Policy Statement 2010* (issued by notice in the New Zealand Gazette on 4 November 2010 and taking effect on 3 December 2010).

<sup>539</sup> Above at [\[181\]](#).

<sup>540</sup> At [\[280\]](#). See similarly Williams J's reasons above at [\[298\]](#).

<sup>541</sup> Above at [\[182\]](#)–[\[186\]](#).

<sup>542</sup> At [\[228\]](#)–[\[229\]](#). See also Williams J's reasons above at [\[299\]](#).

seek directions from the High Court relating to the determination of the application should that prove necessary<sup>543</sup> and with the costs order.<sup>544</sup>

Solicitors:

Atkins Holm Majurey Ltd, Auckland for Applicant  
 Holland Beckett Law, Tauranga for Taranaki-Whanganui Conservation Board  
 Dawson & Associates Ltd, Nelson for Cloudy Bay Clams Ltd, Fisheries Inshore New Zealand Ltd,  
 New Zealand Federation of Commercial Fishermen Inc, Southern Inshore Fisheries Management Co  
 Ltd and Talley's Group Ltd  
 Lee Salmon Long, Auckland for Greenpeace of New Zealand Inc and Kiwis Against Seabed  
 Mining Inc  
 Whāia Legal, Wellington for Te Ohu Kai Moana Trustee Ltd  
 Oceanlaw New Zealand, Nelson for Te Rūnanga o Ngāti Ruanui Trust  
 P D Anderson, Royal Forest and Bird Protection Society of New Zealand Inc, Christchurch for Royal  
 Forest and Bird Protection Society of New Zealand Inc  
 Kāhui Legal, Wellington for the Trustees of Te Kāhui o Rauru Trust  
 C J Haden, Environmental Protection Authority, Wellington for Second Respondent  
 Crown Law Office, Wellington for Attorney-General as Intervener

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<sup>543</sup> Above at [231]. I agree that r 20.19 of the High Court Rules 2016 provides sufficient jurisdiction for this procedure.

<sup>544</sup> Above at [233]–[235].

## Appendices

### *Appendix 1: Authorised restricted activities*

The marine consents and marine discharge consents [granted to TTR] authorise the following restricted activities, subject to conditions listed in Appendix 2 [of the DMC decision].

#### **Section 20(2)(a) – the construction, placement, alteration, extension, removal, or demolition of a structure on or under the seabed.**

1. The placement, movement and removal of the Integrated Mining Vessel (“IMV”) anchor and the geotechnical support vessel anchor, including the anchor spread, on or under the seabed.
2. The placement, movement and removal of the crawler on or under the seabed.
3. The placement, movement and removal of the grade control drilling equipment on or under the seabed.
4. The placement, movement and retrieval of moored environmental monitoring equipment on or under the seabed.

#### **Section 20(2)(d) – the removal of non-living natural material from the seabed or subsoil**

1. The removal of sediment from the seabed and subsoil using the crawler and by grade control drilling.
2. The taking of sediment and benthic grab samples from the seabed and subsoil associated with environmental monitoring.

#### **Section 20(2)(e) – the disturbance of the seabed or subsoil in a manner that is likely to have an adverse effect on the seabed or subsoil**

1. The disturbance of the seabed and subsoil associated with the placement, movement and removal of the IMV anchor and the geotechnical support vessel anchor, including the anchor spread.
2. The disturbance of the seabed and subsoil associated with seabed material extraction via the crawler, through re-deposition of de-ored sediments, and from grade control drilling.



3. The disturbance of the seabed and subsoil associated with the placement, deployment, retrieval and mooring of environmental monitoring equipment.
4. The disturbance of the seabed and subsoil associated with the taking of sediment and benthic samples associated with environmental monitoring.

**Section 20(2)(f) – the deposit of any thing or organism in, on, or under the seabed**

1. The re-deposition of de-ored sediments in, on or under the seabed.
2. The deposition of small amounts of marine organisms and solids in, on or under the seabed as a result of vessel maintenance, hull cleaning (biofouling).

**Section 20(2)(g) – the destruction, damage, or disturbance of the seabed or subsoil in a manner that is likely to have an adverse effect on marine species or their habitat**

1. The disturbance and damage of the seabed and subsoil as a result of the placement, movement and removal of the IMV anchor, and the geotechnical support vessel anchor on the seabed.
2. The disturbance and damage of the seabed and subsoil as a result of seabed material extraction via the crawler, the redeposition of de-ored sediments, and the grade control drilling.
3. The disturbance and damage of the seabed and subsoil as a result of the placement, deployment, retrieval and mooring of environmental monitoring equipment.
4. The disturbance and damage of the seabed and subsoil as a result of the taking of sediment and benthic samples associated with environmental monitoring.

**Section 20(4)(a) – the construction, mooring or anchoring long-term, placement, alteration, extension, removal, or demolition of a structure or part of a structure**

1. The anchoring of the IMV and the geotechnical support vessel, and the associated placement, movement and removal of the IMV anchor and the geotechnical support vessel anchor in the water column above the seabed.
2. The placement, movement and removal of the crawler in the water column above the seabed.

3. The placement, movement and removal of the grade control drilling equipment in the water column above the seabed.
4. The placement, deployment, retrieval and mooring of environmental monitoring equipment in the water column above the seabed.

**Section 20(4)(b) – the causing of vibrations (other than vibrations caused by the normal operation of a ship) in a manner that is likely to have an adverse effect on marine life**

1. Vibration (noise) caused by the IMV and crawler during iron sand extraction activities.

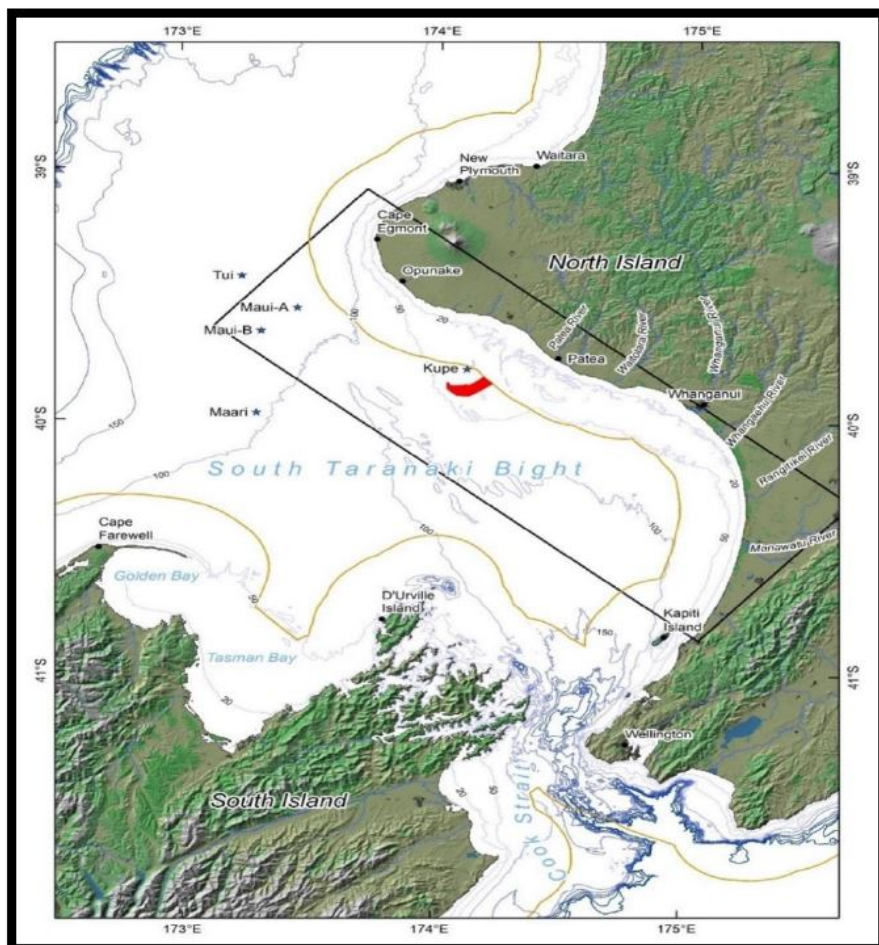
**Section 20B – No person may discharge a harmful substance from a structure or from a submarine pipeline into the sea or into or onto the seabed of the exclusive economic zone**

1. The release of seabed material (sediments) arising from the seabed disturbance during grade control drilling activities;
2. The release of disturbed seabed material (sediments) arising from the seabed disturbance during the crawler extraction operations; and
3. The release of disturbed seabed material (sediments) arising from taking of sediment and benthic samples associated with environmental monitoring.

**Section 20C – No person may discharge a harmful substance (if the discharge is a mining discharge) from a ship into the sea or into or onto the seabed of the exclusive economic zone or above the continental shelf beyond the outer limits of the exclusive economic zone**

1. De-ored sediments and any associated contaminants discharged back to the water column from the IMV.

## Appendix 2: Map of project area

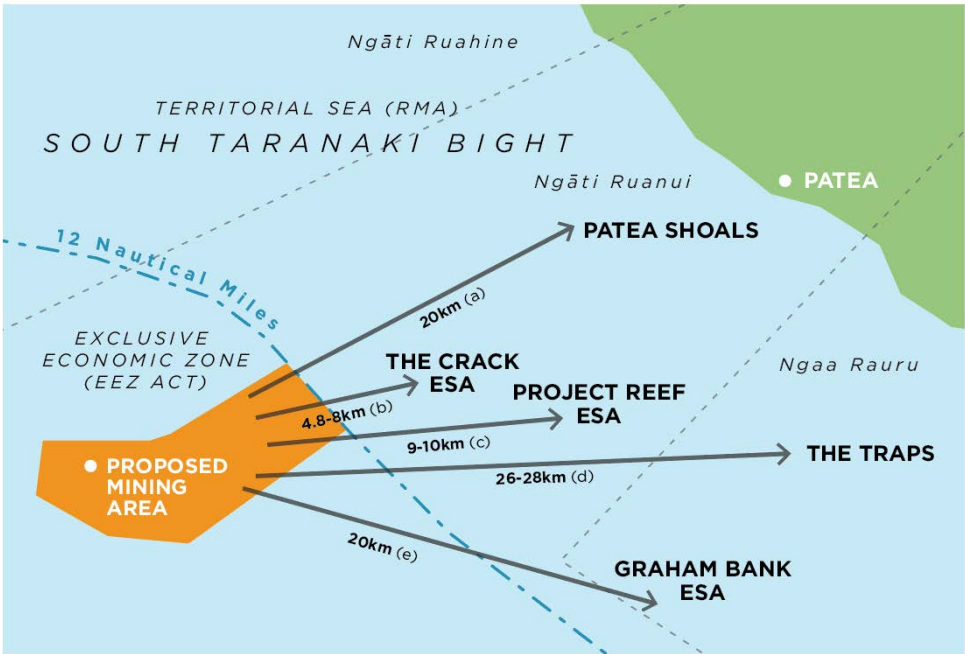


**Figure 3.1:** The South Taranaki Bight (STB) showing the Sediment Model Domain (SMD) (oblique black rectangle). The approximate project area is shown in red and the 12 NM boundary of the Territorial Sea is shown in yellow.

Appendix 3: Diagram prepared by iwi parties

Below is a diagram prepared by the iwi parties. The diagram is not to scale and should not be read as a map.

# DMC's Findings On Effects



ESA	DMC Finding on Effect	Ref to DMC Decision
PATEA SHOALS	Moderate effect	At [350]
	Significant effect	At [970]
THE CRACK	Significant effect	At [968]
	Effects of concern	At [350]
	Effects including temporary or permanent displacement of species	At [970]
	Major effect	At [406]
THE PROJECT REEF	Significant effect	At [437]
	Major effect	At [980]
		At [952]

ESA	DMC Finding on Effect	Ref to DMC Decision
THE TRAPS	Minor effect	At [970]
GRAHAM BANK	Significant adverse effect	At [350] At [940] At [970]
	Effects including temporary or permanent displacement of species	At [437] At [980]

23 June 2023

Environment Committee  
Parliament Buildings  
**Wellington**

### **Submission to Inquiry into Seabed Mining in New Zealand**

The South Taranaki District Council thanks the Environment Committee for the opportunity to make a submission on the Committee's inquiry into seabed mining in New Zealand.

The Council opposes mining of the seabed anywhere in New Zealand's economic exclusion zone.

From the moment of Trans-Tasman Resource's (TTR) first application to the Environmental Protection Agency in 2013, the response has been very clear at all levels – individuals, iwi/hapū, environmental groups, fishing companies, district and regional councils, the High Court, Court of Appeal and the Supreme Court – that seabed mining is not wanted.

The fact that the EPA granted consent for TTR's proposal cannot be considered an endorsement of the proposal or seabed mining in general, as its Decision Making Committee was equally split and the consent was controversially granted on the chair's casting vote. The Supreme Court decision stated that, "Given the uncertainty of information relating to the effect of TTR's activities on these species, the EPA's Decision Making Committee simply could not be satisfied that the conditions it imposed were adequate to protect the environment from pollution," (Radio New Zealand, 30/09/2021).

Our community has given us a very clear message that it does not want seabed mining at any price, a position endorsed by this Council. The Pātea and Waverley Press reported on 14 May 2014 that:

*(TTR's) application states that it is "assumed complete de-faunification" will occur – in other words, **extermination of all seabed life** (our emphasis). TTR have no proven track record in seabed mining and intend using methodology that will create long sediment plumes north and south of the mining site that will have smothering and visibility effects on habitats and marine life. There is no known certainty regarding the short and long term impacts of the activity and therefore risk of irreversible damage is a real possibility.*

A newspaper report on the Taranaki Regional Council's submission to the EPA on TTR's original application noted that, "A key point of concern was sediment plume resulting from extraction of sand and its effect on marine ecology and water colour and clarity. The council said the lack of light could have flow-on effects for recreational and commercial fisheries by preventing growth of the likes of phytoplankton, which formed the base of the marine food web," (Taranaki Daily News 4/02/2014).

TTR's proposed mining area is a feeding ground for blue whales, blue penguins and critically endangered Māui dolphins, and the Cawthron Institute, in a report for the Taranaki Regional Council, found at least five threatened species within the proposed mining area (Taranaki Daily News 20/09/2016). This completely contradicts TTR's assertion, reported in the same newspaper, that, "The project area is actually a large featureless area of naturally shifting sands and sediments colonised by hardy species of common forms of marine life of no unique or special ecological significance," (Daily News 20/09/2016). Even if that were true, it is not a justification for environmental vandalism, particularly when sediment plume from 'waste' sand being returned to the sea floor is likely to have effects outside the mining area, including the reefs inshore from the proposed mining area.

Similar diverging opinions are likely to arise with any seabed mining proposal anywhere in the economic exclusion zone. The lack of agreement and certainty around effects must surely be enough to ensure that seabed mining does not proceed.

TTR's persistence suggests that the financial returns from its proposal (to mainly overseas investors) would be considerable. The economic benefits to the South Taranaki District and New Zealand would be minimal in comparison. The actual economic benefits would be less than predicted because of the impacts on commercial fishing companies that will be unable to harvest in and around the mining area as water conditions will mean an absence of fish in the area.

The Council acknowledges that one of our iwi, Ngāti Ruanui, has had significantly greater engagement with the issue of seabed mining than any other iwi in Aotearoa. Their experience with seabed mining specifically began in 2013, when TTR lodged an application for marine consent under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 to mine for iron sands off the South Taranaki coastline. In mid-2014 TTR was granted a Minerals Mining Permit under the Crown Minerals Act 1991 but their consent was declined under the EEZ Act following extensive submissions from Ngāti Ruanui.

The Council further acknowledges that in 2017 TTR was granted consent under the EEZ Act, despite opposition from Ngāti Ruanui and other iwi, and massive opposition from the local community, environmental and seafood sector groups and the New Zealand population as a whole. Ngāti Ruanui was forced – along with other parties – to appeal the grant of consent to the High Court. That appeal was upheld and successfully defended in the Court of Appeal and Supreme Court.

This Council welcomes the Environment Committee's inquiry into seabed mining. We are convinced that the environmental damage to the seabed itself and to some of the most threatened and rare species in the world, as well as the potential cultural damage created by adverse effects on the food baskets of three iwi and many recreational fishers, mean that seabed mining must not go ahead in the South Taranaki Bight or anywhere else in New Zealand's exclusive economic zone.

The government has given its support to a conditional moratorium on deep sea mining in international waters, "until strong environmental rules backed by robust science are in place," (Radio New Zealand, 28 October 2022). We believe that a similar moratorium for the economic exclusion zone should be the absolute minimum action and we sincerely hope that the Environment Committee reaches the conclusion that seabed mining is environmentally unsustainable and should not be allowed in New Zealand's economic exclusion zone.

Ngā mihi / Regards

A handwritten signature in dark ink, appearing to read 'Phil Nixon', with a stylized flourish at the end.

Phil Nixon

**Koromatua o Taranaki ki te Tonga / Mayor of South Taranaki**

Phil.Nixon@STDC.govt.nz



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## **WHARE ORA LOANS SCHEME REPORT BACK ON CONSULTATION AND PROPOSED CHANGED APPROACH TO THE RATEPAYER ASSISTANCE SCHEME (RAS)**

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### **MATTER / TE WHĀINGA**

1. The matter for consideration by Council is to consider the community feedback on proposed Whare Ora Loans Scheme, however, Officers now recommend a new option that has emerged, following consultation, of pausing establishing the Whare Ora Loans Scheme and, instead, investing in the proposed Ratepayer Assistance Scheme (RAS).

### **RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU**

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

- a) **Notes that it has considered all 63 submissions to the Council's proposed Whare Ora Loans Scheme.**
  - b) **Notes the new information about a proposed Ratepayer Assistance Scheme that provides a national lower-risk and more attractive alternative than establishing the Whare Ora Loans Scheme.**
  - c) **Notes that this new option aligns to the recommendations of the Sustainability Working Party on the initial report that Council investigates "other parties willing to underwrite the recovery of fixed costs" and "cost sharing opportunities with other Councils".**
  - d) **Determines to pause establishing the Whare Ora Loans Scheme.**
  - e) **Agrees to invest \$300,000 into the Ratepayer Assistance Scheme to support its development immediately; with any further funding to be subject to further Council decisions.**
  - f) **Notes that this funding could be capitalised into shares should the Ratepayer Assistance Scheme be established.**
  - g) **Authorises the Chief Executive to undertake any necessary steps to invest in the Ratepayer Assistance Scheme (but excluding any action that would require section 56 of the Local Government Act 2002 to be complied with first).**
  - h) **Agrees to review the position in early 2026 to assess the Ratepayer Assistance Scheme progress and next steps.**
-

<b>COMPLIANCE / TŪTOHU</b>	
Significance	This matter is assessed as being of moderate importance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Establish the Whare Ora Loans Scheme</li> <li>2. Pause establishing the Whare Ora Loan Scheme and instead invest in the Ratepayer Assistance Scheme</li> <li>3. Do not establish the Whare Ora Loan Scheme or invest in the Ratepayer Assistance Scheme.</li> </ol>
Affected persons	The persons who are affected by or interested in this matter are all residents and ratepayers of New Plymouth District.
Recommendation	This report recommends option 2 for addressing the matter.
Long-Term Plan / Annual Plan Implications	Yes. Option 1 will require minor changes to the Annual Plan 2026/27 to lawfully charge the new voluntary targeted rates.
Significant Policy and Plan Inconsistencies	No. Option 1 implements one of the actions in the District-Wide Emissions Reduction Plan.

## **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

2. The proposed Whare Ora Loans Scheme (the Scheme) would enable households to borrow a small loan from Council for household sustainability improvements and then repay this loan through a voluntary targeted rate. This proposal is effectively a re-establishment of the previous Ngā Whare Ora Taiao o Ngāmotu (New Plymouth Sustainable Homes Scheme) with some changes.
3. Consultation on the proposed scheme was carried out between 31 March and 18 April 2025 with 63 submissions received. Eighty-four per cent of submissions were in support of the Scheme.
4. Since the consultation, the Mayor and Chief Executive have been approached by Local Government New Zealand and the Local Government Funding Agency about a proposed Ratepayer Assistance Scheme (the RAS). The RAS could provide a national solution for voluntary targeted rate schemes and other issues (deferring development contributions and rates postponements). There is an opportunity to instead support the progression of the RAS to decrease the risk of operating a household sustainability loans scheme. However, there are several hurdles that the RAS needs to overcome that means it is uncertain whether the RAS will come to fruition.

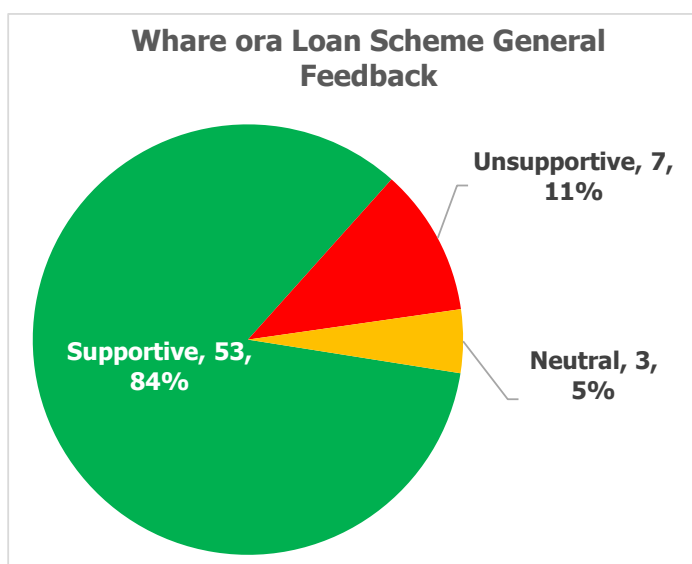
5. This report recommends that Council pauses establishing the Scheme and instead invests capital in the RAS. If the RAS becomes operational then Council would be well-placed to use it. However, Council would need to accept the risk that the RAS is not established and then revisit establishing the Scheme. For this reason, Officers would recommend a review of the position in early 2026 after a 'stop/go' decision by the RAS in late 2025.

## BACKGROUND / WHAKAPAPA

6. The proposed Whare Ora Loans Scheme would enable households to borrow a small loan from Council for household sustainability improvements, repaid through a voluntary targeted rate. This essentially re-establishes the Ngā Whare Ora Taiao o Ngāmotu (New Plymouth Sustainable Homes Scheme) that was closed due to legal issues. The Government has now exempt local authorities from those legal requirements for new schemes. Changes from the previous scheme include clearer eligibility criteria, reducing product categories and altering loan limits.
7. On 25 March 2025 Council approved consultation on the Whare Ora Loans Scheme. This consultation ran from 31 March to 18 April 2025.

### *Submissions to the Whare Ora Loans Scheme*

8. Sixty-three submissions were received in relation to the Whare Ora Loans Scheme. Submissions are set out in Appendix 3.
9. The graph shows the distribution of submitters who were supportive, unsupportive or neutral. Eighty-four per cent of submitters supported the proposed Whare Ora Loan Scheme.
10. Detailed analysis on the submissions received has been complete and is available in Appendix 4. The tables below provide a summary of submission themes received and Officers' response. Officers would not propose any amendments because of submissions.



Supportive comments	Officers' response
24 submitters (38 per cent) raised the broad benefits that will be realised by those households that participate in the scheme.	Officers agree with this assessment.
13 submitters (21 per cent) advised that the proposed scheme will enable action by supporting households (especially young families) to overcome the upfront cost barrier to improving housing quality. This view was shared from both a participant and supplier perspective.	Officers agree with this assessment.
6 submitters (10 per cent) talked about the benefits of supporting community emissions reduction.	NPDC's Emissions Reduction Plan identified the scheme as a key action to reduce community emissions. These views received reinforces the relevance of the scheme in enabling community emissions reduction.
Several submitters (6 per cent) noted the benefits for local suppliers that become part of the scheme.	Officers agree with this assessment.

Supportive proposing changes	Officers' response
Three submitters raised concerns that the eligibility criteria are too strict and will exclude those that need it most.	Relaxing eligibility criteria to make the scheme more accessible is likely to result in more instances of customers not being able to pay which leads to more resources needed to recover loans. Households that do not meet the eligibility criteria of the proposed Scheme may be eligible for grant funding through Energy Efficiency and Conservation Authority's (EECA) Warmer Kiwi Homes Scheme. Eligibility could be reviewed after two years of operation.
Some feedback was received suggesting that the minimum loan limit is too high.	Lower value loans require the same administrative cost which must be recovered. However, costs recovered through interest rates on lower loan values are less. There are also fewer home improvements that can reasonably be made to improve household sustainability at lower levels.
Some feedback was received suggesting that the maximum loan limit is too low, particularly for solar installations.	The maximum loan limit has already increased from previous scheme settings from \$10,000 to \$15,000 under the proposed Scheme. Higher lending limits may necessitate longer loan terms to be affordable for ratepayers, which increases risk exposure to Council.

Submissions opposed	Officers' response
7 Submitters (11 per cent) were not supportive of the proposed Whare Ora Loan Scheme.	These comments are noted.
Of these submissions, 5 (71 per cent) said that Council should focus on core services such as infrastructure, three waters, parks, waste & recycling, and building consents.	Officers advise feedback was also received supporting the proposed scheme raising the wellbeing benefits which would be realised for participants of the scheme. The Local Government Act provides that the purpose of local government is to promote the social, economic, environmental and cultural wellbeing of their communities. There are no implications for the delivery of other Council services. While Council has to borrow to fund the Scheme loans, there is no net impact on Council's debt status.
Several submitters expressed concerns that the Council is not a lending institution and that banks are already providing lending for home improvements. There was concern that banks are providing more competitive interest rates for similar initiatives and that this may render the Council Scheme unnecessary and not worthwhile.	The big four banks, which are responsible for 85 per cent of bank lending in New Zealand, offer green loans. Approximately one-third of homes in New Plymouth do not have a mortgage and therefore would not be able to access green loans. Some of those that do have a mortgage will not be eligible. Feedback was also received indicating that bank lending is not as easily accessible compared with the proposed Scheme.
Three submitters expressed concerns about the risks that Council is taking on by providing the proposed scheme.	The risks highlighted have already been mitigated in the proposed Scheme Policy as much as possible.
Other feedback	Officers' response
Consenting changes should first be made to make water tanks mandatory for new build homes and to prevent gas appliances being installed for new build homes.	These are matters outside of the Policy. Officers were instructed (at the LTP2024-2034 deliberations) to investigate and report options on water tanks. Gas appliance regulation sits with central Government.

***New Information: Ratepayer Assistance Scheme (the RAS)***

11. After consultation closed, the Mayor and Chief Executive have been approached by Local Government New Zealand (LGNZ) and the Local Government Funding Agency (LGFA) about the RAS. The RAS would provide off-balance sheet loans for deferring development contributions, property improvement loans and rates postponement. According to LGNZ, "The Minister for Local Government has confirmed that he [is] supportive of the RAS, has instructed his officials to commence policy work on the RAS in August 2025 and has recommended that local government undertakes further development work".
12. The RAS is still in the development process. The next in the development process will lead to a "stop/go" decision later this year. Further work would then be needed to establish the RAS, including law changes. More information is available in Appendix 5.
13. The RAS proposal for property improvement loans could result in a similar scheme to the Whare Ora Loans Scheme. Below are key differences between the Whare Ora Loans Scheme and the RAS.

Matter	Whare Ora Loans Scheme	Ratepayer Assistance Scheme
Funder	Council	RAS
Collection method	Voluntary targeted rate	Rate-like levy
Billing agency	Council	Council
Loan payment to	Council	RAS
Balance sheet	Council	RAS
Product categories	Set by Council	Potentially by Council with some form of approval process by central government
Eligibility criteria	Set by Council, restrictive as a derisking strategy	Potentially by Council with some form of approval process by central government
Interest rate	Cost recovery, approximately 6%	Cost recovery plus margin, likely to be 1-1.5% lower than standard mortgage rates
Lending amount	Set by Council, restrictive as a derisking strategy	Likely to be centrally set, and likely to be higher
Loan admin	Council	RAS
CCCFA compliance	Exempt	RAS, potential to be exempt
Rate/levy admin	Council	Council, instructed by RAS
Credit control	Council	Likely to be Council
Certainty of operating	Certain (if approved)	Uncertain, requires further analysis and then law changes and establishment
Operational date	By end of year	Uncertain, potentially 18 months

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14. The RAS therefore *could* enable a scheme in line with some of the community feedback received on the Whare Ora Loans Scheme (such as eligibility criteria and lending amount). It aligns to the recommendations of the Sustainability Working Party on the initial report that Council investigates “other parties willing to underwrite the recovery of fixed costs” and “cost sharing opportunities with other Councils”.
  15. The RAS has other proposed options for ratepayer assistance whilst not impacting Council’s balance sheet. These include:
    - a) A national rates postponement scheme to help ratepayers, especially those on fixed incomes, delay their rates payments.
    - b) Deferring payments on development contributions to reduce upfront payment of development contributions and allow repayment over time. This aligns with feedback from the Ngāmotu Growth Advisory Panel in reviewing the Development Contributions Policy.<sup>1</sup>
  16. LGNZ and the LGFA are seeking \$2.5m to finalise development. Ultimately an estimated \$30m (including the \$2.5m) would be required to establish the RAS. Each investor is limited to 20 per cent of the total cost to avoid balance sheet implications. Auckland Council have already committed \$600,000 of the \$2.5m funding sought now and several other councils (including other metropolitan-sector councils) are in the process of making decisions. [Media have reported](#) that the Government is also actively considering investment.
  17. The business case indicates that the RAS may be breakeven by year 4, receive full payback of investment by year 8 and then provide an annual dividend of over 100% by year 15.
  18. Officers recommend that Council pause establishing the Whare Ora Loans Scheme and instead invest the proposed costs over the next year (approximately \$300,000) into the RAS (noting that the investment would also cover the rates postponement and development contributions options as well). Officers would become party to the development process to influence decisions. Council could then be an establishment shareholder, potentially receiving future preferential treatment. A decision on further equity funding would be required at a later stage.

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<sup>1</sup> The Panel investigated options to defer to payment of development contributions and instead use targeted rates. This approach was largely supported by developers, but the options would have required significantly more work than was possible at the time.

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19. This decision has precedent as Council was an establishment shareholder in LGFA. Council made this decision in 2011 as “this will increase the chance that the LGFA Scheme will be viable, and that the Council will be able to gain the benefits of lowest possible borrowing costs by being part of a larger group of local authorities prepared to commit to participating in it.”<sup>2</sup> Similar issues are at play with establishing the RAS, although the borrowing cost savings will apply directly to ratepayers rather than Council.
  20. There is a risk that the RAS does not proceed from its stop/go decision or further during its development process. Officers therefore recommend a review of the position in early 2026 after a ‘stop/go’ decision in late 2025. If the RAS does not proceed, then any investment would be lost but Council could consider establishing the Whare Ora Loans Scheme (albeit with a net increase in overall cost). If the RAS is moving forward, this report back could initiate community consultation to become a shareholder in a Council-Controlled Organisation and consider further investment.

### **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

21. The proposed Whare Ora Loans Scheme has a wide range of positive impacts to help the community mitigate and adapt to climate change. These include supporting households to be more energy efficient, transition to electric and low-emission options, and enabling resilience measures such as rainwater harvesting. The proposed Scheme aligns to the District-Wide Emissions Reduction Plan to reduce community emissions.
22. The RAS may also enable some or all these benefits (and potentially more); however, this is currently uncertain. Being involved enables Council to influence towards these benefits.

### **NEXT STEPS / HĪKOI I MURI MAI**

23. If Council determines to invest in the RAS, then Officers would:
  - a) Notify Local Government New Zealand of Council’s decision
  - b) Undertake the necessary steps to invest in, and become a shareholder of, the RAS under delegated authority<sup>3</sup>
  - c) Participate in the RAS development process (being cognisant of the draft Whare Ora Loans Scheme Policy and submissions)

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<sup>2</sup> “New Zealand Local Government Funding Agency”, report to 12 April 2011 Council meeting.

<sup>3</sup> Noting that section 56 of the Local Government Act 2002 requires community consultation before becoming a shareholder in a Council-Controlled Organisation, and no action would occur that would require that consultation to have occurred first.

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- d) Report back to Council in early 2026 on the RAS development process, including the outcomes of the RAS team's 'stop/go' decision and either:
- i) If 'stop', whether to establish the Whare Ora Loans Scheme,
  - ii) If 'go', to undertake consultation to become a shareholder in a Council-Controlled Organisation (section 56 Local Government Act 2002) or to further invest in the RAS.

### **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

24. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of moderate importance because it improves community well-being, promotes the Environmental Excellence, Prosperity and Thriving Communities and Culture community outcomes, has positive impacts on levels of service, implements the District-Wide Emissions Reduction Plan, helps the community to mitigate and adapt to climate change, is a cost-recovery scheme and is reversible in the future.
25. Consultation on the proposed Scheme was carried out between 31 March and 18 April 2025. A public notice was placed into the Taranaki Daily News on 31 March, and two alerts were sent on the Antenna app. Officers also notified:

Community Energy Taranaki	Taranaki Māori Business Network	Recipients of NPDC's Sustainable Home Advice
Te Whatu Ora	Community Housing Providers	Sustainability Working Party Community & Tangata Whenua Members
Previous suppliers	Iwi & Hapū	

26. Sixty-three submissions were received. Eighty-four per cent of submissions were in support of the Scheme.
27. The option to support the establishment of the RAS was not put forward to the community for consultation as it was not known about at that time. Officers do not consider consultation to be necessary because, at this stage, Council is only pausing the establishment of the Whare Ora Loans Scheme and investing in the establishment of a similar scheme that could achieve better outcomes.
28. Further consultation will be required to become a shareholder in the RAS under section 56 of the Local Government Act 2002, if it is established.

### **OPTIONS / KŌWHIRINGA**

29. Officers do not consider it to be a reasonably practicable option to both establish the Whare Ora Loans Scheme and invest in the RAS. This is because the finance set aside cannot be utilised for both purposes.

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### **Option 1    Establish the Whare Ora Loans Scheme**

30. The resolution for this option would need to agree to establish the Whare Ora Loans Scheme as a Council activity, outline its purpose, adopt the policies (Appendix 1 and 2), approve the necessary expenditure, and amend the Schedule of Fees and Charges 2025/26 to set the interest rate at 6.0 per cent. It could also seek a report back if the RAS is established on whether to change.
31. A sub-option is to adopt the Scheme with amendments based on submissions.

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

32. The proposed Scheme has been set up as a cost recovery scheme. There should be no net implications for Council's financial position (although there is risk). As noted in the previous report, the Scheme will require a specialist loan management system, establishment costs, and annual ongoing costs. These would be recovered through a margin on lending (approximately 2 per cent).

#### *Risk Analysis / Tātaritanga o Ngā Mōrearea*

33. As outlined in the [previous report](#), there are legal risks, potentially if lending legislation changes and around the Local Government (Rating) Act 2002. There are also risks that cost recovery is not achieved if assumptions are not met. Council may face risks around disputes, particularly on eligibility and dissatisfaction with providers. There are also risks with rates postponements increasing debt and administrative costs.
34. There is a new risk that the proposed RAS is made operational and becomes Council's preferred method of delivering accessible finance to the community for sustainable home improvements. This would result in abandoning the upfront investment required to establish the Scheme.

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

35. The home improvements included in the proposed scheme support community emissions reduction and resilience to climate change, thereby promoting the Environmental Excellence Te Kounga ā-Taioa community outcome. The Scheme supports local businesses so promotes the Prosperity Tōnuitanga community outcome. The health benefits also promote the Thriving Communities and Culture Ngā Hāpori me to Ahurea Tōnui community outcome.
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*Statutory Responsibilities / Ngā Haepapa ā-ture*

- 36. The Credit Contracts and Consumer Finance Act 2004 is the main consumer lending law. Council can obtain an exemption under regulation 18 of the Credit Contracts and Consumer Finance Regulations 2004 (as amended in 2024) if Council has a rates remission or postponement policy for the targeted rate with the objective of assisting ratepayers whose ability to pay their rates is impaired because they are in financial difficulty. Council must have consulted on such a policy before adoption (s102(4) Local Government Act 2002).
- 37. Council is not a specialist lending institution, and risks being unaware of other legislation or common law that may be applicable to lending and financing.
- 38. The Local Government (Rating) Act 2002 governs targeted rates. The targeted rate would be set under sections 16-18 and clause 8 of Schedule 3 of that Act.

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

- 39. This option implements an action in the District-Wide Emissions Reduction Plan.

*Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori and Participation by Māori / Te Urunga o Ngāi Māori*

- 40. Eighty-four per cent of submissions were in support of the proposed scheme. No submissions were received from mana whenua organisations.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

- 41. This option enables NPDC to reinstate a Scheme to support household health, energy efficiency and resilience against climate change. The Scheme has been proven to achieve significant social and economic benefit for the community. The Scheme can help households to reduce energy costs and therefore save money. The Scheme comes at no additional cost to the general ratepayer through a cost recovery approach (albeit with risk that this does not occur). However, there are risks with taking on this Scheme due to Council not being a specialised lending facility. Historical compliance issues have resulted in a significant cost to the general ratepayer.

**Option 2    Pause establishing the Whare Ora Loans Scheme and instead invest in the Ratepayer Assistance Scheme**

- 42. LGNZ and LGFA are progressing the RAS and its Property Improvement Loans. This option pauses continuing with the Whare Ora Loans Scheme and instead redirects the funding into the RAS. Officers recommend investing \$300,000 but a sub-option is to vary the investment amount.
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*Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi*

43. This option involves a \$300,000 investment in the RAS. If the RAS is successfully established and the Council becomes a shareholder, this amount would be treated as capital expenditure. The investment, along with any debt servicing costs, would be funded from reserves and repaid over time through future dividends. However, if the RAS is not successfully established, the \$300,000 would need to be written off as operating expenditure.
44. If the RAS is successfully established, there may be costs for Council to utilise the RAS, such as in the invoicing and collection of levies on behalf of the RAS. These costs may be offset by dividend payments.
45. The RAS would be an off-balance sheet system. This means there is no liability for Council for the associated debt.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

46. There is a risk that the investment into the RAS may not result in a viable long-term outcome. If, during the development or assessment phase, the RAS team make a stop decision then the full investment would be written off. This would mean the Council would not recover the funds, and the investment would be lost.
47. There is a risk that this means no scheme is available during the mock billing phase of water volumetric charging to enable ratepayers to afford water conservation improvements before billing occurs.

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

48. Investing in the RAS has the potential to deliver a variety of benefits to the community across the Environmental Excellence Te Kounga ā-Taioa, Prosperity Tōnuitanga and Thriving Communities and Culture Ngā Hāpori me to Ahurea Tōnui goals. Undertaking a leadership role in establishing the RAS would also provide benefits to the Trusted E Whakaponotia Ana goal.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

49. Council is under no legal obligation to establish a voluntary targeted rate scheme nor to invest in the Ratepayer Assistance Scheme. This option minimises any potential legal risk for Council.
  50. The RAS, if established, would become a Council-Controlled Organisation. Section 56 of the Local Government Act 2002 provides that Council must undertake consultation before establishing or becoming a shareholder in a Council-Controlled Organisation. Council would therefore need to consult the community in the future before confirming its shareholding.
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51. Legislation will be required for the RAS to operate.

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

52. This option has the potential to be consistent with the District-Wide Emissions Reduction Plan.

*Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori and Participation by Māori / Te Urunga o Ngāi Māori*

53. This option has emerged since consultation occurred to establish the proposed Whare Ora Loans Scheme. This option aligns to submissions to expand eligibility and for increased loan amounts as it *may* enable those concerns to be addressed. Three submissions opposed to the Scheme because of the risks to Council in establishing the Scheme, and this option results in a significantly derisked alternative for Council.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

54. This option supports the development of a national scheme which offers affordable finance for ratepayers for property improvements, but also for deferring development contributions and for rates postponements.
55. If the RAS is implemented, property improvement loans could be provided to the community without any impact to Council's financials or operations. However, because the RAS would be provided by a separate entity, Council may not have autonomy over what property improvements could be funded under the scheme or other scheme settings. The RAS may also enable support for developers to defer Development Contribution costs and for ratepayers with rates affordability concerns through improved an rates postponement option.
56. Investing into the RAS enables Council Officers to influence its development. This may enable advocacy for settings that align to the proposed Whare Ora Loans Scheme and community feedback.
57. Establishment shareholders are expected to receive preferential treatment, such as receiving shares at a discounted rate, relative to other local authorities that decide to invest at a later stage.

### **Option 3 Do not establish a Whare Ora Loans Scheme or invest in the Ratepayer Assistance Scheme**

58. If Council proceeded with this option, it could determine to do so with a commitment to consider participating in the RAS if it is established. However, Council would not be able to help design the RAS and not benefit from a potential preferential treatment for establishment shareholders.
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*Financial and Resourcing Implications / Ngā Hīraunga ā-pūtea, ā-rauemi*

59. There are no financial or resourcing implications from not proceeding.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

60. There is a reputational risk that Council has received feedback from the community supporting Council to implement the Scheme and that reinstating a voluntary targeted rate scheme is a key action in the Emissions Reduction Plan.
61. There is a risk that, if not enough councils provide funding for the RAS, that further development does not occur and the RAS is not established.

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

62. This option does not promote any community outcomes.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

63. Council is under no legal obligation to establish a voluntary targeted rate scheme. This option minimises any potential legal risk for Council.

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

64. This option is not consistent with the Emissions Reduction Plan.

*Community Views and Preferences / Ngā tirohanga me Ngā Mariu ā-hāpori and Participation by Māori / Te Urunga o Ngāi Māori*

65. Eleven per cent of submissions opposed to the Scheme. No submissions were received from mana whenua organisations.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

66. This is the lowest risk option. However, it does not provide any action towards warmer, healthier homes, reducing community emissions or providing support to local businesses, so does not align to the Sustainable Lifestyle Capital vision.

**Recommended Option**

This report recommends Option 2 – Pause establishing the Whare Ora Loans Scheme and instead invest in the Ratepayer Assistance Scheme for addressing the matter.

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## APPENDICES / NGĀ ĀPITI HANGA

- Appendix 1 Whare Ora Loans Scheme Policy ([ECM 9434033](#))
- Appendix 2 Amendment to the Rates Remission and Postponement Policies ([ECM 9434063](#))
- Appendix 3 Whare Ora Loan Scheme Consultation Feedback ([ECM 9485760](#))
- Appendix 4 Whare Ora Loan Scheme - Summary of submissions analysis ([ECM 9494264](#))
- Appendix 5 Ratepayer Assistance Scheme – The Opportunity for Local Government ([ECM 9496273](#))
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### Report Details

Prepared By: Sam Rowlands (Sustainable Homes & Development Specialist) and Greg Stephens (Climate Change Response Lead)

Team: Climate Change Response Team

Approved By: Renee Davies (Manager Strategic Planning) and Matthew Thomson (Manager Finance)

Ward/Community: District-Wide

Date: 4 June 2025

File Reference: ECM 9485776

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

## WHARE ORA LOANS SCHEME POLICY

### Policy purpose

1. This Policy provides parameters for Council's **Whare Ora Loans Scheme** to support households to undertake sustainability improvements to their house and property, and to repay the costs through a voluntary targeted rate over a five-year period.
2. Council provides the Whare Ora Loans Scheme to:
  - a. Support households to reduce energy and emissions, and prepare for a changed climate
  - b. Improve health outcomes associated with the living environment, particularly respiratory health, and
  - c. Support households to achieve other environmental sustainability priorities, particularly reducing water use.

### Policy statements

#### *Overview of the Whare Ora Loans Scheme*

3. The Whare Ora Loans Scheme enables a household to undertake specified sustainability improvements to their dwelling. The household organises a supplier (from a list of suppliers registered with Council) to undertake work on their dwelling. Council then pays that supplier for the work. The household then repays Council through a targeted rate over five years (including interest).

#### *Who may apply for a Whare Ora Loan?*

4. Lending may be applied for a dwelling being an owner of either a residential rating unit, or a house on farmland or small holding rating unit.<sup>1</sup> Commercial/ industrial properties are excluded from this Policy. The dwelling must not be a non-rateable property under the Local Government (Rating) Act 2002.
5. Lending must be applied for by the owner of the dwelling.<sup>2</sup> The owner does not need to be the occupier of the dwelling. The supplier must not apply on behalf of the owner.

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<sup>1</sup> **Rating unit** means a rating unit for the purposes of the Rating Valuations Act 1998. Rating definitions as per differential categories as set in the Revenue and Financing Policy.

<sup>2</sup> **Owner** means the person (whether natural or non-natural) who, whether jointly or separately, is seized or possessed of, or entitled to, any estate or interest in land constituting a rating unit



6. To be eligible to apply, an owner must provide a credit check from a list of Council approved credit check agencies, and that owner must have a credit score rated 'good' or better. The credit check must be no older than 90 days.
7. Where an application has been accepted, Council must then be satisfied that the owner has a sufficient history of paying rates on time. The following rules apply:
  - a. The owner must not have any current rates arrears.
  - b. The owner must have all rates settled by the end of the rating year, with no penalties incurred over the past five years, against any property owned directly or indirectly by the owner.
8. No application can be accepted that does not meet the criteria above.
9. The owner must acknowledge that:
  - a. The owner has sufficient income or other means to repay the loan over the lifetime of the loan,
  - b. Council is not responsible for any supplier and does not guarantee their product, service, workmanship or business, and  
*See clause 37*
  - c. The owner has undertaken sufficient due diligence when considering suppliers.
10. The owner must agree to pay all rates (including volumetric water rates if applicable) by direct debit for the life of the loan.
11. The owner is not eligible for lending if the dwelling has an existing voluntary targeted rate applying to it at the time of application. Once a voluntary targeted rate has been paid off in full the property will become eligible to apply again.
12. Rating unit comprising more than one separately used or inhabited part and where the rating unit is used for residential purposes: the owner may apply for only one loan unless Council agrees otherwise (considering the nature of the rating unit).

*What can a Whare Ora Loan be applied for?*

13. Owners can apply for a minimum of \$2,500 up to a maximum of \$15,000 (**loan**).
14. The loan can be used to undertake improvements to the dwelling and property that provide household sustainability improvements as set out in Appendix 1. Any conditions and exclusions must be applied.
15. Council will provide the loan amount to only one supplier. The owner may apply for more than one type of improvement with that one supplier.
16. Lending is provided directly to the supplier and not to the owner. Lending is not available for 'do-it-yourself' owners.
17. Lending is not available to new builds and must be an existing property.

*Who are the suppliers for a Whare Ora Loan?*

18. Council will register suppliers to provide the improvements.
19. Lending is not available for businesses that are not a registered supplier.
20. Council shall determine registering businesses as suppliers through an open and fair process. Council may place limitations on businesses becoming suppliers to ensure that suppliers are of sufficient standing and reliability to be associated with Council, including (but not limited to):
  - a. A minimum of two years' operating as a business,
  - b. An office within the Taranaki region, and
  - c. Applicable industry memberships, qualifications or certifications.
21. Suppliers must enter into an agreement with Council and must meet the terms and conditions of that agreement. Terms and conditions must include:
  - a. Council's standard terms and conditions for suppliers (such as health and safety requirements), modified as appropriate,
  - b. The supplier must follow good business practices,
  - c. The supplier must not advertise the availability of Whare Ora Loans in such a manner that states, or implies, an endorsement of Council for their business, product or service,

- d. The supplier must ensure at least one staff member of the supplier attends an annual training session by Council around household sustainability (unless no such sessions are provided by Council), and
  - e. Any performance measures (such as not being subject to complaints or health and safety measures).
22. Council may require annual information for businesses to remain registered as suppliers, including achievement of performance measures.
  23. A breach, by the supplier, of the terms and conditions of the agreement will result in cancellation of the agreement by Council.
  24. Council may cancel or suspend the agreement with a supplier based on any complaints from owners.

*How will the Whare Ora Loan be repaid?*

25. The owner must repay the loan over a five-year term.
26. Interest shall be charged at Council's average rate of borrowing plus a margin to recover the reasonable and actual costs of Council in administering this Scheme. The interest rate shall be reviewed annually (factoring in Council's average rate of borrowing, costs of administering the Scheme, and uptake rates), and shall be stated in the relevant annual Schedule of Fees and Charges.
27. Council may resolve to offer an interest-free period where the circumstances justify doing so. A resolution for an interest-free period:
  - a. Must specify the period that an interest-free period is available,
  - b. May be limited to certain improvement categories (as listed in Appendix 1), or on other criteria specified in the resolution (including meeting additional terms and conditions),
  - c. Must include a resolution under section 80 of the Local Government Act 2002 that the decision is inconsistent with the Revenue and Financing Policy.
28. The interest rate is fixed for the term of the loan. The interest rate will not be lowered if the average rate of borrowing decreases, nor increased if the average rate of borrowing increases. The applicable interest rate is the interest rate as of the time of application.

29. Repayment of the loan will be through a targeted rate applied to the relevant separately used or inhabited part of the dwelling. For the avoidance of doubt, the Local Government (Rating) Act 2002 applies to the targeted rate, including late payment penalties and other compliance mechanisms.
30. The annual targeted rate shall be set for repayment over 5 years, calculated at 20 per cent of the total borrowing (including applicable interest) owed.
31. The loan repayment will commence as an additional rate on the next 1 July following acceptance, by Council, of the application.
32. The owner may, at any time, repay the entire loan balance; however, partial lump sum payments cannot be accepted.
33. If the owner intends to sell or transfer the ownership of the dwelling during the period after this agreement has been entered into and while the Targeted Rate is still being assessed against the dwelling, the owner must, in writing, give notice of that intention to Council, and advise the owner's solicitor and the prospective purchaser about the Targeted Rate and terms and conditions of the rate.
34. Upon sale or transfer of ownership of the property, either:
  - a. the outstanding loan must be settled at the point of sale, or
  - b. Council may approve the transfer of debt to the new owner, in which case the terms and conditions of the loan must be, or must have been, listed on the sale and purchase agreement and signed by both parties,
  - c. If Council is not notified, then the new owner becomes liable for the outstanding balance.

*Note: Council's Rates Remission and Postponement Policies include a Policy to address financial difficulty with the voluntary targeted rate payments.*

#### *Other matters*

35. The owner is responsible for obtaining and paying all necessary resource consents, building consents, and meeting any other applicable legal requirements (**additional costs**).
36. The additional costs may be added to the loan, so long as the total loan does not exceed \$15,000.

37. Council does not endorse any supplier, nor guarantee their product, service, workmanship or business. Council accepts no responsibility for any workmanship by a supplier. Owners are expected to undertake normal due diligence when considering suppliers.
38. Council Officers may issue operational guidelines to support the implementation of this Policy and the Whare Ora Loans Scheme, including a resolution process for any disputes between owners and suppliers.
39. Council reserves the right to suspend or close the Whare Ora Loans Scheme. Any suspension or closure shall be by way of Council resolution.

**Policy review**

40. This policy shall next be reviewed within two years of its adoption, and then its most recent review.

**Appendix 1: Approved product list**

Category	Product list	Conditions
Insulation	Insulation for ceilings, walls and underfloor as well as ground vapour barriers.	<p>Insulation products for ceiling and underfloor must be listed as an approved products lists for Warmer Kiwi Homes by the Energy Efficiency and Conservation Authority (<b>EECA</b>).</p> <p>Retrofitting insulation in external walls of existing buildings has an impact on moisture transfer creating risk of fungal growth in the wall. As a result, the following conditions must be met:</p> <p>1-Retrofitted from the interior. Installation in accordance with option d) clause 4.0.5 of BRANZ Bulletin694</p> <p>2- Blown-in insulation. Only included where BRANZ recommendations are met (walls must have an existing wall underlay in reasonable condition).</p> <p>Note building consent is required for retrofitting wall insulation.</p>
Double Glazing	New double glazing and retrofit double glazing fitted into existing window frames.	<p>New double glazing must meet a minimum R0.46 in accordance with 5<sup>th</sup> edition of H1 of the building code.</p> <p>Retrofit double glazing must include a low-e coating.</p>
Plumbing	<p>Rainwater collection systems and tanks, significant leak repairs, and general water conservation improvements.</p> <p>Efficient hot water systems (including solar hot water system, heat pump water heating, and wetback systems with new wood burner or pellet burner systems).</p>	

	Plumbing and other work necessary for connecting to Council water and wastewater services, including payment of Council connection costs and removal/retirement of septic systems.	
Heating	Efficient heating systems (including ducted and non-ducted heat pumps, wood burner and pellet burner)	<p>Non-ducted heating products must be listed as an "approved products lists for Council Funding Programmes" provided by Energy Efficiency and Conservation Authority (EECA).</p> <p>Ducted heat pump systems require careful design. They can have heating energy loss of more than 30% if the ducts are overlong and/or have many bends, or travel through uninsulated space such as attics. Where ducting is outside the thermal envelope (i.e. above the ceiling insulation) the ducting must be insulated to min R1.0.</p> <p>Note wood burners and pellet burners require building consent.</p>
Renewable Energy Generation & Storage systems	Solar photovoltaic panels, micro-generation systems, associated battery systems and any necessary electric work.	
Electrification	Replacement of gas appliances with electric appliances (including hot water, heating, cooking appliance replacement and necessary work to disconnect from the gas network) and electric vehicle charging infrastructure.	

## Amendments to the Rates Remission and Postponement Policies

Decision-making, general conditions, definitions and administrative matters related to these policies

In clause 4:

In g) replace “Rates Policies 11 and 12” with “Rates Policy 11”.

Add “h) Applications under Rates Policy 12 may be received at any time and be applied at any time during the rating year”

### Rates Policy 12: Voluntary targeted rate

Sections 85 and 87 of the Local Government (Rating) Act 2002; regulation 18 Credit Contracts and Consumer Finance Regulations 2004

#### Objectives of the policy

The objectives of this policy to provide specific remission and postponement criteria for any voluntary targeted rate scheme offered, and in particular:

- To provide a remission of remaining rates of a voluntary targeted rate where the ratepayer has repaid the outstanding balance, and
- To provide a postponement of remaining rates of a voluntary targeted where the ratepayer’s ability to pay their rates is impaired because they are in financial difficulty

#### A: Remission of outstanding rates upon full repayment

##### *Conditions and criteria*

1. Where a ratepayer repays the total outstanding balance of their loan being repaid via a voluntary targeted rate, all further payments of that voluntary targeted rate shall be remitted.
2. The total outstanding balance being paid to be eligible for this remission shall be adjusted in accordance with the payable interest as of the time of repayment.

#### B: Postponement of voluntary targeted rate for financial difficulty



*Conditions and criteria*

1. A ratepayer with a voluntary targeted rate on their property may apply to Council to postpone that voluntary targeted rate where the ratepayer's ability to pay their rates is impaired because they are in financial difficulty.
2. When considering whether financial difficulty exists, all of the ratepayer's personal circumstances will be relevant including, but not limited to, the following factors: age, physical or mental disability, injury, illness and family circumstances.
3. Council must be satisfied that the ratepayer's ability to pay their rates is impaired because they are in financial difficulty. Evidence of financial circumstances resulting in this impairment must be provided by the applicant.
4. The Council will only postpone the voluntary targeted rate under this Policy. All other rates shall continue to be charged to the ratepayer.  
*See Rates Policy 3 for when Council may postpone all rates for ratepayers under extreme financial hardship.*
5. Conditions of the postponement under this Policy are:
  - a. The ratepayer must agree to pay all other rates by direct debit for the term of the postponement,
  - b. The ratepayer must notify the Council if their financial circumstances materially improve such their ability to pay their rates is no longer impaired because they are in financial difficulty, and
  - c. The ratepayer is no longer eligible for any further voluntary targeted rate scheme loans from Council in the future.
6. The voluntary targeted rate shall be postponed for an agreed time of no more than three years.
7. At the end of the agreed period, or if the conditions of the postponement are breached, or the ratepayer notifies Council that the financial impairment is no longer in place, the ratepayer shall restart repayment (with the repayment term adjusted in accordance with term of the postponement) unless the ratepayer otherwise seeks and receives Council's agreement to postponement of all rates in accordance with Rates Policy 3.

8. The Council shall add a postponement fee to the postponed rates for the period between the due date and the date they are paid. This fee will not exceed an amount which covers the Council's administration and financial costs of the postponement.
9. A rating charge will be registered on the certificate of title. The postponed rates will remain as a charge against the property until the loan is repaid.
10. All postponed rates must be paid in full if the property is sold during the postponement period or the extended repayment period following postponement.
11. For the avoidance of doubt, any postponement of rates under Rates Policy 3 shall include the postponement of any voluntary targeted rates.

## Whare Ora Loan Scheme

Submission No: 1

### Chanon Cations

Wish to speak to the Council: No

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### Give us your views on the proposed Whare Ora Loan Scheme

Great idea. Will help families, be more efficient and much more sustainable/ accessible

## **Whare Ora Loan Scheme**

Submission No: 2

### **Wayne Brown - Insulmax Insulation**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I think this is a great idea and we have been involved with this in the past and have seen it working well. This has been a huge benefit to home owners and we are excited to see it return.

## Whare Ora Loan Scheme

Submission No: 3

**Kristin D'Agostino - Community Energy Taranaki**

Wish to speak to the Council: Yes

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### Give us your views on the proposed Whare Ora Loan Scheme

I am writing in support the Whare Ora Loan Scheme. I participated in the previous, Ngā Whare Ora Taiao o Ngāmotu (New Plymouth Sustainable Homes Scheme) to put ceiling and underfloor insulation in our home. Retrofitting homes is an expensive and unglamorous series of projects. But after renting damp and cold house homes for 20 years where my healthy husband contracted pneumonia in his 40s, our family understands the value of dry homes. Loan schemes are the main way that these projects are possible for my family.

Bringing back the Whare Ora Loan Scheme supports for a variety of sustainability, resilience and health initiatives at the individual home level at no cost to the general ratepayer. Reading the documentation showed that these schemes have been proven to achieve significant social and economic benefit for the community and can help ratepayers to reduce energy costs.

Over the last year, I have become involved in Rewiring Aotearoa. The group strongly recommends Electrification of homes as a smart financial decision with the added benefit of creating a more resilient region. One of the main barriers identified to household electrification projects is financing. The Whare Ora Loan scheme is a direct solution and I highly commend the New Plymouth Council for this proposal. This is an excerpt from the Rewiring Aotearoa, Electric Homes report March 2024

"New Zealand has crossed the electrification tipping point. New Zealand is one of the first countries where the electrification of homes and vehicles can deliver both cost of living savings and emissions reduction simultaneously. Homes currently using gas or LPG appliances and petrol vehicles could save over \$1,000 per year if they electrify their appliances and vehicles, and get their power from a combination of rooftop solar, home battery, and the existing electricity grid. In addition to reducing cost of living, this would add unprecedented energy resilience to New Zealand communities and reduce home energy emissions close to zero.

Costs of electric vehicles, appliances, rooftop solar and batteries have come down significantly over the past decade through economies of scale. As electrification uptake accelerates, prices are predicted to continue to drop further, saving homes more money over time. An energy system that has a higher amount of customer electrification with rooftop solar and batteries has profound implications for reducing the infrastructure needs of the energy transition. This impacts both the cost of living outcomes and the level of resilience communities will receive."

"New Zealand has a unique opportunity

If we use more affordable, locally-produced electricity - both from our highly renewable grid and through more customer generation - to run our much more efficient electric machines, households and businesses will save money, our energy system will be stronger and more resistant to shocks, the country's balance of payments will be billions better off because we won't need to import as many expensive fossil fuels, and our carbon emissions will shrink. New Zealand has a rich history of electrical innovation, a longstanding love of self-sufficiency and a highly renewable electricity grid. That combination means we have a unique opportunity to become one of the world's most electric economies.

Facilitating this opportunity will require focus

Every New Zealander will need access to finance that enables them to make the upfront purchase decisions to permanently lower cost of living through saving on energy bills. This could be public or private finance, but the facilitation of that finance so all homes have access is crucial. "

<https://storage.googleapis.com/downloadswebsite/Electric%20Homes%20-%20Rewiring%20Aotearoa%20-%20March%202024.pdf>

## Whare Ora Loan Scheme

Submission No: 4

**Emily Bailey**

Wish to speak to the Council: Yes

---

### **Give us your views on the proposed Whare Ora Loan Scheme**

Tēnā koutou. I support this initiative because the benefits of the loan scheme can make a huge difference to people's health and wellbeing while also bringing greenhouse gas emissions down. Our whanau have been privileged to insulate our house and install on-grid solar panels with a powercut diversion switch and have rainwater tanks. Our power bill has gone into negative over summer and even in winter it is minimal due to having a wood stove and insulation top, bottom and sides. During storms with power cuts or water cuts we are still able to have power and water which makes us climate resilient. Double glazing windows and stopping draughts while having efficient sustainable heating systems dramatically increases health and wellbeing in a country well-known for cold, mouldy houses. All residents should be able to access these systems whether rich or poor. Please approve the initiative.

## **Whare Ora Loan Scheme**

Submission No: 5

**Shekinah Manning-Jones**

Wish to speak to the Council: No

---

### **Give us your views on the proposed Whare Ora Loan Scheme**

I am in favor, it allows homeowners more options to create healthy homes. For example, we have a mortgage through Simplicity Kiwisaver- this does not allow us to borrow any extra for home improvements or access lower interest loans for heating etc. We have no options apart from cash to improve our home and with a young family this is very difficult



## **Whare Ora Loan Scheme**

Submission No: 6

**Lindsay Smaill**

Wish to speak to the Council: No

---

### **Give us your views on the proposed Whare Ora Loan Scheme**

I support the proposed Whare Ora Loan Scheme.

## Whare Ora Loan Scheme

Submission No: 7

**Natalie Wilson**

Wish to speak to the Council: No

---

### **Give us your views on the proposed Whare Ora Loan Scheme**

I do not support this scheme. Council is not in the business of lending. Homeowners should be able to borrow from a bank for the purposes set out in this proposal. If they are not able to do so, Council should not offer any lending as these individuals would be considered high risk. Council needs to focus on the basics and cut out all of the unnecessary nice-to-haves particularly when there are already others in the market offering the service proposed by Council.

## Whare Ora Loan Scheme

Submission No: 8

**John Flowers**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I would submit that this is an unneccseary scheme! Banks are there to provide this service unless it is the intent to provide lower interest rates.

## Whare Ora Loan Scheme

Submission No: 9

**Heather Phillips**

Wish to speak to the Council: No

---

### **Give us your views on the proposed Whare Ora Loan Scheme**

This would be extremely helpful for our community, particularly our young homeowners and elderly. This would be a fantastic Scheme, and I'd love to see it.

Everybody deserves a healthy home, and if there was support for people by applying for loans, that would be phenomenal

## **Whare Ora Loan Scheme**

Submission No: 10

**Toni Parr**

Wish to speak to the Council: No

---

### **Give us your views on the proposed Whare Ora Loan Scheme**

I personally do not need to use this scheme but think it's a fantastic idea for those that do.

## Whare Ora Loan Scheme

Submission No: 11

**David Ogle**

Wish to speak to the Council: No

---

### **Give us your views on the proposed Whare Ora Loan Scheme**

I think it is a great scheme for families to be able to install or upgrade their heating to a healthy home. As long as the interest is low enough for all demographics, so it is reachable to everyone.

## Whare Ora Loan Scheme

Submission No: 12

**Trish Pringle**

Wish to speak to the Council: No

---

### **Give us your views on the proposed Whare Ora Loan Scheme**

I think this a great idea , helping home owners get ahead with sustainable living. Which would otherwise be unaffordable in the current financial climate.

I am a horticulturist and mortgage free homeowner who would definitely sign up for this program. I have already had an amazing quote for double glazing which I would love to achieve with the health of my children at times respiratory wise very stressful. I have a fire with lots of readily available wood but it's not a sustainable solution a heat pump would be great downstairs to warm my teenagers rooms. Solar energy would be great to support this. I am a single mum who teach my kids to be as self sufficient as possible.

## Whare Ora Loan Scheme

Submission No: 13

**William Durbin**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I think this a great option for upgrading your home to be more sustainable, when the upfront costs would otherwise be prohibitive.

It will have an all round positive effect for home owners and provide extra business for contractors. Environmentally it will provide options to reduce the use of fossil fuels for heating and the contribution to greenhouse gas emissions. Health benefits from warmer, dryer homes will be beneficial for the community.

There is a good range of possible improvements (plumbing, heating, electrification etc.) that can be undertaken through the scheme, which address a variety of health and environmental issues.

From what I read an interest level rate for the future has not been proposed yet (though I may have missed it). It would be good to know what that is.



## Whare Ora Loan Scheme

Submission No: 14

**Tony Gilbert - AAAInsulation Ltd**

Wish to speak to the Council: Yes

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### **Give us your views on the proposed Whare Ora Loan Scheme**

We install insulation in Taranaki and the greater area and were involved in this scheme a few years ago with your council. We had an instant increase in work which is a reflection that people living in warmer healthier homes is inhibited by peoples finances. We think it is a great idea to resurrect this and definitely want to be a part of it.



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aaainsulation.co.nz

Updated Jan 2023



## Technical Data / Producer Statement

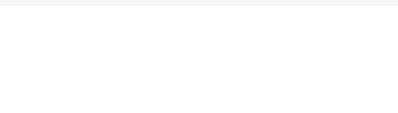
### APPLICATIONS

CosyWall™ is designed to provide effective thermal insulation for external timber framed wall cavities constructed before 1990, with suitably fixed internal linings. It is suitable for the following external claddings.

- ☒ Weatherboard Cladding
- ☒ Fibre Cement Cladding
- ☒ Plywood Cladding
- ☒ Stucco Cladding
- ☒ Brick Cladding

**Note:** CosyWall™ is unsuitable for wall cavities with poorly fixed linings.

#### Available from Licensed Installer:



Distributed by Safe-R Insulation (NZ) Limited.  
8b Peters Way, Silverdale, Auckland, New Zealand.

**CodeMark**»»  
CMNZ70016

### PRODUCT DESCRIPTION

CosyWall™ insulation (CWI) is a full external wall cavity insulation system (EWCIS) for providing thermal insulation to wall cavities lined on both sides. The system includes an assessment of building suitability, licensed installation of water-resistant glass wool insulation and durable external cladding repair. The insulation is manufactured in selected plants by melting and spinning a blend of inert, natural minerals.

It is non-combustible, water-resistant, breathable, won't settle or shrink and has a trouble free history of insulating New Zealand external wall cavities since 2002. CosyWall™ is packed in plastic weather tight bags.

### THERMAL EFFECTIVENESS (NZBC H1, AS/NZS4859.1:2018)

CosyWall™ fills all except the narrowest wall cavities (e.g.: frame corners), without joins, gaps or edge crushing common with batting installation. The high-density dry-fill process eliminates settlement and curing shrinkage away from framing timber, which is common with liquid foam materials. Total thermal effectiveness is guaranteed with installation of design thickness and weight. When CosyWall™ is added to a wall, compliance with NZ Building Code (NZBC) clauses H1.3.1(a) and H1.3.2 is achieved via H1/AS1, clauses 2.1, 2.2 and 2.3.

The minimum Total R-values R1.9 / R2.0 (depending on zone) stipulated in Tables 2 of NZS4218 and NZS 4243, are exceeded respectively with all wall cavities >75mm. Alternatively, licensed installers can complete a design on an individual building in accordance with NZS4218 calculation method, using the table figures.

### INSTALLATION

Can only be undertaken licensed installers, following the pre-assessment, insulation installation and cladding/lining reinstatement procedures detailed in the CosyWall™ manuals.



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info@aaainsulation.co.nz



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**TABLE ONE - THERMAL RESISTANCE COSYWALL® CAVITY WALLS**

- 1) Weatherboard >1950 with nogs. Deduct R0.2 if Sheet cladding.
- 2) Weatherboard <1950 510c/c, no horizontal nogs
- 3) Brick with 40mm cavity, no building paper

Total R-values assume 18% thermal bridging as per H1/AS1 & may alter in walls with more or less framing timber.

For a total R-value of:	Requires material R-value of:	Min thickness (mm)
2.2 (1)	2.8	90
2.6 (2)	2.9	105
3.3 (3)	3.9	138

## BUILDING CODE COMPLIANCE

This designated "Design", "Construction" or "Construction without Building Consent" statement covers the use of CosyWall™ insulation material to meet or exceed NZ Building Code sections B1, B2, C3, E2, F2, H1 requirements when used in buildings at any geographical location in accordance with this document AND alteration to specific buildings via installation of the total CosyWall™ insulation system do not alter NZBC existing building compliance relating to clauses B1, C2, E2, G9, H1.

Compliance with these clauses is via a mix of acceptable and alternative solutions, as detailed below, with evidence supporting the claims available as Appendix 1 (A1), if required.

CosyWall™ usually requires BCA consent. A building risk assessment is undertaken for each site prior to consent application. Upon work completion licensed installers must provide site records to the BCA and state the installed thickness and bags used (weight) on a card fixed inside the power box.

### Durability (NZBC B2.3.1)

CosyWall™ will satisfy the requirements of NZBC clause 2.3.1(a) & B2/AS1 Table 1 of 50 years durability in lined wall cavities, as the only materials are water-resistant glass wool and polyester resin cladding repair filler. Both are industry recognised as achieving 50-year durability. Vibration tests showed no settlement or shrinkage in wall cavities.

Durability of the existing structure is not reduced, as CosyWall™ EWCIS is dry applied, water-resistant, non-wicking and vapour permeable. Should future leaks occur, CosyWall™ does not extend framing timber drying time sufficient to increase framing timber decay.

### Effect on Existing Structure (NZBC B1.3.2)

The structural performance of the framing, claddings & internal linings is not reduced by CosyWall™ EWCIS. Structural timber framing is not altered and there is no introduced or accumulated moisture to cause damage. The size & spacing of any holes through sheet bracing have minimal structural effect. CosyWall™ does not promote corrosion on metal building components.

## Fire Properties & Electrical Wiring (NZBC C2.2, C3.7, G9.3.1)

CosyWall™ is non-combustible, and needs no additional treatment to prevent the spread of flame. Fire development via the "flue effect" is inhibited inside wall cavities lined with building paper or without horizontal blocking.

Clauses C2.2, C3.7 compliance isn't affected, as fire rated walls and cavities with heating equipment are avoided. Clause G 9.3.1 compliance isn't affected, as CosyWall does not deteriorate TPS wiring, all rubber insulated wiring is avoided and other wires do not overheat within CosyWall at legal current loads.

### External moisture (NZBC E2)

CosyWall™ insulation EWCIS complies with clause E2 via an alternative solution, utilizing similar methodology of acceptable solution E2/AS1, clause 3 site assessment weather tightness risk factors. CosyWall™ insulation is installed dry, does not transfer water via wicking and, if soaked, dries within 30 days.

The system does not affect existing building compliance with clauses E2.3.2, as any cladding damage is re-instated. CosyWall™ reduces possibility of water entering cavities and diminishes cavity condensation risk.

### Internal moisture (NZBC E3)

Compliance with NZ Building Code (NZBC) clauses E3.2 (a) & (c) is not required for an altered existing building, but is achieved with CosyWall™ via E3/AS1 clause 1.1.1(a). The minimum Total R-values of R1.5 stipulated in E3/AS1, are exceeded with wall cavities >65mm with sheet or other claddings of higher R-value.

### Health Effects

CosyWall™ complies with NZBC section F2.3.1, as non-hazardous materials. It is low bio-persistent mineral wool with no added formaldehyde, which is odourless and does not provide food for vermin. The product does not represent a health risk to installers or occupiers of insulated buildings. Facemasks and overalls should however be worn when working with all insulation or dusty drywall materials.



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Updated OCT 2024-C

Rigorously tested  
and proven to  
deliver high  
quality results.

#### APPLICATIONS



Ceiling Insulation

#### BENEFITS

- ✓ New and retrofit applications
- ✓ Fills all gaps and voids, creating a complete thermal barrier against heat loss or gain
- ✓ Excellent acoustic performance
- ✓ Made with up to 80% post-consumer recycled glass
- ✓ High thermal performance
- ✓ Fast, easy installation by Approved Installers.

#### ABOUT LOFT

**Loft is a high-performance blown ceiling insulation for New Zealand homes.**

Loft is an unbonded, Glasswool insulation designed with optimal thermal properties and excellent coverage and blowing characteristics. Loft can be installed into both new build and existing ceilings.

It can be used to form the total thermal solution or as an additional thermal layer to existing insulation. Loft should only be installed by Approved Installers to ensure the highest quality and installed performance.



#### PERFORMANCE

Thermal Conductivity	ASTM C 518 and AS/NZS 4859.1
Thermal Resistance	ASTM C 518 and AS/NZS 4859.1
Fire Properties	Ignitability: 0, Spread of Flame: 0, Heat Evolved: 0, Smoke Developed: 1.
Water Vapour Absorption	5% maximum by weight.
Microbial Growth	Does not support microbial growth.
Corrosion	No greater than sterile cotton.
Critical Radiant Flux	Greater than 0.12 W/cm <sup>2</sup> .



AAA Insulation is an authorised Loft installer  
37B Austin Street, Onekawa, Hawkes Bay  
0800 222 9255 | info@aaainsulation.co.nz



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### Thermal performance

Loft provides excellent thermal performance due to a low thermal conductivity and a complete and consistent installation. Loft provides a choice of R-Values based on the installed thickness and installed weight per square metre. The stated thermal resistance (R-Value) is provided by installing the required density at the thickness (per the manufacturer's instructions). Failure to install less than the required density and thickness will result in lower insulation R-Values.

Loft is designed to be installed at a target density of 12kg/m<sup>3</sup>. Refer to the thermal performance table for more details. Loft will achieve R-Values that with the use of NZS 4214 are able to meet the minimum requirements of NZS 4218 and the Energy Efficiency requirements for ceilings.

### Acoustic performance

Improves sound transmission class (STC) by between 4 and 10 points.

### Thermal performance

- Each bag contains a high percentage of recycled glass content.
- Carbon negative. When used as thermal insulation, Loft will recover the energy used to produce it within days of installation. It will continue to reduce carbon generation for as long as it is in place.

### Energy conservation

- Reduces energy usage and utility bills for heating and air conditioning.

### Engineered Blow-in Insulation System

Loft is an engineered solution which incorporates a system approach to the insulation of your ceiling space. A range of accessories are supplied with the System to provide a range of solutions and performance checks. Backed by the Approved Installer network, to provide confidence in the performance of the product.

### Installation

- Fast and easy to install with the added confidence of an Approved Installer.
- Easily fills hard to reach and low pitch roofs.

### Durability

- Non-combustible, non-corrosive.
- Will not rot, mildew or deteriorate.
- Will not sustain vermin.
- Will not settle.
- Consistent, reliable performance.
- Performs for the lifetime of the building.

### Equipment required

To achieve the required R-Value, this product must be installed using an approved blowing machine and equipment. Installation must be complete inline with the system guidelines and by an Approved Installer.

### Packaging

Loft is packaged in a strong, poly bag that offers excellent protection from abuse, dust and moisture. Insulation packages stack without slipping and are easy to handle and store.

### New Zealand Building Code:

- Clause B2 DURABILITY: Performance B2.3.1(b) 15 years. Loft will meet this requirement.
- Clause E3 INTERNAL MOISTURE: Performance E3.3.1. Loft will contribute to meeting this requirement.
- Clause F2 HAZARDOUS BUILDING MATERIALS: Performance F2.3.1. Loft meets this requirement and will not present a health hazard to people.
- Clause H1 ENERGY EFFICIENCY: Performance H1.3.1(a) and H1.3.2 E. Loft will contribute to meeting these requirements.
- Loft thermal resistance has been determined by AS/NZS 4859.1.
- Loft is an acceptable solution in terms of the New Zealand Building Code.

### Specification Guide

The insulation shall be Loft insulation 0.043 W/mK (NZ), at a density of 12kg/m<sup>3</sup>, to meet the provisions of the BCA. The product will be non-combustible, CFC/HCFC free, zero ODP and GWP, Glasswool insulation with high post-consumer recycled glass content. It will be manufactured under Quality Assurance Standards ISO 9001:2008 and ISO 14001:2004 and shall be installed in accordance with the instructions issued by them.

### Specification Compliance

- ASTM and AS/NZS 4859.1 compliance.
- Fire Resistance (AS1530.1:1994 - non-combustible).
- US GREENGUARD Gold Certified and verified to be formaldehyde free.
- Loft is manufactured with up to 80% post-consumer glass content.

### CEILING SPECIFICATIONS

R-Value (m <sup>2</sup> K/W)	Product Thickness (mm)	Thermal Density	Conductivity
1.0	43mm	12kg/m <sup>3</sup>	0.043 W/mK
1.5	65mm	12kg/m <sup>3</sup>	0.043 W/mK
2.0	86mm	12kg/m <sup>3</sup>	0.043 W/mK
2.5	108mm	12kg/m <sup>3</sup>	0.043 W/mK
3.0	129mm	12kg/m <sup>3</sup>	0.043 W/mK
3.5	151mm	12kg/m <sup>3</sup>	0.043 W/mK
4.0	172mm	12kg/m <sup>3</sup>	0.043 W/mK
4.5	194mm	12kg/m <sup>3</sup>	0.043 W/mK
5.0	215mm	12kg/m <sup>3</sup>	0.043 W/mK
6.0	258mm	12kg/m <sup>3</sup>	0.043 W/mK
7.0	301mm	12kg/m <sup>3</sup>	0.043 W/mK
8.0	344mm	12kg/m <sup>3</sup>	0.043 W/mK
9.0	387mm	12kg/m <sup>3</sup>	0.043 W/mK
10.0	430mm	12kg/m <sup>3</sup>	0.043 W/mK
15.0	645mm	12kg/m <sup>3</sup>	0.043 W/mK



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37B Austin Street, Onekawa, Hawkes Bay  
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# Temper<sup>TM</sup>

## CLOUD

### APPLICATION


Temper<sup>TM</sup> Cloud underfloor blanket is manufactured from thermally bonded polyester fibres, for use in suspended timber framed floors.

Temper<sup>TM</sup> Cloud polyester underfloor has been Branz appraised for use as a thermal insulating material for timber framed floors in new or existing domestic and commercial buildings.

### FEATURES

- Manufactured using 100% polyester fibre including fibre from recycled plastic bottles.
- Environmentally friendly - Temper<sup>TM</sup> Cloud is fully recyclable
- Moisture resistant
- Creates a healthier building environment.
- Vermin resistant
- Non-Toxic, Non-Allergenic, Non-Irritant, soft to touch.
- Absorbs noise to create a quieter environment
- 50 year durability warranty

### PRODUCT RANGE

PRODUCT RANGE	PRODUCT R-VALUE	NOMINAL THICKNESS (MM)	DIMENSIONS	PIECES PER PACK	TOTAL AREA
 <b>Underfloor Blanket</b>	R1.5	100	450 x 11111	4	20.00
	R1.5	100	510 x 9804	4	20.00
	R1.5	100	600 x 11111	3	20.00
	R1.5	100	650 x 10256	3	20.00
	R1.8	115	450 x 11110	4	20.00
	R1.8	115	510 x 13070	3	20.00
	R1.8	115	600 x 11110	3	20.00
	R1.8	115	650 x 10256	3	20.00

UNDERFLOOR  
BLANKET





## TECHNICAL DETAILS

### New Zealand Building Code Compliance

- |   |   |
|---|---|
| ✓ <b>DURABILITY</b><br>Clause B2.3.1 (a) &<br>Clause B2.3.1 (c) 5 years | ✓ <b>HAZARDOUS BUILDING MATERIAL</b><br>Clause F2.3.1             |
| ✓ <b>INTERNAL MOISTURE</b><br>Clause E3.3.1                             | ✓ <b>HIGH ENERGY EFFICIENCY</b><br>Clause H1.3.1 (a) & H1.3.2 (E) |

## PRODUCT SAFETY

### NON-CORROSIVE

Temper™ Cloud is considered non-corrosive based on AS/NZS 4859.1

### NON TOXIC

OSH Health and Safety Guidelines\* - Polyester products require no special handling precautions from a health and safety point of view. being both non-toxic and non-irritant.

### GLUE FREE

Free from all glues, thermally bonded only.

### VERMIN RESISTANT

Natrually resistant to insect and vermin attack

\*Occupational Health and Safety Guidelines for the Selection and Safe Handling of synthetic mineral fibres. Dept labour 1994

## INSTALLATION

Installation of Temper™ Cloud underfloor blanket must be in accordance with the manufacturers insulation and Branz appraisal 1091. NZS246 should be used as a guide for installing insulation in residential buildings.

<https://www.branz.co.nz/Appraisal/1091>

## 50 YEAR WARRANTY

PIL Group Limited is proud to provide a 50 Year Manufacturer's Durability Warranty for all Temper™ Cloud branded polyester thermal and acoustic insulation. This 50 year Manufacturer's Warranty covers insulation material durability when installed in accordance with the manufacturers installation instructions and NZ4246: Energy Efficiency - Installing insulation in residential buildings.

## APPRAISAL

Temper™ Cloud Underfloor Insulation Blanket has been appraised by BRANZ & is covered by BRANZ Appraisal 1091 (2019)

# UNDERFLOOR BLANKET



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aaainsulation.co.nz

Updated Jan 2023



## Technical Data / Producer Statement

### APPLICATIONS

CosyWall™ is designed to provide effective thermal insulation for external timber framed wall cavities constructed before 1990, with suitably fixed internal linings. It is suitable for the following external claddings.

- ☒ Weatherboard Cladding
- ☒ Fibre Cement Cladding
- ☒ Plywood Cladding
- ☒ Stucco Cladding
- ☒ Brick Cladding

**Note:** CosyWall™ is unsuitable for wall cavities with poorly fixed linings.

#### Available from Licensed Installer:

Distributed by Safe-R Insulation (NZ) Limited.  
8b Peters Way, Silverdale, Auckland, New Zealand.

**CodeMark**»»  
CMNZ70016

### PRODUCT DESCRIPTION

CosyWall™ insulation (CWI) is a full external wall cavity insulation system (EWCIS) for providing thermal insulation to wall cavities lined on both sides. The system includes an assessment of building suitability, licensed installation of water-resistant glass wool insulation and durable external cladding repair. The insulation is manufactured in selected plants by melting and spinning a blend of inert, natural minerals.

It is non-combustible, water-resistant, breathable, won't settle or shrink and has a trouble free history of insulating New Zealand external wall cavities since 2002. CosyWall™ is packed in plastic weather tight bags.

### THERMAL EFFECTIVENESS (NZBC H1, AS/NZS4859.1:2018)

CosyWall™ fills all except the narrowest wall cavities (e.g.: frame corners), without joins, gaps or edge crushing common with batting installation. The high-density dry-fill process eliminates settlement and curing shrinkage away from framing timber, which is common with liquid foam materials. Total thermal effectiveness is guaranteed with installation of design thickness and weight. When CosyWall™ is added to a wall, compliance with NZ Building Code (NZBC) clauses H1.3.1(a) and H1.3.2 is achieved via H1/AS1, clauses 2.1, 2.2 and 2.3.

The minimum Total R-values R1.9 / R2.0 (depending on zone) stipulated in Tables 2 of NZS4218 and NZS 4243, are exceeded respectively with all wall cavities >75mm. Alternatively, licensed installers can complete a design on an individual building in accordance with NZS4218 calculation method, using the table figures.

### INSTALLATION

Can only be undertaken licensed installers, following the pre-assessment, insulation installation and cladding/lining reinstatement procedures detailed in the CosyWall™ manuals.



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## TABLE ONE - THERMAL RESISTANCE COSYWALL® CAVITY WALLS

- 1) Weatherboard >1950 with nogs. Deduct R0.2 if Sheet cladding.
- 2) Weatherboard <1950 510c/c, no horizontal nogs
- 3) Brick with 40mm cavity, no building paper

Total R-values assume 18% thermal bridging as per H1/AS1 & may alter in walls with more or less framing timber.

For a total R-value of:	Requires material R-value of:	Min thickness (mm)
2.2 (1)	2.8	90
2.6 (2)	2.9	105
3.3 (3)	3.9	138

## BUILDING CODE COMPLIANCE

This designated "Design", "Construction" or "Construction without Building Consent" statement covers the use of CosyWall™ insulation material to meet or exceed NZ Building Code sections B1, B2, C3, E2, F2, H1 requirements when used in buildings at any geographical location in accordance with this document AND alteration to specific buildings via installation of the total CosyWall™ insulation system do not alter NZBC existing building compliance relating to clauses B1, C2, E2, G9, H1.

Compliance with these clauses is via a mix of acceptable and alternative solutions, as detailed below, with evidence supporting the claims available as Appendix 1 (A1), if required.

CosyWall™ usually requires BCA consent. A building risk assessment is undertaken for each site prior to consent application. Upon work completion licensed installers must provide site records to the BCA and state the installed thickness and bags used (weight) on a card fixed inside the power box.

### Durability (NZBC B2.3.1)

CosyWall™ will satisfy the requirements of NZBC clause 2.3.1(a) & B2/AS1 Table 1 of 50 years durability in lined wall cavities, as the only materials are water-resistant glass wool and polyester resin cladding repair filler. Both are industry recognised as achieving 50-year durability. Vibration tests showed no settlement or shrinkage in wall cavities.

Durability of the existing structure is not reduced, as CosyWall™ EWCIS is dry applied, water-resistant, non-wicking and vapour permeable. Should future leaks occur, CosyWall™ does not extend framing timber drying time sufficient to increase framing timber decay.

### Effect on Existing Structure (NZBC B1.3.2)

The structural performance of the framing, claddings & internal linings is not reduced by CosyWall™ EWCIS. Structural timber framing is not altered and there is no introduced or accumulated moisture to cause damage. The size & spacing of any holes through sheet bracing have minimal structural effect. CosyWall™ does not promote corrosion on metal building components.

## Fire Properties & Electrical Wiring (NZBC C2.2, C3.7, G9.3.1)

CosyWall™ is non-combustible, and needs no additional treatment to prevent the spread of flame. Fire development via the "flue effect" is inhibited inside wall cavities lined with building paper or without horizontal blocking.

Clauses C2.2, C3.7 compliance isn't affected, as fire rated walls and cavities with heating equipment are avoided. Clause G 9.3.1 compliance isn't affected, as CosyWall does not deteriorate TPS wiring, all rubber insulated wiring is avoided and other wires do not overheat within CosyWall at legal current loads.

### External moisture (NZBC E2)

CosyWall™ insulation EWCIS complies with clause E2 via an alternative solution, utilizing similar methodology of acceptable solution E2/AS1, clause 3 site assessment weather tightness risk factors. CosyWall™ insulation is installed dry, does not transfer water via wicking and, if soaked, dries within 30 days.

The system does not affect existing building compliance with clauses E2.3.2, as any cladding damage is re-instated. CosyWall™ reduces possibility of water entering cavities and diminishes cavity condensation risk.

### Internal moisture (NZBC E3)

Compliance with NZ Building Code (NZBC) clauses E3.2 (a) & (c) is not required for an altered existing building, but is achieved with CosyWall™ via E3/AS1 clause 1.1.1(a). The minimum Total R-values of R1.5 stipulated in E3/AS1, are exceeded with wall cavities >65mm with sheet or other claddings of higher R-value.

### Health Effects

CosyWall™ complies with NZBC section F2.3.1, as non-hazardous materials. It is low bio-persistent mineral wool with no added formaldehyde, which is odourless and does not provide food for vermin. The product does not represent a health risk to installers or occupiers of insulated buildings. Facemasks and overalls should however be worn when working with all insulation or dusty drywall materials.



0800 222 9255  
info@aaainsulation.co.nz

## Whare Ora Loan Scheme

Submission No: 15

**Lata Nana**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I am in favour of the scheme as it enables home owners to continue with sustainable initiatives in an challenging economy.

## Whare Ora Loan Scheme

Submission No: 16

**Callum Williamson**

Wish to speak to the Council: Yes

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### **Give us your views on the proposed Whare Ora Loan Scheme**

The proposed Whare Ora Loan Scheme is a positive step toward supporting healthier, warmer homes and reducing household energy costs. For many households, particularly those facing ongoing financial pressure, the ability to spread the cost of home improvements through rates offers a more manageable pathway than traditional loans.

However, there are concerns that the scheme's current design may unintentionally exclude those who could benefit most. Requiring a good credit rating and a spotless history of rates payments may disqualify people who have experienced temporary hardship, despite being responsible and willing to repay. These requirements could prevent participation by households who are often most affected by cold, damp, and inefficient homes.

There is also a risk that the minimum loan amount of \$2,500 limits access to those wanting to make smaller, but still meaningful, upgrades, such as basic draught proofing or minor plumbing work. Greater flexibility in loan size could increase uptake and improve outcomes.

To deliver on its promise, the scheme must ensure it is accessible to a broad range of households, not just those already in a strong financial position. With some adjustments, it could become a truly effective tool for improving housing quality, reducing energy bills, and promoting long-term community wellbeing.

I recommended that Council review the credit and rates history criteria, and consider more flexible loan amounts, to ensure the scheme is accessible to those who need it most.

## Whare Ora Loan Scheme

Submission No: 17

### Gwen Ras - Calitec Hot Water Systems

Wish to speak to the Council: No

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#### Give us your views on the proposed Whare Ora Loan Scheme

As a past product supplier for a similar NPDC scheme, Calitec Hot Water Systems would like to express our strong support for the proposed Whare Ora Loans Scheme. We commend NPDC for its commitment to supporting more energy-efficient homes in the region.

At Calitec, we specialise in heat pump water heating systems, which represents one of the most effective and accessible ways for households to significantly reduce energy use and emissions. Hot water heating is typically the second-largest energy use in New Zealand homes, and switching to a high-efficiency heat pump system can reduce that energy demand by up to 80%.

We're currently involved in an EECA Product Demonstration Project, which aims to provide real-world evidence of the benefits of heat pump water heaters across a variety of New Zealand homes. This initiative supports the broader goal of electrifying the country's energy use, reducing reliance on fossil fuels, and achieving our climate targets.

By including high-quality heat pump water heating in the Whare Ora Loans Scheme, NPDC has an opportunity to: Help households lower energy bills, and support climate-friendly technology. We would be pleased to provide any further input or technical advice based on our experience working with installers and homeowners across New Zealand. We look forward to seeing this proposed scheme help drive positive change in the region.

Heat pump technology for  
energy efficient hot water



Save  
**75%** or  
more of your  
hot water  
bill

# Heat Pump Water Heater WH-70

Energy efficient hot water by water circulation



Specifications	
Heat Pump outdoor unit	WH-70
Power Supply (V/ph/Hz)	220-240/1/50
Power input (W)	1360
Max. rated input current (A)	11
Water production (L/hr) ΔT=40	124
Water circulation pipe connection (inch)	1
Heat exchanger plate type	GEA GHB 400H-26
Circulation pump	Greenpro RS15-6 class A
Refrigerant	R290
Noise (dB)	≤53
Max. rated water temperature (°C)	65
Water-proof grade	IPX4
Level against electric shock	1
Operation temp. range (°C)	-10 to 45
Netto weight (kg)	59
Case	1mm 304 stainless steel
Size (WxDxH) (mm)	1050x350x638

## Performance

Ambient Temp.	Output	COP*	Cylinder Water Temp.	Energy Saving	Heating Output
At 7 / 8°C (WB/DB)		4	10 to 56°C	75%	5110 W
At 15 / 18°C (WB/DB)		5	13 to 56°C	80%	6460 W
At 21 / 30°C (WB/DB)		6.2	15 to 56°C	84%	7870 W

\*COP (Coefficient of Performance): The COP of heat pumps varies with the ambient temperature. The WH-70 unit has been optimised for New Zealand temperatures and was tested by CVC Testing Technology Ltd. in accordance with AS/NZS 5125.1:2014 (Performance Test).

## Calitec Hot Water Cylinders

The WH-70 can be paired with the stainless steel Calitec hot water cylinder, specifically designed for optimal usage, or can be connected to a different heat pump ready hot water cylinder (to be confirmed by plumber).

Our Calitec hot water cylinders, available in 250 or 300 litres, can be installed either indoors or outdoors. Additionally, we offer cylinders equipped with a built-in coil, suitable for wet back installation or as the heating coil should you decide to upgrade to a central heating system. Our Duplex stainless steel hot water cylinders are insulated with Polyurethane Foam and feature a 3 kW electric emergency heater for added peace of mind.

All Calitec systems and cylinders must be installed by qualified installers in accordance with all relevant building codes and local regulations. Check out our Terms & Conditions and Warranty.



For more information, contact us at  
0800 125 225 or visit [www.calitec.nz](http://www.calitec.nz)

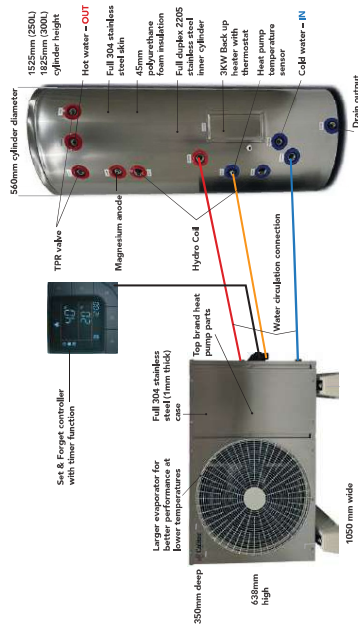
# Heat Pump Water Heater WH-70

Energy efficient hot water by water circulation

Designed in New Zealand for family homes, the Calitec Mono Block WH-70 boasts high heating capacity, resulting in faster recovery times. Made with the best available parts and materials to withstand the harsh NZ environment, this future-proof system utilizes R290 refrigerant and is PV solar smart inverter ready. Plus, it's capable of heating **two separate hot water cylinders!**

## How does it work?

Water is heated inside the mono block and circulated to your hot water cylinder. It works at any time of the day, under all weather conditions. The higher output temperature of the R290 refrigerant ensures fast heating, using just the efficient heat pump energy, even in lower ambient temperatures.



## Enjoy savings

An average shower of about 7 minutes will cost you about \$1 with a standard electric heated hot water cylinder. With our Calitec heat pump mono block, you can bring this down to about 25 cents, saving 75% or more on your hot water heating cost. (Based on 40cent/kWh, 40°C mixed water, 71 L water = 7 min. mains pressure shower).

## Features

**High temperature output:** Due to its high output temperature, the mono block functions as a water circulating system, solely utilizing efficient heat pump power to heat your hot water cylinder to 60°C.

**Fast recovery time:** With an output power of 5.8 kW, it can heat up 124 litres of water per hour ( $\Delta T=40^{\circ}\text{C}$ ). This capacity is twice that of a standard electric heating hot water cylinder.

**COP of 5:** at 18°C ambient temperature: This indicates that you get 5 kW of heating power from just the 1 kW of electric power, resulting in an 80% saving on your water heating costs.

**Longevity and durability:** The stainless steel casing, combined with high-quality parts and materials, ensures durability, making it capable of withstanding the harsh New Zealand environment, even in coastal areas.

**Dual cylinder heating (optional):** The WH-70 can heat a second hot water cylinder, such as for your ensuite or a kitchen under-bench cylinder.

**Third Party/Solar PV/Wi-Fi:** The WH-70 has an online switch contact, allowing a third-party appliance, such as a smart PV inverter, to control the operation of the unit. The WH-70 can also be controlled from your smartphone via an app. Additionally, the controller of the WH-70 features four timer setting options.

**Environmentally friendly:** The R290 refrigerant has a Global Warming Potential of only 3 (compared to 675 for R32, 1430 for R134a, or 2088 for R410a refrigerants). Additionally, it performs better at lower ambient temperatures, significantly reducing energy consumption and your carbon footprint.

## Peace of Mind Warranty

Calitec heat pump units are designed and built using the highest quality parts and are intended to last at least 10-15 years. They are backed by a 5-year warranty on the Mono Block and a 20-year warranty on Calitec hot water cylinders. In the event of any issues that your installer cannot resolve, we provide a replacement unit and facilitate the entire process.



## Whare Ora Loan Scheme

Submission No: 18

**Vicki Bailey**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

NPDC is not a financing organisation leave it to the private industry. The NPDC is a municipal organisation to oversee the cities infrastructure which is very lacking and needs improvement. Eg. playgrounds on Mangorei road always overgrown, culverts always full of rubbish etc. I do not pay rates to oppose financial organisations.

## **Whare Ora Loan Scheme**

Submission No: 19

**Te Ahurei Brider**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Great idea for homeowner to help get theirs homes warm and healthy. The council had this previously and we utilised this while we were unable to pay out right to get a heat pump in our whare while paying it off over our rates for x amount of years. My neighbours could also do with this scheme but the NPDC had no longer offer this support for them to apply. Would be an amazing opportunity for homeowners.



## Whare Ora Loan Scheme

Submission No: 20

**Gary Wagener**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I support the proposal

## Whare Ora Loan Scheme

Submission No: 21

**Kathy Manning**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

We were able to take part in the scheme on 2020 and it has been great. We were able to add extra insulation and a dvs system that we wouldn't have been able to afford at the time. It has made a big difference to the warmth and dryness of the house. I would like to see it be available to others as the improvements have a big impact on people's lives - cheaper to heat, dryer and healthier homes

## Whare Ora Loan Scheme

Submission No: 22

**Caleb Marshall**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

From what I understand it sounds like a good thing.

Keep it simple and make sure people can make the repayments so they don't get further into debt.  
It sounds like a great way for people to do basic improvements to their houses without the hassle of going through a bank or loan shark, and the council can a bit of money through the interest payments.  
Win win

## Whare Ora Loan Scheme

Submission No: 23

**Ben Hardman**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Sounds good. Anything which helps create a healthy home for future families should be good.

## **Whare Ora Loan Scheme**

Submission No: 24

**Colleen Mulligan**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I am in favour of this scheme

## **Whare Ora Loan Scheme**

Submission No: 25

**Tina Bracegirdle**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I like the idea and used it to get DVS put into my home.

## **Whare Ora Loan Scheme**

Submission No: 26

**Paul McGrath**

Wish to speak to the Council: No

---

### **Give us your views on the proposed Whare Ora Loan Scheme**

Not required just lower your rip off rate increases instead and everyone will benefit

## Whare Ora Loan Scheme

Submission No: 27

**Andrew Jones**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

This could be very helpful to homeowners who may otherwise be hindered to carry out small home improvements as listed. Interesting to know what the interest rate would be and what the repayment program looks like



## Whare Ora Loan Scheme

Submission No: 28

**Miss Jay**

Wish to speak to the Council: No

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### Give us your views on the proposed Whare Ora Loan Scheme

This seems good, but please consider how the council absolves itself from responsibility when things go wrong, as in the example of the woman who's house was consented for construction over a sawdust filled hole, who now lives in a shifting and damp, draft filled house that is uninsurable and unsaleable. What protections do you have for future home owners who accept this loan scheme to improve their own or rental properties if the suppliers provided by your list shaft the home owner?

Furthermore, how does the section on plumbing improvements encourage water conservation when installation of rain collection tanks is not yet a specification for new build consenting? If the council really cared about making Taranaki water resilient, then rain water collection tanks should be standard in all new builds and also cheaply promoted as retrofitting options for all dwellings, not just farms on tank water.

There should be a provision made, and specified in the legislation, that use of rainwater for toilet flushing, washing machines and dishwasher systems is to be encouraged and will be available as a loan option, even though council will profit less from metered water use.

Lastly, the policy says this loan scheme is not available to new builds. Please specify what a new build is (eg is a two year old new build eligible?). If the improvements specified in this healthy home improvement policy match the building consent requirement, then fair enough, but the lack of mandate to install rain water collection in all new builds is a glaringly obvious omission.

If the switch from natural gas to electric is an option to prepare for a better climate response, then further regulation is needed from the consenting perspective, as all building companies and plumbers are still operating from the viewpoint that their business can install gas services. How is the council working to phase our region off this finite and fossil fuelled resource?

## Whare Ora Loan Scheme

Submission No: 29

**A Mortleman**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Very useful scheme to help people improve their home to healthy standards, reducing sickness

## Whare Ora Loan Scheme

Submission No: 30

**Cameron Hooper**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I think its a great idea, options are always good. I do fear that maybe there isn't many people that would take this opportunity on due to the major banks offering competitive interest rates for similar/same installations and the cost of time on council and its employees to create this scheme may not be worth it in the long run?

But overall, I'm am personally positive about Whare Ora Loans Scheme.

## **Whare Ora Loan Scheme**

Submission No: 31

**Blair Rookes**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Good idea to assist New Plymouth home owners to improve their homes.

## **Whare Ora Loan Scheme**

Submission No: 32

**Lauren Hartmann**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Great scheme

## Whare Ora Loan Scheme

Submission No: 33

**Chad Smith**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Great idea, used this when it was previously available.

## **Whare Ora Loan Scheme**

Submission No: 34

**Alarna Stratton**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Great idea to support New Plymouth home owners and ensure safe healthy homes for New Zealanders.

## **Whare Ora Loan Scheme**

Submission No: 35

**Rob Clubley**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Sounds like an excellent idea I'm absolutely in favour.



## Whare Ora Loan Scheme

Submission No: 36

**Andrew Inwood**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I find the justification for this scheme entirely unconvincing. People renting have their homes covered by the healthy homes standard (and would not be eligible for this scheme anyway). Those with mortgages (as noted in the policy report to council) can usually get cheaper loans from their banks. Therefore, it seems that the "target" for this scheme are mortgage-free homeowners. Having a scheme that tries to justify itself as benefiting lower-income people, but specifically targeting mortgage-free home owners doesn't make much sense. Spending \$100k for development of a platform, and ongoing costs of \$220k to manage the system does not seem to be good value for money.

Finally, the risks identified (paragraphs 49, 50, 53 and 55) are not adequately mitigated. They are stated, with no comment on how likely or how serious they are, nor how they will be managed.

## **Whare Ora Loan Scheme**

Submission No: 37

**Ashli Taylor - KES Electrical**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

We are in full support of the proposed Whare Ora Loan Scheme. We do think that the proposed loan ranges could be slightly increased to allow for PV Solar Systems.

## Whare Ora Loan Scheme

Submission No: 38

**Lucas Sarah**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

This scheme is a practical way for the council to contribute to the four well-beings 😊.

And we all know how important the four-well beings are 😊.

Economically it can help people realize capital value in their properties.

Socially and culturally it will help people perform better in their work or education because their house is warmer and dryer.

Environmentally it will reduce the load on the power grid.

I think it would be advantages to use community boards to help communicate the advantages of the scheme in the community. This scheme is potentially a good way to raise trust in Council and bolster the reputation of your activities. But people will need to know about it in an effective and local way. Maybe you can think about how you can bring community boards on board to help people access this scheme.

## Whare Ora Loan Scheme

Submission No: 39

**Janelle Broughton**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I think it's a great idea. We were fortunate enough to utilize the scheme you had in place last time. We had double glazing doors installed, which has improved not only the warmth of our house, but also the noise. We would definitely be adding more double glazing to our home if we were able to have this opportunity again through the council. We opted for the interest free term in 5 years.

## Whare Ora Loan Scheme

Submission No: 40

### Marshall Key

Wish to speak to the Council: No

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### Give us your views on the proposed Whare Ora Loan Scheme

Just stick to 3 waters-- back to basics in current fiscal climate.stop buying votes.Supporting documents are everywhere.showing councils for decades have no fiscal idea of responsibility for necessities for ratepayers.

## Whare Ora Loan Scheme

Submission No: 41

**Deanna Beard**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Definitely an obstacle currently facing many of us. I'm in a single glazed, 1980s Lockwood with an exterior that also needs recladding. I'm already about to reroof the home. We suffer with condensation and mold issues every winter despite installing heat pumps throughout.

Access to funding at a fair rate to install double glazing would have a massive impact on our ability to get this home up to a healthier standard as well as lower heating costs.

## Whare Ora Loan Scheme

Submission No: 42

**Andrew Rigby**

Wish to speak to the Council: Yes

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I think it's a worthwhile scheme. It needs to be well publicized though. I wasn't aware there was such a loan historically because I would have explored it.

More specifics on interest rates would be advantageous. Is it likely to be less than a bank?

## Whare Ora Loan Scheme

Submission No: 43

**Sandra Sánchez Torres**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I love the idea of the whare ora loan scheme and would like to see it put into practice.

Preserving the longevity of the scheme is crucial and would hopefully help reduce emissions.

I will likely apply if it goes through.



## **Whare Ora Loan Scheme**

Submission No: 44

**Kameron Jago**

Wish to speak to the Council: No

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**Give us your views on the proposed Whare Ora Loan Scheme**

Go for it

## **Whare Ora Loan Scheme**

Submission No: 45

**Erin Drummond**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I do not support the scheme. The Council should focus on core infrastructure and improving its ability to handle building consents in a sane fashion, not being a loan shark. Leave lending to the banks

## Whare Ora Loan Scheme

Submission No: 46

**Caitlin Helme**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I support the proposal for the Whare Ora Loan Scheme. Keeping interest rates low will permit those who most need this support (i.e., those of lower socioeconomic status who are less likely to live in housing with existing sustainable features) to access it.

## Whare Ora Loan Scheme

Submission No: 47

**Andrew Scott**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

1. Does this comply or affect in any way the Councils ability to provide core services I.e loan capability/obligations etc to pay for water, sewerage, rubbish etc?
2. Does this in any affect rate payers and any perceived future rates increases. I certainly don't want my rates affected in way because of someone who wants double glazing or extra insulation.
3. Core services come first.
4. Is there any way that this could impede the Councils ability to provide core services or repay any debt?

## Whare Ora Loan Scheme

Submission No: 48

**Anna Ralph**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

This would positively impact many people within the New Plymouth district. It is so hard for people to get on the property ladder these days let alone be able to afford renovations to get heating up to standard to have a healthy home.

## Whare Ora Loan Scheme

Submission No: 49

**Mike Garrett - Energy City Ford**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I think this is a great idea

## **Whare Ora Loan Scheme**

Submission No: 50

**Robert Falconer - 2ndwind Second Hand Shop**

Wish to speak to the Council: No

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**Give us your views on the proposed Whare Ora Loan Scheme**

Great idea

## Whare Ora Loan Scheme

Submission No: 51

**Michael Matangi**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Definitely think it's a great idea



## Whare Ora Loan Scheme

Submission No: 52

**Sharron Betts - Harrison's Solar - Taranaki**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

We support the Whare Ora Loan Scheme, we see a lot of households where solar power could significantly reduce their electrical bill. I encourage the consideration of interest free loans, with an application fee. I also encourage the use of only SEANZ members for solar installations, there are a number of us located locally who are members.

## Whare Ora Loan Scheme

Submission No: 53

### **Mark Becker - InHome Solutions**

Wish to speak to the Council: Yes

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#### **Give us your views on the proposed Whare Ora Loan Scheme**

As a former supplier installer of the previous rates scheme I would highly recommend this scheme. Being able to bring the option to the home owner resulted in the owner happy to proceed with the solution to make their homes healthy and more energy efficient. By being able to handle all the paperwork and application it made it much easier for homeowner to improve their home. After the rates scheme ended we would often recommend heading to their banks for a similar option but it would rarely convert to the home owner taking the quoted works to their bank. The option to add the payment to their rates seemed to be invaluable to the homeowner.

## Whare Ora Loan Scheme

Submission No: 54

**Kieran Lee - N16 Consulting**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I would like to express my strong support for the proposed Whare Ora Loans Scheme Policy.

Making healthy, energy-efficient homes more achievable for households across our region is a critical step in supporting better health outcomes and addressing the challenges of climate change. This scheme removes key financial barriers and makes it easier for homeowners to take meaningful action — whether that's improving insulation, switching to efficient heating, or moving away from fossil fuel-based appliances.

I particularly support the focus on emissions reduction and the inclusion of renewable energy and electrification options within the scope of the policy. These are the kinds of practical, accessible tools that empower households to reduce their carbon footprint and improve comfort and wellbeing at the same time.

Thank you for progressing this initiative — it's a strong example of local government enabling positive change at the community level.

## **Whare Ora Loan Scheme**

Submission No: 55

**Amelia Roche**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I believe it's a huge positive for home owners and rate payers. it will enable us to do adequate improvements that will positively impact my families health and well being.

## **Whare Ora Loan Scheme**

Submission No: 56

**Orlando Ladlad**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Can I apply for a loan?

## Whare Ora Loan Scheme

Submission No: 57

**Robert Drake**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I am very much in support of this scheme - it's a fantastic way to support sustainability improvements in our community.

## Whare Ora Loan Scheme

Submission No: 58

**Philippa Thompson**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

This was an amazing scheme. We've been waiting and hoping it would come back

## Whare Ora Loan Scheme

Submission No: 59

**Shaun Missen**

**Glass group**

Wish to speak to the Council: Yes

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### **Give us your views on the proposed Whare Ora Loan Scheme**

I believe this is a fantastic scheme to encourage our people to live in healthier & efficient homes it will make a big difference to their daily lives. this will also help support local business and lively hoods. we seen grate results when it was last active. as a local resident and business owner i would be very keen to support this move



## Whare Ora Loan Scheme

Submission No: 60

**Sonya Beer - Fisher Taranaki**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Great Idea, allows some homeowners to improve, invest and enjoy their homes with out the pressures of banks.

## **Whare Ora Loan Scheme**

Submission No: 61

**Jason Holdt - HeatCool Taranaki**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Great idea. Lots of people used this as a cost effective way for heating their homes.

## **Whare Ora Loan Scheme**

Submission No: 62

**Daniel Brooks - Ariki Plumbing and Gas**

Wish to speak to the Council: No

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### **Give us your views on the proposed Whare Ora Loan Scheme**

Yes I think it is a great idea to reintroduce this scheme

## Whare Ora Loan Scheme

Submission No: 63

**Narelle Wratt - Savvy Gas and Plumbing Limited**

Wish to speak to the Council: No

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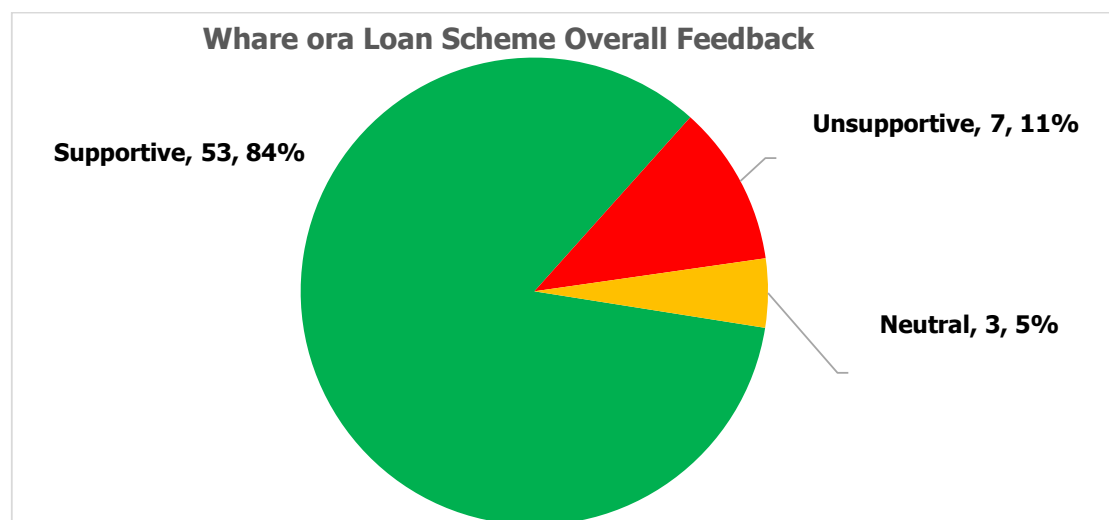
### **Give us your views on the proposed Whare Ora Loan Scheme**

I think this is a great scheme and will assist many homeowners to be able to replace or upgrade existing hot water and heating systems which often is an unexpected expenses that they dont have the money put aside for.

We had a great response to the last scheme and were gutted when it ended

## WHARE ORA LOANS SCHEME - SUMMARY OF SUBMISSIONS ANALYSIS

1. There were 63 submissions received. Over four-fifths of submissions were in favour of establishing the Whare Ora Loans Scheme.



### ***Submissions in favour***

2. There were 53 submissions (84 per cent) in support of the proposed Whare Ora Loans Scheme.

### ***Scheme supports broad range of benefits***

3. 24 submitters (38 per cent) raising the broad benefits that will be realised by those households that participate in the scheme. Benefits mentioned included:
  - a. Improved health and wellbeing.
  - b. Lower energy costs.
  - c. Improved resilience.
  - d. Reduction in greenhouse gas emissions.
  - e. Environmental improvements

### ***Overcome up front cost barriers***

4. 13 submitters (21 per cent) advised that the proposed scheme will enable action by supporting households (especially young families) to overcome the upfront cost barrier to improving housing quality. This view was shared from both a participant and supplier perspective.

*Supporting community emissions reduction*

5. 6 submitters (10 per cent) talked about the benefits of supporting community emissions reduction.
6. NPDC's Emissions Reduction Plan identified the scheme as a key action to reduce community emissions. These views received reinforces the relevance of the scheme in enabling community emissions reduction.

*Benefits for businesses/suppliers*

7. Several submitters (6 per cent) noted the benefits for local suppliers that become part of the scheme. A summary of views expressed included:
  - a. Positive experiences as suppliers under the previous scheme.
  - b. Increased business as suppliers under previous scheme.
  - c. Expressed interest in being suppliers under the proposed scheme.
  - d. Ease for customers to access finance (compared to banks) under previous scheme.

***Submissions seeking changes to the proposed Scheme themes***

8. Within the supportive submissions there were concerns that the proposed policy settings should be changed.

*Eligibility*

9. Three submitters raised concerns that the eligibility criteria is too strict and is going to exclude the those that need it most.
10. However, views from other submitters expressed concern that the Council scheme risks lending money to households that are unable to repay.
11. While Council would not be required to undergo affordability assessments of applicants due to meeting a full exemption to the Credit Contracts and Consumer Finance Act 2003, there remains a public accountability and responsibility of the Council to prevent overburdening ratepayers with debt which they cannot afford to repay. Council's tool to recover unpaid rates are considerably stronger than those of private lenders.
12. Relaxing eligibility criteria to make the scheme more accessible is likely to result in:
  - a. Increased instances of customers not being able to pay their rates instalments.

- b. Increased instances of customers postponing their rates instalments under the Rates remissions and Postponement Policies.
  - c. Additional resourcing required to administer the above.
  - d. Additional interest and operational costs attributed to the scheme which must be recovered.
  - e. Risk of Council relying on enforcement mechanisms to collect rates such as seeking banks to pay or forced sale processes.
13. Households that do not meet the eligibility criteria of the proposed Scheme may be eligible for grant funding through Energy Efficiency and Conservation Authority's (EECA) Warmer Kiwi Homes Scheme. The central government funded scheme funds insulation and heating retrofits for owner occupiers (excludes rentals) that are in higher deprived areas (NZDEP zones 7-10) and/or owners holding a community services card. Locally, TOI Foundation provide further support for WISE Charitable Trust to provide the Warmer Kiwi Homes Scheme at greater discount than available elsewhere in New Zealand.
  14. The proposed Scheme complements this central government programme, covering a broader range of home improvements and making finance available to households that would not qualify (i.e. landlords and households in less deprived areas).
  15. Other funding streams administered by NPDC could also be utilised by community organisations to provide support for households that are not able to access the proposed scheme. For instance, the Community Climate Action Funding Scheme (first operational in 2025/26) could consider funding community initiatives that support these households.
  16. Council has already resolved that the Scheme be reviewed after two years in operation. This review could also consider whether changes can be made to eligibility criteria.

#### *Loan limits feedback*

17. Some feedback was received suggesting that the minimum loan limit is too high.
18. Lower value loans require the same administrative cost which must be recovered. However, costs recovered through interest rates on lower loan values are less. There are fewer home improvements that can reasonably be made to improve household sustainability at lower levels. Lower amounts are also more likely to be affordable for households without relying on debt.

19. Some feedback was received suggesting that the maximum loan limit is too low, particularly for solar installations.
20. Officers advise the maximum loan limit has already increased from previous scheme settings from \$10,000 to \$15,000 under the proposed scheme. Higher lending limits may necessitate longer loan terms to be affordable for ratepayers, which increases risk exposure to Council.
21. Loan limits will need to be considered as part of every review of the Scheme because of inflation and market movements.

### ***Submissions opposed themes***

22. 7 Submitters (11 per cent) were not supportive of the proposed Whare Ora Loan Scheme.

### ***Focus on core services***

23. Of these submissions, 5 (71 per cent) said that Council should focus on core services such as infrastructure, three waters, parks, waste & recycling, and building consents.
24. However, feedback was also received supporting the proposed scheme raising the wellbeing benefits which would be realised for participants of the scheme.
25. The Local Government Act requires councils to consider community wellbeing in their decision-making covering Social, Economic, Environmental and Cultural wellbeing. There is no implications for the delivery of other Council services. While Council has to borrow to fund the Scheme loans, there is no net impact on Council's debt status.
26. Indeed, the proposed Scheme would support other Council services. For instance, the proposed Scheme includes a plumbing category that includes rainwater collection, significant leak repairs and water conservation improvements. This supports the Water Supply service strategy direction to reduce water consumption.

### ***Banks already provide loans***

27. Several submitters expressed concerns that the Council is not a lending institution and that banks are already providing lending for home improvements. There was concern that banks are providing more competitive interest rates for similar initiatives and that this may render the Council Scheme unnecessary and not worthwhile.
28. However, feedback was also received indicating that bank lending is not as easily accessible compared with the proposed Scheme. The views expressed by submitters included:



- a. Getting a loan from the bank is a hassle.
  - b. Some lenders do not offer additional lending for home improvements.
29. The big four banks (ANZ, ASB, BNZ, Westpac), which are responsible for 85 per cent of bank lending in New Zealand, are now offering green loans. These enable existing mortgage customers to borrow up to \$50,000-\$80,000 at 1-0% interest for 3-5 years for a broad range of sustainable home improvements. However, these loans are only available to existing mortgage customers with the participating banks and are subject to approval and conditions of the individual bank. At least one of these banks require a minimum mortgage amount as well.
30. According to 2019 data 32 per cent of homes in New Plymouth did not have a mortgage and therefore would not be able to access green loans. Mortgage free households that are still working are likely to have more disposable income to afford a targeted rate. However, households on fixed incomes (e.g. retirees may not.

#### *Risks*

31. Three submitters expressed concerns about the risks that Council is taking on by providing the proposed scheme. The array of risks that were mentioned included:
- a. Risks of poor suppliers.
  - b. Risk of lending to those that are unable to pay
  - c. Risks of not enough demand impacting longevity
  - d. Scheme not delivering good value for money
32. The risks highlighted have already been mitigated in the proposed Scheme Policy:
- a. Applicants must use a supplier which is on a NPDC managed 'registered supplier list' for the scheme. This enables Council to influence supplier quality and conduct. For suppliers to be considered for the registered supplier list they will need to apply and be approved. Additionally, once on-board supplier performance can be monitored and corrective action taken through the procurement panel.
  - b. Further, owners must acknowledge that it is their responsibility to undertake their own due diligence when considering a supplier and Council is not responsible for any supplier and does not guarantee their product, service or workmanship.

- c. Applicants are required to provide a good or better credit rating, have no rates arrears and no penalties charged in the past 5 years.
  - d. The owner must acknowledge having sufficient income or other means to repay the loan of the lifetime of the loan.
- 33. As discussed in the previous report to Council:
  - a. The Scheme settings are on a cost recovery basis therefore there is no cost the general ratepayer.
  - b. Officers estimate the uptake of the scheme to be 300 per year at an average loan amount of \$12,000. The interest rate will be subject to review on an annual basis to ensure cost recoverable status is maintained.

***Other feedback***

- 34. Within the feedback provided there was also the following views expressed:
  - a. Consenting changes should first be made to make water tanks mandatory for new build homes.
  - b. Consenting changes should first be made to prevent gas appliances being installed for new build homes.
- 35. These are matters outside of the Policy. Officers were instructed (at the Long-Term Plan 2024-2034 deliberations) to investigate and report options on water tanks. Gas appliance regulation would sit with central Government.



# RATEPAYER ASSISTANCE SCHEME

THE OPPORTUNITY FOR LOCAL GOVERNMENT



## Executive summary and contents

RAS is a local government initiative that will significantly enhance LAs' funding and financing toolbox - providing flexibility to LAs as to how they charge and ratepayers in how they pay

- The Ratepayer Assistance Scheme (RAS) supports local government funding and financing by:
  - Converting multi-year Local Authority (LA) charges to ratepayers into efficient upfront payments to LAs
  - Effectively lending to ratepayers at very low cost
- The RAS would be owned by LAs, off-balance sheet and can be used to finance Development Contributions / Levies, Property Improvement Loans and Rates Postponement
- The Minister for Local Government has confirmed that he is supportive of the RAS and has recommended that local government undertakes further, final development work
- To undertake final development requires additional funding commitment from the sector of \$2.5 million (without this the RAS will not proceed) and there is the opportunity for councils to be part of the group of funding councils
- This document sets out details of the RAS opportunity and support sought from councils as follows
  1. **The RAS Opportunity**
    - The services RAS provides:
      2. **Deferred Development Contributions / Development Levies**
      3. **Property Improvement Loans**
      4. **Rates Postponement**
  5. **What the RAS is and how it works**
  6. **Business case analysis**
  7. **The development process to date and the next steps through to a final stop / go decision**
  8. **What is required from the local government sector and the opportunity for councils**
  9. **What to do next if you are interested**

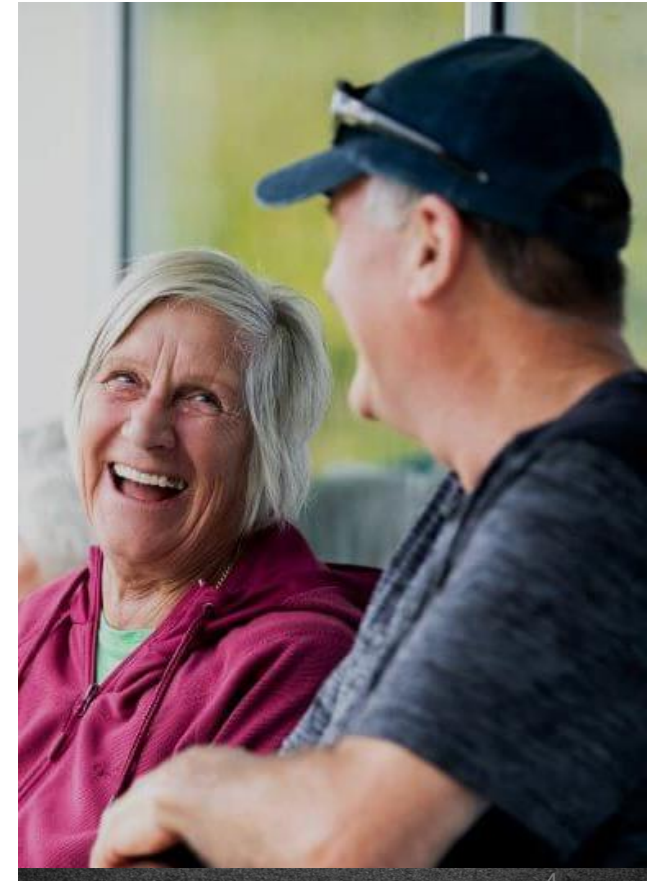


# 1. The RAS Opportunity

The RAS has been developed by LGNZ, LGFA, a group of metro councils and Cameron Partners to support councils and ratepayers to address a range of economic and social issues



- The economic and social disruption from the cost-of-living crisis, an ageing population plus the investment requirements to meet infrastructure, health & safety and environmental resilience is affecting all New Zealanders
- The local government sector is responding with policies to address these issues, but it needs additional tools to ensure these policies can be financed, administered efficiently and are effective
- Local Government New Zealand (LGNZ), along with a group of Metro councils, the New Zealand Local Government Funding Agency (LGFA), Rewiring Aotearoa (RA) and Cameron Partners have been working on an innovative financing scheme, the RAS
- The purpose of the RAS is to facilitate and enhance the effectiveness of a range of existing and prospective government and local government policies by:
  - Addressing ratepayer affordability concerns
  - Incentivising ratepayers to take advantage of, and comply with policies through providing ratepayers with flexibility to decide when to pay local government charges and/or very competitive finance terms
- The RAS is very flexible with multiple applications possible – to date the focus has been on three applications:
  1. **Deferred Development Contributions (DCs) / Development Levies (DLs)** which enables developers to convert upfront DC / DL payments into annual payments over ~30 years while ensuring local authorities still receive full payment upfront
  2. **Property Improvement Loans (PILs)** to encourage investment in properties that has both private and public benefits, for example installation of solar panels and home insulation / heating
  3. **Rates Postponement (RP)** providing relief to ratepayers by using equity in their homes to defer payment of general rates (and could in-principle include all LA charges) until their house is sold





# 1. The RAS Opportunity

Central government has confirmed it is supportive and recommended further development – this requires local government to confirm its support and funding



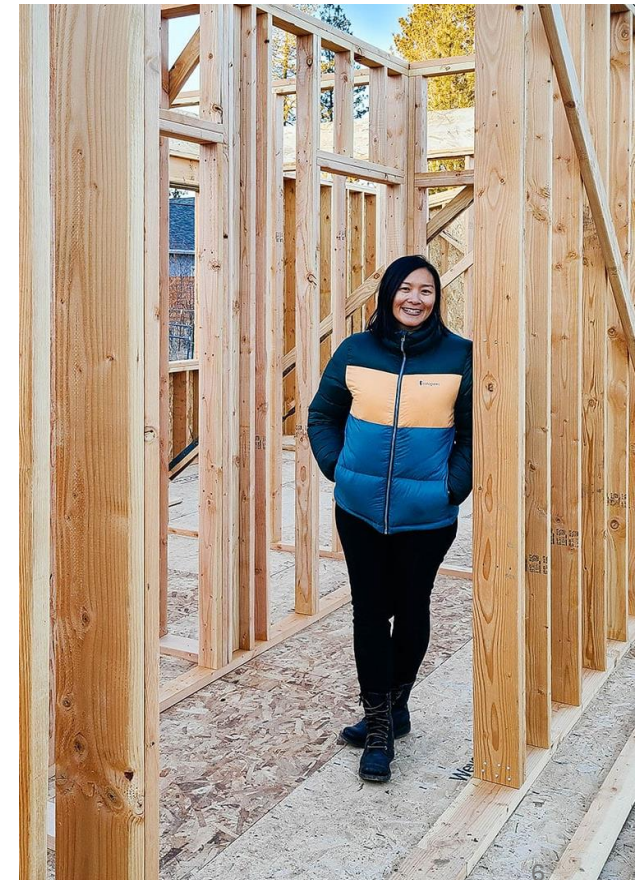
- In many respects, the RAS is similar to the LGFA – it:
  - Utilises the strength of local government rates charge to provide security
  - Achieves scale by aggregating requirements across the sector in order to access very efficient and flexible financing from the capital markets
  - Is then able to pass on these financing efficiencies to ratepayers
- An important distinction between the RAS and LGFA is that the RAS will lend directly to individual ratepayers whereas the LGFA lends to local authorities
- The RAS would be a new entity owned by LAs, providing a national shared service available to all LAs – it would:
  - Undertake all administrative functions in regard to the services it provides (in many cases removing this from councils)
  - Importantly, be off-balance sheet for LAs so that there is no impact on council financing capacity
- The Minister for Local Government has confirmed that he is supportive of the RAS, has instructed his officials to commence policy work on the RAS in August 2025 and has recommended that local government undertakes further detailed development work to enable a final stop / go decision in late 2025
- To move forward, the local government sector needs to confirm its support for the RAS and sufficient funding commitment to fund final development
- The opportunity is for councils to be part of the funding group that supports final development of the RAS and ultimately establishment of the RAS – without further funding support the RAS will not proceed



## 2. Deferred DCs / DLs

Deferred DCs / DLs will spread the cost over say, 30 years, supporting development. It will be easier for LAs to charge the full allowable cost and receive payment upfront

- LAs charge ratepayers / developers DCs for new developments to contribute to the costs of supporting infrastructure
  - DC costs are significant (one-off charges are on average ~\$20k to \$30k per property but can be \$60k+)
  - 2026 annual plans forecast over \$700 million revenue to be raised from DCs nationally
- The proposed Development Levy System (DLS) is expected to expand the scope of DLs to enable LAs to fully recover development growth costs and raise more revenue to fund growth infrastructure
- BUT the DLS combined with supply chain issues and inflation pressures means developers will need to pay more – the affordability of these increased charges and risk to the very developments that the charges are intended to support are critical considerations
- The RAS will be able to effectively convert upfront DCs / DLs into series of annual payments over say 30 years
- Under a Deferred DC / DL scheme, LAs would continue to do what they do now and invoice DCs / DLs at appropriate milestones (e.g. issue of 224c certificate or Code of Compliance) but developers would have the option to either:
  - Pay DCs / DLs in full; or
  - Choose to defer DCs / DLs through the RAS
- In the case of deferred DCs / DLs, the RAS would pay the upfront DC / DL to the LA and the current and future owners of the properties, would repay these upfront DCs / DLs (+ interest) as annual RAS levies:
  - Importantly, future owners would expect to pay less for properties with deferred DCs / DLs to reflect the RAS levies that will be charged in future on an annual basis
  - In any event, the purchaser of a property will have the option to require the outstanding RAS levies to be repaid by the seller of the property prior to them taking ownership (although new purchasers may decide that they prefer to pay less upfront for the property and take advantage of the attractive financing rates applied by the RAS)





## 2. Deferred DCs / DLs

The new DLS will facilitate increased LA charges to property developers to more fully fund the costs of growth-related infrastructure



- DCs are a substantial revenue source for LAs (~\$700 million nationally) and this is expected to increase considerably under the DLS
- The increased costs will drive demand for alternative payment arrangements such as deferred DCs / DLs, underpinning the ability for RAS to achieve a breakeven financial position in a reasonable timeframe
- Auckland Council estimates 50% of its DC revenue is from small developments (under four houses), including a significant number of 'mum and dad' developers undertaking developments such as subdividing their existing property

### Average DC



\$20k – 30k

### Some DCs are much larger



\$60k+

Under the DLS charges are expected to be larger individually and in aggregate

- Some developers highlight DCs as a factor that impedes development and encourages land banking and in response, some LAs end up discounting DCs
- A range of private and public sector options are available for property developers and LAs - these options typically do not support:
  - Development; and/or
  - LAs recovering the full allowable DC charge

### Don't develop



DCs / DLs can inhibit development

### Development Finance



Development loans are expensive

### Fully charge DCs / DLs



Affordability, risk to development

### LA Deferred DCs / DLs



Admin and impact on LA debt capacity



Stan and Jess, with their children Rebecca and Josh, have a home with a large backyard in Auckland

Stan and Jess are considering building an additional house on their section to initially provide accommodation for Jess' parents and then, in time their children. At some point they are likely to sell the property to help fund their own retirement. The DC that would be triggered by their development is a barrier to them developing the property

Stan and Jess would opt in to use the RAS's Deferred DC / DL product:

- The Deferred DC / DL removes any potential disincentive of the material upfront DC / DL cost to undertake the development
- The RAS would convert the DC into an annual levy payment secured against the property
- The LA would receive the full DC / DL payment upfront
- Stan and Jess would pay their 'share' of the DC / DL while they own the property (and other owners in due course)

LAs wish to encourage development but must provide the necessary infrastructure to support this

Some LAs continually face strong developer opposition to paying DCs

We understand that some developers point to LA DCs as an impediment to development

A Deferred DC / DL offering would be a very attractive option for developers:

- Providing flexible payment terms
- Spreading the costs of the infrastructure over a 30-year term
- Providing LAs with a constructive response to developers' DC / DL cost concerns
- Providing the full DC / DL payment to the LA upfront

### 3. Property Improvement Loans

LAs can currently adopt policies to provide financing to ratepayers that can be repaid via voluntary targeted rates – these arrangements can be financed and administered by RAS

- Current legislation enables LAs to adopt policies to provide financing to ratepayers that can be repaid over a fixed period via a voluntary targeted rate secured against a rateable property
- These policies typically relate to supporting and incentivising ratepayers to invest in their properties to achieve desirable private and public benefits. For example, various councils provide retrofit home insulation loans to ratepayers with loans repaid on a table mortgage basis
- Current PILs usage across most LAs (and therefore private and public benefits) is relatively low:
  - Similar to RP, LAs have been reluctant to offer and promote PILs as they must be financed out of LAs' existing financing capacity
  - In some cases, the interest cost charged to ratepayers has not been sufficiently attractive relative to ratepayers' financing alternatives
  - LAs have encountered operational and regulatory challenges
- RAS could provide PILs for individual and community projects (e.g. home insulation, heat pumps, double glazing windows, earthquake strengthening, solar panels, water tanks, septic tanks, EV chargers, stock exclusion fencing, sea walls) that:
  - Facilitate the growth of safer, healthier, more resilient and environmentally sustainable homes and communities
  - Are voluntary / 'opt-in' for ratepayers
  - Provide ratepayers with competitive financing options (~1% – 1.5% below standard mortgage rates)
  - May reduce or delay LAs' required investment in infrastructure (e.g. private water tanks could reduce the need for additional LA water storage capacity)
  - Are 'off-balance sheet' for LAs, removing the financing impediment for LAs





### 3. Property Improvement Loans

PILs support uptake of individual and community property improvements with significant public benefits, furthering LA and government’s policy goals

- Private property improvements can have significant private and public benefits (e.g. safer, healthier and more environmentally friendly communities)
- Current legislation enables LAs to offer PILs (repaid via voluntary targeted rates) to further policy objectives, but use by LAs is not widespread – largely due to operational, cost and compliance issues
- Achievement of certain policy objectives / public benefits are limited by the one-off costs that property owners need to pay for the improvements

- A range of private and public sector options are available for property owners and LAs / government
- LAs / government can directly subsidise private property improvements, but these have limited efficiency
- Recent examples of LA provided PILs highlight the administrative and financing challenges

**Don't improve**

Reduced social benefits and policy objectives achieved

**Bank loan**

Expense and availability?

**Govt subsidies**

Public sector vs private sector costs

**LA schemes**

Admin burden and uses LA financing capacity



Josh, Sophie and baby live in City “X” in an old villa purchased five years ago. They are required under council regulations to either reinforce or remove the two existing chimneys in their home

Josh and Sophie currently heat their home with open fires but have decided it will be best long-term to remove the fireplaces. However, each fireplace costs \$8k to remove and they will need to invest in a heat pump costing \$2k

Council “X” decides to offer RAS PILs for chimney removal and insulation / heating

Josh and Sophie opt to use the chimney removal and heating PILs:

- Accessing cheaper finance than the current alternatives
- Improving the safety and healthiness of their home
- Council “X” moves closer to achieving its seismic resilience targets



June is looking to buy a new car and is interested in an EV to reduce her emissions and save fuel costs. She is also nervous about power outages

June can just afford the slightly higher purchase price of an EV. However, she is currently unable to also afford the cost of a home Vehicle to Grid (V2G) charger

June opts to use the RAS PILs product as this:

- Improves the affordability of purchasing an EV
- Is cheaper finance than available alternatives
- Reduces her emissions while increasing her energy resilience
- Unlocks savings in fuel costs and maintenance
- Enables her to charge her EV when prices are low, use the car as a battery when prices are high and even sell a few kwh a day to reduce her power bill

Just 30% of households with vehicles plugged in and exporting is the equivalent power output capacity of every power plant in NZ combined. More than enough to deal with higher daily peaks as our economy electrifies and avoid some costly system upgrades

### 3. Property Improvement Loans



PILs are very flexible and can deliver significant cost of living and quality of life benefits for ratepayers – it is up to central government and local government to decide what PILs could be applied to

- In indicating support for further development of the RAS, the Minister has asked that particular consideration for how PILs could be used to support the uptake of renewable, lower-cost energy
- While originally envisioned for residential properties, there is no reason government and councils could not extend PILs to other rateable properties – e.g. financing install of medium-sized solar and water-way fencing on farms
- In principle, RAS PILs could also be used to avoid LA capital expenditure



*Ngaio and Rick have just had a big shock as their electricity daily charge and unit prices increased by 20% from 1 April. They have looked into solar and want to install a 9kw solar system to reduce their power bills and not fear the seemingly inevitable increases coming next April. But the \$18k upfront cost is a big ask for the household with three young kids. They elect to take out a PIL through the RAS as it is cheaper and easier to access than other options available to them. Once installed, they are able to save ~75% of their power bills.*

*After they've fully paid off the solar system through the RAS over the 30 year warranty period of the solar panels, they have saved over \$40k.*

*Their decision to install solar has also:*

- Encouraged them to swap out their gas heating for electric
- Improved the energy resilience of their community
- Helped NZ keep more water in the hydro lakes in dry years, due to the 11% "sunlight premium" of solar in dry years
- Increased NZ's electricity generation (if 80% of homes had a 9kw system, it would be about 40% more electricity generation)
- Supported the wider electrification of the NZ economy



*The ten property owners at beach "X" are concerned about erosion and the impact of climate change which potentially puts their properties at risk in an extreme weather event.*

*They have collectively engaged engineering advisors and a construction company to scope a seawall to protect their properties and they have received a firm quote of \$180k.*

*All of the property owners are willing to contribute to the seawall but some are retired and do not have access to financing and do not wish to use their small savings which they use for living expenses.*

*Seven of the ten property owners at "X" beach opt to use a RAS PIL to finance their contribution to the seawall at cheaper finance than current alternatives (the other three owners pay direct).*

*Of the seven who use the PIL:*

- Three repay the PIL over ten years via annual RAS levies
- Four choose to postpone payment of the voluntary targeted rate using RP

*The seawall is built and the following year, Cyclone Ada causes widespread damage but Beach "X" is unscathed because of the protection provided by the seawall.*



*Council "Y" is aware it has a large number of ratepayers that have septic tanks that are deteriorating and starting to cause environmental issues (leaching into streams and the harbour).*

*The geography makes it difficult to provide reticulated wastewater services to most of the properties and in any event Council "Y" has insufficient financial capacity to undertake the necessary investment for a new wastewater network.*

*Instead, Council "Y" is imposing new septic tank regulations and commencing an inspections process. It anticipates virtually all septic tanks (installed over 50 years ago) will require replacement at an average cost of \$20k.*

*Council "Y" intends to offer a RAS PIL to ratepayers who are required to replace their tanks with a payment term of 20 years:*

- Many affected property owners comply with the new council regulation and choose to take advantage of Council "Y"'s septic tank PIL
- Property owners who take up the PIL are able to repay the loan over a 20-year period at \$1,000 p.a. + interest (PIL interest rate is lower than alternative options)
- The council achieves its environmental policy objectives
- The council avoids a significant investment in a reticulated wastewater network that it can ill afford

## 4. Rates Postponement

RP allows qualifying ratepayers to defer rates and pay on sale of their property – in principle all LA charges could be deferred in the same way

- RP provides flexibility to ratepayers (like a reverse equity mortgage) to decide to pay LA charges at some time in the future, partially mitigating:
  - Affordability issues – the impost on property owners will only increase as New Zealand seeks to address underinvestment in infrastructure
  - Demographic changes – e.g. an aging population and a growing cohort of fixed income / elderly home owners
  - General cost of living challenges
- Many LAs already provide RP schemes although these have limited uptake, due to:
  - Demand side factors - e.g. limited awareness; challenging application processes
  - Supply side factors - e.g. restrictive and varying eligibility criteria; LAs' reluctance to promote RP due to the impact on their short-term cashflows and financing capacity
- RAS RP is an opportunity for a standardised, highly efficient national RP scheme that provides RP benefits to a larger proportion of NZ ratepayers at very competitive financing rates (~1% – 1.5% below standard mortgage rates; ~4% to 5% below reverse mortgage rates)
- Eligible ratepayers will have the opportunity to defer general rates payments and the RAS could also offer ratepayers the option to postpone other RAS or LA related levies such as Deferred DCs / DLs and PILs
- British Columbia, Canada (population ~5 million) has a property tax regime similar to New Zealand's rating system:
  - It has had a property tax deferral scheme in place for many years providing a strong precedent and insights
  - In 2024 the British Columbia Property Tax Deferral Scheme had 83,000+ users, ~\$2.7 billion in loans (it has quadrupled in size from ~\$670 million in 2016) and includes ~3.9% of British Columbia households











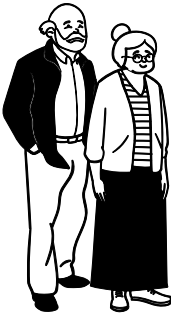
4. Rates Postponement



A nationwide RP scheme would be a highly efficient solution that assists older home owners avoid financial hardship by offering them the ability to postpone their rates

<ul style="list-style-type: none"><li>• Living costs in NZ during retirement can be significant</li><li>• Superannuation payments are unlikely to cover all living costs for many low-income ratepayers</li><li>• Without savings or other sources of income, retirees can experience financial hardship</li><li>• LA rates are a significant expense and are expected to increase above inflation for the foreseeable future</li></ul>	 <b>'No frills retirement for a couple'</b> \$54k p.a. in the regions \$47k p.a. in main centres	 <b>'Choices retirement for a couple'</b> \$63k p.a. in the regions \$91k p.a. in main centres
	NZ Super payments \$42k p.a. (post tax) for a couple where both qualify And \$27k p.a. (post tax) for an individual living alone	
	NZ average 2024 residential rates \$3,200 p.a. and rising steeply	

<ul style="list-style-type: none"><li>• A range of private and public sector options are available</li><li>• These are limited in their effectiveness and efficiency and not always available</li><li>• They do not always align with ratepayers' objectives – most ratepayers do not want to be forced to sell their home</li></ul>	<b>Reverse mortgage</b>  <i>Reverse mortgages are very expensive</i>	<b>Sell home</b>  <i>Downsize, move to a retirement village or more affordable region</i>	<b>Rates rebate</b>  <i>Eligible ratepayers can receive up to ~\$790 p.a.</i>	<b>Existing LA RP</b>  <i>Not widely marketed, inefficient and expensive</i>



John and Jane (both 65) have retired, live in City “X” and expect to live to 90. They are fixed income / elderly homeowners and despite having \$1.4 million of assets (home \$1.2 million and KiwiSaver \$200k), they are struggling to make ends meet. They intend to utilise their savings to meet living costs and the occasional extravagance

They pay ~\$4,000 p.a. of LA rates (~8% of their post tax pension income) and are concerned about the forecast rates increases of up to 10% p.a. for the next three years

RP:

- Increases their annual cashflow by ~\$4,000 and insulates them from future rates increases – they eat out once a week at the local byo
- Enables them to stay in their home for the next 10 years

Ten years later, their home’s value has increased to \$1.5 million. They sell it, repay the ~\$60k RP debt and realise \$1.44 million from the sale



Diane (70) has retired, lives alone in City “Y” and expects to live to 90. She owns a small unit worth \$600k and otherwise has no investments or savings. Her only income is NZ Super so she is forced to live very frugally and she struggles to afford to travel to Auckland to visit her grandchildren

She pays ~\$3,200 p.a. of LA rates (12% of her post tax pension income) and is very concerned about the forecast rates increase of ~10% p.a. for the next three years and whether that will impact her ability to see her family.

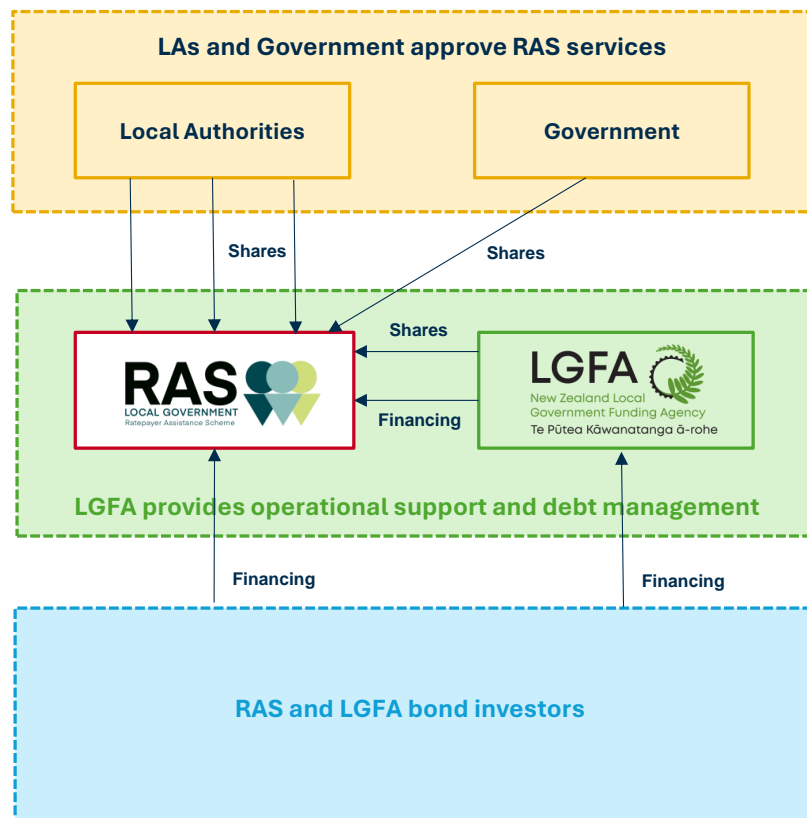
RP:

- Increases her annual cashflow by ~\$3,200, insulates her from future rates increases and enables her to visit her family three times a year
- Enables her stay in her unit for the remainder of her life

When she passes away at 90, her unit sells for \$900k and her \$150k RP debt is repaid

## 5. What it is and how it works

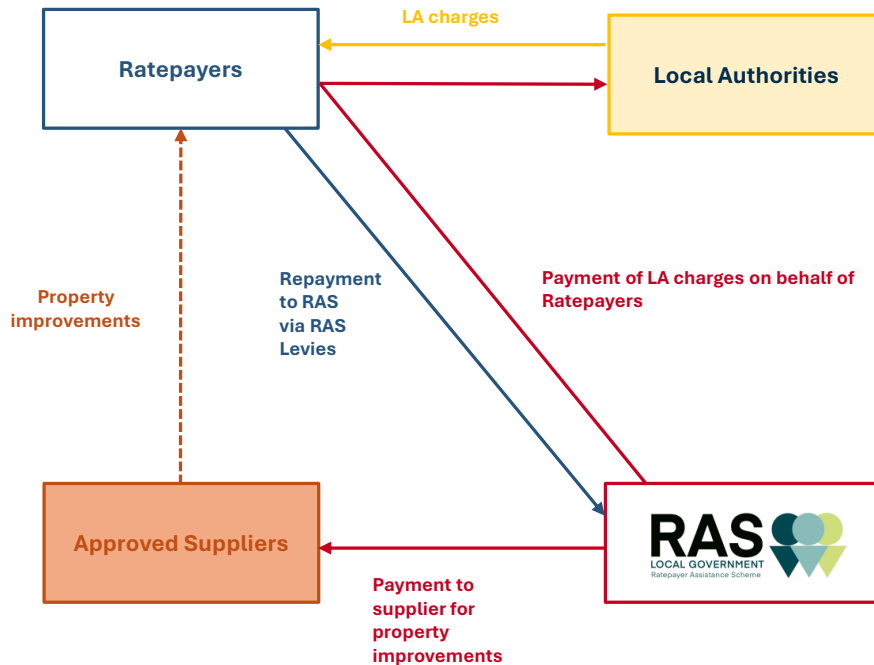
Structurally the RAS has many similarities to the LGFA – it will be owned by LAs, LGFA and government, providing services to LAs and their ratepayers



- The RAS would be a new entity (a CCO), owned by LAs, LGFA and central government
- The RAS would have no discretion to whom and for what it could lend money – all the services it provides would need to be approved by LAs and central government
- To ensure the RAS is off-balance sheet, the maximum individual stake is less than 20%
- All LAs will be able to use the services of the RAS (regardless of whether they are a shareholder or not), subject to meeting RAS's membership requirements – e.g. IT interface, invoicing, collections, security requirements
- LGFA has a critical role in regard to RAS – providing financial and operational support to the RAS (on a commercial contractual basis), using LGFAs existing capabilities, avoiding duplication and maximising efficiency
- The LGFA board has provided in principle approval (subject to LGFA shareholder approval) for the following
  1. **Ownership** up to the maximum allowable (~20% of RAS shares)
  2. **Debt facility** to enable RAS to “warehouse” its loans to ratepayers before issuing its own RAS bonds to the capital markets
  3. **Preference shares investment** (potentially \$100 million + over time) to ensure RAS maintains an appropriate equity ratio as its loan book grows
  4. **Shared services arrangements** across many corporate functions such as financial, HR and IT services
  5. **Management of the RAS bond programme** – using LGFAs existing skills, and networks (it is expected that there will be significant crossover between RAS and LGFA bond investors)

## 5. What it is and how it works

The RAS effectively does what LAs can and already do, but does it more efficiently and effectively, taking on the administrative burden and risk of providing the services while being off-balance sheet so that there is no impact on LAs' financing capacity



- The RAS structure is based on the LGFA structure
- Importantly, given the RAS is providing services on behalf of LAs, the RAS would have the power to impose a levy charge equivalent to a rate to ensure it gets repaid
- The RAS structure and its ability to impose a 'rate-like' levy would enable it to achieve a very high credit rating
- With this very high credit rating, the RAS would raise very low-cost, long-term financing from the capital markets and pass this on to ratepayers (ratepayer financing will be between ~1-1.5% lower than standard mortgage rates)
- LAs will opt-in as to whether they wish to allow their ratepayers to use the RAS's services
- Ratepayers will also opt-in to use the RAS's services
- The interface between LAs, RAS and ratepayers will be as seamless as possible – for example in the case of RP or deferred DCs / DLs:
  - Ratepayers would "apply" through their LA via a web-based portal on the LA's website
  - The application would go directly to RAS for processing
  - Once approved, payment of the rate charge or DC / DL is made to the LA by the RAS
  - At the appropriate time the RAS will levy the ratepayer to obtain repayment
  - The RAS levy will be separately itemised on the LA's rates invoice, collected by the LA and then distributed to RAS
- In the case of PILs the process would be the same except that RAS would make payment to the approved supplier of the property improvement

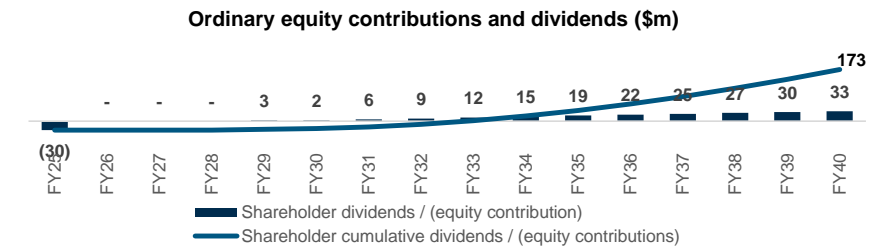
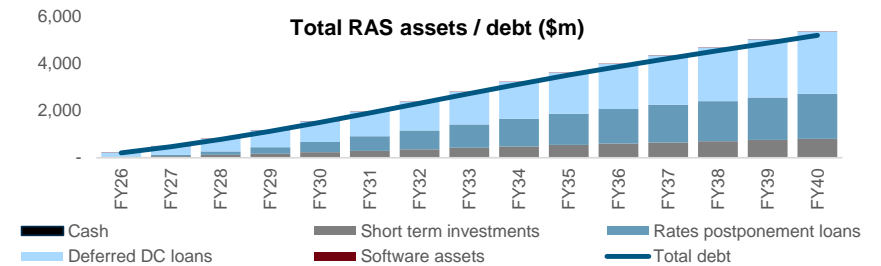


## 6. RAS financial business case

In addition to the provision of valuable services for LAs and ratepayers, business case analysis indicates that very strong commercial returns may be available to shareholders



- A comprehensive business case analysis has been undertaken on a “desktop” basis by Cameron Partners with input from LGFA and IT service providers (to assist with scoping and quantification of the core IT system which is critical to the effective and efficient operation of the RAS)
- Multiple scenarios have been developed and the base case scenario is considered conservative – it assumes:
  - Deferred DC / DLs uptake of 25% of new DCs from FY26
  - No PILs have been assumed in the current base case (this assumption will be revisited during final development)
  - RP uptake of 3.0% is achieved by FY34 with significant uptake occurring in years two to five. By FY31, ~52k households use RP
- The next stage of development will firm up these assumptions, including engagement with market providers including IT system service providers
- The economics of RAS rely on it achieving scale so that it can cover its operating costs:
  - The financial modelling assumption is that the RAS net margin is 1% (ie for every \$100 million of loans it will generate \$1 million to cover its operating costs)
  - Once RAS has achieved breakeven, surplus cashflow is available to distribute to shareholders
- The base case scenario indicates:
  - Equity of ~\$30 million is required to cover establishment costs and operating deficits until RAS achieves breakeven
  - Breakeven is achieved in year 4 (based on assumed annual operating costs ~\$7m)
  - Full “payback” of initial investment in year 8
  - An annual dividend yield of over 100% by year 15

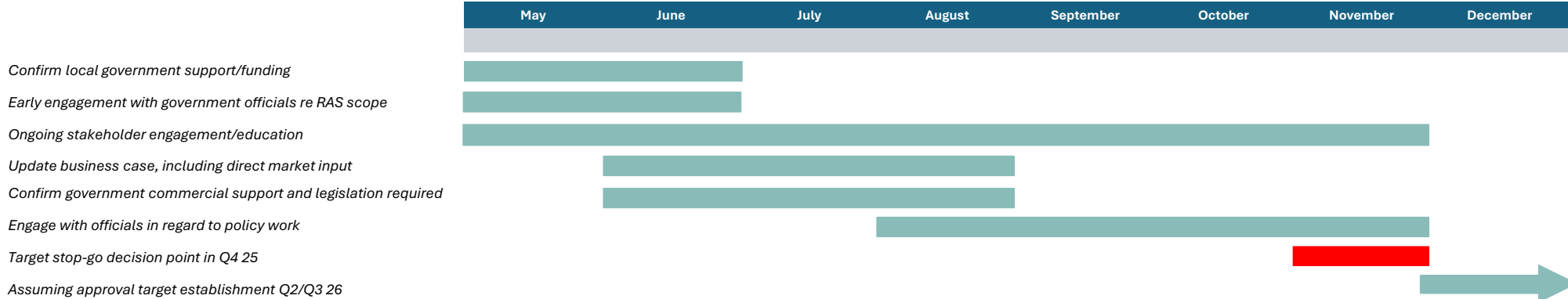




# 7. Development to date and next steps

Development of the RAS has occurred over a number of years, overseen and funded by a Steering Group – final detailed development is now required to facilitate a “stop-go” decision to proceed with RAS establishment

- The RAS Steering Group has comprised LGNZ, Auckland Council, Hamilton City Council, Tauranga City Council, Wellington City Council, Christchurch City Council, LGFA and RA
- The Steering Group has been supported by a suite of advisors who have each undertaken significant work to date, including:
  - Cameron Partners which has led development / business case analysis indicating that a break-even position could be reached in a short timeframe and commercial returns could be strong
  - Russell McVeagh which envisages the RAS being implemented through its own legislation (using similar principles and mechanics to the LGFA and IFFA)
  - PWC (accounting and tax) and S&P who have reviewed the RAS structure and raised no red flags regarding ‘off-balance sheet’ / ‘off-credit’ treatment for LAs
- Given the significant development already undertaken, with the requisite local government support it is anticipated that the RAS could be established within a 12-18 month timeframe
- In outlining his support, the Minister for Local Government has recommended that, to enable his officials to move quickly in August 2025, the Steering Group undertakes significant further development
- The proposed workstreams through the remainder of 2025 are as follows:



## 8. Support and funding commitment required

In order to undertake final development in conjunction with government officials, support and additional funding commitment from local government is required

- As outlined, RAS would be a national service available to all LAs and ratepayers, providing services that will enhance LA funding and financing options and delivery of a range of desirable policy outcomes for ratepayers. In addition, analysis indicates RAS could provide very strong commercial returns to its shareholders
- \$2.5 million (incl. 20% contingency) in “at risk” development funding is estimated through until a “stop/go” decision in Q4 25
- Assuming a “go” decision – it is estimated ~\$30 million in total equity will be required (including the \$2.5m in development funding), covering commercial, legal, accounting, tax, IT and recruitment advice during the development and establishment phase (~\$10m) + the IT system and allowance to cover operating deficits while RAS reaches scale and financial breakeven (~\$20m). This equity requirement will be confirmed during final development
- All development funding will qualify as equity and is included in the estimated total equity requirement
- The opportunity for councils is to be part of the group of funding councils:
  - Sufficient funding is required to move forward, without it the RAS will not proceed, but no funding will be spent until commitments from councils are received for the total estimated funding costs
  - A number of councils are intending to put the RAS proposal to their elected members in May / June 2025 seeking a decision regarding support and funding commitment – Auckland Council has already confirmed its support to provide \$600k of the required development funding
  - It is intended that funding councils will make meaningful funding contributions and provide an in-principle indication of their willingness to use RAS and subscribe for equity at its establishment
- To encourage early participation and to minimise free-riding, governance arrangements have been proposed outlining decision rights for the funding councils – the “RAS Governance Group” (see Appendix). The RAS Governance Group may receive advantageous subscription terms based on the timing of funding provided – e.g.:
  - All funds provided by members of the RAS Governance Group during the development and establishment stages will be recognised in their RAS shareholding when the entity is established (including any funding already provided to enable the RAS development to date)
  - An incentive arrangement may be applied for the funding provided at earlier stages of the process – e.g. 2 shares for every \$1 early funding provided



## 9. What to do next if you are interested

Timing is critical, local government funding needs to be confirmed by the end of June in order to undertake the development work to be ready to engage with officials in August – without funding, the RAS will not proceed

- If you are interested in understanding more about the RAS and deciding whether your council wishes to support RAS and potentially provide funding, please contact:

**Hugo Ellis**  
Partner  
Cameron Partners  
[hugo.ellis@cam.co.nz](mailto:hugo.ellis@cam.co.nz)  
021 608 346

**Scott Necklen**  
Deputy CE  
LGNZ  
[Scott.Necklen@lgnz.co.nz](mailto:Scott.Necklen@lgnz.co.nz)  
029 924 1210

**Mark Butcher**  
Chief Executive  
LGFA  
[mark.butcher@lgfa.co.nz](mailto:mark.butcher@lgfa.co.nz)  
021 223 6573

- The RAS team is available to work with you as required, including presenting to elected members and executives
- In addition, significant development work has already been completed, and extensive analysis and materials are available including the original comprehensive business case completed in late 2022 (which will be updated during the next stage) and a generic council paper outlining the RAS opportunity

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## Appendix – Proposed governance during development



1. Members of the RAS Governance Group will comprise:
  - Local Government New Zealand (LGNZ)
  - Local Government Funding Agency (LGFA)
  - Rewiring Aotearoa (RA)
  - Local Authorities (LAs) who are funding the development of the RAS
2. It is possible that the Governance Group may expand overtime - eg:
  - Additional LAs may wish to join as funding LAs (the LGFA establishment process commenced with five funding LAs and at establishment this had increased to 18 LAs + central government)
  - Central government provides funding
  - Potentially other stakeholders may provide funding
3. It is expected that LGFA and LA members of the RAS Governance Group will form some or all of the shareholders of the RAS at its establishment (central government and other LAs that are not members of the RAS Governance Group may also be invited to be shareholders)
4. To encourage early participation in the RAS Governance Group and to minimise free-riding, members of the RAS Governance Group may receive advantageous subscription terms based on the timing of funding provided. For example:
  - All funds provided by members of the RAS Governance Group during the development and establishment stages will be recognised in their RAS shareholding when the entity is established (including any funding already provided to enable the RAS development to date)
  - An incentive arrangement may be applied for the funding provided at earlier stages of the process
5. A subset of the RAS Governance Group will be known as the Steering Group
6. The rationale for the Steering Group is to ensure a small group of Governance Group members are able to make day-to-day decisions required to ensure the process can advance in an efficient manner
7. The Governance Group will:
  - Work together to make strategic decisions relating to the development, establishment and ongoing operations of the RAS and the policies and policy criteria that the RAS will support (for example the economic and decision rights attached to RAS shareholdings and the qualifying criteria for various RAS products such as rates postponement)
  - Collectively make stop-go decisions (although individual members may also decide not to proceed)
  - Delegate authority to the Steering Group to make day-to-day decisions including committing to costs to be borne by the RAS Governance Group within a pre-agreed budget
  - Make decisions by way of a simple majority
8. The Steering Group will comprise a smaller group of personnel appointed by the Governance Group and will:
  - Have responsibility for day-to-day oversight of the development and establishment process
  - Meet on a regular basis (e.g. weekly) and as required with Cameron Partners (the Lead Advisor) and other advisors to make day-to-day decisions
  - Update the Governance Group and other stakeholders, such as central government (e.g. the minister and / or officials) on a regular basis (e.g. every 4 to 6 weeks) and more often as appropriate
  - Seek decisions on strategic matters from the Governance Group
  - In the first instance, represent the RAS Governance Group in its engagement with other parties
  - Comprise representatives from no more than two LAs, LGNZ, LGFA and RA
9. At this stage, in order to progress the establishment of the RAS Governance Group a Steering Group has been formed comprising LGNZ, LGFA and RA



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## **TRADE WASTE BYLAW 2025 – CONSIDERATION OF SUBMISSIONS, DELIBERATIONS AND ADOPTION**

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### **MATTER / TE WHĀINGA**

1. The matter for consideration by the Council is the adoption of the proposed Trade Waste Bylaw 2025 following consultation with the community.

### **RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU**

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

- a) **Notes that it has considered the two submissions received on the Council's draft Trade Waste Bylaw 2025.**
  - b) **Determines that it has followed the required special consultative procedure and the consultation requirements set out in section 148 of the Local Government Act 2002.**
  - c) **Determines that the proposed Trade Waste Bylaw 2025 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
  - d) **Determines under section 155(2) of the Local Government Act 2002 that having determined that a bylaw is the most appropriate way to address the perceived problem that the proposed Trade Waste Bylaw 2025 is the most appropriate form of bylaw.**
  - e) **Adopts the proposed Trade Waste Bylaw 2025 included in Appendix One.**
  - f) **Approves the commencement date of 1 July 2025 for the Trade Waste Bylaw 2025, noting that public notice on the making of the bylaw will be given prior to the commencement of the bylaw.**
  - g) **Revokes the Trade Waste Bylaw (Bylaw 2008 Part 11 Trade Waste) on 1 July 2025.**
-



<b>COMPLIANCE / TŪTOHU</b>	
Significance	This matter is assessed as being of moderate importance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Adopt the Trade Waste Bylaw 2025.</li> <li>2. Adopt an amended Trade Waste Bylaw 2025.</li> </ol>
Affected persons	The persons who are affected by or interested in this matter are NPDC trade waste customers, the wider New Plymouth 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 / WHAKARĀPOPOTOTANGA MATUA**

2. We recommend that Council adopt the proposed Trade Waste Bylaw 2025 (the proposed Bylaw). This will ensure that the proposed Bylaw is adopted by 4 July 2025, prior to the existing Bylaw being revoked under section 160A of the Local Government Act 2002 (LGA).
3. Taking this approach will ensure that Council is able to regulate trade waste discharges in the district, which in turn protects the wastewater system, public health and safety, staff health and safety when working with the wastewater system, the environment, and Council's investment in existing and future wastewater infrastructure. In addition, the proposed Bylaw assists the Council in meeting its obligations under the Resource Management Act 1991 and the Health and Safety at Work Act 2015.
4. The draft Trade Waste Bylaw was consulted on by way of special consultative procedure from 23 February to 23 April 2025. In addition, as required by section 148 of the LGA, a copy of the draft Trade Waste Bylaw was sent to the Minister of Health for comment. Two submissions were received.
5. From consultation there is one minor amendment made to the proposed Bylaw – this amendment is to rectify a typo duplication in the bylaw. Some further additional amendments are also made following internal review.



- 6. The next step is to notify the public of the adoption of the proposed Bylaw by way of public notice, indicating that it will become operative on 1 July 2025. In addition, the Council website bylaw and Trade Waste pages will need to be updated to reflect the proposed Bylaw.

**BACKGROUND / WHAKAPAPA**

- 7. On 18 February the Strategy and Operations Committee determined that the most appropriate way of addressing the perceived problems relating to trade waste was through a bylaw. At this meeting, the Strategy and Operations Committee adopted the Trade Waste Bylaw 2025 Statement of Proposal for public consultation using the special consultative procedure, which ran from 23 February to 23 April 2025.
- 8. The draft Trade Waste Bylaw was sent to the Minister of Health, all NPDC trade waste customers, Iwi, hapū, the Taranaki District Health Board, Tui Ora, and the Taranaki Regional Council.
- 9. Two submissions were received on the Draft Trade Waste Bylaw, no submitters wished to speak to their submissions (see Appendix Two for the full submissions). It is noted that there were two additional submissions which did not provide any comment on the bylaw (just contact details), these have not been included in the submission analysis.
- 10. In addition, the draft Trade Waste Bylaw was sent to the Minister of Health for comment, as required by section 148 of the LGA which outlines special requirements for bylaws relating to trade wastes. No feedback was received via this process.

**Submissions overview**

Error – duplication

- 11. One submission was received which highlighted a typo in the bylaw – a duplication in Schedule 1D.4 as outlined in the red text below:

Each characteristic proportioned value (above) is divided by that total characteristic mass, e.g. WWTP Volume proportioned cost (\$) divided by the total WWTP characteristic will determine what the charge out rate for that characteristic e.g.

- |    |                           |                         |
|----|---------------------------|-------------------------|
| a. | Volume charge rate        | CV in \$/m <sup>3</sup> |
| b. | BOD5 charge rate          | 5 in \$/kgs             |
| c. | <b>BOD5 charge rate</b>   | \$/kgs                  |
| d. | Specific Toxic chare rate | \$/kgs                  |

*Officer response*

12. The above duplication has been amended and updated as outlined below:

Each characteristic proportioned value (above) is divided by that total characteristic mass, e.g. WWTP Volume proportioned cost (\$) divided by the total WWTP characteristic will determine what the charge out rate for that characteristic e.g.

- a) Volume charge rate  $C_v$  in  $\$/m^3$
- b) BOD5 charge rate CBOD5 in  $\$/kgs$
- c) ~~BOD5~~-Suspended solids charge rate  $C_{ss}$  in  $\$/kgs$
- d) Specific Toxic charge rate TP1 in  $\$/kgs$

On-premise laundry charges

13. A submission was received noting that on premise laundry systems (e.g. hotels, aged care facilities) typically use higher volumes of water per kilogram of laundry than professionally managed commercial facilities. It was therefore proposed that a fair, efficiency based approach be taken and trade waste charges be introduced for premises which are less efficient and use larger amounts of water per kilogram of laundry processed. This was proposed for the following reasons:

- Encourage water conservation – companies would have incentives to upgrade their systems or consider outsourcing to more efficient commercial laundries.
- Reduce environmental impacts – more efficient processes would mean lower freshwater consumption and reduced strain on wastewater treatment facilities.
- Support fair cost allocation – it is inequitable for highly efficient operations to pay the same trade waste charges per unit of wastewater as less efficient systems.
- Align with NPDC sustainability goals – rewarding efficiency encourages businesses to adopt greener, more sustainable practices.

*Officer response*

14. In response to this submission, the Trade Waste Team surveyed five hotels and there was no clear indication that a laundry makes a marked difference to the total water usage. In addition, this survey indicated that the targeted rate applied to these hotels sufficiently recovered the cost for their wastewater treatment.

- 
15. At present, one hotel in New Plymouth district is charged using trade waste charges. The remainder pay for wastewater via targeted trade waste charges (pan tax). This hotel elected to pay trade waste instead of pans, as this was advantageous over the Covid-19 lockdown period. The Trade Waste team plan to check other commercial premises using the new trade waste charge calculation once the Bylaw is adopted.
  16. It is also noted that no trade waste bylaw in New Zealand requires businesses/ premises to use large-scale laundry facilities – Council cannot require businesses to operate in a particular way, unless they are having a direct negative effect on the wastewater system or the environment.
  17. Section 1D.7 of the proposed trade waste bylaw outlines the method for determining the chargeable volume for trade waste. This method of calculation is used where the volume of wastewater is above the allowance for a business's targeted rate.
  18. Officer recommendation: Adopt the proposed Bylaw as consulted on, as this matter is addressed within section 1D.7 of the proposed Bylaw.

### **Additional amendments**

#### *Amendment to the reference to the Guidelines for the Safe Application of Biosolids to Land in New Zealand 2003*

19. The draft Bylaw referenced the Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003), which provides detailed technical guidance on the safe and beneficial use of biosolids on land while protecting receptors which include soils, water, plants, animals and people.
  20. In March 2025 the Guideline for Beneficial Use of Biosolids on Land superseded the previous Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003). Therefore, any reference to the previous guidelines in the proposed Bylaw must be updated to the current guideline. This occurs in the following sections:
    - Definitions
    - Charging for Characteristics (Quality)
    - Calculating Trade Waste Charges
    - Other Publications.
  21. This is a minor amendment and ensures that the proposed Bylaw references current and relevant guidelines.
-

*Minor other amendments*

22. Upon final review of the proposed Bylaw it was noted that there are two minor typo amendments required. These are outlined below and have been included in the proposed Bylaw.
- Schedule 1C: Sampling Procedure – item b in *1C.4.3 Sampling period* refers to an example given in (1), however it should refer to the example given in (a). This has been amended.
  - Schedule 1D: Trade Waste Fees and Charges – the formula under *1D.7 Method of Determining Chargeable Volume (TV)* has been amended:
    - From:  $TR = TR\$ / ((C_v + ([BOD5] \times C_{BOD5}) + ([SS] \times C_{SS})) / 1000)$
    - To:  $TR = TR\$ / (C_v + (([BOD5] \times C_{BOD5}) + ([SS] \times C_{SS}))) / 1000)$
23. This amendment ensures the correct formula for calculating the wastewater targeted rate allowance when determining the chargeable volume.

*Full Recommendation*

24. Following consultation and consideration of submissions, it is recommended to adopt the proposed Trade Waste Bylaw 2025, which includes the updated references to the Guideline for the Beneficial Use of Biosolids on Land and the typo amendments as outlined earlier in the report. This will ensure that NPDC has a tool to regulate trade wastes entering the NPDC wastewater system.
25. The proposed Bylaw has been updated to improve the systems and to formalise practices which are currently carried out as best practice in the industry. The proposed changes will provide more clarity and certainty for customers. The proposed Bylaw has been separated out into a standalone bylaw, which reflects sector best practice and NPDC's recent approach to bylaw reviews.

**CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

26. Wastewater treatment generates greenhouse gas emissions through the breakdown of organic materials and from the energy used in the processes. The Trade Waste Bylaw provides an ability for Council to control industrial wastewater and can therefore enable emissions reduction opportunities. For instance, Council can restrict timing of some wastewater entering the network to otherwise low-flow times, and therefore can reduce energy use by reducing peak processing loads.

## **NEXT STEPS / HĪKOI I MURI MAI**

27. The proposed Bylaw is attached as Appendix One – once adopted this will replace the current bylaw. The next steps are to notify the public of the adopted Trade Waste Bylaw 2025 and to update the Council's trade waste and bylaw's website pages.

## **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

28. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of moderate importance. The proposed Bylaw is a continuation of the Council's current position on trade waste – the intent and purpose of the bylaw essentially remain the same. If Council does not adopt the proposed Bylaw (or an amended version) by 4 July 2025, the current bylaw will be revoked.
29. Just two submissions were received on the proposed Bylaw, indicating that the proposed Bylaw is not opposed by trade waste customers and other key stakeholders.
30. There are no significant financial implications from adopting the proposed Bylaw and the bylaw would provide Council with a tool to regulate trade wastes in the district, therefore, providing a means to protect people, the environment and key infrastructure from potential damage from trade waste.
31. Key stakeholders, including Iwi and hapu, were notified of the consultation on the draft Bylaw.

## **OPTIONS / KŌWHIRINGA**

### **Option 1**

#### **Adopt the proposed Trade Waste Bylaw 2025**

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

32. Without the regulatory tools provided by a trade waste bylaw, there is a risk that there may be additional financial and resourcing implications to manage the matters covered in the bylaw, particularly in relation to Councils wastewater assets and their effects of the environment.

#### *Risk Analysis / Tātaritanga o Ngā Mōrearea*

33. Council exposes itself to risk if it does not have rules which enable Council to regulate trade waste, as it will not have an effective tool to manage problems associated with trade waste and the associated non-compliance issues. This risk could be somewhat mitigated if the Council used an alternative mechanism to communicate standards for trade waste, such as in a policy, but enforcement would be difficult.

- 
- 34. In addition, if Council does not have a trade waste bylaw there may be confusion from the lack of clear regulation.
  - 35. If Council does not have a trade waste bylaw, there would be increased risk of non-compliance with consent issued by Taranaki Regional Council for the Wastewater Treatment Plant. In addition, there would be increased risk that the biosolids may not comply with the Guideline for the Beneficial use of Biosolids on Land (2025) this may result in additional cost for the Council.

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

- 36. Adopting the proposed Trade Waste Bylaw 2025 promotes the Community Outcomes – the bylaw strengthens trust within the community through the provision of clear rules in regard to trade waste, promotes environmental excellence through mitigating further environmental impacts from trade waste and promotes prosperity through supporting industry in the district with disposal of trade waste.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

- 37. Under section 159 of the LGA a local authority must review a bylaw made under the LGA no later than ten years after the last review. The review dates for the current bylaw have passed and as per section 160A of the LGA, the current bylaw will be automatically revoked on 4 July 2025.
- 38. The consultation requirements under Section 156 of the LGA, for making, amending, or revoking a bylaw, were met.
- 39. Section 148 of the LGA outlines special requirements for bylaws relating to trade wastes, these were followed.

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

- 40. This option is consistent with Council's policies and plans.

*Participation by Māori / Te Urunga o Ngāi Māori*

- 41. Iwi and hapū were notified of the review process via email on 26 September 2024 and invited to provide comment / discuss any aspect of the current bylaw with Council staff. No feedback was received from this. In addition, Council officers presented at the Ngā Kaitiaki hui on 9 October 2024. Iwi and hapū were also notified of the consultation on 24 February. No submissions were received from Iwi or hapū.
-

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

42. Community views and preferences were sought through the special consultative procedure which ran from 23 February to 23 April 2025. NPDC trade waste consent holders were notified of the consultation, as well as Taranaki Regional Council, Iwi, Hapū, Taranaki District Health Board, the Minister of Health, and Tui Ora.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

43. The advantage of this option is that NPDC will have a Trade Waste Bylaw in place for regulating trade waste in the district. This will provide a consistent approach for the community and ensure that public and staff health and safety, the environment and Council's infrastructure is protected from negative impacts of trade waste.
44. There are no perceived disadvantages of this option.

**Option 2****Adopt an amended Trade Waste Bylaw 2025***Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi*

45. The financial and resourcing implications would depend on the amendments to the bylaw.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

46. Amendments would have to be assessed for any risks. Any significant amendments should only be made in light of the submissions received.

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

47. It is likely that an amended trade waste bylaw would still promote the Community Outcomes.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

48. Any amendments would need to be assessed for their significance and their justification against the submissions received. If any significant amendments are proposed that do not relate to the submissions then further consultation may be required.

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

49. Any amendments would need to be assessed for their consistency with policies and plans.

*Participation by Māori / Te Urunga o Ngāi Māori*

50. Any amendments would need to be assessed for their significance to Māori.

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

51. Community views and preferences may not be known on any amendments.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

52. The advantages and disadvantages would depend on the amendments to the bylaw.

**Recommended Option**

This report recommends option one – Adopt the proposed Trade Waste Bylaw 2025 for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 Proposed Trade Waste Bylaw (ECM 9508935)

Appendix 2 Full submissions (ECM 9498466)

**Report Details**

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Ward/Community:	District wide
Date:	23 May 2025
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-----End of Report -----





New Plymouth District Council Bylaw

# ~~Draft~~ Trade Waste Bylaw 2025



DOCUMENT HISTORY

Meeting	Date	Decision	Next Review

## New Plymouth District Council

**~~DRAFT~~ Trade Waste Bylaw 2025**

*The purpose of this bylaw is to protect public health and the security of the public wastewater system as well as protect the Council's investment in existing and future infrastructure, treatment plants and disposal facilities.*

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## **Introduction**

### **1 Title and commencement**

- 1.1 This bylaw is the New Plymouth District Council Trade Waste Bylaw 2025.
- 1.2 This bylaw comes into force on [date].

### **2 Authority**

- 2.1 This bylaw is made under sections 145 and 146 of the Local Government Act 2002.

### **3 Purpose and scope**

- 3.1 The purpose of this bylaw is to control trade waste discharges to protect:
  - a) The wastewater system.
  - b) Public health, and the health and safety of Council personnel and agents working with the wastewater system.
  - c) The environment, and assist the Council to comply with its obligations under the Resource Management Act 1991.
  - d) Council's investment in existing and future wastewater infrastructure.
- 3.2 This bylaw also:
  - a) Sets out responsibilities for both the Council and users of the wastewater system.
  - b) Provides a basis for consenting, monitoring and enforcement in relation to the wastewater system and networks, including industrial and trade activities.
  - c) Provides for the recovery of the Council's costs associated with conveying and treating trade waste to ensure the equitable sharing of costs between domestic and trade discharges.
  - d) Assists the Council to meet its obligations under the Resource Management Act 1991 and the Health and Safety at Work Act 2015.
- 3.3 This bylaw provides for:
  - a) Acceptable discharges of trade waste to the wastewater system.
  - b) The four trade waste classifications: permitted, controlled, conditional and prohibited.
  - c) Evaluation of individual trade waste discharges against specified criteria.

- d) Correct storage of materials in order to protect the wastewater system from spillage.
- e) Installation of meters, samplers or other devices to measure flow and quality of the trade waste discharge.
- f) Pre-treatment of trade waste before it is accepted for discharge to the wastewater system.
- g) Sampling and monitoring of trade waste discharges to ensure compliance with this bylaw.
- h) Acceptance or refusal of a trade waste discharge.
- i) Breaches of the bylaw that are offences.
- j) Procedure to resolve disputes.
- k) Administrative mechanisms that support the operation of this bylaw.

#### 4 Definitions

4.1 In this bylaw, unless the context otherwise requires:

**Act** means the Local Government Act 2002.

**Acceptable discharge** means wastewater with physical and chemical characteristics which do not exceed the characteristic levels as defined in Schedule 1A.

**Access point** means a location where entry may be made to a private drain for inspection (including sampling or measurement), cleaning or maintenance.

**Analyst** means a testing laboratory approved by an authorised officer.

**Approval or approved** means written authorisation by the Council, either by resolution of the Council or by an authorised officer.

**Authorised officer** means any employee appointed by the Council to perform duties relating to trade waste under this bylaw and any other legislation.

**Biosolids** means wastewater sludge treated sufficiently to the extent that it is able to be safely and beneficially applied to land, as described in "~~Guidelines for the Safe Application of Biosolids to Land in New Zealand~~Guideline for Beneficial Use of Biosolids on Land" (2003) or subsequent amendments.

**Bylaw** means the New Plymouth District Council Trade Waste Bylaw.

**Cleaner production** means operational methods and processes used to reduce or eliminate the quantity and toxicity of wastes discharged to the wastewater system.

**Characteristic** means any physical or chemical properties of trade waste referred to in Schedules 1A and 1B of this bylaw.

**Chief Executive** means the person appointed as Chief Executive of the Council under the Act.

**Condensing water or cooling water** means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.

**Conditional trade waste** means trade waste derived from a trade activity and/or process of such complexity or size; or employing such chemicals, raw materials, or feed stock; that the risk and/or consequences of the trade waste exceeding acceptable discharge characteristics are considered significant by the Council.

**Consent** means any written authorisation granted by the Council allowing the consent holder to discharge trade waste to the wastewater system.

**Consent holder** means the person who has obtained a consent to discharge or direct the manner of discharge of trade waste to the Council's wastewater system, and includes anyone who works on behalf of or with the express or implied consent of the consent holder (whether for reward or not) and any licensee of the consent holder.

**Connection** means the physical location where the private wastewater pipe joins to the wastewater system.

**Contaminant** means any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

**Contingency management procedures** mean those methods developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of trade activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the wastewater system.

**Controlled trade waste** means trade waste derived from a trade activity and/or process where the risks and/or consequences of it exceeding acceptable discharge characteristics are considered to be of low to medium risk by the Council.

**Customer** means an occupier or owner of a premises that discharges or wishes to discharge trade waste into the wastewater system.

**Disconnect or disconnection** means the physical cutting and sealing of a private wastewater network, utilities, drains from the wastewater system.



**Domestic waste and wastewater** means wastewater (with or without matter in solution or suspension) discharged from a premises used solely for residential purposes, or waste of the same character discharged from other premises which has been approved by the Council.

**Enforcement officer** means a person appointed by the Council as an enforcement officer under the Act.

**Explanatory note:** are used to explain the intent of a clause in less formal language and/or to include additional helpful information.

**Grease trap** means a container that allows the discharged wastewater to cool and the fat, oil and grease to separate from the discharge to the wastewater system.

**Hazardous waste** means waste that is a hazardous substance as defined in section 2 of the Hazardous Substances and New Organisms Act 1996.

**Management plan** means a strategy covering the management of operations on a premises from which trade wastes originate, and may include the provision for cleaner production, waste minimisation, discharge, contingency management procedures, and any relevant industry code of practice.

**Mass limit** means the total mass of any characteristic that may be discharged to the Council wastewater system over any specified period, e.g. 24 hours, from any single point of discharge or collectively from several points of discharge.

**Maximum concentration** means the instantaneous peak concentration that may be discharged at any instant in time.

**Meter** means any instrument or device that is used for recording trade waste volumes.

**Occupier** means the person occupying the property from which a trade waste discharge is made and includes the owner if the premises is unoccupied.

**Operator** means an individual that is appointed or deemed to be in control of tankered trade waste or the discharge of trade waste from a premises.

**Owner** means the person who is the legal owner of the property from which a trade waste discharge is made.

**Permitted trade waste** means trade waste derived from a trade activity and/or process that has been assessed to have a low risk to the wastewater system. The customer is permitted to discharge trade waste without holding a trade waste consent.

**Person** includes a corporation sole, a body corporate, and an unincorporated body.

**Point of discharge** means the boundary between the wastewater system and a private drain.

**Pre-treatment** means any processing of trade waste designed to reduce or vary any characteristic in a trade waste before discharge to the wastewater system in order to comply with this bylaw or a consent.



**Private drain** means that section of drain between the premises and the point of connection to the wastewater system.

**Prohibited characteristics** means those characteristics described in Schedule 1B of this bylaw.

**Prohibited trade waste** means trade waste that exceeds the characteristics as defined in Schedule 1A or is listed in Schedule 1B. Any characteristic not detailed within Schedules 1A or 1B may still not be acceptable for discharge into the wastewater system unless specifically approved by the Council as a conditional trade waste.

**Refuse or solid waste** means any solid material that is not wastewater and that is typically discharged to a landfill.

**Sampling point** means the location where the trade waste sample is obtained from as detailed in the consent holders trade waste consent.

**Schedule of fees and charges** means the list of items, terms and prices for services and consents associated with the discharge of trade waste as approved by the Council.

**Significant** discharge is when the volume or any characteristic load discharged to the wastewater system is deemed to be of a substantial volume or mass that has the potential to have an adverse effect on the wastewater system if not controlled by the Council.

**Stormwater** means surface water run-off resulting from precipitation.

**Tankered trade waste** means any liquid waste which is transported to and disposed of directly into the wastewater system or at approved disposal sites where the treated wastewater is then disposed of to the wastewater system.

**Toxic pollutants** means any substances which may impact on health or the environment and includes but is not limited to those substances listed in Table 1A.2 of Schedule 1A of this part.

**Trade premises** means:

- a) any premises used or intended to be used for any industrial or trade purpose;
- b) any premises used or intended to be used for the storage, transfer, treatment, or disposal of wastewater to the wastewater system;
- c) any other premises from which a contaminant is discharged into the wastewater system in connection with any industrial or trade process; or
- d) any other premises discharging other than domestic wastewater to the wastewater system, and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

**Trade waste** means:

- a) any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Council's wastewater system during any commercial or industrial process or operation, or during any activity or operation of a like nature; and
- b) includes tankered trade waste, condensing or cooling waters, stormwater, and domestic wastewater which cannot be practicably separated.

**Trade waste discharger** means the consent holder, or person that discharges trade waste to the wastewater system.

**Wastewater** means water or other liquid, including sewage and waste matter in solution or suspension, discharged from a premises to the wastewater system.

**Wastewater pipe** means any pipework that conveys wastewater.

**Wastewater sludge** means the solid material settled out and removed from wastewater during the treatment process.

**Wastewater system** means all network assets operated by the Council and used for the receiving, treating or disposal of wastewater and trade waste.

**Working day** has the same meaning as defined in the Legislation Act 2019.

**The following standards are defined in Appendix 1 of this bylaw:**

- a) **AS/NZS** – Australian/New Zealand Standards.
  - b) **BS** – British Standards.
  - c) **AWWA** – America Water Works Association.
- 4.2 Part 2 of the Legislation Act 2019 applies to the interpretation of this bylaw.
  - 4.3 Every schedule to this bylaw forms part of the bylaw.
  - 4.4 Explanatory notes are not part of the bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

## **Trade waste application, classification and consent variation**

### **5 Requirement to submit/vary an application for the discharge of trade waste**

- 5.1 Every person who proposes to discharge any trade waste into the wastewater system must submit a completed trade waste application to the Council.

***Explanatory note:*** Before submitting an application under this clause, a person can make initial contact with an authorised officer for guidance.

- 5.2 An application made under clause 5.1 will be evaluated by an authorised officer to determine the classification of the trade waste discharge under clause 6 of this bylaw, and if a consent is required it will be considered in accordance with clauses 7 and 8 of this bylaw.
- 5.3 Every person who proposes to:
- a) vary the characteristics or conditions of a trade waste discharge that has previously been granted consent; or
  - b) change the method or means of pre-treatment for the discharge of trade waste under an existing consent;
- must submit an application to vary the consent to the Council.
- 5.4 An application made under clause 5.3 will be evaluated by an authorised officer and a decision made on whether the request will be granted or refused.
- 5.5 The consent holder will be notified in writing within 20 working days of the decision under clause 5.4, and where the request is granted the consent holder will be issued a trade waste consent variation document which replaces the previous consent.
- 5.6 Where the applicant is an occupier and not the owner of the trade premises, the applicant must provide evidence that the owner consents to an application being made under this clause. The Council may discuss the application with the owner of the premises in addition to the occupier.

## 6 Trade waste classification

- 6.1 An authorised officer will classify trade waste discharges as either permitted, controlled, conditional or prohibited and each classification is subject to the following:
- a) Permitted - A trade waste discharge may be registered as a permitted trade waste discharge subject to the customer complying with all relevant general conditions in clause 9 of this bylaw. Permitted discharges do not have an expiry date. However should the discharge breach any relevant condition in clause 9 of this bylaw then the Council will review the permitted discharge status and may reclassify the discharge as a controlled discharge.
- Explanatory note:*** *If the discharge is reclassified, the customer will then need to apply for a consent under clauses 5 and 7 of this bylaw.*
- b) Controlled - A trade waste discharge, including tankered trade waste discharges, will require a controlled trade waste consent. The discharge will be subject to the general conditions in clause 9 of this bylaw, and any other specific conditions as determined by an authorised officer.
  - c) Conditional – A trade waste discharge will require a conditional trade waste consent if it is a significant discharge. The discharge will be subject to the general condition in clause 9 of this bylaw, and any other specific conditions as determined by an authorised officer.

- d) Prohibited – An authorised officer will not grant a trade waste consent where the discharge is classified as prohibited as detailed in Schedule 1B of this bylaw.

## **7 Consideration of application**

- 7.1 On receipt of any application for a trade waste consent to discharge from any premises or to vary an existing consent under clause 5 of this bylaw, an authorised officer may require:
  - a) additional information which it considers necessary to reach an informed decision on the application; and
  - b) an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant, and this may include a management plan; and
  - c) whenever appropriate, to have the discharge investigated in accordance with this bylaw.
- 7.2 The authorised officer will use all reasonable efforts to notify the applicant of any requirement under clause 7.1 within 10 working days of receipt of the application.
- 7.3 Within 20 working days of receipt of an application which meets all requirements of this part, or 20 working days after all requirements under clause 7.1 have been addressed, whichever is the later, the authorised officer will, after considering the information provided in the application and in clause 7.1 and the assessment criteria in clause 8 of this bylaw, do one of the following:
  - a) decline the application and notify the applicant of the decision in writing, giving a statement of the reasons for refusal; or
  - b) register the application as a permitted trade waste and inform the applicant of the decision by issuing the appropriate notice of registration; or
  - c) grant the application as a controlled or conditional trade waste consent, inform the applicant of the decision by issuing a draft consent for consideration by the applicant and after consultation any amendments agreed to with the applicant will be applied to the final consent; or
  - d) grant the application as a conditional trade waste consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing a draft consent for consideration by the applicant and entering into consultation with the applicant as to the final form of the conditions to be applied.

## **8 Assessment of criteria**

- 8.1 When assessing any application for the discharge of controlled or conditional trade waste the authorised officer will consider the quality, volume, and rate of discharge of the trade waste in relation to:

- a) The health and safety of Council staff, contractors and the public.
- b) The limits and/or maximum values for characteristics of trade waste as specified in Schedule 1A of this bylaw.
- c) The extent to which the trade waste may react with other trade waste or domestic wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the wastewater system etc.
- d) The capacity and the material or construction of the wastewater system.
- e) The nature of any wastewater treatment process and the degree to which the trade waste is capable of being treated.
- f) The timing and balancing of flows into the wastewater system.
- g) Statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of wastewater sludge, the use or disposal of biosolids, and any discharge to air (including the necessity for compliance with any regional plan or any proposed regional plans, resource consent, discharge permit or water classification).
- h) The effect of the trade waste discharge on the receiving environment.
- i) The conditions associated with resource consents for the wastewater system itself.
- j) The possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the wastewater system or the environment.
- k) Consideration of existing users or future developments.
- l) Amenability of the trade waste to pre-treatment.
- m) Any existing pre-treatment works on the premises and the potential for their future use.
- n) Cleaner production techniques and waste minimisation practices.
- o) Requirements and limitations related to wastewater sludge disposal and reuse.
- p) Control of stormwater.
- q) Management plans for the proposed trade waste discharge.
- r) Tankered trade waste being discharged at an approved location(s).

## Compliance with this bylaw

### 9 General conditions

- 9.1 The following general conditions may apply to any trade waste discharge. The type of consent will determine which of these conditions are appropriate.
- a) The location of the trade waste discharge to the wastewater system.
  - b) The maximum daily volume of the discharge, the maximum rate of discharge and the duration of maximum discharge.
  - c) The maximum limit or permissible range of any specified characteristics of the discharge, including concentrations and/or mass limits determined in accordance with Schedule 1A of this bylaw.
  - d) The period or periods of the day during which the discharge, volume or a particular characteristic of discharge may be made or have limitations against.
  - e) An acceptable pH level at the time of the discharge.
  - f) The temperature of the trade waste at the time of discharge.
  - g) The requirement of the customer, at the customers expense, to supply screens, grease traps, silt traps or other pre-treatment works to prevent or control trade waste discharge characteristics to the consented levels.
  - h) The provision and maintenance, at the customers expense, of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection.
  - i) The provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the consent holder's expense.
  - j) The methods chosen, set out in clauses 24.1 to 24.3, to be used for measuring flow rates and taking samples of the discharge to determine the amount of any trade waste charges applicable to that discharge.
  - k) The provision and maintenance, by and at the expense of the customer, of devices required to measure the volume or flow rate of any trade waste being discharged from the trade premises and for the testing of such meters.
  - l) The provision and maintenance, at the customers expense, of such services (e.g. electricity, water, compressed air etc), which may be required to operate meters or similar devices.
  - m) The provision, by the customer to an authorised officer, of all flow and/or volume records, results of analyses and chain of custody records of disposal to third parties of by-product (e.g. spent electroplating solutions and wastewater sludge's).

- n) A requirement to undertake a risk assessment of damage to the environment due to an accidental discharge of a chemical.
- o) Requirements to implement trade waste minimisation and management procedures.
- p) The provision and implementation of a "Cleaner Production Programme".
- q) The provision and implementation of a "Trade Waste Management Plan".
- r) Remote control of discharges.
- s) Third party treatment, cartage, discharge or disposal of by-products of pre-treatment of trade waste (including wastewater sludge disposal).
- t) A requirement to provide a bond or insurance in favour of the Council where failure to comply with the consent could result in damage to the Council's wastewater system or could result in the Council being in breach of any statutory obligations or consenting requirements.

## **10 Control of discharges**

### **10.1 A person must not:**

- a) Discharge, or allow to be discharged, any unauthorised trade waste to the wastewater system.
- b) Discharge, or allow to be discharged, any unauthorised tankered trade waste or components of tankered trade waste after a separation process to the wastewater system.
- c) Add or permit the addition of unauthorised condensing or cooling water to any trade waste which discharges into the wastewater system.
- d) Add or permit the addition of unauthorised stormwater to trade waste which discharges into the wastewater system.
- e) Add or permit the addition of water to trade waste in order to vary the level of any characteristic discharged as trade waste.
- f) Discharge from a trade premises wastewater from industrial garbage grinders or macerators that does not meet the general conditions in clause 9 of this bylaw, except where specific authorisation is given in a consent.

### **10.2 A person must not discharge, or allow to be discharged, a prohibited trade waste into the wastewater system.**

**11 Duration and consent review**

- 11.1 Trade waste consents will not be granted for a duration that exceeds five years, except where the trade waste discharge is deemed to be extremely low risk.
- 11.2 Where the term of a trade waste consent exceeds five years a consent review requirement at five years will be imposed as a condition.
- 11.3 A consent review will consider, but not be limited to, the following:
- a) the nature of the trade activity, or the process design and/or management of the premises, and whether the occupier has a demonstrated an ability to meet the conditions of the trade waste consent during its term;
  - b) whether cleaner production techniques are successfully being utilised, or that significant investment in cleaner production equipment or techniques is being made;
  - c) the overall trade waste compliance and maintenance performance over the consent period;
  - d) the assessment criteria in clause 8.1 of this bylaw; and
  - e) any other matter relevant to the operation of the current consent.
- 11.4 Following the review an authorised officer will determine if the consent will:
- a) continue in its current form unchanged;
  - b) be varied in accordance with clause 12 of this bylaw; or
  - c) will expire.
- 11.5 If the decision under clause 11.4 is that the consent will expire, and the trade waste discharger wants to continue discharging trade waste, then the trade waste discharger must submit an application under clause 5 of this bylaw to renew the consent before the expiry date.

**12 Variation of consent**

- 12.1 An authorised officer may, at any time during the term of a trade waste consent, by written notice to the consent holder vary any condition as the authorised officer considers necessary:
- a) to change the quantity, nature, and characteristics of the discharge;
  - b) to optimise the wastewater system's performance;
  - c) as a result of a change in circumstances that result in condition(s) becoming inappropriate or unnecessary;



- d) as a consequence of any breach of any consent condition or of this bylaw;
- e) in order to address changes in the Council's environmental policies or outcomes;
- f) due to changes in or to the Council's resource consent(s) for the wastewater system; or
- g) due to changes in the Council's legal obligations arising under any contract, statute or otherwise.

**Explanatory note:** Clause 28.2 of this bylaw sets out the process to object to a decision made by an authorised officer under this bylaw.

### **13 Cancellation of consent or right to discharge**

- 13.1 A trade waste consent or right to discharge may be cancelled 20 working days after a written notice is sent by an authorised officer to the customer if one or more of the following applies:
- a) Failure to comply with any condition of the consent.
  - b) There has been a failure to maintain effective control over the discharge, which may involve a continued breach of consent conditions.
  - c) Failure to limit, in accordance with the requirements of a consent, the volume, nature, or composition of trade waste being discharged.
  - d) Any act of the occupier which threatens the safety of or causes damage to any part of the wastewater system or threatens the health or safety of any person.
  - e) If an uncontrolled discharge has taken place that had the potential to impact the environment.
  - f) If the discharge is causing or has caused a breach of a resource consent held by the Council.
  - g) Failure to provide or update a management plan as required for a conditional consent.
  - h) Failure to follow the management plan provisions at the time of an unexpected, unscheduled or accidental occurrence.
  - i) Failure to pay any charges incurred under this bylaw.
  - j) If any other circumstances arise which render it necessary in the public interest to cancel the consent or right to discharge.
- 13.2 The authorised officer has the discretion to grant a longer notice period where 20 working days may not be sufficient for the customer to remedy any non-compliance or other issue set out in this clause.

13.3 Further to clause 13.1 a trade waste consent and the right to discharge may be cancelled immediately by an authorised officer on giving the customer written notice if one or more of the following applies:

- a) The Council is lawfully directed to withdraw or terminate the trade waste consent as soon as practicably possible.
- b) The customer discharges any prohibited substance or characteristic (as defined in Schedule 1B).
- c) If the continuance of discharge is an immediate threat to the environment or public health.
- d) If the continuance of discharge puts at immediate risk the ability of the Council to comply with the conditions of our resource consents and/or requires identified treatment measures or costs to seek to avoid a breach of any such resource consent.

13.4 If a trade waste consent or the right to discharge has been cancelled and domestic wastewater cannot be separated from the trade waste production area, then an authorised officer may enter the trade premises to plug the trade waste pipeline. This will be done if the occupier continues to discharge trade waste without a current trade waste consent.

#### **14 Transfer or termination of rights and responsibilities**

14.1 Unless approval in writing is obtained from an authorised officer the consent holder must not:

- a) Transfer to any other party the rights and responsibilities of their consent;
- b) Allow the point of discharge as detailed in the consent to be changed or allow a discharge to enter a discharge point which is not approved in the consent;
- c) Allow wastewater from another party to be discharged at their point of discharge.

14.2 The consent holder must give two working days notice in writing to the Council of a requirement for disconnection of the discharge connection and/or termination of the discharge consent. Where demolition or relaying of the discharge drain is required the notice period is seven working days.

#### **Specific conditions**

##### **15 Pre-treatment and mass limits**

15.1 When setting mass limit allocations for a consent application for a particular characteristic the following factors will be considered by an authorised officer:

- a) The operational requirements of, and risk to, the wastewater system, and risks to occupational health and safety, public health, and the ultimate receiving environment.
- b) Whether the levels proposed pose a threat to the planned beneficial reuse of biosolids or wastewater sludge.
- c) Conditions in the wastewater system after the trade waste discharge point.
- d) Available industrial capacity used in the last financial period and expected to be used in the forthcoming period.
- e) Proposals to implement cleaner production techniques that are satisfactory to an authorised officer.
- f) Net benefits associated with the increase of any one characteristic when tied with the decrease of another to justify any increased application for industrial capacity.
- g) Council requirements to reduce the pollutant discharge of the wastewater system.
- h) Proportion of the mass flow of a characteristic when compared to the total mass flow of that characteristic in the wastewater system.
- i) Total mass of the characteristic allowable in the wastewater system, and the proportion (if any) to be reserved for future allocations.
- j) Interactions with other characteristics that would effect any characteristic on the wastewater reticulation, treatment process, or the receiving environment.

## **16 Grease traps**

- 16.1 For existing trade waste dischargers, the minimum grease trap size must be no less than 200 litres, unless specific written approval is granted by an authorised officer.
- 16.2 For new trade waste dischargers or upgrades to an existing trade premises, where the trade waste discharge requires grease trap pre-treatment, the grease trap must be sized appropriately. No passive grease trap can be less than 500 litres unless specific written approval is granted by an authorised officer.
- 16.3 If a trade waste discharger self-cleans the passive or mechanical grease traps, then they are required to submit to an authorised officer proof of cleaning bi-annually, e.g. dated photo.
- 16.4 If a trade waste discharger fails to clean the grease traps regularly then the discharge will be classified as a controlled trade waste and the customer will be required to apply for, or will be issued with, a controlled trade waste consent.

**17 Unroofed wash pad facility**

17.1 An unroofed wash pad facility requires the following:

- a) a sump of minimum capacity to capture stones and grit;
- b) a first flush trade waste/stormwater system installed between the wash pad's sump and the oil interceptor;
- c) a control box/panel that has a non-resettable counter triggered by either the diversion system's open or closed relay. The counter is required to count each time the diversion cycle occurs;
- d) a minimum of a single stage oil interceptor on the stormwater line after the diversion system; and
- e) the control programs logic be programmed to stay diverted to the stormwater system continually after a first flush has occurred until the next cleaning event occurs.

17.2 Variations to the above requirements can be proposed as part of the application process for a trade waste discharge and can be granted at the discretion of an authorised officer.

**18 Storage tank bunds**

18.1 Bunds containing storage tanks which, if breached, may cause a negative effect on the Councils stormwater, wastewater systems or the environment must comply with the following conditions:

- a) Where a two-valve manual system (trade waste/stormwater) is fitted, the contents of the bund must be checked by the consent holder prior to draining to ensure compliance with the bylaw.
- b) Manual valve systems must be monitored during the controlled discharge.
- c) Manual valve systems must remain in the closed position when the bund is not being drained of the build-up of captured rain water.

18.2 All new storage tank bunds are required to fit an automatically controlled valving system which will automatically close after a defined time period e.g. after one hour of being opened. The valving must be fail-safe to close.

18.3 Existing storage tank bunds, with manual valve systems, found to be non-compliant with clause 18.1 will, after assessment, be required to upgrade to automatically controlled valving within 12 months.

## **Tankered trade waste**

### **19 Tankered trade waste consent specific conditions**

- 19.1 The Council will only accept tankered trade waste for discharge at locations which have been approved by an authorised officer.
- 19.2 In addition to any general conditions imposed under clause 9, the following specific conditions may be imposed for tankered trade waste:
- a) The Council may, after consultation with affected parties, require all tankered trade waste operators discharging directly or indirectly into the Council wastewater system to be compliant with an NZ approved code of practice.
  - b) All tankered trade waste consents be accompanied by a completed "Trucked Trade Waste Discharge Manifest" or alternative Council adopted tracking system, which includes:
    - i) description of waste stream, source and type; and
    - ii) generator of waste stream; and
    - iii) hauler of waste stream and relevant consent number.
  - c) Safety data sheets (SDS) must be supplied to an authorised officer detailing the characteristics of the trade waste.
  - d) All tankered trade waste must be tested to determine its characteristics prior to disposal if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all testing and advice is borne by the consent holder.
  - e) Due to plant requirements 24 hours' notice must be given to the wastewater treatment plant duty operator prior to the proposed disposal of any trade waste at the New Plymouth Wastewater Plant.
  - f) Tankered trade waste is not to be picked up or transported to the disposal site until appropriate arrangements and methods for disposal have been determined by an authorised officer.
  - g) Each tank must be thoroughly washed prior to collecting a load for disposal into the wastewater system to prevent cross-contamination between tanker loads.

### **20 Tankered trade waste disposal**

- 20.1 An operator must not:
- a) Falsely disclose the discharge characteristics or volume of tankered trade waste.

- b) Discharge tankered trade waste into the wastewater system in either a diluted or undiluted form without a controlled waste consent.
- c) Dispose of tankered trade waste into the wastewater system at any place other than at prescribed locations.
- d) Dispose of tankered trade waste in contravention of a consent.

## **Other**

### **21 Limitation of coverage**

- 21.1 Trade waste received from outside the district may, at the discretion of an authorised officer, be discharged at an authorised discharge facility. It may also be subject to a separate contractual agreement between the Council and the discharger covering the cost of disposing the trade waste.

### **22 Water used in the repair and construction of water mains**

- 22.1 A person must not dispose of any water used during the repair and construction of water mains into the wastewater system without:
  - a) obtaining a trade waste consent to authorise the discharge; and
  - b) ensuring that such waste is de-chlorinated prior to disposal unless the total discharge is less than 5m<sup>3</sup> or the repair is reactive.
- 22.2 When the total discharge is less than 5m<sup>3</sup> an authorised officer must be notified before discharging.
- 22.3 When the work is reactive an authorised officer must be notified as soon as practicably possible.

### **23 Storage, transport handling and use of hazardous waste**

- 23.1 All operators on a trade premises must take all reasonable steps to prevent the accidental discharge into the wastewater system of any hazardous waste entering as a result of leakage, spillage or other mishap.
- 23.2 A consent holder must not store, transport, use or handle, or alternatively cause any hazardous waste to be stored, transported, handled in a manner that may cause the material to enter the wastewater system and cause harmful effects.
- 23.3 An authorised officer may refuse to grant a consent under clause 7.3 or may cancel an existing consent under clause 13 where there are reasonable grounds to believe that incorrect storage of hazardous waste on site poses a threat to the wastewater system in accordance with clauses 23.1 and 23.2.

**Sampling, testing and monitoring****24 Flow metering**

- 24.1 Flow meters are required at a trade premises when:
- a) they are the best solution for recording the volumetric discharge;
  - b) there is an inconsistent ratio between a metered water supply to the premises, and the discharge of trade waste;
  - c) the consent holder and an authorised officer cannot agree on a suitable method of flow determination; or
  - d) the discharge represents a significant proportion of the total flow/load received at the Wastewater Treatment Plant.
- 24.2 Approval of the meter must be given by an authorised officer, but the meter and maintenance remains the property and responsibility of the occupier. Measurement of flow must be carried out by the occupier in accordance with the most recent edition and section of BS 3680.
- 24.3 Records of flow and/or volume must be available for viewing at any time by an authorised officer and must be submitted to an authorised officer at intervals prescribed in the consent.
- 24.4 Meters must be located in a position which is readily accessible for reading and maintenance, and as close as practicable to the point of discharge and be installed in accordance with the manufacturer's installation instructions.
- 24.5 The consent holder must arrange for validation or calibration of the flow metering equipment and instrumentation by a company with appropriate accreditation in accordance with the latest version of NZS 10012 upon installation and at least once a year thereafter if requested by the authorised officer to ensure performance remains within  $\pm 10\%$  of its reading. A copy of independent certification of each calibration result must be submitted to the authorised officer.
- 24.6 Should any meter, after being calibrated, be found to register a greater or lesser discharge than the quantity of wastewater actually passed, an authorised officer may make an adjustment in accordance with the results shown by such tests backdated for a period at the discretion of an authorised officer but not exceeding 12 months, and the occupier will be required to pay a greater or lesser charge under the consent according to such adjustment.
- 24.7 Where no meter or similar apparatus is warranted, an authorised officer may require that a percentage of the water supplied to the premises, or other such basis as seems reasonable, be used for estimating the rate or quantity of flow for the purposes of charging.

- 24.8 Should any meter be out for repair or cease to register or be removed, an authorised officer will estimate the discharge for the period since the previous reading of such meter (based on the average of the previous four billing periods charged to the occupier) and the occupier must pay according to such an estimate. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the discharge, the authorised officer may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the occupier will pay according to such estimate.
- 24.9 Where a meter has been tampered with an authorised officer, without prejudice to any other remedies available, may declare the reading void and estimate the discharge as provided in clause 24.8.

## **25 Sampling and monitoring**

- 25.1 An authorised officer is entitled to monitor, sample and audit any trade waste discharge in accordance with this bylaw and the Act.
- 25.2 Sampling and monitoring, as detailed within Schedule 1C, may include the following:
- a) an authorised officer or agent will take the sample with appropriate preservation and arrange for the sample to be analysed using approved analytical methods;
  - b) an authorised officer will audit the sampling and analysis carried out by an analyst. Analysis will be performed by an IANZ approved laboratory. Inter-laboratory checks are to be part of this process; and
  - c) an authorised officer will audit the trade waste consent conditions including any management plans.
- 25.3 Any trade waste discharge may be monitored and audited for compliance no matter the type of classified approved trade waste discharge. All costs of monitoring will be met by the customer.

## **Administration**

### **26 Power of entry**

- 26.1 Except where provided for under any other enactment, sections 172, 173, and 182 of the Act apply in relation to any power of entry under this bylaw.

### **27 Serving documents**

- 27.1 If under this bylaw, any notice or other document is to be given or served on any person, that notice, or document may be:
- a) given by hand to that person;



- b) sent by post to the person at their last usual or known place of business or residence; or
- c) sent by electronic mail or other similar means of communication.

## **28 Dispute resolution**

- 28.1 Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis; the dispute may be submitted to a mutually agreed independent arbitrator. The arbitrator's ruling is final.
- 28.2 If any person is dissatisfied with any decision of an authorised officer made under this bylaw, except a dispute under clause 28.1, they may, by notice delivered to the Chief Executive not later than 20 working days after the decision of the authorised officer is served upon that person, request the Chief Executive to review any such decision. The Chief Executive's decision is final.
- 28.3 On the receipt of a notice under clause 28.2 the decision of an authorised officer is suspended however the person must comply with their consent, or permitted discharge conditions, and any other relevant clauses of this bylaw that apply to their discharge.
- 28.4 A decision by the Chief Executive on a request under clause 28.2 must be made within 20 working days in accordance with the relevant provisions of this bylaw. Where a decision imposes a time limit the time does not begin until the Chief Executive notifies the customer of his or her decision.
- 28.5 The Council may deal with the owner of a trade premises in any dispute rather than, or in addition to, the trade waste discharger or the consent holder.
- 28.6 Nothing in this section limits the powers of the Council to bring enforcement action under this bylaw or any enactment as it considers appropriate in the circumstances.

## **29 Accidents to be reported**

- 29.1 The occupier must inform the Council immediately by phone or email on discovery of any occurrence, accident, spill or process mishap which may alter the quality or quantity of the trade waste discharged to the Council's wastewater system which could cause a breach in their trade waste consent conditions, this bylaw or the environment.

## **30 Transitional provisions**

- 30.1 Any application for a consent to discharge trade waste made under the New Plymouth District Council Consolidated Bylaw 2008 Part 11 Trade Waste (as amended and re-adopted 2013) for which a consent has not been granted at the time of coming into force of this bylaw is deemed to be an application made under clause 5.2 of this bylaw.

**31 Officers to continue in office**

- 31.1 Authorised officers and enforcement officers appointed by the Council and holding office at the time this bylaw comes into force are deemed to be appointed under or for the purpose of this bylaw.

**32 Revocation and savings**

- 32.1 Part 11 of the New Plymouth District Council Bylaw 2008 (Trade Waste) including all amendments is revoked.
- 32.2 The revocation of bylaws under clause 32.1 does not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and any such proceedings will continue to be dealt with and completed as if those bylaws had not been revoked.
- 32.3 Any resolution, approval, permit or other decisions made under the bylaws revoked under clause 32.1 remain in force until such resolution, approval, permit or other decision is repealed or revoked, has expired or is replaced.

***Explanatory note:*** All charges payable under this bylaw are recoverable as a debt in accordance with section 252 of the Act.

**33 Offences and penalties**

- 33.1 Any individual who fails to comply with or acts in contravention of the requirements of this bylaw, including a failure to comply with the condition of any consent, commits an offence and may be liable to a penalty under the Act.

***Explanatory note:*** In addition to offences in the Act, section 175 of the Act provides that anyone who wilfully or negligently destroys, damages, stops, obstructs, or otherwise interferes with any council works or property, which includes the wastewater system, is liable and the Council may recover costs from that person.

SCHEDULE 1A: Acceptable Discharge Characteristics

1A.1 Introduction

The nature and levels of the characteristics of any wastewater discharged to the Council’s wastewater system will always comply with the following requirements, except where the nature and levels of such characteristics are varied by the authorised officer as part of an approval to discharge wastewater.

The authorised officer will take into consideration the combined effects of all wastewater discharges and will make any modifications to the following acceptable characteristics for individual discharges as deemed appropriate.

The nature and levels of any characteristic may be varied to meet any new resource consents or other legal requirements imposed upon the Council - refer clause 12.1.

If the wastewater characteristic is not covered under these Acceptable Discharge Characteristics, then it is determined to be not permitted unless the authorised officer approves the discharge in writing.

1A.2 Physical Characteristics	Explanation
<p><b>1A.2.1 Flow</b></p> <p>a) The 24-hour flow volume must be less than 5m<sup>3</sup>.</p> <p>b) The maximum instantaneous flow rate must be less than 2.0 l/s.</p>	<p>Flows larger than 5m<sup>3</sup> will be a “controlled” or “conditional” trade waste consent.</p>
<p><b>1A.2.2 Temperature</b></p> <p>The temperature shall not exceed 50°C.</p>	<p>Higher temperatures:</p> <ul style="list-style-type: none"><li>- Cause increased damage to wastewater structures.</li><li>- Increase the potential for anaerobic conditions to form in the wastewater.</li><li>- Promote the release of gases such as H<sub>2</sub>S and NH<sub>3</sub>.</li><li>- Can adversely affect the safety of operations and maintenance personnel.</li></ul> <p>A lower maximum temperature may be required for large volume discharges.</p>
<p><b>1A.2.3 Solids</b></p> <p>a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15mm and gross solids shall have acquiescent settling velocity which shall not exceed 50mm/minute.</p> <p>b) The suspended solids content of any wastewater shall have a maximum concentration which shall not exceed 2000g/m<sup>3</sup>. For significant industry this may be reduced to 600g/m<sup>3</sup>.</p> <p>c) The settleable solids content of any wastewater shall not exceed 50mL/L.</p>	<p>Gross solids can cause wastewater blockages.</p> <p>High suspended solids contents can cause wastewater blockages and overload the treatment processes.</p>

**1A.2 Physical Characteristics**

- d) The total dissolved solids concentration in any wastewater shall be subject to the approval of the authorised officer having regard to the volume of the waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste. In general, any discharge with a total dissolved solids concentration of 10,000g/m<sup>3</sup> will not be accepted.
- e) Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of wastewater in the drainage system or treatment plant shall not be present.

**1A.2.4 Oil and grease**

- a) There shall be no free or floating layer.
- b) Trade waste containing fat, oil or grease of animal or vegetable origin, shall not exceed 500g/m<sup>3</sup>.
- c) Trade waste containing fat, oil or grease of other than animal and vegetable origin, shall not exceed 200g/m<sup>3</sup>.
- d) Emulsified oil, fat or grease must not exceed 100g/m<sup>3</sup> as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range pH 4.5 to pH 10.0.

**1A.2.5 Solvents and other organic liquids**

There must be no free layer (whether floating or settled) of solvents or organic liquids.  
Refer Table 1A.2 of this part for information on dissolved solvents and other organic liquids.

**1A.2.6 Emulsions of paint, latex, adhesive, rubber, plastic**

For the purposes of this sub-clause:  
'Emulsion' means an emulsion containing paint, adhesive, rubber, plastic, or similar material.

- a) Where such emulsions are not treatable these may be discharged into the wastewater system subject to the total suspended solids not exceeding 1000g/m<sup>3</sup> or the concentration agreed by the authorised officer.
- b) The Council may require pre-treatment of such emulsions if the emulsion wastewater

**Explanation**

High total dissolved solids reduce effluent disposal options and can contribute to soil salinity.

Oils and greases can cause wastewater blockages, may adversely affect the treatment process, and may impair the aesthetics of the receiving water.

If quick break detergents are being used, it will be a requirement that proper separation systems are being used by the occupier. If not used, oil will reappear in drainage systems as a free layer.

Some organic liquids are denser than water and will settle in wastewater systems and traps.

'Treatable' in relation to emulsion wastewater, means the total organic carbon content of the waste decreases by 90% or more when the wastewater is subjected to a simulated wastewater treatment process which matches the Council's treatment system.

Emulsions vary considerably in their properties and local treatment works may need additional restrictions depending on the experience of the specific treatment plant and the quantity of latex to be treated.

**1A.2 Physical Characteristics**

- unreasonably interferes with the operation of the Council's treatment plant.
- c) Such emulsions, of both treatable and non treatable types, shall be discharged to the wastewater system only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the wastewater system.

**1A.2.7 Radioactivity**

Radioactivity levels shall not exceed National Radiation Laboratory guidelines.

**1A.2.7 Colour**

No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the final effluent discharge consent.

**Explanation**

Emulsions will coagulate when unstable and can sometimes cause wastewater blockage. Latex emulsions are stable when dilute or in the correct pH range.

Refer National Radiation Laboratory *Code of safe practice for the use of unsealed radioactive materials* NRL. C1.

Colour may cause aesthetic impairment of receiving waters, and adverse affects on the treatment processes.

**1A.3 Chemical Characteristics**

**1A.3.1 pH value**

All trade waste discharged shall not exceed the pH range of between 6.0 and 10.0 at all times.

Grease trap waste discharged may at the discretion of the Council have a pH range of between 4.5 and 10.0.

**Explanation**

In the setting of restrictions for chemical characteristics the Council is mindful of the production of harmful or noxious waste streams from some tests, such as chemical oxygen demand and total Kjeldahl nitrogen. The need to set such restrictions and therefore the requirement to undertake the associated testing will be determined by the authorised officer.

- Extremes of pH:
- Can adversely affect biological treatment processes.
  - Can adversely affect the safety of operations and/or maintenance personnel.
  - Cause corrosion of wastewater structures.
  - Increase the potential for the release of toxic gases such as H<sub>2</sub>S and HCN.- The grease trap process encourages acidic bacteria; therefore they commonly discharge a low pH.

1A.3 Chemical Characteristics

1A.3.2 Organic strength

The Biochemical Oxygen Demand (BOD<sub>5</sub>) of any waste may need to be restricted where the capacity for receiving and treating BOD<sub>5</sub> is limited. A BOD<sub>5</sub> restriction may be related to mass limits.

Explanation

The loading on a treatment plant is affected by Biochemical Oxygen Demand (BOD) rather than Chemical Oxygen Demand (COD). For any particular waste type there is a fixed ratio between COD and BOD. For domestic wastewater it is about 2.5:1 (COD : BOD), but can range from 1:1 to 100:1 for trade waste. Therefore BOD is important for the treatment process and charging, but because of the time taken for testing, it is often preferable to use COD for monitoring. However, the use of COD testing must be balanced by the possible environmental effects of undertaking such tests due to the production of chromium and mercury wastes.

Where a consistent relationship between BOD and COD can be established the discharge may be monitored using the COD test with the approval of the Council.

If the treatment plant BOD<sub>5</sub> capacity is not limited and sulphides are unlikely to cause problems, there may be no need to limit BOD<sub>5</sub>.

1A.3.3 Maximum concentrations

Introduction

The maximum concentrations permissible for the chemical characteristics of an acceptable discharge are set out in the following tables:

- General chemical characteristics ..... Table 1A.1
- Toxic Pollutants..... Table 1A.2

**Table 1A.1 General chemical characteristics**

<b>Characteristic</b>	<b>Maximum concentration</b>	
MBAS (Methylene blue active substances)	500 g/m <sup>3</sup>	MBAS is a measure of anionic surfactants. High MBAS can: <ul style="list-style-type: none"> <li>- Adversely affect the efficiency of activated sludge plants.</li> <li>- Impair the aesthetics of receiving waters.</li> </ul>
Ammonia (measured as N)		High ammonia:
- free ammonia	50 g/m <sup>3</sup>	- May adversely affect the safety of operations and maintenance personnel.
- ammonium salts	200 g/m <sup>3</sup>	- May significantly contribute to the nutrient load to the receiving environment.
Kjeldahl nitrogen	500 g/m <sup>3</sup>	High Kjeldahl nitrogen may significantly contribute to the nutrient load of the receiving environment.
Total phosphorus (as P)	150 g/m <sup>3</sup>	High phosphorus may significantly contribute to the nutrient loading of the receiving environment.
Sulphate (measured as SO <sub>4</sub> )	500 g/m <sup>3</sup>	Sulphate: <ul style="list-style-type: none"> <li>- May adversely affect wastewater structures.</li> <li>- May increase the potential for the generation of sulphide in the wastewater system, if it is prone to become anaerobic.</li> </ul>
Sulphite (measured as SO <sub>2</sub> )	15 g/m <sup>3</sup>	Sulphite has potential to release SO <sub>2</sub> gas and thus adversely affect the safety of operations and maintenance personnel. It is a strong reducing agent and removes dissolved oxygen thereby increasing the potential for anaerobic conditions to form in the wastewater.
Sulphide - as H <sub>2</sub> S on acidification	5 g/m <sup>3</sup>	Sulphide in wastewater may: <ul style="list-style-type: none"> <li>- Cause corrosion of the reticulation system and wastewater structures, particularly the top non-wetted part of a wastewater network.</li> <li>- Generate odours in the wastewater system which could cause public nuisance.</li> <li>- Release the toxic H<sub>2</sub>S gas which could adversely affect the safety of operations and maintenance personnel.</li> </ul>

Characteristic	Maximum concentration	
Chlorine (measured as Cl <sub>2</sub> )		Chlorine:
- free chlorine	3 g/m <sup>3</sup>	- Can adversely affect the safety of operations and maintenance personnel.
- hypochlorite	30 g/m <sup>3</sup>	- Can cause corrosion of wastewater pipes and structures.
Dissolved aluminium	300 g/m <sup>3</sup>	Aluminium compounds, particularly in the presence of calcium salts, have the potential to precipitate as a scale which may cause a reticulation blockage.
Dissolved iron	300 g/m <sup>3</sup>	Iron salts may precipitate and cause a reticulation blockage. High concentrations of ferric iron may also present colour problems depending on local conditions.
Boron (as B)	25 g/m <sup>3</sup>	Boron is not removed by conventional treatment.
Bromine (as Br <sub>2</sub> )	5 g/m <sup>3</sup>	High concentrations of bromine may adversely affect the safety of operations and maintenance personnel.
Fluoride (as F)	30 g/m <sup>3</sup>	Fluoride is not removed by conventional wastewater treatment, however pre-treatment can easily and economically reduce concentrations to below 20g/m <sup>3</sup> .
Cyanide - weak acid dissociable (as CN)	5 g/m <sup>3</sup>	Cyanide may produce toxic atmospheres in the wastewater system and adversely affect the safety of operations and maintenance personnel.



**Table 1A.2 Toxic Pollutants**

<b>Toxic Pollutant</b>	<b>Maximum Concentration g/m<sup>3</sup></b>	
Antimony as Sb	10	<b>Inhibitory chemicals</b>  At the choice of the Council no waste being diluted at a fixed ratio to wastewater, nominated by the Council, shall inhibit the performance of the wastewater treatment process such that the Council is significantly at risk or prevented from achieving its environmental statutory requirements.
Arsenic as As	5	
Barium as Ba	10	
Beryllium as Be	0.005	
Cadmium as Cd	0.05	
Chromium as Cr	5	
Cobalt as Co	10	
Copper as Cu	10	
Lead as Pb	10	
Manganese as Mn	20	
Mercury as Hg	0.01	
Molybdenum as Mo	10	
Silver as Ag	2	
Nickel as Ni	10	
Selenium as Se	10	
Thallium as Th	10	
Tin as Sn	20	
Zinc Zn	10	
Formaldehyde (as HCHO)	50	
Phenolic compounds (as phenol)	50	
Petroleum hydrocarbons	30	
Monocyclic aromatic hydrocarbons	5	
Polycyclic aromatic hydrocarbons	0.05	
Halogenated aliphatic compounds	1	
Chlorinated phenols	0.02	
Halogenated aromatic hydrocarbons (HAHs)	0.002	
Polychlorinated biphenyls (PCBs)	0.002	
Polybrominated biphenyls (PBBs)	0.002	
Pesticides, general (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticide not registered for use in New Zealand)	0.2 in total	
Organophosphate pesticides	0.1	

## SCHEDULE 1B: Prohibited Characteristics

### 1B.1 Introduction

Prohibited characteristics are considered present if their concentration exceeds background levels. The background level in relation to any substance means the extent to which that substance is present (if at all) in the water supply used at the trade premises, or in an alternative water supply that is approved by the Council for the purpose of discharging waste.

### 1B.2 Prohibited Characteristics

**1B.2.1** Any discharge has prohibited characteristics if it has any solid, liquid or gaseous matter or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time will:

- a) interfere with the free flow of the wastewater in the wastewater system; or
- b) damage any part of the wastewater system; or
- c) directly or indirectly, cause the quality of the effluent or residual biosolids and other solids from any wastewater treatment plant in the catchments to which the waste was discharged to breach the conditions of a consent issued under the Resource Management Act 1991, or water right, permit or other governing legislation; or
- d) prejudice the occupational health and safety risks faced by wastewater workers; or
- e) after treatment is toxic to fish, animals or plant life in the receiving waters; or
- f) cause foul-smelling gases or substances to form which are of a nature or sufficient quantity to create a public nuisance; or
- g) have a colour or colouring substance that causes the discharge of any wastewater treatment plant to be coloured.

**1B.2.2** A discharge has prohibited characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 1A unless the characteristic is specifically approved by an authorised officer within a consent.

**1B.2.3** A discharge has a prohibited characteristic if it has any amount of:

- a) harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- b) liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1A), calcium carbide, and any other material which is capable of giving rise to fire or explosive hazards either spontaneously or in combination with wastewater;
- c) asbestos;
- d) the following organo-metallic compounds:
  - i) Mercury (as an organic compound);
  - ii) Cadmium (as an organic compound);
  - iii) Tin (as tributyl or other organotin compounds);
  - iv) Chromium (as an organic compound);
- e) any organochlorine pesticides;

- f) genetic wastes, as follows:

All wastes that contain or are likely to contain genetically altered material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act 1996. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
- g) any health care waste prohibited for discharge to a wastewater system by NZS 4304:2002 Management of Healthcare Waste or any pathological or histological wastes; or
- h) whose radioactivity levels are in excess of national radiation laboratory guidelines.

## **SCHEDULE 1C: Sampling Procedure**

### **1C.1 Sampling Equipment**

#### **1C.1.1 Sample containers**

The laboratory responsible for analysing the samples should be consulted prior to sampling to confirm the types of containers that should be used for sample collection and subsequent storage and transportation.

Plastic containers are recommended for most characteristics though some exceptions exist. For example, where glass containers are to be used to sample for:

- a) Oil and grease.
- b) Hydrocarbons.
- c) Detergents.
- d) Pesticides.

#### **1C.1.2 Apparatus**

Both manual and automatic sampling equipment should be made of inert materials which will not influence the analyses that will be carried out on the samples.

Before sampling, the equipment should be cleaned with detergent and water, or as directed by the equipment manufacturer, and then rinsed with water.

In some cases sampling equipment may be washed in the wastewater stream from which the sample is to be taken to minimise the risk of contamination. Sampling equipment cannot be washed in the waste stream where it will influence the analysis carried out later (e.g. analysis of oil and grease, and microbiological analysis).

Special attention must be made to rinsing after cleaning if detergents have been sampled.

### **1C.2 Sampling Location**

#### **1C.2.1 Safety precautions**

When selecting sampling locations health and safety aspects should always be considered.

**1C.2.2** The sampling location will be as specified in the consent holders trade waste consent. This will normally be the first manhole or an access point upstream of the discharge point unless, due to poor mixing or some other reason, a location giving more representative sample can be found.

**1C.2.3** The sampling location must be kept clean. Remove scale, sludge, bacterial film etc from the walls.

If turbulent flow conditions do not exist at the sampling location, they shall be induced by restricting the flow using a baffle or weir. The restriction should be made so that sedimentation upstream of the restriction does not occur. The sampling intake point should be located downstream of the restriction. The inlet of the sampling equipment should face the direction of flow but may face downstream if too many blockages result.

If mixing is good upstream of the obstacle then the sampling point should be located at this point, taking care that sediment is not sampled and ensuring that the intake remains below liquid level.

**1C.2.4** The sampling point shall be one-third of the wastewater depth below the surface.

- 1C.2.5** It may be necessary to sample the surface by skimming so that qualitative information about emulsified and floating material can be obtained. Guidance on the choice of suitable containers for this sampling technique should be sought before sampling from the receiving laboratory.

### **1C.3 Choice of Sampling Method**

#### **1C.3.1 Sampling types**

There are three different methods for taking samples:

- a) spot (or grab) samples;
- b) composite samples; or
- c) instantaneous composite sample, which is a combination of both spot and composite samples.

##### **a) Spot sample**

Spot samples are essential when the objective of a sampling programme is to estimate the compliance with standards not related to average quality. In cases where quality compliance is judged on the basis of average effluent quality, composite samples should always be used.

Spot samples are useful for determining the wastewater composition at a specific time, the entire sample volume is taken at once. In cases where small variations in the volume and composition of the waste stream exist a spot sample can be representative of the composition during a longer period.

For certain determinations only spot samples can be used. For example, cases with oil and grease, dissolved oxygen, chlorine or sulphides. If the analyses are not carried out (or started) immediately after collection of the sample and if the whole sample volume is not all used the results will differ over time.

Spot samples are usually taken manually but may also be taken by automatic sampling equipment.

##### **b) Composite sample**

Composite samples are prepared by mixing a number of spot samples or by collection of a continuous fraction of the waste stream. There are two types of composite samples:

- i) time-weighted samples,
- ii) flow-weighted samples.

Time-weighted composite samples consist of spot samples of equal volume taken at constant intervals during the sampling period.

Time-weighted composite samples are appropriate when the average wastewater or effluent quality is of interest (e.g. when determining compliance with a standard based on average quality or when determining the average strength of wastewater for process design purposes, or for cases with a constant wastewater flow).

Flow-weighted composite samples consist of spot samples taken and mixed in such a way that the sample volume is proportional to the effluent flow or volume during the sampling period. Flow-weighted composite samples should be used when the determination of loadings of pollutants is the objective of the sampling, e.g. biochemical

oxygen demand (BOD5) load to a wastewater treatment plant, percentage removal of solids, loading of nutrients and other determinants to the environment.

A flow-weighted composite sample can be taken either at constant intervals but with varying sample volumes that are proportional to the flow at the sampling time or as spot samples of equal volume that are taken at the time when fixed amounts of effluent have passed the sampling point.

In both flow-weighted and time-weighted sampling each spot sample should be greater than 50ml in volume. It is advisable that spot samples are 200ml to 300ml in volume in order to be able to collect representative samples.

c) **Instantaneous composite sample**

An instantaneous sample is a composite sample taken using the following method:

- i) Three spot samples of the discharge shall be taken at intervals of not less than one minute or more than five minutes apart.
- ii) The three spot samples must be combined using equal volumes of all three samples to obtain the instantaneous sample.

An instantaneous sample shall be used for all routine compliance monitoring unless otherwise specified in the consent.

## **1C.4 Frequency, Number and timing of Samples**

### **1C.4.1 Frequency and number of samples**

Sampling must be taken at regular intervals over the control period at the frequency and in the manner specified in the occupier's consent to discharge trade waste.

### **1C.4.2 Sampling programme**

The objective of a sampling programme often dictates when and how a sample is collected. When sampling trade waste allowance should be made for the following sources of variation in quality:

- a) Diurnal variations (i.e. within-day variability).
- b) Variations between days of the week.
- c) Variations between seasons (if applicable).

If the identification of the nature and magnitude of peak load are important sampling should be restricted to those periods when peak loads are known to occur.

The most appropriate type of sampling method (grab or composite) may be dependent on the magnitude of the variation in quality.

Relating the times of sampling to the particular process being monitored may be very important when considering discharges that are either seasonal or operated on a batch basis. In either case the discharge will not be continuous, and the sampling programme will need to take this fact into account.

If taking more than one sample the samples should normally be taken at fixed intervals during the whole control period. The control period shall normally be one quarter.

It should be ensured that the sampling does not lead to any risk of systematic error, for example by always taking samples on one particular day or by systematically omitting particular working days.

#### **1C.4.3 Sampling period**

The overall sampling period may vary from a few hours, where tracing studies on volatile organics are being monitored, to several days, where stable inorganic species are being monitored.

This sub-clause deals with the selection of the period over which a composite sample has to be taken. When selecting the period the following two factors should be considered:

- a) The objective of the sampling. For example, it may be necessary to assess the average organic load in a flow over several 24-hour periods, in which case diurnal flow proportional composite samples will be adequate.
- b) The stability of the sample. In the example given in (1a), it would not necessarily be practical to extend the compositing period for longer than 24 hours, since the organic component in the sample under study may deteriorate.
- c) The stability of the sample may often limit the duration of the sampling period. In such cases, reference should be made to the specific analytical techniques to be employed, and the receiving laboratory should be consulted, in order that correct preservative measures can be used. AS/NZS 5667.10:1998 (see Schedule1) gives further details on the preservation and storage of samples.

#### **1C.5 Sample Preservation, Transportation and Storage**

The most common way of preserving wastewater samples is to cool to a temperature between 0°C and 4°C. When cooled to this temperature and stored in the dark, most samples are normally stable for up to 24 hours. For some determinants, long-term stability may be obtained by deep freezing (below -18°C).

When collecting composite samples during extended periods, preservation should be an integral part of the sampling operation.

It may be necessary to use more than one sampling device, to allow both preserved and unpreserved samples to be taken.

The laboratory responsible for analysing the samples should always be consulted with regard to the selection of the preservation method and subsequent transport and storage.

Note: Further details may be found in AS/NZS 5667.10:1998.

#### **1C.6 Sample Identification and Records**

The laboratory sampling report should include the following information:

- a) name of the trade premises;
- b) sample identification number;
- c) sampling point;
- d) date, start and stop of sampling;
- e) time, start and stop of sampling;
- f) details of the sampling method;
- g) preservation method;
- h) details of any field tests; and
- i) name of the person who carried out the sampling.

**1C.7 Sample Splitting**

If required by the occupier all independent samples made by an enforcement officer shall be split as follows:

- a) on completion of sampling each of the samples or the composite sample(s) as the case may be, shall be divided into three equal parts; and
- b) the first portion of each sample or composite sample shall be delivered to the occupier; and
- c) the second and third portions of each sample or composite sample shall be delivered to an authorised officer.

Where any portion of a sample or composite sample is to be delivered in accordance with this bylaw it shall be delivered within four hours of the sampling being completed.

The third portion of any sample or composite sample delivered to an authorised officer in accordance with this bylaw shall be retained in the custody of the Council for a period of not less than 20 working days from the date of receipt and in such a manner which preserve's as far as is reasonably possible, the characteristics of the sample being tested.



SCHEDULE 1D: Trade Waste Fees and Charges

1D.1 Monitoring Costs

Under the Local Government Act 2002 the Council may only recover the reasonable costs incurred by the Council in respect of the matters for which the fee is charged. Therefore, Trade Waste Premises will be charged at cost for sample collection, analyses, and data reporting. Upon request all copies of laboratory analysis will be provided in accordance with the Local Government Official Information and Meetings Act 1987.

1D.2 Fees

1D.2.1 Reticulation

Item	Description
a) Connection fee	A fee payable on application for connection to discharge.
b) Reinspection fee	A fee payable for each reinspection visit by an authorised or enforcement officer where a previously issued non-compliance notice requirements have not been remedied by the occupier.
c) Disconnection fee	A fee payable on disconnection from collection system following occupier request for disconnection.

1D.2.2 Trade wastes

a) Trade waste application fee	A fee payable on an application for a trade waste discharge.
b) Inspection fee	A fee payable after a site inspection has taken place by the Council.
c) Sampling fee	A fee payable after a sampling event has been undertaken of the trade waste discharge.
d) Late fee	A fee applied to overdue trade waste accounts.
e) Annual trade waste licence fee	An annual management fee for holders of trade waste consents to cover the Council’s costs associated with: <ul style="list-style-type: none"><li>– administration; and</li><li>– inspection of the premises.</li></ul>
f) Non-compliance reinspection fee	Payable for each reinspection visit by an enforcement officer where a notice served under this bylaw has not been complied with by the Trade Waste discharger.

1D.3 Charging for Characteristics (Quality)

Quality charging shall be based on results from monitoring as detailed Schedule 1C.2.

The monitoring results may cover a period extending prior to the current quarterly period. The amount of monitoring results used will be determined by the authorised officer with the agreement between parties as per the draft trade waste consent process.

Note: The toxic pollutant treatment charge is determined by dividing the annual proportioned disposal cost plus a risk factor for the toxin as determined by compliance issues related to the application of biosolids to land "[Guidelines for the safe application of biosolids to land](#)[Guideline for Beneficial Use of Biosolids on Land](#)" by the proportion of total mass of toxic pollutants

received at the Wastewater Treatment Plant (WWTP) on an annual basis Where possible the disposal costs will be averaged over a three year period. However, should the method of disposal of sludge be changed then the Council reserves the right to change the term over which disposal costs are calculated.

1D.4 Unit (characteristic) Cost for Wastewater

Fair and equitable charging for trade waste premises means charges can be no more nor less than that paid by domestic users.

Therefore, trade waste charges are calculated the same way domestic charges are with the total wastewater operational costs being apportioned (ratio of total costs) between the following characteristics:

- a) WWTP total Volume (m³).
- b) WWTP total Biochemical Oxygen Demand (kg).
- c) WWTP total Suspended Solids (kg).
- d) WWTP total Toxic metals for each metal targeted (kg).

Adjustments to the ratio’s may be made annually to ensure trade waste charges are consistent, fair and do not penalise industrial trade waste improvements.

Each characteristic proportioned value (above) is divided by that total characteristic mass, e.g. WWTP Volume proportioned cost (\$) divided by the total WWTP characteristic will determine what the charge out rate for that characteristic e.g.

- a) Volume charge rate Cv in \$/m³
- b) BOD5 charge rate CBOD5 in \$/kgs
- c) ~~BOD5~~-Suspended solids charge rate C<sub>ss</sub> in \$/kgs
- d) Specific Toxic charge rate TP1 in \$/kgs

For customers where the domestic and trade waste discharges are unable to be separated a portion of the targeted wastewater rates will be subtracted from trade waste charges to ensure the occupier is not being double charged for the domestic portion of their discharge.

1D.5 Definitions of Variables Used in Calculating Trade Waste Charges

Item	Units	Definition
a	ratio	Proportion of WWTP cost of processing attributed to volume.
b	ratio	Proportion of WWTP cost of processing attributed to BOD5.
c	ratio	Proportion of WWTP cost of processing attributed to SS.
d	ratio	Proportion of WWTP cost of processing attributed to toxic pollutants.
\$B	\$	Average WWTP treatment costs for BOD5 over the last three completed years. \$B= b x \$WWTP *
[BOD5]	g/m³	Biochemical oxygen demand analytical result from sampling.
Cv	\$/m³	Volumetric charge rate.
C <sub>BOD5</sub>	\$/kg <sub>BOD5</sub>	Biochemical oxygen demand treatment charge rate.

Item	Units	Definition
$C_{SS}$	\$/kg <sub>SS</sub>	Suspended solid treatment charge rate.
$C_{TPi}$	\$/kg <sub>TPi</sub>	Specified toxic pollutant treatment charge rate.
$kg_{BOD5}$	kg	Biochemical oxygen demand mass.
$kg_{SS}$	kg	Suspended solids mass.
$kg_{TPi}$	kg	Toxic pollutant mass. ***
$NTP_i$	%	Normalised variation for the specified toxic pollutant. $NTP_i = (100/TPT) \times TP_{var\ i}$ ***
$Q$	m <sup>3</sup>	Average wastewater volume into the WWTP. **
$\$R$	\$	Average cost of providing, financing, operating and maintaining the wastewater drainage network including wastewater pumping stations for the previous three years.*
$\$S$	\$	Average WWTP treatment costs for SS over the last three completed years. $\$S = c \times \$WWTP$ *
[SS]	g/m <sup>3</sup>	Suspended Solids concentration.
$SV$	m <sup>3</sup>	Calculated Stormwater Volume.
$T_{BOD5}$	kg	Average biochemical oxygen demand mass. **
[TP]	g/m <sup>3</sup>	Toxic Pollutant concentration.
$\$TP$	\$	Average WWTP treatment costs for Toxic Pollutant over the last three completed years. $\$TP = d \times \$WWTP$ . *
$\$TP_i$	\$	Total disposal cost for a specified toxic pollutant. $\$TP_i = \$TP \times (NTP_i/100)$ ***
$TP_{max\ i}$	mg/kg	Maximum level set for the detailed toxic pollutant disposal. Units as dry wt. ***
$TP_{w\ i}$	mg/kg	The actual level of a toxic pollutant in dry wastewater biosolids for period over which calculation applies. ***
$TPT$	%	Sum of $TP_{var\ i}$ for all applicable toxic pollutants.
$TP_{var\ i}$	%	Percentage variation from $TP_{max\ i}$ for a toxic pollutant. $TP_{var\ i} = TP_{w\ i} / TP_{max\ i} \times 100$ ***
$TR$	m <sup>3</sup>	Targeted rate allowance.
$TR\$$	\$	Actual targeted rate for wastewater charged in rates.
$T_{ss}$	kg	Average suspended solids mass. **
$TTP_i$	kg	Total mass of a specific toxic metal pollutant. ***
$TV$	m <sup>3</sup>	Chargeable Volume.
$V$	m <sup>3</sup>	Customer Measured or Agreed Volume.
$\$V$	\$	Previous three-year average reception and disposal costs for all wastewater in the district calculated as $\$V = a \times \$WWTP + \$R$ . *
$WL$	%	Allowance for water loss, e.g. evaporation.
WWTP		Wastewater Treatment Plant.

Item	Units	Definition
\$WWTP	\$	The average of the last three completed years of providing, financing, operating and maintaining the Council's wastewater treatment plant and the outfall. *

Notes

- \* Inflation adjusted – the previous years' values are adjusted to present day based on the annual percentage increase applied to fees, as agreed by Council.
- \*\* Average mass is calculated as the average of the previous three completed years.
- \*\*\* Combination of \*\* plus Toxic pollutant at targeted metals that are recorded as TP<sub>i</sub>.

1D.6 Calculating Trade Waste Charges

Following on from clause 1D.4 trade waste charges are calculated as a sum of the following four parts:

1. **Volume charge** = TV x C<sub>v</sub> is a unit charge for capital and operational costs associated with reticulation, treatment and disposal of wastewater.
2. **BOD5 charge** = kg<sub>BOD5</sub> x C<sub>BOD5</sub> is a unit charge for capital and operational costs associated with the treatment and disposal of biochemical oxygen demand.
3. **SS charge** = kg<sub>SS</sub> x C<sub>SS</sub> is a unit charge for capital and operational costs associated with the treatment and disposal of suspended solids.
4. **TP charge** = kg<sub>TP<sub>i</sub></sub> x C<sub>TP<sub>i</sub></sub> is a unit charge for each nominated toxic pollutant and is derived from operational costs associated with the treatment and disposal of biosolids contaminated with toxic pollutants designated by applicable standards such as the Ministry of Health guidelines or described in resource consent conditions. The specific toxic pollutants (TP<sub>i</sub>) for which it is intended to charge shall be nominated at the time of setting trade waste charges.

Where the charge rates are calculated as:

$$C_v = \$V / Q$$
$$C_{BOD5} = \$B / T_{BOD5}$$
$$C_{SS} = \$S / T_{SS}$$
$$C_{TP_i} = \$TP_i / TTP_i$$

Note. The toxic pollutant treatment charge is determined by dividing the annual proportioned disposal cost plus a risk factor for the toxin as determined by compliance issues related to the application of biosolids to land "~~Guidelines for the safe application of biosolids to land, 2003~~Guideline for Beneficial Use of Biosolids on Land" by the proportion of total mass of the specified toxic pollutant received at the WWTP on an annual basis Where possible the disposal costs will be averaged over a three year period. However, should the method of disposal of sludge be changed then the Council reserves the right to change the term over which disposal costs are calculated.

**Mass calculations**

The characteristic masses are calculated as follows:

$$\begin{aligned} \text{kg}_{\text{BOD5}} &= \text{TV} \times \text{BOD5 g/m}^3 / 1000 \\ \text{kg}_{\text{SS}} &= \text{TV} \times \text{SS g/m}^3 / 1000 \\ \text{kg}_{\text{TPi}} &= \text{TV} \times [\text{TPi}] \text{g/m}^3 / 1000 \end{aligned}$$

Normally characteristic values are measured as g/m<sup>3</sup> therefore, to convert to kg, must divide by 1000. The specific toxic pollutants (TPi) for which it is intended to charge shall be nominated at the time of setting trade waste charges.

**1D.7 Method of Determining Chargeable Volume (TV)**

Chargeable volume is calculated using the following formula:

$$\text{TV} = \text{V} + \text{SV} - \text{TR} - \text{WL}$$

Where:

- a) Volume (V)  
**V** = m<sup>3</sup> of trade waste measured by flow meter or by any other agreed method as detailed in an occupier's trade waste consent:

**Stormwater infiltration (SV)**

**SV** = The calculated unavoidable stormwater discharge into the trade waste system based on the surface area of catchment multiplied by the annual average rainfall (1600mm/year) divided by four quarters.

- b) Water Loss Allowance (WL)  
**WL** = Water loss allowance e.g. evaporation, use in product.

- c) Targeted Rate Credit (TR)  
**TR** = Wastewater Targeted Rate Allowance: Only applicable when the domestic waste stream cannot be separated from the trade waste stream and when the occupier pays wastewater targeted rates for the property.

The portion charged to the occupier as targeted rates is back calculated, the calculation ensures the targeted wastewater rate is accurately back calculated which reflects the actual concentration of the characteristics in the waste streams, the following formula is used:

$$\text{TR} = \text{TR\$} / \{ (\text{Cv} + ([\text{BOD5}] \times \text{C}_{\text{BOD5}}) + ([\text{SS}] \times \text{C}_{\text{SS}})) / 1000 \}$$

The default characteristic values are [BOD5] = 240g/m<sup>3</sup> and [SS] = 240g/m<sup>3</sup> if the waste stream is off a lower or higher strength then actual average analysed sampling results may apply.

APPENDIX 1: Related Documents

NEW ZEALAND STANDARDS

NZS 4304:2002	Management of Healthcare Waste
NZS 9201:Part.23:2004	Model general bylaws Part 23: 2004 Trade Waste
AS/NZS 10012-1:2004	Quality assurance requirements for measuring equipment

BRITISH STANDARDS

BS 3680	Measurement of liquid flow in open channels
Part 11A:1992	Free surface flow in closed conduits - methods of measurement
Part 11B:1992	Free surface flow in closed conduits - specification for performance and installation of equipment for measurement of free surface flow in closed conduits
BS 5728	
Part 3:1997	Measurement of flow of cold potable water in closed conduits
Part 3:1984	Methods for determining principal characteristics of meters
AS/NZS 5667.1:1998	Water quality sampling
Part 1	Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples
Part 10	Guidance on sampling waste waters

NEW ZEALAND LEGISLATION

- Local Government Act 2002
- Local Government Act 1974
- Resource Management Act 1991
- Hazardous Substances and New Organisms Act 1996
- Health and Safety at Work Act 2015

OTHER PUBLICATIONS

AWWA Standard methods for the examination of water and wastewater.

Code of safe practice for the use of unsealed radioactive materials, NRL.C1; National Radiation Laboratory.

Public Health Committees for the safe use of sewage effluent and sewage sludge on land. Ministry of Health, New Zealand 1992.

~~Guidelines for the Safe Application of Biosolids to Land in New Zealand, 2003~~[Guideline for Beneficial Use of Biosolids on Land.](#)

Draft Trade Waste Bylaw 2025

Submission No: 1

Mike Rabe

Wish to speak to the Council: No

Give us your views below on the draft Trade Waste Bylaw 2025.

I noticed a duplication in Schedule 1D.4 on page 40 of the Draft Trade Waste Bylaw 2025.

"... the charge out rate for that characteristic e.g.

- a) Volume charge rate Cv in \$/m3
- b) BOD5 charge rate CBOD5 in \$/kgs
- c) BOD5 charge rate Css in \$/kgs
- d) Specific Toxic charge rate TP1 in \$/kgs

..."

I believe point c should read: Suspended solids charge rate.

Other than duplication above, no issues with the proposed bylaw.

## **Draft Trade Waste Bylaw 2025**

Submission No: 2

**Brad Craig - La Nuova Ltd**

Wish to speak to the Council: No

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**Give us your views below on the draft Trade Waste Bylaw 2025.**



## Submission on the New Plymouth District Council Trade Waste Bylaw Review

**Submitted by:** La Nuova Drycleaners

**Date:** 18<sup>th</sup> March 2025

### Introduction

La Nuova Drycleaners welcomes the opportunity to provide input into the review of the Trade Waste Bylaw. As a business that has been operating for over 65 years, we are committed to sustainable and responsible laundry practices. Our significant investment in cutting-edge laundry technology allows us to operate with far greater water efficiency than many on-premise laundries (OPLs) operated by hotels, aged care facilities, and other institutions.

### Key Issue: Inefficiencies of On-Premise Laundries (OPLs)

Many businesses, particularly in the hospitality and aged care sectors, choose to run their own in-house laundries. However, these OPLs typically use **significantly more water per kilogram of laundry** than a professionally managed commercial facility like La Nuova.

- **Commercial laundry efficiency:** La Nuova's advanced systems use approximately **5–6 litres per kg of laundry washed**.
- **On-Premise Laundry (OPL) inefficiency:** Hotels and aged care facilities operating their own laundries often use **10–20 litres per kg or more**, sometimes **over three times the amount of water per kg washed** compared to a professional facility.

This inefficient water use places an unnecessary burden on New Plymouth's water and wastewater infrastructure, increasing both demand on freshwater resources and the volume of wastewater requiring treatment.

### Proposal: A Fair, Efficiency-Based Approach to Trade Waste Charges

Given the significant discrepancy in water efficiency, we propose that the Trade Waste Bylaw introduce **higher charges for inefficient on-premise laundries** based on their excessive water usage per kg of laundry processed.

### Justification:

1. **Encourages Water Conservation** – By implementing a tiered trade waste charge based on water efficiency, businesses will have an incentive to either upgrade their systems or consider outsourcing to commercial laundries that have already invested in advanced, water-saving technology.
2. **Reduces Environmental Impact** – More efficient laundry processes mean lower freshwater consumption and reduced strain on wastewater treatment facilities.

3. **Supports Fair Cost Allocation** – It is inequitable for highly efficient operations like La Nuova to pay the same trade waste charges per unit of wastewater as an inefficient OPL that generates far more wastewater per kg of washing.
4. **Aligns with Sustainability Goals** – Many councils are moving toward policies that encourage businesses to adopt greener, more sustainable practices. Rewarding efficiency and discouraging unnecessary waste aligns with this direction.

### Conclusion

We urge the New Plymouth District Council to consider a trade waste charging model that **recognises and rewards water efficiency** in commercial laundry operations while **applying higher charges to inefficient on-premise laundries**. By doing so, the council can encourage responsible water use, reduce environmental impact, and ensure a fairer approach to trade waste management.

We welcome the opportunity to discuss this submission further and provide additional data to support these recommendations.

Regards

Brad Craig

Managing Director

La Nuova Ltd

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## **TRAFFIC, PARKING AND STOCK CONTROL BYLAW 2025 – CONSIDERATION OF SUBMISSIONS, DELIBERATIONS AND ADOPTION**

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### **MATTER / TE WHĀINGA**

1. The matter for consideration by the Council is the adoption of the proposed Traffic, Parking and Stock Control Bylaw 2025 following consultation with the community.

### **RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU**

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

- a) **Notes that it has considered all submissions to the Council’s proposed Traffic, Parking and Stock Control Bylaw 2025.**
  - b) **Determines that it has followed the required special consultative procedure as set out in the Local Government Act 2002.**
  - c) **Determines that the Traffic, Parking and Stock Control Bylaw 2025 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
  - d) **Notes the three proposed updates to the Draft Bylaw in response to the submissions received being:**
    - i) **the introduction of a permitted threshold for droving and stock crossing points that can occur without the need for a Traffic Management Plan.**
    - ii) **a change to the Traffic Management Plan approval to be extended to 24 months with automatic rollover unless there has been a meaningful change to the operating environment.**
    - iii) **the inclusion of two explanatory notes to clarify that the Draft Bylaw does not impact emergency services.**
  - e) **Adopts the Traffic, Parking and Stock Control Bylaw 2025.**
  - f) **Approves the commencement date of 1 July 2025 for the Traffic, Parking and Stock Control Bylaw 2025, noting that public notice on the making of the Bylaw will be given prior to the commencement of the bylaw.**
  - g) **Revokes New Plymouth District Council Bylaw 2008 Part 10 Stock Control and Part 13 Traffic.**
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<b>COMPLIANCE / TŪTOHU</b>	
Significance	This matter is assessed as being of moderate importance
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Adopt the Traffic, Parking and Stock Control Bylaw 2025.</li> <li>2. Adopt the Traffic, Parking and Stock Control Bylaw 2025 with amendments.</li> </ol>
Affected persons	The persons who are affected by or interested in this matter are all road users within the community and farmers in relation to stock control.
Recommendation	This report recommends option one – Adopt the Traffic, Parking and Stock Control Bylaw 2025 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No. As the draft Traffic, Parking and Stock Control Bylaw reflects best fit with current operational and regulatory approach of the Council the recommended option does not have any significant implications for the Long-Term Plan or Annual Plan.
Significant Policy and Plan Inconsistencies	No.

## **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

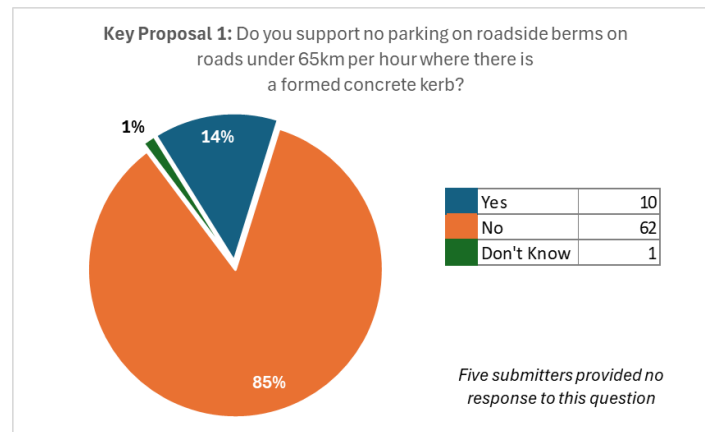
2. We recommend that Council adopt the Traffic, Parking and Stock Control Bylaw 2025 in order to avoid a regulatory gap due to the current Bylaws Part 10 Stock Control and Part 13 Traffic lapsing on 4 July 2025, when they would be revoked under section 160A of the Local Government Act 2002 (LGA). This proposed Bylaw would replace the current Bylaws and ensure the nuisances and problems associated with traffic, parking and stock control continue to be regulated.
3. Community consultation on the Draft Bylaw was carried out from 29 March to 30 April 2025. Seventy-eight submissions were received. The consultation sought feedback on four key proposals as well as seeking general feedback on the Draft Bylaw.
4. The report assesses the submissions on the Draft Bylaw and recommends adoption of the Traffic, Parking and Stock Control Bylaw 2025.

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5. Three updates to the Draft Bylaw are recommended in response to the submissions received. One update proposes to include a permitted threshold for droving (including droving at stock crossing points) that can occur without the need for a Traffic Management Plan (TMP). The second changes the TMP approval to be extended to 24 months with the ability to apply for a rollover unless there has been a meaningful change to the operating environment. The third update is to include two explanatory notes to clarify that the Draft Bylaw does not impact emergency services.
  6. If adopted, it is recommended that the Bylaw will come into force from 1 July 2025 after the public notice is given on the making of the bylaw. The next steps will be to update Council documentation to reflect the adoption of the new Bylaw including the Council's website.

### **BACKGROUND / WHAKAPAPA**

7. At its meeting on [25 March 2025](#) the Council determined that the most appropriate way of addressing the perceived problems relating to traffic, parking and stock control was through a bylaw. At the same meeting, the Council adopted a Statement of Proposal for community consultation on a Draft Traffic, Parking and Stock Control Bylaw (Draft Bylaw) which was a combined bylaw of the review of New Plymouth District Bylaw 2008 Part 10 Stock Control and Part 13 Traffic.
  8. Public consultation on the Draft Bylaw occurred from 29 March to 30 April 2025. 78 submissions were received on the Draft Bylaw. The consultation sought feedback on four key proposals as well as seeking general feedback on the Draft Bylaw. The following sections discuss the submissions received for each key proposal, other feedback received, and three individual submissions are discussed separately within the report. Officer responses and recommendations are provided for each matter. Appendix 2 provides additional detail on the submissions received.
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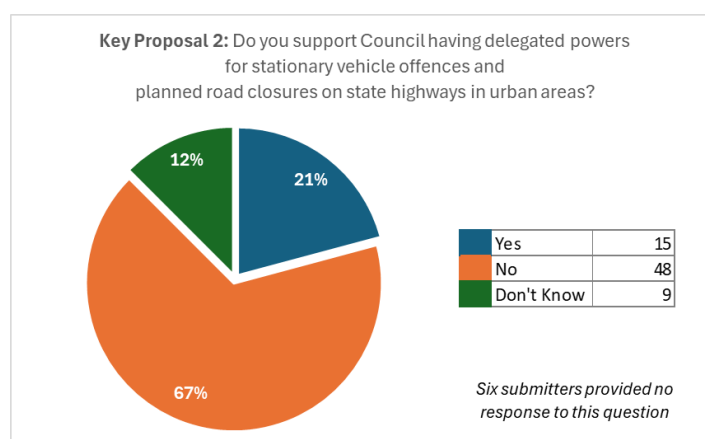
*Key proposal one – No parking on roadside berms on roads under 65km per hour where there is a formed concrete kerb*



9. Seventy-three submitters provided a response to this proposal. See Appendix 1 for a summary of the feedback received. Submitters in support of the proposal provided feedback relating to safety and accessibility for users of footpaths and providing for the correct use of berms. Submitters who did not support the proposal raised various matters including safety concerns for narrow and winding streets, they considered berm parking was practical and necessary for various reasons including infilling properties, multi-tenant homes and narrow streets, and they also noted that berms are maintained by residents so they should be permitted to use them for parking. There was also concern that the driver was increased revenue collection.
10. **Officer response.** The current Bylaw does not have explicit provisions for managing the damage parking does to cultivated areas, or areas which are not specifically designed or laid out for parking. Although it is currently prohibited in the existing and proposed draft Public Places Bylaw it is not currently actively regulated.
11. Inconsiderate parking in areas set aside for other purposes can cause obstructions to public and private property, potentially hindering access for residents and businesses. Improper parking on berms can also lead to damage of roading infrastructure, safety, and accessibility concerns.
12. Having clear rules make the rules easier to understand and enforce, and address issues of accessibility, damage to urban area road reserve, and to protect road reserve in rural areas that has had plantings or is cultivated above the level of grass berm.

13. This proposal supports and reinforces the existing provisions within the current Public Places Bylaw and the Draft Activities in Public Places Bylaw and provides an additional layer of regulation for parking on berms. It is noted that while this proposal has resulted in community concern, it simply reflects and reinforces an existing Council position within the bylaws mentioned above. It is noted that, while some parking does create issue, it is also recognised that in many locations cars park on roadside berms with no adverse effects or safety concerns. We would continue to ensure that education is the first step in any enforcement approach on this matter.
14. One submitter queried whether the Council could provide for residents parking in areas that have high daily users of parking. It is noted that clause 32 of the Draft Bylaw enables the Council to declare any road(s) to be a residents parking zone. This would be through a Council resolution with the scope and process of making a resolution under the Draft Bylaw set out in clauses 9 and 10 of the Draft Bylaw.
15. **Recommendation.** No change to the Draft Bylaw in response to the submissions received.

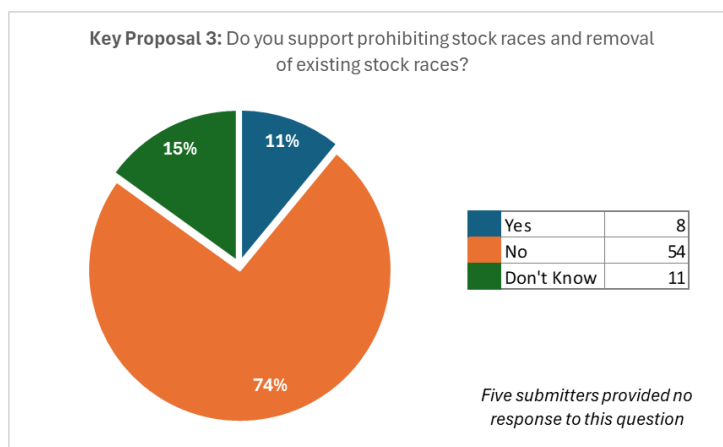
*Key proposal two – do you support Council having delegated powers for stationary vehicle offences and planned road closures on state highways in urban areas?*



16. Seventy-two submitters provided a response to this proposal. See Appendix 1 for a summary of the feedback received. Submitters in support of the proposal provided feedback in relation to consistency of enforcement and efficiency of dealing with issues locally. Submitters who did not support the proposal raised concerns relating to financial considerations and the use of ratepayers money to enforce regulation of state highways, a central government function, while others expressed opposition to Council having increased powers with some seeing the proposal as a potential revenue grab.

17. **Officer response.** Council as road controlling authority has the power to enforce bylaws on district roads within Council's control and management. However, the problems associated with traffic, parking and stock can also occur on state highways under the control and management of NZ Transport Agency Waka Kotahi (NZTA). It is not always clear which is the controlling authority, for example on areas which are state highway but are treated by road users as being within the district roading network, for example Molesworth Street in the New Plymouth urban area, or Coronation Avenue in Welbourn. Further, historically ongoing community frustration with non-enforcement of ongoing issues on state highways within urban areas has resulted in requests for Council to seek delegated authority to deal with these matters.
18. This proposal (subject to receiving NZTA delegation) will enable Council to address nuisances and problems on these parts of the state highways and to formalise current practice. This proposal will make the regulation of these areas more efficient as the public usually contact Council in the first instance.
19. This proposal will be undertaken within existing budgets.
20. NZTA responded to Council officers and rejected the request for delegated authority for planned road closures. NZTA wanted to retain control of this function. As a result, the explanatory note after clause 6 in the Draft Bylaw has been amended to recognise that NZTA are retaining authority for planned road closures on State Highways. It is expected that the delegation will be received to take effect on 23 June 2025 thereby allowing council to consider adopting the bylaw on 24 June 2025 with an operative date of 1 July 2025.
21. **Recommendation.** No change to the Draft Bylaw in response to the submissions received.

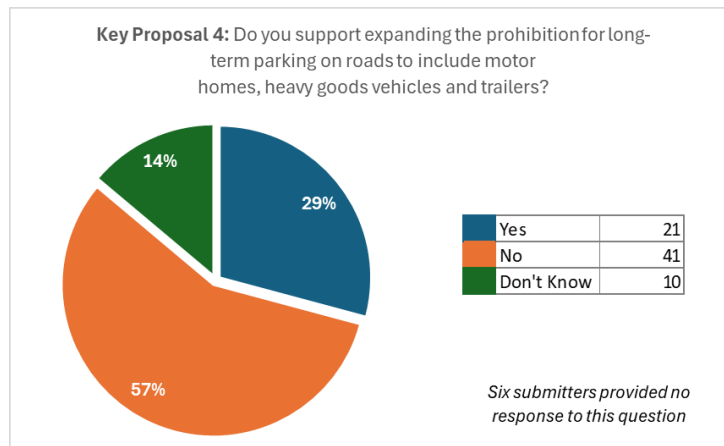
*Key proposal three – do you support prohibiting stock races and removal of existing stock races?*





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22. Seventy-three submitters provided a response to this proposal. See Appendix 1 for a summary of the feedback received. Submitters who supported the proposal noted concerns with the mess left by stock on roads, and that stock races are a legacy farming practice that is now outdated in relation to the expanding district. Submitters did not support the proposal as stock races are seen as essential to farming business and the change would have a significant impact on farmers, concern was raised for small, community-based farms and the impact on these operations. They also provided suggestions for regulation of stock races.
  23. **Officer response.** There are a number of unregulated stock races throughout district. While these have been managed in an ad hoc way to date, the impact of these informal encroachments on road reserve is increasing to the point where increased regulation is considered appropriate. The inability to obtain Council approval for existing stock races has led to the proposal for a ban on new stock races.
  24. Stock races are private assets on public land. They restrict access to road reserve for maintenance purposes and can cause issues with drainage and appropriate run off from the road. However, they can also provide a benefit to Council through maintaining the unformed part of the road reserve.
  25. There is a potential safety hazard associated if posts or fencing is located close to the road boundary, especially if they are not visible or do not allow for an adequate buffer to avoid serious injury if a car runs off the road.
  26. If the stock race is abandoned or if it falls into disrepair or otherwise becomes unsafe, Council does not currently have an effective mechanism to require the adjacent landowner to reinstate the road reserve, which is exacerbated when the adjacent farm is sold.
  27. The Draft Bylaw imposes a sinking lid on stock races, allowing current landowners time to remove stock races which are on road reserve at the earlier of either the date of next sale and purchase of the farming unit homing the stock that use the race, or 10 years after the Bylaw becomes operative. This timeframe is considered suitable for farmers to arrange alternative means by which to move livestock through a farm.
  28. **Recommendation.** No change to the Draft Bylaw in response to the submissions received.
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*Key proposal four - do you support expanding the prohibition for long-term parking on roads to include motor homes, heavy goods vehicles and trailers?*



29. Seventy-two submitters provided a response to this proposal. See Appendix 1 for a summary of the feedback received. Submitters who supported the proposal provided feedback in relation to safety of other road users, they also requested a clear definition of what is 'long term parking'. Submitters who did not support the proposal were concerned about alternative parking for these vehicles, and noted that these types of vehicles are sometime relied upon by residents for business or regular use.
30. **Officer response.** The current Bylaw prohibits leaving vehicles (with no effective motor power, or in a state that cannot be driven safely) on roads for a period of exceeding seven days. The Council experienced increasing nuisance related complaints regarding long term storage of larger vehicles on road reserve which resulted in the proposal to include larger vehicles in the prohibition.
31. It is considered that road reserve is for parking and not for long term storage of private vehicles which take up available public space over the long term. Storage of vehicles should occur on private property. We would continue to ensure that education is the first step in any enforcement approach on this matter and would rely on calls from the public when a problem or nuisance occurs rather than actively enforcing this matter.
32. **Recommendation.** No change to the Draft Bylaw in response to the submissions received.

*Other issues raised by submitters*

33. Several submissions were received on matters including prohibiting vehicles on beaches, camping without facilities, and speed limits in Ōākura. Appendix 1 has more details on this feedback.

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34. **Prohibiting vehicles on beaches.** It appears there was confusion in the community that the regulations for vehicle access to beaches were being amended to prohibit vehicle access on beaches to a greater extent than the bylaw currently provides for. As a result, eight submitters raised concern regarding prohibiting beach access for vehicles.
35. **Camping without facilities.** One submitter stated that the biggest problem with vehicles on beaches is people camping on beaches without toileting facilities.
36. **Speed limits in Ōākura** - The submission supported the petition from the Ōākura community requesting that speed of traffic on SH45, which transects the township, must be moderated to avoid serious safety issues. They considered that the petition intended to raise awareness of the issue and hoped that it would receive full support from leaders at NPDC.
37. **Officer response.** There are no new prohibitions for vehicles on beaches proposed in the Draft Bylaw. The following prohibitions in the Council's current Traffic Bylaw are retained as they were resolved by Council at a meeting on 4 July 2013 under the provisions of the current Traffic Bylaw:
- Ngamotu Beach.
  - East End to Fitzroy (between Te Henui river mouth and Waiwhakaiho River mouth).
  - Ōākura Beach (between Weld Road River mouth and Tapuae River mouth).
  - The beach area from the eastern side of the Waiwhakaiho River mouth to the Waihowaka stream mouth and adjacent walkway
38. No further prohibit of vehicles on beaches is proposed as part of the Draft Bylaw.
39. In relation to the petition on speed limits in Ōākura, this matter is outside of the scope of the Draft Bylaw. Speed limits on state highways are controlled through NZTA as the road controlling authority for state highways.
40. In response to camping without facilities, the Council's Freedom Camping Bylaw 2024 does not permit non-self-contained freedom camping in the district with the exception of 12 designated parking spaces for these campers. The Bylaw is monitored and enforced.
41. **Recommendation.** No changes to the Draft Bylaw are recommended in relation to the matters covered in these submissions.
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*Submission from Federated Farmers*

42. Federated Farmers was concerned that the draft provisions with the bylaw are too arduous and represent the extreme end of requirements for stock driving across the country. They consider that it is inappropriate and impractical to require a farmer to complete a TMP and notify Council for infrequent stock movements that are not on high-traffic roads. The following provides details of the main points raised and recommendations from the submission.
- a) **Permitted stock movement thresholds.** The submission stated that it was common across the country that, providing minimum standards are met, stock driving may be undertaken without the requirement for a TMP or notification of Council. They requested:
    - i) That a suitable threshold for permitted stock movements without a TMP or Council notification is established and included in the Bylaw.
  - b) **Traffic Management Plans.** The submission considered that where a stock driving activity cannot meet the permitted threshold it may be appropriate for the movement to have a TMP approved by Council. However they considered that a 12 month duration of a TMP was insufficient and recommended 24 months with an automatic rollover should there be no change in the operating environment. They requested:
    - i) That TMP approval be extended to 24 months with automatic rollover unless there has been a meaningful change to the operating environment.
    - ii) That the Council advise the farmer if there has been a meaningful change to the operating environment, outside the farm, that requires a review of the TMP.
    - iii) That the Council confirm with the farmer whether there has been a change to the farming operation or driving requirements that would require a review of the TMP.
  - c) **Stock crossing points.** The submission considered that driving using a stock crossing point should have a permitted threshold like that recommended for driving along the road. They also sought clarification on some matters. They requested:
    - i) That Council confirm that existing stock crossings are permitted under the Bylaw and have existing use rights or otherwise under the Resource Management Act.
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- ii) That a suitable threshold for permitted stock crossing movements without a TMP or Council notification is established and included in the Bylaw.
  - iii) That Council confirm whether new stock crossings will require both approval from the Council and an approved TMP.
43. **Officer response.** It is noted that the Draft Bylaw does not seek to prohibit droving and the use of stock crossing points, it simply requires a TMP to ensure the activity of droving is carried out in a safe manner on the roading network.
44. Officers met with Federated Farmers since receiving their submission and have proposed to introduce a permitted threshold for droving that does not require a TMP. The details of the permitted threshold have been included in the Draft Bylaw with updates to clauses 47, 48 and 49. It is noted that the permitted threshold is in relation to whether a drove can occur with or without a TMP where droves that meet the permitted threshold do not require a TMP, and droves that do not meet it will require a TMP. The Draft Bylaw, including the proposed permitted threshold do not set a threshold for prohibition of a drove. Officers considered variations on the proposed permitted threshold in response to the verbal submission from Federated Farmers, no further changes to the proposed threshold were supported by the Transportation Team.
45. Officers clarify the following matters raised in the submission; confirm that existing stock crossing points will be permitted under the Draft Bylaw as long as they meet the permitted threshold requirements; stock crossing points do not have any existing use rights or otherwise under the Resource Management Act 1991 (RMA) as they were not originally subject to any RMA process; new stock crossing points will only require approval from Council through the TMP process if they do not meet the permitted threshold in relation to droving and requirement for a TMP.
46. Officers also agree with the submitters suggestion to extend the TMP approval to 24 months rather than 12 months and with an automatic roll over unless there has been a meaningful change to the operating environment.

**Recommendation.** Include the proposed permitted threshold for stock droving with updates to clauses 47, 48 and 49 in the Draft Bylaw. Also update the requirements for TMP approvals from 12 to 24 months in clause 50. The recommended changes are shown as strike through and underlined in the Proposed Bylaw in Appendix 2.

*Submission from Clinton Davies*

47. The submission from Clinton Davies was specific to Part 5: Stock Control of the Draft Bylaw and was very thorough with several examples of bylaws, policies and procedures from other councils across New Zealand.

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48. The submitter provided feedback on each clause and sub clause of Part 5 including stating whether he supported, supported in part, or didn't support the clause.
  49. Many of the submitters comments and recommendations were in relation to wanting more detail in the Draft Bylaw in relation to specific requirements for droving and stock crossings (including their approval, stopping their use, and removal) to support enforcement. These included comments and recommendations on clauses 47, 49, 51, 52 of the Draft Bylaw.
  50. The submitter also commented on several matters that were specifically related to enforcement of the Bylaw requesting more clarity on enforcement in the Bylaw and recommending the consideration of a more detailed enforcement policy to support the Draft Bylaw. These included comments and recommendations on clause 52.5.
  51. The submitter also covered some matters that are considered outside of the scope of the bylaw including requiring public liability insurance for droving, setting requirements for the design standard of internal farm races, fencing on farms, and including financial costs for stock crossings.
  52. The submitter did not support the proposal for no new stock races and the gradual removal of existing stock races.
  53. **Officer response.** It is noted that the submitter has had an ongoing situation with a particular stock crossing point on the road near their property for the last several years.
  54. In relation to the submitter's recommendation for more detail and specific requirements for droving and stock crossing points, officers consider that the level of information and detail in the Draft Bylaw is appropriate for the scale of the activity and the level of nuisance and problem generated by the activity. In response to the submission from Federated Farmers, proposed changes to the Bylaw include a permitted activity threshold for droving. If the criteria for the permitted threshold is not met, then a TMP will be required for the activity. The Draft Bylaw is designed to cover many of the requests for more detail on these activities on a case-by-case basis through the requirement of a TMP for droving and stock crossing points that do not meet the proposed permitted threshold.
  55. The more detailed requested on enforcement, including development of an enforcement policy is not considered necessary as the enforcement provisions in the Draft Bylaw are considered appropriate to manage the activity. Any development of policies that may be related to a matter covered in the Bylaw are considered a separate matter to the consultation on the Draft Bylaw. If council determined that officers should develop an enforcement policy or a roading procedures policy similar to the examples provided by the submitter then this would be a separate piece of work to the Draft Bylaw.
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56. **Recommendation.** No changes to the Draft Bylaw are recommended in response to this submission.

*Submission from Fire and Emergency New Zealand (FENZ)*

57. FENZ considered that a number of clauses in the Draft Bylaw have the potential to impact on emergency services activities. They requested a blanket exemption from all clauses within the Bylaw to avoid Fire and Emergency breaching the bylaw during operations.
58. **Officer response.** The Draft Bylaw was drafted taking into consideration the Fire and Emergency Act 2017. It is noted that section 44 of that Act provides FENZ with various powers including removing any vehicle impeding emergency personnel. To provide additional clarity that the Draft Bylaw does not impact emergency services it is proposed to include two explanatory notes within the Draft Bylaw, one after clause 9.3 and the other after clause 64.3. Officers consider these notes provides sufficient clarity on these matters.
59. **Recommendation.** Include two explanatory notes in the Draft Bylaw after clauses 9.3 and 64.3 as shown in Appendix 2.

***Proposed Bylaw***

60. The Proposed Bylaw recommended for adoption is included in Appendix 2. Any proposed changes are shown as strike through and underlined text.

***New Zealand Bill of Rights Act***

61. Before adopting the Proposed Bylaw, Council must consider whether there are any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). The 25 March 2025 Council meeting previously considered any implications the Draft Bylaw had under the NZBORA, and determined there were no implications arising under the NZBORA.
62. It is appropriate to review the Councils previous NZBORA consideration in light of the recommended changes to the notified Bylaw as a result of the public consultation process. It is considered that the recommended changes within the Proposed Bylaw as a result of public consultation have no NZBORA implications.
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## **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

63. There are no impacts on climate change adaptation and mitigation regarding this matter.

## **NEXT STEPS / HĪKOI I MURI MAI**

64. The Proposed Bylaw recommended for adoption is included in Appendix 2. If the Proposed Bylaw is adopted then it will come into force from 1 July 2025 after the public notice is given on the making of the bylaw. Council documentation would be updated to reflect the adoption of the new Bylaw including the Council's website.

## **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

65. The Draft Bylaw will ensure Council continues to have a mechanism to manage activities and behaviour on its roading network, a strategic asset as noted in Council's Significance and Engagement Policy.
66. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of moderate importance. Regulating the use of a Council controlled and managed asset such as roads is a clear activity and is business as usual for Council as the Road Controlling Authority for district roads.

## **OPTIONS / KŌWHIRINGA**

### **Option 1**

#### **Adopt the Traffic, Parking and Stock Control Bylaw 2025**

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

67. There are no financial or resourcing implications associated with the adoption of the Proposed Bylaw.

#### *Risk Analysis / Tātaritanga o Ngā Mōrearea*

68. There are no risks associated with adoption of the Proposed Bylaw.

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

69. The Bylaw primarily helps to promote and achieve the *Thriving Communities and Culture* Community Outcome.



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*Statutory Responsibilities / Ngā Haepapa ā-ture*

70. This option is consistent with the LGA requirements to review bylaws.

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

71. A Bylaw on this matter is consistent with Council's policies and plans.

*Participation by Māori / Te Urunga o Ngāi Māori*

72. The notified Bylaw was available for Māori to comment on and engage with as part of the public consultation process.

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

73. Community consultation via a special consultative procedure was undertaken on the Draft Bylaw.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

74. The advantage of this option is that there will be a transition from the existing Bylaws to the new Bylaw before the existing Bylaws Part 10 and 13 would lapse on 4 July 2025 and be revoked under section 160A of the LGA.

**Option 2****Adopt an amended Traffic, Parking and Stock Control Bylaw 2025***Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi*

75. The financial and resourcing implications of any amendments would need to be considered.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

76. Amendments would have to be assessed for any risks. Any significant amendments should only be made in light of the submissions received.

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

77. Any amendments would have to be assessed for their promotion of the Community Outcomes.
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*Statutory Responsibilities / Ngā Haepapa ā-ture*

78. Any amendments would need to be assessed for their significance and their justification against the Draft Bylaw and the submissions received. If any significant amendments are proposed in relation to the content of the Draft Bylaw and/or that do not relate to the submissions then further consultation may be required.

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

79. Any amendments would have to be assessed for their consistency with policies and plans.

*Participation by Māori / Te Urunga o Ngāi Māori*

80. Any amendments would have to be assessed for their significance to Māori.

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

81. Community views and preferences may not be known on any amendments.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

82. The disadvantage of this option is that any amendments would require further assessment. This could take additional resources and would impact on timeframes.

**Recommended Option**

This report recommends option one adopt the Traffic, Parking and Stock Control Bylaw 2025 for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 **Summary of submission on key proposals and other issues**  
(ECM 9508437)

Appendix 2 **Proposed Traffic, Parking and Stock Control Bylaw 2025**  
**(tracked changes)** (ECM 9508438)

**Report Details**

Prepared By:	Richard Mowforth (Senior Policy Adviser)
Team:	Transportation, Corporate Planning and Policy
Reviewed By:	Mitchell Dyer (Corporate Planning and Policy Lead), John Eagles (Infrastructure Operations Lead), David Brown (Transport Safety Engineer)
Approved By:	Sarah Downs (General Manager Operational Excellence)
Ward/Community:	District Wide
Date:	3 June 2025
File Reference:	ECM 9508436

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

## Appendix 1: Summary of submissions on key proposals and other issues – Draft Traffic, Parking and Stock Control Bylaw 2025

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### 1. Key Proposal 1 - Do you support no parking on roadside berms on roads under 65km per hour where there is a formed concrete kerb?

Submitters had the opportunity to provide additional feedback on the proposed amendment to the Bylaw. Below is a summary of the feedback received in relation to those who supported the proposed amendment and those who did not support the amendment.

*Summary of feedback from submitters who **supported** no parking on roadside berms on roads under 65km per hour where there is a formed concrete kerb (10 submitters)*

- Safety and accessibility for users of footpaths – submitters noted that no berm parking would improve safety and accessibility for users of footpaths, particularly the more vulnerable groups such as elderly and children. There would be improved visibility and the full width of the footpath would be accessible. One submitter also noted that when vehicles park on berms the road is wider which seems to result in higher speeds from vehicles travelling on the road. One submitter noted that Council needs to take leadership to ensure safe access for all citizens.
- Providing for the correct use of berms – submitters noted that berms are not intended to be used as carparks or roadways, and misuse of berms negatively impacts pedestrians, whom they are intended for. In addition, parking on berms can destroy them, making them unsightly.
- Practicality and enforcement questioned – one submitter supported the proposal but noted that rules need to be enforceable and have clear definitions. They queried the following:
  - Concerns about where vehicles will park if berm parking is prohibited, particularly on narrow roads and if the rule applies to both sides of the road.
  - Questions about the feasibility of parking regulations on narrow roads, particularly if no berm parking is on both sides of the road.
  - Enforcement challenges and potential consequences for non-compliance - Fines? Towing? Who pays for the towing and storage?
  - What defines a berm?

*Summary of feedback from submitters who **did not support** no parking on roadside berms on roads under 65km per hour where there is a formed concrete kerb (62 submitters)*

- Safety concerns – it was noted that parking on berms is a safer option for narrow and winding streets (which may end up like single lane streets if no berm parking is permitted). Berm parking allows vehicles to pass safely, reduces the potential for sideswiping, and is safer for properties on corners.

Concern about emergency services, resident access, rubbish trucks and the likes of trade vehicles (larger vehicles) being hindered by increased parking clutter on the road.

- Berm parking is practical and necessary – this was noted for a number of reasons, including the rise of infilling properties and multi-tenant homes, and the limited (to no) parking options available (increase in cycle lanes). It was also highlighted that berm parking is necessary on narrow streets, near busy work places (e.g. hospital, Taranaki stadium, medical centres, rest homes) and during events (e.g. at Pukekura Park, schools, parks and beaches - it was noted that exiting driveways during bus events would be difficult without berm parking).
- Resident's parking – submitters noted that berms are maintained by residents, so they should be permitted to use them for parking – not doing so would impinge on people's right to park outside their own home. One submitter noted that this proposal would disproportionately affect residents in high-density/lower-income areas with limited off street parking and multi-family households.
- Enforcement and regulation – submitters questioned the practicality and enforceability of new regulations and the impact of enforcement on residents (particularly during events or in high demand parking areas). One submitter raised concerns about systemic inequality and the punitive nature of fines and enforcement. It was suggested that flexible and context-specific regulations be used rather than a blanket ban, as well as education or communal discussions.
- Urban planning and design – a suggestion was made for better urban planning to accommodate parking needs without compromising safety, it was also noted that design could consider local conditions, community needs and prioritise accessible design for people, not just vehicles.
- Parking clutter and aesthetics – it was noted that berm parking reduces on-street clutter and maintains the visual appeal of residential areas.

*Additional comments*

- One submitter noted that correct parking is of greater concern: The rule of 1m remaining clear either side of the driveway – during events at Pukekura Park vehicles park right to the very edge or even over the edge of a driveway, making it very difficult to exit driveways.
- Although submitters supported retaining the ability to park on berms, they highlighted the need to retain pedestrian / footpath access when doing so.
- This seems like a revenue making exercise.
- One submitter queried how berm parking endangered the public?
- As long as vehicles park safely and don't damage property, it is fine.
- Around schools during peak times was mentioned (Donnelly Street) - if not permitted the overcrowding on roads.

*Suggestions*

- Suggestions for preventing parking on both sides of narrow streets to improve traffic flow (particularly during events).
- If the rule passes, it should be Council's responsibility to maintain the berm.
- Provide more communal parking solutions, particularly in dense suburbs.
- Engage communities to define what 'nuisance' really means on a case by case basis.
- The proposal could be supported provided that parking on the berm may be permitted to ensure two lanes of the roadway remained live for traffic movement.
- One submitter queried whether the Council could provide for resident parking in areas that have high daily users of parking.

*Five submitters provided no response to this question.*

## 2. **Key Proposal 2 - Do you support Council having delegated powers for stationary vehicle offences and planned road closures on state highways in urban areas?**

*Summary of feedback from submitters who **supported** delegated authority for stationary vehicle offences and planned road closures on state highways in urban areas (15 submitters)*

- Consistency in enforcement: submitters highlighted the need for consistent application of rules across different types of roads within the city.
- Efficiency of dealing with issues locally: submitters believed that the Council could handle these responsibilities more efficiently and with better local knowledge, they noted that Council is able to respond to issues more efficiently and effectively and there was support for reducing the involvement of national agencies (like NZTA) in local matters to streamline processes (reducing bureaucracy).
- It was also noted that dumped / abandoned vehicles on the roadside is becoming a frequent occurrence.

*Summary of feedback from submitters who **did not support** delegated authority for stationary vehicle offences and planned road closures on state highways in urban areas (48 submitters)*

- Financial considerations: submitters raised concern about the use of ratepayers' money and the financial burden on residents, noting that state highways need to be run by central government and Council should focus on core Council business. In addition, submitters were concerned that the new powers may be used as a revenue-generating scheme, rather than for public benefit.
- Opposition to increased Council powers: submitters highlighted the fact that we do have NZTA and that Council is overreaching. There was general concern and opposition to Council gaining more policing powers, noting that localising authority may lead to more surveillance and increased punitiveness. It was suggested that the authority apply only where offences affected Council business (i.e. not WoF or registrations). In addition, one submitter noted that there is inconsistency across the regions in enforcement and governance.
- Concerns about enforcement and fairness: one submitter was concerned that enforcement might disproportionately affect residents who are least able to pay and lead to punitive measures.

- Community impact and consultation: some submitters noted the need for proper community consultation and that Council should focus on the impact on local residents and community wellbeing e.g. improving public transport and safety near schools (not technical efficiency).

#### Other comments

- Council is governing everything, taking away.
- This should have been split into two questions – there is more than one power in this.
- We do not have major issues with this.
- How does this endanger the public?

*Summary of feedback received for those that responded **"Don't know"** in relation to delegated authority for stationary vehicle offences and planned road closures on state highways in urban areas (nine submitters)*

- Cost concerns: one submitter queried whether the delegated powers for issuing vehicle offences would actually reduce costs or if employing more staff would further increase council spending.
- Safety: one submitter supported delegated authority if it leads to improved safety.
- Council should take over complete authority: one submitter suggested that the Council should take over completely rather than having ambiguous or partial control.

*Six submitters provided no response to this question.*

### **3. Key Proposal 3 - Do you support prohibiting stock races and removal of existing stock races?**

*Summary of feedback from submitters who **supported** no new stock races and removal of existing stock races (eight submitters)*

- Public cleanliness and hygiene: one submitter was concerned about the mess left by stock on roads and likened it to the responsibility of pet owners to clean up after their dogs.

- Legacy practices and modernisation: one submitter noted that stock races encroaching on roadways is a legacy from past rural activities. As the district has expanded, the practice of using community property (roadway) for stock races is viewed as outdated and unacceptable and it is fair and reasonable to phase out this practice.

*Summary of feedback from submitters who **did not support** no new stock races and removal of existing stock races (54 submitters)*

- Opposition to prohibition: there was strong opposition to prohibiting stock races, with many submitters expressing frustration and disbelief at the proposal. They stated that stock races are essential for farming business. It was also noted that prohibiting stock races is unnecessary and a waste of time and resource. One submitter suggested that no new stock races be built, but allow the existing stock races to remain. One submitter noted that if these (stock drives?) are organised events then there is no issue with them.
- Impact on farmers and rural practices: submitters raised concern for the significant impact this would have for landowners and farmers who rely on stock races to move livestock safely. It was highlighted that stock races are very important for the farming and rural community's livelihoods and there is a need to allow traditional farming practices to continue in a rural farming province like Taranaki.
- Safety and practicality: submitters highlighted the necessity of stock races to move livestock safely (and correctly and lawfully) and the practical challenges of doing so without stock races.
- Economic and community impact: one submitter raised concern that removing stock races may impact small, community based farms and risks pushing smallholders out in favour of larger, capital-intensive operations leading to the consolidation of land under wealthier landowners. They raised the importance of supporting local food producers and maintaining community-based rural livelihoods. Phasing out over time rather than reinvestment or a collectivised solution places the burden on individuals and reflects a market based policy rather than collective support or planning.
- Regulation and alternatives: submitters suggested that stock races should be managed properly, regulated and safe rather than enforcing an outright prohibition. It was also suggested that stock races should require permits and be properly managed and comply with regulations to ensure safety. One submitter suggested providing collective funding or infrastructure upgrades, such as underpasses, to support safe livestock movement as part of a communal food system. In addition, it was noted that localised rules reflect a lack of consistency in stock race management across New Zealand.



- Ideological and Policy Concerns: submitters criticised the use of market-based policies that place the burden on individuals rather than providing collective support or planning. It was noted that the proposal is ideologically driven and anti-farming.

#### Other comments

- No! New Plymouth is growing at a fairly standard rate compared with other New Zealand regions. Although there is pressure on parking infrastructure New Plymouth needs to be better with it's current fiscal management more hands-off in the day-to-day of public.
- Council should look to help people rather than stopping and banning people from living their lives.

*Summary of feedback received for those that responded "Don't know" in relation to no new stock races and removal of existing stock races (11 submitters)*

- Consultation and implementation: submitters questioned whether impacted farms have been consulted and if they can implement changes to farming practices before regulations come into place.
- Definition and understanding: there was some confusion about what constitutes a stock race and the relevance of the proposal.
- Use of roadside frontages: one submitter did not support the prohibition of the use of roadside frontages for grazing, unless Council had a use for this land. Farmers should be permitted to use this land.

*Five submitters provided no response to this question*

#### **4. Key Proposal 4 - Do you support expanding the prohibition for long-term parking on roads to include motor homes, heavy goods vehicles and trailers?**

*Summary of feedback from submitters who **supported** expanding requirements for long term (exceeding seven days) parking on roads to motor homes, heavy goods vehicles and trailers (21 submitters)*

- Safety concerns: submitters noted that large vehicles such as logging trucks and motorhomes can obscure views and create traffic safety concerns making it dangerous for other road users, particularly in residential streets, narrow streets, highly concentrated areas and cul-de-sacs. It was noted that access must be maintained.

- Clarification and definition: submitters noted there is a need for a clear definition of long-term parking to ensure effective regulation and enforcement. Two submitters supported prohibiting long-term parking, but noted that short-term or casual parking of large vehicles is acceptable.

One submitter noted it is important to understand the actual problem's scope to identify appropriate solutions and avoid shifting the problem to elsewhere.

- Specific concerns about certain vehicles: one submitter specifically mentioned a logging truck being parked on their cul-de-sac and how dangerous this was.

*Summary of feedback from submitters who **did not support** expanding requirements for long term (exceeding seven days) parking on roads to motor homes, heavy goods vehicles and trailers (41 submitters)*

- Concerns about alternative parking solutions: multiple submissions queried where these vehicles will park if the prohibition is expanded. This includes concerns about the availability and cost of alternative storage options. In addition, concern was raised for residents who rely on these vehicles for business and those living in homes without suitable storage area for these types of vehicles. It was stated that large vehicles need somewhere to park.

It was also suggested that if someone with a large vehicle parks outside the property they live at there should not be any issue.

One submitter stated they could support this proposal only if the vehicle or unit had remained stationary for at least seven days.

*Summary of feedback from submitters who selected "**Don't know**" in regard to expanding requirements for long term (exceeding seven days) parking on roads to motor homes, heavy goods vehicles and trailers: (10 Submitters)*

- Clarification of "Long Term": one submitter queried what long-term parking is. They suggested that a few days or weeks might be acceptable, but parking for months or years should not be allowed.
- Case-by-case consideration: one submission mentioned that the decision should depend on the specific circumstances of each case noting the importance of flexibility and context-specific decision making rather than a blanket prohibition.
- Community involvement: another submission suggested that the decision should be left to the community affected by long-term parking.

*Six submitters provided no response to this question*

## 5. Other comments and issues raised by submitters

### *Beach use rights for vehicles*

It appears there was confusion in the community that the regulations for vehicle access to beaches were being amended to prohibit vehicle access on beaches to a greater extent than the bylaw currently provides for. As a result, eight submitters raised concern regarding beach access for vehicles.

Submitters supported retaining the existing beach access rights for vehicles. It was stated that allowing vehicles on beaches enables residents and visitors to enjoy recreational activities on beaches and enables people with compromised accessibility to access and enjoy beaches.

Some submitters suggested Council look at other mechanisms to mitigate effects of vehicles on beaches e.g. designated vehicle access points, seasonal restrictions, permits for certain users, collaborative education / enforcement. It was also suggested that Council needs to regulate speed, nuisance use of vehicles and the duration of vehicles on beaches.

One submitter wanted to prohibit all motorised vehicles from beaches (apart from surf lifesaving equipment and other safety vehicles) for amenity, safety and environmental reasons.

### *Camping without facilities*

One submitter stated that the biggest problem with vehicles on beaches is people camping on beaches without toileting facilities. This is not policed and is having a detrimental effect on the environment.

### *Speed Limit Ōakura:*

The petition from the Ōakura community requesting that speed of traffic on SH45, which transects the township, must be moderated to avoid serious safety issues. Development of the Kaitake sports hub at Corbett Park has encouraged growth of sports teams and significant increase in use of facilities. Increased traffic, more children and bikes - pedestrians from the village with the only entrance from a 100km/hr stretch of highway requires serious review. The submission supported the petition which is intended to raise awareness of the issue and hoped that it would receive full support from leaders at NPDC.

### Other comments

- The community was not made aware of the proposals, there is a need for better communication and public awareness.
- It appears the proposed changes are about revenue gathering and ideology based policies.

- Parking enforcement has lost its way – remember this is a community, not a large city dictatorship.
- The bylaw is too focused on control and not support – it doesn't do enough to understand why people park how they do or farmers use the roads. This approach risks punishing people who are just trying to get by, especially lower-income families, renters, and small landowners. If Council wants people to follow the rules, it should also help them with safe, fair alternatives. The bylaw would be better if it focused more on real community needs and less on tidy streets and enforcement.
- Council should not be involved with anti-farming ideology.
- Council should not be spending any resources on this type of policy; it appears to be power grabbing and authoritarian.



New Plymouth District Council Bylaw

**~~DRAFT~~**

# Traffic, Parking and Stock Control Bylaw 2025



Te Kaunihera-a-Rohe o Ngāmotu

**New Plymouth  
District Council**

DOCUMENT HISTORY

Meeting	Date	Decision	Next Review

## New Plymouth District Council

**DRAFT Traffic, Parking and Stock Control Bylaw 2025**

*This bylaw allows the Council as a road controlling authority to regulate traffic, parking, and stock control on the roads under its care, control, or management.*

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## PART 1: PRELIMINARY PROVISIONS

### 1 Title

- 1.1 This bylaw is the New Plymouth District Council Traffic, Parking and Stock Control Bylaw 2025.

### 2 Commencement

- 2.1 This bylaw comes into force on [date].

### 3 Authority

- 3.1 This bylaw is made pursuant to section 22AB of the Land Transport Act 1998.
- 3.2 Part 5 of this bylaw, and Parts 1, 2 and 6 to the extent they concern stock control, are also made pursuant to sections 145 and 146 of the Local Government Act 2002.
- 3.3 In so far as this bylaw concerns state highways, it is also made pursuant to the Instrument of Delegation granted by NZ Transport Agency Waka Kotahi to the Council dated [XX].

### 4 Review

- 4.1 Part 5 of this bylaw, and Parts 1, 2 and 6 to the extent they concern stock control, are due to be reviewed in accordance with section 158 of the Local Government Act 2002 by [date].
- 4.2 The Council will review the remaining provisions of this bylaw as and when it considers necessary. The bylaw review requirements in the Local Government Act 2002 do not apply to ~~the remaining these~~ provisions because they are not made under that Act.

### 5 Purpose

- 5.1 The purpose of this bylaw is to:
- a) regulate and set the requirements for, and otherwise control, vehicular and other traffic on any road under the care, control or management of the Council; and
  - b) regulate and set the requirements for, and otherwise control, parking and stationary vehicle offences on any road or parking place under the care, control or management of the Council, including certain state highways; and
  - c) provide for the orderly driving and control of stock on roads under the care, control or management of the Council, so as to promote traffic safety and minimise nuisance and damage to roads.

## 6 Application

6.1 This bylaw applies to:

- a) all roads in the Council's district that are under its care, control, or management; and
- b) those state highways in Schedule 1 of this bylaw for which NZ Transport Agency Waka Kotahi has delegated powers to the Council.

6.2 Despite clause 6.1, the Council cannot use the powers in Parts 3 and 5 of this bylaw in relation to any state highways, as these are not within the scope of the powers delegated to the Council by NZ Transport Agency Waka Kotahi.

**Explanatory note:** ~~Council's delegation from The~~ NZ Transport Agency Waka Kotahi ~~delegation to the Council allows the Council to extend this Bylaw to establish enforceable~~ ~~allows it to enforce~~ stationary vehicle restrictions over the state highway network. ~~offences and planned road closures on certain state highways with a lower speed, i.e. under 65 km/hour that are set out in Schedule 1. It cannot exercise powers relating to~~ This delegation does not extend to road closures, moving vehicles, including special vehicle lanes (in Part 3 of this bylaw) or stock control (in Part 5 of this bylaw).

## 7 Interpretation

7.1 In this bylaw, unless the context requires otherwise:

**Ambulance service** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Approved mobility parking permit** means a permit issued by CCS Disability Action or Sommerville Disability Support Services.

**Beach** means the foreshore and any adjacent areas that can reasonably be considered part of the beach environment, including areas of sand, pebbles, shingle, dunes or coastal vegetation, but not including any grassed areas or other green spaces that are adjacent to the beach. For clarification, estuary areas that fit this definition are considered a beach under this bylaw.

**Berm** means a grassed area between the roadway and the boundary of any property adjacent to the road.

**Bus** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Bus lane** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Car share vehicle** means a motor vehicle operated by an organisation approved by the Council to provide its members access to a fleet of shared vehicles which they may reserve for use on an hourly or daily basis, and does not include a wheeled recreational device.

**Class of vehicle** means groupings or categories of vehicles defined by reference to any common feature or use and includes but is not limited to:

- a) vehicles by type, description, weight, size or dimension;
- b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- c) vehicles carrying no fewer or less than a specified number of occupants;
- d) vehicles used for specified purposes;
- e) vehicles driven by specified classes of persons;
- f) shared vehicles; and
- g) vehicles authorised by, or displaying a permit authorised by, the Council.

**Corridor Access Request** means a request by a utility operator to carry out works in a transport corridor, as provided for in the National Code of Practice for Utility Operators' Access to Transport Corridors made under the Utilities Access Act 2010.

**Council** means the New Plymouth District Council.

**Cruising** has the same meaning as in section 2 of the Land Transport Act 1998.

**Cycle** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Cycle lane** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Cycle path** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Disabled person** has the same meaning as in section 2 of the Disabled Persons Community Welfare Act 1975.

**Driver** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Drove or droving** means moving untethered stock along or across a road singularly or in small groups, mobs or herds, but does not include:

- a) riding stock, or otherwise guiding it using a harness or lead;
- b) using stock to draw a vehicle of any description along any roadway; or
- c) transporting stock in a vehicle.

**Drover** means any person who is droving stock along or across a road.

**Electric scooter** is a vehicle, designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and one or more electric

auxiliary propulsion motors, but the wheels must not exceed 355mm and the motor cannot have a maximum power output exceeding 300W (so as to help ensure the scooter meets the requirements for a low-powered vehicle).

**Electric vehicle** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Emergency vehicle** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Farming unit** means land that is managed as a single farm, including land held in multiple parcels or operated under grazing leases, and which may be separated by a road or other land.

**Footpath** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Goods service vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Gross vehicle mass** has the same meaning as in section 2 of the Land Transport Act 1998.

**Heavy motor vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Hours of darkness** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Hours of daylight** means any time that is not within the hours of darkness.

**Install** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Items** does not include vehicles.

**Lane** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Legal road** means any land that is a road under section 315 of the Local Government Act 1974.

**Loading zone** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Marking** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Mobility device** has the same meaning as in section 2 of the Land Transport Act 1998.

**Mobility parking space** means any parking space reserved for the use of disabled persons under clause [33](#).

**Moped** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Motor vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Motorcycle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Motorhome** means a self-propelled motor vehicle that is equipped for living in, and includes a house-bus, horse box with sleeping area, van with a sleeping area, or a campervan.

**Network utility operator** has the same as in section 166(1) of the Resource Management Act 1991.

**Oversize vehicle** means a single vehicle, or a combination of vehicles and trailers, that does not fit into a standard sized parking space, including, for example, motorhomes, trucks, and vehicles towing trailers or other vehicles.

**Parking** has the same meaning as in section 2 of the Land Transport Act 1998, and includes stopping and standing a vehicle.

**Parking machine** means an electronic or mechanical device that is used to collect fees and charges for parking in a payment parking zone, and includes equipment used to monitor the parking of any vehicle in a payment parking zone.

**Parking place** means a place (including a building) on land that is under the Council's control where vehicles, or any class of vehicles, may park, and which will include a legal road where the Council has authorised this under section 591 of the Local Government Act 1974.

**Parking space** means an area within a parking place, demarcated by markings (usually lines), in which a vehicle (typically a single motor vehicle, but also multiple motorcycles or mopeds) may park.

**Parking warden** has the same meaning as in section 2 of the Land Transport Act 1998.

**Passenger service vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Payment parking zone** means a parking place or transport station for which the Council has imposed fees or charges for parking under clause 36.

**Pedestrian** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Permit** means an electronic or paper/card permit supplied by the Council under this bylaw, which authorises certain conduct or activity, such as authorising the vehicle displaying the permit to be parked in a particular parking space or parking place.

**Pilot vehicle** means any vehicle (including a motor cycle, four-wheeled farm bike, car, utility vehicle, tractor, or truck) operating in front or behind stock for the purpose of assisting the droving of that stock.

**Regular droving of stock** means the droving of stock along the same route on more than ten occasions in any three week period.

**Reserved parking** means any parking space or other area in a parking place or transport station that is reserved for the exclusive use of a particular class or classes of vehicle by the Council under clause 34.

**Residents parking permits** means a permit authorising a vehicle to park in parking spaces in a residents parking zone that have been reserved for residents' use.

**Residents parking zone** is any road (or roads) declared by the Council under clause 32 to be a residents parking zone, in which certain parking spaces are reserved for the vehicles of residents who hold a current permit.

**Road** has the same meaning as in section 2 of the Land Transport Act 1998, and includes:

- a) legal roads;
- b) parking places and transport stations; and
- c) state highways for which NZ Transport Agency Waka Kotahi has delegated powers to the Council.

**Road user** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Roadway** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Shared path** means a cycle path, cycle track, footpath, or some other kind of path that may be used by some or all of the following persons at the same time:

- a) cyclists;
- b) pedestrians;
- c) riders of mobility devices;
- d) riders of wheeled recreational devices.

**Shared zone** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Special vehicle lane** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**State highway** has the same meaning as in section 5 of the Land Transport Management Act 2003.

**Stock** means any cattle, sheep, deer, horse, donkey, hinny, mule, goat, thar, alpaca, llama, bison, ostrich, emu, pigs or any other herd animal, regardless of age or sex.

**Stock crossing point** means the part of any road used for the purpose of droving stock across the road between parts of a farming unit that is separated by that road, and includes any associated drainage system.

**Stock race** means the part of any road (typically on the side of a formed roadway) that is fenced off for the purpose of droving stock.

**Stock underpass** means the part of any road used for the purpose of droving stock under the road between parts of a farming unit that are separated by that road, and includes all structures installed for that purpose (such as a tunnel and drainage system).

**Taxi** has the same meaning as a "small passenger service vehicle" under section 2 of the Land Transport Act 1998.

**Time restricted parking zone** means a road, parking place, or transport station for which the Council has imposed a limit on the length of time for which vehicles may park under clause [35](#).

**Traffic** means road users of any type and includes pedestrians, vehicles and driven or ridden animals.

**Traffic management plan** means a plan that sets out how a safe environment will be created for all road users while an activity occurs and which complies with NZ Transport Agency Waka Kotahi's guidance on temporary traffic management (currently the Code of Practice for Temporary Traffic Management, but which is likely to soon be replaced by the New Zealand Guide to Temporary Traffic Management).

**Traffic sign** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Trailer** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Transport station** means a place where a train, bus or other mass transit vehicle has a dedicated facility where passengers can join or alight.

**Transport station licence** means a licence granted under clause [31.4](#) that permits a licence holder to use a particular transport station (or transport stations).

**Unformed legal road** (also known as 'paper roads') means any legal road that has not been physically formed, laid out, constructed, or enhanced by adding metal seal, or any other type of surface.

**Use** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

**Vehicle crossing** means the formed area on a road that enables a vehicle to access a property adjacent to the road (for any purpose, including to drive up to a house, another building, or into a paddock), and which covers the area of road from where the driveway leaves the legal boundary of the property concerned and continues until the driveway meets the roadway.

**Wheeled recreational device** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

- 7.2 Any undefined words, phrases or expressions used in this bylaw have the same meanings as in the Land Transport Act 1998 (including any regulations and rules made under that Act), the Local Government Act 1974, or the Local Government Act 2002, unless the context requires a different meaning.
- 7.3 Part 2 of the Legislation Act 2019 applies to the interpretation of this bylaw.
- 7.4 Every schedule to this bylaw forms part of the bylaw.
- 7.5 Every appendix to this bylaw does not form part of the bylaw, and may be inserted, altered or removed at any time without any formal process. Appendices are provided for information purposes only.
- 7.6 Explanatory notes are not part of the bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

## **PART 2: RESOLUTIONS AND PERMISSIONS MADE UNDER THIS BYLAW**

### **8 Application of clauses 9, 10, 11 and 12** Error! Reference source not found.

- 8.1 Clauses 9, 10, 11 and 12 apply to resolutions made under this bylaw.

### **9 Scope of resolutions**

- 9.1 A resolution may:
  - a) be made in respect of all vehicles or traffic or any specified class or classes of vehicle or traffic;
  - b) be made in respect of any road or roads or part of a road, including, any defined roadway, lane, footpath, cycle path, or shared path; or
  - c) apply at all times or only on specified days, or between specified times on specified days, or in respect of specified events or classes of events, or be limited to specified maximum periods of time.
- 9.2 The power to make a resolution includes the power to amend, revoke, or replace it at any time.



- 9.3 Any power to make a resolution under this bylaw is in addition to, and does not replace or restrict, any related statutory power, including those in the Local Government Act 1974 or a Land Transport Rule.

***Explanatory note: Resolutions cannot be inconsistent with powers conferred by emergency services legislation.***

## **10 Process requirements for making resolutions**

- 10.1 Unless it expressly resolves otherwise, the Council will use the following process when making, amending, revoking, or replacing a resolution:
- a) the proposal, and any additional explanatory or background information that the Council considers relevant, must be placed on the Council's website at least 21 days before it is due to be considered by the Council;
  - b) any person may provide written comments on the proposal, and should get these to the Council within 14 days of the information being placed on the website (or any further period permitted by the Council);
  - c) any person who has made written comments may request to be heard by the Council and it is at the Council's sole discretion whether to allow that request; and
  - d) the Council must consider all comments received on the proposal (including any received in person) with an open mind when determining whether to make, amend, revoke or replace the relevant resolution.

***Explanatory note: Council is required to assess the significance of proposals and decisions in relation to issues, assets, and other matters using its Significance and Engagement Policy, including resolutions made, amended, revoked or replaced under this bylaw. The Policy may require additional or different consultation and engagement than what is outlined in clause 10.1 of this bylaw, especially if the matter is assessed as having a high degree of significance.***

## **11 Resolutions come into effect once signage and markings installed**

- 11.1 Where the Council has made a resolution:
- a) it must install any signs, markings or other traffic controls that are required under this bylaw or the Land Transport Rule: Traffic Control Devices 2004 to give effect to the resolution; and
  - b) the resolution will have effect only once any such signs, markings and traffic controls have been installed.

**12 Resolutions concerning parking places**

- 12.1 Where the Council makes a resolution under Part 4 of this Bylaw, it is deemed to have authorised the use of the area to which the resolution relates, including any legal road within that area, as a parking place under section 591 of the Local Government Act 1974.

**13 Permissions and approvals under this bylaw**

- 13.1 This clause applies to any permission or approval from the Council (including a permit) provided for in this bylaw.
- 13.2 The Council may set application fees for permissions and approvals, and any application for a permission or approval must be accompanied by the relevant application fee (if any).
- 13.3 An application for permission or approval must be in writing, contain all necessary information, and be submitted in accordance with any applicable Council policy.
- 13.4 The Council, when determining an application for permission or approval, may require the applicant to provide further information, such as (without limitation) a traffic management plan, site location plan, or a corridor access request.
- 13.5 The granting of a permission or approval is at the discretion of the Council, in accordance with requirements set out in this bylaw.
- 13.6 The power to grant a permission or approval includes the power to amend or revoke it.
- 13.7 A permission or approval may include conditions, including the payment of ongoing fees and charges and a limit on the duration of the permission or approval.
- 13.8 Any breach of the conditions of a permission or approval:
- a) may result in the permission or approval being amended or revoked; and
  - b) is a breach of this bylaw.

**PART 3: TRAFFIC CONTROL AND ROAD USE****14 One-way roads**

- 14.1 The Council may by resolution specify any road where vehicles must travel in one specified direction only.
- 14.2 In making a resolution under clause 14.1, the Council may exclude cycles from the need to travel in one specified direction only.
- 14.3 Every driver of a vehicle (other than a cycle, if excluded under clause 14.2) must travel on a one-way road only in the direction specified by a resolution made under this clause.

**15 Left or right turns and U-turns**

- 15.1 The Council may by resolution prohibit or restrict turning movements on specified roads, including prohibiting or restricting:
- a) vehicles or classes of vehicles on any road from turning to the right or to the left; and
  - b) vehicles performing a U-turn, by turning from facing or travelling in one direction to facing or travelling in the opposite direction.
- 15.2 A person must not turn a vehicle to the left or the right, or perform a U-turn, on any road where the Council has prohibited or restricted such movements by resolution made under this clause.

**16 Routes and manoeuvres on roads**

- 16.1 The Council may by resolution prescribe for vehicles, or any class or classes of traffic or vehicle, to:
- a) follow a specified route; or
  - b) undertake any turning movements or manoeuvres at an intersection, or on a road or cycle path.
- 16.2 The Council may prescribe for vehicles, or any class or classes of traffic or vehicle, to stop or give way to any vehicle or a specified class or classes of traffic or vehicle.
- 16.3 A person must comply with any prescription made by the Council under this clause.

**17 Special vehicle lanes**

- 17.1 The Council may by resolution designate a lane on a road as a special vehicle lane. The effect of such a designation is to restrict the use of the lane to a specified class or classes of vehicle.
- 17.2 Any resolution made under clause 17.1 must specify, as the case may be:
- a) the class or classes of vehicle that use of the special vehicle lane is restricted to (such as buses, cycles, or vehicles carrying specified classes of loads or no fewer than a specified number of occupants); and
  - b) the hours and days that the special vehicle lane will operate, if applicable.
- 17.3 A person must not use a special vehicle lane contrary to any resolution made by the Council under this clause.

**18 Traffic control by size, nature or goods (including heavy vehicles)**

- 18.1 The Council may by resolution prohibit or restrict a class of traffic or motor vehicle from using a road where, due to the size or nature or the nature of goods carried, it is unsuitable for use on the road.
- 18.2 A person must not use a road contrary to a prohibition or restriction made by the Council under clause 18.1, unless a written permission under clause 18.3 applies.
- 18.3 If in the opinion of the Council it is safe to do so, the Council may give written permission for a vehicle to use any road in contravention of a prohibition or restriction made under clause 18.1 for the purpose of:
- a) loading or unloading goods or passengers at any property whose access is by way of the road; or
  - b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
  - c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
  - d) undertaking maintenance of a network utility operator's assets on or near a road from which it has been prohibited and for which alternative access is not available; or
  - e) undertaking maintenance of public transport infrastructure on or near a road from which it has been prohibited and for which alternative access is not available.

**19 Shared paths and cycle paths**

- 19.1 The Council may by resolution determine:
- a) the length, route and/or location of a shared path or cycle path; and
  - b) the priority for permitted users on a shared path or cycle path.
- 19.2 The permitted users of a shared path are:
- a) cyclists;
  - b) pedestrians;
  - c) riders of mobility devices; and
  - d) riders of wheeled recreational devices.
- 19.3 The permitted users of a cycle path are cyclists and pedestrians.
- 19.4 A person must not drive along a shared path or a cycle path unless:
- a) they are a permitted user under clause 19.2 or 19.3; and

- b) they are using the shared path or cycle path consistent with any priority determinations made by the Council.

## **20 Shared zones**

- 20.1 The Council may by resolution specify any road to be a shared zone.
- 20.2 Any resolution made under clause 20.1 may specify:
  - a) whether the shared zone may be used by a specified class or classes of vehicles only;
  - b) the days and hours of operation of the shared zone (if they differ from 24 hours per day, 7 days per week);
  - c) any other restrictions on how the shared zone is to be used by the public, including how traffic and pedestrians will interact; and
  - d) whether a person may park a vehicle in the shared zone.
- 20.3 A person must not use a shared zone in a manner contrary to any resolution made by the Council under this clause.
- 20.4 Except where the Council has by resolution specified otherwise, no person may park a vehicle in a road specified as a shared zone.

## **21 Cruising**

- 21.1 The Council may by resolution:
  - a) specify any section of road on which cruising is controlled, restricted, or prohibited;
  - b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.
- 21.2 Before making a resolution under clause 21.1, the Council must consider:
  - a) the reasons why it is necessary to control, restrict, or prohibit cruising on the roads concerned;
  - b) the types of roads the proposed control, restriction, or prohibition will apply to (for example, whether they are local roads, arterial roads, urban areas, residential areas, or industrial areas);
  - c) whether the proposed days and times adequately address the reasons triggering the proposed control, restriction, or prohibition;
  - d) whether the Police support the proposed control, restriction, or prohibition; and
  - e) any other information the Council considers relevant.

- 21.3 A person must not use a motor vehicle on any specified section of road in contravention of a control, restriction or prohibition made by the Council under clause 21.1.

## **22 Light motor vehicle restrictions**

- 22.1 The Council may by resolution:

- a) prohibit any motor vehicle having a gross vehicle mass less than 3,500kg from being operated on any road, and specify the days and times that such prohibition applies; or
- b) restrict the use of a specified zone to the classes of motor vehicle or road user listed in clause 22.2, and specify the days and times that such restriction applies.

- 22.2 The classes of vehicle or road user that a specified zone will be restricted to under clause 22.1(b) are:

- a) any motor vehicle having a gross vehicle mass of 3,500kg or more;
- b) any emergency vehicle (which is a motor vehicle) being used in the execution of duty;
- c) any motor vehicles carrying persons to premises within the specified zone; and
- d) any utility, trade, Council, delivery, security, or other motor vehicle being used on business in the specified zone.

- 22.3 Before making a resolution under clause 22.1, the Council must consider:

- a) the reasons why it is necessary to prohibit or restrict light motor vehicles on the roads concerned;
- b) the types of roads or zones the proposed prohibition or restriction will apply to (for example, local roads, arterial roads, urban areas, residential areas, or industrial areas);
- c) whether the proposed days and times adequately address the reasons triggering the proposed prohibition or restriction;
- d) whether the Police support the proposed prohibition or restriction; and
- e) any other information the Council considers relevant.

- 22.4 A person must not drive or permit a motor vehicle to be driven in contravention of a resolution made by the Council under this clause unless:

- a) The motor vehicle is conveying the owner or occupier of any land having a frontage to the specified road or zone, or the owner or occupier's bona fide visitors;

- b) the motor vehicle is an emergency vehicle being used in the execution of duty; or
- c) the motor vehicle is being used as a passenger service vehicle; or
- d) the motor vehicle is a trade or service vehicle for the provision or maintenance of a utility on the road or on land having a frontage to the specified road or zone being used for genuine business purposes;
- e) the motor vehicle is operated by a security service and being used for genuine business purposes; or
- f) the motor vehicle is operate by the Council and being used for genuine business purposes.

22.5 For the purposes of this clause, "zone" means an area of roadway, the use of which is restricted to a specified class or classes of vehicle or road user.

### **23 Engine braking**

- 23.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.
- 23.2 A person must not use engine braking on any road in contravention of a prohibition or restriction made by the Council under this clause.

### **24 Unformed legal roads**

- 24.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting:
  - a) the environment;
  - b) the road and adjoining land; or
  - c) the safety of users of unformed roads.
- 24.2 A person must not use a motor vehicle on an unformed legal road contrary to a resolution made by the Council under this clause.
- 24.3 The Council may, but is not required to, erect signs or barriers on an unformed road for which a resolution is made under this clause.

### **25 Vehicle crossings**

- 25.1 This clause applies to any permanent or temporary vehicle crossing.
- 25.2 A person must not drive a motor vehicle over an area of road between the roadway and an adjacent property other than by means of a vehicle crossing that has been

permitted or otherwise authorised by the Council (whether under a bylaw or otherwise).

- 25.3 Despite clause 25.2, a person may ride a moped or motorcycle on an area of road between the roadway and an adjacent property in the course of delivering newspapers, mail, or printed material to letter boxes.
- 25.4 A person must not construct, alter, repair, or remove any vehicle crossing unless that person has first obtained the Council's written permission.
- 25.5 A person may apply to the Council for permission to construct, alter, repair, or remove a vehicle crossing, if that person has some interest in the property to which the vehicle crossing will provide access. The application must be in writing, be accompanied by the prescribed fee, and indicate whether the applicant will:
- a) pay the Council to carry out the work on the vehicle crossing; or
  - b) engage a Council approved contractor to carry out the work.
- 25.6 The Council may grant permission to construct, alter, repair, or remove a vehicle crossing, and in doing so may impose any conditions it considers appropriate, including requiring that the work comply with the Council's code of practice and that it be carried out by a Council approved contractor.
- 25.7 The Council may, by written notice, require an owner of the property to which a vehicle crossing provides access to upgrade the vehicle crossing where it is satisfied that:
- a) the vehicle crossing is in a poor state of repair so that it creates a risk of damage to the road, or to road users; or
  - b) there has been a substantial change in the use of the vehicle crossing (for instance, it is now regularly used by heavy motor vehicles) so as to warrant an upgrade.
- 25.8 A written notice under clause 25.7 must:
- a) set out the upgrade work that is required;
  - b) reference any Council codes of practice that the work must comply with; and
  - c) specify a time period in which the works must be completed.
- 25.9 An owner who receives a notice from the Council under clause 25.7 must comply with the notice within the specified period, and meet all associated costs.
- 25.10 The Council may remove a vehicle crossing (and reinstate the kerb, footpath or berm) in the event that the owner of the property to which the vehicle crossing provides access has abandoned the vehicle crossing (for instance, if the owner constructs a fence across the driveway served by the vehicle crossing) or it is otherwise unlikely to continue to be used on a regular basis.



- 25.11 Before exercising the power in clause 25.10, the Council must use best endeavours to consult with the affected owner.

## **26 Beaches**

- 26.1 The Council may by resolution restrict or prohibit vehicles on any beach or part of a beach, either at all times or only on specified days and times.
- 26.2 A person must not use or park a vehicle on a beach contrary to a resolution made by the Council under this clause, or on any part of the foreshore being used by people for sun bathing, sports, games or any other recreational purpose, or on vegetated sand dunes, unless:
- a) the vehicle is travelling along a formed roadway, shared path, or cycle path on the beach (including the New Plymouth Coastal Walkway); or
  - b) the vehicle is parked in a designated parking place on the beach; or
  - c) the vehicle is being used to launch or land a boat (including a jetski) at a boat launching area designated by Council resolution (in which case, the vehicle must immediately leave the beach following the launch or landing); or
  - d) the vehicle is an emergency vehicle, or a vehicle under the direct control of any member of a Surf Life Saving Club who is carrying out surf life saving duties; or
  - e) the vehicle is being used by persons carrying out maintenance works on the beach that have been permitted by the Council; or
  - f) prior written permission from the Council has been obtained, and the person complies with any conditions imposed by the Council on that written permission.
- 26.3 The Council may, under clause 26.2(f), give permission to a specified person or give a general permission in respect of an event without identifying particular persons.
- 26.4 Despite clause 26.2, a person may drive or ride a motor vehicle along a legal road that is located on a beach.

## **27 Temporary traffic management requirements**

- 27.1 Any person responsible for any activity that will alter the usual flow of traffic must develop a traffic management plan, and then ensure compliance with that plan. Such activities may include (but are not limited to) construction and maintenance work, events, emergency responses, or primary industry activities.
- 27.2 In the event the Council has reasonable grounds to believe that a person has failed to comply with clause 27.1, the Council may direct the person to cease the activity until such time as compliance with clause 27.1 is achieved.

- 27.3 A person must comply with a direction received from the Council under clause 27.2 and, if relevant, refund the Council for any reasonable costs it has incurred putting in place temporary traffic management measures to address the person's non-compliance with clause 27.1.
- 27.4 This clause 27 does not apply to any stock droving activity (which is, instead, addressed under Part 5 of this bylaw).

## **PART 4: PARKING**

### **28 Prohibiting or restricting parking on certain roads**

- 28.1 The Council may by resolution:
- a) prohibit or restrict the parking of vehicles on any roads; or
  - b) limit the parking of vehicles on any road to vehicles of any specified class or description.
- 28.2 A person must not park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council under this clause.

### **29 Temporary discontinuance or restriction of parking spaces**

- 29.1 The Council may temporarily discontinue all parking in a parking space, and, if so, must install signage that states "No Stopping" for the parking space concerned.
- 29.2 The Council may temporarily restrict the use of a parking space to certain permitted vehicles or classes of vehicle, and, if so, must place or install appropriate signage or other traffic controls to notify these parking restrictions.
- 29.3 Without limiting clauses 29.1 or 29.2 in any way, the types of situations where the Council might temporarily discontinue or restrict a parking space include (without limitation):
- a) enabling a safe response to an incident that has occurred on the road;
  - b) accommodating road works;
  - c) providing a temporary bus stop or bus lane; or
  - d) enabling construction activity on or adjacent to the road.
- 29.4 No person may park a vehicle contrary to parking controls placed or installed under clause 29.1 or 29.2.
- 29.5 In the event that a parking space has been temporarily restricted under clause 29.2, any permitted vehicle using the parking space must pay any applicable parking fees and charges set by the Council.

- 29.6 If a mobility parking space is temporarily discontinued or restricted under this clause, the Council will use best endeavours to establish an alternative mobility parking space for the duration of the discontinuance and ensure appropriate temporary signage is in place.

### **30 Parking places (including parking buildings)**

- 30.1 Under section 591 of the Local Government Act 1974, the Council can provide parking places and, for this purpose, can authorise the use of legal roads as parking places.
- 30.2 For any parking place, the Council may by resolution:
- a) specify the vehicles or classes of vehicle that are entitled to use the parking place;
  - b) reserve a parking place (or any specified part) for use only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons;
  - c) prohibit or restrict specified classes of vehicles from parking on specified roads in residential areas (if the Council considers such parking is likely to cause a nuisance or danger);
  - d) prescribe any conditions under which a parking place must be used, including time limits for parking (if it is not already a time restricted parking zone);
  - e) prescribe any charges that will apply to the parking place (if it is not already a payment parking zone), whether on a one-off or on-going basis; and
  - f) specify the manner by which such parking charges may be paid.
- 30.3 Any prohibitions or restrictions imposed under clause 30.2 do not apply to parking spaces or other areas within that parking place where other specific parking restrictions imposed under this bylaw apply.
- 30.4 A person must not park a vehicle in a parking place in contravention of any prohibition, restriction or other control made by the Council under clause 30.2.

### **31 Transport stations**

- 31.1 Under section 591 of the Local Government Act 1974, the Council can provide transport stations and, for this purpose, can authorise the use of legal roads as transport stations.
- 31.2 The Council may by resolution specify that a transport station can be used only by those persons holding a transport station licence.
- 31.3 In making a resolution under clause 31.2, the Council may prescribe:

- a) the category of persons who may apply for a transport station licence (for example, small passenger service operators, or the operator of a public or commercial bus or coach business);
  - b) the fees for a transport station licence application, and fees for the ongoing use of the transport station;
  - c) how many licensees (including just one) may use the transport station;
  - d) the maximum number of vehicles that each licensee may have in the transport station at any one time; and
  - e) any terms and conditions applying to a transport station licence.
- 31.4 The Council may, on receipt of an application and payment of the prescribed fee, grant a transport station licence permitting use of a particular transport station (or transport stations). In doing so, it may impose any conditions on the licence that it considers appropriate (in addition to those terms and conditions applying under clause 31.3(e)).
- 31.5 The Council may suspend or revoke a transport station licence if:
- a) the holder of the licence is convicted of an offence; or
  - b) the holder of the licence becomes otherwise unfit to hold the licence; or
  - c) the holder of the licence breaches any of the licence's terms or conditions.
- 31.6 Before suspending or revoking a transport station licence, the Council must give the licence holder the opportunity to address the reasons for suspension or revocation, and take any information provided by the licence holder into account in making a decision under clause 31.5.
- 31.7 A person must not park a vehicle in a transport station unless:
- a) the person holds a valid transport station licence for that transport station;
  - b) the person parks the vehicle in accordance with any conditions on that transport station licence, including payment of any ongoing fees; and
  - c) if a physical licence is being used, the licence is displayed prominently inside the vehicle to which the licence relates, so that it can be read from outside the vehicle, or the person holds a valid electronic licence for the vehicle.

## **32 Residents parking**

- 32.1 The Council may by resolution declare any road (or group of roads) to be a residents parking zone and specify:
- a) any parking spaces within that residents parking zone that are reserved for the exclusive use of persons who reside in the zone; and/or

- b) which, if any, parking requirements in the residents parking zone (including time restricted parking areas and payment parking areas) residents will be exempt from.

32.2 In making a resolution under clause 32.1, the Council may prescribe:

- a) the days and times that the reservation of parking spaces, or the exemption from parking requirements, applies;
- b) any fees to be paid annually (or otherwise) by those residents holding a residents parking permit; and
- c) the manner by which any such fees may be paid.

32.3 A person may apply for a residents parking permit for a particular residents parking zone only if that person's primary place of residence is directly accessed from within the relevant residents parking zone.

32.4 A person must not park in a parking space reserved for residents under clause 32.1(a) unless:

- a) the person holds a valid residents parking permit from the Council for that residents parking zone;
- b) the person parks the vehicle in accordance with any conditions imposed by the Council on the residents parking permit; and
- c) if a physical residents parking permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic residents parking permit for the parked vehicle.

32.5 Where an exemption from parking requirements has been specified under clause 32.1(b), a person does not need to comply with those parking requirements if:

- a) the person holds a valid residents parking permit from the Council for that residents parking zone;
- b) the person parks the vehicle in accordance with any conditions imposed by the Council for the permit; and
- c) if a physical permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.

32.6 For clarity, clause 32.5 overrides clauses 35 and 36.

### **33 Mobility parking**

33.1 The Council may by resolution reserve any parking space for the exclusive use of disabled persons, designating them as a mobility parking space.

33.2 In making a resolution under clause 33.1, the Council may prescribe:

- a) the days and times that the parking space is available as a mobility parking space;
- b) any time limits that will apply to those using the mobility parking space, and the days and times that those limits will apply;
- c) the period (if any) for which no fee or charge applies to mobility parking spaces;
- d) any fees to be paid (annually, on an hourly basis, or otherwise) for the use of mobility parking spaces; and
- e) the manner by which any such fees may be paid.

33.3 A person must not park a vehicle in a mobility parking space unless:

- a) a current approved mobility parking permit is prominently displayed in the vehicle so that it can be read from outside the vehicle or the vehicle is a taxi; and
- b) the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person; and
- c) the vehicle is not parked in excess of any time limits imposed under clause 33.2.

#### **34 Reserved parking**

34.1 The Council may by resolution reserve any parking space on a road, or in a parking place or transport station, for the exclusive use of a particular class or classes of vehicle, including (without limitation):

- a) motorcycles;
- b) cycles, including power-assisted cycles;
- c) electric scooters and other wheeled recreational devices;
- d) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
- e) taxis;
- f) buses and coaches, both public and commercial;
- g) goods service vehicles;
- h) heavy motor vehicles;
- i) goods vehicles in the course of loading or unloading goods ('loading zone');

- j) vehicles used by pregnant persons or by persons accompanied by infants or young children;
- k) car share vehicles;
- l) oversize vehicles, trailers, boats or caravans;
- m) motorhomes;
- n) emergency vehicles;
- o) diplomatic or consular corps vehicles;
- p) members of the judiciary vehicles;
- q) medical practitioner vehicles; and
- r) mobile traders using stands or stalls.

34.2 In making a resolution under clause 34.1, the Council may prescribe:

- a) the days and times that the reserved parking applies;
- b) any time limits that may apply to those using the reserved parking (for example, in loading zones), and the days and times that any such limits will apply;
- c) the period (if any) for which no fee or charge applies to the reserved parking;
- d) any fees to be paid (annually, on an hourly basis, or otherwise) for the use of the reserved parking; and
- e) the manner by which any such fees may be paid.

34.3 A person must not park in any area reserved under clause 34.1 unless:

- a) the person holds a valid parking permit from the Council for the reserved parking concerned;
- b) the person parks the vehicle in accordance with any conditions imposed by the Council on the permit (such as time limits); and
- c) if a physical permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.

### **35 Time restricted parking zones**

35.1 The Council may by resolution specify any road (or group of roads), parking place or transport station to be a time restricted parking zone.

35.2 In making a resolution under clause 35.1, the Council may prescribe:

- a) the number and location of parking spaces within the time restricted parking zone;
- b) the maximum time period allowed for parking in any parking space within the time restricted parking zone;
- c) that the maximum time period set under paragraph [b\)](#) will also apply to any vehicle that moves between parking spaces within the same time restricted parking zone within that period;
- d) the days and times during which the maximum time period has effect;
- e) any class of vehicles that are not permitted to park in the time restricted parking zone, or the class of vehicles that the time restricted parking zone is limited to (if any);
- f) any class of vehicles that is exempt from the maximum time period applying to the time restricted parking zone, and the circumstances in which they will be exempt (for instance, on which days and times); and
- g) any condition the Council considers necessary or desirable for the efficient management and control of all or any part of the time restricted parking zone.

35.3 The maximum time period set for a time restricted parking zone under clause 35.2(b) will not apply to any parking space in the time restricted parking zone that has been reserved by the Council for a particular class of vehicle under clauses 32, 33 or 34.

35.4 Any part of a time restricted parking zone can concurrently also be part of a payment parking zone. Payment of fees and charges for parking in a payment parking zone does not permit a person to exceed any time periods imposed through a time restricted parking zone.

35.5 A person must not park a vehicle in a time restricted parking zone in contravention of any resolution made by the Council under this clause.

## **36 Payment parking zones**

36.1 The Council may by resolution specify any parking place or transport station to be a payment parking zone.

36.2 In making a resolution under clause 36.1, the Council may prescribe:

- a) the number and location of parking spaces within the payment parking zone;
- b) the fees and charges that apply to the payment parking zone, which (without limitation) may be expressed as rates that escalate over the duration of a vehicle's stay or rates that vary based on the current demand for parking and an occupancy target;
- c) the days and times during which certain fees and charges will apply;



- d) the means or manner by which fees or charges may be paid, including by use of parking machine where available; and
- e) any class of vehicles that are not permitted to park in the payment parking zone, or the class of vehicles that the payment parking zone is limited to (if any);
- f) any class of vehicles that is exempt from the fees and charges applying to the payment parking zone, and the circumstances in which they will be exempt (for instance, on which days and times); and
- g) any condition the Council considers necessary or desirable for the efficient management and control of all or any part of the payment parking zone.

36.3 The fees and charges set for a payment parking zone under clause 36.2(b) will not apply to any parking space in the payment parking zone that has been reserved by the Council for a particular class of vehicle under clauses 32, 33 or 34.

36.4 Any part of a payment parking zone can concurrently also be part of a time restricted parking zone. Payment of fees and charges for parking in a payment parking zone does not permit a person to exceed any time periods imposed through a time restricted parking zone.

36.5 A person must not park a vehicle in a payment parking zone for more than 5 minutes without paying all applicable fees and charges or otherwise parking in contravention of any resolution made by the Council under this clause.

### **37 Parking in parking spaces**

37.1 When parking in a parking space, a person must:

- a) park the vehicle entirely within the markings that indicate the limits of the parking space, so that no part of the vehicle is outside of or overhangs the markings; and
- b) not park the vehicle in a parking space that is already occupied by another vehicle; and
- c) if the parking space is parallel to the kerb or footpath, park the vehicle so that it is headed in the same direction as traffic on the side of the road on which it is parked; and
- d) if the parking space is an angle park, ensure the front or rear of the vehicle (as the case may be) is as near as is practical to the kerb.

37.2 Despite clause 37.1, a person may park an oversize vehicle or a vehicle that has a trailer attached in two adjacent parking spaces that are in the same alignment (and must pay any fees or charges for both spaces).

37.3 Despite clause 37.1, a person parking a motorcycle or moped may:

- a) park in a parking space that is already occupied by another motorcycle or moped; and
- b) park otherwise than parallel to the kerb or footpath, provided that during the hours of darkness the motorcycle or moped is sufficiently illuminated to be visible from at least 50 metres.

### 38 Footpaths

38.1 A person must not park a vehicle on a footpath.

38.2 Despite clause 38.1, a person may park a cycle, mobility device, or wheeled recreational device on a footpath if doing so does not unreasonably obstruct any other user of the footpath.

38.3 A person must not park a vehicle so that any part of the vehicle or its load remains on or overhanging a footpath.

38.4 A person must not unload a vehicle in a manner that causes, or is likely to cause, damage to a footpath.

### 39 Parking on cultivated areas or areas not designed for parking

39.1 Except with the Council's prior written permission, a person must not park a vehicle on:

- a) any part of a road that is laid out as a cultivated area such as a garden; or
- b) that part of any road which has been separated from the roadway by a kerb that is a paved or other surfaced landscaped area, with or without a planted area, and whether or not it is designed for use by pedestrians; or
- c) a berm that is separated by a kerb from any road which has a speed limit of 65 km/hour or less; or
- d) a median strip or traffic island or any other part of a roadway that is not designed and constructed to accommodate a vehicle.

39.2 Clause 6.2(2) of the Land Transport (Road User) Rule 2004 applies to this clause, and clause 6.2(1) of that Rule does not apply.

**Explanatory note:** This clause still allows a person to stop, stand or park a motor vehicle off the roadway where there is no paved kerb or if the speed limit is higher than 65 km/hour, unless otherwise restricted by signs and/or markings. For example, a person may park a motor vehicle off the roadway on a rural road on the grassed area.

**40 Parking for display or sale**

- 40.1 Unless a vehicle is being used for day to day travel or the Council has given prior written permission, a person must not park a vehicle (including a trailer) on any road for the purpose of:
- a) advertising a good or service;
  - b) promoting a candidate for election; or
  - c) offering or displaying the vehicle for sale or hire.
- 40.2 A person must not park a vehicle, or direct or authorise a vehicle to park, on a road or parking place for the purpose of storage if that person:
- a) is a motor vehicle trader within the meaning of the Motor Vehicle Sales Act 2003; or
  - b) operates a motor vehicle rental or car share vehicle business.

**41 Motorhomes, heavy goods vehicles, immobilised vehicles and trailers**

- 41.1 A person must not park a motorhome, heavy goods vehicle, immobilised vehicle or trailer (whether or not the trailer is attached to another vehicle) on any road for a continuous period exceeding seven days without the prior written permission of the Council.
- 41.2 In clause 41.1, parking on any road includes parking on the same road within 500 metres of a previous parking space or area used during the seven day period.
- 41.3 This clause 41 does not apply if:
- a) the motorhome or immobilised vehicle or trailer concerned is being used for freedom camping for the duration of the parking; and
  - b) the Council's Freedom Camping Bylaw or similar Bylaw made under the Freedom Camping Act 2014 applies to the motorhome or immobilised vehicle or trailer.

**42 Repairs on vehicles**

- 42.1 A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are:
- a) minor in nature and do not impede the flow of traffic or otherwise cause any risk to road users; or
  - b) necessary to enable the vehicle to be moved.

**43 Broken down vehicles**

- 43.1 A person must not leave a vehicle on any road for a continuous period exceeding three days if that vehicle does not have effective motive power or is otherwise broken down so that it cannot be safely driven on a road.

**44 Items on roads**

- 44.1 This clause applies to items such as machinery, equipment, materials, skips, portaloos, waste receptacles or freight containers, but does not apply to other items that have been placed on a road consistent with written permission from the Council (for example, wheelie bins that are specifically for the purpose of rubbish or recycling collection that are placed no more than 24 hours prior to the collection day and left no longer than 12 hours after collection).
- 44.2 A person must not leave any item on any road unless that person has the prior written permission of the Council.
- 44.3 Where an item is on a road pursuant to a written permission from the Council, and the area of road is a parking place to which a parking fee or charge applies, the person who placed the item must pay the required fee for the entire time period that the item is in place (unless the Council waives some or all of that fee).
- 44.4 If an item is placed contrary to the requirements of this clause (including if placement does not comply with the conditions of a written permission from the Council) –
- a) the Council may request the person responsible for the item remove it and repair any damage to the road caused by the item, to the Council's satisfaction, within 24 hours of receiving a written notice to that effect from the Council (or within any longer timeframe set by the Council in the notice); and
  - b) in the event the person responsible for the item fails to fully comply with the written notice from the Council, the Council may:
    - i) remove the item or place adjacent, or affix, to the item any safety or warning devices; and
    - ii) repair any damage to the road; and
    - iii) charge the owner for its reasonable costs incurred (including the costs of any safety or warning device).

**45 Private roads**

- 45.1 The Council may by resolution prohibit, restrict or limit parking on a private road, including limiting parking to those persons residing on the road and their visitors.
- 45.2 Before making a resolution under clause 45.1, the Council must obtain the written consent of all owners of the private road, and any other owners of land adjoining the private road.

- 45.3 A person must not park a vehicle on a private road in contravention of a prohibition, restriction or limitation made by the Council under this clause.
- 45.4 The powers that may be exercised under this clause are in addition to those provided in sections 348 of the Local Government Act 1974.

#### **46 Vehicle relocation**

- 46.1 The Council may relocate or otherwise move a vehicle that is parked in accordance with this Bylaw to another parking place if it is necessary to access the road or parking place concerned:
- a) to allow the Council or a network utility operator to carry out maintenance or repair work on the road or other infrastructure accessed from the road (including without limitation, to enable resurfacing of a road or to access water valves or the like).
  - b) to enable an approved road closure under section 342 of the Local Government Act 1974.
- 46.2 Before exercising the power in clause 46.1, the Council must, where practicable, use best endeavours to:
- a) give reasonable notice of the proposed work or road closure to those who may be affected; and
  - b) contact the user of the vehicle so as to give them the opportunity to move the vehicle themselves.
- 46.3 After exercising the power in clause 46.1, the Council must use best endeavours to alert the user of the vehicle to the new location of the vehicle.

### **PART 5: STOCK CONTROL**

#### **47 Stock droving permitted in certain situations only**

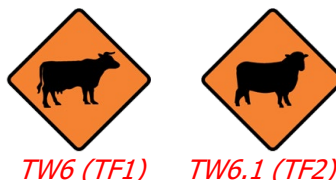
- 47.1 A person must not drive stock, and an owner of stock must not allow the driving of their stock, on roads, unless such driving is permitted under clauses 47.2, 47.3 or 47.4 and complies with all relevant requirements in this part of the bylaw.
- 47.2 Droving of stock along a road is permitted, where all of the following requirements are met:
- a) the road is outside of urban areas and the average daily traffic volume on the road does not exceed 150;
  - b) there are no more than four droves in any given calendar month;
  - c) the length of the drive does not exceed 10 kilometres;

- d) the movement occurs in the hours of daylight;
- e) mobile warning signage (TW-6 (TF1) or TW6.1 (TF2)) is used both in advance and behind the stock droving at a distance (in metres) no less than 1.5 times the value of the permanent posted speed limit of the road; and
- f) the warning signage is clearly visible at a distance (in metres) no less than two times the value of the permanent posted speed limit of the road at all times.

47.3 Droving of stock across a road via a stock crossing is permitted, where all of the following requirements are met:

- a) the stock crossing has Council approval under clauses 51 or 52;
- b) the road is outside of urban areas and the average daily traffic volume on the road does not exceed 150;
- c) the droving is managed by a person who will monitor the stock as it crosses the road;
- d) the movement occurs in the hours of daylight;
- e) warning signage (TW6 (TF1) or TW6.1 (TF2)) is used, on both approaches, in advance of the movement at a distance (in metres) no less than the value of the permanent posted speed limit of the road;
- f) the warning signage is clearly visible at a distance (in metres) no less than 1.5 times the value of the permanent posted speed limit of the road.

**Explanatory note:** A distance in metres no less than the value of the permanent posted speed limit of the road is 100m for 100km/hour, 90m for 90km/hour etc. Similarly, 1.5 times the value of the permanent posted speed limit of the road is 150m for 100km/hour, 135m for 90km/hour etc. Similarly, 2 times the value of the permanent posted speed limit of the road is 200m for 100km/hour, 180m for 90km/hour etc. TW6 (TF1) or TW6.1 (TF2) are the following two signs.



47.4 Droving of stock on roads is permitted, if any of the following requirements apply:

- a) where the droving is carried out in accordance with a traffic management plan approved under clause 50 ~~and, in the case of droving through a stock crossing point, the stock crossing point is permitted under clause 51.1 or approved under clause 52.3;~~

**Explanatory note:** A traffic management plan will be required to drive stock along or across a road where the droving cannot comply with all of the requirements in either clause 47.2 or clause 47.3.

- b) where the drove is by way of:
    - i) a stock underpass permitted under clause 55.2 or approved under clause 56.3; or
    - ii) a stock race that is permitted under clause 60;
  - c) where it is necessary to return escaped or wandering stock to a secure paddock or temporary pound; or
  - d) where it is necessary due to an emergency (for example, flooding, fire, landslide, damage to fences).
- 47.5 For droving permitted under clause 47.4 2(c) or (d), all drovers must wear a bright coloured reflective jacket, if practicable.
- 47.6 Nothing in this part of the bylaw prevents the Council from seeking penalties under section 357 of the Local Government Act 1974 for any damage to a road caused by droving or wandering stock.

#### **48 Council may divert, restrict or prohibit droving**

- 48.1 The Council may divert, restrict or prohibit droving that is otherwise permitted under clauses 47.2, 47.3 or 47.4 if:
- a) work is being carried out on or around a road on which the droving would occur; or
  - b) an emergency (for example, flooding, fire, landslide) has affected a road on which the droving would occur.

#### **49 Requirements for droving**

- 49.1 This clause 49 applies to every drove of stock permitted under clause 47.2 and 47.4 2 (a), (c) or (d).
- 49.2 A drove must:
- a) take the shortest possible route;
  - b) not exceed a distance of 10 kilometres km in total;
  - c) occur during the hours of daylight; and
  - d) occur only if it is impracticable to drive the stock on land that forms part of the farming unit on which the stock are homed.

- 49.3 For each drove, every drover and the stock owner must take all reasonable steps in the circumstances to ensure that:
- a) all substantial faecal waste is removed from the roadway within 60 minutes of the completion of the drove; and
  - b) faecal waste is disposed of responsibly and in a manner that does not cause a nuisance, pollution of a water body or water course, or other annoyance.
- 49.4 For the purposes of clause 49.3(a), all reasonable steps may include:
- a) the adequate washing of road surfaces to remove faecal waste;
  - b) the removal of faecal waste using a flat mouth shovel or similar implement; or
  - c) for stock crossing points, the placement of effluent mats that will be removed after stock have finished crossing the road.
- 49.5 Where any drover or stock owner fails to comply with clause 49.3, the Council may:
- a) carry out the required cleaning and waste disposal (including engaging a contractor for this purpose); and
  - b) in accordance with section 187 of the Local Government Act 2002, recover the associated costs from the stock owner.

## **50 Approval of traffic management plans for stock droving**

- 50.1 Any stock owner or head drover may apply to the Council for approval of a traffic management plan for:
- a) a single drove;
  - b) a regular droving of stock; or
  - c) a droving of stock through a stock crossing point that is approved or permitted under clause 52.
- 50.2 An application under clause 50.1 must be made at least 15 working days prior to the start of the proposed droving, and include:
- a) the stock owner's name and contact details, and the address of their farming unit;
  - b) the head drover's name and contact details;
  - c) the number of stock likely to be involved in the proposed droving;
  - d) the numbers of drovers and dogs to be involved in the proposed droving;



- e) the intended route for the droving (including, if applicable, any stock crossing points to be used);
  - f) if applicable, a statement of daily stages and holding paddocks;
  - g) details of the methods to be used for ensuring that roads are clean following the proposed droving;
  - h) the proposed traffic management plan; and
  - i) any other information that the Council considers necessary.
- 50.3 The Council will approve a traffic management plan for stock droving where it is satisfied that:
- a) the draft traffic management plan complies with NZ Transport Agency Waka Kotahi's guidance on temporary traffic management; and
  - b) the proposed droving will comply with all applicable requirements in this part of the bylaw; and
  - c) the proposed droving is otherwise unlikely to cause a serious safety hazard for road users or damage the road.
- 50.4 In approving a traffic management plan under clause 50.3, the Council may impose any conditions it considers appropriate, including (without limitation):
- a) provision for the Council to revoke its approval in the event that the terms of the traffic management plan or this bylaw are not complied with; ~~and~~
  - b) provision for the expiry of the approval in less than ~~12~~ 24 months; ~~and~~
  - c) provision for the review of any approval, or any conditions imposed by the Council on the approval, where the Council determines, at its discretion, that there has been a relevant change to the operating traffic environment that warrants such a review.
- 50.5 The Council's approval of a traffic management plan will remain in effect:
- a) for a single drove, until the drove is completed, or until any earlier revocation of the approval;
  - b) for a regular droving of stock, for a ~~12~~ 24 month period, or until any earlier revocation or expiry of the approval; and
  - c) for a droving of stock through a stock crossing point, for a ~~12~~ 24 month period, or until any earlier revocation or expiry of the approval.
- 50.6 The holder of a traffic management plan for stock droving subject to the expiry dates in clause 50.5 can request that the expiry date be extended for a further 24 month period. Any such request must be in writing and will be determined by the Council, at its discretion, with any extension to be issued in writing.

**51 New stock crossing points require approval**

- 51.1 A person must not install a stock crossing point on or after the commencement date in clause 2.1 without first obtaining approval from the Council under clause 52.
- 51.2 Any stock crossing point installed before the commencement date in clause 2.1 does not require approval from the Council under clause 52, and may continue to be used, subject to clauses 53 and 54.

**52 Approval of stock crossing points**

- 52.1 Any stock owner or owner of a farming unit may apply to the Council for an approval to install a stock crossing point.
- 52.2 An application under clause 52.1 must include:
- a) the applicant's name and contact details;
  - b) the address of the farming unit on which the stock are homed;
  - c) details of the location of the proposed stock crossing point (which may be shown on a map), and the location of any existing stock crossing points associated with the farming unit;
  - d) a description of, and copies of any plans for, any structures that the stock owner proposes to construct as part of installing the stock crossing point (for example, gates and drainage); and
  - e) any other information that the Council considers necessary.
- 52.3 The Council will approve installation of a stock crossing point where it is satisfied that:
- a) the proposed stock crossing point is necessary to the operation of the farming unit;
  - b) there are no other stock crossing points on the road concerned that can reasonably be used by stock homed on the farming unit;
  - c) the points of access and exit for the proposed stock crossing point are opposite each other, or as close to opposite as is practicable in the circumstances; and
  - d) the minimum sight distance for traffic on either side of the proposed stock crossing point meets the standards contained within the Council's District Plan as required for vehicle access points or a resource consent has been obtained that permits a different sight distance.
- 52.4 In granting approval under clause 52.3, the Council may impose any conditions it considers appropriate, including (without limitation):
- a) specifying the period in which the stock crossing point must be installed;
  - b) specifying maintenance requirements for the stock crossing point;

- c) requiring the stock owner and/or owner of the farming unit to notify the Council, and obtain its approval, before making any material changes to the stock crossing point; and
- d) requiring the stock owner and/or owner of the farming unit, in the event the stock crossing point is removed, to reinstate the road areas to the Council's satisfaction.

52.5 Failure to comply with any conditions imposed under clause 52.4 will void the approval (for the duration of the failure), meaning that any stock droving through the stock crossing point during that period will not be authorised under clause 47.2(a).

### **53 Stopping use of stock crossing points**

- 53.1 The Council may give notice to a stock owner and/or owner of a farming unit requiring them to temporarily stop using a stock crossing point, where the Council is satisfied that there is an imminent risk to the safety of road users or to the road itself.
- 53.2 Any owner who receives a notice under clause 53.1 must immediately cease to use the stock crossing point for stock droving. Once the safety risk is resolved to the Council's satisfaction, it must revoke the notice (after which the stock crossing point may be used unless a notice has been given under clause 54.1).

### **54 Removing stock crossing points**

- 54.1 The Council may give notice to a stock owner and/or owner of a farming unit requiring them to remove a stock crossing point, where the Council is satisfied that:
  - a) changes to the road or its use (including road layout changes or increased traffic movements) means that it is no longer appropriate or safe to have the stock crossing point in place; or
  - b) the stock crossing point or its use is otherwise likely to create risk for road users or cause damage to the road.
- 54.2 Before giving notice to remove a stock crossing point under clause 54.1, the Council must consult with the stock owner and/or owner of the farming unit on the possible removal of the stock crossing point and whether there are any mitigating actions that would adequately address the Council's concerns.
- 54.3 Any owner who receives a notice under clause 54.1 must:
  - a) immediately cease to use the stock crossing point for stock droving;
  - b) within three months, remove the stock crossing point and ensure that the road areas are reinstated to the Council's satisfaction; and
  - c) be responsible for all associated costs.

54.4 Where an owner fails to comply with clause 54.3, the Council may:

- a) carry out the removal of the stock crossing point and/or reinstatement (including engaging a contractor for this purpose); and
- b) in accordance with section 187 of the Local Government Act 2002, recover the associated costs from the stock owner or owner of the farming unit.

54.5 A stock owner or owner of a farming unit may apply to the Council at any time for approval to remove a stock crossing point. The Council may give approval subject to any conditions it considers appropriate, including (without limitation):

- a) specifying the period in which the stock crossing point must be removed;
- b) requiring the owner to obtain any other necessary approvals, consents, or permits before removing the stock underpass, and to comply with them;
- c) requiring the owner reinstate the road areas to the Council's satisfaction; and
- d) requiring the owner to be responsible for all associated costs.

## **55 New stock underpasses require approval**

55.1 A person must not install a stock underpass on or after the commencement date in clause 2.1 without first obtaining an approval from the Council under clause 56.

55.2 Any stock underpass installed before the commencement date in clause 2.1 does not require approval from the Council under clause 56, and may continue to be used, subject to clauses 57 to 59.

## **56 Approval of stock underpasses**

56.1 Any owner of land that adjoins both sides of a road, and which forms a single farming unit, may apply to the Council for approval to install a stock underpass under that road.

56.2 An application under clause 56.1 must include:

- a) the land owner's name and contact details, and the address of the farming unit to be serviced by the stock underpass;
- b) details of the proposed location of the stock underpass; and
- c) construction plans for the proposed stock underpass, prepared by an appropriately-qualified engineer;
- d) details of the contractor(s) who will carry out the work to construct and install the proposed stock underpass;
- e) the traffic management plan for the construction period;

- f) information about any other approvals, consents, or permits the owner has obtained or will seek for the proposed stock underpass; and
- g) any other information that the Council considers necessary.

56.3 The Council will approve installation of the stock underpass where it is satisfied that:

- a) the proposed stock underpass is necessary for the operation of the farming unit;
- b) there are no other stock underpasses on the road concerned that can reasonably be used by stock homed on the farming unit;
- c) the location of the stock underpass will not create any safety risk for road users or risk causing any damage to the road; and
- d) the stock underpass will not interfere with or compromise any current or possible future use of the road by the Council.
- e) the people who have prepared the constructions plans, and who will carry out the construction and installation work, are appropriately qualified and competent to do the work;
- f) the traffic management plan complies with NZ Transport Agency Waka Kotahi's guidance on temporary traffic management; and
- g) the owner has obtained or will seek any other necessary approvals, consents, or permits.

56.4 In granting approval under clause 56.3, the Council may impose any conditions it considers appropriate, including (without limitation):

- a) requiring the land owner, before construction of the stock underpass starts, to enter into a stock underpass agreement with the Council, on terms and in a form satisfactory to the Council, which (without limitation) includes provision for the owner and their successors to have ownership of the stock underpass structures;
- b) requiring the land owner, before construction of the stock underpass starts, to register an encumbrance instrument in favour of the Council, on terms and in a form satisfactory to the Council, as a first charge on the land against the title(s) to the land on both sides of the stock underpass, which (without limitation) includes provision for the owner and their successors to be responsible for the maintenance and removal of the stock underpass structures;
- c) requiring the land owner, before construction of the stock underpass starts, to provide a written undertaking that any existing stock crossing point currently operating on the same road will be eliminated immediately upon completion of the stock underpass; and

- d) requiring that the construction and installation of the stock underpass be carried out in accordance with the construction plans submitted with the application, and by the contractor(s) identified in the application; and
  - e) specifying the period in which the stock underpass must be installed; and
  - f) requiring any other necessary approvals, consents, or permits, be obtained and complied with.
- 56.5 Where the parcels of land that would be connected by a stock underpass are not held by the same owner as one farming unit, the Council may, at its discretion, approve the stock underpass under clause 56.3, if each of the owners:
- a) agrees to the application being made under clause 56.1;
  - b) enters into a stock underpass agreement and registers an encumbrance in accordance with clause 56.4(a) and (b); and
  - c) acknowledges they must comply with the obligations and requirements applying to a land owner in clauses 57 to 59.
- 56.6 Nothing in this clause 56 affects any requirements or obligations for building consents or resource consents from the New Plymouth District Council or the Taranaki Regional Council.

## **57 Land owners must maintain stock underpasses**

- 57.1 Any owner of land that adjoins both sides of a road under which a stock underpass has been constructed (whether in accordance with clause 56 or otherwise) must maintain that stock underpass to ensure its ongoing structural integrity, at their own expense.
- 57.2 The obligation in clause 57.1:
- a) applies to the land owner who constructed the stock underpass and to all successive owners of the land (unless that successive owner has never used the stock underpass);
  - b) in the event the parcels of land that connect the stock underpass are not held by the same owner, applies to each of the owners of those parcels of land;
  - c) does not remove the need to obtain the Council's consent to carry out work on or under the road;
  - d) is subject to any maintenance obligations provided for in a stock underpass agreement or registered encumbrance, which were entered to under clause 56.4(a) and (b).

**58 Stopping use of stock underpasses**

- 58.1 The Council may give notice to a stock owner and/or owner of a farming unit requiring them to temporarily stop using a stock underpass (whether constructed in accordance with clause 56 or otherwise), where the Council is satisfied that there is an imminent risk to the safety of road users or to the road itself.
- 58.2 Any owner who receives a notice under clause 58.1 must immediately cease to use the stock underpass. Once the safety risk is resolved to the Council's satisfaction, it must revoke the notice (after which the stock underpass may be used unless a notice has been given under clause 59.1).

**59 Removing stock underpasses**

- 59.1 The Council may give notice to the owner(s) of land that adjoins both sides of a road under which a stock underpass has been constructed (whether in accordance with clause 56 or otherwise) requiring them to remove the stock underpass, where the Council is satisfied that:
- a) changes to the road or its use (for instance, road layout change or increased traffic movements) mean it is no longer appropriate or safe to have the stock underpass in place; or
  - b) the structural integrity of the stock underpass may be compromised, so as to create a risk for road users;
  - c) the stock underpass or its use is otherwise likely to create a risk for road users or cause damage to the road.
- 59.2 Before giving notice to remove a stock underpass under clause 59.1, the Council must consult with the land owner on the possible removal of the stock underpass and whether there are any mitigating actions that would adequately address the Council's concerns.
- 59.3 Any owner who receives a notice under clause 59.1 must:
- a) immediately cease to use the stock underpass;
  - b) within six months, remove the stock underpass and ensure the road areas are reinstated to the Council's satisfaction; and
  - c) be responsible for all associated costs.
- 59.4 Where an owner fails to comply with clause 59.3, the Council may:
- a) carry out the removal of the stock underpass and/or reinstatement (including engaging a contractor for this purpose); and
  - b) in accordance with section 187 of the Local Government Act 2002, recover the associated costs from the land owner.

- 59.5 The owner(s) of land that adjoins both sides of a road under which a stock underpass has been constructed may apply to the Council at any time for approval to remove the stock underpass. The Council may give approval subject to any conditions it considers appropriate, including (without limitation):
- a) specifying the period in which the stock underpass must be removed;
  - b) requiring the owner(s) to obtain any other necessary approvals, consents, or permits before removing the stock underpass, and to comply with them;
  - c) requiring the owner(s) reinstate the road areas to the Council's satisfaction; and
  - d) requiring the owner(s) to be responsible for all associated costs.

## **60 No new stock races and the gradual removal of existing stock races**

- 60.1 A person must not install a stock race on or after the commencement date in clause 2.1.
- 60.2 Any stock race installed before the commencement date in clause 2.1 must be removed by the earlier of:
- a) the date of the next sale and purchase of the farming unit homing the stock that use the stock race; or
  - b) [insert date that is 10 years after commencement date].
- 60.3 Until such time as removal is required under clause 60.2, a stock race may continue to be used, and the owner of the stock using the stock race must (at their own cost) ensure the regular maintenance and resurfacing of the stock race so as to:
- a) eliminate the accumulation of animal wastes;
  - b) prevent pugging of the surface; and
  - c) prevent ponding of stormwater and effluent.
- 60.4 The responsibility (including cost) for removing a stock race under clause 60.2 falls on:
- a) the stock owner whose stock use the stock race; or
  - b) if there is no such stock owner, the owner of the farming unit homing the stock that use the stock race.
- 60.5 In removing a stock race under clause 60.2, the stock owner or owner of the farming unit must ensure that the road areas are reinstated to the Council's satisfaction.



60.6 Where an owner fails to comply with clause 60.2 or 60.5, the Council may:

- a) carry out the required removal and/or reinstatement (including engaging a contractor for this purpose); and
- b) in accordance with section 187 of the Local Government Act 2002, recover the associated costs from the stock owner or owner of the farming unit.

## **61 Requirements for grazing on roadsides**

61.1 A stock owner must not permit their stock to graze on a road (not including any unformed legal road) other than in accordance with this clause 61.

61.2 Despite clause 61.1, stock may graze on the side of a formed roadway if all of the following requirements are met:

- a) the road is adjacent to the farming unit on which the stock concerned are homed;
- b) no grazing is occurring directly opposite on the other side of the roadway;
- c) grazing occurs only during the hours of daylight;
- d) temporary electric fencing that complies with clause 61.3 is in place at all times while the grazing is occurring so as to prevent stock from moving onto the roadway; and
- e) during the hours of darkness, the stock and temporary electric fencing are removed.

61.3 The temporary electric fencing must:

- a) be located at least 1 metre clear of the seal or feather edge of the formed roadway;
- b) be constructed of appropriate materials that are flexible or breakable, such as electric fence standards (pigtails) or the plastic equivalent and a single electric insulated wire; and
- c) not involve any barbed wire or waratahs.

61.4 A stock owner whose stock graze on the side of a formed roadway must:

- a) give utility authorities access to that area of road in the event they need to install or maintain a utility authority's infrastructure;
- b) not plant or otherwise establish hedges or other plants on any part of the road side area;
- c) repair any damage to the road (both roadway and the side of the roadway) caused by the stock, at the stock owner's expense; and

- d) if requested by the Council due to safety concerns for road users, promptly remove the stock and any fencing on the road, at the stock owner's expense.

## **PART 6: OFFENCES AND ENFORCEMENT**

### **62 Offences**

- 62.1 Every person who fails to comply with any obligation, requirement, restriction, or prohibition in this bylaw, or who otherwise breaches this bylaw, commits an offence and may be liable for any applicable penalty provided for in the Land Transport Act 1998 (and the regulations and rules made under that Act) or the Local Government Act 2002.
- 62.2 In addition, every person commits an offence against this bylaw who –
  - a) misuses, defaces, interferes or tampers with, a parking machine;
  - b) interferes with, defaces, or wilfully damages any traffic control device, including any signage or markings; or
  - c) without the Council's written permission, affixes, or attempts to affix, any placard, advertisement, or other notice to a parking machine or traffic control device.

### **63 Parking defences**

- 63.1 It is a defence to any person who is the driver of, or is in charge of, any vehicle and who is charged under this bylaw with an offence concerning parking if the person proves that:
  - a) the act or omission complained of was done to avoid the death or injury of any person or serious damage to property or the environment; or
  - b) the act or omission complained of was done at the direction of a constable of the New Zealand Police or a parking warden; or
  - c) the vehicle was being used by a network utility operator to enable construction, maintenance or repair on a utility (for example, to repair electricity lines or water pipes), and was being used with due consideration for the safety and convenience of other road users; or
  - d) the vehicle was being used by the Ambulance Service, Fire Service, Police or other emergency service in the urgent carrying out of their respective duties; or
  - e) the vehicle was being used in accordance with a written permission given by the Council.

**64 Vehicle and item removal**

- 64.1 The Council may remove, or cause to be removed, any vehicle or other item or thing on any road, if that vehicle, item or thing is there in breach of this Bylaw, or any resolution made under this bylaw.
- 64.2 Where a vehicle, item or thing has been removed under clause 64.1, the Council may recover from the person who caused or committed the breach all expenses incurred in connection with its removal and storage, and may detain the vehicle, item or thing until such expenses are paid.
- 64.3 The powers in clauses 64.1 and 64.2 are in addition to those provided in section 128E of the Land Transport Act 1998, sections 356 and 356A of the Local Government Act 1974, and sections 164 and 165 of the Local Government Act 2002.

***Explanatory note:** The restrictions in clauses 63 and 64 of this bylaw do not apply to a vehicle that is being used as an emergency vehicle in attendance at an emergency situation.*

**PART 7: REVOCATION AND SAVINGS****65 Revocation**

- 65.1 This bylaw revokes:
- a) Part 13 Traffic of the New Plymouth District Council Consolidated Bylaw 2008; and
  - b) Part 10 Stock Control of the New Plymouth District Council Consolidated Bylaw 2008.

**66 Savings and transitional provisions**

- 66.1 The resolutions of the Council made or continued under the bylaws revoked under clause 65 continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.
- 66.2 Any approval, permit or other authorisation that originated under or was continued by the bylaws revoked under clause 65 and is in force at the commencement of this bylaw, continues to have full force and effect, and is to be treated as if it were made under this bylaw. In particular:
- a) any approval granted by an authorised officer of the Council under clause 4 of Part 10 of the New Plymouth District Council Bylaw 2008 (Stock Control) is deemed to be a traffic management plan for stock driving approved under clause 50.3, but it will expire six months after the commencement date in clause 2.1 or any earlier date stated in the approval.
- 66.3 The revocation of the bylaws under clause 65 does not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws, and such proceedings continue to be dealt with and completed as if those bylaws had not been revoked.

**SCHEDULE 1: State Highway Delegations**

- A.** NZ Transport Agency Waka Kotahi has delegated powers (identified in clause 6 of this bylaw) to the Council for the following state highways:

	Settlement	Description of area	Date delegation made	Reference number
<b>1</b>	New Plymouth	SH3-0229/7.190 to SH3-0240/2.160. From 170m south of Coronation Avenue intersection to 220m north of Vickers Road intersection.		
<b>2</b>	New Plymouth	SH44-0000/0.000 to SH44-0000/5.000. Entire length.		
<b>3</b>	New Plymouth	SH45-0000/0.000 to SH45-0000/5.790. From Eliot Street (SH3) intersections to 355m west of Barret Road intersection.		
<b>4</b>	Inglewood	SH3A-0000/15.030 to SH3A-0000/15.595. From 30m north of Humphries Street intersection to Rata Street (SH3) intersection.		
<b>5</b>	Inglewood	SH3-0240/15.780 to SH3-0258/0.735. From 285m west of Ngahere Street intersection to 305m north of Lower Dudley Road intersection.		
<b>6</b>	Ōākura	SH45-0000/14.590 to SH45-0015/0.080. From 120m north of Dixon Road intersection to 55m south of Wairau Road intersection.		
<b>7</b>	Ōkato	SH45-0015/11.290 to SH45-0015/12.140. From 200m north of the Carthew Street intersection to 33m west of the Mahuru Lane intersection.		
<b>8</b>	Urenui	SH3-0203/6.105 to SH3-0203/6.590. From 105m east of the Ngapapa Street intersection to 120m west of the Whakapaki Street intersection.		

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## **ACTIVITIES IN PUBLIC PLACES BYLAW 2025 – DELIBERATION AND ADOPTION**

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### **MATTER / TE WHĀINGA**

1. The matter for consideration by the Council is the adoption of the proposed Activities in Public Places Bylaw 2025 following consultation with the community.

### **RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU**

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

- a) **Notes that it has considered all submissions to the Council’s proposed Activities in Public Places Bylaw 2025.**
- b) **Determines that it has followed the required special consultative procedure as set out in the Local Government Act 2002.**
- c) **Determines that the Activities in Public Places Bylaw 2025 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- d) **Notes the two proposed updates to the Draft Bylaw in response to the submissions received being:**
  - i) **The inclusion of an explanatory note after clause 24 referencing the appendix for further details on current horse restrictions on beaches.**
  - ii) **Changes to clauses 25 and 26 to provide clarity on the requirements for signage.**
- e) **Amends the resolution made on 4 July 2013 under clause 27.1 of the New Plymouth District Council Public Places Bylaw 2008 (amended 2013), setting out beach areas where horses are restricted, as follows:**
  - (1) **The restrictions in (2) apply for the period from 10am 25 October 2025 to 11.59pm on 6 April 2026 (Easter Monday).**
  - (2) **Horses are not permitted on the following beaches, at the times specified below:**
    - a) **Ngāmotu Beach (includes the reserve, beach and playground area) at all times.**

- b) **East End Beach to Fitzroy Beach (including the foreshore and beach area located between the Te Henui River mouth to the west and the Waiwhakaiho River mouth to the east) from 10am to 6pm daily on weekends and public holidays, except that during the period from 1 December 2025 to 28 February 2026, the prohibition is from 10am to 6pm daily**
- c) **Ōākura Beach (including the foreshore and beach area located between the Ahu Ahu Road West of the Ōākura Motor Camp to the west, and the Ōākura River mouth to the east) from 10am to 6pm daily on weekends and public holidays, except that during the period from 1 December 2025 to 28 February 2026, the prohibition is from 10am to 6pm daily.**

***Note: The effect of the prohibition is to enable a trial during summer 2025/26 which will reduce the restrictions for horses on beaches at Ōākura and East End/Fitzroy allowing more opportunity for horse riding at these beaches.***

- f) **Resolves that from 12am on 7 April 2026 beach areas where horses are restricted, the restrictions revert to those made on 4 July 2013 (unless the Council determines otherwise), as follows:**
  - i) **Ngāmotu Beach (includes the reserve, beach and playground area) at all times.**
  - ii) **East End Beach to Fitzroy Beach (including the foreshore and beach area located between the Te Henui River mouth to the west and the Waiwhakaiho River mouth to the east) from 9am to 6pm daily during the period daylight saving for New Zealand is in force.**
  - iii) **Ōākura Beach (including the foreshore and beach area located between the Ahu Ahu Road West of the Ōākura Motor Camp to the west, and the Ōākura River mouth to the east) from 9am to 6pm daily during the period daylight saving for New Zealand is in force.**
- g) **Adopts the Activities in Public Places Bylaw 2025.**
- h) **Approves the commencement date of 1 July 2025 for the Activities in Public Places Bylaw 2025, noting that public notice on the making of the Bylaw will be given prior to the commencement of the bylaw.**

- i) **Revokes the existing New Plymouth District Bylaw 2008 Public Places Bylaw (Part 5), the Signs Bylaw (Part 7) and the Trading in Public Places (Licensing of Street Traders) Bylaw (Part 12) on 1 July 2025.**

<b>COMPLIANCE / TŪTOHU</b>	
Significance	This matter is assessed as being of moderate importance
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Adopt the Activities in Public Places Bylaw 2025.</li> <li>2. Adopt an amended Activities in Public Places Bylaw 2025.</li> </ol>
Affected persons	<p>The persons who are affected by or interested in this matter are:</p> <ul style="list-style-type: none"> <li>• The New Plymouth District community.</li> <li>• Users of public spaces including parks, reserves and beaches.</li> <li>• Pedestrians.</li> <li>• Business, restaurant and shop owners.</li> <li>• Community organisations.</li> <li>• Vehicle and road users.</li> <li>• Pet/animal owners.</li> </ul>
Recommendation	This report recommends option one - Adopt the Activities in Public Places Bylaw 2025 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No. As the Proposed Activities in Public Places Bylaw 2025 reflects best fit with current operational and regulatory approach of the Council the recommended option does not have any significant implications for the Long-Term Plan or Annual Plan.
Significant Policy and Plan Inconsistencies	No.

## **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

2. We recommend that Council adopt the Activities in Public Places Bylaw 2025 in order to avoid a regulatory gap due to the current Bylaws lapsing and being revoked under section 160A of the Local Government Act 2002 on 4 July 2025 for Part 5 and on 23 September 2026 for Parts 7 and 12. This proposed Bylaw would replace the current Bylaws and ensure the nuisances and problems associated with activities in public places continue to be regulated.

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3. Community consultation on the Draft Bylaw was carried out from 29 March to 30 April 2025. Eighty submissions were received.
  4. Two updates to the Draft Bylaw are recommended in response to the submissions received. One update proposes to include an explanatory note after clause 24 referencing the appendix for further details on current horse restrictions on beaches. The second update provides clarity on the requirements for signage and proposes updates to clauses 25 and 26 of the Draft Bylaw.
  5. In response to the submissions received requesting reduced restrictions for horses on beaches, a trial during summer 2025/26 is recommended which will reduce the restrictions for horses on beaches at Ōākura and East End/Fitzroy allowing more opportunity for horse riding at these beaches. The trial would help the Council to evaluate the matter. The results of the trial would be reported back to Council and could lead to further consultation on proposed changes to the restrictions within the bylaw.
  6. The report assesses the submissions on the Draft Bylaw and recommends adoption of the Activities in Public Places Bylaw 2025.
  7. If adopted, the Bylaw will come into force from 1 July 2025 after the public notice is given on the making of the bylaw. The next steps will be to update Council documentation to reflect the adoption of the new Bylaw including the Council's website.

## **BACKGROUND / WHAKAPAPA**

8. At its meeting on [25 March 2025](#) the Council determined that the most appropriate way of addressing the perceived problems relating to activities in public places was through a bylaw. At the same meeting, the Council adopted a Statement of Proposal for community consultation on a Draft Activities in Public Places Bylaw (Draft Bylaw) which was a combined bylaw of the review of New Plymouth District Bylaw 2008 Public Places Bylaw (Part 5), the Signs Bylaw (Part 7) and the Trading in Public Places (Licensing of Street Traders) Bylaw (Part 12).
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9. Public consultation on the Draft Bylaw occurred from 29 March to 30 April 2025. Eighty submissions were received. The graph below provides an overview of the topics covered in the submissions.

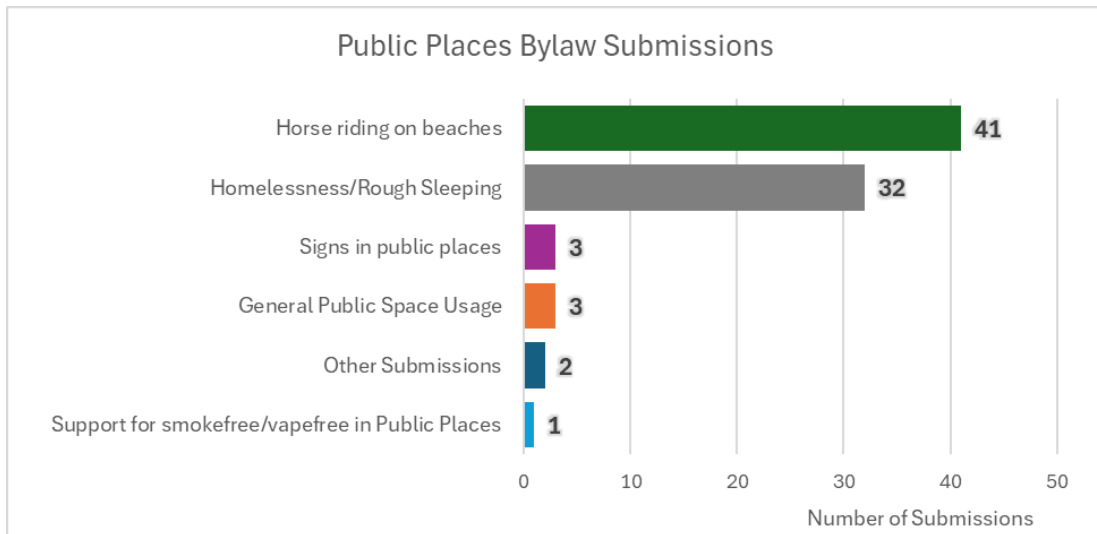


Figure 1: Public Places Bylaw submission summary by topic.

10. The following sections discuss the topics of the submissions and provides officer responses and recommendations in respect of the submissions received.

### ***Horse Riding on Beaches***

11. Forty-one submissions were received relating to the restrictions for horse riding on beaches. The majority of the submissions proposed increasing beach access for horse riding through reducing the restrictions for horses on beaches. Twenty-seven of the submissions considered that horses and other beach users could co-exist in a safe and harmonious manner on the beach. Submitters noted that there have been no significant safety issues between horses, dogs, and people, even during busy times on beaches. Submitters emphasised that horse riders were responsible and experienced, ensuring that their horses are well-behaved and under control. The submitters considered that the current restrictions were based on unfounded safety concerns and that horses can safely share the beach with other users. Submissions also highlight the positive interactions between horse riders and other beachgoers, who often enjoy seeing horses on the beach.

## 12. **Changing the restrictions for horse riding on beaches**

- a) Forty submissions proposed the need for more flexible and extended access to beaches for horse riding. Submitters considered that the current restrictions during daylight saving times were impractical due to tide schedules, which often do not align with the permitted hours for horse riding on beaches. They highlighted that horses are typically ridden around low tide when the sand is firm and suitable for their legs, ensuring plenty of room for all beach users. Many submissions suggested shortening the horse riding restrictions to a reduced period from 1 December to 1 March, so that horses could use the beaches outside of the peak holiday season during the months of October, November and March when the beaches were not as highly used, to accommodate university and WITT student holidays and to recognise the main tourist season. Other submissions considered that the daily time restrictions meant that horses were often on the beaches at busy times (relating to morning dog walkers and after work swimmers) and that horses were banned when everyone was at work or school.
- b) Other suggestions from submitters included:
  - i) Allow horse riding at East End, Fitzroy and Waiwhakaiho beaches – align the rules with the dog walking rules, change the daylight saving restriction to 10am.
  - ii) If there is to be any restriction it should be limited to high public use days or times such as public holidays.
  - iii) Run with the NZ school summer holidays or have a later time allowed to be on the beach, i.e. from 10.30am to 6pm.
  - iv) Consider reviewing these times to align either side of the low tides during daylight savings hours and during school holidays to allow for people horse riding safely and enjoying the public beaches alongside other public users.
  - v) Propose all day access year round for horses (to be ridden, driven, lead or otherwise) on Ōākura Beach, and from Te Henui to Waiwhakaiho.
  - vi) Could incorporate a walk only zone (into less restrictive hours for horses on beaches) in front of the surf clubs/flagged areas.
- c) The overall sentiment from the submissions was that increased beach access would benefit the horse riding community without negatively impacting other beach users.
- d) One submitter supported retaining the current horse riding rules as there is a large and growing community of horses in the area.

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13. One submitter also requested that the details of the restrictions on horses on beaches be written into the bylaw itself, under clause 24, rather than included within an Appendix, or an explanatory note should be provided under clause 24 referencing the reader to the Appendix.
  14. **Officer response.** It is noted that the Draft Bylaw has carried over the existing restrictions for horses on beaches from the current Public Places Bylaw with no new or amended restrictions proposed. The current restrictions were most recently resolved in 2013 as part of the review of the Public Places 2008 Bylaw review, at which time it is noted that the Kaitake Community Board submission proposed that the restriction on horses be extended from the Ōākura Beach Camp western boundary to Ahu Ahu Road during daylight saving hours.
  15. It is noted that records show that the Council has received 36 service requests related to horses on beaches since 2019, with 11 each in 2023 and 2024. These were related to fouling and environmental impact, roaming and uncontrolled animals, education and enforcement challenges, and concerns relating to regulations and access.
  16. While Council provided opportunity for pre-engagement with equestrian contacts no feedback or concern was raised at that time that could have allowed for potential changes to be considered within the Draft Bylaw for consultation. It is considered that any significant change to the restrictions for horses on beaches would likely warrant further community engagement prior to adopting any changes to the current restrictions. This community engagement would help to understand the views and preferences of the public and other key stakeholders (such as Surf Life Saving Clubs and the Taranaki Regional Council) of the nuisances and problems that could occur from changing the restrictions.
  17. However, taking a pragmatic approach the Council could consider undertaking a trial of a change in the restrictions which would delay the commencement of the restrictions until a later date in the year allowing horses to use the beaches for a longer period over summer 2025/26. This would help the Council to evaluate the matter. The results of the trial would be reported back to Council and could lead to further consultation on proposed changes to the restrictions.
  18. If a trial was approved then it is recommended that it should apply to the restrictions at East End to Fitzroy and Ōākura beaches only, with the restriction at Ngāmotu Beach remaining unchanged. The proposed trial would require an amendment to the current resolution made on 4 July 2013 under clause 27.1 of the New Plymouth District Council Public Places Bylaw 2008 (amended 2013), setting out beach areas where horses are restricted. The proposed prohibition for the trial is as follows:
    - (1) The restrictions in (2) apply for the period from 10am 25 October 2025 to 11.59pm on 6 April 2026 (Easter Monday).
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- (2) Horses are not permitted on the following beaches, at the times specified below:
- a) Ngāmotu Beach (includes the reserve, beach and playground area) at all times.
  - b) East End Beach to Fitzroy Beach (including the foreshore and beach area located between the Te Henui River mouth to the west and the Waiwhakaiho River mouth to the east) from 10am to 6pm daily on weekends and public holidays, except that during the period from 1 December 2025 to 28 February 2026, the prohibition is from 10am to 6pm daily
  - c) Ōākura Beach (including the foreshore and beach area located between the Ahu Ahu Road West of the Ōākura Motor Camp to the west, and the Ōākura River mouth to the east) from 10am to 6pm daily on weekends and public holidays, except that during the period from 1 December 2025 to 28 February 2026, the prohibition is from 10am to 6pm daily.
19. The prohibitions for horses on beaches would revert back to the current restrictions from 12am on 7 April 2026, after the trial has finished.
20. Regarding the submission requesting that the restrictions for horses are included within the clauses in the Bylaw or an explanatory note is included directing readers to the appendix. Officers consider that an explanatory note would be suitable to address this matter as requested by the submitter.
21. **Recommendation.** Include an explanatory note after clause 24 in the Draft Bylaw, referencing the restrictions in an Appendix. Undertake a trial as proposed above.
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	<b>CURRENT</b>	<b>TRIAL</b>
July 2025		
August	<b>No restrictions</b> <i>(to 27 Sept 2025)</i>	<b>No restrictions</b> <i>(to 24 Oct 2025)</i>
September		
October		
November		<b>No horses from 10am to 6pm on weekends and public holidays</b> <i>(25 Oct to 30 Nov 2025)</i>
December	<b>No horses from 9am to 6pm</b> <i>(28 Sept 2025 to 4 Apr 2026)</i>	<b>No horses from 10am to 6pm</b> <i>(1 Dec to 28 Feb)</i>
January 2026		
February		
March		<b>No horses 10am to 6pm on weekends and public holidays</b> <i>(1 Mar to 6 Apr 2026)</i>
April		
May	<b>No restrictions</b> <i>(from 5 Apr 2026)</i>	<b>No restrictions</b> <i>(from 7 April 2026)</i>
June		

Figure 2: Comparison of current vs trial - prohibitions for horses on beaches.

***Homelessness/rough sleeping***

- 22.** Thirty-two submissions were received relating to homelessness/rough sleeping in public places. The majority of the submissions proposed the removal or prohibition of rough sleepers, or the management of personal property relating to homelessness/rough sleeping. Twenty-five of the submissions highlighted the health and safety risks and the nuisance caused by rough sleepers in public places. Submitters reported issues such as alcohol and drug use, aggressive behaviour, and the negative impact on local businesses and residents' sense of safety. Submitters considered that the presence of rough sleepers in public places undermined the community's ability to enjoy these places and called for measures to ensure public health and safety. One submission talked to treating homeless/rough sleepers with compassion and practical support, rather than addressing them as 'nuisance behaviour'.

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**23. Prohibition of rough sleepers**

- a) Nine submissions advocated for the removal or prohibition of rough sleepers in public places. Submitters considered that allowing rough sleeping and camping in public places posed significant health, safety, and amenity concerns, including negative impacts on local businesses. Submitters wanted rules that explicitly prohibit overnight sleeping or camping in public spaces, suggesting that homelessness should be addressed through dedicated social services and housing initiatives rather than permitting the occupation of public land.

**24. Management of personal property in relation to homelessness/rough sleeping**

- a) Sixteen submissions were received focussing on the need for effective management of personal belongings left in public spaces by homeless individuals/rough sleepers.
  - b) One submitter considered that the Bylaw required amendment to address the storage of personal belongings in the city centre. It was noted that the current bylaw addressed belongings obstructing doorways, but this needed to be extended to include shop fronts and footpaths – stating that the obstruction of public space by personal belongings needed to be prohibited.
  - c) Fourteen submissions were received in relation to a Mayoral recommendation proposed at the Strategy and Operations Committee meeting on [18 February 2025](#) which recommended an amendment to clause 21.3 of the Draft Bylaw. These submissions requested alternative wording to be adopted instead of the wording of the Mayoral recommendation for clause 21.3 of the Draft Bylaw. Submitters also suggested mechanisms for the enforcement of the amended clause 21.3.
  - d) Submitters considered that their requested amendments to the Mayoral recommendation were required to better manage the problem of homeless people leaving their belongings in front of shops stating that areas need to be safe and welcoming to support local business, families and make New Plymouth an attractive place.
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25. **Other submissions on homelessness/rough sleeping**

- a) Eight submissions raised matters relating to homelessness and rough sleeping that are not related to the Bylaw. These included comments relating to who should pay for night-time accommodation for homeless people, suggestions that the old prison be used as an accommodation option, the suitability of the YMCA as a facility to help the homeless, and that the police should take a harder line in managing rough sleeping. One submitter considered that homeless people should be treated with compassion and practical support, not enforcement or fines. They mentioned that public space might be the last place these people have left, and they need understanding, not regulation. It was also noted that public spaces are meant for everyone, including people who live in vans.

26. **Officer response.** It is considered that restricting/prohibiting rough sleeping through a bylaw is not the most appropriate mechanism for addressing the matter. Offensive behaviour is managed largely through the Summary Offences Act. Existing provisions in the Public Places Bylaw that have been carried over into the Draft Bylaw also address anti-social and offensive behaviour and obstructions in public places including blocking of the footpath or other public place that officers consider enforcement is required for those specific problems, if they are generated by rough sleepers in the District.
27. Case law demonstrates there are limitations to using punitive measures for issues of homelessness and rough sleeping in relation to the NZ Bill of Rights and council may risk litigation if it seeks to consider going further and identifying rough sleeping as an antisocial/offensive behaviour. As such, it is recommended that, other than the proposed provisions within the draft Bylaw, a non-regulatory approach is taken to managing homelessness and rough sleeping, recognising the Draft Bylaw and legislative provisions for addressing related anti-social/offensive behaviour and obstructions in public places. In relation to the New Plymouth CBD there is also an alcohol prohibition through the Alcohol Control Bylaw 2020.
28. It is noted that the provisions to address obstructions in public places in the Draft Bylaw may be applied to private belongings associated with homelessness/rough sleeping on all public places including shop frontages and footpaths rather than just doorways as suggested by one submitter.
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29. The submissions received relating to the Mayoral recommendation to amend clause 21.3 of the Draft Bylaw are considered to be on a matter outside of the scope of the consultation on the Draft Bylaw noting that the Mayoral recommendation did not receive Council approval to be included in the Draft Bylaw for consultation. It is considered that if Council wanted to include this amendment in the Draft Bylaw then legal review would be required along with further consultation on this proposal to obtain community views and preferences on the matter as they were not sought during the consultation on the Draft Bylaw.
30. **Recommendation.** No changes to the Draft Bylaw are recommended in response to the submissions received on homelessness/rough sleeping.

***Support for Smokefree/Vapefree Public Places***

31. The submission from the Cancer Society considered that the nuisance activity of smoking and vaping in a public place should be included in the Bylaw. The submission noted that many councils in New Zealand have policies relating to smoke free public places and have incorporated smokefree/vapefree messaging into their policies. The submitter quoted a recent example of Horowhenua District Council who adopted a 'Public Spaces Bylaw' in November 2024 which made smoking and vaping in specific public spaces more of an enforceable act. The submission suggested that the Council can show commitment to achieving national smokefree initiatives by including smoking and vaping in public places into the Bylaw.
32. **Officer response** - Smoking in outdoor public spaces is currently a lawful activity in Aotearoa, and as such there is uncertainty about the ability to regulate and enforce a smoking ban in outdoor spaces through the Draft Bylaw. The inclusion of smoking provisions would also represent a significant change in relation to the Draft Bylaw and require specific consultation. Council's current position is to take an educative approach to encourage smokefree/vapefree areas. Council provides a 50% discount on the annual rental of encroachment licences for smokefree on-street dining areas to encourage smokefree dining. Council also has a Smokefree Parks and Outdoor Areas Policy that encourages smokefree initiatives within all of Council business where practicable.
33. In a recent review of their bylaw, Horowhenua District Council added a provision for the ability to consider the control of smoking and vaping in the exclusive use of a public place when assessing applications for permits for Busking and Trading in a Public Place. They also added a provision for the ability to impose conditions relating to the prohibition of smoking and vaping in the permit for the use of the public place when issuing permits for outdoor dining. It is important to note that this is a new bylaw and that the provisions have not yet been tested. The provisions contained in the Horowhenua Bylaw do not necessarily ban smoking in these areas, rather the bylaw states that Council may consider the issue of smoking in issuing permits.
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34. **Recommendation.** No change to the Draft Bylaw is recommended in response to this submission.

### ***Signs in Public Places***

35. Three submissions were received relating to signs in public places. One submission was related to sponsorship signage for community organisations. Another submission supported the Draft Bylaw but raised concerns about the provisions related to signs in public places. They suggest amendments to allow authorised officers to grant prior approval for signs and to exempt signs authorised by resource consent from certain bylaw provisions, aiming to avoid regulatory duplication and ensure clarity and consistency in council practices. Another submitter considered Council's rules around signs could unfairly impact community groups and sought the ability for some signage to occur without heavy processes.
36. **Signage for sponsorship.** One submission from the secretary of a cricket club considered that signs were an important way for community organisations to attract sponsorship. The submitter stated that any bylaws need to allow community organisations to continue to display signs and that should sports clubs lose the ability to put up signs promoting sponsors it would deal a critical blow to a club's financial situation. The submitter urged that community organisations sponsorship needs are considered when making laws about signs.
37. **Officer response.** The Draft Bylaw does not restrict or prohibit community organisations or sports clubs from displaying signs. Under clause 31.1 and 31.2 of the Draft Bylaw, as is the case with the current Signs Bylaw, signs on parks or reserves require approval subject to any applicable reserve management plan or council policy. Council's policy on Advertising Signs on Reserves guides how signs are regulated on parks and reserves including sponsorship signage for individual clubs or organisations. Under the current policy, sponsorship signage for clubs and organisations is permitted both for temporary signage displayed on match days only and for longer term signage associated with existing structures e.g. scoreboards, as long as they meet the requirements set out in the policy and are at the discretion of the Manager Parks. Council is currently reviewing the General Policies for Council administered Reserves and it is likely to incorporate the Advertising Signs on reserve policy. This process will provide for community engagement on the policies regarding signage in relation to club sponsorship moving forward.
38. **Recommendation.** No change to the Draft Bylaw is recommended in response to this submission. Community engagement related to the review of the General Policies for Council administered Reserves including incorporation of the advertising in reserves policy will provide interested or affected parties with an opportunity to provide their views and preferences on the management of signs on parks and reserves.

39. **Clarity on signage regulation.** One submission supported Part 2 of the Draft Bylaw but raised concerns regarding Part 3 and clause 26.1 of the Draft Bylaw. They agreed with the intent of clause 26.1, but raised the following concerns:
- a) Clause 26.1 is written in either subjective or absolute terms (for example, most advertising in the street will attract the attention of road users, including pedestrians, to varying degrees) and it is unclear how compliance with the criteria could be achieved in the absence of a mechanism for an authorised officer to grant prior approval to a sign or form an opinion in respect of these matters.
  - b) The purpose of the Bylaw to ensure signs in public places do not present a hazard or danger to the public overlaps in part with the functions of District Plan under the Resource Management Act. Having gone to the time and expense of obtaining resource consent for a sign in the public road reserve, Part 3 the Draft Bylaw, as currently proposed, may have the effect of preventing the resource consent from being exercised.
  - c) The submitter noted the explanatory note to Clause 3.1 of the Draft Bylaw, which states that nothing in the Bylaw limits the application of any resource consents granted under the Resource Management Act 1991. While supportive of this intent, the submitter considered that the explanatory note alone does not provide sufficient clarity to avoid potential conflicts or ambiguity.
  - d) The submitter suggested, with proposed wording changes to clauses 25 and 26 of the Draft Bylaw:
    - i) That an amendment be made enabling authorised officers to grant prior approval to a sign and form an opinion in respect of clause 26.1 criteria.
    - ii) An additional clause to provide signs authorised by resource consent are not subject to the clause 26.1 provisions.
  - e) The submitter considered that the proposed amendments would avoid duplication of regulatory controls between the Bylaw and the District Plan, and other statutory authorisations such as resource consents granted under the RMA. They considered that the requested changes clarify the intention stated in the explanatory notes to the Draft Bylaw, which confirm the primacy of resource consents and existing legislative frameworks such as the RMA.
40. **Officer response.** Officers agree with the submitters suggestion for more clarity on this matter. To provide this clarity, updates are recommended to clause 25 and 26 by inserting a new clause 25.2, amending clause 26.1 and inserting a new clause 26.3.

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41. **Recommendation.** Insert new clause 25.2, amend clause 26.1 and insert new clause 26.3.
  42. **Flexibility in signage regulation.** The third submission noted that Council's rules around signs can unfairly impact community groups, for example a school trying to put up a sign for a fundraiser. They noted that Council should make space for informal, low risk community uses without heavy processes instead of defaulting to licences, permits and penalties. This would make it easier for community groups and individuals to use space creatively and fairly.
  43. **Officer response.** It is considered that the Draft Bylaw is fairly permissive with regards to signage and temporary signage for events such as school fundraisers. As long as the sign meets the safety hazard requirements in clause 26.1 and the construction and maintenance requirements of clause 27 then the only approval for a temporary sign for a school fundraiser that would be required is under clause 29.1(b) if they wanted to leave the sign up for more than seven days following the completion of the event to which the sign relates.
  44. **Recommendation.** No change to the Draft Bylaw is recommended in response to this submission.

#### ***General public space usage***

45. Three submissions express concerns about the Draft Bylaw relating to general use of public spaces, emphasizing the need for fairness, inclusion, and practical support over control and regulation. One submission highlighted the importance of public spaces for various community activities, such as local trading and busking. Another submission criticised the council's restrictive approach to commercial activities, suggesting that easing regulations could revitalise the CBD and support local businesses. The third submission supported the bylaw's transparency and accessibility but stressed that public gatherings should remain a privilege for all who respect the space and others.
  46. **Inclusivity and Fairness.** Some submissions advocated for a more inclusive approach to public space usage, supporting activities like busking, informal trading, and temporary structures without heavy regulation. It was suggested that Council view public places as their own private domain rather than areas that belong to the public.
-

- 
47. **Commercial Flexibility.** There are suggestions to make it easier for businesses to operate and thrive in public spaces, including more flexible regulations for informal trading and community activities. For example, community groups building a temporary stall for a free BBQ, also mentioned was the Coastal Walkway – a wonderful opportunity for hospitality outlets – is Council reluctant to relinquish control or are rental expectations out of alignment with commercial realities. The CBD is slowly dying, but Council insists on extracting the maximum revenue from parking fees. Council needs to get out of the way of the commercial life of this town and make “doing business” easier for those keeping the life blood of our town flowing.
48. **Officer response.** The provisions in the Draft Bylaw provide for additional regulatory tools to assist in the management of public places to balance the different, but sometimes competing, lawful uses for which public places may be used. It is considered that the Draft Bylaw sets reasonable controls to protect the public from nuisance, protect, promote and maintain health and safety, and minimise the potential for offensive behaviour in public places. The controls for activities in public places included in the Draft Bylaw, including trading and busking, are considered appropriate to achieve this balanced use of public places. Officers are not aware of any issues that warrant further changes to the proposed regulations in the Draft Bylaw, however if this situation changes in the future then the bylaw can be reviewed and amended to address any change in nuisances or problems in public places.
49. **Recommendation.** No change to the Draft Bylaw is recommended in response to these submissions.

### ***Other submissions***

50. One submission requested adding more disability car parking spaces.
51. The submission from Otaraua hapū believed that if a Management Plan has been planned and designed by the Hapū and Council over the reserves in the Waitara area that this management plan supersedes any bylaw of the Council that may be a contradiction.
52. **Officer response.** The provision of disability car parking spaces is outside of the scope of the Draft Bylaw. Regarding the submission from Otaraua hapū it is noted that the regulatory powers of bylaws compliment and support reserve management plans. During the development of the management plan consideration should be given to identifying any inconsistencies between the management plan and any bylaws. The proposals in the management plan could then lead to possible amendments to the relevant bylaws to ensure there is consistency between the management plan and the bylaws.
53. **Recommendation.** Submissions are noted, no change to the Draft Bylaw is recommended in response to these submissions.
-

***Proposed Bylaw***

54. The Proposed Bylaw recommended for adoption is included in Appendix 1. Any proposed changes are shown as strikethrough and underlined text.

***New Zealand Bill of Rights Act***

55. Before adopting the Proposed Bylaw, Council must consider whether there are any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). The 25 March 2025 Council meeting previously considered any implications the Draft Bylaw had under the NZBORA, and determined there were no implications arising under the NZBORA.
56. It is appropriate to review the Councils previous NZBORA consideration in light of the recommended changes to the notified Bylaw as a result of the public consultation process. It is considered that the recommended changes within the Proposed Bylaw, as a result of public consultation, have no NZBORA implications.

**CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

57. There are no impacts on climate change adaptation and mitigation regarding this matter.

**NEXT STEPS / HĪKOI I MURI MAI**

58. The Proposed Bylaw recommended for adoption is included in Appendix 1. If the Proposed Bylaw is adopted then it will come into force from 1 July 2025 after the public notice is given on the making of the bylaw. Council documentation would be updated to reflect the adoption of the new bylaw including the Councils website.

**SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

59. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of moderate importance because:
- a) If the Public Places Bylaw, Signs Bylaw and Trading in Public Places Bylaw are not reviewed and replaced with a new bylaw, they will be automatically revoked under section 160A of the LGA on 4 July 2025 (Part 5) and 23 September 2026 (Parts 7 and 12).
  - b) The proposed Activities in Public Places Bylaw 2025 provides tools for the Council to respond to problems related to the use of and activities in public places.

- c) Not having an up-to-date bylaw on these matters will be contrary to the historical Council position to have bylaws on these matters.

## OPTIONS / KŌWHIRINGA

### Option 1

#### Adopt the Activities in Public Place Bylaw 2025

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

60. There are no financial or resourcing implications associated with the adoption of the Proposed Bylaw.

##### *Risk Analysis / Tātaritanga o Ngā Mōrearea*

61. There are no risks associated with adoption of the proposed Bylaw.

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

62. The Bylaw primarily helps to promote and achieve the *Thriving Communities and Culture* Community Outcome by ensuring public places can be enjoyed by the community.

##### *Statutory Responsibilities / Ngā Haepapa ā-ture*

63. This option is consistent with the LGA requirements to review bylaws.
64. Sections 145 and 146 of the Local Government Act 2002 provides general bylaw-making powers for issues relating to nuisance, public health and safety and minimise the potential for offensive behaviour.

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

65. A Bylaw on this matter is consistent with Council's policies and plans.

##### *Participation by Māori / Te Urunga o Ngāi Māori*

66. Iwi and hapū were informed (via email) of the public consultation on the notified Bylaw. Pre-engagement to inform the review of the bylaw was undertaken with Nga Kaitiaki. Iwi and hapū were also informed (via email) of the bylaw review and were invited to provide their feedback on any matters of particular interest or concern with the current bylaws.

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

67. Community consultation via a special consultative procedure was undertaken on the Draft Bylaw.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

68. The advantage of this option is that there will be a transition from the existing Bylaws to the new Bylaw before the existing Bylaws would lapse and be revoked under section 160A of the Local Government Act 2002 - on 4 July 2025 for Part 5, and 23 September 2026 for Parts 7 and 12.

**Option 2****Adopt an amended Activities in Public Places Bylaw 2025***Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi*

69. The financial and resourcing implications of any amendments would need to be considered.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

70. Amendments would have to be assessed for any risks. Any significant amendments should only be made in light of the submissions received.

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

71. Any amendments would have to be assessed for their promotion of the Community Outcomes.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

72. Any amendments would need to be assessed for their significance and their justification against the Draft Bylaw and the submissions received. If any significant amendments are proposed in relation to the content of the Draft Bylaw and/or that do not relate to the submissions then further consultation may be required.

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

73. Any amendments would have to be assessed for their consistency with policies and plans.

*Participation by Māori / Te Urunga o Ngāi Māori*

74. Any amendments would have to be assessed for their significance to Māori.

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

75. Community views and preferences may not be known on any amendments.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

76. The disadvantage of this option is that any amendments would require further assessment. This could take additional resources and would impact on timeframes.

**Recommended Option**

This report recommends option one adopt the Activities in Public Places Bylaw 2025 for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 Proposed Activities in Public Places Bylaw 2025 (tracked changes)  
(ECM 9508360)

**Report Details**

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Ward/Community:	District wide
Date:	3 June 2025
File Reference:	ECM 9508359

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





New Plymouth District Council Bylaw

**~~DRAFT~~**

# Activities in Public Places Bylaw 2025



Te Kaunihera ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

**DOCUMENT HISTORY**

*This bylaw was previously part of the New Plymouth District Council Bylaw 2008 as Part 5 Public Places, Part 7 Signs and Part 12 Trading in Public Places (Licensing of Street Traders)*

Meeting	Date	Decision	Next Review

## New Plymouth District Council

**DRAFT Activities in Public Places Bylaw 2025****5.1**

*This bylaw provides for the management of public places to balance the different, but sometimes competing, lawful uses for which public places may be used. The bylaw sets reasonable controls to protect the public from nuisance, protect promote and maintain health and safety, and minimise the potential for offensive behaviour in public places. It also regulates the use of signs and trading activities in public places.*

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## PART 1: INTRODUCTION

### 1 Title and commencement

- 1.1 This bylaw is the New Plymouth District Council Activities in Public Places Bylaw 2025.
- 1.2 This bylaw comes into force on [date].

**Explanatory note:** As per [section 160](#) of the [Local Government Act 2002](#), this bylaw is due to be reviewed five years after the bylaw was made.

This means that the Council must make determinations required by section 155 of the [Local Government Act 2002](#) by [date five years after the date the bylaw was made].

### 2 Authority

- 2.1 This bylaw is made pursuant under:
- a) [Sections 145](#) and [146](#) of the [Local Government Act 2002](#); and
  - b) [Section 22AB](#) of the [Land Transport Act 1998](#).

### 3 Purpose

- 3.1 The purpose of this bylaw is to:
- a) for public places, to:
    - i) protect the public from nuisance; and
    - ii) protect, promote and maintain public health and safety; and
    - iii) minimise the potential for offensive behaviour;
  - b) to manage and protect Council-owned or controlled land, structures and other property and assets under Council control from misuse, damage or loss;
  - c) to ensure that any signs on any public place are erected and maintained in such a manner that they do not present a hazard or danger to the public and regulate the type and location of advertising signs on parks and reserves or other public places; and
  - d) to regulate trading in public places.

**Explanatory note: Application of other laws and resource consents.**

Nothing in this bylaw limits the application of any other law (for example, and without limitation, the [Trespass Act 1980](#) and the [Summary Offences Act 1981](#)) or any resource consents.

## 4 Interpretation

### 4.1 In this bylaw, unless the context requires otherwise:

**Airspace lease** means a lease granted by the Council which authorises the encroachment in the airspace above the public place (for example, where the Council has entered into a lease to authorise a structure, such as a balcony, façade, dwelling, conservatory, or eaves, that encroaches into airspace above a public place).

**Animal** means any member of the animal kingdom, including any mammal, finfish, shellfish, reptile, amphibian, insect or invertebrate which is kept in a state of captivity or domesticated and includes the carcass or constituent parts of that animal, but it does not include human beings or dogs.

**Approval or Approved** means a written permission or authorisation from the Council.

**Authorised Officer** means an officer or other person appointed by the Council to perform duties required under this bylaw, irrespective of the designation given to that officer or person.

**Banner** means a piece of cloth or material bearing a symbol, logo, slogan or other message for the purposes of advertising or decoration.

**Beach** means any beach above mean low water springs, including any adjoining park or reserve that is situated in the district.

**Berm** means a grassed area between the roadway and the boundary of any property adjacent to the road.

**Boat** means a vessel or craft intended to be used in water and to carry people, including, but not limited to, a row boat, raft, yacht, hovercraft or jet ski, but does not include a ship.

**Building** has the meaning given to it by [sections 8 and 9](#) of the [Building Act 2004](#).

**Busker** means any person who plays, acts, sings, or otherwise performs or entertains in a public place and who may solicit or invite or accept any donation, contribution or monetary reward.

**Community event** means any school fair, charity event or other non- profit public event, occasion or service where the proceeds (if any) are returned to the community or the community organisation involved.

**Council** means the New Plymouth District Council

**District** means the New Plymouth District.

**District Plan** means the New Plymouth District Plan prepared or constituted under the provisions of the [Resource Management Act 1991](#).



**Electoral hoarding** means a stationary sign erected for the purposes of promoting a candidate or political party at a specific parliamentary or local authority election or by-election.

**Encroachment** means where an owner or occupier of land occupies the whole or part of an adjoining public place for private purposes and **encroach** has a corresponding meaning.

**Encroachment licence** means a licence granted by the Council which authorises an encroachment on the public place.

**Event** includes an organised meeting or gathering, demonstration, parade, procession or competition.

**Flying machine** means a machine that sustains itself in and propels itself through the air, piloted or remotely piloted, and includes any airplane, helicopter, glider, drone, hot air balloon or similar.

**Footpath** means as much of any street or public place that is laid out or constructed by authority of the Council for pedestrian use.

**Foreshore** means the land edging the sea, estuaries and rivers that is regularly submerged and exposed by the seas tidal ebb and flow that is the area between the line of mean high water springs level and the line of the mean low water springs level.

**Goods** means any product or service.

**Hazardous substance** has the meaning given to that term in [section 2\(1\) of the Hazardous Substances and New Organisms Act 1996](#).

**Licence to occupy** means a licence granted by the Council which authorises the occupation of the public place.

**Livestock or stock** includes any cattle, sheep, deer, horse, donkey, hinny, mule, goat, thar, alpaca, llama, bison, ostrich, emu, pigs or any other herd animal, regardless of age or sex.

**Material or thing** means any material of whatever kind and includes jumbo bins and other containers for waste materials, but excludes vehicles.

**Market** means any open air market located in a public place for the purpose of selling goods to the public.

**Mobility device** has the meaning given to that term in [Rule 1.6](#) of Part 1 of the [Land Transport \(Road User\) Rule 2004](#).

**Mobile or travelling shop** means a vehicle whether self-propelled or not:  
From which goods are offered or exposed for sale or hire in a public place; or  
From which goods may be ordered in a public place (whether or not in pursuance of any invitation to call with the goods).

**Normal Business Hours** means Monday to Friday 8am to 5pm and excludes Public Holidays.

**Nuisance** means any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in [section 29](#) of the [Health Act 1956](#).

**Occupier** means the inhabitant of any premises, and in any case where any premises are unoccupied includes the owner of those premises.

**Organised meeting or gathering** means a meeting or gathering of persons attended by members or employees of any government department, union, club, company, firm, incorporated body, religious organisation, or other body or person.

**Premises** mean any form of permanent property or tenement.

**Projection** includes windows, banners, gates, balconies, walls, lamps, doorsteps, cellar doors, signboard, window shutter, gatepost, walls.

**Public place** means a place that is under the control of the Council and open to or being used by the public, whether admission is free or on payment of a charge and includes a road.

**Refuse or waste** means any solid material or thing that is discarded or selected for disposal. It does not include diverted material but it includes any component or element of diverted material, if the component or element is disposed of or discarded.

**Reserve** means any land which is vested in or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden, or greenspace, whether or not that land has been vested as a reserve under the [Reserves Act 1977](#).

**Road** has the meaning given to that term in [section 315](#) of the [Local Government Act 1974](#).

**Service delivery vehicle** means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods from that vehicle to the general public in any public place.

**Sign** means a visual message or notice which is displayed to advertise to the public, or to identify a product, business, or service to the public, or to inform or warn the public, and:

- a) Includes any:
  - i) Poster, placard, hoarding, handbill, banner, writing, picture, image, logo, or device (including but not limited to blimps, balloons, flags, sandwich boards and banners).
  - ii) Vehicle or trailer parked on or visible from any road used principally for the purpose of displaying advertising content.
  - iii) Illuminated signs, billboard, banner or hoarding or projection of light to create an advertising image.
  - iv) Frame, supporting device and associated ancillary equipment.



- b) Excludes any:
- i) Traffic signs.
  - ii) Official signs provided by or on behalf of Council that gives information or direction to the public.
  - iii) Murals, unless they contain any advertising content.
  - iv) Footpath sign for trade purposes provided that the following conditions are adhered to:
    - The sign must not encroach more than 600mm of the unobstructed footpath; and
    - Size as per District Plan rules; and
    - The sign is removed at the completion of the day's trading; and
    - The sign is placed immediately outside the premises to which it relates.
  - v) Sign indicating hazardous substances or activity.
  - vi) Sign providing information or instruction relating to equipment use, property entrances or for security purposes and is no larger than reasonably necessary to convey the information to the intended recipient.
  - vii) Any sign identifying a construction site or a development under construction.

**Stand or stall** means, in relation to the area where a person stands or occupies any portion of a public place, or places or maintains on any portion of any public place, any stall, structure, or contrivance from which goods are offered or exposed for sale or hire, but does not include any stand or stall from which food is sold.

**Structure** includes (without limitation):

- a) Parking structures, e.g. garages, car pads, car decks, car ports, boatsheds.
- b) Access structures, e.g. driveways, stairs, retaining walls, cable cars, gates, covered access ways.
- c) House, e.g. any part of a primary or secondary building, eaves, porches, decks, fences, balconies, conservatories.

**Subsoil lease** means a lease granted by the Council which authorises the encroachment in subsoil below the public place.

**Temporary sign** means any sign displayed for not more than 12 months with purposes that include:

- a) Advising of a future community event; or
- b) Electioneering; or
- c) Identifying a construction site or a development under construction; or
- d) Notifying the availability of land or premises for sale or lease.

**Traffic sign** means a sign as defined in the Land Transport Rule: Traffic Control Devices 2004.

**Explanatory note:** Legal requirements for traffic signs are set out in the Land Transport Rule: [Traffic Control Devices 2004](#) and the [Traffic Control Devices Manual](#) (TCD manual).

**Trailer** means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable, but does not include:

- a) A sidecar attached to a motorcycle; or
- b) A vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

**Urban area** means any land contained within New Plymouth, Bell Block, Waitara, Inglewood, Oakura, Okato, Lepperton, Egmont Village, Onaero and Urenui, and that has or is capable of reticulation for water supply, sewage, and/or stormwater disposal.

**Vehicle** has the meaning given to that term in section 2(1) of the Land Transport Act 1998.

**Veranda** includes any awning, porch, portico, shed, shade, or covering upon, across, or over any public footway or part of a road, private road, or accessway for the purpose of shade or shelter, together with any supports, other than the support provided by the building.

- 4.2 [Part 2](#) of the [Legislation Act 2019](#) applies to the interpretation of this bylaw.
- 4.3 Every schedule to this bylaw forms part of the bylaw.
- 4.4 Every appendix to this bylaw does not form part of the bylaw, and may be inserted, altered or removed at any time without any formal process. Appendices are provided for information purposes only.
- 4.5 Explanatory notes are not part of the bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

**Explanatory note:** Explanatory notes are used to explain the intent of a clause in less formal language and/or to include additional helpful information.

## PART 2: ACTIVITIES IN PUBLIC PLACES

### 5 Exclusions

5.1 Part 2 of this bylaw does not apply to:

- a) Any person engaged in the rescue or attempted rescue of any person whose life or safety is in danger or apparent danger; or
- b) Any Council employee, contractor or agent acting in conjunction with their employment.

### *Obstructions*

### 6 Display of goods permitted in public places

6.1 Any person may display goods outside their premises subject to the following conditions:

- a) that the display does not encroach onto the public place more than 600mm, and
- b) the display allows a minimum of two metres unobstructed pedestrian passage; and
- c) persons displaying goods are responsible for the safety of the public; and
- d) any display must be removed at the completion of the day's trading for that premises.

### 7 General obstructions in public places

7.1 A person must not on, above, or over a public place:

- a) place or erect or construct any structure;
- b) place, leave, erect, construct, maintain, or permit to be placed, left, erected or maintained any material or thing, whether mobile or immobile; or in a position or in such a way that the Council considers is likely to:
  - i) impede or cause an undue obstruction to pedestrian or vehicular traffic; or
  - ii) constitute a danger to people or property; or
  - iii) obstruct access to adjoining properties.

**Explanatory note:** The Council's Solid Waste Management and Minimisation Bylaw 2019 ([last reviewed 17 September 2024](#)) requires any person putting out household waste and recyclables for collection to take reasonable steps to prevent an approved container or proprietary bin disrupting or obstructing pedestrian and vehicular traffic, and to preserve access to a premises.

## 8 Vehicles in public places

- 8.1 A person must not, without the prior approval of an authorised officer:
- a) Take, ride, or drive a vehicle in a public place except on any part of a public place set aside for vehicular traffic (e.g. a road).
  - b) Park a vehicle or boat in a public place except in a place set aside for the parking of vehicles or as otherwise authorised by another bylaw or any other law.
  - c) Use or permit the use of a public place for the purpose of repairing, maintaining, making alterations to or otherwise working on any vehicle or boat except in the case of an emergency.
- 8.2 Unless prohibited by approved signage or in Reserve Management Plans, clause 8.1 does not prohibit:
- a) the use of bicycles, tricycles, unicycles, or similar non-motorised devices or other approved transportation devices on the New Plymouth Coastal Walkway or any park access way; or
  - b) the use of low-powered vehicles such as e-scooters and power-assisted cycles which do not meet the definition of motor vehicle in [section 2\(1\)](#) of the Land Transport Act 1998, or that have been declared not to be a motor vehicle by NZ Transport Authority Waka Kotahi under [section 168A\(2\)](#) of the Land Transport Act 1998 on the New Plymouth Coastal Walkway or any park access way; or
  - c) the use of skateboards or scooters; or
  - d) the use of bicycles, tricycles, unicycles or similar non-motorised devices on any access way set aside for the purposes of cycling; or
  - e) the use of mobility devices.

## 9 Encroachment on public places from adjoining land

**Explanatory note:** Any property owner seeking to occupy or use public land (such as road reserve) for exclusive private purposes will need to obtain an encroachment licence from Council. Activities in public places which are likely to require an encroachment licence include buildings and structures, gates and fences, retaining walls, tree or shrub planting, or landscaping. More information can be found on Council's website.

- 9.1 A person who owns or occupies land adjoining a public place may encroach on the adjoining public place if that person has:
- a) obtained an encroachment licence, airspace lease, or subsoil lease, as the case may be, from the Council; and

- b) paid any applicable fees, rentals or any other charges associated with the encroachment licence, airspace lease, or subsoil lease.

9.2 A person wishing to obtain an encroachment licence, airspace lease, or subsoil lease must:

- a) apply to the Council in writing using the applicable forms; and
- b) provide any information requested by the Council.

9.3 Every encroachment licence, airspace lease or subsoil lease granted by the Council:

- a) is subject to such terms and conditions as the Council thinks fit; and
- b) may be reviewed by the Council at any time.
- c) an encroachment licence must not be transferred, sub-licensed or assigned and expires if the holder of the encroachment licence sells or discontinues the occupation of the land adjoining the public place.
- d) the new owner or occupier of that land must apply for and be granted an encroachment licence or remove the encroachment.

**Explanatory note:** Prospective buyers, owners, or occupiers of any property adjoining a public place are encouraged to discuss encroachment licencing with Council prior to purchase.

9.4 Every airspace lease or subsoil lease is subject to such terms and conditions as the Council thinks fit.

9.5 This clause is subject to clause 11.

## **10 Other encroachment on public places (licence to occupy)**

10.1 A person who is not an adjoining landowner or occupier must not occupy a public place for any purpose unless that person has:

- a) obtained a licence to occupy from the Council; and
- b) paid any applicable fees, rentals or any other charges associated with the licence to occupy.

10.2 A person wishing to obtain a licence to occupy must:

- a) apply to the Council in writing using the applicable forms; and
- b) provide any information so requested by the Council.

10.3 Every licence to occupy granted by the Council:

- a) Is subject to such terms and conditions as the Council thinks fit; and
- b) May be reviewed by the Council at any time.

10.4 This clause is subject to clause 11.

## **11 Exclusions from requirement to have encroachment licence or licence to occupy**

11.1 Nothing in clause 9 or clause 10 applies to:

- a) any valid easement agreement; or
- b) a veranda that is required by the District Plan and that is specifically designed and used to provide cover for pedestrians; or
- c) stock underpasses; or
- d) any activity for which the council has statutory authority in respect of the public land, its airspace or subsoil; or
- e) the provision of utility services; or
- f) maintaining unformed areas of legal road, e.g. mowing of grassed road reserve areas between the property boundary and the pavement; or
- g) signs in public places (in the case of a licence to occupy); or
- h) signs projecting over legal road air space that have their point of attachment on private land that meet the minimum clearances specified in the District Plan; or
- i) if the encroachment or occupation is otherwise authorised by this bylaw or another law.

***Explanatory note:*** Clause 26 in Part 3 of this bylaw addresses safety hazards from signs.

## **12 General safety hazards in public places – responsibilities of adjoining owners and occupiers**

12.1 Every person must ensure that any door or gate adjoining any public place is closed securely for the purposes of public safety.

12.2 Every owner or occupier of land that is adjoining a public place must ensure that vegetation or trees growing on that land do not cause a safety hazard or obstruct passage to and from the public place.

- 12.3 If any tree or vegetation is, in the opinion of an authorised officer, hazardous or is obstructing public passage, the authorised officer may by written notice to the owner or occupier require the owner or occupier to cut back the tree or vegetation within one month.
- 12.4 It is the responsibility of that owner or occupier to carry out the works required by that notice under clause [12.3](#) and meet the costs of carrying out those works. If the owner or occupier fails to comply with the request, the Council may carry out such works and recover the cost of doing so from the owner or occupier.
- 12.5 Clauses [12.2](#) to [12.4](#) do not apply to any public place that is a road.

**Explanatory note:** [Section 355](#) of the [Local Government Act 1974](#) details the requirements for owners of land adjoining roads and gives Council powers to enforce these requirements, such as requiring removal of overhanging trees.

- 12.6 If any rail, gate, fence, or cover opening into or upon or near any public place, or adjoining a public place is so out of repair as to be, in the opinion of an authorised officer, dangerous to persons passing, the authorised officer may by written notice to the owner or occupier, require, within a certain time frame, the owner or occupier to:
- a) repair or remove the rail, gate, fence or cover; or
  - b) remove the rail, gate, fence or cover and erect in its place a sufficient fence as defined in the [Fencing Act 1978](#) or such other type of fence as may be approved by the Council.
- 12.7 It is the responsibility of the owner or occupier to carry out and meet the costs of the works required by a notice under clause [12.6](#). If the owner or occupier fails to comply with the request, the Council may carry out such works and recover the cost of doing so from the owner or occupier as the case may be.
- 12.8 An owner or occupier of land adjoining a public place, must not:
- a) intentionally dispose of stormwater, grey water or sewage except in designated disposal points (such as those provided at campgrounds on reserves); or
  - b) cause or permit the drippings from any eaves or other projections from any building or structure on that land to fall upon any public place.

### 13 Flying machines (including drones)

**Explanatory note:** Regulations for drone use and drone pilots are set out in the Civil Aviation Authority Part 101 Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets Operating Rules. For more information see: <https://aviation.govt.nz/drones/regulations/part-101-rules-for-drones/>

- 13.1 A person must not, without the prior approval of an authorised officer, make use of any part of any public place for the purpose of the landing or flying of any kind of flying machine, except in case of emergency.

- 13.2 If a reserve management plan permits a reserve to be used for any purpose by a flying machine, a person is not required to obtain prior approval under clause [13.1](#).
- 13.3 Where a flying machine is permitted in a public place a person must not use the flying machine in a manner that is likely to cause a nuisance or a safety hazard to other users of the public place.

## **14 Boats**

- 14.1 A person must not operate any boat in any lake, stream or river within any reserve in a manner that:
- a) endangers the safety of the boat, any other boat, or any occupant of any boat; or
  - b) causes annoyance, discomfort or danger to any other user of a lake, stream or river.

## **15 Dangerous behaviour**

- 15.1 A person must not, without the prior approval of an authorised officer:
- a) Within any public place:
    - i) take, use or carry any firearm, axe or similar weapon or other instrument of a dangerous character, or any airgun or bow and arrow, or trap; or
    - ii) let off any fireworks; in a manner that is likely to cause a nuisance or safety hazard with the intent of causing harm or injury to any person or to damage any material or thing; or
    - iii) blast any rock, stone, earth, timber or other material.
  - b) Open any drain or sewer on any public place or disturb or remove the surface of any public place, or make any opening from the public place.
- 15.2 A person must not:
- a) cause or permit the burning of any material or thing on any public place, other than:
    - i) in areas set aside by the Council for that purpose such as properly constructed barbeques or fireplaces; or
    - ii) on a private gas barbeque; or
  - b) set fire to any vegetation in any public place; or



- c) fail to ensure the fire in an area set aside by the Council for that purpose is totally extinguished before that person leaves the public place.

**Explanatory note:** Fires on private land are covered by the [Fire and Smoke Nuisance Bylaw 2020](#).

- 15.3 A person must not transport any refuse or offensive matter over any public place unless the receptacle or vehicle being used is covered or secured to prevent the escape or falling of any of the contents onto any public place.

## **16 Electric fence, barbed wire and razor wire**

- 16.1 A person must not, except as otherwise permitted in this clause or with prior approval from an authorised officer, erect, renew or repair or permit to be erected, renewed or repaired any electric fence or barbed wire:

- a) over any public place; or
- b) within an urban area:
  - i) along; or
  - ii) within one metre of; or
  - iii) at a height of not less than 2.4 metres from the ground level along;
 any boundary line between any land or building on the one side and any public place on the other side.

- 16.2 A person must not, in any place in the district, erect, renew or repair or permit to be erected, renewed or repaired any razor wire which:

- a) is in any public place; or
- b) is within one metre of any boundary-line; or
- c) is at a height of not less than 2.4 metres from ground level; or
- d) could present a hazard or danger to the public.

- 16.3 Clause [16.1](#) does not apply if:

- a) the person has an approved licence to graze the public land; and
- b) only electric fencing with appropriate signage is used; and
- c) the electric fencing is on outriggers for the purposes of controlling livestock within the boundary line of the public land between any land or building on the one side and any public place grazed under the approved licence on the other side.

- 16.4 Clause 16 does not apply to any premises owned or controlled by the Department of Corrections.

**Damage****17 Disturbance or damage to public places**

17.1 A person must not, without the prior approval of an authorised officer:

- a) Cause or permit to be done any act (by person or animal under the control or command of that person) that damages any habitat in a public place.
- b) Intentionally remove or deposit any rock, shingle, sand, earth, timber or any other similar material in a public place.

**Explanatory note:** It is an offence under [section 232](#) of the [Local Government Act 2002](#) to damage local authority works or property.

**Nuisances and behaviour****18 Events and other organised gatherings in public places**

18.1 A person must not, on any public place, without the prior approval of the Council, make any public address or organise or conduct any event or attempt to do so, if the event:

- a) may interfere with traffic or pedestrian thoroughfare in the public place; or
- b) may cause a nuisance.

**Explanatory note:** For more information on the application process and requirements please see Council's website.

**19 Noise in public places**

19.1 A person must not on any public place, without the prior approval of an authorised officer:

- a) for any other purpose, cause or permit noise from loud speaker, amplifier, or any similar device; or
- b) use or permit the use of a vehicle for the purpose of emitting noise from a loud speaker or an amplifier, or any similar device.

19.2 Clause [19.1](#) does not apply to:

- a) The reasonable use of sound amplifying equipment by a candidate or by a person authorised by a candidate, for the purpose of campaigning for a general or local election or by-election held under the [Electoral Act 1993](#), or the [Local Electoral Act 2001](#), during the period of one month before the date of the election or by-election.
- b) The sounding of any siren, bell, alarm or other warning device on any fire appliance or ambulance or any vehicles conveying any police officer, fire officer or ambulance officer in the execution of their duties or any medical practitioner in case of emergency.

## 20 Offensive material, playing games and other nuisances

### 20.1 A person must not in any public place:

- a) expose to view or distribute for offer or sale any sign, banner, placard, handbill, print or other matter of any offensive or indecent character; or
- b) act in any manner, including the playing of games, so as to cause damage, danger, or obstruction to any person or property; or
- c) play or practice golf except in an area that the Council has set aside by resolution for such purposes; or
- d) bathe or wade in any water in a public place in contravention of official Council signage (if any); or
- e) cause or permit any tap water in a public place to be wasted or to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking or washing purposes.

**Explanatory note:** Other offences relating to public places are set out in national legislation, e.g. under [section 229](#) of the [Local Government Act 2002](#) it is an offence to obstruct enforcement officers or agents of Council; and under [section 4](#) of the Summary Offences Act 1981 it is an offence to behave in an offence or disorderly manner, or use indecent or obscene words, in or within view of any public place.

## 21 Refuse and private property in public places

**Explanatory note:** It is an offence under [section 15](#) of the Litter Act 1979 to deposit litter in a public place. Litter includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

- 21.1 A person must not place or deposit any household refuse, commercial refuse, or trade refuse of any description, in a litter receptacle.
- 21.2 A person must not place or deposit refuse in a litter receptacle that exceeds 2 cubic litres in volume.
- 21.3 A person must not place or deposit private property on a footpath, walkway or transport corridor for a period exceeding 24 hours.

**Explanatory note:**  
 Household waste: The Council's Solid Waste Management and Minimisation Bylaw 2019 ([last reviewed 17 September 2024](#)) requires any person putting out household waste and recyclables for collection to take reasonable steps to prevent an approved container or proprietary bin disrupting or obstructing pedestrian and vehicular traffic, and to preserve access to a premises.  
 Skip bins: All skip bins and other temporary obstructions need to be placed on your property wherever possible. If the obstruction is placed outside your property boundary on public land you may need a permit to allow for public access and safety. For more information see Council's website: <https://www.npdc.govt.nz/services/transportation/using-the-road/permits-for-skip-bins-and-other-temporary-obstructions/>

## 22 Behaviour in public toilets and changing rooms

- 22.1 A person must only use a Council owned or managed changing room or toilet for the purposes for which they are provided.

***Explanatory note:***

*Council expects the following behaviour from people using public toilets and changing rooms:*

- Only use changing rooms or toilets for the purposes of dressing, showering or using the toilets
- Do not use any still camera, video camera or mobile phone capable of taking pictures or video recordings in any changing rooms or toilets
- If over the age of eight years old, do not enter or use any place, changing room or toilet which has been set aside by the Council for the use by persons of a different gender.

## Animals

***Explanatory note:*** The following clauses should be read in conjunction with the other Council bylaws that provide controls in relation to animals.

*Dogs are not included in the definition of 'animal' for the purposes of this bylaw. Dogs are regulated by Council's [Dog Control Bylaw 2022](#) and the [Dog Control Act 1996](#).*

## 23 Animals in public places

- 23.1 A person must not:

- a) tether or otherwise put, or place, any animal for the purpose of vegetation control or grazing on any public place, except with the prior approval of an authorised officer (which may include a grazing licence);
- b) break in, train, show, clean, shoe, dress, or expose for hire or sale any animal on any public place, except where a lease permitting those activities has been issued by the Council, or as provided under the [New Plymouth Recreation and Racecourse Reserve Act 1999](#); or
- c) in an urban area, cause or permit any animal, except for any cat, to be led, ridden, or driven upon, across, or along any footpath, berm or flower bed laid out on any public place except in an area approved by the Council by resolution for that purpose, and which has been designated by official Council signage (if any).

***Explanatory note: Approvals for grazing under section 23.1(a) of the bylaw***

*Conditions of grazing permitted in a public place are set out in the relevant licence. General conditions could include the following:*

- In the case of animals being grazed on the roadside or berms, grazing may only be carried out directly adjacent to the property owned by or under the control of such person or adjacent to the property of another person where prior permission has been granted by that other person.
- All reasonable precautions are taken to ensure the safety of any persons or traffic using any road or public place. Animals should be secured behind an effective fence constructed to ensure that animals cannot wander or cause a public safety hazard in the opinion of an authorised officer.
- Any person permitted to graze animals in a public place under clause 23.1(a) of this bylaw accepts full responsibility and liability for the animals.

- 23.2 Any person permitted to lead, drive or ride any animal within any public place must not do so in a manner that:
- a) causes damage to the surface or to any part of a public place; or
  - b) permits any injury or obstruction to the public.
- 23.3 A person must not ride or lead a horse on the New Plymouth Coastal Walkway, except when using an approved crossing to a formed access to the beach.
- 23.4 A person, being the owner or having the care, custody or control of any animal, must:
- a) Not allow the animal to wander or be at large without proper guidance and control on any public place.
  - b) Not ride or swim any such animal on or from any part of any beach such that in the opinion of an authorised officer, a nuisance, danger or inconvenience is or may be created for other users of the beach.
  - c) Immediately remove defecations on any public place from any animal (except a horse).
  - d) Remove defecations from a horse on any public place within a reasonable time, being no longer than 2 hours after the defecation has taken place.
  - e) Immediately remove defecations from a horse in any public place if it is around or near the vehicle it was transported in.
  - f) Clauses [c\)](#) and [d\)](#) do not apply to defecations deposited at a composting site in a public place that has been approved by an authorised officer.

## 24 Horses on beaches

- 24.1 The Council may by resolution specify any beach or part of a beach, and the days and times during which horses are prohibited on beaches in the district.
- 24.2 The Council may by resolution subsequently amend or revoke any resolution made under clause [24.1](#).
- 24.3 A person must not permit a horse to be on any part of a beach prohibited under clause [24.1](#), unless:
- a) the person complies with the times and dates specified in the resolution; or
  - b) the person has obtained the prior approval of an authorised officer; or
  - c) the person is leading the horse through the beach for the sole purpose of gaining access to another beach or part of a beach where horses are permitted.

***Explanatory note:** Appendix 1 provides details on the current Council resolutions for beach areas where horses are restricted.*

## PART 3: SIGNS IN PUBLIC PLACES

### 25 Application of this part

25.1 This part of the bylaw applies to signs visible from, or that are placed on, any public place.

25.2 All signs must comply with this part of the bylaw, but if an authorised officer is satisfied that compliance with any requirements of this part of the bylaw would be unreasonable or impracticable, having regard to the circumstances of the case, the authorised officer may grant approval for a sign, in whole or in part, with such modifications or conditions as are appropriate in the circumstances.

### 26 Safety hazards

26.1 Signs must not be placed or be allowed to remain in a public place if, in the opinion of an authorised officer, the sign would:

- a) Obstruct, or be likely to obstruct, the view of any vehicle or pedestrian approaching before a corner, bend, intersection, vehicle crossing, traffic sign or traffic signal.
- b) Distract, or be likely to distract, the attention of road users.
- c) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective materials that may interfere with a road user's vision.
- d) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely.
- e) Constitute or be likely to constitute in any way a danger to road users.

26.2 An authorised officer may remove or alter any sign, together with its supporting device, that presents an immediate hazard or danger to the public.

26.3 Signs that are authorised by a resource consent are not subject to clause 26.

**Explanatory note:** The Traffic Control Devices Rule prohibits the placement of signs that may be confused with any traffic sign or signal.  
Offensive material on signs is regulated through clause 20 of Part 2 of this bylaw, as well as by the [Advertising Standards Authority](#).

### 27 Construction and maintenance of signs

27.1 Every sign on a public place must:

- a) be constructed in a professional manner; and

- b) at all times:
  - i) be maintained in good repair; and
  - ii) be clearly legible; and
  - iii) be in a safe condition.

**Explanatory note:** Additional provisions relating to signs are included in the District Plan and legislation including the [Building Act 2004](#).

## **28 Electoral hoardings**

- 28.1 A person must not construct, maintain or display or cause an electoral hoarding to be displayed on, over or above a public place.

## **29 Temporary signs**

- 29.1 A person must not on, over or above any public place, without prior approval from an authorised officer cause or permit the display, fixing, erection, construction or alteration of:
- a) any temporary sign advertising land or premises for sale, auction or lease after the date upon which the purchaser or lessee takes possession of that land or premises, or the date of settlement, whichever is the earlier; or
  - b) any temporary sign (other than a sign described in paragraph a) for more than seven days following completion of the event to which the sign relates.

## **30 Banners**

- 30.1 If a sign over or above a public place is a banner, the banner must comply with the conditions set out in Schedule 1 of this part of the bylaw.

## **31 Signs on parks and reserves**

- 31.1 A person must not erect, display or construct any sign on a park or reserve without the prior approval of an authorised officer.
- 31.2 An approval under this clause will be subject to:
- a) any applicable reserve management plan; and
  - b) any applicable council policy dealing with signs located on Council parks and reserves.

**PART 4: COMMERCIAL ACTIVITIES IN PUBLIC PLACES****32 Exclusions**

32.1 Part 4 of this bylaw does not apply to:

- a) Any service delivery vehicles.
- b) The display of goods as permitted in clause 6.1 of this bylaw.
- c) Encroachments subject to a valid encroachment licence, airspace lease or subsoil lease as granted under clause 9 of this bylaw, or a licence to occupy granted under clause 10 of this bylaw.

*Licences to trade***33 Licence required for trading in public places from stands, mobile shops or stalls**

33.1 Council may control trading in public places in one or more of the following ways:

- a) Approving, issuing, amending and revoking licences to trade in a public place.
- b) Granting exemptions to requirements or conditions to licences to trade in a public place at specified times, dates or locations.
- c) Prescribing requirements or conditions to licences to trade in a public place; which may include (without limitation) any of those terms and conditions set out in Schedule 2 of this bylaw.

33.2 No person may trade in a public place in a manner which causes or could cause a public safety risk, nuisance, damage, obstruction, disturbance, or interference.

33.3 The owner of a mobile or travelling shop, or the operator of any stand or stall, or any other person, must not sell or hire any goods in any public place unless that person has:

- a) obtained a licence to trade in a public place from an authorised officer; and
- b) paid the relevant fee prescribed by the Council.

33.4 Every application for a licence to trade in a public place must be made at least 21 days before the applicant intends to begin trading.

**Explanatory note:** It is the responsibility of the applicant to ensure that all appliances used in connection with the sale or hire of goods comply with any other relevant licensing and safety regulations, and any other requirements that may be needed under other legislation are obtained. For example, licencing relating to food safety or the sale of food. Information can be found on Council's website: <https://www.npdc.govt.nz/services/licenses-and-regulations/food/>

Traders should be aware of the conditions and restrictions that may exist in Reserve Management Plans. Information can be found on Council's website: <https://www.npdc.govt.nz/council/strategies-plans-and-policies/plans/parks-and-reserves-management-plans/>

Nothing in this clause applies to any mobile or travelling shop that has a current approval to occupy a public place under any other enactment, encroachment licence or licence to occupy, or resource consent.



**34 Display of licence**

- 34.1 Any person holding a licence under clause [33.1](#) must, when engaged in the sale of goods in a public place, carry the licence and show the licence to an authorised officer on demand.

**35 Licence not transferable**

- 35.1 A licence granted under clause [33.1](#) is not transferable to any other person.

**36 When licence may be suspended or cancelled**

- 36.1 The Council may suspend or cancel a licence to trade in a public place in the following circumstances:
- a) Without notice if urgent action is required to protect the public from unhygienic, unsafe or hazardous conditions, or urgent works are required in the public place where the licence applies.
  - b) On the giving of 48 hours notice to the person or operator of the market who holds the licence if the activity will interfere with intended road works, a special event or with the public's normal right of passage.
  - c) There are repeated breaches of the terms or conditions of the licence.
  - d) The permission to occupy the public place has been revoked or the agreement term for the occupation of the public place has ended.

***Busking and solicitation*****37 Busking in public places**

- 37.1 Buskers are permitted in all public places except in or adjacent to swimming pools, museums, libraries, public art galleries, public theatres, and stadia unless prior approval is obtained from an authorised officer.
- 37.2 If an authorised officer considers the busker is causing a nuisance, annoyance, obstruction or other inconvenience to the public whether as a result of a complaint or otherwise, they may require the busker to cease busking.

- 37.3 If a person has been required to cease busking under clause [37.2](#), they may not recommence busking in any public place unless prior approval is obtained from an authorised officer.

***Explanatory note: Guidance for successful busking***

*To avoid causing a nuisance, annoyance, obstruction or other inconvenience, buskers can take the following steps:*

- *Avoid using offensive language or actions.*
- *Keep noise levels low.*
- *When looking for a site to busk, make contact with the neighbouring shopkeepers.*
- *Don't obstruct pedestrians.*
- *Avoid standing in any one place for a long period of time.*
- *Don't solicit or canvass for donations.*

*Noise in public places is also addressed in clause 19 of this bylaw.*

*More information is available on Council's website: <https://www.npdc.govt.nz/services/licenses-and-regulations/busking/>*

### **38 Other commercial activities in public places**

- 38.1 A person must not, without the prior approval of an authorised officer, accost or impose upon any person for the purposes of:
- a) soliciting subscriptions, collections or donations; or
  - b) carrying out any fundraising; or
  - c) promoting or furthering any product or project.

## **PART 5: GENERAL PROVISIONS AND ENFORCEMENT**

### **39 Approvals under this bylaw**

- 39.1 This clause applies to an approval by an authorised officer under this bylaw.
- 39.2 To avoid doubt, this clause does not apply to the Council approval of a licence to occupy, encroachment licence, airspace lease, or subsoil lease under Part 2 of this bylaw, or a licence to trade under Part 4 of the bylaw.
- 39.3 The Council may prescribe application forms and set fees for an approval under this bylaw.
- 39.4 If an application for approval must be in writing, it must contain all information necessary for the authorised officer to consider issuing the approval.
- 39.5 The authorised officer may require the applicant to provide further information, such as (without limitation) a Traffic Management Plan or site location plan.

- 39.6 If an application for approval is granted it may be subject to such reasonable terms and conditions as the authorised officer thinks fit. Terms and conditions may include, without limitation, such matters as:
- a) The duration of the approval.
  - b) The public place or places to which the approval applies.
  - c) Any ongoing fees and charges that must be paid.
  - d) The type of activity, event, or obstruction covered by the approval.
  - e) Details of arrangements to manage the effects of the activity, event, or obstruction.
  - f) If the approval must be displayed.
- 39.7 An approval may be revoked by an authorised officer after reasonable notice (applicable to the circumstances) is given to the holder of the approval, for any reason, including:
- a) If the holder of the approval has breached any conditions of the approval.
  - b) The circumstances of the public place have change so the approved activity approved is no longer appropriate.
- 39.8 If an application is refused the authorised officer will provide reasons to the applicant.
- 39.9 If the Council is satisfied that compliance with any requirements in this bylaw would be unreasonable or impracticable, having regard to the circumstances of the case, the authorised officer may grant an approval, in whole or in part, with such modifications or conditions as are appropriate in the circumstances.

#### **40 Fees**

- 40.1 Council may in accordance with [section 150](#) of the Local Government Act 2002 prescribe fees or charges for any written permission, certificate, licence, approval, permit, consent form, or inspection made by Council under this bylaw as set out in Council's Schedule of Fees and Charges.
- 40.2 Where a fee has been paid for a service which has not been provided, the Council may provide a refund, a remission, or waiver of such fee, or portion of it as the Council may determine.

#### **41 Removal or alteration of things in breach of this bylaw**

- 41.1 The Council may under [section 163](#) of the Local Government Act 2002:
- a) remove or alter any work or thing that is, or has been, constructed in breach of this bylaw; and

- b) recover the costs of removal, repair or alternation from the person who committed the breach.

## **42 Breaches of this bylaw**

- 42.1 Every person who fails, refuses or neglects to do anything required to be done under this bylaw, or does anything prohibited by this Bylaw, commits an offence.

## **43 Offences and penalties**

- 43.1 Every person who commits an offence under this bylaw is liable to a penalty under [section 242](#) of the Local Government Act 2002.
- 43.2 Every person who commits an offence under this bylaw that is an offence under the [Land Transport Act 1998](#) is liable to penalty under that Act.

### ***Explanatory note:***

*The Council may use any applicable powers under the [Local Government Act 2002](#), or the [Land Transport Act 1998](#) to enforce a breach of this bylaw.*

*Enforcement powers under the [Local Government Act 2002](#) included court injunction ([section 162](#)), seizure and disposal of property ([sections 164, 165, 168](#)), powers of entry ([sections 171, 172, 173](#)), cost recovery for damage ([sections 175, 176](#)), and power to request name and address ([section 178](#)).*

*Enforcement powers under the [Land Transport Act 1998](#) include issuing infringement notices.*

*Although this Bylaw is not made under the [Health Act 1956](#), the Council is also able to use enforcement powers under that Act in relation to any nuisance, including court orders ([section 33](#)), cost recovery for council to abate nuisance ([section 34](#)), powers of entry ([section 128](#)), and power to request name and address ([section 134](#)).*

## **44 Revocation and savings**

- 44.1 Parts 5, 7 and 12 of the New Plymouth District Council Bylaw 2008 including all amendments are revoked.
- 44.2 The revocation of bylaws under clause [44.1](#) does not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and any such proceedings will continue to be dealt with and completed as if those bylaws had not been revoked.
- 44.3 Any resolution, approval, permit or other decisions made under the bylaws revoked under clause [44.1](#) remain in force until such resolution, approval, permit or other decision is repealed or revoked, has expired or is replaced.

## **45 Transitional provisions**

- 45.1 Any person to which clause 9 (encroachment on public places from adjoining land) or clause 10 (other encroachment on public places) applies, where the encroachment is unlicensed or otherwise unapproved, is required to obtain an appropriate licence for

the encroachment within six months of the date this bylaw comes into force, or Council may require that person to remove the encroachment.

- 45.2 If any amendment to the bylaw affects the compliance of a sign under any former bylaw made by Council, the sign must comply fully with any new requirements within 12 months of the date the bylaw comes into force.

## **SCHEDULE 1: Banners**

*As per clause [30.1](#) of this bylaw, banners must comply with the following conditions:*

- A. No part of a banner may be less than 5.5 metres above road height (or above the carriageway at any point), where applicable.
- B. Lettering and symbols used must be at least 300 millimetres in height.
- C. No reflective material may be used on a banner.
- D. The banner must not display more than six words or symbols.
- E. The banner must be fixed securely.
- F. The owner of a banner is responsible for any damage caused by that banner.
- G. The banner must not remain in place for more than two weeks in any year.
- H. The banner's anchor points must be constructed to withstand wind gusts and the banner should not tear or flap in the wind (air holes may be necessary).
- I. The banner must not impair the effective operation of any traffic signs signals, street lights or other control devices.
- J. The banner must not be erected on roads that form part of designated routes for over-dimensional loads.

## **SCHEDULE 2: Terms and conditions of licences to trade**

*As per clause [33.1](#) of the bylaw, terms and conditions of licences to trade may relate to the following matters:*

- A. Duration of the licence.
- B. Location (including limits on the operation in a fixed location in the case of mobile and travelling shops).
- C. Types of goods for sale.
- D. Area available for sale.
- E. Hours of trade.
- F. Persons entitled to sell.
- G. Safety and hygiene requirements including location of toilet facilities.
- H. Use of signage.
- I. Restrictions on the use of musical chimes or other audible devices for attracting customers.
- J. Removal of rubbish from the site.
- K. Name and address to be conspicuously displayed on stall, stand or vehicle.

**APPENDIX 1: Beach areas where horses are restricted**

*This appendix is for information purposes only. This appendix is not part of the New Plymouth District Council Bylaw 2008.*

As resolved on 4 July 2013 under clause 27.1 of the New Plymouth District Council Public Places Bylaw 2008 (amended 2013), horses are not permitted on the following beaches, at the times specified below:

- A. Ngāmotu Beach (includes the reserve, beach and playground area) at all times.
- B. East End Beach to Fitzroy Beach (including the foreshore and beach area located between the Te Henui River mouth to the west and the Waiwakaiho River mouth to the east) from 9.00am to 6.00pm daily during the period daylight saving for New Zealand is in force.
- C. Ōākura Beach (including the foreshore and beach area located between the Ahu Ahu Road West of the Ōākura Motor Camp to the west, and the Ōākura River mouth to the east) from 9.00am to 6.00pm daily during the period daylight saving for New Zealand is in force.

*Note: The restrictions relating horses on beaches are the same restrictions that were formerly contained with the Public Places Bylaw 2008, with the exception of Ōākura, where the area has been extended west from the Ōākura Beach camp up to include the area up to Ahu Ahu Road.*



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## TARATA ROAD ENDOWMENT FUND

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### MATTER / TE WHĀINGA

1. The matter for consideration by the Council is utilising \$3M from the Tarata Road Endowment Fund to match \$3.2M of funding from NZTA Waka Kotahi (NZTA) for resilience projects on Tarata Road.

### RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

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

- a) **Approves releasing \$3M from the Tarata Road Endowment Fund (currently standing at \$8.3M) to match \$3.2M of subsidised funding from NZTA, for the purpose of improving resilience on Tarata Road to spent over the next two financial years (2025/26 and 2026/27).**
- b) **Notes that the remaining \$5.3M from the Tarata Road Endowment Fund will be reinvested to achieve higher rates of return over a fixed period of time.**
- c) **Notes that there is \$4M budgeted in the Long Term Plan (LTP) spread equally over the next two financial years (2025/26 and 2026/27) for pavement rehabilitation on Tarata Road.**

### STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the Officers recommendation with the addition of the following;

*d) Acknowledge John Hope for his contribution to the community.*

### INGLEWOOD COMMUNITY BOARD RECOMMENDATION

3. The Inglewood Community Board endorsed the Strategy and Operations Committee recommendation with the addition of the following;

*e) Request that Council consider a delegation to Community Boards for decisions relating to endowment funds for the next triennium.*

### TE HUINGA TAUMATUA RECOMMENDATION

4. Te Huinga Taumatua endorsed the Strategy and Operations Committee recommendation.

<b>COMPLIANCE / TŪTOHU</b>	
Significance	This matter is assessed as being of some importance for those who live or own property on Tarata Road, along with regular users of the road, including those who transport logs to Taranaki Port.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Approve the release of \$3M from the Tarata Road Endowment Fund for resilience improvements on Tarata Road.</li> <li>2. Do not approve the release of \$3M from the Tarata Road Endowment fund for resilience improvements on Tarata Road.</li> </ol>
Affected persons	The persons who are affected by or interested in this matter are residents and landowners on Tarata Road; businesses involved in the supply and transportation of logs for export and use Tarata Road as their main route to Taranaki Port.
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 / WHAKARĀPOPOTOTANGA MATUA**

5. Officers recommend that Council approve the release of \$3M from the Tarata Road Endowment Fund to improve resilience of Tarata Road and make it fit for use.
6. Taking this approach will optimise subsidised funding of \$3.2M from NZTA and extend the lifecycle of Tarata Road, reducing operating expenditure requirements over the next 25 years across sections of the road which are least resilient.
7. In a recent survey with residents, landowners and users of Tarata Road there was support for utilising the Tarata Road Endowment Fund for this purpose.
8. Next steps are to plan, design, procure and implement the resilience improvements, so that funding can be fully utilised by June 2027 (in accordance with NZTA funding requirements).

9. Total investment in Tarata Road from combined funding sources will total \$10.2M over the next two years.
10. Officers are working with the Tarata Road community to determine options for how best to utilise the remaining Endowment Fund to optimise future investment.

## **BACKGROUND / WHAKAPAPA**

11. Tarata Road is a 36km long rural road stretching from the eastern boundary of the Inglewood Township to the New Plymouth/Stratford District boundary at Purangi. All but the last 2km are sealed.
12. During the Long-Term Plan 2024-34 (LTP) consultation, it was proposed that 6kms, across the Purangi Saddle, of Tarata Road was returned to gravel.
13. The road is subjected to high levels of heavy traffic from forestry operations from both the New Plymouth and Stratford Districts.
14. The Purangi Saddle lacks resilience and needs extensive maintenance work annually to retain the required level of service.
15. It was estimated that to make necessary improvements to Tarata Road, it would require an investment of \$30M which was considered unaffordable.
16. The Tarata Road community did not agree with this recommendation and presented at the LTP hearings in May 2024.
17. Through the LTP decision, it was agreed that for the 2024/25 financial year, existing levels of service for Tarata Road would remain in place, and that further work would occur to consider a solution for ongoing operations and maintenance on Tarata Road.
18. In the LTP there is \$2M budgeted for pavement rehabilitation in each of the 2025/26 and 2026/27 financial years.
19. A sub-committee of Tarata Road community members and Ngāti Maru was established in August 2024. The purpose of the committee was to develop recommendations for Council decisions.

### *Tarata (Junction) Road Endowment Fund*

20. The Taranaki County Reserves Act 1966 (the Act) vested 544 hectares of farmland around Junction Road in the former Taranaki County Council (now the New Plymouth District Council (NPDC)) as freehold land as an endowment for County purposes. Section 4 of the Act outlines the application of revenue from the endowment – this section is shown in appendix one.

21. In 2010, NPDC approved the sale of 25 Junction Road Leasehold Endowment properties owned by NPDC. This generated \$7.68M when sold and the proceeds put into an endowment fund. There is currently approximately \$8.3M in the endowment fund, which is held on a term deposit.
22. Since 2010, the annual interest has been invested in Low-Cost, Low-Risk improvement projects. None of the principle has been touched.
23. A community survey undertaken in 2024 indicated that the community was interested in spending some of the principle as a way of making longer term improvements to the resilience of the road.
24. A Tarata Road Subcommittee has been developed by the community as part of the endowment fund oversight which represents community sentiment and agrees on recommendations to go to Council for endorsement.

#### *Resilience Funding from NZTA Waka Kotahi*

25. NPDC has successfully applied for subsidised funding (51 per cent funding assistance rate) from the NZTA Waka Kotahi Resilience package, recently released for Expressions of Interest.
26. In total, NPDC received over \$6M, of which \$5.1M is specifically for resilience on Tarata Road. The remainder is to be spent on Surrey Hill Road (now complete) and Kaka Road.
27. NZTA has stipulated that their funding should be matched at 49%. Funding is for the 2025/26 and 2026/27 financial years.
28. The Tarata Road Subcommittee recommends that Council approve releasing \$3M from the Tarata Road Endowment Fund, so the important resilience improvements can proceed at pace.

#### **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

29. Tarata Road is forecast to become more susceptible to severe weather because of climate change. Ministry for the Environment projections (using RCP7.0) show that while there could be an overall decrease in rainfall in the Tarata area across the year, heavy rainfall in the Tarata area could be nearly 10 per cent heavier by the end of the century. This could increase the likelihood of flooding, slipping and general deterioration of this road during severe weather events. The annual number of hot days (above 25°C) is also forecast to increase by 59 days per annum which could also place additional stress onto road surfaces. Improving resilience along Tarata Road now should assist in reducing potential disruption in a changed climate.

30. The expenditure will have associated greenhouse gas emissions in the construction. This is estimated at 3230 tonnes of CO<sub>2</sub>-equivalents. However, the reduced operating expenditure in maintenance over the next 20-30 years will reduce greenhouse gas emissions from maintenance activities although this is difficult to quantify.

### **NEXT STEPS / HĪKOI I MURI MAI**

31. The Tarata Road subcommittee are meeting regularly to coordinate planning, designs and procurement of the improvement works. The aim is to have a project plan in place by mid-May and for works to commence in September 2025.

### **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

32. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of moderate importance.
33. The proposal does not impact on Council's statutory purpose and Tarata Road is a strategic asset for the district as it is a key route for the forestry industry to transport their goods to Port Taranaki. The value of goods transported along Tarata Road annually provides approximately \$42M in GDP to the New Plymouth District.
34. The matter improves the level of service for Tarata Road and aligns with Council's strategic vision and the Tarata Road community are positively impacted by the proposal as are the forestry companies that use the road.
35. Ngāti Maru Iwi has a marae on Tarata Road. They have been represented at subcommittee and community meetings. Their perspective is aligned with the recommendation.
36. As the funding would jointly come from the Tarata Road Endowment Fund and NZTA, there would be no further rating impact on the wider community.
37. Targeted consultation has already taken place and there is no further requirement to consult further.

### **OPTIONS / KŌWHIRINGA**

#### **Option 1 – Approve the use of \$3M from the Tarata Road Endowment Fund**

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

38. Option 1 has no additional cost to the NPDC. The Tarata Road Endowment Fund will be reduced to approximately \$5.3M and it is recommended that this is reinvested, and considerations for the remaining funds will come to Council as appropriate.

39. Officers will work with the Tarata Road community to develop options for future investment.
40. The resilience of Tarata Road will be increased and the whole of life costs for operating expenditure should be reduced over the next 20 - 30 years.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

41. There is limited risk with Option 1, and it is expected that the programme of work will be completed, if there are no delays, by June 2027 to optimise the subsidised funding from NZTA.
42. Work is progressing to understand how the project can be delivered within time and budget with the subcommittee and delivery partners.

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

43. This project will ensure better wellbeing of the Tarata Road community, as there will be a safer and more efficient road, as the level of service will be maintained or improved. This will also contribute to prosperity of the District by ensuring the transport of goods remains available.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

44. Work will be required to undertake encroachments on land where corners will need to be straightened, or bigger culverts provided to improve the resilience of the road.
45. Work will also adhere to various legislative requirements such as the Transit New Zealand Act 1989 and Land Transport Act 1998.

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

46. Option 1 is consistent with policies and plans, including the Long-Term Plan 2024-34 and the District Plan.

*Participation by Māori / Te Urunga o Ngāi Māori*

47. Mana whenua for this rohe have been fully involved in this project since the LTP consultation. They have a representative on the subcommittee, who is fully supportive of the Option 1 proposal.

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

48. The Tarata Road community are fully supportive of the Option 1 proposal.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

49. Advantages are that the Tarata and surrounding community views have been heard, and their needs and preferences recognised at no additional cost to NPDC. Additionally, this Option continues to support the economic prosperity of the district by retaining the ability to transport forestry goods to Port Taranaki more safely and efficiently.

**Option 2 – Do not approve the use of \$3M from the Tarata Road Endowment Fund***Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi*

50. Funding for improvements would need to be sought from other means which would require a likely increase of rates for the wider district, or other activities would need to be deprioritised. This Option would result in significant additional maintenance costs and/or reduction in levels of service.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

51. The Tarata community would be very unhappy with Option 2 resulting in a reputational risk to Council. There is also a risk to the impacts of the regional prosperity and future rates required.

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

52. Option 2 will result in continued reduction in level of service for the Tarata Community and commercial users of the road which will be a less safe and efficient road.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

53. Are there no statutory implications of Option 2.

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

54. Option 2 is inconsistent with the Long-Term Plan 2024-34 which included a commitment to undertake work on Tarata Road.

*Participation by Māori / Te Urunga o Ngāi Māori*

55. Option 2 would be contrary to the views of mana whenua for this rohe who are fully supportive of the proposal.

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

56. Option 2 would be against the views of the Tarata community.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

57. There are no advantages to this Option 2.
58. Improvements to Tarata Road would not happen and Council would not be able to optimise the subsidised funding from NZTA.

**Recommended Option**

This report recommends Option 1 for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 Taranaki County Reserves Act 1966 Section 4 (ECM9487327)

**Report Details**

Prepared By:	Sarah Downs (General Manager Operational Excellence)
Team:	Operational Excellence
Approved By:	Gareth Green (Chief Executive)
Ward/Community:	Kōhanga Moa Ward/Inglewood Community
Date:	29 April 2025
File Reference:	ECM 9487558

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



## Taranaki County Reserves Act 1966

6.1

### Section 4 Application of revenue from endowment

All money received by the Corporation in respect of the land described in the Schedule shall be placed to the credit of a separate account and, after payment thereout of the costs of promoting this Act and of investigating all matters preparatory and incidental thereto, including all disbursements and legal expenses whether incurred by the Corporation or the Inglewood County Council, shall be applied annually towards the following purposes:

- a) in payment of 5% of the annual income to the Corporation to cover costs of collection and administration:
- b) in payment of any costs and expenses incurred by the Corporation in the exercise of its powers as lessor for the protection of the said endowments other than in the normal course of administration:
- c) the division of the balance into 1 253 parts and the payment to the Inglewood County Council of 591 such parts and the retention by the Corporation of 662 such parts; and the use by the Corporation and the Inglewood County Council of their respective proportions of the net income in satisfaction of their respective liability (if any) in connection with the maintenance and improvement of part of the Junction Road which may still be within the respective County boundaries:
  - i. the appropriation by the Corporation and Inglewood
  - ii. County Council of their respective surpluses in any year towards their share of any other road works in the respective counties.

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## EGMONT ROAD STOPPING APPLICATION

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### MATTER / TE WHĀINGA

1. The matter for consideration by the Council is a recommendation to stop approximately 4012m<sup>2</sup> of unformed legal road on Egmont Road to enable the construction of a new fit-for-purpose North Taranaki Visitor Centre.

### RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

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

- a) Approves pursuant to Section 116 of the Public Works Act 1981, initiating the stopping of a portion of unformed road measuring approximately 4012m<sup>2</sup> (subject to survey), situated on Egmont Road at the Taranaki Maunga North Taranaki Visitor Centre, subject to and conditional upon:
  - i) all road stopping costs being met by Te Kotahitanga o Te Atiawa
  - ii) agreement that NPDC has no operating expenditure (opex) responsibility within the land once it has been vested in Te Kāhui Tupua
  - iii) approval from Te Tōpuni Kōkōrangi
- b) Authorises the Chief Executive to conclude undertaking all statutory requirements in relation to the road stopping of the land.
- c) Notes that the mechanism to vest the land ultimately with Te Kahui Tupua is a different process from standard road stopping statutory requirements and therefore authorises the Property Manager to effect all necessary requirements following discussions with Te Tōpuni Kōkōrangi, the New Zealand Conservation Authority and any other interested parties as required by Te Ture Whakatupua mō Te Kāhui Tupua 2025.
- d) Authorises the Property Manager to effect all terms of the vesting of land noting that the project requiring this road stopping is being led by Te Kotahitanga o Te Atiawa, and costs associated with the road stopping and vesting are covered by Te Kotahitanga o Te Atiawa.

### STRATEGY AND OPERATIONS COMMITTEE RECOMENDATIONS

2. The Strategy and Operations Committee endorsed the Officers recommendation.

**INGLEWOOD COMMUNITY BOARD RECOMENDATION**

3. The Inglewood Community Board endorsed the Officers recommendation.

**TE HUINGA TAUMATUA RECOMMENDATION**

4. Te Huinga Taumatua recommended the item be laid on the table, to allow for Te Kotahitanga o Te Atiawa and Te Kahui o Taranaki Iwi to discuss the item further.

<b>COMPLIANCE / TŪTOHU</b>	
Significance	This matter is assessed as being of moderate importance
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li><b>Recommended:</b> stop a portion of Egmont Road pursuant to Section 116 of the Public Works Act 1981 measuring approximately 4012m<sup>2</sup> (subject to survey), situated on at the Taranaki Maunga North Taranaki Visitor Centre and vest the land in Te Kāhui Tupua to form part of Te Papa-Kura-o-Taranaki (National Park).</li> <li><b>Not Recommended:</b> Accommodate the redevelopment and associated encroachment on road reserve via a registered concessional lease.</li> <li><b>Not Recommended:</b> Decline to stop the road.</li> </ol>
Affected persons	The persons who are affected by or interested in this matter are the applicants Te Kotahitanga o Te Atiawa and Ngā Iwi o Taranaki as mana whenua, Department of Conservation (DOC), and members of the wider community who will benefit from the proposed new visitor centre.
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 / WHAKARĀPOPOTOTANGA MATUA**

5. The 45-year-old North Egmont Visitor Centre is to be replaced with a new fit-for-purpose facility. The decision to build a new visitor centre was made by project partners Department of Conservation (DOC), Kānoa-RDU, the Ministry of Business, Innovation and Employment's Regional Development Unit and Te Kotahitanga o Te Atiawa.
6. The existing visitor centre building needs replacing due to its age and condition. This project will involve demolition of the old visitor centre and construction of a new and improved one. The result will be a facility that will benefit the whole community and provide an even greater experience for visitors to Taranaki Maunga and the 29-kilometre Taranaki Crossing.
7. An application has been made by Te Kotahitanga o Te Atiawa to stop a portion of unformed road at Egmont Road. The total area of the road to be stopped is 4012m<sup>2</sup> more or less subject to final survey. The road stopping is necessary for the project to proceed as planned. It will ensure the new visitor centre and associated sewage treatment infrastructure are under the same land title, thereby ensuring NPDC has no on-going obligations for this land. There are no neighbouring landowners that would be affected by the road stopping because the land is entirely within Te Papa-Kura-o-Taranaki (National Park).
8. Te Kotahitanga proposes that this portion of stopped road is amalgamated with the adjoining title so it can be vested in Te Kāhui Tupua and form part of Te Papa-Kura-o-Taranaki (National Park). Te Kāhui Tupua is the legal person now recognised through the enactment of Te Ture Whakatupua mō Te Kāhui Tupua 2025 / Taranaki Maunga Collective Redress Act 2025. This Act includes various provisions for adding land to Te Papa-Kura-o-Taranaki, which will be jointly navigated by Te Kotahitanga, NPDC and DOC.
9. This project is deeply rooted in the cultural legacy and identity of Te Atiawa and represents a milestone in their journey to honour and preserve ancestral connections to their tūpuna maunga, while enhancing the visitor centre's facilities and experiences for all.

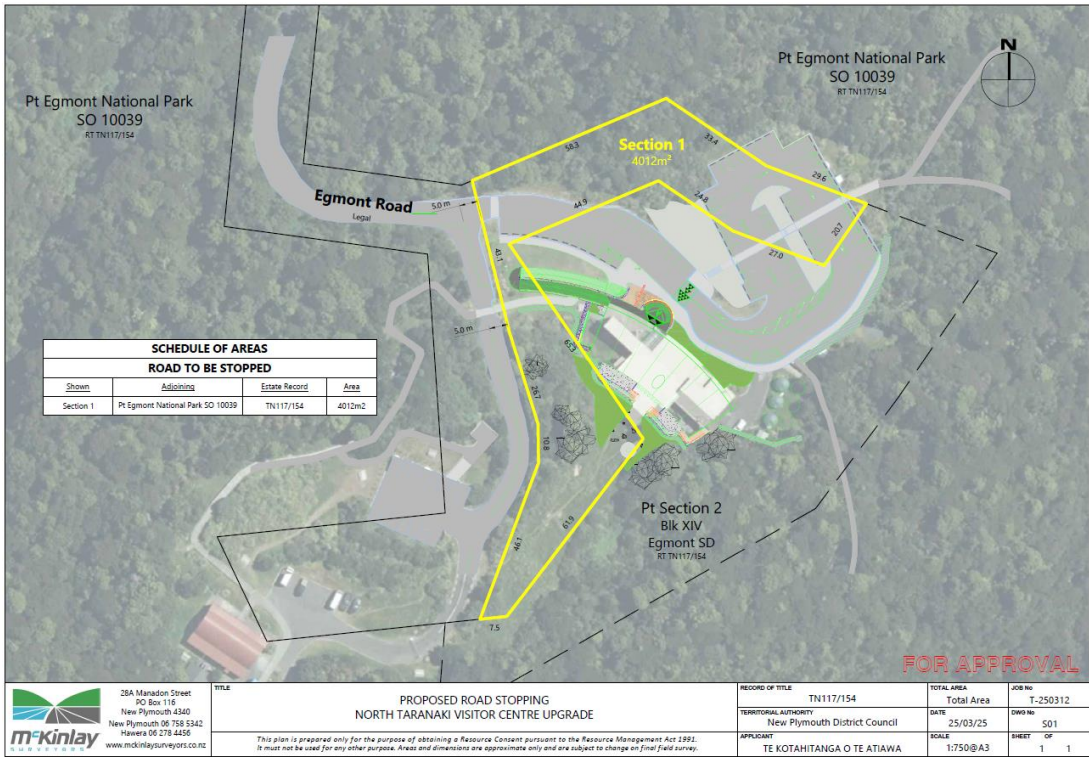
## **BACKGROUND / WHAKAPAPA**

10. In 1865 the Crown unfairly punished Māori by confiscating 1.2 million acres of Taranaki land, including Taranaki Maunga. Local roads on Taranaki Maunga were subsequently vested in New Plymouth District Council (NPDC).
11. Through the enactment of Te Ture Whakatupua mō Te Kāhui Tupua 2025 / Taranaki Maunga Collective Redress Act 2025, the Crown acknowledges that its many breaches of te Tiriti o Waitangi/the Treaty of Waitangi have severed connections that had long existed between the tangata whenua of Taranaki and their mountains, and have caused immense and enduring harm. The Crown has profoundly apologised for its confiscation of Taranaki Maunga.

12. The Crown acknowledges that the tūpuna maunga are of profound significance to the tangata whenua of Taranaki. The Crown acknowledges that the well-being of ngā maunga o Taranaki is intrinsic to the well-being of Ngā Iwi o Taranaki.
13. Te Kāhui Tupua is the legal person now recognised through the enactment of Te Ture Whakatupua mō Te Kāhui Tupua 2025. Te Tōpuni Kōkōrangī will consist of eight members and be the human face and voice of Te Kāhui Tupua. At the time of writing, Te Tōpuni Kōkōrangī is in the process of being established. Te Papa-Kura-o-Taranaki is the official geographic name of the national park.
14. In recent years, Ngā Iwi o Taranaki have led a number of initiatives which have sought to reactivate and strengthen their connections to their ancestral mountains. These have included programmes to re-engage with the sites of significance within the park, control pests, foster indigenous plants and animals, improve scientific understanding of the environment, and promote mātauranga Māori. The North Taranaki Visitor Centre Upgrade is one such initiative.
15. This project is a partnership between the Department of Conservation (DOC), Kānoa-RDU, the Ministry of Business, Innovation and Employment's Regional Development Unit and Te Kotahitanga o Te Atiawa, with funding provided by Kānoa-RDU as part of the Taranaki Crossing project. The new building aims to enhance the visitor centre's facilities and visitor experience. It will contain a space for the DOC visitor centre, a café, public restrooms and a private function wānanga space.

*Proposed Road Stopping*

16. The applicant has applied to stop an area of predominately unformed road comprising approximately 4,012m<sup>2</sup>, refer Section 1 in Figure One below.



*Figure One: Proposed Road Stopping – North Taranaki Visitor Centre Upgrade*

17. DOC supports the application in principle, with the understanding the road stopping is being proposed and led by Te Kotahitanga o Te Atiawa and costs are covered by Te Kotahitanga o Te Atiawa. DOC's approval in principle is also with the understanding that the stopped road should be vested in Te Kāhui Tupua and incorporated into Te Papa-Kura-o-Taranaki. This will allow the new visitor centre and associated sewage treatment infrastructure to be under the same land title.
18. Te Kotahitanga o Te Atiawa will be responsible for all of the costs (LINZ, accredited agent fees, survey costs, legal fees etc.) associated with the road stopping and vesting.

*Statutory Provisions*

19. Unformed Egmont Road comprises a local legal road vested in NPDC ownership pursuant to the provisions of Section 316(1) of the Local Government Act 1974.

20. NPDC has autonomous statutory power subject to compliance to declare a road stopped and the power to deal with the stopped road pursuant to either Section 116 of the Public Works Act 1981, or Section 319(1) (h), Section 342 and Schedule 10 of the Local Government Act 1974.
21. Officers recommend the road be stopped pursuant to Section 116 of the Public Works Act 1981 on the basis that the proposed stopping is clearly mechanical and is not contentious.
22. In addition, Te Kotahitanga o Te Atiawa have engaged with relevant stakeholders in the development of the project (eg. DOC, NPDC and relevant Iwi and ngā hapū), with no concerns raised in regard to the proposed road stopping through that engagement.
23. As per Te Ture Whakaturua mō Te Kāhui Tupua 2025 Act, for any land-related functions relating to Te Papa-Kura-o-Taranaki, Te Atiawa will require approval from Te Tōpuni Kōkōurangi.
24. The Te Ture Whakaturua mō Te Kāhui Tupua 2025 / Taranaki Maunga Collective Redress Act 2025 includes provisions for adding land to Te Papa-Kura-o-Taranaki, including any road stopped by NPDC. However, this is a new piece of legislation and the exact sequencing of tasks and approvals to stop the road and add it to Te Papa-Kura-o-Taranaki is currently uncertain. This process will be jointly navigated by Te Kotahitanga o Te Atiawa, NPDC and DOC.

#### **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

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

#### **NEXT STEPS / HĪKOI I MURI MAI**

26. The process to undertake the road stopping will be undertaken in accordance with the statutory requirements of the Section 116 of the Public Works Act 1981, involving the following actions:
  - a) Creation of a cadastral survey and a Survey Office legalisation plan of the road proposed to be stopped, and lodgement for plan approval with Land Information NZ. That plan will include any service easements that conditionally may need to be created on disposal.
  - b) Undertaking all steps required to obtain consent from the Minister for Land Information to the road stopping, thereby legalising the stopping of the road, and allowing for amalgamation of the portion of stopped road into the adjoining title.

## **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

27. In accordance with the NPDC's Significance and Engagement Policy, this matter has been assessed as being of moderate importance because the project will have some limited public interest and is unlikely to be controversial as the project delivers a publicly accessible facility that supports recreation and education outcomes for local residents and visitors to the District.
28. There are no adjoining private landowners to whom the land comprising the stopped road could be sold. The only realistic option is to vest the land in Te Kāhui Tupua to form part of Te Papa-Kura-o-Taranaki (National Park).
29. The proposal does not impact on the NPDC's statutory purpose or obligations and has no impact on levels of service.
30. At the time of writing, Officers have received letters of support from several Iwi groups. Engagement is on-going and letters of support from the remaining relevant Iwi and hapū groups will be forwarded once received.

## **OPTIONS / KŌWHIRINGA**

31. There are three reasonably practicable options:

- Option 1 Stop a portion of Egmont Road pursuant to Section 116 of the Public Works Act 1981 measuring approximately 4012m<sup>2</sup> (subject to survey), situated on at the Taranaki Maunga North Taranaki Visitor Centre and vest the land in Te Kāhui Tupua to form part of Te Papa-Kura-o-Taranaki (National Park).
- Option 2 Accommodate the redevelopment and associated encroachment on road reserve via a registered concessional lease.
- Option 3 Decline to stop the road

**Option 1 Recommended: Stop a portion of Egmont Road pursuant to Section 116 of the Public Works Act 1981 measuring approximately 4012m<sup>2</sup> (subject to survey), situated on at the Taranaki Maunga North Taranaki Visitor Centre and vest the land in Te Kāhui Tupua to form part of Te Papa-Kura-o-Taranaki (National Park).**

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

32. There are no financial implications for NPDC because the road stopping is being proposed and led by Te Kotahitanga o Te Atiawa and costs are covered Te Kotahitanga o Te Atiawa.



- 
33. It is proposed that the stopped road is vested in Te Kāhui Tupua to form part of Te Papa-Kura-o-Taranaki (National Park) for the consideration of \$1 (if demanded).

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

34. Before a road stopping application is accepted applicants are asked to undertake engagement with potentially interested stakeholders, generally neighbours and hapū, so that this information can inform the proposed road stopping process. This pre-engagement requirement was included following objections received in 2023 to two road stoppings after the public notification of the proposal to stop unformed road under the Local Government Act 1974.
35. After the initial approach to Council, and once landowners understand the road stopping process and costs if objections are received, many enquiries do not proceed to a formal road stopping application. An example of a recent successful road stopping that was progressed is the Twin Lakes subdivision in the Puketapu growth area.
36. While road stoppings under the Public Works Act are not required to be publicly notified, applicants are still required to follow the same engagement process before a road stopping application is accepted.
37. The low risk associated with Option 1 is the possibility of negative public feedback with a perception from some that this road stopping is inappropriate, particularly from those that may not support the redevelopment of the visitor centre.

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

38. Option 1 meets the Community outcome of Environmental Excellence, Prosperity and Thriving Communities and Culture.
39. This Option will allow the visitor centre to be redeveloped as currently planned, providing enhanced facilities and visitor experience, which will benefit the wider community.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

40. The road stopping will be undertaken in accordance with the statutory provisions of the Section 116 of the Public Works Act 1981. The section of stopped road is to be amalgamated with the land in Computer Freehold Record of Title TN117/154, and any service easements registered.
-

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

41. Option 1 is consistent with NPDC's current processes for consideration of applications for road stopping, given that pre-engagement has occurred and no objections have been received. This Option is inconsistent with NPDC's Revenue and Financing Policy which states that "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", however, given that the facility being built as an outcome of the road stopping will provide a public facility that will be an asset to the community, it is considered appropriate that the asset cost is nominal.

*Participation by Māori / Te Urunga o Ngāi Māori*

42. The road stopping application and is being led by Te Kotahitanga o Te Atiawa.
43. The project is deeply rooted in the cultural legacy and identity of Te Atiawa. It represents a milestone in their journey to honour and preserve ancestral connections to their tūpuna maunga.
44. Te Kotahitanga o Te Atiawa has undertaken wider engagement with all Taranaki Iwi and some hapū groups and at the time of writing engagement is ongoing. The record of engagement will be provided to NPDC in due course to support this application.

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

45. The stopping of the road has not been discussed with the wider community. Public notification is not required under the Public Works Act 1981. Because this road stopping enables a project that will benefit the community while not impacting any neighbouring landowners, public notification is considered unnecessary.
46. The applicant's preference is Option 1. Community views and preferences have not been sought on Option 2 or Option 3 as they maintain the status quo.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

47. The advantages of Option 1 are that it will:
- a) Enable the redevelopment of the visitor centre as currently planned, allowing the new visitor centre and associated sewage treatment infrastructure to be under the same land title.
  - b) Support on-going collaboration between NPDC, Te Kotahitanga o Te Atiawa, Ngā Iwi o Taranaki, and DOC. It also provides for an improved facility for the community of the District.

- 
48. No disadvantages have been identified.

**Option 2 Not Recommended: Accommodate the redevelopment and associated encroachment on road reserve via a registered concessional lease.**

*Financial and Resourcing Implications*

49. There are no financial implications for NPDC associated with Option 2 because any costs would be met by Te Kotahitanga o Te Atiawa.

*Risk Analysis*

50. Option 2 would allow the visitor centre redevelopment to take place broadly as planned. However, this Option will be more complex (and therefore, likely more costly) due to possible building consent issues relating to the sewage treatment system not being on the same title as the new visitor centre.
51. In addition, Iwi groups and DOC have both expressed a desire for the road to be stopped and vested in Te Kāhui Tupua to form part of Te Papa-Kura-o-Taranaki. The visitor centre redevelopment is intrinsically linked to the aspirations of Te Kotahitanga o Te Atiawa and Ngā Iwi o Taranaki to honour and preserve ancestral connections to their tūpuna maunga. Therefore, this Option risks damaging NPDC's relationships with Te Kotahitanga o Te Atiawa, Ngā Iwi o Taranaki, and DOC.

*Promotion or Achievement of Community Outcomes*

52. Option 2 meets the Community outcome of Environmental Excellence, Prosperity and Thriving Communities and Culture.
53. This Option will allow the visitor centre to be redeveloped as currently planned, providing enhance facilities and visitor experience, which will benefit the wider community.

*Statutory Responsibilities*

54. There are no statutory responsibilities relating to this Option.

*Consistency with Policies and Plans*

55. Option 2 is consistent with NPDC's Policies and Plans.

*Participation by Māori / Te Urunga o Ngāi Māori*

56. The road stopping application and the project that it enables is being led by Te Kotahitanga o Te Atiawa.
-

57. The project is deeply rooted in the cultural legacy and identity of Te Atiawa. It represents a milestone in their journey to honour and preserve ancestral connections to their tūpuna maunga.
58. Te Kotahitanga o Te Atiawa has undertaken wider engagement with all Taranaki iwi and some hapū groups and at the time of writing engagement is still ongoing. The record of engagement will be provided to NPDC in due course to support this application.

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

59. The stopping of the road has not been discussed with the wider community. If approved by Council, the road stopping will be publicly notified, thereby giving the wider community the opportunity to provide feedback.
60. The applicant's preference is Option 1. Community views and preferences have not been sought on Option 2 or Option 3 as they maintain the status quo.

*Advantages and Disadvantages*

61. No advantages have been identified with this Option 2
62. The disadvantages identified with this Option are that it will:
  - a) Add additional complexity (and likely costs) to the building consent process because the wastewater treatment system will not be on the same title as the visitor centre.
  - b) Require on-going management of the concessional lease.
  - c) Risk damaging NPDC's relationships with Te Kotahitanga o Te Atiawa, Ngā Iwi o Taranaki, and DOC.

**Option 3 Not Recommended: Decline to stop the road.**

*Financial and Resourcing Implications*

63. There are no financial implications for NPDC associated with this option because it would retain the status quo.

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*Risk Analysis*

64. If the road is not stopped, the visitor centre redevelopment cannot take place as currently planned. This will lead to project delays and increased costs. The road stopping is critical for the facility's wastewater system. Due to the high wastewater loading from the facility and sensitive environment surrounding the facility, a wastewater system utilising treatment and dispersal under the car park area in road reserve is required, or any area below the building site. This means the only suitable locations are within road reserve or removal of native vegetation within the Maunga itself. Given the road layout, it is considered the most practical and feasible option. Any other wastewater system would require a large re-design process and potentially additional infrastructure and removal of native vegetation. Therefore, due to these potential costs, the road stopping process not proceeding may make the project not feasible economically or culturally as removal of vegetation within the Maunga does not align with the values for Te Kotahitanga o Te Atiawa.
65. The visitor centre redevelopment is intrinsically linked to the aspirations of Te Kotahitanga o Te Atiawa and Ngā Iwi o Taranaki to honour and preserve ancestral connections to their tūpuna maunga. Therefore, this option risks damaging NPDC's relationships with Te Kotahitanga o Te Atiawa, Ngā Iwi o Taranaki, and DOC.

*Promotion or Achievement of Community Outcomes*

66. Option 3 does not promote any community outcomes.

*Statutory Responsibilities*

67. There are no statutory responsibilities relating to this option.

*Consistency with Policies and Plans*

68. This Option is consistent with NPDC's Policies and Plans.

*Participation by Māori / Te Urunga o Ngāi Māori*

69. The road stopping application and the project that it enables is being led by Te Kotahitanga o Te Atiawa.
70. The project is deeply rooted in the cultural legacy and identity of Te Atiawa. It represents a milestone in their journey to honour and preserve ancestral connections to their tūpuna maunga.
71. Te Kotahitanga o Te Atiawa has undertaken wider engagement with all Taranaki iwi and some hapū groups and at the time of writing engagement is still ongoing. The record of engagement will be provided to NPDC in due course to support this application.
-

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

72. The stopping of the road has not been discussed with the wider community. If approved by Council, the road stopping will be publicly notified, thereby giving the wider community the opportunity to provide feedback.
73. The applicant's preference is Option 1. Community views and preferences have not been sought on Option 2 or Option 3 as they maintain the status quo.

### *Advantages and Disadvantages*

74. No advantages have been identified with Option 3.
75. The disadvantages identified with this Option are that it will:
  - a) Prevent the visitor centre redevelopment from taking place as currently planned.
  - b) Lead to project delays and increased costs.
  - c) Risk damaging NPDC's relationships with Te Kotahitanga o Te Atiawa, Ngā Iwi o Taranaki, and DOC.

#### **Recommended Option**

This report recommends Option 1 for addressing the matter. Stop a portion of Egmont Road pursuant to the Section 116 of the Public Works Act 1981 measuring approximately 4012m<sup>2</sup> (subject to survey), situated on at the Taranaki Maunga North Taranaki Visitor Centre and vest the land in Te Kāhui Tupua to form part of Te Papa-Kura-o-Taranaki (National Park).

## **APPENDICES / NGĀ ĀPITI HANGA**

### Appendix 1 Letters of support (ECM 9488785)

#### **Report Details**

Prepared By:	Matt Ogier (Strategic Property Advisor)
Team:	Property Team
Approved By:	Catherine Croot (Property Manager)
Ward/Community:	Districtwide
Date:	14/4/2025
File Reference:	ECM: 9487233

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

# TE KOTAHITANGA O TE ATIWA ROAD STOPPING APPLICATION TO ENABLE NORTH TARANAKI VISITOR CENTRE PROJECT

## APPENDICES / NGĀ ĀPITIHINGA

### Appendix 1 Letters of support

7.1

Ngāmotu/New Plymouth  
Office  
55A Rimu Street

New Plymouth 4312  
doc.govt.nz

Gina Blackburn  
Pouwhakakaupapa | Project Manager  
Te Kotahitanga o Te Atiawa Trust  
P.O. Box 1097 Taranaki Mail Centre, New Plymouth

31 March 2025

Tēnā koe Gina

#### Proposed Road Stopping – North Taranaki Visitor Centre Upgrade

DOC have reviewed the area of land subject to road stopping application sought by Te Kotahitanga o Te Atiawa Trust for the purposes of the construction and operation of the new Visitor's Centre. The land proposed to be stopped is as per the attached plan dated 25/3/2025 by McKinley surveyors (Proposed Road Stopping North Taranaki Visitor Centre Upgrade).

DOC supports the application in principle, with the understanding the road stopping is being proposed and led by Te Atiawa and costs are covered by Te Atiawa. This is with the understanding that the road stopped should be vested in Te Kahui Tupua and incorporated into Te Papa-Kura-o-Taranaki. This will allow the new Visitor Centre and associated sewage treatment infrastructure to be under the same land title.

As per Te Ture Whakatupua mō Te Kāhui Tupua 2025 Act, for any land-related functions relating to Te Papa-Kura-o-Taranaki, Te Atiawa will need to refer Te Tōpuni Kōkōrangī for a decision on this road stopping and vesting.

Nāku noa, nā



Gareth Hopkins  
Operations Manager



Te Kāwanatanga  
o Aotearoa  
New Zealand Government



# Te Kaahui o Rauru

04<sup>th</sup> April 2025

Teenaa koe,

**Letter of Support for Road Stopping Application – North Taranaki Visitors' Centre Redevelopment**

On behalf of Te Kaahui o Rauru, I am writing to express our strong support for the road stopping application submitted by Te Kotahitanga o Te Atiawa as part of the North Taranaki Visitors' Centre redevelopment project.

We understand that this application will correct historical inaccuracies, enable essential infrastructure improvements, and ensure a more cohesive and sustainable development. The vesting of this land in Te Kaahui Tupua and its inclusion in into Te Papa-Kura-o-Taranaki aligns with our shared commitment to kaitiakitanga, sustainability, and the long-term protection and enhancement of our whenua.

We recognise the importance of this project in supporting the cultural, environmental, and economic aspirations of our Ngaa Iwi o Taranaki and the wider Taranaki community. Therefore, Te Kaahui o Rauru fully supports this application and encourages the New Plymouth District Council to approve it without delay.

Should you require further information regarding our support, please feel free to contact me.

Naaku noa, naa



Renée Bradley  
Tumu Whakahaere

12-14 Drews Ave | PO Box 4330 Whanganui 4500 | P: +64 6 346 5707 | E: [admin@rauru.iwi.nz](mailto:admin@rauru.iwi.nz) | W: [rauru.iwi.nz](http://rauru.iwi.nz)



# TE RŪNANGA O NGĀTI RUANUI TRUST

74 Princes Street  
P O Box 594, HAWERA  
Phone: 06 278 0148 Fax: 06 278 1358  
Email: office@ruanui.co.nz



7.1

7<sup>th</sup> April 2025

New Plymouth District Council  
84 Liardet Street  
NEW PLYMOUTH 4342

Tēnā koe,

**RE: NTVC Road Stopping Proposal**

Te Rūnanga o Ngāti Ruanui endorses the road stopping proposal application made by Te Kotahitanga o Te Atiawa. The proposal is an essential part of the redevelopment project for the North Taranaki Visitors Centre which will be significant for all of Taranaki and essentially Aotearoa.

Ngāti Ruanui understands that if the application is accepted, the long-term aspiration to have the road removed from the Council Road reserve and vested in Te Kāhui Tupua and will form part of Te Papa-Kura-O-Taranaki. Ngāti Ruanui supports this application fully.

If you require any further information regarding the contents of this letter, please do not hesitate to contact our office.

Ngā mi'i,

Rachel Arnott  
Kaiw'aka'aere

## TE RŪNANGA O NGĀTI MUTUNGA

3 April 2025

Te Kotahitanga o Te Ahiawa  
Ngāmotu House  
Level 5  
139 Devon Street West  
New Plymouth



Tēnā koe Dion,

### RE: NTVC Road Stopping Proposal

On behalf of Te Rūnanga o Ngāti Mutunga, this letter is to confirm the boards support for the Te Kotahitanga o Te Ahiawa proposal for road closure at the North Taranaki Visitor Centre.

The Rūnanga agrees that the road stopping application seeks to address historical inaccuracies with the current road location and is essential for facilitating the implementation of an effective wastewater treatment solution beneath the existing lower carpark area at the North Taranaki Visitor Centre site.

The proposed road stopping will also enable the encroachment of a portion of the new building and the accessibility ramp which is currently sitting slightly in the road reserve area, thereby ensuring a more integrated and sustainable development plan.

Nāku ra,

Mitchell Ritai  
Pou Whakahaere (CEO)

p: +64 6 752 3247 · w: [www.ngatimutunga.iwi.nz](http://www.ngatimutunga.iwi.nz) · PO Box 32 · 6 Ngakoti Street Urenui 4349, Taranaki, Aotearoa, New Zealand

WHIRIA TE TANGATA, WHIRIA TE KAUPAPA, WHIRIA NGĀ TAONGA TUKUIHO · CULTURALLY STRONG AND SECURE IN OUR IDENTITY

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## **DRAFT CLIMATE-RELATED FINANCIAL DISCLOSURE STATEMENT 2024/2025**

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### **PURPOSE/ TE WHĀINGA**

1. This report provides Council with a draft of the first Climate-related Financial Disclosure Statement for information before it is finalised after the financial year end.

### **RECOMMENDATION / NGĀ WHAIKUPU**

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

- a) **Notes the draft Climate-related Financial Disclosure Statement 2024/25 (the Statement)**
- b) **Notes that the draft Statement will be finalised after the financial year end and will be presented to Council for adoption, and that a summary of the Statement will be placed into the Annual Report 2024/25**
- c) **Notes that the climate change scenarios used to develop the Statement will be separately published on Council's website immediately after the consideration of this report so that other organisations in Taranaki may use them**
- d) **Notes that the annual Statements will be undertaken within existing resourcing and that a process of improvement to a full disclosure will take several years**
- e) **Notes that any changes that mean Council is legally required to undertake climate-related financial disclosures would require increased resourcing**
- f) **Recommends that, post-triennial election, the incoming Council considers clearly identifying a monitoring framework for reporting to Council on climate-related risks and opportunities**

### **STRATEGY AND OPERATIONS COMMITTEE RECOMENDATION**

2. The Strategy and Operations Committee endorsed the Officer's recommendation.

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## **SUSTAINABILITY WORKING PARTY RECOMMENDATION**

3. The Sustainability Working Party endorsed the Officers recommendation, with the addition of the following clauses:
    - g) In relation to Governance, instructs that:
      - i) Post-triennial election, the incoming Council considers at least one elected member on relevant committees having periodic specific climate-related financial disclosures training (within the last 3 years) if an appointed member on those committees does not bring that specific work experience or recent training (within the last 3 years).
      - ii) Officers and Council include climate-related skills as a potential criteria in position descriptions for relevant committee and board appointments.
      - iii) Officers ensure that the analysis guidelines which inform the 'Climate Change Impact and Considerations' section of Council reports is robust and based on best practice.
      - iv) Notes that NPDC's CCOs are to be requested to investigate TCFD reporting, and that this be included in Statements of Expectation. Also recommends that any changes to the ownership of Council water assets include this requirement (where reasonable).
    - h) In relation to Strategy, instructs that:
      - i) When the next Emissions Reduction Plan is drafted, Officers include targets for all district emissions, and actions for Council to undertake to support and enable these reductions including changes required to council policies, plans and practices.
      - ii) Council Officers develop options for better accounting for and reducing Scope 3 emissions, through procurement strategies and other tools.
      - iii) Council works with Venture Taranaki and other stakeholders to further develop a strategy for building and executing a regional transition plan to position the district for a low-emissions, climate resilient future.
-

- 
- i) In relation to Risk Management, instructs that:
    - i) Officers integrate climate change risks into Council's Strategic Risk Register and Corporate Risk Register, beyond just the current climate change Strategic Risk, and report changes back to Sustainability Working Party and Finance Audit and Risk Committee.
  - j) In relation to Metrics and Targets, instructs Officers to:
    - i) Develop a consistent and systematic framework across the organisation for reporting against climate related metrics and targets, including but not limited to KPIs in the Long Term Plan (LTP); and
    - ii) Build available information on the vulnerability of assets.
  - k) Notes that the current focus is on Climate-related Financial Disclosures as it is an established priority for Council, has mature standards and is becoming an expected norm. Work does not address Nature-related Disclosures which is a now rapidly emerging field for good governance.
  - l) Recommends that Council consider appropriate resourcing in the LTP 2027 for the adequate delivery of the above recommendations.

#### **TE HUINGA TAUMATUA RECOMMENDATION**

- 4. Te Huinga Taumatua endorsed the Sustainability Working Party recommendation.

#### **FINANCE, AUDIT AND RISK COMMITTEE RECOMMENDATION**

- 5. The Finance, Audit and Risk Committee endorsed the Sustainability Working Party recommendation.

#### **SIGNIFICANCE AND ENGAGEMENT / TOHUTOHU KAI WHAKAHAERE**

- 6. This report is provided for information purposes only, and has been assessed as being of some importance.
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## EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA

7. This report presents a draft of Council's first Climate-related Financial Disclosure Statement (the Statement) for the 2024/25 financial year before it is finalised post-financial year end. The Statement is designed around international and national standards for climate-related disclosures.
8. The Statement highlights:
  - a) Governance – Council has various governance and management functions for managing climate-related risks and opportunities, but lacks dedicated functions or monitoring regimes.
  - b) Strategy - Council and the community face significant risks from climate change, including severe weather impacts and the transition to a low-emissions economy. There are also considerable opportunities for Council to lead and support the economic transition and early planning for a changed climate.
  - c) Risk Management – Council has an overarching Strategic Risk for climate change, but needs to integrate wider climate changes risks into its Strategic Risk Register and Corporate Risk Register.
  - d) Metrics and Targets – Council has several key performance indicators related to climate change in its Long-Term Plan 2024-2034, but these are not systematic or consistent across services
9. This disclosure will be undertaken annually within operational resources, with a three-year improvement cycle to fully meet the disclosure requirements.

## BACKGROUND / WHAKAPAPA

10. Climate-related financial disclosures require organisations to consistently and clearly report how climate change affects them. These disclosures are increasing in their use globally. Though initially aimed at private companies for investment purposes, public sector organisations can use the same approach.

*Council has considered climate-related financial disclosures over the past few years*

11. The District-Wide Emissions Reduction Plan included an action to investigate implementing a governance framework for assessing and reporting on climate risks and opportunities (e.g. the TCFD framework). This was added to that Plan as a result of Council's consideration of community feedback.

12. Officers subsequently advised Council<sup>1</sup> that developing climate reporting “is an appropriate approach to better understanding and regularly reporting on climate risks and opportunities.” While these reports “can be used as a compliance and reporting tool, there is also significant opportunity to use it as a strategic document in itself. The transitional and physical risks highlighted by it can be used to help to determine the type of future preferred by Council and then to implement work programmes towards it. In this way it can then inform planning initiatives across Council.”
13. Council resolved at the [Long-Term Plan 2024-2034 deliberations](#) (C/2024/041) to direct “Officers to include climate related disclosures in Annual Reports, acknowledging that initially there may be some gaps in information but working towards best practice over time.” The LTP allocated \$50,000 in year 1 to develop the initial disclosure statement.
14. This report presents the draft of the first Climate-related Financial Disclosure Statement 2024/25 (Appendix 1) and scenarios (Appendix 2). The report includes commentary to help Elected Members understand the disclosures and the Statement. Elected Members may also wish to refer to the External Reporting Board (XRB) guidance document on [Navigating climate statements readers' guide](#).

*Why is Council undertaking these disclosures?*

15. Climate change will significantly disrupt the community and Council in the coming years. Rapid social and economic changes to reduce emissions, the changing climate (particularly increased severe weather) will both create uncertainty and disruption. These changes will impact Council as it provides infrastructure and services to the community.
16. The disclosure regime (below) provides a clear and consistent way to show how climate change may affect Council and its planning. Council can compare itself to other local authorities, public sector entities, and private firms.
17. Disclosure is not the end point. It aims to inform the public, stakeholders, governance, and management to drive action and change to mitigate risks and embrace opportunities. Disclosures themselves do not require action but raise awareness, assure the public, improve funding allocation, and streamline external reporting.

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<sup>1</sup> Deep dive into Council’s climate change risks [Finance, Audit and Risk Committee - March 2024](#)

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*What does the climate-related financial disclosure regime include?*

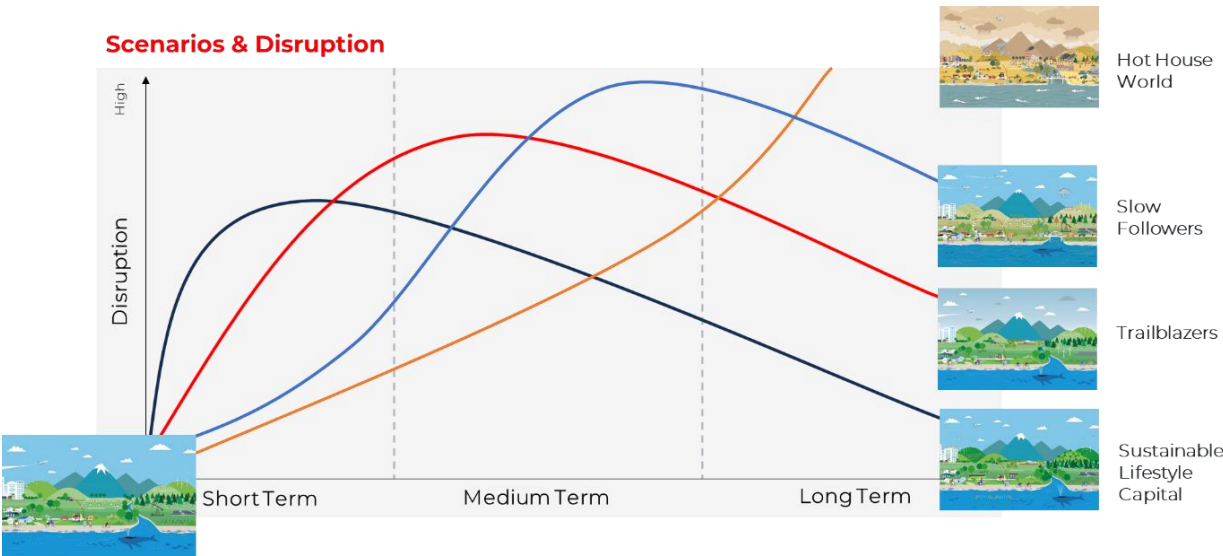
18. The Climate-related financial disclosure regime, developed by the Taskforce for Climate-related Financial Disclosures (TCFD), has been refined locally into the [Aotearoa New Zealand Climate Standards \(NZCS\)](#). While about 200 organisations must follow these disclosures, Council is not legally required to do so. However, alignment with NZCS allows for better comparison and future preparedness.
19. Disclosures focus on the climate risks and opportunities for the Council. The NZCS and TCFD disclosure regime includes four main parts:
  - a) Governance
  - b) Strategy
  - c) Risk Management
  - d) Metrics and Targets
20. The expectations of these parts, and how Council meets those expectations, is described later in this report.
21. The disclosure regime has been designed for large companies so investors can make informed decisions around climate risks. As a result, some disclosures do not fit local government. For instance, one of the disclosures is whether governance-level appointments are linked to climate-related risks and opportunities, but local democracy does not allow for this.
22. Many organisations (in New Zealand and globally) are making disclosures. Locally, [PowerCo](#) and [TSB Bank](#) have made their first disclosures. [Port Taranaki](#) is developing theirs. Within the local government sector, [Auckland Council](#) and [Hamilton City Council](#) have also disclosed theirs, with others in progress.

*What was the process to develop the first Statement?*

23. Three of the four Statement sections (Governance, Risk Management, Metrics and Targets) were completed using existing inhouse resources. The Strategy section required additional funding due to its complexity. The LTP provided funding for this work.
24. The Strategy section relies on the four scenarios set out in the Taranaki Future Scenarios (Appendix 2) to show how climate change might affect Taranaki and the New Plymouth District. These four scenarios are plausible, distinct and challenging; but are not predictions or forecasts. They have been developed not just the Council but also other regional organisations in climate planning, including Council-controlled organisation. These scenarios will be updated every three years (aligning with the LTP cycle).



25. The scenarios explore how climate change could plausibly impact Taranaki communities and New Plymouth District Council. They align with global and national scenarios for comparability and are tailored to the region and district. The scenarios align to nationally developed [energy](#) and [agriculture](#) sector scenarios given the importance of those sectors to the Taranaki economy.
26. These scenarios show different levels of global emissions reduction efforts, from rapid decarbonisation to significant temperature increases. All scenarios present significant and substantive disruption to society. Short-term disruption focuses on transitioning to a low-emissions economy, while long-term disruption centres on adapting to new climate conditions and severe weather events. The diagram illustrates how much disruption occurs under each scenario and when.



27. Council Officers tested risks and opportunities using these scenarios. Workshops included Te Rōpū Manawataki (management’s leadership team), Ngā Kaitiaki, and Council Officers. Officers also reviewed climate change-related risks on Council’s corporate risk register.
28. Council Officers identified over 300 risks and opportunities, narrowing them down to about 70. Officers then prioritised these based on the strategic framework (50 per cent weighting or 12.5 per cent weighting for each of the four goals) and a modified risk framework (50 per cent weighting). The Statement lists the top ten risks and top ten opportunities.

**What does the first Statement tell us?**

29. The draft Statement is written in accordance with the NZCS. The table below outlines key takeaways from each section of the Statement.

Section	Disclosure requirement	Council's current position
Governance	This section focuses on how the organisation governs climate-related risks and opportunities. It requires disclosure of the board's oversight and management's role in assessing and managing these risks and opportunities. It shows if climate-related issues are part of the organisation's overall governance framework.	Council has various committees and working parties with some responsibility to oversee climate-related risks and opportunities, but no single group holds overall responsibility. Within management, this responsibility is also diffused. There is no regular process for reporting or monitoring climate-related risks and opportunities to management or governance. This aligns to one of the findings in the report to the Finance, Audit and Risk Committee on 18 March 2025 that Council does not have any monitoring reporting on climate change matters overall.
Strategy	This section explains the actual and potential impacts of climate-related risks and opportunities on the organisation's strategy and financial planning. It includes identification of risks and opportunities in the short, medium, and long term. It also outlines the resilience of the organisation's strategy under various climate scenarios and its plan for transitioning to a low-emissions, climate-resilient future. This section should also outline a plan for how the organisation will transition as the global and domestic economy moves toward a low-emissions, climate-resilient future.	<p>Taranaki and Council face significant risks and opportunities in transitioning to a low-emissions and climate-resilient future.</p> <p>Significant climate risks include failing to provide lifeline utilities, potential liability for death or injury, funding risks, worsening Te Tiriti relationships, and poor planning. There are some significant transitional risks, particularly around the future of Taranaki's economy</p> <p>Council has significant opportunities to help lead Taranaki's economic transition to a low-emissions future, through its Sustainable Lifestyle Capital and mana whenua Te Tiriti partnerships. There are also significant opportunities to plan well, utilise Council infrastructure and services. New Plymouth District has less significant climate change forecasts than other parts of the globe and country and may still thrive in a hotter world.</p>

Section	Disclosure requirement	Council's current position
		While Council does not have a single transition plan setting out how Council will position itself in a low-emissions, climate-resilient future. However, many strategies and plans include elements of this transition.
Risk management	This section describes how the organisation identifies, assesses, and manages climate-related risks. It outlines the processes used and how these risks are integrated into the overall risk management framework, helping stakeholders understand the organisation's approach.	Council has identified climate change as a Strategic Risk. However, it needs to integrate climate-related risks into its risk management systems.
Metrics and Targets	This section highlights the metrics and targets for assessing and managing climate risks and opportunities. Organisations must disclose metrics, including greenhouse gas emissions, and targets for addressing these risks. This provides transparency on performance and progress in tackling climate issues.	The Long-Term Plan 2024-2034 includes key performance indicators related to climate change across a range of services, but lacks a systematic approach. It also does not track greenhouse gas emissions in the LTP KPIs. More information on the vulnerability of assets is needed.is required.

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## **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

30. This report outlines the climate-related financial disclosures regime and the first draft Statement for 2024/25. These disclosures are designed to create transparency and public accountability for organisations on how they will position themselves in a low-emissions and climate-resilient economy through mitigating risks and embracing opportunities. These disclosures are not, however, a monitoring regime for the progress of Council's climate change actions, nor set out next steps for those actions or compel organisations to act in a specific manner.

### **NEXT STEPS / HĪKOI I MURI MAI**

*What are the immediate next steps?*

31. The next step is to finalise the 2024/25 Statement. This includes year-end analysis and document finalisation (e.g. forward and introduction statements and formatting). There are also parts of the Statement that currently have figures missing that will be added in once the financial year is complete (for instance, the use of the Disaster Recovery Reserve in the 2024/25 financial year). The Annual Report 2024/25 will include a summary which will be audited as part of the Annual Report process.
32. Following Council's consideration of this report, Officers will publish the scenarios to enable other Taranaki organisations to use them.

*How will the Statement be improved and mature?*

33. Officers will establish a process to continually improve the Statement. Some disclosures, like financial risk quantification, are challenging for Council. It will take several years for Council to fully meet disclosure requirements. An independent assessment will help set priorities.
34. Establishing a three-year improvement cycle will align with the Long-Term Plan. In year one, Officers will review scenarios, risks and opportunities, and update them based on the new LTP. In years two and three Officers will focus on improving disclosures and respond to changes in the Annual Plan (aligning to the legal parameters on whether to consult on the Annual Plan under the Local Government Act 2002). The metrics and Targets section will be updated annually.
35. The disclosure regime overlaps with other ongoing work. For instance, the metrics and targets section disclosure includes the proportion of assets vulnerable to physical events (i.e. severe weather). This information is required for Council's adaptation planning.
-

36. Currently, the disclosures cover only New Plymouth District Council, rather than the wider group that includes the Council-Controlled Organisations (CCOs). Council has requested the three substantive CCOs (Te Puna Umanga – Venture Taranaki Trust, Papa Rererangi I Puketapu Ltd, and New Plymouth PIF Guardians Ltd) to investigate and, if possible, undertake disclosures as part of their Statements of Expectations (CCO/2024/18). Officers will include relevant CCO disclosures in Council's reports as appropriate.

*What is the wider local government sector doing?*

37. NPDC Officers are part of a nationwide local government sector scenario development process. Wellington City Council are leading this work for the Local Government Funding Agency (as an organisation legally required to undertake these disclosures). These scenarios will help other local authorities alongside more localised data, like the Taranaki Future Scenarios. The work also includes guidance material for local authorities which may help to create consistency to enable comparability (for instance, using the same measure for greenhouse gas emissions intensity).

*Disclosures should lead to strategy, planning and investment decisions*

38. Disclosure of information aims to inform the public, stakeholders, governance, and management to prompt action and change to mitigate risks and embrace opportunities. Council will need to consider these climate-related risks and opportunities in future plans, policies, and strategies, including the next Long-Term Plan. This report recommends that, post-triennial election, the incoming Council clearly identifies a monitoring framework for reporting to Council on climate-related risks and opportunities

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

39. Council has drafted the Statement within existing resources and budgets, allocating \$50,000 for the Strategy section. The ongoing improvement will also use existing resources and budgets from the Long-Term Plan 2024-2034, meaning full disclosure will take several years to complete.

*Council would need to increase resourcing if it becomes subject to the mandatory disclosure regime*

40. Voluntarily undertaking these disclosures does not subject the Council and its Elected Members to the legal risk associated with mandatory disclosures (under the Financial Markets Conduct Act 2013)<sup>2</sup>.

<sup>2</sup> It is highly unlikely that Council would meet the current legal thresholds in the foreseeable future, particularly with the current approach to investing the Perpetual Investment Fund and utilising the Local Government Funding Agency for debt.

- 41. Because Council and its Elected Members are not legally required to make these disclosures, they do not need to heavily resource these statements. As a result, the voluntary disclosure statements may not be as detailed as those of mandatory organisations and it may take longer for Council to reach a complete and fully mature disclosure.
- 42. If mandatory requirements apply in the future due to a law change, then an increase in resourcing would likely be sought to meet requirements associated with mandatory requirements for Local Government. The level of resourcing would be explored at that time, however a law change is currently unlikely. Voluntary disclosures now position Council well if the disclosures become mandatory in the future.

**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 / NGĀ ĀPITI HANGA**

Appendix 1 Draft Climate-related Financial Disclosure Statement 2024/25 (ECM 9486113)

Appendix 2 Taranaki Future Scenarios (ECM 9486114)

**Report Details**

Prepared By:	Greg Stephens (Climate Change Response Lead)
Team:	Climate Change Response Team
Approved By:	Renee Davies (Manager Strategic Planning)
Ward/Community:	District-Wide
Date:	11 April 2025
File Reference:	ECM 9486112

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

**DRAFT FOR ELECTED MEMBERS**

SUBJECT TO FINALISATION POST-FINANCIAL YEAR END

8.1

**NEW PLYMOUTH DISTRICT COUNCIL**

**CLIMATE-RELATED FINANCIAL  
DISCLOSURE 2024/25**

## Governance

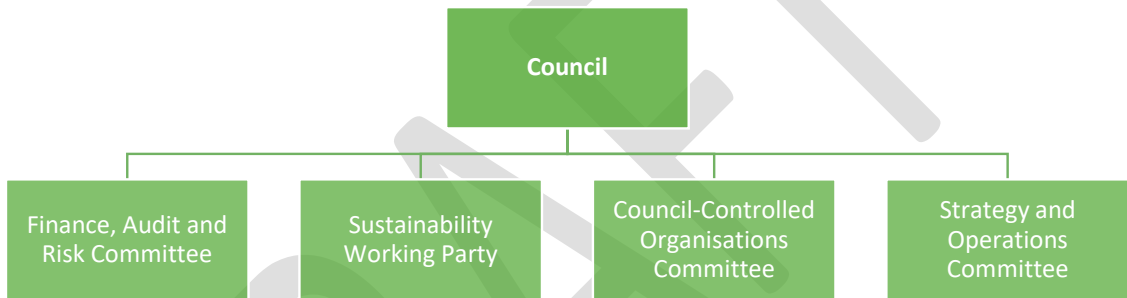
This section describes how New Plymouth District Council provides governance and management oversight of climate-related risks and opportunities.

For the purpose of this section, “Council” refers to the governing body and “NPDC” refers to the overall organisation.

8.1

### Governance

Council, and four subordinate governance bodies, have responsibility for oversight of climate-related risks and opportunities. Council retains overall responsibility for these subordinate governance bodies.



### Council

Council is the main decision-making governance body of New Plymouth District Council.

Membership	Council comprises the Mayor and 14 Councillors.
Process and frequency to be informed about climate-related risks and opportunities	<p>Council receives quarterly reports on NPDC’s financial and operational performance. This may include climate-related risks and opportunities.</p> <p>Council may also receive ad hoc additional reports on climate-related risks and opportunities. This may include matters referred to, either for decision or for noting, from subordinate governance bodies.</p> <p>All reports are prepared by NPDC Officers and approved by the Chief Executive.</p>
Skills and competencies to provide oversight of climate-related risks and opportunities	As a democratically elected body, Council membership is based on triennial elections from all New Plymouth District electors. Elections are undertaken in accordance



	with the Local Electoral Act 2001. The election process does not include ensuring the appropriate skills and competencies are available to provide oversight of climate-related risks and opportunities. Council cannot include any person not elected. There is therefore no ability to appoint any additional person to ensure the appropriate skills and competencies are available to provide oversight of climate-related risks and opportunities.
Ensuring climate-related risks and opportunities are considered in developing and overseeing strategy	All reports to Council include a section entitled Climate Change Impact and Considerations / Huringa Āhuarangi. Any climate-related risks or opportunities relating to the report manner would therefore be expected to be included in this section.
How the governance bodies sets and monitors metrics about climate-related risks and opportunities	<p>Council adopts strategies, plans, policies and other documents that may include climate-related risks and opportunities.</p> <p>Council adopts the Long-Term Plan and Annual Plan. These Plans provide the basis for accountability to the community for NPDC.</p> <p>Council receives quarterly reports on NPDC's financial and operational performance in accordance with key performance indicators set in the Long-Term Plan and Annual Plan.</p>
Whether climate-related risks and opportunities are considered in setting remuneration	Remuneration is set by the Remuneration Authority through annual determinations under the Local Government Act 2002 and Remuneration Authority Act 1977. There is no ability to consider performance metrics for climate-related targets or metrics within a remuneration policy.

### Finance, Audit and Risk Committee

The Finance, Audit and Risk Committee maintains oversight of New Plymouth District Council finances and risks.

Membership	The Finance, Audit and Risk Committee comprises the Mayor, six councillors and two independent members.
Process and frequency to be informed about climate-related risks and opportunities	The Finance, Audit and Risk Committee receives quarterly reports on NPDC's financial and operational performance. This may include climate-related risks and opportunities.

	<p>The Finance, Audit and Risk Committee receives quarterly monitoring and updating of all NPDC risks. This includes NPDC's strategic risk relating to climate change:</p> <p>Environmental and Sustainability</p> <ol style="list-style-type: none"> <li>1. Environmentally Damaging Event: An environmentally harmful incident occurs.</li> <li>2. Emission Reduction Failure: Council fails to meet climate change emission reduction targets.</li> <li>3. Climate Adaptation Failure: Council fails to adapt effectively to climate change.</li> </ol> <p>Root Causes: Council action or inaction, competing priorities, limited resources, or misaligned strategic focus.</p> <p>Impact: Reputational, financial, environmental, health, and safety consequences.</p> <p>The Finance, Audit and Risk Committee may also receive additional reports on climate-related risks and opportunities on an ad hoc basis. These reports may be initiated either from requests from the Committee or its Chair, or by NPDC Officers.</p> <p>All reports are prepared by NPDC Officers and approved by the Chief Executive.</p>
Skills and competencies to provide oversight of climate-related risks and opportunities	<p>The Mayor is a member by virtue of section 41A of the Local Government Act 2002. The Finance, Audit and Risk Committee has six Councillors appointed to it. The Mayor may determine membership based on a wide-range of factors, including skills, competencies and political matters. This may include consideration of skills and competencies to provide oversight of climate-related risks and opportunities, but there is no requirement to do so.</p> <p>The Finance, Audit and Risk Committee has two external members. These members were appointed on the basis of financial acumen, exposure to long-term and annual planning, experience in managing strategic risks for large organisations, governance experience and familiarity with local government. Climate-related risks and opportunities were not considered on their own, but form part of managing strategic risks for large organisations.</p>

Ensuring climate-related risks and opportunities are considered in developing and overseeing strategy	All reports to the Finance, Audit and Risk Committee include a section relating entitled Climate Change Impact and Considerations / Huringa Āhuarangi. Any climate-related risks or opportunities relating to the report manner would therefore be expected to be included in this section.
How the governance bodies sets and monitors metrics about climate-related risks and opportunities	The Finance, Audit and Risk Committee monitor progress against NPDC's metrics and targets as set in the Long-Term Plan. The Long-Term Plan 2024-2034 does not contain any metric or target relating to climate-related risks and opportunities.
Whether climate-related risks and opportunities are considered in setting remuneration	<p>Remuneration of the Mayor and Councillors is set by the Remuneration Authority through annual determinations under the Local Government Act 2002 and Remuneration Authority Act 1977. There is no ability to consider performance metrics for climate-related targets or metrics within a remuneration policy.</p> <p>Remuneration of the two external members of the Finance, Audit and Risk Committee is set in accordance with the Remuneration and Reimbursement for External Appointments to Council Committees and Working Parties Policy (P21-006). This Policy does not include considering climate-related risks and opportunities in determining remuneration.</p>

### Sustainability Working Party

The Sustainability Working Party provides strategic guidance and advice to Council and NPDC on sustainability matters.

Membership	The Sustainability Working Party comprises four Councillors, two tangata whenua representatives and two community representatives.
Process and frequency to be informed about climate-related risks and opportunities	<p>The Sustainability Working Party may receive reports relating to climate-related risks and opportunities on an ad hoc basis.</p> <p>The Sustainability Working Party's terms of reference include providing advice, oversight and advocacy for New Plymouth District's climate change response. The Sustainability Working Party may therefore provide advice and oversight of climate-related risks and opportunities that were not previously considered by NPDC.</p>

	All reports are prepared by NPDC Officers and approved by the Chief Executive.
Skills and competencies to provide oversight of climate-related risks and opportunities	<p>The Sustainability Working Party has five Councillors appointed to it. The Mayor may determine membership based on a wide-range of factors, including skills, competencies and political matters. This may include consideration of skills and competencies to provide oversight of climate-related risks and opportunities, but there is no requirement to do so.</p> <p>The Sustainability Working Party has two tangata whenua and two community representatives. These members were appointed on the basis of knowledge on reporting and monitoring, sustainability, climate change, zero waste and biodiversity. Climate-related risks and opportunities were not considered on their own, but form part of reporting and monitoring and climate change knowledge.</p>
Ensuring climate-related risks and opportunities are considered in developing and overseeing strategy	All reports to the Sustainability Working Party include a section entitled Climate Change Impact and Considerations / Huringa Āhuarangi. Any climate-related risks or opportunities relating to the report manner would therefore be expected to be included in this section.
How the governance bodies sets and monitors metrics about climate-related risks and opportunities	The Sustainability Working Party does not set any metrics about climate-related risks and opportunities as its function is to provide advice to other governing bodies and management.
Whether climate-related risks and opportunities are considered in setting remuneration	<p>Remuneration of the Councillors is set by the Remuneration Authority through annual determinations under the Local Government Act 2002 and Remuneration Authority Act 1977. There is no ability to consider performance metrics for climate-related targets or metrics within a remuneration policy.</p> <p>Remuneration of the two tangata whenua and two community representatives of the Sustainability Working Party is set in accordance with the Remuneration and Reimbursement for External Appointments to Council Committees and Working Parties Policy (P21-006). This Policy does not include considering climate-related risks and opportunities in determining remuneration.</p>

#### Council-Controlled Organisations Committee

The Council-Controlled Organisations Committee maintains oversight of Council-Controlled Organisations. Council-Controlled Organisations are:

- New Plymouth PIF Guardians Limited – management of NPDC’s Perpetual Investment Fund
- Papa Rererangi I Puketapu Limited – management of New Plymouth Airport
- Venture Taranaki Trust – regional economic development agency, and
- Two forestry joint ventures.

Membership	The Council-Controlled Organisations Committee comprises the Mayor and seven Councillors.
Process and frequency to be informed about climate-related risks and opportunities	<p>The Council-Controlled Organisations Committee receives quarterly reports on Council-Controlled Organisations’ financial and operational performance. This may include climate-related risks and opportunities.</p> <p>Quarterly reports are prepared and approved by each Council-Controlled Organisation in line with their own delegations and processes. These are accompanied by reports prepared by NPDC Officers and approved by the Chief Executive.</p>
Skills and competencies to provide oversight of climate-related risks and opportunities	The Mayor is a member by virtue of section 41A of the Local Government Act 2002. The Council-Controlled Organisations Committee has six Councillors appointed to it. The Mayor may determine membership based on a wide-range of factors, including skills, competencies and political matters. This may include consideration of skills and competencies to provide oversight of climate-related risks and opportunities, but there is no requirement to do so.
Ensuring climate-related risks and opportunities are considered in developing and overseeing strategy	All reports to the Council-Controlled Organisations Committee include a section entitled Climate Change Impact and Considerations / Huringa Āhuarangi. Any climate-related risks or opportunities relating to the report manner would therefore be expected to be included in this section.
How the governance bodies sets and monitors metrics about climate-related risks and opportunities	<p>The Council-Controlled Organisations Committee is involved in the process of setting metrics for Council-Controlled Organisations. The Committee issues annual statements of expectations and considers annual statements of intent for Council-Controlled Organisations. This may include metrics around climate-related risks and opportunities.</p> <p>The Council-Controlled Organisations Committee monitors the performance of Council-Controlled</p>

	<p>Organisations against metrics. The Committee receives quarterly reporting. This may include metrics around climate-related risks and opportunities.</p> <p>The Council-Controlled Organisations Committee issued statements of expectations for Council-Controlled Organisations to undertake climate-related financial disclosures in future years.</p>
Whether climate-related risks and opportunities are considered in setting remuneration	Remuneration of the Councillors is set by the Remuneration Authority through annual determinations under the Local Government Act 2002 and Remuneration Authority Act 1977. There is no ability to consider performance metrics for climate-related targets or metrics within a remuneration policy.

### Strategy and Operations Committee

The Strategy and Operations Committee enables and effective conduct of business and has wide-ranging delegations.

Membership	The Strategy and Operations Committee comprises the Mayor, all Councillors and the Iwi Co-Chair of Te Huinga Taumatua (another governance body).
Process and frequency to be informed about climate-related risks and opportunities	All reports are prepared by NPDC Officers and approved by the Chief Executive.
Skills and competencies to provide oversight of climate-related risks and opportunities	The Strategy and Operations Committee is a 'Committee of the Whole', with the Mayor and all Councillors appointed. The Iwi Co-Chair of Te Huinga Taumatua is appointed ex officio. The appointment process to the Strategy and Operations Committee does not consider the skills and competencies to provide oversight of climate-related risks and opportunities.
Ensuring climate-related risks and opportunities are considered in developing and overseeing strategy	All reports to the Strategy and Operations Committee include a section entitled Climate Change Impact and Considerations / Huringa Āhuarangi. Any climate-related risks or opportunities relating to the report manner would therefore be expected to be included in this section.
How the governance bodies sets and monitors metrics about climate-related risks and opportunities	The Strategy and Operations Committee does not set any metrics about climate-related risks and opportunities as its function is to provides advice to other governing bodies and management.

<p>Whether climate-related risks and opportunities are considered in setting remuneration</p>	<p>Remuneration of the Councillors is set by the Remuneration Authority through annual determinations under the Local Government Act 2002 and Remuneration Authority Act 1977. There is no ability to consider performance metrics for climate-related targets or metrics within a remuneration policy.</p> <p>Remuneration of the ex officio Iwi Co-Chair of Te Huinga Taumatua is set in accordance with the Remuneration and Reimbursement for External Appointments to Council Committees and Working Parties Policy (P21-006). This Policy does not include considering climate-related risks and opportunities in determining remuneration.</p>
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8.1

DRAFT

Other governance bodies

Other governance bodies (Committees, Community Boards and Working Parties) may, from time to time, also have oversight of climate-related risks and opportunities that fall within their functions and delegated responsibilities. For instance, each Community Board may have oversight of climate-related risks and opportunities within their Community as part of their Community Board Plan.

Information on other governance bodies is available within NPDC’s Local Governance Statement.

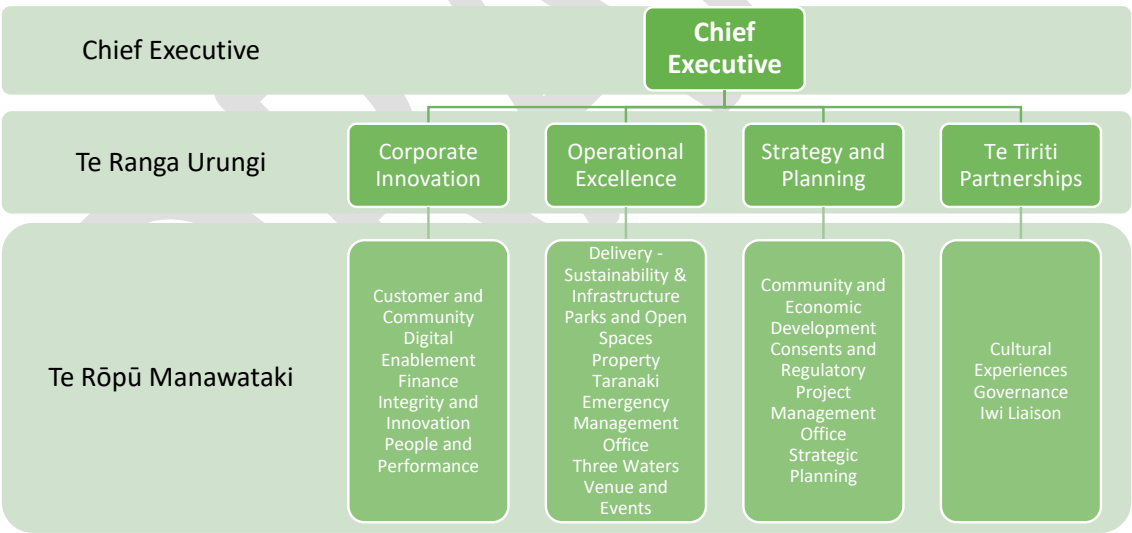
These other governance bodies are not considered to materially consider climate-related risks and opportunities.

8.1

Management

Management responsibilities

The following diagram outlines Council’s management structure.





The following table outlines key climate-related responsibilities across Council.

Area	Emissions risks and opportunities	Climate-related hazard risks and opportunities	Strategic and other functions
Corporate Innovation			
Customer and Community		LIMs	
Digital Enablement			
Finance	Perpetual Investment Fund financed emissions		Financing
Integrity and Innovation			Risk management Insurance
People and Performance			Upskilling
Operational Excellence			
Delivery – Sustainability and Infrastructure	Transport and waste emissions Sustainability behaviour change programmes	Transport and waste resilience	
Parks and Open Spaces	Crematorium and Fernery emissions Parks sequestration	Coastal structures, dune management Parks structures	
Property	Building heating emissions Forestry sequestration	Building resilience	
Taranaki Emergency Management Office		District and regional emergency management Business continuity planning	
Three Waters	Water and Wastewater Treatment Plants emissions	Water conservation Stormwater and Flood Protection assets	
Venues and Events	Pool heating systems emissions	Todd Energy Aquatic Centre Waitara Community Pool	
Strategy and Planning			
Community and Economic Development	Economic emissions	Economic resilience	

Area	Emissions risks and opportunities	Climate-related hazard risks and opportunities	Strategic and other functions
Consents and Regulatory		Resource and building consents	
Project Management Office	Capital works programme emissions	Project natural hazard risk assessments	
Strategic Planning	Emissions reduction planning District Plan – urban form enabled emissions	Climate adaptation planning District Plan hazard zoning and controls	Climate change planning Management of climate-related disclosures
<b>Te Tiriti Partnerships</b>			
Cultural Experiences	Building heating emissions		
Governance			Elected Member support
Iwi Liaison			Mana whenua relationships

#### Internal management committees

Internal management committees responsible for climate-related risks and opportunities include Te Ranga Urungi and Te Rōpū Manawataki. Te Ranga Urungi meet fortnightly and Te Rōpū Manawataki meets monthly. Climate-related risks and opportunities may be brought to these groups on an ad hoc basis.

Council has an internal Carbon and Energy Management Team, consisting of representatives from larger energy and emission parts of Council. This virtual team meets on a 6-weekly basis, focusing on reducing energy consumption and associated emissions. This includes any related climate-related risks and opportunities.

Council has an internal advisory group to provide advice and leadership for the development of a Climate Change Adaptation Plan. That Plan may consider the most appropriate long-term arrangements for internal governance of climate-related hazard risks and opportunities.

Council is also a member of a Taranaki Climate Change Working Group that predominately consists of Council Officers from all four local authorities in Taranaki. This working group may discuss climate-related risks and opportunities that impact all of the Taranaki region.

There is no formal process by which management is informed about or monitors climate-related risks and opportunities.

## Strategy

This section describes how climate change is currently impacting New Plymouth District Council and how it may do so in the future.

### Current impacts and financial impacts

New Plymouth District Council

#### Physical impacts

Council assets are regularly exposed to severe weather events, including those exacerbated by climate change.

Council has a Disaster Recovery Reserve to fund severe weather events (or other natural disasters) that require additional funding than within normal budgets, but before insurance thresholds are in place. The table below outlines the used of the Disaster Recovery Reserve and any insurance payouts received in the 2024/25 financial year.

Funding source	2024/25 funding
Disaster recovery reserve funding spent	\$xxxxxxxx
Insurance payouts received for severe weather events	\$xxxxxxxx

#### Transition impacts

Council provides economic development services through Venture Taranaki Trust (a Council-Controlled Organisation), including supporting economic transition to a low-carbon economy.

Council undertook addition funding to support enhanced economic development activities to support the economic transition to a low-carbon economy in 2024/25 for agriculture.

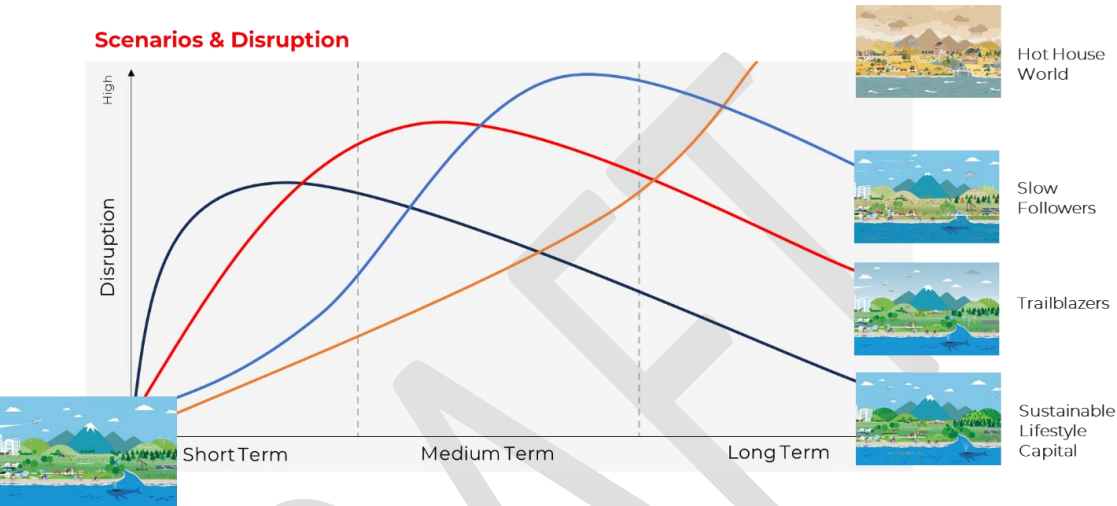
Funding provided	2024/25 funding
Venture Taranaki Trust (business-as-usual funding)	\$5.1m
Branching Out Phase 3 (additional expenditure)	\$0.4m

### Scenario analysis undertaken


Council has developed four challenging and unique scenarios on how climate change may impact the future for Taranaki. These scenarios utilise global and national climate change scenarios, particularly sector scenarios developed for the energy and agricultural sectors.




These scenarios range from an immediate and comprehensive global push to rapidly reduce emissions through to a scenario with little global focus on emissions reduction and instead significant temperature increase. All scenarios present significant and substantive disruption to society, albeit with differing levels and reasons. Early disruption largely focuses on the transition to a low-emissions economy, whereas later disruption is largely focused on adapting to the new climate.



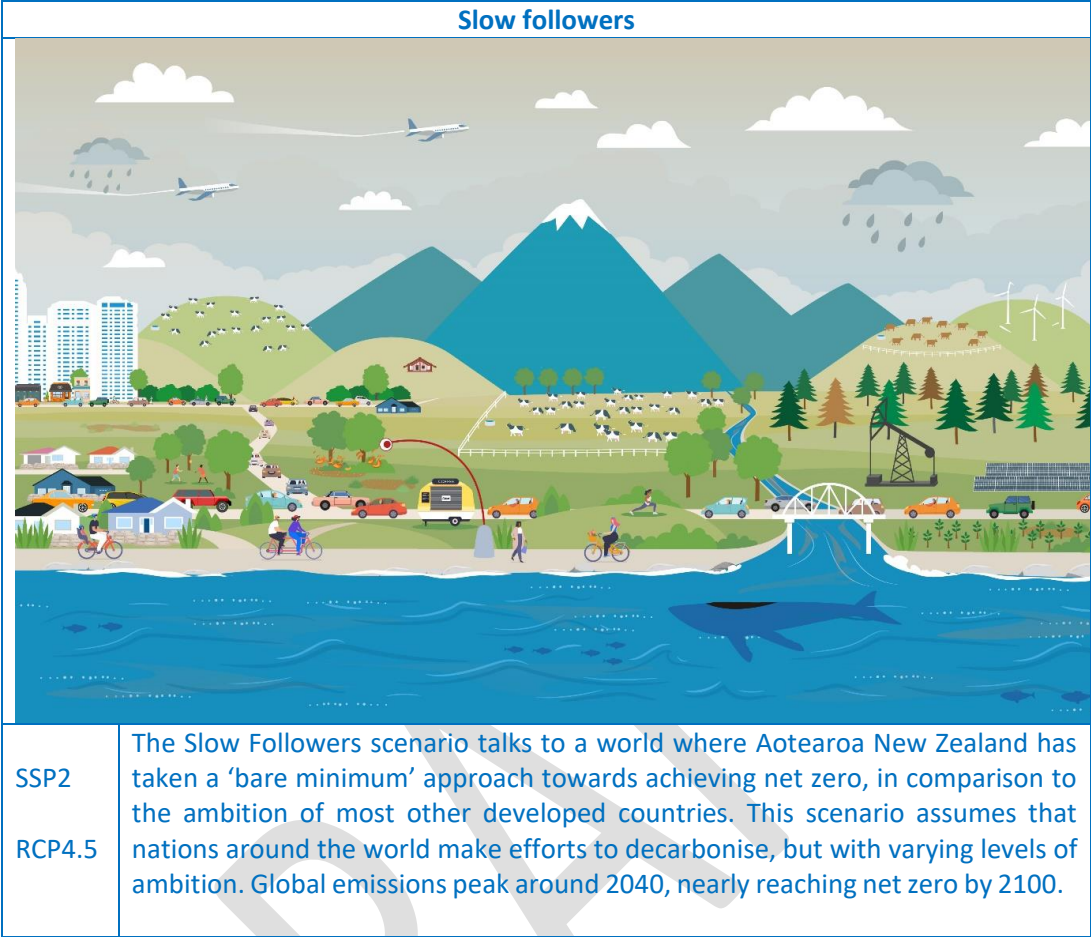
The four scenarios, and their alignment to global emissions and transition scenarios are detailed below.

Sustainable Lifestyle Capital	
	
<p>SSP1</p> <p>RCP1.9</p>	<p>The Sustainable Lifestyle Capital is an orderly scenario, and represents a world defined by a rapid global push to decarbonise in the 2020s, achieving net zero emissions by 2050. This scenario assumes decarbonisation is achieved abruptly and immediately through a wide range of renewable energy sources and energy efficiency measures. Aotearoa New Zealand invests in strategic, transformational mitigation measures with innovation playing an important part. Global emissions peak in the 2020s and then decline, reaching net zero by the 2050s.</p>


Trailblazers



SSP4	The Trailblazers scenario is a world where the level of international cooperation has varied across countries, resulting in a fragmented response to climate change. Aotearoa New Zealand has moved with the leaders. Whilst the country is seen as an attractive place to invest, this scenario does not represent a socially just transition. Most businesses are not prepared. Global emissions peak in the 2030s, reaching net zero by the 2080s.
RCP3.4	





Hot House World	
	
SSP3 RCP7.0	Hot House represents a world where minimal and fragmented efforts towards climate change mitigation have resulted in severely increased physical impacts. Countries focus on their short term domestic best interests, resulting in persistent and worsening inequality and environmental degradation. There is a resurgence in the view that “Aotearoa New Zealand's emissions are insignificant” and that the country cannot afford to take the lead or act alone. Emissions continue to rise unabated throughout the century and there is continued reliance on fossil fuels across the energy sector.

The analysis of these scenarios was supported by WSP as external consultants. This included expert internal analysis, internal stakeholder workshops with Te Rōpū Manawataki and various Council staff, and an external workshop with Ngā Kaitiaki.



Climate-related risks and opportunities

This section assesses the transitional and physical risks and opportunities to New Plymouth District Council being able to achieve its vision, mission and goals (community outcomes).

Council’s strategic framework is:

### Strategic Framework

#### Vision: Sustainable Lifestyle Capital

*Mission:* Ensuring Taranaki is a place of opportunity where people want to live, learn, work, play and invest now and into the future with a focus on kaitiakitanga.

*Goals (community outcomes):*

Trusted



- Strengthening Te Tiriti partnerships with hapū and iwi to improve well-being
- Building trust and credibility with community, business, fellow councils and government
- Demonstrating leadership and striving for operational excellence

Thriving Communities and Culture



- Connected and engaged communities
- Safe and active communities
- An equitable and inclusive approach to delivering for all our people and communities
- Communities that embrace Te Ao Māori

Environmental Excellence



- Restoring our ecosystems
- Mitigating further environmental impacts
- Tackling the challenges of climate change
- Delivering resilient infrastructure efficiently

Prosperity



- Developing and supporting initiatives to achieve a diversified high-performing economy
- An equitable economy where people have access to quality employment and opportunities to build wealth
- Contributing to NZ Inc's environmental sustainability and economic performance

### Te anga kōkiri o Te Kaunihera ā-Rohe o Ngāmotu

#### Moemoeā: Te Tino Rohe o te Kātū Noho Toitū

*Te Whāinga:* Kia whakāū ai, ko Taranaki te rohe e kaha pīrangitia ana e te tangata hei wāhi noho; kei reira te pito mata whai angitū kia pai ai te noho, ako, mahi, tākaro, haumi hoki i tēnei wā, ā, hei te āpōpō, kia arotahi atu ki te kaitiakitanga hoki.

*Ngā putanga e whāia ana (e te hapori):*

E whakaponotia ana



- E whakapakari ana i ngā patuitanga Tiriti ki te taha o ngā hapu me ngā iwi hei hāpai ake i te oranga
- Te whakapakari i te whakapono mai, me te whakawhirinaki mai a te hapori, a ngā pakihī, kaunihera atu anō, kāwanatanga hoki
- Te whakaatu i te haututanga me te whai i te kounga o te whakahaere

Ngā Hapori me te Ahurea Tōnui



- He hapori kua tuituia, kua whai wāhi
- He hapori haumaruru, ngākau hihiko anō hoki
- He ara whai ōritetanga, kauawhi hoki mō te katoa, tangata mai, hapori mai
- He hapori ka tauawhi i te ao Māori

Te Kounga ā-Taiao



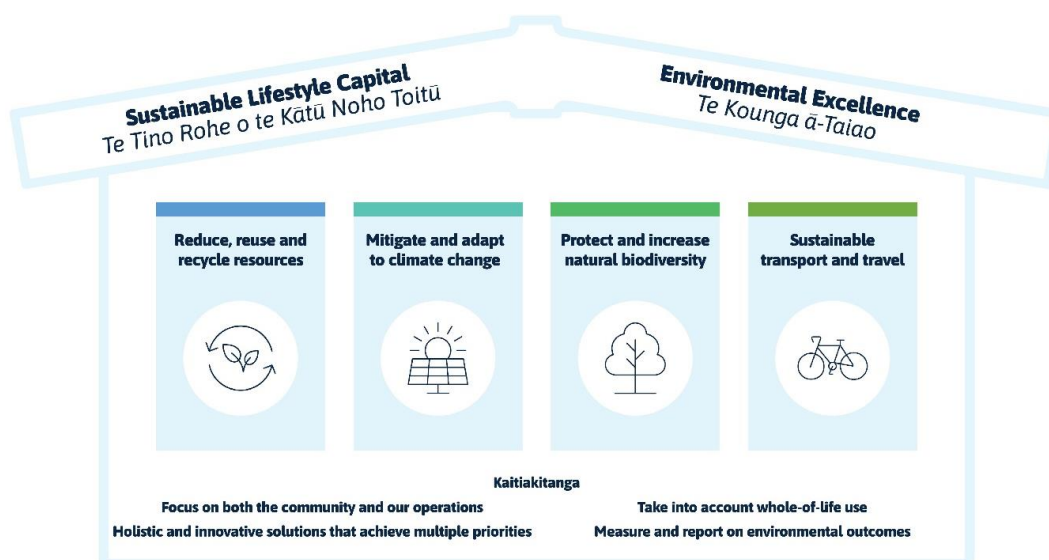
- Te whakarauora i ō tātou pūnaha hauropi
- Te whakamau i ngā pānga whakakino taiao ka puta mai
- Te whakamau hoki i ngā uauatanga o te hurihanga āhuarangi
- Te rato i te hanganga pakari, whaihua

Tōnuitanga



- Te whakawhanake, te tautoko hoki i ngā kaupapa kia puāwai mai ai te ōhanga kanorau, whaihua nui
- He ōhanga whaiōritetanga, e taea ai e te tangata te mahi whaikōunga, me te rapu ara whakatupu whaiārawa
- Te kōkuhu ki te toitūtanga o tō Aotearoa taiao me te whai hua o tōna ōhanga

Council also a wide range of policies, strategies and plans. This includes an *Environmental Sustainability Policy*. This Policy provides Council’s environmental priorities as four pou, based on a foundation of five principles. The diagram below summarises this Policy.











8.1

## Risks

Council's top 10 climate-related risks to its *Sustainable Lifestyle Capital Te Tino Rohe o te Kātū Noho Toitū* vision are:

Rank	Risk	Timeframe	Scenarios	Financial implications	Source
1	NPDC is unable to provide critical lifeline utilities (water, wastewater, stormwater, transportation) to the community due to climate change impacts (such as drought or severe weather)	Short, medium and long-term	● ●	Significant	Physical
2=	NPDC is found to be liable for the death and/or serious injury of residents, and/or significant loss of property, following a significant storm due to insufficient infrastructure and/or improper emergency preparation	Short, medium and long-term	● ●	Moderate	Physical

Rank	Risk	Timeframe	Scenarios	Financial implications	Source
2=	NPDC faces significant financial cost and community disagreement due to relocating homes, businesses and assets built in areas vulnerable to severe weather events	Short, medium and long-term		Significant	Physical
2=	NPDC significantly uses the capital of the Perpetual Investment Fund following a climate change disaster, resulting in the loss of the direct and indirect benefits of the Perpetual Investment Fund for future generations	Short, medium and long-term		Significant	Physical
5	NPDC is unable to invest in climate change mitigation and adaptation due to cost of living issues, however this lack of investment results in higher long-term costs due to fossil fuel price increases and/or climate change event recovery	Short and medium term		Significant	Transitional
6	New Plymouth District enters into a long-term period of low economic activity due to poor economic transition	Medium and long-term		Significant	Transitional
7=	NPDC worsens Te Tiriti relationships with mana whenua through continual degradation of te taiao, including greenhouse gas emissions	Short, medium and long-term		Low	Physical
7=	New Plymouth District communities face insurance and financing retreat due to lack of adaptation and resilience work by NPDC	Medium and long-term		Low	Physical

Rank	Risk	Timeframe	Scenarios	Financial implications	Source
7=	NPDC's planning does not get the settings correct due to poor decision-making, resulting in missing opportunities for a better economic transition and maladaptation to climate change	Medium and long-term		Significant	Transitional and physical
7=	NPDC rates increase significantly as a result of ongoing financial costs associated with continual severe weather whilst ratepayer ability to pay decreases significantly due to poor economic transition, resulting in a lack of investment in services	Medium and long-term		Significant	Physical and transitional

## Opportunities

Council's top 10 climate-related opportunities for achieving its *Sustainable Lifestyle Capital Te Tino Rohe o te Kātū Noho Toitū* vision are:

Rank	Opportunity	Timeframe	Scenario	Financial implications	Source
1=	New Plymouth District creates a low emissions economy due to NPDC's Sustainable Lifestyle Capital vision attracting momentum	Short, medium and long-term		Low	Transitional
1=	NPDC becomes a leader in the transition to a sustainable community through partnerships with mana whenua as kaitiaki	Short, medium and long-term		Low	Transitional
1=	NPDC collaborates with Government agencies, key private sector institutions (such as banks and industry groups) and the community to drive significant emissions reduction and economic transition	Short, medium and long-term		Low	Transitional
4=	NPDC takes a holistic approach to climate adaptation planning, resulting in improving social, cultural, economic and environmental wellbeing whilst making the community safer	Short, medium and long-term		Moderate	Physical
4=	NPDC achieves better outcomes and significant long-term cost savings from embedding long-term climate change and sustainability considerations into all planning decisions	Medium and long-term		Moderate	Physical and transitional
5=	New Plymouth District becomes a leader in economic transition for agriculture and energy through innovation resulting in a highly diversified economy	Medium and long-term		Low	Transitional

Rank	Opportunity	Timeframe	Scenario	Financial implications	Source
5=	NPDC utilises green infrastructure to support the reduction of greenhouse gas emissions, improve te mana o te wai, reduce stormwater flooding risk, improve biodiversity and provide increased public green spaces	Short, medium and long-term		Low	Transitional
7=	NPDC is able to use its assets and services to generate renewable energy (including solar and biogas) resulting in supporting the economic transition and lowering costs of Council services	Short, medium and long-term		Low	Transitional
7=	New Plymouth District successfully retains being New Zealand's energy province through its energy transition, becoming a leader in renewable energy	Medium and long-term		Moderate	Transitional
7=	New Plymouth District becomes a more attractive place to live as it is more sheltered from extreme climate changes	Long-term		Low	Physical

Scenario legend:

Sustainable Lifestyle Capital	Trailblazers
Slow Followers	Hot House World

Council defines time horizons on the following basis:

Timeframe	Years	Strategic planning horizons and capital deployment plans alignment
Short-term	2024-2034	Long-Term Plan 2024-2034 planning horizon and capital deployment plan
Medium-term	2034-2054	Infrastructure Strategy 2024-2054 planning horizon
Long-term	2054-2100	Approximately 50 years (rounded) beyond current planning horizons and capital deployment plans.

Anticipated impacts and financial impacts

Council anticipates significant impacts, including financial impacts, from climate-related risks and opportunities. Council has not undertaken any financial or other modelling on the anticipated impacts of climate-related risks and opportunities due to resourcing constraints, difficulty in modelling transitional risks and data limitations. Council intends to undertake a programme of work to better understand potential financial impacts, initially focused on physical risks.

Transition plan aspects of its strategy

Council does not have a transition plan on how Council will position itself as the global and domestic economy transitions towards a low-emissions, climate-resilient future state.

However, Council has several plans and strategies that already position Council for a low-emissions, climate-resilient future. Combined, these plans and strategies encompass many of the elements of a transition plan.

Existing plan or strategy	Transition plan-related elements
Strategic framework and community outcomes	<p>Council’s vision is Sustainable Lifestyle Capital To Tino Rohe o te Kātū Noho Toitū.</p> <p>Goals, or community outcomes under the Local Government Act 2002, include:</p> <ul style="list-style-type: none"><li>• Environmental Excellence Te Kounga ā-Taiao. This includes a sub-goal of Tackling the challenges of climate change Te whakamauru hoki i ngā uauatanga o te huriganga āhuarangi</li><li>• Prosperity Tōnutanga. This includes a sub-goal of Contributing to NZ Inc’s environmental sustainability and economic performance Te kōkuhu ki to toitūtanga o tū Aotearoa Taiao me to whai hua o tōna ōhanga</li></ul>
Tapuae Roa Strategy and Updated Action Plan	<p>Tapuae Roa Strategy and Action Plan includes focus on transitioning the Taranaki economy to a low-emissions and climate-resilient future.</p> <p>Energy Futures and Food Futures (renamed Food and Fibre Future in the Updated Action Plan) are both key focus areas for economic development. Both areas include transitioning these economic sectors to address climate change. There is also a focus on New Industry and Investment Future in the Updated Action Plan to reflect the need to diversify Taranaki’s economy.</p>

Existing plan or strategy	Transition plan-related elements
District-Wide Emissions Reduction Plan	<p>The District-Wide Emissions Reduction Plan sets out Council's greenhouse gas emission targets.</p> <p>This Plan sets out key initiatives to reduce Council emissions in the short-term to achieve the greenhouse gas emissions targets. This Plan also provides some support for initiatives to reduce emissions within the community.</p>
Proposed District Plan	<p>The Proposed District Plan</p> <ul style="list-style-type: none"> <li>• Enabling urban intensification through increased medium density zoning</li> <li>• Greater mapping of natural hazards, including bringing in climate change forecasts</li> <li>• Reduced consenting requirements for renewable energy</li> <li>• Enhancing protection of significant natural areas and waterbodies</li> <li>• Identification of priority public access corridors (e.g. for future extension of walking and cycling networks)</li> </ul>
Long-Term Plan 2024-2034	<p>The Long-Term Plan is Council's main strategic business planning document and capital deployment plan. The Long-Term Plan includes funding for:</p> <ul style="list-style-type: none"> <li>• Council's climate change response planning</li> <li>• Sustainability Accelerator Fund</li> <li>• Planting our Place</li> <li>• High frequency bus trial</li> <li>• Economic Development</li> <li>• Water Conservation</li> <li>• Stormwater Management</li> <li>• Flood Protection and Control Works</li> <li>• Disaster Recovery Reserve</li> <li>• Waste Management and Minimisation</li> </ul>
Financial Strategy 2024-2034	<p>The Financial Strategy 2024-2034, which forms part of the Long-Term Plan 2024-2034, includes an underlying principle of Resilience and Sustainability. The Financial Strategy includes investigating eligibility requirements for Climate Action Loans and Green, Social and Sustainability Loans from the Local Government Funding Agency.</p>



Existing plan or strategy	Transition plan-related elements
Infrastructure Strategy 2024-2054	<p>The Infrastructure Strategy 2024-2054, which forms part of the Long-Term Plan 2024-2034, includes three key drivers for decision-making. These are:</p> <ul style="list-style-type: none"> <li>• Ensuring our existing assets remain fit for purpose. This includes mitigating our impact on climate change.</li> <li>• Resilience and adapting to climate change. This includes building in resilience to natural hazards and the forecast impacts of climate change.</li> <li>• Providing for sustainable growth and the changing needs of our community. This includes improving environmental outcomes.</li> </ul>
Coastal Erosion Strategy	This Strategy outlines that Council will only protect significant public assets from coastal erosion.
Coastal Strategy	The Coastal Strategy sets out the vision for New Plymouth District's coastal environment to 2025. This includes avoiding natural hazard areas, protecting natural buffers and taking a sustainable approach to hazards and risks to create more informed, resilient and secure coastal communities.
Ngāmotu New Plymouth City Centre Strategy	<p>The Ngāmotu New Plymouth City Centre Strategy identifies a principle of Hāpainga te ahuarangi Responding to Climate Change. Key moves respond to climate change issues, including:</p> <ul style="list-style-type: none"> <li>• Huatoki Corridor Master Plan</li> <li>• Huatoki Daylighting</li> <li>• Pedestrian and cyclist priority across SH45</li> <li>• Coastal Boulevard</li> <li>• Pukekura link: Liardet Street</li> <li>• Pūkākā link: Queen St, Robe St and Robe St Park</li> <li>• Green initiatives</li> <li>• Promote and facility city living</li> <li>• Sustainability Initiatives</li> </ul>
Stormwater Vision and Roadmap	The Stormwater Vision and Roadmap outlines Council's approach to improving stormwater management (with stormwater flooding being a physical climate change risk. The Stormwater roadmap utilises RCP8.5 to identify stormwater flooding hazards. It includes an aspiration for Resilience – Urban communities are resilient to flooding.

Council has begun to develop a Climate Change Adaptation Plan in 2024/25. This will be finalised in 2025/26. This Plan will address physical risk elements to transition to a climate-resilient future state.

Council will assess whether a formal transition plan is required in coming years, or to continue to embed transition planning aspects into Council plans, strategies and policies as they are reviewed.

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## Risk management

This section describes how New Plymouth District Council identifies, assesses and managed climate-related risks, and how those processes are integrated into existing risk management processes.

### Processes

8.1

Council undertook its approach to identifying its climate-related risks and opportunities through:

- Externally-facilitated workshops with Te Rōpū Manawataki, key internal stakeholders and Ngā Kaitaiki (representing mana whenua)
- A review of Council’s Strategic Risk Register and Corporate Risk Register for risks relevant to climate change, natural hazard or environmental matters

Council has undertaken a high-level assessment of the scope, size, and impact of its identified climate-related risks. Risks were identified as potentially having a Significant, Moderate or Low financial risk. There has been no formal costing approach. Further, some of the risks intangible and will be unable to be quantified formally in a robust manner.

Council prioritised the risks and opportunities on the following methodology.

	Likelihood and consequence	Strategic priority and alignment
Process	A five-by-five matrix of likelihood and consequence into five category groups, modified from Council’s Risk Management Framework	An assessment of how the risk or opportunity related to Council’s four goals (community outcomes) of <i>Trusted E whakaponotia ana; Thriving Communities and Culture Ngā Hapori me to Ahurea Tōnui; Environmental Excellence Te Kounga-ā-Taiao; and Prosperity Tōnuitanga</i>
Scoring	Extreme – 5 High – 4 Medium – 3 Low – 2 Insignificant – 1	Critical – 5 Strong – 4 Medium – 3 Low – 2 Insignificant – 1
Weighting	50 per cent	50 per cent overall; or 12.5 per cent per community outcome

Horizons for risks are:

Horizon	Timeframe	Alignment
Short-term	2024-2034	Long-Term Plan
Medium-term	2025-2054	Infrastructure Strategy
Long-term	2055-2100	Approximately 50 years beyond planning cycle
Likelihood assessment	50 years	

Council will assess risks and opportunities systematically on a three-yearly basis following adoption of each long-term plan. A review process may be undertaken in other years to reflect any significant or material changes to the long-term plan made by an intervening annual plan, and any updated information that may indicate new risks or opportunities or changes to existing risks or opportunities.

Council has undertaken this risk assessment primarily focused on Council and the services and relationships it has to the New Plymouth District community. There may be risks associated with Council-Controlled Organisations that are excluded from the value chain considered in this process.

Council maintains a Risk Management Framework for prioritising risks. Climate change is one factor within this Risk Management Framework.

Integration into overall risk management

Council has an overall strategic risk in its Strategic Risk Register of:

**Environmental and Sustainability**

- 2. Environmentally Damaging Event: An environmentally harmful incident occurs.
- 3. Emission Reduction Failure: Council fails to meet climate change emission reduction targets.
- 4. Climate Adaptation Failure: Council fails to adapt effectively to climate change.

Root Causes:

- Council action or inaction, competing priorities, limited resources, or misaligned strategic focus.

Impact:

- Reputational, financial, environmental, health, and safety consequences.

The purpose of strategic risks are to act as an overarching risk across various Council activities. Many of the risk identified within this Disclosure therefore fall underneath this strategic risk.



In 2025/26 Council intends to review risks identified by these Disclosures for the purpose of integration into Council's Strategic Risk Register or Corporate Risk Register (as appropriate). The risks may also be consolidated into wider risks as some of the risks may also have other sources of risk than just climate change-related sources.

8.1

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# Metrics and targets

This section describes New Plymouth District Council’s climate change metrics and targets.

## Metrics

8.1

### Greenhouse gas emission metrics

Metric	Result	Note
Total gross emissions	29,513 tCO2e	2023/24 result
Total net emissions	23,934 tCO2e	2023/24 result
Scope 1	5,042 tCO2e	2023/24 result
Scope 2	1,118 tCO2e	2023/24 result
Scope 3	23,353 tCO2e	2023/24 result
Removals	-5,578 tCO2e	2023/24 result
Emissions intensity	0.095 kgCO2e per dollar of total expenditure	2023/24 result. Emissions intensity is calculated based on total net greenhouse gas emissions divided by total expenditure (both operational and capital expenditure) and represented in kgCO2e/\$

Greenhouse gas emissions have been calculated in accordance with the ISO14064:2018 using the operational control consolidated approach. Total gross emissions include biogenic emissions from landfill, grazing, and wastewater treatment. Emission factors are primarily taken from Ministry for the Environment, 2024. Exclusions include Council-controlled organisations, historic closed landfills, well to tank emissions, use of sold products (Bioboost), and downstream transportation emissions from kerbside waste collection. The inventory has been assured by Toitu with ‘good’ classification.

### Other metrics

Metric	Result	Note
Assets or business activities vulnerable to transitional risks	This has not been assessed	
Assets or business activities vulnerable to physical risks	This has not been assessed	



Metric	Result	Note
Assets or business activities aligned with climate-related opportunities	This has not been assessed	
Financing or investment deployed towards climate-related risks and opportunities	This has not been assessed	
Internal emissions price	Council does not have an internal emissions price	
Remuneration linked to climate-related risks and opportunities	No link.	Remuneration for Council Officers is set in accordance with the Remuneration of Council Employees Policy (P13-004). There is no systemic link for remuneration for the Chief Executive, Te Ranga Urungi or any Council Officer to climate-related risks or opportunities. Individual Council Officers may have performance measures that relate to climate-related risks and opportunities within their individual performance goals. The Chief Executive's key performance indicators do not include any explicit metric relating to the identified climate-related risks and opportunities.

## Targets

### Greenhouse gas emission targets

Council has set greenhouse gas emissions targets in its District-Wide Emissions Reduction Plan.

Target	Timeframe	Base year	Performance	Target type
49% reduction in greenhouse gas emissions	2030	2017/18	Not on track	Absolute
Minimum of 10% reduction in biogenic methane	2030	2017/18	On track	Absolute
All greenhouse gases, other than biogenic methane, to reach net zero	2050	2017/18	Not on track	Absolute

24% to 47% reduction of biogenic methane	2050	2017/18	On track	Absolute
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The targets align to the national targets set in section 5Q of the Climate Change Response Act 2002. The purpose of that Act is to contribute to the global effort to limiting global warming to 1.5°C above pre-industrial levels. The targets do not rely on offsets but do rely on sequestration within Council's organisational boundaries.

The Plan also includes two annual interim targets.

Interim Target	Timeframe	Base year	Performance	Target type
4.2% annual reduction in scope 1 and 2 emissions	Annual to 2030	2017/18	14% increase against baseline year	Absolute
2.5% annual reduction in scope 3 emissions measured by CO2e per dollar of spend	Annual to 2030	2022/23	Unmeasurable. This target cannot be measured due to the current reliance on spend-based emission factors.	Intensity

Council is intending to revise the District-Wide Emissions Reduction Plan in 2025/26. This will include considering revising the greenhouse gas emission targets in line with science-based target, including a revised scope 3 emissions target.

### Other targets

Council's Long-Term Plan 2024-2034 sets a range of key performance indicators across Council services.

Service	Key performance indicator	Measure	Performance
Economic Development	Facilitate, promote, and support sustainable business growth, innovation, investment and employment opportunities in Taranaki.	Number of events, programmes or initiatives to drive change and support regional strategy objectives such as in Tapuae Roa and Taranaki 2050	XXXXX
Emergency Management and Business Continuance	Ensure NPDC is ready for, can respond to, and can recover from emergencies.	Emergency plans and processes are reviewed and updated annually as per review schedule.	XXXXX



	Assist the New Plymouth community in becoming ready for, responding to, and recovering from emergencies.	Emergency centres are identified, assessed and formalised with Memorandum(s) of Understanding.	XXXXX
Flood Protection and Control Works	Major flood protection scheme assets and systems are maintained in accordance with asset management plans and annual works programme.	Assets to be maintained to full service potential in accordance with the Dam Safety Management System and Asset Management System (T1) scheduled maintenance.	XXXXX
Stormwater Management	Provide a stormwater management system that protects people and property	The number of flooding events in the district per financial year.	XXXXX
		The number of habitable floors affected in each flooding event (per 1,000 properties connected to NPDC's stormwater system)	XXXXX
	Ensure customers are satisfied with the performance of our stormwater system.	The number of complaints received about the performance of NPDC's stormwater system (per 1,000 properties connected).	XXXXX
	Provide a good quality and safe stormwater system.	The percentage of residents satisfied with the quality and safety of the district's stormwater supply (satisfaction survey*).	XXXXX
Transportation	Provide a quality and safe cycle network.	The percentage of residents satisfied with the quality and safety of the district's cycle network (satisfaction survey*).	XXXXX
Waste Management and Minimisation	Deliver waste services and education programmes to actively encourage our communities to continually minimise waste levels throughout the district	The reduction in total waste to landfill per capita in the district (measured as a year on year percentage).	XXXXX
		The reduction in waste to landfill per household (measured as a year on year percentage).	XXXXX
Water Supply	Manage demand to minimise the impact of	The average consumption of drinking water per day,	XXXXX

	water supply activities on the environment.	per resident, within New Plymouth District.	
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\* All satisfaction survey targets are excluding ‘don’t know’ responses

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8.2

# Taranaki Future Scenarios



Te Kaunihera-a-Rohe o Ngāmotu  
**New Plymouth  
District Council**

# An Introduction to the Future

As tangata whenua, iwi and their hapū exercise mana whenua over traditionally defined areas across the Taranaki region. This weaves across the lands, waters, taonga species, wāhi tapu, wāhi taonga, urupā and sites of significance within their rohe.

Iwi and hapū hold permanent ongoing historical, cultural and spiritual connections to these. Their environment is a part of who they are. In return, as kaitiaki, they have the responsibility of ensuring the mauri of the environment and its interdependent kinship relationship with ira tangata is protected and enhanced for future generations.

The future scenarios of the Taranaki region presented below are an attempt to walk backwards into the future, with our eyes fixed on the past. These futures exist only in the context of our shared past and when they are read through the eyes of the present it's important this is acknowledged.



# Taranaki & New Plymouth District Today

*Taranaki is located on the west coast of Aotearoa New Zealand's North Island, and is centred around Taranaki Maunga. Taranaki was traditionally settled by Māori, with thriving populations throughout Taranaki. Following pressure from the Crown for land and the Taranaki Land Wars, almost all of Taranaki was confiscated by the Crown from Māori ownership in the 1860s. This was followed by development and the degradation of the environment, including the loss of indigenous plants and animals, and the pollution of waterways and important offshore fishing reefs.*

*Taranaki today has a population of 130,000, with 90,000 of those living in New Plymouth District, 10,000 in Stratford District and 30,000 in South Taranaki District. Taranaki is Aotearoa's energy province, being home to New Zealand's only operational oil and gas fields. Taranaki is also a significant dairying region. Combined, Taranaki is New Zealand's second highest emitting region per capita, with 44 tonnes of CO<sub>2</sub>-equivalents emitted in 2023 compared to the national average of 15 tonnes. These industries have also led to a prosperous region, with Taranaki having the second highest regional GDP per capita at \$85,000 per person, above the national average of \$78,000 per person.*

*Taranaki has around 300 kilometres of coastline, with significant long-term erosion trends for most of the coast. Numerous communities, including New Plymouth City (Taranaki's largest settlement), are located along the coast. Taranaki is also known for its heavy rainfalls and strong westerly winds. Taranaki has also taken out New Zealand's sunniest region several times recently and can experience drought conditions through summer. Wider environmental outcomes are mixed, with some improvements in recent years through increased riparian planting, farm management, pest eradication programmes and improving infrastructure standards.*



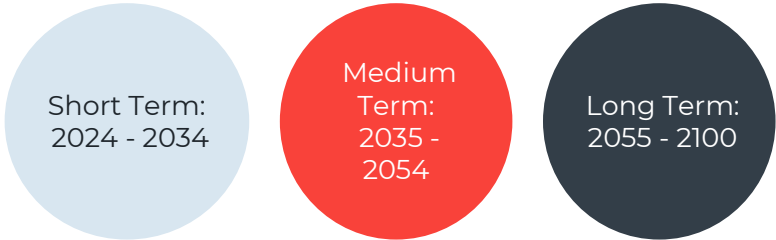
# An Introduction to Future Scenarios

*Climate change has many potential paths and futures. These paths and futures depend on policy decisions at local, national and global levels. The paths can be smooth and straight in a single direction, or they can weave with policies swinging and changing. The paths lead to different future temperature outcomes.*

*Four potential paths and futures are outlined for how climate change may impact Taranaki. They have been designed to help Taranaki to plan for the future by understanding what different futures may look like. These are plausible, distinct and challenging scenarios. They are not predictions of the future but are all still realistic possibilities at this stage. The scenarios are broad outlines of potential futures and are not a substitute for risk mapping and hazard identification. These future scenarios align to global scenarios and different temperature outcomes.*

8.2

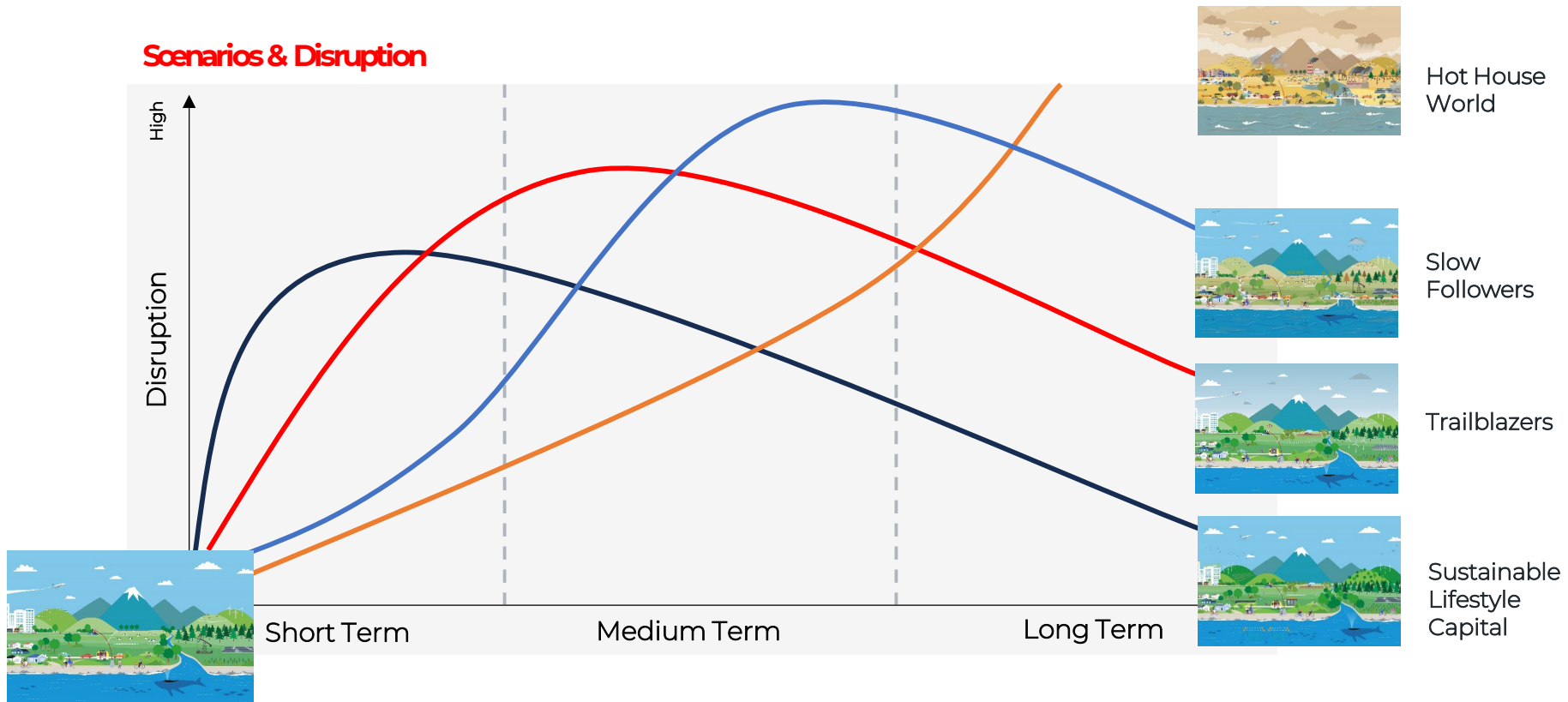
Future Scenarios	Sustainable Lifestyle Capital	Trailblazers	Slow Followers	Hot House World
Temperature outcomes	2050: +1.6°C 2100: +1.7°C	2050: +1.9°C 2100: +2.2°C	2050: +2.0°C 2100: +2.6°C	2050: +2.1°C 2100: +3.9°C
Scenario reference	SSP1-1.9	SSP4-3.4	SSP2-4.5	SSP3-7.0



*These scenarios are written for New Plymouth District Council initially, but have been designed so that all Taranaki organisations are able to use them for thinking about climate change in future planning.*



Each of these scenarios represents significant disruption to Taranaki. However, they differ in when disruption occurs, how big the disruption is, and the cause of that disruption. The below graph provides an indication of the disruption each of these scenarios brings to Taranaki.



The four scenarios are outlined below. The Trailblazers and Slow Followers scenarios are more detailed reflecting that they have higher changes in policy over time.





# Sustainable Lifestyle Capital

*The Sustainable Lifestyle Capital scenario represents a world defined by a rapid global push to decarbonise in the 2020s, achieving net zero emissions by 2050. This scenario assumes decarbonisation is achieved abruptly and immediately through a wide range of renewable energy sources and energy efficiency measures. Aotearoa New Zealand invests in strategic, transformational mitigation measures with innovation playing an important part. Global emissions peak in the 2020s and then decline, reaching net zero by the 2050s.*



8.2





# Sustainable Lifestyle Capital

Short  
Term:  
2024 -  
2034

Throughout 2025 momentum builds in efforts towards climate action, and global economic and geopolitical stability show signs of improvement. Two pivotal milestones shape the trajectory of Western economies. First, a critical mass of public awareness about climate change and the loss of biodiversity drives an urgent demand for action. Second, a dramatic move of early actors triggers a vast retreat from insurance, indicating a highly inaccessible insurance environment in a world heated beyond 2°C.

Central government, NPDC, local iwi, businesses and the Taranaki community are largely clear about their roles and responsibilities in coordinating and responding to the climate crisis. There is bipartisan support for long term climate action driven through embracing co-governance models, as government recognises the importance of mana whenua views in tackling the degradation of the environment. Recognition of the limitations of relying solely on the ETS price signal to drive change. The level and speed of change is highly disruptive to all industries, especially energy, requiring a staggering rate of decarbonisation year-on-year. The energy sector prioritises development of resilient and flexible grid infrastructure; integration of more renewable energy sources, such as solar and onshore and offshore wind, to ensure a stable and reliable power supply.

Where organisations and industries fail to implement a just transition, widespread job losses become inevitable. With Taranaki heavily dependent on the oil and gas industry, this wave of deindustrialisation threatens significant social unrest and upheaval. Organisations seen as lagging face greenwashing or other reputational risks; only those that have developed robust transition plans can access affordable insurance and capital. Some businesses don't survive the revolutionary transformation required to reach net zero. This rapid pivot creates high socio-economic costs with high inflationary and cost of living pressures across the region.

Locally, the 2024 Tapaue Roa Action Plan, which brings in the Taranaki 2050 vision, starts significant conversations within the region around decarbonisation efforts and economic diversification. Increased investment in economic development by central and local government and iwi helps to reduce the disruption on the local economy, although many businesses face uncertainty and re-sizing while transitioning to lower emissions approaches. NPDC, iwi and hapū work together to embed te ao Māori and mātauranga Māori into council decisions, placing a higher value on the natural environment and sustainability.

By 2026, a levy is introduced on agricultural emissions, putting a price on biogenic methane and nitrous oxide emissions and leading to decreasing stock numbers for dairy, sheep and beef farmers. This rapid transition places financial and emotional stress on farmers throughout Taranaki. The Branching Out programme catalyses farmers to diversify their farms as a response, and farmers face low barriers to investing in horticulture due to easy access to finance for sustainability measures. Local lwi support farmers to diversify their operations through community knowledge sharing around indigenous horticulture and food growing methods, further fostering an increase in papakāinga and improved food security.

Transport investment shifts away from increasing road capacity, with a stronger focus on building a fit-for-purpose public transport network both within New Plymouth City and linking communities around the Maunga. The successful completion of Te Pae o te Rangī, the Coastal Walkway extension to Waitara, results in increasing demand for more safe cycling and walking infrastructure between communities.



# Sustainable Lifestyle Capital

Medium  
Term:  
2035 -  
2054

Government has helped to navigate tensions between decarbonisation, nature preservation policies and economic growth through a strong partnership model supporting iwi/Māori, the energy sector, and wider businesses. Taranaki continues advancing renewable energy efforts in wind, wave, biofuel and solar.

Physical climate change impacts still have significant effects. Droughts have worsened and intense rainfall and storm events occur multiple times every decade, damaging infrastructure. Sea level rise and storm surges also escalate the risk of flooding and landslides, disrupting supply chains, transportation networks, and communities across Taranaki. Central and local government work with banks and insurance sectors to collaboratively build community resilience and to relocate communities away from risk.

A market for Taranaki's leading premium, sustainable animal products still exists, but the broad shift in demand has continued farming diversification into high value, low emissions crop and horticulture products. Iwi/Māori as significant landowners were positioned as key figures in the transition; products grown using indigenous horticulture methods are in high demand.

Growing a collaborative community and developing a shared model for resources further supports de-risking land use changes and entry into the food industry. Farmers and communities opt into pay-as-you-generate solar panel models (e.g. a cents/kWh rate), which are possible through Power Purchase Agreements (PPAs). In 2035, a group of leading horticulture, transport and energy organisations sign a landmark deal on scaling biofuels by repurposing existing infrastructure in Taranaki.

By 2035, access to insurance and finance is almost impossible for high emitters. Petrol and diesel vehicles have been phased out and EVs are the norm, with charging infrastructure being well-developed across the country. Mode shift to active and public transport use also increases, reducing network load. Access to capital becomes linked to sustainability, and lenders incur financial penalties for missing sustainability targets. Net zero is achieved by 2050 through a highly ambitious and coordinated global effort to decarbonise during the late 2020s and early 2030s.

Long  
Term:  
2055 -  
2100

Tipping points in the earth system have largely been avoided, but the world still faces increased physical impacts of climate change. Transition to net zero has positively impacted regional GDP, resulting in a shift in economic activities away from consumerism, and driving tech-enabled efficiencies and health outcomes. Roads have been re-designed to support safety and enjoyment for active transport modes, like scooters and bikes. This has led to many co-benefits such as reduced spending required in healthcare with an overall improvement in mobility and mental health in the community. There are fewer vehicles and almost all are e-vehicles. As a result, there's less need for parking spaces, so many areas within New Plymouth have been repurposed into green and vibrant community places increasing biodiversity and reducing urban heat island effects. Companies that have not embraced the transition to a low-carbon energy system are no longer in business.

In the energy sector, decarbonisation is achieved through a wide range of renewable energy sources and energy efficiency measures, reducing energy demand and improving overall energy productivity. Biofuel is widely used, especially for operations for large scale energy users such as the Taranaki Port. Taranaki's leadership in renewable energy and environmental restoration solidifies its position as the sustainable lifestyle capital of New Zealand.

Nationwide resource management policy is fully integrated with te ao Māori values, enhancing native forest regeneration, biodiversity protection and climate resilience. Revenue generated from the agricultural emissions levy has supported Taranaki to restore its once thriving ecosystems through clean awa (rivers), a healthy whenua (land), providing abundant food and resources and a healthy moana (sea) full of kaimoana.



# Trailblazers

*The Trailblazers scenario is a world where the level of international cooperation has varied across countries, resulting in a fragmented response to climate change. Aotearoa New Zealand has moved with the leaders. Whilst the country is seen as an attractive place to invest, this scenario does not represent a socially just transition. Most businesses are not prepared. Global emissions peak in the 2030s, reaching net zero by the 2080s.*



8.2



Short  
Term:  
2024 -  
2034

# Trailblazers

## Government priorities



Starting in 2025, international markets and trade partners, many of which have already adopted stringent climate policies, are starting to impose trade barriers on Aotearoa New Zealand's exports, citing non-compliance with ESG reporting standards and sustainability obligations. Government makes a bold push to decarbonise in alignment with global climate leaders, despite a fragmented international environment. Strict policies are implemented to drive rapid emissions reductions. Initially, these policies are primarily driven by efforts to support export industries overcome trade barriers. Poor coordination of these policies, ongoing politicisation, a lack of focus on domestically focused industries, and insufficient global support results in high costs for businesses and consumers. The focus on undertaking actions to avoid and reduce greenhouse gases leads to rapid regulatory changes, forcing companies and farmers to adapt quickly and creating financial strain across the region.

Iwi and hapū groups throughout the region support the shift from the Government, citing that they have been advocating for improved kaitiakitanga for decades as they have the responsibility to protect and care for their whenua and taiao.

In the financial sector, domestic banks, such as TSB, play a crucial role in facilitating Taranaki's transition to a low-carbon economy. Sustainability-linked loans and incentives become mainstream by 2027 providing businesses and homeowners with increased access to capital for decarbonisation efforts, such as solar panels. However, despite these opportunities, the lack of support for adaptation continues to leave many communities vulnerable to the immediate impacts of climate change. Rebuild funding echoes this, as infrastructure and homes are recovered but not improved or relocated to safer areas.

## Society



Initially, the public are generally onboard with the goal of decarbonising. However, many are not prepared or able to make large lifestyle changes especially in rural communities. Taranaki takes a leading role in the rapid expansion of renewable energy for the country by 2027. The accelerated demand for skilled construction workers in wind and solar industries far outstrips supply, causing strain on projects. The labour shortage slows the pace of the energy transition, with businesses and NPDC having to compete for qualified workers from outside the region as wages and project costs increase.

The uncoordinated shift away from oil and gas production leaves many highly skilled workers redundant, many making the move to Australia. There is an opportunity for reskilling programmes, however, the uptake is slow as the urgent demand for skilled labour takes priority, leaving little time or resources for training.

Rural and Māori communities throughout the region who are in lower socioeconomic brackets are disproportionately impacted by rising travel costs. This is caused by the increasing carbon price placed on fuel, the high upfront costs of transitioning to low emission private vehicles and Taranaki's slow uptake of vehicle sharing schemes.

Port Taranaki must diversify its portfolio after the closure of key natural gas companies, the Port's largest customers. The population continues to grow, but there are annual fluctuations in growth rates, resulting in lower overall population growth.

## Environment



Taranaki remains less affected to the physical impacts of climate change when compared to other regions in Aotearoa. However, the region continues to see more extreme weather events such as heavy rainfall and storms, leading to occasional flooding in low lying areas. Droughts become more frequent with some of the drier summers placing stress on the water availability in the region, placing financial strain on farmers.

Infrastructure, particularly coastal roads, bridges and drainage face increasing challenges. Early signs of strain appear in water management systems as the decrease in Mean Annual Low Flow (MALF) affects river levels and freshwater supplies. TRC develops water take limits in consultation with key stakeholders, iwi/hapū and the wider community, to restrict the amount of water being taken from rivers, streams and lakes to reduce the environmental effects of these drier times.

Following the final treaty settlement and the personification of the Taranaki Maunga, iwi and council pursue a more integrated co-governance structure. Collaborative strategies and initiatives, such as Planting our Place, Taranaki Taku Tūrangā - Towards Predator-Free Taranaki and the Regional Biodiversity Strategy, help improve biodiversity and predator control. These initiatives create a strong sense of community collaboration.

## Energy



Taranaki pushes forward as a key player in New Zealand's renewable energy transition. The region sees significant investments in expanding its generation capacity, with projects focusing on wind and solar energy generation and battery storage. Rising fossil fuel energy costs become a significant challenge and low-income households, who are slow to decarbonize, are particularly hard-hit across the region. Government and local financial support mechanisms, such as subsidies and sustainability-linked loans, are introduced to alleviate these pressures, but funding is insufficient to meet the growing demand.

Rapid uptake of electric public transport, EV's and the electrification of household appliances by 2028 adds additional strain to the region's electricity grid. Insufficient generation, battery storage infrastructure and lack of advanced demand-side management systems result in ineffective load balancing, leading to localised blackouts during peak demand periods. The region's energy resilience is repeatedly tested throughout the early stages of the transition.

Iwi, hapū and rural communities begin to work in the region to improve energy resilience, utilising solar generation technology and community scale microgrids.

## Agriculture



The lack of a coordinated land use policy combined with changes in consumer demand and high food prices, creates an uncertain operating environment for farmers and growers. Promising innovations, such as methane inhibiting vaccinations, provide hope to farmers but are slow to reach commercial scale in New Zealand and fail to reduce emissions significantly.

By 2030, a levy is introduced on agricultural emissions, which puts a price on biogenic methane and nitrous oxide emissions, which leads to decreasing stock numbers for dairy, sheep and beef farmers.

An increasing cost of living creates the need for innovative and efficient food growing practices to build resilience and food security in the region. Iwi work with community groups to build out a network of Papakāinga and local food production throughout the region, supported by NPDC.

Investment into the agriculture sector slows, and difficulty accessing capital necessitates farmers across the region to diversify their land to avoid liquidation. The mental health of farmers in the region suffers during this transition increasing the need for support from local government and the community





# Trailblazers

## Government priorities

Top-down policies focus on integrating both adaptation and mitigation into the national agenda, as Taranaki positions itself as a leader within the country, and Aotearoa as a global climate leader. Politicisation reduces, with fewer policy shifts between different governments. Co-governance between NPDC and iwi continues to strengthen, especially in critical decisions.

Accessible low cost, low emissions public transport is being utilised in the areas surrounding New Plymouth. However, rural communities still struggle with a lack of options. Water restrictions are implemented as part of a broader adaptation strategy. Government funding is directed towards enhancing water infrastructure, such as advanced water metering to encourage conservation and to cope with droughts and other climate impacts.

The levy placed on agricultural greenhouse gas emissions has contributed to reducing the sector's high emissions footprint, but it significantly raises costs for farmers, placing financial strain on many in the industry and rural communities. While this move strengthens Aotearoa's climate commitment and international reputation, the transition is challenging for the rural economy, with smaller farms and agribusinesses particularly vulnerable.

Consenting for renewable energy projects accelerates in the mid 2030s, particularly for offshore wind farms causing rising tension with iwi and environmental groups over effects on marine ecosystems.



## Society

Economic and social impacts of climate change become more apparent across Taranaki. Isolated areas and rural Māori communities are disproportionately affected by high energy prices in the mid 2030s and increasingly severe weather events. This drives these communities to become early adopters of decentralised energy grids, reducing their reliance on the national grid and increasing local energy resilience.

Iwi and hapū intensify their collaboration with NPDC and local organisations to prioritise the restoration of Taranaki's natural environment. These efforts focus on restoring wetlands, native forests and waterways, driven by a shared vision of enhancing biodiversity, ecosystems and carbon sequestration.

By 2035, Taranaki's growing reputation as a leader in renewable energy attracts international investment, creating new economic opportunities. The region becomes recognised as a hub for clean energy innovation, with an influx of talent attracted to Taranaki's sustainable lifestyle making it a desirable place to live and work. The region's clean energy also attracts global communication and AI companies to build energy intensive operations such as data centers in Taranaki.

Population growth becomes stronger, returning to the growth rates seen in the 2000s and 2010s, which drives housing prices to increase.



## Environment

Taranaki experiences intensified environmental challenges with warmer temperatures and more frequent intense weather events becoming normal. Severe droughts and reductions in annual rainfall strain inland water resources; the declining MALF amplifies the importance for water management. Consents authorising groundwater usage become more common, especially in rural areas where water sources such as streams and rivers are not easily accessible.

Increased intense rainfall has accelerated soil erosion in the Taranaki hill country with soft sediment causing downstream effects to the quality of rivers and streams throughout the region. Many flow directly from Taranaki Maunga and as the awa pass through the region to Te Tai-o-Rehua, the Tasman Sea, the increased rainfall runoff contributes contaminants to the waterways, including excess nutrients, sediment and bacteria.

Iwi support local government to combine traditional and indigenous water testing methods to improve the water quality of the awa in the region.



## Energy

A cross-party political outlook within New Zealand has enabled long term decarbonisation planning in the energy sector. The strong buildout of renewable energy generation continues in 2035 throughout Taranaki as the region becomes a global leader in wind energy generation, both on and offshore, although at a relatively high cost.

By the 2040s, energy prices stabilise alleviating some of the cost-of-living pressures for rural and lower socioeconomic communities in the region.

Global economies of scale reduce the price of renewable energy technologies, seeing local distribution networks such as solar and small-scale hydro power stations become widely adopted across Taranaki, particularly in rural areas. Innovative technologies such as grid-scale flow batteries are used to store the clean energy being generated, which improves resilience to a dry-year problem.

A diverse range of energy sources are built throughout the country during this time fueling heavy freight transport and industry, such as hydrogen and bioenergy. However, this transition leaves stranded assets for companies or industries that lag behind without robust transition plans.



## Agriculture

With the emissions levy now putting a price on biogenic methane and nitrous oxide emissions from farms, this has encouraged farmers to reduce their emissions by decreasing stock numbers, changing management practices, diversifying their farm system, and/or adopting new technologies. This rapid transition to reduce emissions has placed financial and emotional stress on farmers throughout the region. To alleviate this pressure, the government recycles revenue gained from the levy back to the catchment it came from, to be spent on actions to provide adaptation solutions, native forestry planting and biodiversity improvements.

Regenerative practices and innovative mixed farming systems, such as precision agriculture for food growing, has built resilience and food security in the region. Community food growing and sharing networks increase leading to benefits in social cohesion.

Taranaki, now seen as a proactive and sustainable hub, attracts environmentally pioneering start-ups such as producers of lab grown dairy; a product growing in use, feasibility and popularity overseas.





# Trailblazers

Government priorities	Society	Environment	Energy	Agriculture
<p>In a final push towards net-zero, there is significant investment during the 2050s in nature-based solutions for carbon sequestration with increased investment in blue carbon as well as carbon capture and storage (CCS) technologies. While global emissions peaked in the 2030s and began declining, net zero is only achieved by the 2080s.</p> <p>Co-governance between iwi, hapū and local government is seen as a key contributor to Taranaki fulfilling a socially just transition.</p> <p>Climate issues stop being politicised, resulting in critical transition decisions being delivered without interference. High investment in decarbonising the public transport system in the medium term combined with strategic planning of space for active transport modes has reduced the need for private vehicle use in New Plymouth.</p> <p>Taranaki is taking advantage of the benefits that have come from a disorderly but rapid transition towards decarbonisation. Growth in international and domestic investment for offshore wind sees the region as a global leader in wind energy generation, which makes it an attractive place to live and visit.</p>	<p>A largely successful, albeit disruptive, transition to net zero has occurred by 2080. Taranaki's leadership in renewable energy and environmental restoration solidifies its position as the sustainable lifestyle capital of New Zealand. Success in attracting international investment drives higher than expected net migration to the region, leading to significant population growth in urban areas.</p> <p>NPDC prioritises high-density, mixed-use developments that combine residential uses and commercial opportunities. The faster growing regional population places pressure on critical infrastructure such as water, wastewater and transport systems.</p> <p>Resource management policies fully integrate Māori principles, emphasising the importance of conserving biodiversity and protecting natural resources. The shift has led to a more strategic approach to environmental restoration, with iwi and hapū taking an active role in shaping regional and national policies. By adopting a mātauranga Māori approach to decision-making, New Zealand shows how society can change its relationship with the natural world and incorporate kaitiakitanga into private and public sector policy and procedures.</p>	<p>Global emissions have reached net zero by 2080 and global temperatures have increased by 2.2°C. Strong collaboration with iwi has led to impacts on nature and the environment being key considerations in the decision-making processes with local government. This has improved adaptation and resilience to the continually changing climate.</p> <p>Despite New Zealand's relatively fast transition, a fragmented global response means Taranaki continues to face significant and permanent environmental challenges.</p> <p>The region experiences more frequent and severe storms, floods and prolonged droughts. Coastal erosion has made some low-lying areas uninhabitable such as Waitara, and rivers and streams are often depleted.</p> <p>Environmental and ecological changes have altered species migration and population, affecting communities such as Tongapōrutu where ecological concerns are of great significance to whitebaiting.</p>	<p>The transition to renewable energy has stabilised, and domestic energy prices have become more affordable. Government's financial aid has supported businesses and consumers in the adoption of renewable energy sources, seeing energy poverty decrease and supporting the economic viability of Taranaki's small businesses.</p> <p>Demand for energy is still increasing with the electrification of public and private transport and the wide scale use of AI technologies. There is diverse mix of renewable energy sources in the country with wind, solar, and geothermal still dominating grid-scale generation with growing availability of wave energy technologies. The hydrogen pipeline has expanded allowing heavy transport and freight to reduce their footprint substantially, combined with the use of biofuels. Infrastructure throughout the region has been repurposed to be compatible with bioenergy which is commonly used in industry. Community and household energy is being generated by solar with battery storage technologies maturing, helping to decentralise and improve resilience especially during weather events.</p>	<p>The transition towards net zero has drastically disrupted the trajectory of the agriculture sector. Consumers are increasingly conscious of their food consumption, with plant-based diets continuing to grow in popularity due to their reduced environmental footprint. Locally grown produce and meat is the consumer preference; a saving grace for smaller farms who are restricted by newly implemented export barriers.</p> <p>Revenue generated from the emissions levy has bolstered land use conversion to native forestry; improving biodiversity, creating thriving ecosystems and providing resilience for farms around the region.</p> <p>Community food sharing and papkāinga is now common practice which has improved food security and reduced food waste.</p>





# Slow Followers

*The Slow Followers scenario talks to a world where Aotearoa New Zealand has taken a 'bare minimum' approach towards achieving net zero, in comparison to the ambition of most other developed countries. This scenario assumes that nations around the world make efforts to decarbonise, but with varying levels of ambition. Global emissions peak around 2040, nearly reaching net zero by 2100.*



8.2



Short  
Term:  
2024 -  
2034

# Slow Followers

## Government priorities



Aotearoa New Zealand is slow to address the urgency of climate change and there is a limited commitment to decarbonisation. Companies remain heavily reliant on fossil fuels without external pressure to mobilise transition plans to renewable energy. Repeal of the ban on oil and gas exploration leads to positive impacts on the Taranaki regional economy as a result of increased exploration and drilling activities. The decision, however, has severe consequences for not meeting obligations in several of Aotearoa New Zealand's free trade agreements. There is ongoing strong opposition from iwi and hapū who are deeply concerned about the damage to fragile coastal ecosystems and the potential effects on kaimoana throughout the region.

Frustration continues to build within iwi and hapū following inadequate consultation in decision-making processes in the region. The relationship with NPDC continues as BAU.

Government prioritises short term economic growth through rezoning and land use changes, accelerating urban sprawl and expanding the road network. This leads to worsening congestion getting in and out of New Plymouth. Policies on issues such as freshwater protection are frequently upheaved and reformed, leaving NPDC uncertain on how to invest in water infrastructure. The lack of investment into storm-, drinking- and waste-water infrastructure results in systems that are ill-equipped for heavy rainfall, droughts and serving increasing populations.

## Society



As climate issues become increasingly politicised, a growing social divide emerges. Younger generations, along with those most vulnerable to climate impacts, feel that Aotearoa New Zealand's approach is not proactive enough for their futures. The lack of coordinated action leads to frustration, and a sense of abandonment from those who feel the brunt of climate-related disruptions.

Taranaki grows more divided accelerated by an aging population, with local innovation halted by inconsistent or insufficient support. Population growth slows as a result of the oil and gas sector insecurity.

Māori communities in Taranaki, frustrated by the government's slow response and insufficient action on climate change, begin to actively challenge inadequate policies.

The loss of mahinga kai and continual damage to vulnerable communities, including homes and marae, become a symbol of the wider struggles Māori communities are facing.

The cost of living continues to increase in the region, this is further exacerbated as NPDC is forced to raise rates to increase funding to rebuild and maintain infrastructure.

## Environment



Physical effects of climate change, both acute and chronic, continue to impact Taranaki; this is becoming more noticeable in particularly vulnerable rural and coastal areas. Some roads and tourist hotspots such as the New Plymouth Coastal Walkway and the Pouākai Circuit on Taranaki Maunga are frequently damaged by storms and heavy rainfall.

Intense weather events impact sea and air freight, causing delays to imports and exports and a flow on effect on Taranaki's supply chain efficiency.

Roading infrastructure in the region is not equipped for heavy rainfall and repair funding is not strategically allocated, leading to critical roads remaining vulnerable to unpredictable weather. Some rural roads are almost perpetually in poor condition.

Stream and wetland reclamation, excess nutrient and sediment inputs from agricultural land use, deforestation and urbanisation have all contributed to loss and degradation of aquatic ecosystems.

Driven by kaitiakitanga, iwi and hapū take matters into their own hands, organising local efforts to restore biodiversity and rebuild once thriving ecosystems.

However, these grassroots movements are hampered by inadequate central or local government funding, making it difficult to scale up initiatives, resulting in maladaptation and missed opportunities for meaningful change.

## Energy



Fossil fuel use remains widespread in the short term but changing international policies and reductions in production see prices increase over time. The reversal of the oil and gas exploration ban on the Taranaki coast creates jobs in the region. However, with no guarantee of finding new resources, this creates uncertainty in the sector. Little progress is made on transitioning to renewable energy as policies are politicised; pressing issues such as offshore wind projects and investments in renewable energy are frequently delayed due to 'flip flop' policies between government terms.

New Zealand is slow to reduce emissions per capita from a global perspective, and the country's 'clean, green' reputation suffers. Sustainable investors shift their focus to climate proactive countries and renewable energy projects in the Taranaki region struggle to access international capital as a result.

Continued reliance on imported fuel and coal becomes costly by 2030 as international carbon prices increase. These costs are passed on to consumers, which leads to greater energy poverty especially for lower socioeconomic communities in the region.

The lack of a national energy strategy hampers the Taranaki region's ability to prepare for a transition away from oil and gas. This leaves workers in the sector uncertain about future projects.

## Agriculture



Taranaki's agricultural sector begins to feel the pressure as climate change brings more erratic weather patterns. Farmers face rising costs from increased insurance premiums, if they can secure coverage at all, and the growing unpredictability of seasons makes crop planning and livestock management increasingly difficult. Many farmers, especially on smaller farms, struggle to adapt to the changing climate which has severe impacts on their mental wellbeing, with flooding and droughts taking a toll on yields and livestock health.

In response to lower yields and degraded soil quality, many farmers increase their reliance on nitrates and synthetic fertilisers to maintain productivity. However, this only exacerbates environmental issues, as more frequent heavy rainfall events lead to greater nitrate runoff into waterways, further degrading freshwater ecosystems. While some farmers attempt to adopt regenerative, innovative or mixed farming practices, the broader sector lags.

Farmers begin to feel isolated, facing the impacts of climate change with little clear guidance or support. The insurance sector begins to retreat from providing farm coverage, with farmers often struggling to receive insurance to help recover from events.





Medium  
Term:  
2035 -  
2054

# Slow Followers

## Government priorities



Due to the Government's slow approach, Aotearoa starts to experience economic isolation. In the late 2030s, the physical impacts of climate change are unable to be ignored. However, the transition away from fossil fuels is driven ultimately by economics of international trade, triggering the government to commence a rapid climate response.

By 2035, international markets and trade partners, many of whom have already implemented strict climate policies, begin imposing trade barriers on Aotearoa New Zealand's exports, citing failure to meet ESG reporting requirements and sustainability targets.

This places further strain on Taranaki's economy that is heavily reliant on oil and gas along with the agricultural sector, which lacks maturity in measuring emissions. There is a disruptive policy shift away from oil and gas in favour of renewable energy with poor regulatory controls resulting in a fragmented approach of using highly productive land for energy generation.

Government focuses on complying with international standards for exports, however, this is uncoordinated and lacks strategic planning leaving key sectors without clear, long-term support. Some public and private sector projects fail to consider sustainability which results in ecological degradation, leading to push back from environmental advocacy groups, iwi and hapū over ecological and te taiao concerns being overlooked.

The relationship between iwi and local government is ad hoc due to a lacking partnership.

## Society



Large areas of Taranaki are deemed high-risk and vulnerable to climate impacts; the cost and accessibility of insurance, combined with rising energy costs exacerbates social inequities. Damaged houses from weather-related events are selling below market rate tempting first home buyers into unsafe properties. Net migration to Taranaki remains moderate, leading to slow population growth, leaving the region unable to attract the skilled workers needed to transform the economy. Urban migration increases as infrastructure and accessibility challenges continue to occur for those living in rural communities.

Those in rural communities in Taranaki focus on creating their own renewable energy solutions, investing in small-scale solar projects and microgrids to enhance self-sufficiency. Community efforts to upskill local populations and embrace sustainable practices gain momentum; but progress is hampered by limited funding and government support.

Highly self-reliant papakāinga are set up to provide more sustainable living to reduce the impacts of supply chain disruption. Despite these initiatives, the cascading effects of climate change and economic challenges cause significant disruption for people living in Taranaki. Insurance retreat and affordability become a challenge as global reinsurance companies see Aotearoa as an increasingly risky location.

## Environment



As the impacts of climate change intensify, various parts of Taranaki are more susceptible and prone to devastation than others. Frequent storm events have resulted in flooding and landslides consequently damaging infrastructure, impacting transportation networks, disrupting communities and national supply chains. Wetlands that once played a role in natural carbon sequestration and flood mitigation have shrunk, leaving larger areas of Taranaki exposed to flash flooding. The changing climate is starting to affect densities of pest plant and animal species around the region; leading to biosecurity risks and flow on effects to both native flora and fauna and to agricultural productivity.

Changes in government priorities in 2037 that aim to dramatically reduce emissions, leads to ecological concerns being overlooked. The use of fast-track consenting for large renewable energy projects and fast-growing exotic forestry plantations results in the loss of ecosystems and biodiversity degradation in these areas.

## Energy



Taranaki remains heavily reliant on both imported and domestically produced natural gas, but global decarbonisation efforts lead to reduced availability and rising costs for imported gas. This dependence on imported fossil fuels makes Taranaki vulnerable to global supply chain disruptions, driving up energy prices and further straining the local economy. Households and businesses face higher energy prices; energy poverty and black outs become more prevalent, particularly among low-income communities. Businesses highly reliant on energy start to reduce their production and some close. Phase out dates for thermal assets continue to be pushed out due to a lack of incentives, leading to the increasing risk of stranded assets.

By the 2040s renewable energy technologies have become affordable (because of global economies of scale) and are increasingly adopted in Aotearoa New Zealand. Increasing demand for energy places stress on the national grid due to lack of energy storage and strategic planning.

Large renewable projects, such as hydro, commercial solar farms and offshore wind, are accepted through the consenting process with little time for consultation around wider environmental impacts. The private sector steps in, offering sustainable finance and incentives to build out rooftop and commercial solar for businesses and households to improve energy security and resilience. Micro-grids become common in rural and Māori communities, reducing the need to rely on the national energy grid.

## Agriculture



Acute and chronic effects of climate change cause major disruptions to the agricultural industry; however, the impacts are less severe in Taranaki when compared to the rest of Aotearoa especially in terms of drought. New technologies emerge for those that can afford them, such as precision agriculture which improves efficiency and productivity for growers although the unpredictability of weather patterns still hampers total yield.

A policy shift occurs in 2037, focusing on emissions reduction. This shift introduces a levy on agricultural emissions that puts a price on biogenic methane and nitrous oxide emissions leading to decreasing stock numbers for dairy and sheep and beef farmers. There is a shift in land use on the ringplain to fast growing pine to remove significant quantities of carbon from the atmosphere, which is linked to the emissions trading scheme. However, when clear-felled, the exposed land is left particularly vulnerable to erosion during the period following harvest.

Severe droughts have had lasting effects on farmers and growers; some farmers lost access to irrigation and were forced to cut down production, diversify, or liquidate and abandon their farm.



Long  
Term:  
2055 -  
2100

# Slow Followers

## Government priorities



After years of lagging behind, Government has now made decisive actions on climate change. Facing increasing international pressure and escalating impacts from climate disasters, Government implements stringent emissions reductions targets and introduces policies aimed at adapting infrastructure to cope with ongoing climate challenges.

However, the delay in these measures means the costs of transitioning are higher, with significant investments required to overhaul outdated systems and rebuild resilient infrastructure. Some investments are simply unaffordable, resulting in infrastructure being left at high-risk.

In Taranaki, the slow start means much of the region's energy and agricultural sectors have been severely affected. The focus shifts towards adaptation as carbon emissions are now locked in and the physical impacts are a reality; there are major government-led projects in water management, coastal defence and energy infrastructure. While these efforts eventually lead to some stability, the lack of earlier action leaves rural communities, particularly Māori, struggling to recover.

## Society



By the time government climate policies have firmed up, the public are receptive and onboard with Aotearoa New Zealand's progress toward reaching net zero in 2100. However, policies such as incentivised land use conversion from high emitting dairy, sheep and beef farms to crops and forestry creates economic disruption in Taranaki, and many are not prepared for the job losses and redundancies they face. As a result, Taranaki's population starts to stagnate and then decline.

Communities throughout the region are now largely decentralised from the national energy grid, which has improved resilience and ability to cope with the ongoing weather events.

Insufficient climate action has led many people throughout Aotearoa to lack trust in government agencies. This has a negative effect for those working for NPDC who face abuse, leading to health and safety issues and difficulty attracting staff to work at the council.

## Environment



Native bush and forested areas, previously rich with diverse species, have slowly thinned out due to poor restoration efforts and delayed pest control. This leads to the loss of native flora and fauna. The increasing number of hot days and drought events in the region lead to wildfires becoming more common. Taranaki Maunga experiences reduced snowfall and ground water in summer months. Meanwhile, degraded agricultural land affects the rivers and streams that flow from the maunga, leaving them sluggish and polluted with excess sediment. Land that was converted to fast growing pine in the 2040s is left vulnerable to erosion during the period following harvest. This has a negative effect on soil health, biodiversity and the water quality in the streams and rivers in these catchments.

Sea level rise and associated storm surge has forced vulnerable coastal communities to retreat in some areas of the region. These retreats are often not proactive and instead occur after significant storms, with new inland replacement developments often created on an ad hoc basis with low quality urban planning.

Māori values of kaitiakitanga remain a constant theme in attempt to protect Taranaki's environment, with iwi continuing to lead local conservation initiatives. However, these efforts face ongoing uphill battles as climate impacts start to affect less obvious areas, such as soil health, and hinders efforts to regenerate native species. Some taonga species are no longer able to survive in Taranaki, particularly kaimoana and sub-alpine flora.

## Energy



Aotearoa New Zealand transitions away from fossil fuel usage, driven by a combination of consumer choices, international pressure in the form of climate-targeted tariffs and trade barriers, and fossil fuels being out-competed on price. The limited availability of skilled workers within Aotearoa hampers the ability and speed of the sector to transition.

Taranaki leads the shift towards renewables, with offshore wind farms in the South Taranaki Bight, solar farms throughout the region and new hydro facilities contributing to the grid. However, years of political delays and regulatory hurdles mean much of the region's infrastructure is outdated, resulting in frequent maintenance issues and supply chain interruptions.

Those businesses and households that shifted to solar energy in the short term benefited from the ability to be self-sufficient during weather events.

## Agriculture



Taranaki's agricultural sector has been forced to adapt to the realities of a changing climate. Sea level rise and associated storm surge is causing significant problems especially for low lying, productive, agricultural land that begins to suffer from salination around coastal areas, or soil loss and degradation.

The government introduced environmental levies to reduce emissions and implemented water restriction policies, meaning smaller farms struggled to survive the transition. Large agribusinesses now dominate Taranaki, focusing on low emissions production to meet international market demands for sustainable dairy and crops, but at the cost of smaller, family-run farms.

Rotational grazing and native forestry plantation have helped restore soil health and protect water quality, but the environmental damage from years of heavy nitrate use and flooding along rivers has been irreversible. While high-value and adaptable crops such as manuka honey and hemp have gained popularity, the region remains economically divided. Larger farms thrive on government incentives and international demand, while smaller farms continue to bear the brunt of climate impacts and inequity.



# Hot House World

*Hot House represents a world where minimal and fragmented efforts towards climate change mitigation have resulted in severely increased physical impacts. Countries focus on their short term domestic best interests, resulting in persistent and worsening inequality and environmental degradation. There is a resurgence in the view that “Aotearoa New Zealand's emissions are insignificant” and that the country cannot afford to take the lead or act alone. Emissions continue to rise unabated throughout the century and there is continued reliance on fossil fuels across the energy sector.*



8.2



# Hot House World

Short  
Term:  
2024 -  
2034

Throughout the 2020s, Taranaki feels the strain of the changing climate, particularly in coastal areas where sea-level rise and more frequent intense storms have begun to threaten homes and critical infrastructure. Minimal investment in mitigating the effects of climate change, combined with an ineffective emissions trading scheme (ETS), leaves Aotearoa New Zealand vulnerable to economic pressures in the future. Reliance on the ETS fails to incentivise significant reductions in emissions or drive adaptation efforts, leaving key industries like agriculture and infrastructure exposed to climate impacts.

Taranaki's major economic sectors continue with business as usual, although they face growing uncertainty. Energy continues to exploit the regions natural resources, such as natural gas and oil to maximise economic returns, with little ambition to progress toward supporting the renewable energy transition. Farmers struggle with frequent droughts and unpredictable weather, leading to reduced crop yields and water scarcity. Uncertainty about sector futures sees a lack of investment, resulting in difficulty attracting skilled labour and productivity issues that leave Taranaki more exposed to economic shocks.

Urban sprawl accelerates, amplified by uncertainty around population changes and a push to develop inland areas that are at less risk of sea-level rise and erosion. The rapid spread of housing and industry into areas not yet affected by climate change makes long-term planning more difficult. Policy priorities shift towards short-term, economically driven goals, such as building roading infrastructure to support urban sprawl. These priorities, along with population uncertainty, challenge NPDC and Government in forecasting and securing funding for climate resilience and adaptation.

In the 2040s the impacts of climate change have intensified. The agriculture sector is hit particularly hard, with widespread crop failures due to frequent and prolonged droughts. This threatens the economic viability of farming but also contributes to the growing concerns about food security. A shift in rural land use to exotic, fast growing pine forests occurs as the government prioritises carbon sequestration over reducing emissions sources. This negatively affects soil health, biodiversity and water quality in the streams and rivers near to these catchments.

Medium  
Term:  
2035 -  
2054

Ecosystems are severely stressed; native bird, plant and marine species struggle to adapt to the changes in temperature, rainfall and biodiversity. Some ecosystems appear to be approaching tipping points for collapse, significantly impacting the mauri and wellbeing of Māori. In rural areas where critical infrastructure is more vulnerable, power outages and road closures become common, cutting off access to essential services. Heatwaves and higher temperatures drive up energy demand for cooling, putting immense pressure on the energy grid. Taranaki experiences frequent power outages, with regular controlled shutdowns of supply to prevent total grid failure.

A growing number of communities in coastal and flood-prone areas are displaced by extreme weather events such as cyclones. NPDC is pressured to reprioritise funding as the changing climate forces continual rebuilding of critical infrastructure, such as transport connections and wastewater. Without government support, communities are forced to leave their homes without planning or infrastructure to support their relocation. New Plymouth, as the region's largest city, faces heightened demand on housing, utilities and public services, straining already stretched resources. The influx of people into urban areas also creates tension as competition for jobs and affordable housing increases.

There is insufficient funding for infrastructure and service investments to support the growing community, resulting in lower service levels ranging from water shortages in summer to poorly maintained roads, parks and facilities. Neither central or local government have sufficient finance to also tackle emissions reduction due to the ongoing costs of rebuilding infrastructure.

Tensions rise with iwi and hapū increasingly concerned about the degradation of te taiao and lack of action by central and local government to reduce emissions. As iwi have an obligation to protect their whenua, they develop networks throughout the region to advocate climate action and improve resilience. Papakāinga are developed as some Māori seek to protect their hapori whilst continuing to advocate for the mauri of ecosystems.



# Hot House World

Long  
Term:  
2055 -  
2100

Extreme rainfall and drought are now occurring every year across Taranaki with temperatures frequently exceeding 30 °C in summer months, adding to wildfire risk. People, especially Māori, suffer from long-lasting psychological effects due to the impacts of extreme weather events and biodiversity loss. Rising sea levels and worsening river floods prompts a nationwide managed retreat policy. Wildfires reduce the effectiveness of pine forests for carbon sequestration.

Individuals, communities, and businesses have endured decades of financial and emotional stress due to environmental changes. NPDC are constantly being called upon to respond to the cascading problems arising from the effects of climate change, leaving insufficient time and funding for long term planning or effective emissions reduction. Without resilience planning in the 2020s and proactive government intervention, global climate tipping points have long been exceeded and years of ecological destruction have already been locked in. Infrastructure rebuilds are often fast and cheap options with little strategic thinking to improve resilience, sustainability or integrate iwi into the decision-making process. Taranaki is still seen as a relatively safe place by international standards, which helps in attracting skilled workers, but the growing amount of climate-induced migration globally means that immigration is a highly charged topic, politically and socially. This exacerbates stress within communities, particularly around housing and employment, with over-crowding and homelessness issues rising.

Technological advancements have soared during previous decades. By 2070, Taranaki has access to the technology needed to survive a new physical climate. Early warning systems, for example, provide localised warnings about events such as potential flood hazards and heatwaves, avoiding injury and death considerably. What technology has not been able to address, however, is the devastating social effects of a deteriorating climate and accompanying high costs of living. Taranaki suffers from widespread social unrest, worsened social cohesion and a highly politically and economically divided population. Socio-economic disparities exacerbate tensions, with poorer communities still exposed to frequent severe weather while wealthier communities have invested in private infrastructure to protect themselves. Iwi and hapū continue to advocate for te taiao whilst experiencing ongoing loss of cultural connection. Papakāinga are increasingly self-sufficient with iwi increasingly required to support the wider community post weather events with housing and food. The public are increasingly concerned about food and water security issues, and safe places to live.







Te Kaunihera-a-Rohe o Ngāmotu

**New Plymouth**  
District Council



8.2

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## **NPDC GREENHOUSE GAS EMISSION INVENTORY 2023/2024**

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### **PURPOSE/ TE WHĀINGA**

1. This report outlines the results of Council's Financial Year 2023/2024 (FY24) Greenhouse Gas (GHG) emissions inventory and the next steps for emission reduction planning.

### **RECOMMENDATION / NGĀ WHAIKUPU**

**That, having considered all matters raised in the report, the Greenhouse Gas Emissions Inventory for 2023/24 be noted.**

### **STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION**

2. The Strategy and Operations Committee endorsed the Officer's recommendation.

### **SUSTAINABILITY WORKING PARTY RECOMMENDATION**

3. The Sustainability Working Party endorsed the Officer's recommendation.

### **TE HUINGA TAUMATUA RECOMMENDATION**

4. Te Huinga Taumatua endorsed the Officer's recommendation.

### **FINANCE, AUDIT AND RISK COMMITTEE RECOMMENDATION**

5. The Finance, Audit and Risk endorsed the Officer's recommendation.

### **SIGNIFICANCE AND ENGAGEMENT / TOHUTOHU KAI WHAKAHAERE**

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

### **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

7. This report outlines the results of NPDC's Financial Year 2023/2024 (FY24) greenhouse gas (GHG) emissions inventory, NPDC's performance against emission reduction targets and next steps for emission reduction planning and implementation.

8. GHG emission inventories are summarised into scope 1, 2, and 3 emissions, with:
- a) Scope 1 being direct emissions from NPDC’s operations (e.g. fuel use);
  - b) Scope 2 being indirect emissions from purchased energy (e.g. electricity); and
  - c) Scope 3 emissions covering all other indirect emissions in the value chain (e.g. purchased goods and services).
9. The following table summarises FY24 results, excluding biogenic emissions, against FY18 and FY22, measured in tonnes of carbon dioxide-equivalents (tCO2e):

GHG by scope, excluding biogenic emissions	FY 18 tCO2e	FY 22 tCO2e	FY24 tCO2e
Scope 1	3,088	2,670	2,978
Scope 2	1,602	988	1,118
Scope 3	18,709	23,629	19,959
Total	23,394	27,287	24,055

10. NPDC’s emission reduction target aligns with the national target to reduce total GHG emissions (excluding biogenic methane) by 49 per cent and a minimum 10 per cent reduction in biogenic methane emissions by 2030. This gives NPDC the following three targets:

NPDC 2030 targets	Performance
1) All emissions (other than biogenic emissions) to reduce by 49 per cent	Off track – due to unmeasurable Scope 3 target.
2) Scope 1 and 2 emissions, excluding biogenic emissions, to reduce by 50%	On track
3) Scope 3 emissions, measured by emissions intensity (CO2e per dollar of spend) to reduce by 20%	Currently unmeasurable – this target will be updated in the next Emission Reduction Plan
4) Biogenic emissions to reduce by 10%	On track

11. Despite Council achieving overall reductions, the impact of scope 3 emissions being off track, means that Council is not on target for the overall emissions reduction target. Council is on track to achieve its scope 1 & 2 emission reduction target and biogenic emission reduction target.



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## **BACKGROUND / WHAKAPAPA**

12. This report is being presented to the Council to communicate the results of the latest FY24 GHG Emission Inventory, with the purpose of:
    - a) Reporting GHG emissions and progress towards Council's emission reduction target
    - b) Providing the Council and the community transparent information on Council's GHG emissions
    - c) Upholding our commitment to report annual GHG emissions in compliance with Council's Climate Action Framework and Emission Reduction Plan.
    - d) Provide update on emission reduction planning and action.
  13. In 2023, Council adopted its first District-Wide Emission Reduction Plan (the Plan). The Plan set a target, aligning with the national target, to reduce total GHG emissions (excluding biogenic methane) by 49 per cent and a minimum 10 per cent reduction in biogenic methane emissions by 2030. This requires:
    - a) Scope 1 and 2 emissions, excluding biogenic emissions, to reduce by 50 per cent
    - b) Scope 3 emissions, measured by emissions intensity (CO<sub>2</sub>e per dollar of spend) to reduce by 20 per cent
    - c) Biogenic emissions to reduce by 10 per cent
  14. GHG emissions are categorised into scope 1, 2, and 3 emissions.
    - a) Scope 1 being direct emissions from Council's operations (e.g. fuel use);
    - b) Scope 2 being indirect emissions from purchased energy (e.g. electricity); and
    - c) Scope 3 emissions covering all other indirect emissions in the value chain (e.g. purchased goods and services).
  15. Biogenic emissions are those produced from biological processes, such as emissions produced from decomposition of organic material in landfills and wastewater treatment processes.
-

16. Tables 1 and 2 summarise the FY24 GHG inventory results against the FY18 and FY22 GHG inventories, with and without biogenic emissions.

**Table 1: GHG emissions *including* biogenic emissions, in tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e)**

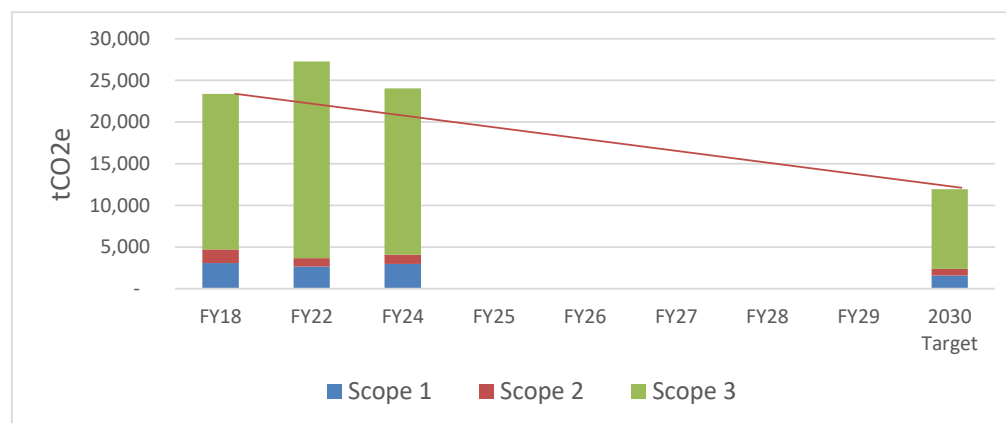
GHG by scope, including biogenic emissions	FY18 tCO <sub>2</sub> e	FY22 tCO <sub>2</sub> e	FY24 tCO <sub>2</sub> e	Reasoning
Scope 1	58,301	74,012	5,042	Reduction due to installation of Colson Road landfill gas capture system and use of metered gas data
Scope 2	1,602	988	1,118	30% reduction in electricity emissions against FY18 due to energy management initiatives. FY22 effected by COVID-19 impacts
Scope 3	18,709	29,912	23,353	25% increase in supply chain emissions against FY18 due to increased spend.
<b>Total</b>	<b>78,611</b>	<b>104,913</b>	<b>29,513</b>	

**Table 2: GHG emissions *excluding* biogenic emissions, in tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e)**

GHG by scope, excluding biogenic emissions	FY 18 tCO <sub>2</sub> e	FY 22 tCO <sub>2</sub> e	FY24 tCO <sub>2</sub> e
Scope 1	3,088	2,670	2,978
Scope 2	1,602	988	1,118
Scope 3	18,709	23,629	19,959
<b>Total</b>	<b>23,394</b>	<b>27,287</b>	<b>24,055</b>

17. Figures 1, 2, and 3 track total emissions excluding biogenic emissions, scope 1 & 2 emissions excluding biogenic emissions, and biogenic emissions against the 2030 emission reduction targets.

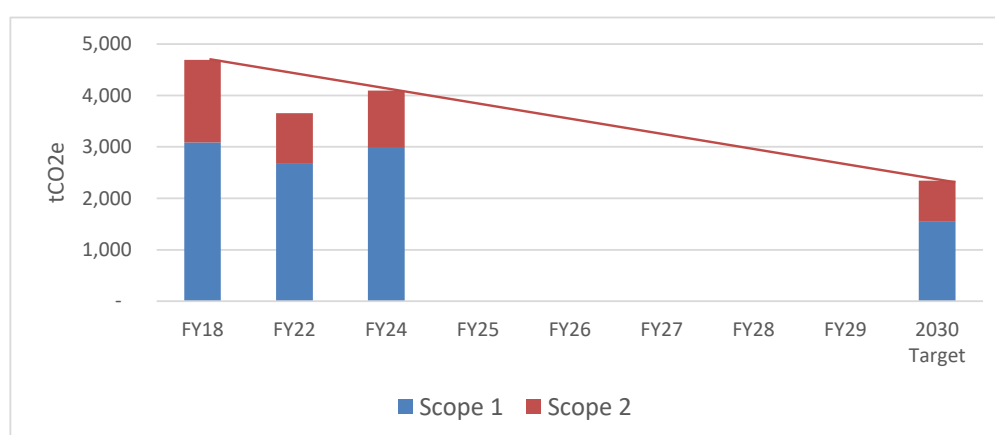
**Figure 1: Tracking scope 1,2, and 3 emissions, excluding biogenic emissions, against overall 2030 emission reduction target**



Notes:

- Scope 3 emissions have a limited level of assurance due to large assumptions and poor-quality data. The majority of scope 3 emissions are calculated from vendor spend data and spend-based emission factors. This target will be updated to a supplier engagement target in the next emission reduction plan. Scope 3 emissions have increased due to the significant increase in capital expenditure since FY18.
- Several additional emission sources have been included in the inventories over time, for instance the FY18 Scope 1 inventory excluded emissions from the Crematorium (Council's second largest gas user) and emissions from PIF investments.

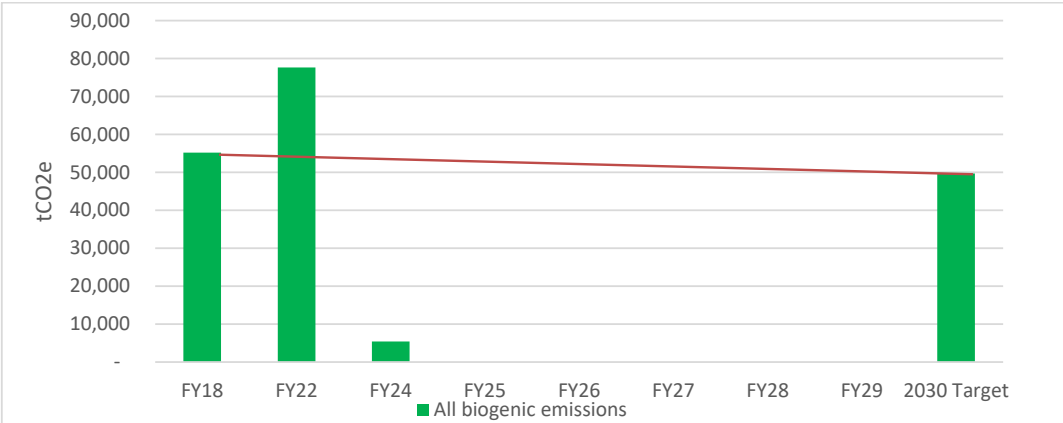
**Figure 2: Tracking scope 1 & 2 emission, excluding biogenic emissions, against the 2030 emission reduction target.**



Notes:

- Scope 1 emission have reduced by 4% against FY18 and scope 2 emissions (electricity) have reduced by 30% against FY18. This is largely due to energy management initiatives and an uptake of electric vehicles causing a reduction in natural gas, electricity and transport fuel across the organisation. The 2025/26 and 2026/27 inventories are expected to further decrease as initiatives funded in the Long-Term Plan come to fruition and reduce emissions.
- The decrease in FY22 emissions was due to the impacts of the Covid-19 lockdowns.

**Figure 3: Tracking biogenic emissions against the 10% reduction by 2030 emission target**



- Notes:
- The large quantity of biogenic emission reported in FY18 and FY22 is due to modelled Colson Road Landfill gas emissions.
  - The large reduction of biogenic emissions in FY24 is due to the installation of the Colson Road Landfill gas capture and flare system and the use of metered landfill gas capture data.
  - The Colson Road Landfill gas capture system had a significant impact on biogenic emissions, enabling NPDC to achieve it's 10% biogenic emission reduction target

18. Tracking the scope 3 emission intensity (kgCO2e/\$ spent) target is excluded from this report due to limited data quality assurance and the difficulty in obtaining data from suppliers. Officers propose changes to the scope 3 target, as outlined in the next section of this report.

**NEXT STEPS / HĪKOI I MURI MAI**

19. Annual emissions inventories are funded in the Long-Term Plan 2024-34. Council and are investing in improving processes and systems to support these annual inventories to reduce the resources and time to complete each inventory. Additional emission sources or changes to the baseline year may continue as data quality and methodology improve over time.

- 
20. Officers will soon start working on the second Emissions Reduction Plan:
- a) The 2nd Emissions Reduction Plan will be completed in FY26. As part of this work, the targets will be reset to align with Science-Based Target methodology, the baseline year will change to FY22, and CCO's will be included in the scope 3 emissions category. This will give NPDC access to LGFA's Climate Action Loan and enable borrowing at a 0.02% discount on the standard LGFA rate. These new targets can also reduce complexity in reporting on emissions against targets.
  - b) The 2nd Emission Reduction Plan will include details on:
    - i) Council's gas asset transition plan: Outlining the priority gas boiler assets for replacement and the most suitable systems for replacement.
    - ii) Council Solar PV generation plan: Outlining the options for solar PV generation across the NPDC portfolio, including the Wastewater Treatment Plant, the Water Treatment Plant, Tūparikino Active Community Hub and the Archives Building.
    - iii) Infrastructure Sustainability Programme: Outlining the approach to reduce scope 3 emissions and achieve broader outcomes through infrastructure planning and delivery.
21. Council Officers continue to work on other initiatives to reduce Council emissions:
- a) Electricity supply: Council's electricity contract expires in November 2025. Officers have secured an arrangement to source 6.2 GWh/year of solar generated electricity from the PRIP Airport Solar Farm and have recently awarded Council's electricity contract to Ecotricity which will supply 100% renewable electricity to the remaining electricity load. This will reduce scope 2 emissions to zero for three years.
  - b) Natural gas supply: The Civic Centre, Puke Ariki, and Govett Brewster Art Gallery/Len Lye Centre have gas boiler replacement projects in the LTP. The Climate Change Response Team is working with the Facilities and Project Management Office teams to replace these gas boilers with alternative systems. This will reduce scope 1 emission by 270 tCO<sub>2</sub>e per year. Similarly, the Climate Change Response Team is working with the Aquatics and Project Management Office teams to replace the gas boilers with pellet boilers at the Waitara Pool and Inglewood Pool.
  - c) Sustainability Accelerator Fund (SAF): 10 projects from across the organisation were award SAF funding in FY25. These projects are focused on energy efficiency and electrification and will deliver further reductions to emissions.
-

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

- 22. The emissions inventory was undertaken by Council Officers. It has been externally audited by Toitū within the climate change planning budget set in the Long-Term Plan 2024-34.
- 23. The Long-Term Plan 2024-34 included many of the initiatives outlined in the Emissions Reduction Plan.

**IMPLICATIONS ASSESSMENT / HĪRANGA AROMATAWAI**

- 24. 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 / NGĀ ĀPITI HANGA**

Appendix 1 Greenhouse Gas Emissions Inventory 2023/24 (ECM 9486136)

Appendix 2 Toitū verification certificate (ECM 9486146)

**Report Details**

Prepared By:	Mat Sycamore (Climate Change Mitigation Advisor)
Team:	Climate Change Response Team
Approved By:	Renee Davies (Manager Strategic Planning)
Ward/Community:	District-wide
Date:	28 April 2025
File Reference:	ECM 9486128

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

# New Plymouth District Council Greenhouse Gas Emissions Inventory

*Financial Year: 2023/2024*

9.1

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## Introduction

This GHG Inventory reports New Plymouth District Council's (NPDC) GHG emissions for financial year 2023 / 2024 (FY24), a from 1<sup>st</sup> July 2023 to 30<sup>th</sup> June 2024.

The FY24 GHG Inventory was prepared in accordance with ISO 14064-1 (2018) and the Greenhouse Gas Protocol: A Corporate Accounting and Reporting Standard.

NPDC use the operational control approach for developing the annual GHG Inventories. This includes all NPDC corporate operations and excludes all council-controlled organisations, as these organisations are outside of operational control.

The purpose of this GHG emission inventory is to:

- Provide NPDC and the New Plymouth District community information on the GHG emissions produced within operational control.
- Track NPDC's annual GHG emissions to measure and monitor progress against the FY22 baseline year and Emission Reduction Plan.
- Report annual GHG emissions as part of NPDC's Climate Action Framework and responsibility to measure and manage GHG emissions.
- Document and report a standard methodology for use in future years
- Demonstrate to key stakeholders NPDC is actively involved in managing and reducing GHG emissions in line with NPDC's Emission Reduction Plan and New Zealand's net zero by 2050 target.

## Statement of Intent

This inventory is prepared as a management tool for NPDC to:

- Assist NPDC in tracking and managing its GHG emissions.
- Complying with NPDC's Climate Action Framework and Emissions Reduction Plan.
- Provide verified information for all interested parties and stakeholders on NPDC's GHG emissions.
- Demonstrate integrity and transparency with respect to GHG emissions for NPDC rate payers.

Stakeholders and interested parties include NPDC Management, Executive Leadership Team, Community members, IWI / Hapu, external suppliers, central government and regulatory bodies.

## Organisation Profile

New Plymouth District Council is responsible for a wide range of activities in the New Plymouth District. The 2023 population of New Plymouth District was 88,900 (StatsNZ, 2024) and covers a land area of 2,324 square kilometres.



Figure 1: New Plymouth District Council location

NPDC operate in the following key areas:

- Infrastructure and Planning
- External Relations and Communications
- Corporate Services
- Community
- People & Capability
- Information Technology
- Community and Customer Services

The operational revenue was \$251.859 million in FY24, with average employment of 656 FTEs.

# Boundary

## Organisational Boundary

The organisational boundary defines the method used to consolidate GHG emissions and the NPDC facilities or subsidiaries included and excluded from the GHG inventory. Consolidation is done using one of the following methods:

- Control, whereby all emissions over which the organisation has either financial or operational control are included in the inventory
- Equity share, whereby the organisation only includes emissions for the portion of the facilities and business that the organisation owns.

NPDC uses the operational control method to consolidate GHG emissions. The NPDC operational control boundary is outlined in Figure 2. NPDC business units within operational control and coloured blue, while council-controlled organisations (CCO) coloured grey are outside of NPDC operational control and excluded from the GHG inventory. Note, operational emissions from New Plymouth PIF Guardians are excluded, however GHG emissions associated with the investments managed by PIF Guardians are included, as NPDC are direct beneficiaries of the revenue generated from the investments.

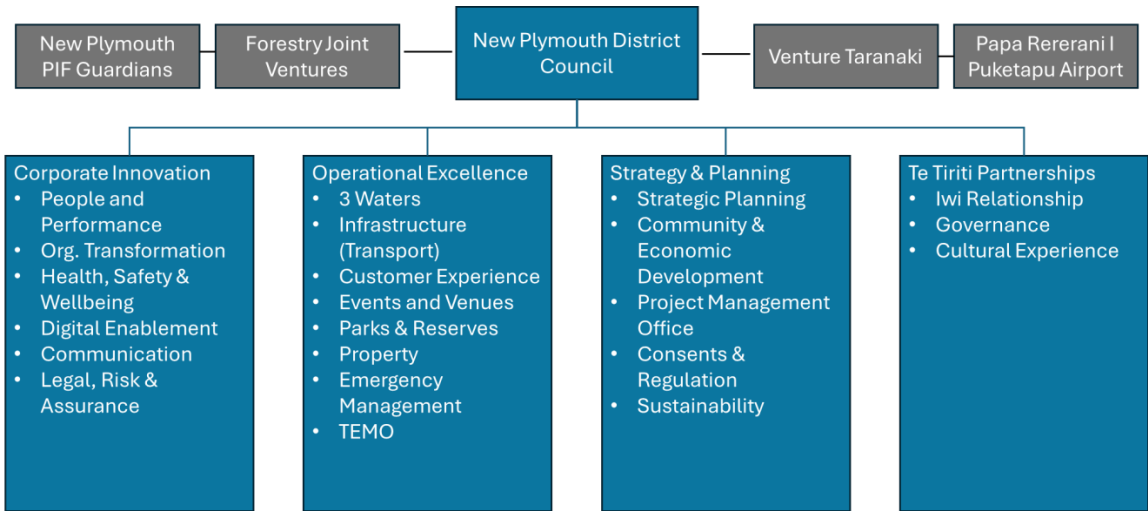


Figure 2: NPDC operational control boundary.

NPDC does not have the ability to determine activities within the CCOs. The two main levers in which NPDC can influence CCOs are 1) appointment of directors and 2) the statement of intent – neither enable NPDC to direct policies or control operational activities, hence CCO’s remain outside the scope of NPDC’s GHG consolidation and reporting.

Table 1 NPDC's CCO Functions

CCO	Function
Venture Taranaki	Partially funded by NPDC, Venture Taranaki (VT) are the regional economic development agency. The agency offers professional services. VT has its own independent board of directors and CEO. VT has its own GHG inventory by Toitu.
PIF Guardians	The New Plymouth PIF Guardians Limited was set up in 2017 and is a council-controlled organisation. Since 2017, the PIF has been managed at arm's length by independent investment firm Mercer. Release payments / annual revenue from PIF are used to offset rates and keep rate rises minimised. The New Plymouth District Council (Perpetual Investment Fund) Act 2023 sets out requirements for investment decisions for the PIF to be made independently of elected members. NPDC does not have operational control of PIF Guardians or Mercer.
Papa Rererangi i Puketapu Ltd (PRIP)	New Plymouth Airport services the regional flights. PRIP has its own independent board of directors and CEO. PRIP has its own GHG inventory and is part of the international Airport Carbon Accreditation Programme. PRIP is currently working on a sustainability strategy to define and prioritise sustainability action and investment.
Forestry JV	NPDC and Multiple Land Owners. The JV's set out that the landowners provide the land and the Council plants the trees and undertakes the silviculture (pruning) of the trees. When they are harvested, the profits are split between the landowner and council. The landowner's return is a form of rental for the land, and the council gets back money to reflect that spent growing the forest. NPDC has already used and cancelled its Carbon credits from its pre 1990 Forests.

## Operational Boundary

The operational boundary defines the scope of direct and indirect emissions within the organisational boundary. The GHG emission sources and sinks were determined based on its materiality. An emission source or sink's materiality is determined on a significance criterion, which includes the quantum of emissions, stakeholder interest, reduction potential, and accuracy or reliability of the measurement.

The majority of emission sources within NPDCs operational boundary have been included in the GHG Inventory. However, not all emissions sources were captured. Table 2 summarises the inclusions in this year's reporting year, and Table 3 summarises the known exclusions for the FY24 reporting period.

Table 2: Inclusions

GHG Protocol Classification	ISO Classification	Activity Type	Activity/ Emission source
-----------------------------	--------------------	---------------	---------------------------

Scope 1	Category 1	Stationary combustion	Natural gas
			LPG
			Stationary diesel
		Transport combustion	Fleet diesel
			Fleet petrol
		Fugitive emissions	Refrigerants
			Colson Road gas flare
		Biogenic emissions	NPDC Wastewater Treatment Plant
Scope 2	Category 2	Electricity	Electricity
Scope 3	Category 3	Upstream transportation and distribution	Freight and postal
			Business travel - Air travel
			Staff mileage claims
			Business travel – rental vehicle
			Business travel – accommodation
			Employee commuting
		Downstream freight	Waste transportation.
		Working from home	Working from home
	Category 4	Purchased Goods and Services	Purchased Goods and Services
		Capital goods	Capital Goods
		Waste generated in operations	Rural transfer stations
			Kerbside collection - organics
			Kerbside collection - general waste
			Kerbside collection - recycling rejects (MRF)
			Illegal dumping and litter
			Wastewater treatment plant waste – sludge and screening waste
			Organisation waste - organics
			Organisation waste - waste to landfill
		Transmission and distribution	Electricity T&D
			Natural gas T&D
	Category 5	Downstream leased assets	Grazing animals
		Investments	PIF investment fund

Table 3: Exclusions

GHG Protocol Classification	Activity Type	Reason for exclusion
-----------------------------	---------------	----------------------

Scope 1	Historic closed landfill emissions (other than the Colson Road closed landfill)	Old historic landfills such as Okato, Inglewood, Okoki Road, Oakura, Waitara, Marfell Park, Waiwhakaiho, Tongaporutu were excluded from this inventory. These landfills have been closed and capped for over 17 years. Based on the Scholl Canyon LFG generation curve, these landfills have negligible LFG emissions with low certainty in the calculation method, so were deemed an exclusion.
	Well to tank emissions	Emissions associated with the production and transportation of fuel from 'well to tank' were excluded.
Scope 3	Kerbside waste collection – transportation emissions	No data was available from the contractor for kerbside collection transportation emissions. Estimation of these emissions were considered low quality. This emission source will be included in the FY25 emission inventory.
	Emissions associated from diverted / recovered materials	Downstream emission associated with diversion of waste were excluded from this inventory, including the processing and remanufacturing of kerbside recyclables and waste to energy (e.g. burning tyres at Golden Bay Cement). Emissions from reprocessing and remanufacturing recyclables and waste to energy are considered part of the diverted materials next lifecycle so are deemed outside of scope and excluded from this inventory.
	New Plymouth Transfer Station	The New Plymouth Transfer Station is owned and operated by Enviro NZ. NPDC has no operational control of this facility. Therefore, emissions associated with waste processing at the New Plymouth Transfer Station, except for kerbside collection, MRF rejects, the Junction and the Sorting Depot, are excluded from this inventory. Note, rural transfer stations are owned by NPDC and are included in this inventory.
	Use of sold products - emissions from using Bioboost fertiliser	NPDC sell bioboost to a contractor who bags, sells and distributes bioboost. There is no available data on the use of sold product.

## Data Collection, uncertainties and assumptions

### Data Collection

Data collection was coordinated by the NPDC Climate Change Mitigation Advisor.

The following approaches were used for data collection:

- Direct supplier data – direct engagement with suppliers to provide measured data for the organisation, such as electricity, natural gas, waste to landfill, or transport fuel.
- Indirect employee data – data collection via employees at NPDC who provide measured or estimated data from specific activities, such as refrigerant use, forestry land, closed landfill methane emissions, or general ledger data.

### Emission calculation

Emissions were calculated by multiplying activity data with appropriate emissions factors. Three main methods were used for calculating emissions in this GHG inventory:

- Applying MfE emission factors to NPDC activity data
- Applying custom emission factors to NPDC activity data
- Applying Thinkstep spend-based emission factors to NPDC spend data.

Most emission factors are sourced from the Te ine tukunga: He tohutohu pakihi – Measuring emissions: A guide for organisations (MfE, 2024). Custom emission factors were created or derived when certain emission factors were not available from the MfE guide or when more suitable, industry approved emission factors or methods were available, such as the Water New Zealand guidance for calculating wastewater treatment plant emissions.

Spend-based emission factors were used when activity data was poor quality or unavailable, such as emissions from purchased goods and services and capital goods. In these cases, spend-based emission factors were sourced from Thinkstep (Thinkstep, 2024) and applied to general ledger spend.

Table 4 outlines the custom emission factors used in this report, i.e. the emission factors used other than MfE 2024:

Table 4 Custom emission factors

Activity / Emission source	Unit	Methodology
Biogenic wastewater treatment plant emission	Kg TOW (total organics in wastewater)	Combination of CH4 effluent COD, CH4 WWTP COD, WWTP N2O and effluent N2O emissions calculated, based on Water New Zealand: Carbon accounting guidelines for wastewater treatment: CH4 and N2O
Closed landfill burnt methane emissions	Kg burnt methane and kg unburnt methane	Metered gas data with stoichiometry to estimate CO2 emissions from burnt methane. CO2e emissions from unburnt methane estimated using GWP of 28 (AR5).

Domestic air travel emissions	Passenger kilometres travelled	Orbit Travel provide flight specific emission factors based on the type of plane used for travel. Domestic air travel emissions are taken directly from the Orbit reports.
Time of Use Electricity emissions	kWh	Simply Energy provides bespoke electricity emission factors based on half hour Transpower grid energy data. Emission data is sourced from Simply Energy directly.
Staff mileage claim	\$	FY24 average fuel price per litre (\$/L) applied to emission factor of petrol (kgCO <sub>2</sub> e / L) to estimate emissions from staff mileage claims
Forestry	Hectares	Ministry for Primary Industries carbon stock value data used to calculate total removals and liabilities.

## Global Warming Potential

Global Warming Potential (GWP) is an index to translate the level of emissions of various gases into a common measure to compare the relative radiative forcing of different gases. GWPs are calculated as the ratio of the radiative forcing that would result from the emissions of one kilogram (kg) of a greenhouse gas to that from the emission of one kg of CO<sub>2</sub> over a period of time (usually 100 years).

This FY24 GHG Inventory was prepared using AR5 values. Figure 3 shows the GWPs in the latest AR5, compared to AR4 for N<sub>2</sub>O, CH<sub>4</sub>, and CO<sub>2</sub>.

Figure 3 GWP factors

Greenhouse gases	Chemical formula	GWP (AR4)	GWP (AR5)
Nitrous oxide	N <sub>2</sub> O	298	265
Methane	CH <sub>4</sub>	25	28
Carbon dioxide	CO <sub>2</sub>	1	1

## Uncertainty

A description of the data quality indicators, with explanations of the terms used in the table, is provided below.

Figure 4: Uncertainty summary key

Data management	Data collection		
	Measured	Derived	Estimated
Robust	M1	D1	E1
Satisfactory	M2	D2	E2
Questionable	M3	D3	E3

**Measured** = Data directly provided by a service provider, contractor or directly obtained from a monitoring device. For example, electricity invoices, contractor receipts, emissions monitoring equipment, incident reports, consultant reports etc.



**Derived** = Data obtained from calculations, mass balances, use of physical/chemical properties, use of coefficients and emission factors etc., for example converting cubic meters of waste into tonnes.

**Estimated** = Usually, where there is no other available method for obtaining the data. Such data could be pro-rated on previous results, use precedents or historical data, or even be based on a calculated guess.

**Robust** = Evidence from a sound, mature and correct reporting system, where room for error is negligible. Examples would include well-kept spreadsheets, databases and on-line reporting.

**Satisfactory** = Examples would include manual, but structured keeping of records, files and results. Some potential for error or loss of data.

**Questionable** = No logical or structured approach to data or record keeping. High potential for error &/or loss of data. Data may appear to differ from those initially reported.

Table 5: Emission sources, data collection and uncertainty

GHG Protocol / ISO reporting categories	Activity/ Emission source	Unit	Data Collection	Data quality	Emission factor name
<b>Scope 1</b>					
<b>Category 1 - Direct GHG emissions and removals - Emissions</b>	Natural Gas	GJ	Activity data provided by Nova Energy	M1	MfE - Natural gas - Industrial use
	LPG	kg	Activity data provided by Ongas	M1	MfE - LPG - Industrial use
	Stationary Diesel	litres	Activity data obtained by McFuel Invoices and prorated for FY24	E1	MfE - Diesel - Commercial
	Fleet diesel	litres	Activity data obtained by BP fuel cards	M1	MfE - Diesel
	Fleet Petrol - regular	litres	Activity data obtained by BP fuel cards	M1	MfE - Regular petrol
	Fleet Petrol – premium	litres	Activity data obtained by BP fuel cards	M1	MfE - Premium petrol
	Refrigerants	kg	Refrigerant liability (total refrigerant stock) determined by Excel maintenance schedule. FY 24 leakage determined by refrigerant purchases in reporting period.	E1	MfE - Refrigerant emission factors
	Colson Road gas flare	m3	Burnt methane data obtained from gas meter data and extracted from Water Outlook (Scada system).	D1	Stoichiometric conversion for the combustion of methane and GWP of methane emissions (AR5)
	Fertilisers	kg	Fertiliser activity data provided by Parks team, and nitrogen content	D1	MfE - Nitrogen content of non-

			determined from product descriptions.		urea nitrogen fertiliser
	Biogenic Waste Water Treatment Plant emissions	CH4 and N2O	Activity data sourced from WWTP measured data. Water NZ guidelines used to determine CH4 and N2O emissions.	D2	Water NZ methodology
<b>Category 1 - Direct GHG emissions and removals - Removals</b>	Forestry carbon sequestration	Ha	Forestry hectare data determined by aerial surveying and sourced from forestry valuations.	D1	MPI - carbon stock data
<b>Scope 2</b>					
<b>Category 2 - Indirect GHG emissions from imported energy - Electricity</b>	Electricity	kWh	Activity data sourced from Simply Energy and Meridian Energy	M1	MfE - Electricity 2023 / Simply Energy calculation
<b>Scope 3</b>					
<b>Category 3 - Indirect emissions from transportation</b>	Freight and postage	\$	Spend data sourced from internal general ledger	E3	Inflation adjusted Thinkstep spend-based emission factors
	Air travel	passenger km travelled	Activity data sourced from Orbit	M1	MfE - Air travel emission factors
	Mileage claims - accounts payable	\$	Spend data sourced from internal general ledger	E3	Inflation adjusted Thinkstep spend-based emission factors
	Waste transportation	tonnes kilometer travelled	Distance travelled estimated from maps, total tonnage provided by EnviroNZ	E1	MfE - Road haulage factor
	Taxi	\$	Spend data sourced from internal general ledger	E3	MfE - Taxi (\$)
	Rental vehicle	\$	Spend data sourced from internal general ledger	E3	Inflation adjusted Thinkstep spend-based emission factors
	Accommodations - Orbit data	employee nights	Activity data sourced from Orbit	M1	MfE - Accommodation
	Employee commuting	vkt	Internal staff survey (2024) to estimated passenger kilometers travelled	E2	MfE - travel emission factors
<b>Category 4 - Indirect GHG</b>	NPDC Purchased	\$	Spend data sourced from internal general ledger	E3	Inflation adjusted Thinkstep spend-

<b>emissions from products an organisation uses</b>	Goods and Services				based emission factors
	NPDC Capital Goods	\$	Spend data sourced from internal general ledger	E3	Inflation adjusted Thinkstep spend-based emission factors
	Electricity T&D losses	kWh	Activity data sourced Simply Energy and Meridian Energy	M1	MfE - Electricity T&D losses
	Natural Gas T&D losses	Gj	Activity data sourced from Nova	M1	MfE - Natural gas - T&D losses
	Rural transfer stations	tonnes	Activity data provided by EnviroNZ	M1	MfE - Waste to landfill with gas capture
	Kerbside collection - Organics	tonnes	Activity data provided by EnviroNZ	M1	MfE - Organics with gas capture
	Kerbside collection - general waste	tonnes	Activity data provided by EnviroNZ	M1	MfE - Waste to landfill with gas capture
	Kerbside collection - recycling rejects	tonnes	Activity data provided by EnviroNZ	M1	MfE - Waste to landfill with gas capture
	Waste water treatment waste	tonnes	Activity data provided by WWTP team	M1	MfE - Sludge with gas capture
	Organisation waste - Organics	tonnes	Activity data provided by Waste Management NZ	M1	MfE - Organics with gas capture
	Organisation waste - waste to landfill	tonnes	Activity data provided by Waste Management NZ	M1	MfE - Waste To Landfill with gas capture
	Working from home	employee days	Internal staff survey (2024) to estimated passenger kilometers travelled	E1	MfE - working from home
<b>Category 6 - Indirect GHG emissions from other source</b>	Grazing lands	head count	Activity data estimated from agricultural leased land and stock number per hectare assumptions	E3	MfE - agricultural emissions
	Investments	\$	PIF emissions determined by respective fund emission estimations	E1	Mercer fund emission inventories

## Biogenic emissions

Biogenic GHGs are made up of carbon dioxide, methane and nitrous oxide emissions and a produced because of the absorption of emissions by the feedstock during its lifetime, from

biogas / biomass combustion, or microbial processes. The main forms of biogenic emissions in the organisation for this reporting period include:

- N<sub>2</sub>O and CH<sub>4</sub> emissions from the wastewater treatment
- CO<sub>2</sub> and CH<sub>4</sub> emissions from the Colson Road Landfill (landfill gas capture flare and unburnt methane emissions)
- N<sub>2</sub>O and CH<sub>4</sub> emissions from agricultural grazing, including manure management, livestock enteric fermentation.
- CO<sub>2</sub> removals from the NPDC forestry portfolio.
- CH<sub>4</sub> emissions from waste to landfill.

All biogenic emission sources are quantified, however biogenic CO<sub>2</sub> removals from forestry are reported separately in the inventory. This is because biogenic CO<sub>2</sub> removals from forestry are part of the short carbon cycle and outside of the reporting scope. This differs from biogenic N<sub>2</sub>O and CH<sub>4</sub> which are produced from decaying organic matter or combustion of biomass and are within the reporting scope.

NPDC have received 15,420 NZU Carbon Credits for pre -1990 forest land that have been claimed previous to this inventory and are excluded from reporting.

The method of calculating these emissions are outlined in the table below

Biogenic GHG source	Description	Method
Closed landfill gas capture flare	Colson Road is the most recent and largest landfill which closed in 2019 and contains just under 1 million Tonnes of waste. The final capping on Colson Road was completed in FY24.	Gas flow data is metered and recorded in NPDC's SCADA system. Daily Burnt Methane data is applied a 90% burnt rate, based on a conservative assumption the quantity of methane destroyed in combustion. Stoichiometry is used to convert burnt methane into carbon dioxide emissions. The remaining 10% of unburnt methane is applied a GWP (AR5) factor of 28 to estimate the carbon dioxide equivalent impact of methane.
Wastewater treatment plant emissions	NPDC operates the NP wastewater treatment plant (WWTP) which is a large producer of N <sub>2</sub> O and CH <sub>4</sub> emissions due to the processing of wastewater. NPDC's WWTP is an aerobic process.	WWTP GHG emissions were calculated based on Water NZ, Carbon Accounting Guidelines for Wastewater Treatment Aug. 2021. The BOD methodology was chosen as it was the most conservative (highest GHG emissions).
Grazing	Emissions associated with NPDC's leased grazing land is a Scope 3 emissions source based on Downstream leased assets. NPDC leased out approximately	To estimate the emissions associated with these grazing leases, NPDC used stock unit estimates for small blocks and large blocks and stock type information provided by the NPDC

	185 ha of grazing land across 39 different grazing leases.	Property team to estimate the head count per ha for the different stock type. MfE emission factors for enteric fermentation, manure management and agricultural soils were used to estimate annual emissions from grazing.
Forestry	NPDC has 217.8 ha of post -1990 forestry, as reported in the 2024 Forestry Valuation. NPDC also has the Planting our Place Programme which has planted a total area of 5.42 ha of natural plantings since 2021 / 2022. There are other natural planted areas within NPDC portfolio, however these have been excluded due to poor data on land area.	Removals from forestry were estimated using the Toitu calculator tool, which is based on the MPI lookup tables for carbon stock change. Total area and age of forestry were applied carbon stock change value assumptions to estimate total removals in the reporting year and total liabilities from forestry.

Liabilities

Liabilities are the potential GHGs that could result in emissions if released. NPDC have GHG liabilities in the form of refrigerants, forestry and stationary fuel. Refrigerants, such as HFCs, PFCs and SF6, have high global warming potentials if leaked. Forestry biomass is stored carbon, and stationary fuel is held in one 2000 litre fuel tank. Forestry and stationary fuel could result in GHG emissions if they were accidentally released in a fire. The GHG stock holdings are presented in the table below:

Table 6 Liabilities

Liability type	Type	Potential liability (tCO2e)
Refrigerant	R22	208.0
Refrigerant	R32	11.6
Refrigerant	R410A	531.6
Refrigerant	R404A	14.9
Refrigerant	R134A	6.4
Refrigerant	R407C	4.6
Refrigerant	R600A	0.0003
Refrigerant	R290	0.0003
Refrigerant	R12	2.1
Refrigerant	R448A	2.3
Forestry	Total carbon stock	110,704
Stationary fuel	Diesel	5.4
Total liabilities		111,491

## Base year

The baseline year for NPDC is financial year 2021 / 2022 (FY22). The estimated FY22 GHG footprint was 105,014 tCO<sub>2</sub>e including closed landfill emissions, or 35,223 tCO<sub>2</sub>e excluding closed landfill emissions. Figure 5 & 6 summarise the FY22 baseline GHG inventory.

Figure 5: Base year emissions, by scope

GHG by scope	Total excluding closed landfill	% TOTAL (excl closed landfill)
Scope 1	4,220	12%
Scope 2	988	3%
Scope 3	30,014	85%
<b>Total</b>	<b>35,223</b>	<b>100%</b>
<b>Emissions per FTE (tCO<sub>2</sub>e)</b>	<b>56</b>	

Figure 6: Base year emissions, by ISO category

ISO Cat	Source	Te CO <sub>2</sub> e	% of total	% of Total (LFG removed)	CO <sub>2</sub> (Te CO <sub>2</sub> e)	CH <sub>4</sub> (Te CO <sub>2</sub> e)	N <sub>2</sub> O (Te CO <sub>2</sub> e)
	<b>Scope 1</b>	<b>74,012</b>		<b>4,220</b>	<b>2,338</b>	<b>70,194</b>	<b>1,436</b>
Cat 1	Refrigerants	44	0.0%	0.1%	-	-	-
Cat 1	Natural (reticulated) Gas	2,060	2.0%	5.8%	2,055	5	1
Cat 1	Fleet Petrol	167	0.2%	0.5%	281	0	4
Cat 1	Fleet Diesel	285	0.3%	0.8%	-	-	167
Cat 1	Colson Road Landfill Gas	69,792	66.5%	NA	-	69,792	-
Cat 1	LPG	106	0.1%	0.3%	-	106	-
Cat 1	Fertiliser	8	0.0%	0.0%	3	-	5
Cat 1	Waste Water Treatment Plant (WWTP)	1,551	1.5%	4.4%	0	292	1,259
	<b>Scope 2</b>	<b>988</b>		<b>988</b>	<b>960</b>	<b>26</b>	<b>2</b>
Cat 2	Electricity	988	0.9%	2.8%	960	26	2
	<b>Scope 3</b>	<b>30,014</b>		<b>30,014</b>	<b>815</b>	<b>6,257</b>	<b>109</b>
Cat 6	Community Waste to landfill	5,916	5.6%	16.8%	-	5,989	-
Cat 4	Organisational Waste to landfill	90	0.1%	0.3%	-	90	-
Cat 6	Community Food Composting	256	0.2%	0.7%	256	163	93
Cat 4	Organisational Food Composting	22	0.0%	0.1%	22	14	8
Cat 6	Community Mixed recycling	99	0.1%	0.3%	-	-	-
Cat 4	Organisational Mixed recycling	3	0.0%	0.0%	-	-	-
Cat 4	Purchased Goods & Services	14,695	14.0%	41.7%	-	-	-
Cat 4	Capital Goods	6,549	6.2%	18.6%	-	-	-
Cat 4	T&D Loss Electricity & Gas	191	0.2%	0.5%	-	-	-
Cat 4	Upstream Leased Assets	78	0.1%	0.2%	-	-	-
Cat 3	Business Travel (airtravel, taxis and accom)	19	0.0%	0.1%	-	-	-
Cat 3	Employee Commuting	193	0.2%	0.5%	-	-	-
Cat 5	Downstream Leased Assets	1,313	1.3%	3.7%	-	-	-
Cat 3	Upstream transportation and distribution	592	0.6%	1.7%	537	1	9
	<b>Total</b>	<b>105,014</b>	<b>100%</b>	<b>100%</b>	<b>4,113</b>	<b>76,477</b>	<b>1,547</b>
	<b>Total excluding closed landfill</b>	<b>35,223</b>			<b>4,113</b>	<b>6,686</b>	<b>1,547</b>

Base year data is revised when material changes occur and have an impact on calculated emissions. When changes to the organisational boundary, operational boundary or calculation methodology are estimated to represent more than 5% of Scope 1, 2 or 3 emissions, a recalculation of base year data will be completed with explanation.

Changes to the FY2021 / 2022 baseline that result in more than a 5% change to the organisational emissions are listed below:

- Closed landfill emissions: In the FY2021 / 2022 baseline year, closed landfill emissions were calculated using the Scholl Canyon landfill gas (LFG) method for calculating the emissions from the Colson Road landfill gas capture flare. This method used modelling provided by WSP and had a low level of certainty. The method has been updated due to higher quality, measured data from the Colson Road gas meters. The volume of burnt methane is calculated using gas flow meters. Methane burnt is assumed at 90% combustion to estimate the total portion of methane combusted during the flaring process. Stoichiometry is used to convert the mass of burnt methane to carbon dioxide.
- Investments: The FY2021 / 2022 baseline year excluded emissions from investments due to PIF Guardians being a CCO and outside of the organisational boundary using the operational control method. Investments are included in the FY 2023 / 2024 inventory as NPDC use the PIF investment fund for operational revenue.

NPDC will reset the baseline for the FY25 inventory

## Disclosure statement

This GHG inventory has been third-party verified by Toitū according to the Greenhouse Gas Protocol: A Corporate Accounting and Standard (2004) and ISO 14064-1:2018.

The level of assurance is “reasonable” for categories 1 & 2 and “limited” for other categories.

From the analysis conducted, the inventory is classified as good.

As part of NPDC’s Climate Action Framework and Emission Reduction Plan, NPDC will report the results of this FY24 GHG Inventory to Council and disclose the results publicly.

## Results

Total gross GHG emissions for the FY24 GHG Inventory are 29,513 tCO<sub>2</sub>e (including landfill gas emissions). Total category 1 removals from the forestry portfolio and Planting our Place programme are -5,578 tCO<sub>2</sub>e. Figure 7 outlines the GHG emissions by category, Figure 8 outlines GHG emissions by source, and Figure 9 outlines GHG emissions by gas contribution (in tCO<sub>2</sub>e).

*Figure 7: GHG emissions by category*

Emissions summary by categories	All verified emissions LOCATION BASED	Units
Category 1 total	5,041.62	tCO <sub>2</sub> e
Category 2 total	1,117.57	tCO <sub>2</sub> e
Category 3 total	1,325.14	tCO <sub>2</sub> e
Category 4 total	20,161.45	tCO <sub>2</sub> e
Category 5 total	1,837.68	tCO <sub>2</sub> e
Category 6 total	29.08	tCO <sub>2</sub> e
<b>Total gross inventory:</b>	<b>29,512.54</b>	<b>tCO<sub>2</sub>e</b>
Category 1 Removals	-5,578.09	tCO <sub>2</sub> e
<b>Total Net Inventory:</b>	<b>23,934.45</b>	<b>[% or tCO<sub>2</sub>e]</b>

Figure 8: GHG emissions by source

Source	tCO <sub>2</sub> e	% of Scope	% of Total
<b>Scope 1</b>	<b>5,042</b>		
Refrigerants	133	2.6%	0.5%
Natural Gas	2,172	43.1%	7.4%
Fleet Petrol (transport)	151	3.0%	0.5%
Fleet Premium Petrol (transport)	23	0.5%	0.1%
Fleet Diesel (transport)	300	5.9%	1.0%
Colson Road Landfill Gas	589	11.7%	2.0%
LPG	191	3.8%	0.6%
Bulk Diesel (stationary)	4	0.1%	0.0%
Fertiliser	5	0.1%	0.0%
Waste Water Treatment Plant (WWTP)	1,475	29.3%	5.0%
<b>Scope 2</b>	<b>1,118</b>		
Electricity	1,118	100.0%	3.8%
<b>Scope 3</b>	<b>23,353</b>		
Upstream transport and distribution	112	0.5%	0.4%
Business travel - other (spend based)	50	0.2%	0.2%
Business Travel - airtravel	86	0.4%	0.3%
Business Travel - accomodation	9	0.0%	0.0%
Employee Commuting	556	2.4%	1.9%



Working from home	4	0.0%	0.0%
Waste transportation	508	2.2%	1.7%
Rural Transfer Station: Waste to landfill	95	0.4%	0.3%
Rural Transfer Station: Green Waste	196	0.8%	0.7%
Kerbside collection: Waste to landfill	2,081	8.9%	7.1%
NPDC Organisation: Waste to landfill	17	0.1%	0.1%
Kerbside collection: organics	251	1.1%	0.9%
The Sorting Depot	518	2.2%	1.8%
Illegal waste dumping: Waste to landfill	82	0.4%	0.3%
Illegal waste dumping: Green Waste	0	0.0%	0.0%
NPDC Organisation: Organics	9	0.0%	0.0%
WWTP waste	145	0.6%	0.5%
Purchased Goods & Services	6,657	28.5%	22.6%
Capital Goods	9,965	42.7%	33.8%
T&D Loss Electricity	66	0.3%	0.2%
T&D Loss Gas	81	0.3%	0.3%
Downstream Leased assets - Grazing	1,836	7.9%	6.2%
Investments	29	0.1%	0.1%
<b>Removals</b>	<b>-5,578</b>		
<b>Total Gross</b>	<b>29,513</b>		
<b>Total Gross excluding closed landfill</b>	<b>28,924</b>		
<b>Total Net</b>	<b>23,934</b>		
<b>Total net excluding closed landfill</b>	<b>23,346</b>		

Figure 9: GHG emissions by gas contribution, in tCO<sub>2</sub>e

	CO <sub>2</sub> (tCO <sub>2</sub> )	CH <sub>4</sub> (tCO <sub>2</sub> -e)	N <sub>2</sub> O (tCO <sub>2</sub> -e)	Remaining tCO <sub>2</sub> e
<b>Total Gross</b>	<b>2,981</b>	<b>5,657</b>	<b>1,648</b>	<b>19,226</b>
<b>Total Gross excluding closed landfill</b>	<b>2,700</b>	<b>5,350</b>	<b>1,648</b>	<b>19,226</b>

## Appendix 1 – Emissions factors

9.1

## References

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Thinkstep. (2024). *Emission factors for New Zealand Industries and Commodities*. Thinkstep.

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TOITŪ ASSESSMENT REPORT

ISO 14064-1 Verification

Organisation:  
New Plymouth District Council

Lead Auditor	Natalie Clee
Team members	Emma Martin, Emelene Remoroza
Verification firm	Enviro-Mark Solutions Limited (trading as Toitū Envirocare)
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Client Contact	Mat Sycamore
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Report date	2 December 2024
Report reviewed by	Ana Tatana, Toitū Envirocare, 28 January 2025



## AUDIT OBJECTIVES

The objective of the audit was to determine if:

- the organisation's GHG measurement (emissions data and calculations) meet(s) the criteria and requirements of ISO 14064-1:2018.

## AUDIT CRITERIA AND SCOPE

The audit criteria and scope are detailed in the following table:

<b>Audit criteria</b>	Greenhouse Gas Protocol: A Corporate Accounting and Standard (2004) ISO 14064-3:2019 Audit & Certification Technical Requirements 3.0
<b>Audit date</b>	22-23/10/2024
<b>Reporting year</b>	01/07/2023 - 30/06/2024
<b>Base year</b>	01/07/2021 - 30/06/2022
<b>Consolidation methodology</b>	Operational control
<b>Materiality threshold</b>	5%
<b>GHG statement</b>	New Plymouth District Council has measured its greenhouse gas emissions in accordance with ISO 14064-1:2018 in respect of the operational emissions of its organisation.
<b>Intended users</b>	Stakeholders and interested parties.
<b>Registered office address</b>	Liardet Street, New Plymouth, 4310, New Zealand
<b>Locations visited</b>	Waste Water Treatment Centre – 12 December 2024
<b>Audit Type</b>	Verification only
<b>Activities undertaken remotely</b>	Stage 1 & 2: Planning, execution and reporting remote. Separate onsite visit performed.

9.2

## CONCLUSION

The following total emissions have been verified:

Emissions summary by categories	All verified emissions LOCATION BASED	Units
Category 1 total	5,041.62	tCO <sub>2</sub> e
Category 2 total	1,117.57	tCO <sub>2</sub> e
Category 3 total	1,325.14	tCO <sub>2</sub> e
Category 4 total	20,161.45	tCO <sub>2</sub> e
Category 5 total	1,837.68	tCO <sub>2</sub> e
Category 6 total	29.08	tCO <sub>2</sub> e
<b>Total gross inventory:</b>	<b>29,512.54</b>	<b>tCO<sub>2</sub>e</b>
Category 1 Removals	-5,578.09	tCO <sub>2</sub> e
<b>Total Net Inventory:</b>	<b>23,934.45</b>	<b>[% or tCO<sub>2</sub>e]</b>

Emissions summary by categories	All verified emissions LOCATION BASED	Units
Emissions intensity (gross):	117.18	tCO <sub>2</sub> e/\$M <sup>1</sup>

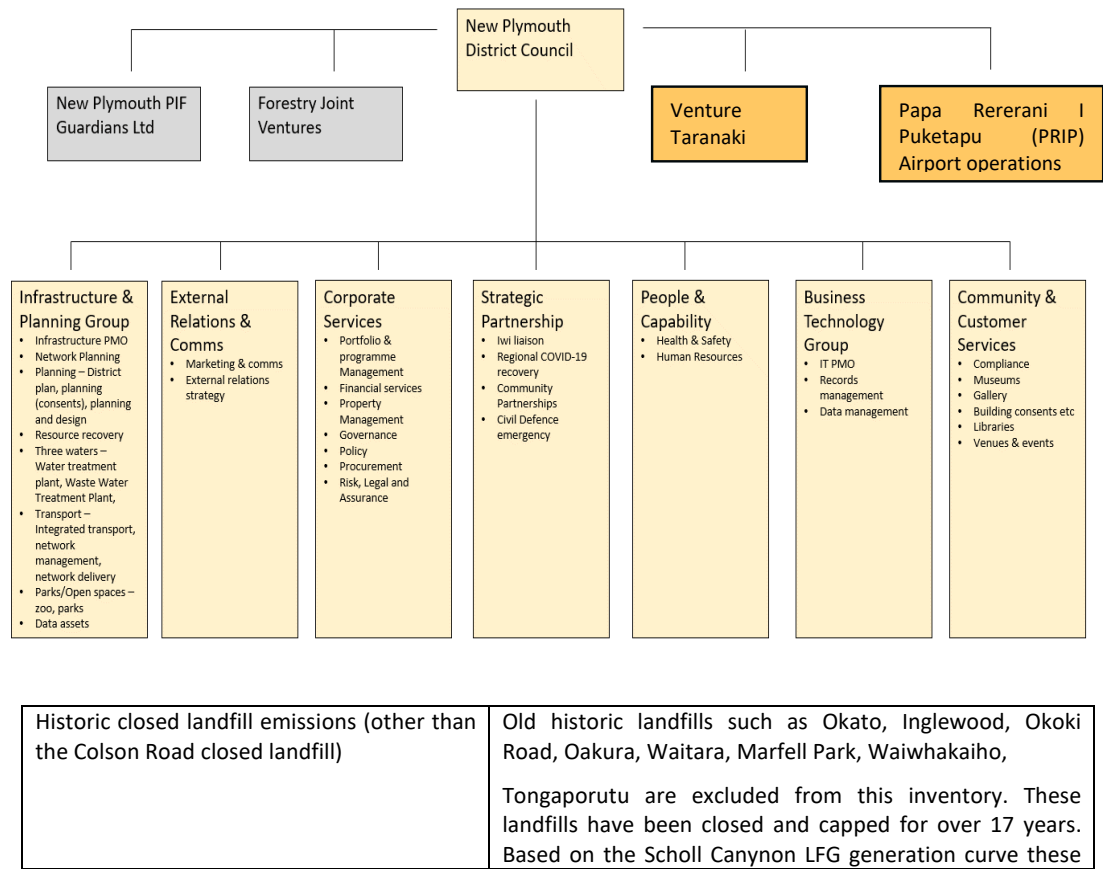
<sup>1</sup> Not adjusted for inflation. Adjusted values available upon request.

An assessment of materiality was made against the defined threshold. From this analysis it is concluded that the stated emissions are free from material error.

AUDIT SUMMARY

SCOPE AND BOUNDARIES

The scope of the emissions inventory includes all activities within the operational boundaries of New Plymouth District Council. In Figure 2 below, Business units in yellow colour are within operational control and are included in this inventory, while council-controlled organisations (CCO) in grey colour are outside of NPDC operational control and excluded from the GHG inventory.



	landfills have negligible LFG emissions with low certainty in the calculation method, so were deemed an exclusion.
Kerbside waste collection – transportation emissions	No data was available from the contractor for kerbside collection transportation emissions. Estimation of these emissions were considered low quality. This emission source will be included in the FY25 emission inventory.
Emissions associated from diverted / recovered materials	Downstream emission associated with diversion of waste is excluded from this inventory, including the processing and remanufacturing of kerbside recyclables and waste to energy (e.g. burning tyres at Golden Bay Cement). Emissions from reprocessing and remanufacturing recyclables and waste to energy are considered part of the diverted materials next lifecycle so are deemed outside of scope and excluded from this inventory.
New Plymouth Transfer Station	The New Plymouth Transfer Station is owned and operated by Enviro NZ. NPDC has no operational control of this facility. Therefore, emissions associated with waste processing at the New Plymouth Transfer Station, except for kerbside collection, MRF rejects, the Junction and the Sorting Depot, are excluded from this inventory. Note, rural transfer stations are owned by NPDC and are included in this inventory.
Use of sold products - emissions from using Bioboost fertiliser	NPDC sell bioboost to a contractor who bags, sells and distributes bioboost. There is no available data on the use of sold product.

## EMISSIONS FACTORS

The emissions factors were checked for all emission sources and were found to align with the following sources:

- Ministry for the Environment. 2024. Measuring emissions: A guide for organisations: 2024 detailed guide. Wellington: Ministry for the Environment. Data and methods for the 2022 calendar year.
- Custom emission factors are created or derived when certain emission factors are not available in the MfE guide or when there are more suitable industry approved emission factors or methods (these are listed below).
- Spend-based emission factors are used when activity data is poor quality or unavailable, such as emissions from purchased goods and services and capital goods. In these cases, spend-based emission factors sourced from Thinkstep are applied to general ledger spend.

Activity / Emission source	Unit	Methodology
Biogenic wastewater treatment plant emission	Kg TOW (total organics in wastewater)	Combination of CH <sub>4</sub> effluent COD, CH <sub>4</sub> WWTP COD, WWTP N <sub>2</sub> O and effluent N <sub>2</sub> O emissions calculated, based on Water New Zealand: Carbon accounting guidelines for wastewater treatment: CH <sub>4</sub> and N <sub>2</sub> O
Closed landfill burnt methane emissions	Kg burnt methane and kg unburnt methane	Metered gas data with stoichiometry to estimate CO <sub>2</sub> emissions from burnt methane. CO <sub>2</sub> e emissions from unburnt methane estimated using GWP of 28 (AR5).

Domestic air travel emissions	Passenger kilometres travelled	Orbit travel provide flight specific emission factors based on the type of plane used for travel. Domestic air travel emissions are taken directly from the Orbit reports.
Time of Use Electricity emissions	kWh	Simply Energy provides bespoke electricity emission factors based on half hour Transpower grid energy contributions. Emissions are taken directly from the Simply Energy portal for improved data quality
Staff mileage claim	\$	FY24 average fuel price per litre (\$/L) applied to emission factor of petrol (kgCO <sub>2</sub> e / L) to estimate emissions from staff mileage claims
Forestry	Hectares	Ministry for Primary Industries carbon stock value data used to calculate total removals and liabilities.

## VERIFICATION PROCEDURES

Verification evidence-gathering procedures for the stated emission sources are as follows:

Verification Level	Emissions sources
<b>Detailed review:</b> Verification from reported emissions back to actual source data in accordance with the appropriate data sampling protocols (checking supplier or other source data, calculations, scope and boundaries of data, date ranges, emissions factors and key assumptions). The extent to which the verification was conducted varied depending on level of controls noted at the emission source level.	Natural Gas Waste Water Treatment Plant (WWTP) Electricity Community Transfer Station: Waste to landfill Community Kerbside collection: Waste to landfill Purchased Goods & Services Capital Goods Downstream Leased Assets Land Use
<b>Limited review (Sense checks):</b> Professional judgment that the reported emissions are of the correct order of magnitude; that all emissions factors are correct; that stated <i>de minimis</i> sources are appropriately justified. The extent to which the verification was conducted varied depending on level of controls noted at the emission source level.	All other reported emissions sources.

As part of the audit, the below criteria/documents were reviewed:

Criteria/documents	Status
Organisational boundaries	Meets requirements.
The Greenhouse Gas Emissions Inventory report	Meets requirements.
Application of the accounting principles	Meets requirements.

A total of 6 non-conformances, 2 minor non-conformances and 6 observations were raised during this visit. Full details of the findings are given in the findings log below.

Using our Data Quality Assessment tool for analysing data against completeness and assumed uncertainty an inventory “quality” can be classified as follows:



- High
- Good
- Fair
- Poor

From the analysis conducted your inventory is classified as: Good.  
This is not subject to any further client actions.

ADDITIONAL NOTES

The organisation needs to ensure that any claims relating to their GHG emissions do not indicate that New Plymouth District Council has gained Toitū carbonreduce or net carbonzero certification.  
The base year inventory of 1/07/2021 to 30/06/2022 has not been verified by Toitū as part of this verification.

CONCLUSION

Please refer to the separate Audit Opinion document for further information.

Level of Assurance	Reasonable for categories 1 & 2 and Limited for other categories.
Qualifications/Limitations	<p>Sequestration of carbon in managed forests was determined using the Ministry of Primary Industries guidance and lookup tables to measure changes in carbon stocks. The model includes several inherent assumptions. Changes in assumptions could significantly impact the measurement of these emissions.</p> <p>Category 4 emission sources for purchased goods &amp; services and capital goods are heavily assumptions based, using dollar spend data and an industry average emission factors to estimate emissions.</p>



## FINDINGS LOG

Date issued:	13 November 2024
Verifier:	Natalie Clee, Emma Martin
Company issued to:	New Plymouth District Council

A finding marked **NCR** must be corrected before audit can be closed out, unless otherwise approved by the Certification Manager

A finding marked **mNCR** is not required to be corrected for this verification, but may need to be addressed/checked for your next inventory, or it may become a NCR. You may voluntarily correct a mNCR for completeness

A finding marked **Obs** is an observation or recommendation from the verifier that may be helpful to you

--- corrective actions are expected to be closed out within 15 days of the date raised---

Ref #	Issue	Status	Type	Comments / Agreed Corrective Actions	Date closed	Evidence sighted to close out the issue where corrective action required.
NCR 1	Grazing Emission - Category 5- Downstream Leased Assets. These should still be broken into enteric fermentation, agricultural soils and manure management. These have different emission factors but utilise the same head count.	Closed	NCR	Please add these categories to your inventory.	02/12/2024	Total grazing emissions calculated from the various grazing emission components. Better assumptions on head number and stock types were applied based on additional information provided by Property team. See grazing summary. Details on methodology included in Inventory report
NCR 2	GHG Inventory Narrative Report - Please complete and ensure all mandatory disclosures are included as emailed.	Closed	NCR	List of outstanding items emailed to NPDC.	02/12/2024	
NCR 3	Site Visit to WWTP to be arranged.	Closed	NCR	Held for December 10th.	02/12/2024	Arranged for December 10th
NCR 4	Investment - Category 15. The PIF and Equity Investment should be included as Category 15 as this is for the benefit of the Council. This has currently been excluded	Closed	NCR	Please include this figure in the inventory and provide evidence of total value of PIF and a copy of the Mercer annual report.	02/12/2024	Mercer Annual report 2023 extract for the ESG Fund for NPDC.

Ref #	Issue	Status	Type	Comments / Agreed Corrective Actions	Date closed	Evidence sighted to close out the issue where corrective action required.
	from the inventory. We recommend obtaining the year end investment report from Mercer to use in the calculation.					
NCR 5	LandUse Forestry - A figure for landuse liabilities should be included.	Closed	NCR	Remove the Forestry figure from the main inventory and report under GHG Liabilities.	02/12/2024	Agreed to revise the workings using the MPI calculation method as this will provide annual removal and the liability figure
NCR 6	Refrigerant Liabilities - please list these as an exclusion for the current year due to lack of data.	Closed	NCR	Add into exclusions table.	02/12/2024	Liabilities added into the GHG Inventory report.
mNCR 1	Natural Gas from Methane Burnt - the current assumption is that 100% of the solid waste is burnt. NPDC consulted Tonkin & Taylor who stated that for that system a 90% assumption burn rate was more appropriate.	Closed	mNCR	We recommend that the calculation is amended to account for a 90% burnt rate and the remaining 10% to be treated as methane and the relevant emission factor assigned to this biogenic source.	02/12/2024	Revised figures input into inventory.
mNCR 2	Envirowaste - to ask about line 8 and 16 in the report	Closed	mNCR	To confirm inclusion/ exclusion	02/12/2024	Updated inventory and sighted evidence
OBS 1	Land Use - Grazing. We recommend that NPDC gathers better data on its herd numbers across the lease agreements with farmers. This will enable better tracking of grazing emissions which are likely to be material. We further recommend contact some peers within NZ Councils to ascertain their best practice.	Open	Obs	Connect with contact at GWRC to review work undertaken there on grazing land.		
OBS 2	Standard qualification will be issued around the purchased goods and services and capital goods due to the inherent assumptions in the emission factors for spend based emissions.	Open	Obs			
OBS 3	NPDC is considering obtaining supplier specific emissions data from its top suppliers, particularly in the capital goods	Open	Obs			

Ref #	Issue	Status	Type	Comments / Agreed Corrective Actions	Date closed	Evidence sighted to close out the issue where corrective action required.
	area. This will improve the accuracy of the data in Scope 3.					
OBS 4	We recommend engaging with Finance or another person to provide a high-level logic check on figures. This is a best practice segregation of control when all data is being managed by one individual.	Open	Obs			
OBS 5	Refrigerant Liabilities - we recommend that work is undertaken to capture all data on types of refrigerants across the Council. This could be done with the contractor, Excel, or with the Property team. This figure can be reported from FY25.	Open	Obs			
OBS 6	Documentation presented for Audit contained a clear audit trail with all supporting information readily available.	Open	Obs			

## NOTES

1. The detailed audit findings and calculations are given in the Verification Plan and Working Papers associated with this audit. These contain proprietary verification methodologies and remain confidential to Toitū Envirocare.
2. The audit is based upon sampling and as such nonconformities may exist that have not yet been identified.
3. We have reviewed the company's GHG emissions inventory for the period. The inventory is based on historical information which is stated in accordance with the requirements of ISO 14064-1:2018.
4. The scope of the review was limited to personnel interview, analytical review procedures applied to GHG emissions data, and review of the input of data into the emissions inventory. Based on our review the inventory is compliant with the requirements of ISO 14064-1:2018.
5. A **non-conformance (NCR)** indicates that the auditor has found a non-conformance with scheme Technical Requirements (audit criteria) and requires you to take the appropriate corrective action and provide evidence of this correction within two weeks. This may require resubmission of an updated Emissions Inventory Report and Emissions Management and Reduction Plan.
6. A **minor non-conformance (mNCR)** which the auditor has found which is not material to the outcome of the inventory, but to which a failure to address in the preparation of future inventories could lead to a major Non-Conformance (NCR).
7. **Observations** made by your auditor are strongly advised but the actions are not required for the organisation to be recommended for certification.
8. Neither Toitū Envirocare nor the auditor has any interest in the organisation, other than in our capacity as assurance providers. We have not carried out any work with this business prior to this review.
9. This report has been prepared solely for the use of the organisation and Toitū Envirocare as part of a GHG verification in accordance with relevant international standards as outlined in the audit criteria above. It may be relied on solely by the organisation and Toitū Envirocare for that purpose only. Toitū Envirocare does not accept or assume any responsibility to any person other than the organisation in relation to the statements or findings expressed or implied in this report.
10. Any correspondence regarding this audit report should be directed to your Lead Auditor.
11. A copy of this report has been provided to the nominated client contact.
12. A copy of this report may be made available to intended users upon request.
13. **Confidentiality:** All information obtained during this assessment will remain confidential to New Plymouth District Council, the verifier and Enviro-Mark Solutions Limited (trading as Toitū Envirocare). No information will be released to any other party without your express permission except as required by law or Toitū's accreditation body JASANZ, or if it is in aggregate and/or de-identified form. This report must not be copied except in full without the permission of the Responsible Party and Toitū Envirocare.

9.2

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## **NPDC'S YOUTH ENGAGEMENT APPROACH**

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### **MATTER / TE WHĀINGA**

1. The matter for consideration by the Council is the adoption of a Youth Engagement approach that actively involves young people in activities, decision-making, and initiatives.

### **RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU**

**That having considered all matters raised in the report Council adopts Option 5 – delivery of a hybrid youth engagement model for youth engagement (Appendix 6 ECM9486736), to empower young people to have their say, and ensure they are active contributors to their communities and societies at large.**

### **STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION**

2. The Strategy and Operations Committee endorsed the Officer's recommendation.

### **COMMUNITY BOARD RECOMMENDATIONS**

3. The Kaitake, Inglewood, Puketapu-Bell Block, Clifton and Waitara Community Boards endorsed the Officer's recommendation.

### **TE HUINGA TAUMATUA RECOMMENDATION**

4. Te Huinga Taumatua endorsed the Officer's recommendation.

<b>COMPLIANCE / TŪTOHU</b>	
Significance	This matter is assessed as being of some importance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Continue to outsource youth engagement to a single provider with a district-wide focus.</li> <li>2. Outsource youth engagement to multiple local providers with a district-wide focus.</li> <li>3. Establish an NPDC Youth Council.</li> <li>4. Centralise all youth engagement activities internally.</li> <li>5. Deliver a hybrid youth engagement model with distinct roles for the council and the community.</li> </ol>
Affected persons	The persons who are affected by or interested in this matter are young people between the ages of 12 and 24 as well as the general community.
Recommendation	This report recommends option 5 for addressing the matter.
Long-Term Plan / Annual Plan Implications	Yes
Significant Policy and Plan Inconsistencies	No

## **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

5. Youth engagement is the meaningful participation and involvement of young people in activities, decision-making processes, and initiatives that affect their lives and communities. The goal is to empower young people, give them a voice, and ensure they contribute to their communities and societies at large.
6. In the Long-Term Plan 2024-34 Council committed \$145,000 for youth engagement.
7. A strategic priority of the review has been to consider the views of Iwi and kaupapa Māori organisations who work with rangatahi Māori. They expressed a preference for engagement at a community level as opposed to a district wide approach.

8. We recommend that Council adopt a hybrid youth engagement model with clear roles for both the council and the community (Option 5). NPDC would partner with community organisations across the district. These organisations would run engagement events or activities, host youth-friendly consultations, and bring this all together with a combined youth advisory group which they would help coordinate and facilitate.
9. Council officers would organise and facilitate the youth advisory group, presenting topics for discussion and input to ensure strong links with Council. This will respond to the feedback received from young people around the district, engage them in meaningful participation in activities, decision-making processes, and initiatives that impact their lives and communities.

## BACKGROUND / WHAKAPAPA

10. Following the 2023 Community Partnerships Review (Appendix 1), Council, by resolution, requested "*officers develop specific proposals addressing the recommendations for Youth Engagement and Community Engagement to present as options for Elected Members in the draft Long-Term-Plan*". An Elected Member workshop on 01 May 2024 considered potential options.
11. Due to resourcing challenges the youth engagement proposal was not formally considered before the Long-Term Plan 2024-34 (LTP) was adopted. However, Council committed \$145,000 per annum for youth engagement across the LTP.
12. For the past 30 years, the New Plymouth District Council has engaged young people through Youth Councils, Subcommittees, and Working Groups (Appendix 2). In 2015/16, the Council dissolved the Youth Working Group and partnered with Zeal for youth engagement services.

### *The community we serve*

13. Young people play an essential role in the community, frequently using council services and having significant stake in local government decisions. The Ministry of Youth Development define the youth community as anyone between the ages of 12 and 24.
14. Although census data isn't perfectly organised for this purpose, the 2023 data indicates that 36.1 per cent of New Plymouth's general population and 55.5 per cent of the Māori population are under 30 years old.

Range Years of age	% of General Population	% of Māori Population
0-15	19.8%	31.5%
15-29	16.3%	24.0%
<b>Total:</b>	<b>36.1%</b>	<b>55.5%</b>



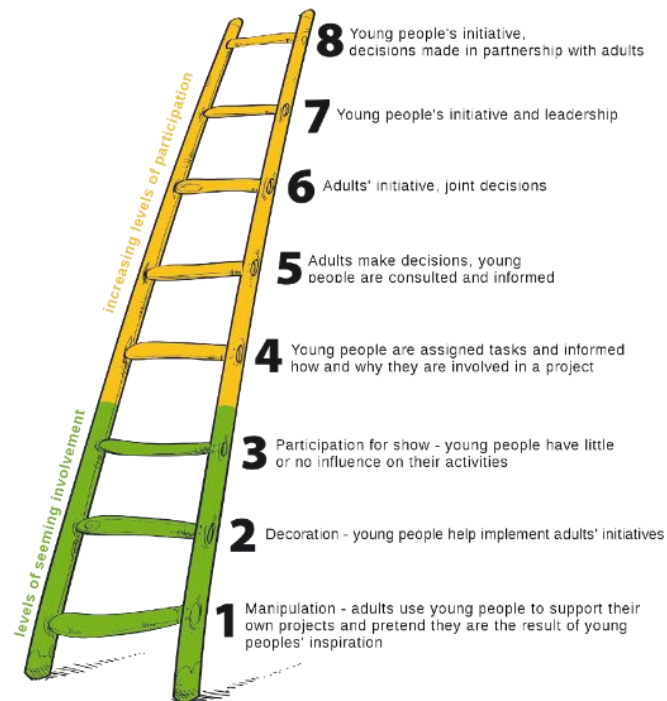
15. The New Plymouth District is growing by 1,000 people each year.
16. Data shows that the percentage of young people (15-24 years) not in education, employment, or training (NEET) in Taranaki fluctuates. Since 2020, it has ranged from 11.8 per cent to 17.9 per cent while New Zealand's overall rate has been between 11.2 per cent and 12.8 per cent. This data does not break down further for Territorial Authorities, but it highlights the growing disengagement among young people. Effective youth engagement could help address this issue.

*What is youth engagement?*

17. Youth engagement is the meaningful participation and involvement of young people in activities, decision-making processes, and initiatives that affect their lives and communities. The goal is to empower young people, give them a voice, and ensure they contribute to their communities and societies at large. This can be achieved through:
  - a) Volunteering
  - b) Leadership Opportunities
  - c) Consultation and Feedback
  - d) Educational Programs and,
  - e) Recreational Activities
18. The [Ministry of Youth Development](#) (MYD) states that effective youth engagement for Council's is about young people:
  - a) Being informed
  - b) Having opportunities to add value to Council's activities
  - c) Making decisions or being involved in the decision-making process
  - d) Developing leadership and advisory skills
  - e) Organising themselves
  - f) Influencing outcomes on issues which affect their own lives and their communities
  - g) Continuing to be involved in monitoring and follow-up and,
  - h) Feeling safe, supported, included and valued.

19. MYD point organisations to [Hart's ladder of youth engagement](#) as an easy way to evaluate the quality of youth participation by offering different levels of youth engagement ranging from manipulation at the bottom to full partnership at the top (see Figure 1 and Appendix 3). They also recommend Shier's Pathway to Participation (Appendix 4) to assess current engagement levels and identify improvement areas for better youth involvement.

*Figure 1: Hart's Ladder of Youth Engagement*



*The current situation*

20. NPDCs [Youth Strategy \(2006\)](#) envisions:

*"New Plymouth District is a community where every young person is valued and encouraged to learn, set goals and achieve their dreams! A community where every young person has the opportunity to be the very best that they can be!"*

21. That vision is supported by two goals:

- a) To increase youth participation within the district
- b) New Plymouth District Council policy and practice supports the positive development of young people within the community

and five core objectives:

- a) NPDC is a 'youth friendly' organisation

- b) Ensure a strong youth voice in decision making
  - c) Promote and recognise youth achievements within the district
  - d) Develop collaborative solutions with key partners to address high priority youth issues and improve well-being
  - e) Strengthen the support base for youth in the district
22. Since 2016, Council has engaged Zeal to deliver youth engagement, including:
- a) Creative programs
  - b) Coordinating youth engagement events
  - c) Supporting information gathering for Council decision-making
23. Council receives annual updates on Zeal's activities along with results of a survey (developed with Council) to gather youth views (see Appendix 5).
24. Council Officers have had ongoing engagement with Iwi and Hapū, (primarily Te Atiawa, Ngāti Mutunga, Ngāti Maru, Taranaki Iwi, Puketapu and Manukorihi hapū) for the past 12-18 months regarding youth engagement. This feedback highlighted the importance of youth voice in all areas of our community as current decision-making impacts Tamariki and mokopuna more than any other section of the community.
25. Council Officers intend to continue to work closely with Iwi and Hapū when engaging with young people.

#### **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

26. There are no climate change impact or considerations associated with this matter.

#### **NEXT STEPS / HĪKOI I MURI MAI**

27. Council Officers will implement Councils decision.
28. Continue to develop a partnership approach with rangatahi Māori to ensure they have clear pathways to participate and utilise existing budgets for targeted engagement with a focus on Māori.

## **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

29. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance.
30. While the options have different costs, the proposed model can be funded within current budgets. Regardless of which option is chosen, Council can review the decision at any time.
31. Young people often contact the Council wanting to participate in a formal youth engagement structure. Council Officers haven't received feedback suggesting that youth engagement is not something the Council should do. Although the public might show some interest, the matter is unlikely to be controversial.
32. The options were developed following community engagement. No further engagement is planned.

## **OPTIONS / KŌWHIRINGA**

### *Statutory Responsibilities / Ngā Haepapa ā-ture*

33. All options enable Council to meet Statutory Responsibilities under the Local Government Act (LGA) 2002, in particular:

Section 10(1) Promoting the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Section 82 Providing people with reasonable access to relevant information (about the purpose of the consultation, explanatory material relating to the decisions, scope of decisions to be taken) in an appropriate manner and format,

Encouraging people to present their views to Council and providing them with a reasonable opportunity to do so.

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

34. The 2023 Community Partnerships Review asked young people how they prefer to engage and what they want to discuss. Youth from five local groups (Rainbow Youth, Zeal, Waitara Taiohi Trust, WITT, and the YMCA) identified the following areas of interest over several workshops:
  - a) Fit-for-purpose housing
  - b) Education, training, and employment

- c) Public transport
- d) Mental health service access
- e) Community events and assets

35. In addition young people showed interest in engaging with the Council through a Youth Council, a Youth Task Force, and events run by youth. They also expressed a preference for meetings in safe, comfortable places with familiar faces and food to encourage participation.

**Option 1 Continue to outsource youth engagement to a single provider with a district-wide focus**

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36. Under this option, New Plymouth District Council will issue a Request for Proposal (RFP) to find a single provider for youth engagement. The contract will include:

- a) Hosting five community events in Waitara, Bell Block, Oakura, Okato, and Inglewood.
- b) Co-creating and piloting new youth engagement and participation methods to aid council projects and decision-making.
- c) Co-creating and piloting new ways to capture and represent youth views in the district.

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

37. This option would not have any financial implications as the funding is provided for in the Long-Term Plan 2024-34. All financial information can be found in Appendix 6.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

- 38. There is a risk that if Zeal Youth Trust Aotearoa don't win the contract, they may no longer have the financial capacity to continue operating affecting many young people.
- 39. While continuing the same delivery model provides consistency for stakeholders, risks of continuing the status quo include:
  - a) continued limited involvement of young people in the democratic process, and
  - b) a continued Central New Plymouth central focus on youth engagement

- c) reputational risk as this option does not align with young people's feedback on their preferred engagement methods.

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

- 40. This option contributes to the community outcomes of Trust and Thriving Communities and Culture by partnering with a community organisation to deliver events and activities that engage young people in the New Plymouth District.

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

- 41. This option is consistent with the Long-Term Plan 2024-34.
- 42. This option does not strongly align with the Youth Strategy 2006 as it does not support NPDC in becoming a 'youth-friendly' organisation, provide a strong youth voice in decision making, or promote and recognise youth achievements within the district. However, it does strengthen the support base for youth in the district.

*Participation by Māori / Te Urunga o Ngāi Māori*

- 43. This option would provide Iwi, Hapū and Kaupapa Māori organisations limited opportunity to partner with NPDC on youth engagement.
- 44. Any future service agreements will outline expectations that will ensure Māori young people are not disadvantaged from participating, and that the provider has an understanding of Te Ao Māori.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

- 45. This option ensures consistency, allowing all stakeholders to understand what can be delivered and any limitations.
- 46. Many youth organisations operate at the higher levels of youth participation (Hart's ladder). This option is likely to provide greater opportunity to participate and lead when compared to other options.
- 47. The disadvantage of this option is that youth voice is not clear in Council decision-making and preventing Council moving through the levels of Shier's Pathway to Participation.

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**Option 2    Outsource youth engagement to multiple local providers with a district-wide focus.**

48. Option 2 is conceptually like Option 1 but involves a Request For Proposal (RFP) process to select multiple providers for a district-wide focus. This aims to deliver youth engagement locally while outlining specific contractual deliverables, detailed in the Youth Engagement Option (Appendix 6).

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

49. This option would not have any financial implications as the funding is provided for in the Long-Term Plan 2024-34. All financial information can be found in Appendix 6.
50. Additional Officer time to manage multiple contracts may be required, but this resourcing can be met within existing budgets.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

51. There is a risk that the current provider may no longer have the capacity to continue operating affecting many young people.
52. By utilising multiple providers there could be inconsistent service delivery across the district. However, enabling a local approach could improve youth engagement outside of the New Plymouth central area.
53. There is a reputational risk as this option has only some alignment with young people's feedback on their preferred engagement methods.

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

54. This option contributes to the community outcomes of Trust and Thriving Communities and Culture by partnering with community organisations to deliver events and activities that engage young people in the New Plymouth District and partake in youth friendly consultation.

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

55. This option is consistent with the Long-Term Plan 2024-34.
56. This option does not strongly align with the Youth Strategy 2006 as it does not support NPDC in becoming a 'youth-friendly' organisation, provide a strong youth voice in decision making, or promote and recognise youth achievements within the district. However, it does strengthen the support base for youth in the district.
-

*Participation by Māori / Te Urunga o Ngāi Māori*

- 57. This option would provide Iwi, Hapū and Kaupapa Māori organisations improved opportunity to partner with NPDC on youth engagement.
- 58. Any future service agreements will outline expectations that will ensure Māori young people are not disadvantaged from participating, and that the provider has an understanding of Te Ao Māori.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

- 59. An advantage of this option is that there will be a stronger reach into geographic locations beyond New Plymouth Central.
- 60. Many youth organisations operate at the higher levels of youth participation (Hart's ladder). This option is likely to provide greater opportunity to participate and lead when compared to other options.
- 61. The disadvantage of this option is that youth voice is not clear in Council decision-making and preventing Council moving through the levels of Shier's Pathway to Participation.

**Option 3 Establish an NPDC Youth Council**

- 62. Budget allocation for youth engagement would be used to fund a resource to support and manage the Youth Council including coordinating a process to select members.
- 63. Once selected, the Youth Council would participate in council meeting rounds, necessitating substantial ongoing management across all council areas, including officers, management, executive leadership, and Elected Members. Youth councillors would serve a one-year term.

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

- 64. Without changes to staff resourcing, this option will require significant re-prioritisation of work streams, resulting in other projects not being delivered.
- 65. All financial information can be found in Appendix 6.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

- 66. This option carries reputational risk as it does not align with most of the feedback received from the community. Furthermore, it does not align with the recommendations of the Community Partnerships Review.



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67. A further risk is that a Youth Council may only attract individuals that already have the appetite and opportunity to participate in decision making, further alienating those that do not.
  68. This option could require NPDC to take the ethical responsibility to look after the mental health and wellbeing support of young people engaged with the Council.

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

69. This option contributes to the community outcomes of Trusted and Thriving Communities. Operating a youth council provides NPDC with a platform to expose young people to the democratic process, building awareness and understanding for the future generations and helps NPDC to coach the leaders of tomorrow.

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

70. The Long-Term Plan 2024-34 states that council will be "...improving our work with youth development providers to ensure young people's views and opinions are represented in Council decision-making and the community sector at large". This option does not align with this statement.
71. This option does not align with a majority of the outcomes outlined in the Youth Strategy, namely promoting youth achievement, developing collaborative solutions with key partners to address high priority youth issues and improve wellbeing, and strengthening the support base for youth in the district.

*Participation by Māori / Te Urunga o Ngāi Māori*

72. Iwi and kaupapa Māori organisations who work with rangatahi Māori expressed reservations on how a Youth Council would be fairly representative of the population and shared a preference for engaging at a community level.
73. This option could significantly reduce Māori participation. However, the youth council recruitment process would outline expectations to ensure Māori young people are not disadvantaged from participating.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

74. The main advantage of this option is that it provides one contact point for Council staff and Elected Members to obtain youth voice.
  75. One disadvantage of establishing and supporting a Youth Council is that it is time-consuming for staff and is likely to reduce the ability for Council to deliver other projects that benefit the community.
-

76. While a Youth Council sits at the higher levels of Shier's Pathway to Participation, it directly engages only a limited number of young people. To truly obtain the voice of young people Council should strive to engage as many individuals as possible.
77. This option would not meet the Ministry of Youth Development's best practice guidelines or Hart's Ladder of Participation, and thus fails to ensure that the Council operates to the best standards.

#### **Option 4 Centralise all youth engagement activities internally.**

78. Option 4 brings all youth engagement activities in-house. This would involve additional resource (two youth officers) to engage directly with young people, high schools, not-for-profits, Iwi and Hapū, and government agencies. These officers would also coordinate a Youth advisory group or subcommittee requiring increased support from the Governance team and the wider organisation in general.

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

79. This option is budgeted at \$200,000. Deeper financial breakdown can be found in Appendix 6.
80. This extra funding (\$55,000) has not been provided for in the Long-Term Plan 2024-34 or Annual Plan 2025-26 and would cause a deficit in 2025/26 and budget alterations for 2026/27.
81. This option would require additional staff resource.

#### *Risk Analysis / Tātaritanga o Ngā Mōrearea*

82. There is a risk that the current provider may no longer have the capacity to continue operating affecting many young people.
83. There is also a reputational risk as this option does not align with young people's feedback on their preferred engagement methods.
84. This option could require NPDC to take the ethical responsibility to look after the mental health and wellbeing support of young people engaged with the Council.
85. A further risk of this option is that NPDC diminish the development of community organisations by reducing their capacity through:
  - a) Reduced funding of those organisations.
  - b) Removing opportunities for Council Officers to share their skills, strength and knowledge provided in the current partnership approach.

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

86. This option impacts on the community outcome of Trusted. The impact is unlikely to be immediate but over time, youth officers would be able to strengthen partnerships with hapū and iwi, build trust and credibility with community, fellow councils and government and demonstrate leadership.

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

87. This option does align with the Youth Strategy, particularly the objectives on ensuring a strong youth voice in decision-making and developing collaborative solutions with key partners.
88. It does not align with the Long-Term Plan 2024-34 as the cost to administer sits outside budgeted costs.

*Participation by Māori / Te Urunga o Ngāi Māori*

89. This option would prioritise strong relationships with local iwi and hapū but does not guarantee rates of participation by Māori young people.
90. Iwi and kaupapa Māori organisations who work with rangatahi Māori expressed reservations how a single group of young people would be fairly representative of the population and shared a preference for engaging at a community level. This option would support that preference.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

91. While Council would control all actions and the quality of delivery, this indicates that engagement from young people would sit low on Hart's Ladder of Participation and therefore not ensure Council is operating to best practice standards.
92. The disadvantage in this option is that Council would be paying Council Officers to build relationships in the community instead of using those who already hold relationships. The depth of the relationship with the young people may also differ to that of those who operate in the community.

**Option 5 Deliver a hybrid youth engagement model with distinct roles for the council and the community.**

93. Under this option, NPDC would partner with community organisations across the district. These organisations would run engagement events or activities, host youth-friendly consultations, and bring this all together with a combined youth advisory group which they would help coordinate and facilitate.
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94. Council officers would organise and facilitate the youth advisory group, presenting topics for discussion and input to ensure strong links with Council.

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

95. This option would not have any financial implications as the funding is provided for in the Long-Term Plan 2024-34. All financial information can be found in Appendix 6.
96. Council Officers will be required to undertake an RFP process to ascertain suitable providers as well as increased time managing [multiple] contracts.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

97. There is a risk that the current provider may no longer have the capacity to continue operating affecting many young people.
98. By utilising multiple providers there could be inconsistent service delivery across the district which would need to be managed.
99. One risk associated with trialling new, innovative approaches that attempt to deliver more to more people is the unknown consequences that will require adaption and tweaks.

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

100. This option aligns with both Trusted and Thriving Communities and Culture. It allows Council to build trust and credibility with community through a partnership model, while also taking a leadership approach to youth consultation.
101. By partnering with youth organisations Council can deliver an equitable and inclusive approach to delivering for all young people and communities.

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

102. This option is consistent with the Long-Term Plan 2024-34.
103. This option aligns with the Youth Strategy allowing Council to continue working towards being a 'youth friendly' organisation, ensuring youth voice into decision making, developing collaborative solutions with key partners and strengthening the support base for youth in the district.
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*Participation by Māori / Te Urunga o Ngāi Māori*

- 104. Iwi and kaupapa Māori organisations who work with rangatahi Māori expressed a preference for engaging at a community level and will be supported to engage and participate in the youth advisory group.
- 105. Any organisation submitting a proposal will be required to evidence their relationships with Rangatahi Māori and understanding of Te Ao Māori.
- 106. This option will provide Iwi, Hapū and Kaupapa Māori organisations an opportunity to partner with NPDC.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

- 107. An advantage of this option is that there will have a stronger reach into more geographic locations.
- 108. A further advantage is the diverse range of engagement opportunities there are for young people (a direct response to our engagement with young people) while still providing a regular point of contact for Council staff and Elected Members to obtain youth voice.
- 109. Community organisations will provide opportunities for young people to participate in activities high on Hart's Ladder of Participation. The Youth Advisory Group will enable Council to be at the higher levels of Shier's pathway to participation, meaning that this option provides the greatest opportunity to be delivering best practice youth engagement.
- 110. A disadvantage of this model is that the youth advisory groups would meet quarterly. This could pose challenges for ongoing engagement with young people, but also require council officers to ensure it continues to be a priority as it is not part of the scheduled meeting round cycle.

**Recommended Option**

This report recommends Option 5 Deliver a hybrid youth engagement model with distinct roles for the council and the community for addressing the matter.

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## **APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 Community Partnerships Review Report (ECM 9055514)

Appendix 2 Timeline of NPDC's Youth Engagement (ECM 9486737)

Appendix 3 Hart's Ladder of Youth Participation (ECM 9486739)

Appendix 4 Shier's Pathway to Participation (ECM 9486738)

Appendix 5 Zeal End of Year Report October 2023 (ECM 9202029)

Appendix 6 Youth Engagement Options Breakdown (ECM 9486736)

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### **Report Details**

Prepared By:	Riley McGregor (Community Development Advisor)
Team:	Community and Economic Development Team
Approved By:	Damien Clark (Community and Economic Development Manager)
Ward/Community:	District Wide
Date:	15 April 2025
File Reference:	ECM 9460681

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

# Community Partnerships Review Report

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Prepared by Zara Losch  
August, 2023

## Foreword

We're excited to share with you the results of our independent review of the Community Partnerships activity conducted by Zara Losch from Obst. We wanted to make sure we're on the right track, so we asked people from our community what they want. We did this through a series of workshops where everyone could share their thoughts. We also reached out to iwi to start new conversations and understand their perspectives.

### What We Did:

We organised workshops where people could talk openly about their ideas and hopes. These discussions helped us understand what our community really needs and wants. We're especially thankful to all the community members who took part and shared their valuable opinions. We also talked with iwi to learn more about their views, which added to our understanding.

### Why This Matters:

This review is important because it shows how much we value working together with our community. We believe that real progress happens when everyone gets a say. By listening and learning, we can make better decisions that truly reflect the needs of our community. This review is a way for us to be honest and open about what we've heard and how we plan to move forward.

### What's Next:

As you read through this review, remember that it's not the end. It's just the beginning of a new phase. We'll take the feedback and ideas we've gathered and turn them into actions that make a difference. Our promise is to keep working together, respecting everyone's input, and creating a community where everyone can thrive.

### Thank You:

We want to express our sincere gratitude to everyone who took part in this process. Your voices are what make our community strong, and we're excited to continue this journey with you.

*Sincerely,*

*Callum Williamson*

*Community Partnerships Lead*



## Acknowledgements

I would like to express my sincere gratitude to all those who have contributed to the completion of this review of Community Partnerships at New Plymouth District Council.

I want to thank all the members of the community who participated in interviews, workshops, focus groups and discussions, providing firsthand perspectives that have given this report its depth and authenticity. Community groups, active citizens, Community Boards, young people, youth workers and the-like have all shared valuable insights and have been instrumental in shaping the content and direction of this document.

The collective effort of everyone involved has resulted in a comprehensive and insightful resource that I hope will serve Community Partnerships, and any future delivery model, in ultimately leading to increased effectiveness in achieving enhanced wellbeing in our community.

Furthermore, I would like to acknowledge the Community Partnership team for their role in gathering insights for this review and especially Abbie Diggelmann, Community Partnerships Advisor, for her leadership and integrity throughout.

Sincerely,

Zara Losch

*Obst - facilitating positive change*

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## Contents

- About the review
  - ◆ Purpose
  - ◆ Context
  - ◆ Engagement Approach
- Summary
- Findings
- Recommendations
- Conclusion
- Appendix

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## About the Review

### Purpose

The purpose of the Community Partnerships Review was to ensure the Community Partnerships Team provides a delivery model that is fit for purpose and meeting the community needs and aspirations in order to advance community outcomes.

An underlying belief that community voice is valued and can inform more effective partnerships between Council and community sits at the heart of this review. Furthermore, an assumption that more effective partnerships will lead to better social, cultural, environmental and economic outcomes long term. Indeed, local authorities as informed by the Local Government (Community Well-being) Amendment Act 2019 are responsible for promoting the social, economic, environmental and cultural wellbeing of our communities.

### Key questions this review seeks to answer:

- What are the current strengths that exist in the community, unique to this time?
- What are the current challenges that exist in the community, unique to this time?
- What is working about the current Community Partnerships model
- If an alternative way of working with Community Partnerships could exist, what would it look like?

### Current Delivery Model - A Partnership Approach

Community Partnerships at New Plymouth District Council exists to contribute to local government's wider role in promoting the social, economic, environmental, and cultural well-being of communities in the present and for the future. (Local Government Act 2002, section 10 (1)).

In May 2019 the Government passed new legislation to restore the four 'wellbeings' (social, economic, environmental and cultural well-being of communities) to the statutory purpose of local government. The Act sets the legislative framework for local authorities, which is empowering, not directive. The changes mandate local authorities to promote community wellbeing. In 2016 New Plymouth District Council changed from a Community Development approach to a Community Partnerships approach in order to promote community wellbeing.

The terms "community development approach" and "community partnership approach" are related concepts but have distinct differences in their focus and implementation. The current

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approach, as the name suggests, is a community partnership approach. This approach was implemented in 2016.

A true community partnership approach recognises that no single entity can address complex community issues alone, and thus, it emphasises the power of partnerships which can deliver collective action and facilitate capacity building, capability building and connections to enhance positive outcomes.

A community development approach on the other hand, is much more hands on. It involves a range of strategies and interventions to empower and uplift the community, that are delivered directly to and/or with the community.

The current community partnerships model can be best described as a partnership model, which sees each team member oversee a portfolio of projects or relationships. The Community Partnerships Activity also oversees community funding.

#### Funding Grants

Funding includes managing a range of contestable community grants available to individuals and community groups working towards community outcomes, approximately \$700k per annum.

#### Capacity Building

Capacity building includes walking alongside community groups and individuals to build capacity through signposting to the likes of Wheelhouse, or supporting through more discreet means.

#### Strategic Partnerships

A small number of organisations fall into the 'Strategic Partnership' category. These organisations have gained longer funding agreements, and/or secured larger amounts of funding from Council. Zeal and Sport Taranaki fall into this category.

#### Personnel

Community Partnerships Lead  
Community Capacity Building Adviser  
Community Partnerships Advisor  
Community Partnerships Advisor  
City Centre Facilitator

= 4.25FTE

#### Why Review Community Partnerships now?

- Council has not reviewed the Community Partnerships model since 2016, when it changed from a Community Development approach

- 2021 changes to the Community Partnerships Funding Policy, in response to community feedback that showed the community feels the pool of funding available is 'under-resourced'.
- The 2022 Community Partnerships funding round was 3 x oversubscribed
- There have been changes in other funding providers and their priorities
- New Plymouth District Council is currently developing its Long-Term Plan 2024-34
- Change in community expectations and needs in the wake of COVID-19, rising living costs, and extreme weather events

## Wider Community Context

In recent years the following organisations have commissioned reports which can also inform our knowledge of current community needs and aspirations.

### [Toi Foundation's Regional Report, published 2021](#)

This report highlights the following trends and focus areas:

- Continued support is required to assist those in Taranaki into employment, given persistent unemployment and room to improve education outcomes
- Improved connectivity will be important to enable access to both digital and physical services, reducing access challenges around digital exclusion and educational, employment, and social opportunities.
- Child support is an area for further investigation, with higher levels of unpaid childcare work potentially signalling barriers in this area.
- Improved health outcomes are a key trend to address, given the importance of enabling strong foundations and enhancing child and youth wellbeing,
- Māori aspiration, and access to opportunities.
- Support delivered by Māori organisations in Taranaki are likely to enable better given strong manaakitanga, kaitiakitanga, and whanau support

### [Salvation Army's Taranaki's Community Scan, published January 2023](#)

[New Plymouth's top six gaps were:](#)

1. Housing

2. Mental Wellbeing

3. Social connection

4. Welfare and food security

5. Whanau and Parenting Support

6. Practical Assistance

Waitara's top six gaps were:

1. Housing

2. Welfare and food support

3. Youth

4. Social connection

5. Mental Wellbeing

6. Whanau and Parenting Support

It's acknowledged that New Plymouth District Council, namely the Community Partnerships Team with its current capacity of 3.5 FTE, is one player in the wider ecosystem of intermediaries interested in catalysing community wellbeing.

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## Engagement Approach

International Association of Public Participation, hereby referred to as [IAP2](#), is a framework increasingly adopted as an effective mode in which to undertake meaningful stakeholder engagement. New Plymouth District Council staff completed training in IAP2 Essentials, Design, Methods in 2021, this review will be the first time IAP2 is being used to underpin engagement within the Community Partnerships Team. The intent in adopting this framework's values during this review was to 'learn by doing' with goals to build internal capability, and understand if this framework can be used effectively in this context. The following values from IAP2 have guided this review.

### IAP2 Core Values

- Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- Public participation includes the promise that the public's contribution will influence the decision.
- Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
- Public participation genuinely seeks out and facilitates the involvement of those potentially affected by, or interested in, a decision.
- Public participation seeks input from participants in designing how they participate.
- Public participation provides participants with the information they need to participate in a meaningful way.
- Public participation communicates to participants how their input affected the decision.

## Engagement Summary



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## Geography

District-wide input was sought through:

- A Community Board-wide workshop with representation from every board
- Youth Engagement in Waitara through Waitara Taiohi Trust

Engagement outside of these efforts relied on individuals and organisations coming to engagement workshops in New Plymouth central.

## Iwi engagement - still to come

It is worth noting that iwi engagement was, and continues to be, conducted by the Community Partnerships team separate from this report. The team have engaged with Ngāti Tama, Ngāti Mutunga, Ngāti Maru, Te Atiawa, and Taranaki iwi and provided feedback to this review. The team also has plans to attend Taranaki Tū Mai later in the year.

## Summary

There are many components within the existing model that work well for community;

1. Agile funding that can resource community groups in their operational needs
2. Easy funding process; application and accountability process
3. Approachable team members who build rapport and relationships quickly
4. Strategic Partnership and key focus areas (food security, creative programmes for youth) these are well supported with time, resources and connections
5. A growing understanding & capability to work more deeply at at systems level
6. A belief that community-led initiatives are effective

However, the question emerges; could the current delivery model be leveraged for more strategic long term impact? Yes. The following report outlines findings, recommendations and possible outcomes that could enhance the current model.

### Finding & Recommendation Summary

Community Engagement		
Findings	Recommendation	Possible Outcomes
1. Key skills are valued yet limited by capacity	Gather groups & facilitate collective action	<ul style="list-style-type: none"> <li>Increased social capital</li> <li>Increased relationship-building opportunities between EM and community groups</li> <li>A clearer line of sight to needs &amp; aspirations</li> <li>More effective collaborations</li> </ul>
2. A unique and under-utilised helicopter view of community opportunities		
3. Greater clarity and awareness is needed	Develop a clear strategy & effective storytelling	<ul style="list-style-type: none"> <li>A greater sense of direction and agency for Community Partnerships team members</li> <li>More awareness of outcomes being achieved by community groups</li> <li>More effective use of resources</li> <li>Stronger relationships between</li> </ul>



		Community Partnerships and elected members
4. The need for data-driven decision making	Introduce wellbeing indicators for data driven decision-making	<ul style="list-style-type: none"> <li>• More integrity &amp; logic in how strategic partnerships and funding are allocated</li> <li>• Increased accountability</li> <li>• Increased sense of achievement</li> </ul>
5. Funding challenges continue	Increase community participation in the funding model	<ul style="list-style-type: none"> <li>• Community groups gain more power &amp; influence</li> <li>• Council gains a deeper understanding of community priorities</li> <li>• More collaboration / less duplication</li> <li>• Increased transparency in funding decisions &amp; logic</li> </ul>
<b>Youth Engagement</b>		
<b>Findings</b>	<b>Recommendation</b>	<b>Possible Outcomes</b>
1. Young people's 'basic needs' are not sufficiently being met	Leverage data, resources and networks to address real challenges faced by young people	<ul style="list-style-type: none"> <li>• More awareness about the challenges affecting the district's young people</li> <li>• Increased collaborative towards long term impact</li> </ul>
2. There is high engagement in youth sector network		
3. There are high levels of interest from Young People to engage further with council	Engage beyond surveys	<ul style="list-style-type: none"> <li>• Community Partnerships grow stronger relationships and insight across the youth sector</li> <li>• Greater youth influence within Council</li> </ul>

## Key Themes: Strengths & Challenges

### Community Strengths, unique to this time

#### **Community**

New ways of connecting post COVID-19  
 New sense of hope that council will listen to community  
 Openness to collaborating across community groups  
 Higher levels of community resilience out of necessity  
 Clearer funder priorities across district  
 Iwi presence in the city centre (business community, housing projects)

#### **Youth**

Youth Workers who network regularly through Taiohi Collective  
 Number & variety of safe spaces available to young people  
 The district's natural assets and infrastructure that supports free activities for young people  
 Access to arts, sports and creative programmes, equipment & facilities  
 Number of positive role models

### Community Challenges, unique to this time

#### **Community**

Rising living costs & inflation  
 Technology disruption  
 Ageing population & social isolation  
 High numbers on NP [Housing Register\\*](#)  
 Lack of funding longevity  
 Reluctance to fund groups for operational  
 Lack of clarity of Community Partnerships strategic direction  
 Professional development for orgs

#### **Youth**

Taranaki has [Highest Youth NEET rate in New Zealand\\*](#)  
 Barriers to safe & stable housing, sufficient food, and jobs  
 The rise of vaping and other drug use  
 Access to affordable & useful transport  
 Lack of mental health resources available

### Strengths in the existing Community Partnerships model

#### **Funding**

Agile funding model  
 Availability of funding for operations  
 Ease of process & reporting (low-admin)  
 Organisations can leverage NPDC funding for co-investment and credibility  
 Strong relationships with other funders

#### **Partnerships**

Efforts to work collaboratively at a systems-level in focused areas e.g. food

#### **security**

Facilitating sector networking (e.g. Taiohi Collective)  
 Adding capacity to organisations is highly valued  
 Insight gathering through relationships and anecdotal evidence  
 Being out-and-about with purpose  
 Expertise in the area of youth work provides valued input, sound boarding and connection

An organic & tailored approach

## Challenges in the existing Community Partnerships model

### **Funding**

Limited pool of funding which has not increased in relation to rates and rising costs for orgs  
Accountability in funding decisions

### **Partnerships**

Awareness of what Community Partnerships do, how and why  
Limited understanding of what 'Strategic Partnership'

is, and what this affects  
Inconsistent ways of working with organisations

### **Internal**

Ever-emerging & broad strategies at the council-level  
Unclear vision and strategy for Community Partnerships  
Under-utilised reporting mechanisms  
Clearer roles

Time consuming council-wide processes/systems  
Limited capacity to work at a systems-level  
Limited capability to work in innovative ways  
Decisions based on anecdotal evidence

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## Findings & Recommendations

Two distinct segments of the community were engaged during the review, and as a result findings, recommendations and associated outcomes are organised in this way too; Youth Findings, and Community Findings.

### What do we mean?

A '**finding**' is a piece of information or insight that is discovered during a process of exploration or research. Findings can be factual observations, interpretations, or outcomes that contribute to understanding a particular subject, or situation. In this case, findings emerged from this review's stakeholder engagement which took shape in workshops, interviews and focus groups.

Here, the term '**recommendation**' refers to suggested actions, ideas, or suggestions to implement, in response to findings of this engagement process.

By '**outcomes**' we mean positive social, cultural, environmental or economic changes, resulting from actions taken in relation to recommendations.

## Findings → Recommendations → Outcomes

### Community Finding 1 - Key skills are valued yet limited

The following skills and traits possessed by the Community Partnerships team are highly valued within the community sector and lead to a strong sense of relationship with community organisations who receive focused support:

- Empathy and active listening to build deep understanding of challenges and opportunities
- Connection to relevant: resources, collaborators and funding
- Investment of time & capacity
- Navigation & Advocacy; internally & externally

Whilst these skills and traits are bearing fruit within the existing delivery model, it's worth acknowledging that this level of investment can only be delivered with a handful of community organisations or focus areas (food security, youth etc). This approach has limitations tied to team capacity.

## Community Finding 2 - An under-utilised helicopter view

Community Partnerships have connected with, and funded a large number of community organisations across the district. Through SmartyGrants and the team's existing relationships, they are uniquely equipped with a 'helicopter view' of the sector and information relating to what outcomes groups are working towards, and in what ways.

Many community organisations have reported an appetite to collaborate more intentionally and learn alongside relevant organisations in order to enhance their effectiveness & reduce duplication. The early success of the Taiohi Collective could offer clues as to how similar networking events, or ways of working, could increase social capital. At a time when the Community Partnerships Team is constrained in capacity, gathering, networking and facilitating may well provide additional benefits in operating more efficiently.

This idea is not new, indeed local initiatives like Community Circle have previously served in this role. These gatherings provide environments where social capital is fostered. Social capital highlights the idea that social networks and relationships have inherent value. It can be seen as an investment in social relationships that can yield positive returns in the form of social support, information sharing, collaboration, and even economic benefits for community groups. Community Partnerships can ask 'how do we become effective facilitators, and activate the community to connect, codesign solutions, and share resources more widely?'.

### *Recommendation 1 & 2*

#### *Gather organisations & facilitate collective action*

Utilising this unique helicopter view and the key skills that we know are valued, Community Partnerships can go beyond one-to-one partnerships and catalyse collective action by gathering organisations who are working towards similar goals. To leverage this role as facilitator further, Community Partnerships could explore proven ways of working such as [mission-led approach](https://medium.com/good-shift/what-if-a-business-school-organised-itself-around-missions-instead-of-departments-eae4a796e3f7)<sup>1</sup> or [challenge-led innovation](https://www.griffith.edu.au/griffith-business-school/centre-for-systems-innovation/mission-led-innovation)<sup>2</sup> to maximise long term impact. Mission-led approaches involve ambitious, goal-driven, and multi-stakeholder efforts to create solutions to pressing societal challenges and opportunities.

Initially this could take shape in organising regular hui, where the community sector is invited to gather according to which of the four well-beings they are working towards. This information is

<sup>1</sup> <https://medium.com/good-shift/what-if-a-business-school-organised-itself-around-missions-instead-of-departments-eae4a796e3f7>

<sup>2</sup> <https://www.griffith.edu.au/griffith-business-school/centre-for-systems-innovation/mission-led-innovation>

already available through the team's understanding of the organisations they work with, and data within SmartyGrants. For these hui to function as more than networking, a focus on 'conversations that matter' need to be fostered and underpinned by skillful facilitation and framework as mentioned above.

**Possible Outcomes, if action is taken:**

- Increased social capital through information sharing and connectedness among community orgs
- More effective collaboration through collective action - community organisations experience cohesion in how they work towards shared goals
- A clearer line of sight to current needs & aspirations within community
- Increased relationship-building opportunities between elected members, community groups and community partnerships

**Possible application could mean:**

- Reframe job titles and responsibilities to reflect stewardship of the four wellbeings, for example: Social Impact Navigator, Cultural Impact Navigator
- Gather organisations working towards similar goals across the four wellbeings to understand more deeply the appetite to collaborate, facilitate & activate quarterly hui
- Professional development for Community Partnerships team members in facilitation skills and/or frameworks such as Codesign, Collective Impact or Challenge-led Innovation

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### Community Finding 3 - Greater clarity and awareness is needed

Some council staff, elected members and community groups do not have a firm grasp of what Community Partnerships do, and why they do it. It's acknowledged that Council is a large organisation and the Community Partnerships teams work with many organisations. Therefore extra attention is required in order to navigate and communicate clearly as to what is being worked on and why. This lack of clarity is compounded by the lack of strategic planning/direction and documentation that exists within the Community Partnerships programme, and the frequent renewal of wider council strategic frameworks.

### Recommendation 3

#### *Develop a clear strategy & effective storytelling*

- Introduce a Community Partnerships wellbeing strategy, which integrates into Council's wider strategic framework, and outlives the electoral cycle.
- Increase the frequency and effectiveness of internal communication through mechanisms such as noting reports, and workshops which are not public.
- Storytelling and awareness-raising to celebrate outcomes being achieved by and with community organisations, and collaborations facilitated by Community Partnerships.

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#### **Possible Outcomes, if action is taken:**

- A greater sense of direction and agency for Community Partnerships Team members
- More awareness of outcomes being achieved by community groups
- More effective use of resources
- Stronger relationships between Community Partnerships and elected members

#### **Possible application could mean:**

- A series of strategic planning days for the Community Partnerships Team to develop a clear strategy which relates to Council's wider strategic framework
- Re-introduce an e-newsletter for community groups to celebrate impact stories & share information about resources, and relevant support
- Utilise one team member who has good written communication skills to lead all noting reports to provide consistency
- Create a clear process which demonstrates when a noting report, or a workshop is best utilised

### Community Finding 4 - The need for data-driven decision making

How are strategic funding decisions or strategic partnership decisions made?  
How do the likes of the Community Development Committee, elected members and Community Partnerships make their decisions about where to focus?

These are questions which we have heard throughout the review, from internal stakeholders *and*

external. These are not new questions, also brought up in the 2022 Community Partnerships Funding Review. This points to the opportunity to become more transparent in how decisions are made, adding rationale based on data outside of anecdotal evidence, and/or a strong steer from engaged elected members or other internal staff. This could bring an increased sense of integrity and transparency to funding decisions as well as where time and attention are spent by Community Partnership Team members.

#### *Recommendation 4*

##### *Introduce wellbeing indicators for data driven decision-making*

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How can you know you're achieving your goal without knowing what change you're trying to make? The introduction of wellbeing indicators could allow Community Partnerships, and indeed Council, to prove, improve and measure progress towards any strategic outcomes. This approach relies on Community Partnerships gaining clarity about what outcomes, within wider council strategy, they are working towards and how their Strategic Partnerships contribute to that impact.

This recommendation involves evaluating the quality of life and social conditions within the community. This can include factors such as education levels, access to healthcare, crime rates, housing conditions, and social cohesion. By assessing social well-being data, Council and Community Partnerships can prioritise social programmes & projects, allocate resources to address social issues, and enhance community collaboration and collective impact. Given that Council already has access to relevant data, there is an opportunity here to utilise this to demonstrate baselines and progress towards specific outcomes (once understood). This can also be aligned to the likes of central governments Living Standards Framework, and/or Sustainable Development Goals.

For this recommendation to become meaningful, additional skills would be required in order to turn data into useful insights. Such skills may include data analysis, and data storytelling.

#### ***Possible Outcomes, if action is taken:***

- More integrity & logic in how strategic partnerships and funding are allocated.
- Increased accountability
- Increased sense of achievement

#### ***Possible application could mean:***

- Developing a Community Partnerships Impact Indicator list that ties back to the Community Partnerships Strategy, and the four wellbeings. There are good examples available across Aotearoa
- Develop an annual 'Indicator Insights' report which demonstrates changes



- across wellbeing indicators
- Build capability across elected members and Community Partnerships to develop shared language and understanding about the relationship between Outcomes

& Indicators

- Prioritise funding/strategic decisions which resource evidence-based projects and initiatives

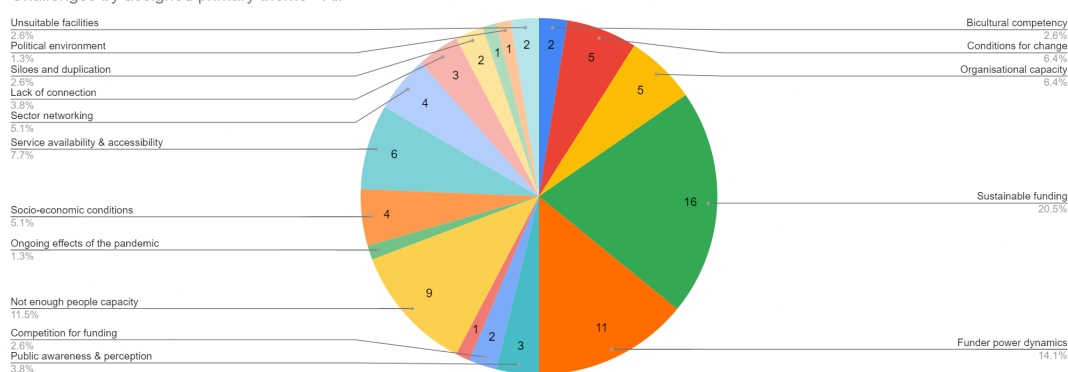
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## Community Finding 5 - Funding challenges continue

In 2022 Community Partnerships carried out a review of their community funding activity. This revealed a number of findings (a summary of these can be found in the appendix for this report) related to power imbalance, lack of long-term funding, and barriers to gaining operational funding for community groups.. These findings have been echoed in this review, with further clarity being offered in relation to the frustration groups experience in the lack of sustainable funding. Whilst community funding has undergone some changes and experimentation (changing the venue for funding deputations), there remains an air of concern over sustainable funding and power dynamics created through the current funding model. This is compounded by contributing factors such as rising costs, and the reality that the amount of funding available vs the amount requested continues to demonstrate a severe shortfall.

The table below shows the spread of challenges community groups shared.

Challenges by assigned primary theme - All



## Recommendation 5

### *Increase community participation in the funding model*

One interviewee described a possible opportunity well when they said *"I've sent a thing about 'Participatory Budgeting'. The sort of money we're talking about [current amount of community funding] is not significant, you know. It is significant to people that get it, but it's not significant in terms of social change you're trying to support. So I'd put the whole amount of money in, that way what you're getting out of a participatory budgeting model is not for money being given out. That's secondary, what you're getting is people turning up and saying, 'I'm speaking for, and this needs to happen in Marfell' or 'I'm speaking for our environment' or whatever. And then everyone gets together and decides together what the priorities are"*. This idea of increasing participation in funding decisions is on the rise elsewhere too, including in the Taranaki region through Toi Foundation's current Patea pilot of Participatory Philanthropy. Elsewhere in Aotearoa and further afield this trend is on the rise, see the full supplementary report in this appendix called 'Partnership and development approaches in Aotearoa New Zealand and globally' which highlights some good examples.

Acknowledging earlier findings around the need to elevate the role of data in funding decisions, this recommendation can dovetail from any insights on wellbeing indicators and allow groups to allocate funding according to felt needs, as experienced by them, as well as what the latest data is showing.

#### **Possible Outcomes, if action is taken:**

- Community groups gain more power & influence
- Council gains a deeper understanding of community priorities
- More collaboration / less duplication
- Increased transparency in funding decisions & logic

#### **Possible application could mean:**

- Allocating a significant amount of community funding to a pilot of participatory funding scheme
- Community Partnerships investigate possible models and facilitate implementation
- Keep relevant wellbeing indicator data at the heart of the model

## Youth Finding 1 - 'Basic needs' are not sufficiently being met

In the last 5 years there has been a rise in the number of youth organisations operating in the district. This means young people now have a variety of 'safe spaces' they can access which meet specific segments; creative/arts, Rainbow communities, and sport/leadership development. These spaces provide positive role models, a sense of belonging with peers and access to development opportunities.

Despite this variety of youth-specific spaces, young people and youth workers reported significant obstacles in meeting basic needs, namely: safe/stable houses that are fit for purpose, education, training and jobs. In some cases young people even reported a lack of access to food.

Strikingly, Taranaki currently has the highest NEET rate in Aotearoa at 17.4% - the percentage of 15 to 24 year-olds not in employment, education, or training (NEET rate), in the year to March 2023.

Furthermore, youth workers reported significant levels of observed mental health challenges and hurdles in referring to services such as counselling, relevant health care and other professional services.

*"No one talks about youth and youth housing, it is a major issue that we keep stumbling across."*

## Youth Finding 2 - There is high engagement in youth sector network

In 2022 Community Partnerships played a key role in understanding the aspirations of the district's youth sector, as a result of playing an active role in setting up the Taiohi Collective, a network of youth development practitioners (youth workers, and other providers). This network is the first of its kind in two decades here in the district. Through Community Partnerships input, and others, of: facilitating, early resourcing, followed by support to gain funding, the following purpose of the collective was formed:

- Create a foundation of connections & relationships to foster collaboration across the youth sector; recognising everyone brings different strengths
- Be a platform where youth development practitioners can learn together, elevate best practice through training and kōrero around pertinent topics

This quarterly network has gained high levels of engagement with an average of 55 attendees at the first four meetings. This is a good example of how the practical elements of Community Partnerships capacity-building (such as support to gain Toi Foundation funding), relevant expertise in the field, and effective facilitation can lead to establishing a group which creates value for the wider sector.

*"It [the Collective] has made me more aware of what services exist. I'm more confident when talking to rangatahi about support options because I know them. It feels like we're a team because we're not all strangers."*

*"Our collaboration with Horses Helping Humans wouldn't have happened without Taiohi Collective because there's no mutual Youth Worker space."*

Despite the high levels of engagement with the Taiohi Collective initiative, and early indications that there is value in increasing connections between youth workers, some concern was raised around the number of people involved making it challenging to facilitate actionable collaborations. It's acknowledged that the approach is still in development, and that Community Partnership's role has changed from an activator to a contributor role.

*"There's lots of ideas talked about but who does anything with it."*

*"It's [Taiohi Collective] watered down because there are so many people."*

## **Recommendation 1 & 2**

### ***Leverage data, resources and networks to address real challenges faced by young people***

In light of these first two youth focused findings, and closely connected to an earlier Community Finding around data-driven decision making, how might a network like Taiohi Collective work towards reducing NEET rates in the district, or increase access to mental health services for young people? Community Partnerships can play a continued role through contributing as facilitators, and raising the gaze towards current data to highlight the important challenges our young people are facing. This also points to an opportunity to investigate if the Council's Strategic Partnership within the youth sector and funding reflect the current needs and opportunities to enable young people to move beyond survival, and into thriving.

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**Possible Outcomes, if action is taken:**

- More awareness about the challenges affecting the district's young people
- Increased collaboration towards long term impact

**Possible application could mean:**

It's acknowledged & trusted that Taiohi Collective is already developing ways to better facilitate collaboration, with support from Community Partnerships. Furthermore:

- Present wellbeing indicator insights to youth organisations regularly
- Investigate Council's role in facilitating solutions in areas affecting young people, such as housing and mental health services

### Youth Finding 3 - there are high levels of interest to engage further with Council

Young people across each engagement reported a high level of interest in being involved further with Council. Furthermore, young people were able to articulate what they love about the district, ideas and challenges that mattered to them, these included: the need for more public transport across the district, greater access to mental health services, and ideas like more cultural events and community assets such as a skid pad.

This deeper level of sharing achieved through these focus groups, points towards conditions needed for successful future engagement with young people; the sharing of food, going-to young people, and the importance of building rapport through active listening and informal engagement styles.

### *Recommendation 3 - Prioritise relationships and engage beyond surveys*

To date Council's efforts to engage with youth have been contracted through one organisation who utilise their annual survey to gain youth voice on topical matters that Council are interested in. This organisation has also brokered one-off focus groups. Whilst this has provided important insight on the levels of democracy among young people, there is new momentum and relevant skills within Community Partnerships to engage more regularly and more directly with young people.

*"More stuff like this - open discussion where we can be free to say what you want."*

*"Come into schools & youth groups"*

*"Doing more things like this, going to youth groups or schools to ask questions shows you care about our opinions."*

Young people reported they valued the review process and style of engagement, and valued that we came to them. Community Partnerships can build on this approach and adopt a learn-by-doing approach to establish focus groups hosted in the community with the district's numerous youth organisations. This allows young people to feel safe more quickly, increases equity across different geographical locations, and ensures there are diverse young people represented. Going beyond surveys, and into the community seems to have been key here with high numbers reporting that they enjoyed being listened to.

Other important attributes in future engagement;

- "circle back on feedback"
- "take action with what we share"
- "paid consultation with us / youth advisory groups"
- "free food!"

**Possible Outcomes, if action is taken:**

- Community Partnerships grow stronger relationships and insight across the youth sector
- Greater youth influence within Council
- Great awareness of ideas & challenges faced by young people

**Possible application could mean:**

- Understand & formalise what elected members need or want from young people being engaged, set clear purpose and intention for future youth advisory groups
- Experiment and learn from a quarterly Youth Engagement Roadshow where the Community Partnerships Team is hosted at relevant youth organisations

## Appendix

- Glossary
- 2022 Funding Review Findings & Recommendations
- Key Quotes
- Supplementary Report: Partnership and development approaches in Aotearoa New Zealand and globally

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### Glossary

**Findings** are insights discovered as the result of an inquiry or investigation

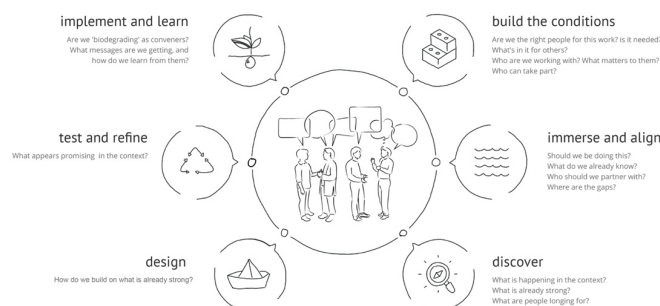
**Recommendations** are suggested actions to be taken in response to the findings of a report or engagement process

**Community Development** approach is primarily concerned with empowering and uplifting the community through participatory and bottom-up processes

**Community Partnership** approach recognises that no single entity can address complex community issues alone, and thus, it emphasises the power of collective action and collaboration. This approach focuses on connection and resource-sharing among various stakeholders to address a range of community challenges, as identified by the community themselves

**Co-design** is designing with, not for. It's about making things and learning together. The diagram below describes some common co-design phases, beginning with the need to build the conditions for the genuine and safe (enough) involvement of people who haven't worked together before.

### co-design process



**Collective Impact** brings people together in a structured way to achieve social change. The below diagram sets out the conditions for Collective Impact.





## Community Partnerships Funding Review, 2022 Key Findings & Recommendations

### Finding 1 - Groups apply for NPDC funding with ease and confidence

The informal approach, willingness to meet in-person and time taken to understand projects pre-application with Community Partnerships team in conjunction with straightforward use of SmartyGrants leads to groups applying with ease and confidence.

### Finding 2 - There is a felt sense of competition and/or power imbalance created by the Committee process

Contributing factors: the setting (venue), presenting in front of other orgs for the same 'pot', inconsistent levels of relationship with councillors and lack of information around what to expect, elected members' levels of understanding of groups kaupapa.

### Finding 3 - Two different relationship types

Mixed experiences after 'success' is enhancing two different relationship types with council:

- 1) straightforward transactions with streamlined reporting
- 2) groups who feel council 'lacks interest' in their kaupapa

Contributing factors: administration capacity, missed communication, follow ups & delays on money, the difference in requested and received funding, simple KPIs & reporting; a sense of missed opportunity.

### Key Funding Review Recommendations

1. Define when & how 'partnership' is used
2. Reimagine committee process
3. Maintain interest following success (improved comms & admin)
4. Facilitate meaningful relationship building opportunities between organisations and councillors
5. Explore the value of your 'helicopter' view

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## Key Quotes from 2023 review

### Data and clearer strategy

"There's actually no independent voice or investigation into these things on behalf of the citizens. And, and I just think this is what you actually need. Or else you're wading through public relations all the time. And people who are casualties of a broken housing market at the moment, or, you know, broken access to education or having real trouble getting their needs met on the health system can't raise their voices because their voices all go against somebody else's professional interests."

"So you have to back it up with really clever data. And, and the data's there."

"If you don't have that sort of stuff telling you what are the major issues facing families and stuff, then community development just defaults to being a public relations exercise for the council itself."

"Council serve a certain class of people's lifestyle interests, so much so that they call themselves a 'lifestyle capital of the country' as an aspiration, you're getting well away from wellbeing. Which if you actually had the data in front of you know, just as a guess I would say you've got between 30 and 40% of people struggling at the moment."

"I'm pretty sure my experience of that has been at least 30, 40% of the people are not doing as well as you expect them to be.

Largely because their stories are just not being told."

"There's a huge amount of data you guys would have as an organisation. the more that the council can understand its community and the aspirations of its community and the unique position it holds with all of the data it knows about our community. I feel like that's a huge rich data set that would be that then there's a real enabler to know what is needed. because a lot of the people that, that are not having a voice in, so how does that data speak for them? what that might help you do, that data or that understanding, is getting more honed."

"I know that the community partnerships team, are so hard working and have done everything possible with capped resource in a really political environment that is not easy to navigate. But that's where I think if we had a regional wellbeing strategy that we work to, it takes some of that away because you're working towards something and it's not reactive or tied to election cycles and personalities. And I think that would give the team more breathing room to move faster, it would give good certainty. So it's giving them in a political environment and the best chance of being successful for our community."

"I think there needs to be some strategic conversations. But there needs to be some

10.1

evidence base.”

“You could have four pillars for the next 10 years as a strategic thing in your LTP. And you know that your team then goes, we do like four catalyst roles, connector roles. But then we're going after these four key strategic areas because we've identified them as our key four areas.”

“Council can't just make decisions in a vacuum, you've gotta actually have an evidence base that you can point to.”

“Like you can have a change in councillors every three years but if you've got a really strong vision and you've got your data and you know where you're heading that I can see where you're going clearly. Imagine a strategy where it has goals like ‘we're gonna have food security, we're gonna have no young person without a house, we're gonna halve our NEET rates.’ So it's almost like a alongside our economic development strategy, we have a community development strategy.”

“Interviewer: To what degree would you say you're familiar with district council's

objectives, are they clear in your mind?”

Interviewee: “I've probably got a better understanding than most but I couldn't tell you what they are.”

“So the relationship of community partnerships team and them identifying some of those priority areas with the right information and driving to decision makers is pretty important and maybe that's probably an area they haven't been, I don't know if that actually, it's been a remit.”

“Are you the source of, or are you the source of the expert information and data to inform decision makers? Because if it's not, who's giving it to them?”

“I think there's a part to play around really smart strategic data collection and analysis to drive strategic decision making. It would be great as a councillor to have someone come in and go eyes and ears. These are the trends we're seeing, these are the issues we're seeing. We think this is the solution.”

### Bringing people together, collaborations

“I think actually bringing people together to have conversations that matter is like the fundamental building block of community development. You know, without that then actually you are wiping yourself out from three causes of the talent, energy, concern, care that is possible to do things. And I think right from the very top of our political level and the top of the bureaucratic level, we

need smarter ways of engaging citizens generally in the life of, of what the council's

“I think getting alongside community initiatives to particularly bring people together.”

“Adapt or die, the need for connection across orgs is huge.”

“Community Partnership Team need to be assigned to each group to encourage and activate collaboration.”

“Once key areas are identified, staff with skills could connect groups to develop strategy.”

“Facilitate connecting like-groups”

“The more organisations that are working in a cohesive way, the better. Right?”

“How do we take it along the continuum of from reactive to proactive as a collaboration, then I think there's much more we could achieve together.”

“I think the reason that this is powerful, collaborating, is that we can actually dream

bigger.”

“Some of our goodness is having people who have the time to understand and then collaborate on what we've learned, you know, and having the multi, not agency but multi-org approach where we all have a unique role to play, but can do that in a joined up way, I think is where the power is in making shifts in our community.”

“So if you support a community organisation to work with each other to deliver all these things to an identified need in the time of a cyclone or a pandemic, they've already got all these skills and connections that they can use to actually establish themselves and keep themselves going.”

## Funding Challenges

“I've sent a thing about participatory budgeting. The sort of money we're talking about [current amount of community funding] is not significant, you know. It is significant to people that get it, but it's not significant in terms of social change you're trying to support. But it could be critical to actually leveraging those other goals that we're talking about: fostering active citizenship and democratic renewal. Rather than a committee that people are having to sit on.”

“Chicken-egg - prove there's a problem then fund the solution. Can't build solutions without the funding.”

“Award funding based on strong collaborations between connected groups.”

“I think the other question with the funding, how confident are you that the funding decisions are made by people who know what the funding decision should be as opposed to a bunch of councillors who are often, if we're talking generalisation, not necessarily up to speed.”

“A fundamental change there potentially could be a little bit of a rethink about actually who does allocate the funding out. And maybe it is more of the community team.”

“People are leaving the sector in droves to protect themselves mentally because it's

tough, then there's also funding hurdles. You've got somebody who's in an organisation that needs funding for a year on year, they're getting less and less from key funders. So every time you don't get what you want from your key funder, you've then got to look elsewhere. And that's exhausting."

"The one thing. The one thing if I could make

happen is that I would fully fund for multi years. That would relieve so much angst and pressure. I think council can contribute to that, they can advocate for that."

"How can you do any long term development and research and experimentation as to what would work when you've only got funding year on year?"

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### Skills and roles

"What are the processes, or frameworks that help enable the thinking if you're gonna follow a good social change process? I also think it's facilitation skills. It's hearing a diverse voice learning about, you know, how do we tune into that? How do we give that a voice? Allowing ourselves to innovate, to try stuff. And sometimes just to be given money to do things and it's a little bit more kind of less clear what the outcomes are gonna be in the short term."

"I say, I'm not clear, and, and maybe that's what this whole thing is all about, is getting clear about what is your [CP] purpose and what is that unique perspective that you come from. But given that the organisation is a local government organisation, you know, so what is that unique role that you are going to play?"

"I think it's, it's, it's some of those sorts of skills: social change, facilitation, listening, being okay with ambiguity and then, and empowering those communities to actually take the lead. And maybe sometimes it's giving them the resources to take the lead as in being able to train, being able to fund,

being able to pay for their time."

"I think one of the key roles for community partnerships is an inward facing role. Community partnerships really is keeping the focus on yes, it's an asset and yes we have to depreciate it and yes we have to fund, but actually it's an asset that should benefit and have outcomes for people. So people should be at the heart of everything that's being done and driven."

"We can't tell organisations what they should be aspiring to. We want communities to be self-determining and to define what success looks like for themselves and their community. And the thing I'm learning in my role is the more we cater to individual people or communities, the better the outcomes are."

"Community partnerships will have really strong relationships out in community to be a listener and that brings that knowledge base in to help council, apply what it's doing."

"Council's never gonna be able to throw enough money at community partnerships to

be able to have the capacity to be out there doing all the doing and making that difference. Right. So inevitably if, if there's a kind of that doing model, it'll always be ad hoc and bits and pieces because that's all that can, whereas this kind of role, the higher strategic influencer role inward and outward, becomes much more viable with the available resources."

"I quite like the partnership model as in 'we as a council have got things that we need to achieve. It doesn't need to be us that do it. Let's look at creating a partnership within the community so that we can achieve these. So that's kind of not reinventing the wheel and

it's giving some credibility to the organisations that are out there to be able to achieve what the council needs to do."

"I always think that our region is smaller and no one to fall through the gaps, right? They [CP] could take more of a leadership role in the community sector"

"Out of the four well beings, who is, who is responsible, who is responsible for what and where does accountability set?"

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## Overview of selected local government and community partnership and development approaches in Aotearoa New Zealand and globally

Report prepared by Tania Han

### Purpose and context

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Forming part of a strategic review of New Plymouth District Council Community Partnerships conducted from April 2023, this document was created to highlight key findings on community partnership and community development approaches undertaken in Aotearoa New Zealand and further afar. Information has been drawn from publicly available sources such as government legislation, websites and publications of governmental and community organisations, newspaper articles and academic journals. Whilst the research focused on the role and involvement of local governments, it was not always possible to pinpoint the specific role and involvement of community partnerships teams and functions within local governments. As such, the findings of this work should be viewed generally but can be applied more specifically as required. This research was conducted independently from community and stakeholder engagement.

### The role of local government

The purpose of local government is:

- To enable democratic local decision-making and action by, and on behalf of, communities
- To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. (Local Government Act 2002, section 10 (1)).

In May 2019 the Government passed new legislation to restore the four 'wellbeings' (social, economic, environmental and cultural well-being of communities) to the statutory purpose of local government. The Act sets the legislative framework for local authorities, which is empowering, not directive. The changes mandate local authorities to promote community wellbeing. They will be given effect through local authorities' statutory planning and decision-making processes, based on community consultation.

[Council Profiles by Region Local Government](#) provides data to compare the financial and community statistic across the regions.

## Systems view

The community development system in Aotearoa New Zealand is a complex network of organisations, initiatives, policies, and practices aimed at promoting community wellbeing, participation and empowerment. The system includes:

- **Local councils:** Responsible for providing services and facilities that support community wellbeing, including libraries, parks, community centres, and social services. Local councils also work closely with community organisations and stakeholders to develop initiatives and policies that address local needs and priorities.
- **Community organisations:** An essential part of the community development system, these organisations include various groups, such as sports clubs, cultural groups, environmental organisations, and social service providers. They are often the driving force behind community led initiatives and programs and play a critical role in promoting community participation and engagement.
- **Government agencies:** A range of agencies and initiatives support community development, such as the Ministry of Social Development, which commissions services from community organisations and provides a safety net for all New Zealanders, and the Department of Internal Affairs, which works with communities to develop and implement community-led projects.
- **Funders:** A range of funding sources are available to support community development in New Zealand, including government and charitable funders and corporate social responsibility programs.

Within this system, there is a growing focus on the principle of community-led development, which emphasises the importance of involving communities in decision-making processes and empowering them to take action on issues that affect them. There is also discussion on how collaboration and collective impact can be better achieved. “The type of relationships between organisations that act locally – service providers, iwi, charities, NGOs and local government – matter. Collective, collaborative, insight-gathering approaches to improving community wellbeing hold promise; but in practice, their implementation has been piecemeal and inequitable” ([Collective impact: Shining the light on community post Covid-19, The Spinoff](#), 2020).

[A review of joined up social services](#) from the Productivity Commission examines the effectiveness of social services delivery, with a focus on how agencies work together to deliver services. The report highlights that social services are delivered by a range of agencies, including government agencies, NGOs, and community-based organisations. The report notes that there is often a lack of coordination and collaboration between these agencies, resulting in a fragmented and ineffective service delivery system.

Community development approaches that involve working with communities to identify and address their needs can help to overcome some of these challenges, build stronger, more



resilient communities, and lead to more effective service delivery outcomes. Challenges facing the social services sector such as funding constraints, workforce shortages, and knowledge sharing issues were recurrent. The report recommends a range of solutions to these challenges, including better collaboration between agencies, more flexible funding models and better use of technology and data.

The Department of Internal Affairs defines community development as an approach to building strong, resilient communities by empowering people and fostering social, economic, and environmental wellbeing. This approach typically involves working collaboratively with community members and stakeholders to identify and address social issues and build community capacity and resilience. Partnerships may involve building strategic relationships between local governments and community organisations to achieve shared goals. This approach may involve providing funding, resources, and support to community organisations, or collaborating with them to deliver services or programs that benefit the community. Community partnerships may focus on specific issues or projects, such as improving public health outcomes or enhancing community infrastructure. ([Community Development - DIA, 2020](#))

Community partnerships at the local government level in Aotearoa New Zealand take varying forms, depending on the needs and priorities of the community and the council. Some approaches include:

- Funding partnerships where local councils may provide funding to community organisations to support the delivery of services or programs that benefit the community, such as [New Plymouth District Council's Community Partnerships](#)
- Collaborative partnerships where councils collaborate with community organisations to deliver services or programs that address community needs, such as the [Greater Christchurch Partnership](#)
- Advocacy partnerships in which local councils work with community organisations to advocate for policy or legislative change that benefits the community, such as that undertaken by [Greater Wellington Regional Council](#).

## Change is afoot

In August 2021, the central government proposed a set of significant changes to the Local Government Act aimed at strengthening local democracy, improving community wellbeing, and supporting a sustainable and inclusive recovery from the impacts of COVID-19. The proposed changes include intentions to:

- **Strengthen local democracy** by giving communities greater say in local decision-making processes, including the establishment of a new power for communities to request a poll on a council decision, and the introduction of a new process for Māori wards and constituencies.
- **Improve community wellbeing** through requiring local councils to take a more holistic approach to community wellbeing, focusing on the social, economic, environmental, and

cultural factors that contribute to community health and happiness. This would include the development of new community strategies and the establishment of new wellbeing measures and indicators.

- **Support a sustainable and inclusive recovery** whereby councils take a more proactive role in supporting a sustainable and inclusive recovery from the impacts of COVID-19, including the development of new economic development strategies, the promotion of local job creation and training, and the support of community-led initiatives to address key social and environmental challenges.
- **Strengthen governance and transparency** of local councils, including the introduction of new accountability measures, the establishment of new performance reporting requirements, and the provision of new tools and resources to support effective decision-making.

The proposed changes reflect a shift in the way local councils are expected to operate in New Zealand, with a greater emphasis on community participation, wellbeing, and sustainability. The changes are currently undergoing a consultation process, and it remains to be seen how they will be implemented in practice.

#### Additional reading:

[Draft report – He mata whāriki, he matawhānui](#)

"Local Government (Community Well-being) Amendment Bill." New Zealand Parliament, [https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL\\_89139/local-government-community-well-being-amendment-bill](https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_89139/local-government-community-well-being-amendment-bill).

"Local Government (Community Well-being) Amendment Bill." Department of Internal Affairs, <https://www.dia.govt.nz/Local-Government-Community-Well-being-Amendment-Bill>.  
[Collaborative Models Report](#)

[Unlocking the Potential of Local Government: The Wellbeing Ecology](#) discusses how local governments in New Zealand can achieve positive outcomes for their communities by adopting a wellbeing ecology approach

## Recent innovative shifts

Several recent innovations adopted by local governments globally include:

- **Open Data Initiatives** are making government data freely available to the public, leading to increased transparency, accountability, and opportunities for data-driven decision-making. Examples of this are the [GWRC Open Data Portal](#) and [Taranaki Regional Council Spatial Data](#).

- **Smart City Technologies** are being adopted by local governments to improve service delivery and enhance urban living. Success factors include increased efficiency, improved infrastructure, and enhanced quality of life. Challenges include privacy and security concerns, digital divide, and the need for infrastructure investments. (Source: Smart Cities Council - Smart Cities Readiness Guide)
- **Participatory Budgeting** is allowing citizens to directly participate in the budget allocation process leading to increased citizen engagement, transparency, and accountability. In 2019 [24,450 citizens took part in Peñalolén's participatory budget](#) in Chile.
- **Digital Engagement Platforms** such as [Social Pinpoint](#) (recently used by Taranaki Regional Council for Better Travel Choices engagement), [CitizenLab](#) and [Consu](#) are being used to engage citizens and gather feedback on policy decisions and service delivery. This can help to increase civic participation and makes information sharing more efficient.
- **Co-creation and Co-design** approaches are being adopted to involve citizens in the design and delivery of services, contributing to improved service relevance, citizen satisfaction, and innovative solutions, such as [The Southern Initiative](#) described in more detail below.
- **Asset-Based Community Development (ABCD)** is an approach to community development that focuses on identifying and leveraging the existing assets, strengths, and resources within a community. It emphasises building on the capacities of individuals, associations, and institutions to promote sustainable development and positive change. Originating in the US in the 1990s, it is increasingly being adopted and trialled by local authorities across the UK. A [case study of Wigan](#) in the UK shows how the council was able to promote greater self-reliance, resilience, and social connectedness.



Each of these approaches face both shared and unique challenges and differing levels of success that are highly dependent on the local, contextual and policial environments they operate in.

## Community Led Development in action: Examples of Community Development / Wellbeing Strategy

Central Otago District Council has a clearly defined [Community Development Strategy](#) that sets the Council's work programme for 2021-2022 in the community development space, with the aim to actively involve people in building their own sustainable and resilient communities that reflect the values and vision of those who live in and/or identify with them.

In Central Hawkes Bay, the District Council have created their [Social Development Strategic Framework](#) for 2022-2025, to bring to life their community's vision of "A connected, resilient, caring community where everyone has equal opportunity to thrive". Their partnership approach aims to do things differently, bringing together Council, community and mana whenua build collective capacity and partner into the future in a uniquely [Hawkes Bay] way.

In Dunedin, the [City Council's Community Development Team](#) provides advice to the Council on community, recreation, arts and environment issues, and administers more than \$1.75 million in grants to the community each year. The team facilitates and coordinates activity to support key community areas – housing, migrant and refugee support, and place based community development. It works alongside groups with specific interests in health, youth development, older people's issues and disability matters. The team champions the DCC's Social Wellbeing Strategy and Ōtepoti Youth Vision.

Wellington City Council's [Economic Wellbeing Strategy](#) was developed with a great deal of input from businesses and communities across Wellington over two years. A formal public consultation was undertaken in March and April 2022. The overwhelming message from the community was to do more to activate the city and drive a circular economy, alongside getting our housing and infrastructure sorted. Challenges and opportunities were highlighted around: City liveability, access to skills and capital, infrastructure and disruption, social impacts and climate change and complexities and costs of doing business.

These strategies appear to have been developed through collaborative processes involving District and/or City Councils, local community groups and organisations, residents and other key stakeholders, using a range of consultation and engagement activities, including community meetings, focus groups, and online surveys, aimed at gathering input and feedback from a broad range of community members and stakeholders. In the literature, there are references to the council and its partners working closely with community groups and organisations to identify priorities, develop strategies, and establish partnerships aimed at achieving their strategic goals.

## The Southern Initiative

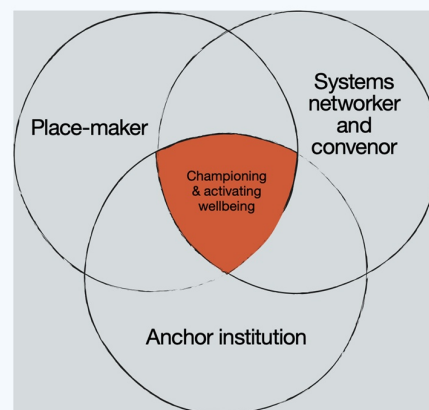
[The Southern Initiative](#) (TSI) is a collaborative initiative that was launched in 2012 to improve social and economic outcomes in the south and west of Auckland, New Zealand. TSI aims to tackle the root causes of inequality and deprivation in these areas by working with local communities, businesses, and government agencies. The initiative focuses on five key areas: education and skills, employment and enterprise, health and wellbeing, housing, and transport

and connectivity. A partnership between Auckland Council, central government agencies, and local community organisations, and is guided by a governance group that includes representatives from these organisations, is achieved notable successes in education, employment, and community engagement, and has the potential to become a model for other regions in Aotearoa New Zealand and internationally.

Reasons for its success include:

- **Strong leadership and vision** by a team of dedicated and experienced leaders with a clear vision for improving social and economic outcomes in South Auckland, in a team that included representatives from the Auckland Council, central government, and the community
  - **Collaboration and partnership** between local government, central government, and the community which helped to ensure that the initiative was well-aligned with local needs and priorities and that resources were used effectively
  - **Community-led development approach** where the community was actively involved in shaping the direction and outcomes of the initiative, ensuring responsiveness to local needs and a sense of ownership and empowerment by community members
  - **Holistic and integrated approach** to addressing social and economic issues in South Auckland, such as education, employment, housing, health, and safety, in a coordinated and comprehensive way
  - **Results orientation** focused on achieving measurable and tangible outcomes, which helped to build momentum and support for the initiative and ensure that resources were used effectively and that the initiative had a positive impact on the lives of South Aucklanders.
- ([The Southern Initiative: reviewing strengths and opportunities - Knowledge Auckland](#), 2017)

Figure 14: Council roles for wellbeing



Adapted from the Southern Initiative, 2022.

An early [evaluation of the initiative](#) also outlined the following areas improvement, including:

- More effective engagement with Māori: TSI acknowledged that it needed to improve its engagement with Māori communities and increase their involvement in decision-making processes, especially in the earlier days
- Greater focus on long-term outcomes: While TSI successfully achieved short-term outcomes, some commentators have argued that a longer term focus was needed, particularly in the areas of education and employment.
- Increased collaboration with other stakeholders: a closer working relationship with other stakeholders, such as iwi, community groups, and businesses, to achieve its goals.
- Better measurement and evaluation: TSI could improve its measurement and evaluation processes to better track its progress towards achieving its goals and to ensure that it is making the most effective use of its resources.

## Healthy Families

[Healthy Families NZ](#) was a government-funded initiative that was structured to support community-led approaches to improving health and wellbeing in New Zealand, delivered through a network of regional locations, each led by a local provider organisation that worked in partnership with local government, community organisations, and residents.

The regional Healthy Families NZ locations developed and implemented initiatives that were designed to promote healthy eating and physical activity, reduce tobacco use, improve mental wellbeing, and reduce alcohol and drug-related harm. They worked closely with local communities to identify local needs and priorities, and tailored to their those needs and priorities. Success in these programmes were attributed to:

- **Strong partnership and collaboration** with local government, community organisations, and residents to develop and implement initiatives that address local health and wellbeing issues. This partnership and collaboration have been critical in ensuring that the initiatives are tailored to local needs and priorities, and that they have the support and engagement of the community
- **A community-led approach** empowering communities to take ownership of their own health and wellbeing. This approach recognises that communities have the knowledge and expertise to identify their own needs and priorities, and that they are best placed to develop and implement solutions that work for them
- **Focus on prevention** to address the underlying causes of poor health and wellbeing rather than just treating the symptoms. This approach is more sustainable and cost-effective in the long term, and has the potential to create lasting change.
- **Evidence-based approach** that they draw on the latest research and evidence to inform their decisions, and that they regularly evaluate their initiatives to ensure that they are effective
- **Leadership and support from multiple levels of government** to ensure the initiative is well-resourced and sustainable.

## Examples from further afar...

[The Participatory City](#) project is a community-led initiative that aims to promote social connections, active citizenship, and community resilience in cities. The project was launched in Barking and Dagenham, an economically and socially deprived borough in London, in 2014. The project involved facilitating grassroots community-led initiatives that aim to improve the quality of life in local neighbourhoods, supported by a range of resources, including training, funding, and technical assistance. The results of the project were promising, with many communities reporting increased levels of social connectedness, improved health and well-being, and increased levels of civic engagement. [Outcomes](#) included the creation of community gardens, the establishment of community-run cafes, and the development of skills and knowledge among community members. Factors that led to its success included strong community leadership, a holistically collaborative approach, a long-term investment horizon, sufficient flexibility and experimentation opportunities and an emphasis on learning and sharing best practices.

## Perspectives of Community Organisations

[A 2020 survey by Hui E! Community Aotearoa](#) found that smaller organisations with annual revenue of less than \$100,000 were hit the hardest by the pandemic, with 41% of such organisations reporting a decrease in funding and 37% reporting a decrease in volunteer hours. Overall, 70% of organisations reported a decrease in funding, and 47% reported a decrease in volunteer hours. The survey also found that 75% of organisations had to cancel events or activities due to COVID-19 restrictions, and 41% had to reduce staff hours or lay off staff. Despite the challenges, many organisations reported finding new ways to deliver their services and support their communities, such as through virtual platforms and partnerships with other organisations.

“This situation is compounded by the overall funding landscape, according to respondents. More than half of the organisations said their biggest unmet need was help with fundraising and grant-writing – followed by support in other professional services, such as IT and communications. On top of financial worries, the main concerns expressed were: Meeting the needs of the people the organisations support; ensuring our staff and volunteers are well supported; developing new service offerings in a changing environment; being able to pay staff; changing service provision to meet public health criteria. Another clear trend in the findings is that the larger the organisation and its budget, the better it was doing. Small and medium organisations struggled to maintain funding and were also more likely to be concerned at losing their volunteers.”

The [COVID-19 Hauora Wellbeing Report 2021](#) focuses on the impact of COVID-19 on the well-being of New Zealanders. The report presents findings from a survey conducted with a range of community groups and highlights the significant negative impacts on the well-being of the people and communities in New Zealand due to the COVID-19 pandemic. Some of the key findings include a substantial increase in mental health issues, financial hardship, and social isolation. The report also highlights the substantial role in community organisations in providing support and care to vulnerable communities during the pandemic. The report contains recommendations for the government and community organisations to work together to provide more support to those most affected by the ongoing effects of pandemic.

10.1





## NPDC's Engagement with Young People | Timeline

Early 1990's

New Plymouth District Junior Council(s)

- Each community board also had a Junior Council.
- The chair and deputy chair of each Junior Council 'chapter' would attend a district wide Junior Council meeting every 2-3 months.

1996

One single Youth Council

- a resolution was agreed at the Council meeting on 26 February 1996 to:  
"operate one single united Youth Council for the New Plymouth District comprising representation from all secondary schools."

2002

Youth Subcommittee

- In December 2002 Council revoked the Youth Council Policy and replaced it with a formal Youth Subcommittee.
- This subcommittee was initially proposed to be made up of 17 young people (one from each high school and eight at large) between 14 and 19 years of age.

2006

Youth Strategy

- The New Plymouth District Youth Strategy was adopted by Council on 27 June 2006. The purpose of the strategy was to outline how NPDC could support young people to develop the skills and attitudes they need to take part in society now and in the future.
- This strategy was supported by Action Plans between 2006 and 2009 which outlined the Objectives, Actions, Project Description and Team Responsible for delivery. These Action Plans were approved by Council at the beginning of each financial year.

2014

Youth Working Party

- At the Council meeting on 18 March 2014, Council resolved to establish a Youth Working Party

2015

Outsourcing Youth Engagement

- At the Council Meeting on 15 December 2015, Council agreed to dissolve the Youth Working Group
- Council also resolved that Council would enter an agreement with a youth provider for the purpose of delivering the Council's youth engagement approach of quarterly forums.

2016

A relationship with Zeal

- At the Council Meeting on 24 May 2016 Council instructed officers to "... pursue a partnership with Zeal to provide youth engagement services..."
- In July 2016 NPDC engaged in a one-year Service Agreement with Zeal Youth Trust Aotearoa (formerly known as Zeal Education Trust) for the delivery of six youth engagement events and a needs identification survey.

2017

- A Council Resolution at the meeting of 19 December 2017 stated "... Council continue to contract youth engagement provider Zeal, through the Long-Term Plan 2018-2028..."
- This was included in the Long-Term Plan, however it did not explicitly name Zeal as the provider, instead stating Community Partnerships will contract "...a youth services provider to engage young people so they can have their voices heard..."

2020

- At an Extraordinary Council Meeting on 10 March 2020, Councillors added a new subclause, to include in the Annual Plan 2020/21 "...Zeal Youth space (\$50,000 opex, one-off)". This included a committee advisers note that stated "For clarity, reference to a youth space in the above amendment is not specific to the Mayfair location at 69-73 Devon Street West, New Plymouth."

2021

- The Long-Term Plan for 2021-2031 explicitly named Zeal as a partner, stating Community Partnerships will continue "...to work with youth provider Zeal to engage the voice of young people."

2024

- The 2024-2034 Long Term Plan reverts back to non-specific language, stating Community Partnerships will improve "...our work with youth development providers to ensure young people's views and opinions are represented in Council decision-making and the community sector at large..."

10.2

# Hart's Ladder

## Key Questions

Which level of Hart's Ladder is our project on?

Which level of Hart's Ladder should our project be on?

What do we need to do to move to the right level on the ladder for our project?

### QUALITY OF PARTICIPATION

Young people and adults share decision-making

Young people lead and initiate action

Adult-initiated, shared decisions with young people

Young people are consulted and informed

Young people assigned but informed

Tokenism

Decoration

Manipulation

### EXAMPLES

Young people have the ideas, set up the project and invite adults to join them in making decisions throughout the project. They are equal partners.

Young people decide they need a one-stop shop in their community. They partner with adults in different youth organisations and together lobby the government for resources.

Young people have the initial idea and decide how the project is to be carried out. Adults are available and trust in the leadership of young people.

A group of students get permission from their principal to run an environmental day. The students make the decisions, and the school provides support.

Adults have the initial idea, and young people are involved in making decisions, planning and implementing the project.

A community co-ordinator asks young people for event ideas for Youth Week. The young people suggest having a skating event. The co-ordinator and young people work together to make decisions and apply for funding.

Adults design and facilitate the project, and young people's opinions are given weight in decision-making. Young people receive feedback about their opinions.

A local council runs several consultations to get young people's input about a recreation park. Young people tell the council about features in the park they want changed. The council provides feedback to the young people about how their views affected decision-making.

Adults decide on the project and young people volunteer for it. Young people understand the project and adults respect their views.

A conference creates positions for two young people on a panel of speakers. Young people decide how to select their representatives and work with adults to understand their role.

Young people are given a limited voice and little choice about what they can say and how they can communicate.

A young person is asked by adults to be on a panel and represent 'youth'. The young person is not given the opportunity to consult with peers or understand the role.

Young people take part in an event in a very limited capacity and have no role in decision-making.

A group of young people are given a script by adults about 'youth problems' to present to adults attending a youth conference.

Adults have complete and unchallenged authority and abuse their power. They use young people's ideas and voices for their own gain.

A publication uses young people's cartoons; however, the publication is written by adults.

### NON-PARTICIPATION

It is important to remember that tokenism, decoration and manipulation are not examples of youth participation. You do have the choice to move away from these methods towards more meaningful participation.

## Shier's Pathways to Participation

### Shier's Pathways to Participation<sup>3</sup>

Youth participation is a process rather than a specific event or project. Shier's Pathways to Participation model is useful in assessing organisational readiness and commitment to youth participation beyond individual projects.

The model offers a set of questions to help organisations work out where they currently stand and identify the areas they need to improve, to develop more effective youth participation practice.

<sup>3</sup> Adapted from: Shier, H (2001) *Pathways to Participation: Openings, Opportunities and Obligations*, *Young People and Society*, Vol. 15, John Wiley and Sons Ltd: United States of America, pp. 107–117.

Shier's Pathways to Participation (2001)			
LEVELS OF PARTICIPATION	OPENINGS	OPPORTUNITIES	OBLIGATIONS
<b>Level 5</b> Young people share power and responsibility in decision-making.	Are you ready to share some of your adult power with young people?	Is there a procedure that enables young people and adults to share power and responsibility for decisions?	Is it a policy requirement that young people and adults share power and responsibility for decisions?
<b>Level 4</b> Young people are involved in decision-making processes.	Are you ready to let young people join in your decision-making processes?	Is there a procedure that enables young people to join in decision-making processes?	Is it a policy requirement that young people must be involved in decision-making processes?
Shier states that level 3 of his model is the minimum practice needed to meet the requirements of the United Nations Convention on the Rights of the Child.			
<b>Level 3</b> Young people's views are taken into account.	Are you ready to take young people's views into account?	Does your decision-making process enable you to take young people's views into account?	Is it a policy requirement that young people's views must be given weight in decision-making?
<b>Level 2</b> Young people are supported in expressing their views.	Are you ready to support young people in expressing their views?	Do you have a range of ideas and activities to help young people express their views?	Is it a policy requirement that young people must be supported in expressing their views?
<b>Level 1</b> Young people are listened to.	Are you ready to listen to young people?	Do you work in a way that enables you to listen to young people?	Is it a policy requirement that young people must be listened to?

START  
HERE





## End of Year Report Oct 2023



10.5

## Service Deliverable 1: Creative Programmes

Deliver four 10 week long Creative Programmes (for example barista training, hip hop dance, rap workshops, photography, live sound and lighting, event management, singer/songwriting).

### Summary:

Over the last 12 months, Zeal have run 38 creative programmes (excluding Alternative Education & Kaitiaki Composting, both of which are covered separately later in this report ) across four 10 week periods equating to a total of 310 sessions, attended by 398 young people (many attended multiple) from throughout the district.

### Give us some details on how delivering this went?

This year we have seen our range of programmes grow considerably as we offer more and more opportunities for young people to discover their creative passions, gain new skills and realise their potential. The diversity of programs are designed to reflect the passions and interests of the young people we engage with. Staff provide a safe, supportive and encouraging environment for young people to fully participate and take positive risks, helping build a young person's self-esteem and confidence by achieving mastery in a new skill or ability.

Since October 2022, we've run 38 creative programs, averaging 10 sessions per school-term (310 total sessions) with 398 young people participating. Programs included Hip-Hop Dance x12, Barista x4, Live Sound & Lighting x4, Art x5, Guitar classes x4, DJ classes x3, Comedy x1, Fitness and Sport x3, Photography x2.





Many young people lack the soft skills necessary to adapt to a workplace environment. Our goal is to train and upskill young people through casual employment opportunities through our venue hires and events by providing paid employment for up to 10 young people per event e.g. event based work, barista, hospitality, MC's and judges (i.e Skate Comps).

This year we were delighted to continue a 20 week work readiness program run 4 times a year, supporting young people who are at risk of disengaging from school. The program consists of work readiness coaching, barista or live sound training, paid work placement and transition pathways to employment in barista, hospitality and event industries. At least 40 young people benefit from attending these programs per annum.



10.5

At the start of this year Zeal also commenced Year Three of an Alternative Education Programme with up to 12 young people who are at risk of low educational, social and vocational outcomes. These students have been removed from mainstream education and attend Zeal 9am-3pm 5 days a week. Their learning programme includes literacy, numeracy, health & physical education and lifeskills as well as social, emotional and behavioural development. While there are significant learning barriers for many of the students due to their home environments and/or trauma in their lives we have seen significant academic progress with several students well on their way to gaining NCEA Level 1. Zeal is a safe space for them, and the emotional safety they find here enables academic and emotional learning to take place.

Afternoon Hangs runs Tues-Fri 3:30-5:30pm and focuses on creating a safe space of belonging and support for many young people. Our team of youth workers spend intentional quality time getting to know young people and building relationships of trust. They provide a safe environment where young people can open up about what is going on in their lives and the challenges they face. They help young people to discover and develop their strengths, gain confidence and self-esteem, and build positive relationships.

Since 1 November 2022 we have held 160 afternoon hangs sessions with approx. 4,000 young people attending (many attended more than one session). This included approximately 8000 healthy meaningful interactions between youth workers and young people. Approx 50% of attendees are Māori or Pasifika. During these sessions we run activities focused on connecting young people to peers and youth workers. A different activity is available each day and currently include:

- Cooking: After eating together many then take home kai for their whanau.
- Games: UNO, Pictionary, Monopoly Deal, Family Feud and X-Box.
- Sports & other physical activities: Group games such as basketball, volleyball, capture the flag.
- Hip Hop Dance: Students come from across the region with many having picked up dance for the first time and have formed a strong community with each other.

This year – due to demand – we launched a weekly Intermediates Afternoon Hangs session, this is really well attended and it also enables these year 8's especially to feel really comfortable and at-home at Zeal ready to join our creative programmes and events once they begin high school.

### What else has gone well or not so well?

We were delighted to extend the capacity of our Youth Leadership team from 7 -12 this year, this was due to the fact that we had such a significant number of rangatahi who wanted to be part of this group and gain such valuable leadership experience.

This group is made up of local legends from right across the district – they plan and organise Zeal events, hangs, one-off activities and provide valuable insight and feedback to key partners including NPDC, TOI Foundation and MSD.

We were so grateful to be in a position to offer several work-readiness programmes and one-off sessions alongside several key partners including MSD, MOE & SDC Mayors Taskforce for Jobs to name a few.

One of the highlights for us was partnering with The Bald Barber so that some of our rangatahi could learn how to barber – this initiative also enabled youth that wanted to a free hair-cut to receive this weekly too.



Over 50 rangatahi have gained employment over the past 12 months with the support of Zeal. Once of these programmes that we run weekly – Coffee For Koha – has been regularly supported by NPDC staff which we are so grateful for. Thank you to all of the NPDC staff that have attended and been so supportive and encouraging of our rangatahi – we hope you enjoyed your coffees!



Through a one-off grant from TOI Foundation, we have been able to source a van to transport our rangatahi too and from course each day, home from afternoon hangs and right across the district to Zeal events – we are so grateful to be able to transport so many young people at any given time through this van.

**If applicable, tell us about any other unexpected benefits that have been achieved (other than those already identified) or any unexpected problems you encountered.**

Since moving into The Mayfair (in the CBD) in 2020 it has brought with it superb benefits but has also come with its challenges. Due to the location, size of the venue and the increased exposure of us operating from this beautiful building, the numbers of young people seeking support has continued to increase exponentially – at one point earlier this year over 60 young people a day were attending just afternoon hangs alone (this doesn't include all of the other young people onsite for our creative programmes).

Our team remain incredibly stretched trying to support the volume of young people needing extensive support. We feel incredibly humbled and privileged to be able to journey with these rangatahi, however we need increased human resource to be able to adequately support these young people.

Many of the young people who come to us are hungry and won't engage without food, we ensure there is a food available each afternoon through key partnerships such as Eat A Rainbow, Kidzcan and On The House. For some young people the only guaranteed daily meal is at Zeal. For many transport is a barrier to participation, particularly those from lower income areas such as Waitara and Marfell. Twice a day, Zeal youth workers transport 12-16 young people to our facility who would not otherwise be able to access our programs and services.

We have encountered many families where there is a shortage of food with many not knowing how to access support or financial assistance. The team do an incredible job organising food/care packages for young people without food and toiletries – however this often requires our team to work a substantial amount of extra hours, often working evenings and weekends.

We still encounter many youth without devices, so their ability to learn is very limited. We have been going over and above to meet the needs of the young people and their whanau we are working with, but again our resources are limited.

## Service Deliverable 2: Events

- Five Community Partnership Events are to be held, one in each of the following towns: Waitara, Inglewood and Ōākura.
- Five school events including one at Waitara High School and one at Inglewood High School during school terms.

### Summary:

Zeal has run 26 community and school events over the past 12 months, including supporting an existing event with performers – The Special Childrens Extravaganza.

In addition to this we provided local rangatahi opportunities to help lead and perform in South Taranaki, while having more events in the South organised for the coming months.

After having events significantly disrupted due to Covid-19 protection framework, we have been absolutely delighted to be able to put on such a large and diverse range of events for rangatahi right across the district – many of these events were enjoyed by over 200 youth a time, we are so grateful to everyone who attended these events!



### Give us some details on how delivering this went?

Over this period we have run 26 community, school and in-house events, with a total of just over 10,000 people attending, over 50 Zeal bands, dancers and artists performing with an average of 12-20 youth helping run the event. Our young people have been given opportunities to sing, dance, play the guitar and keyboard, DJ, MC, run the sound desk, host, celebrate and exhibit their art work.

We also have to give a special mention to our fantastic youth leadership team and alternative education students - we couldn't be more proud of the level of positivity and creativity that bring to these events to ensure everyone feels welcome and gets the most out of each event.

We were absolutely delighted this year to be able to host two Empowering Young Leaders Day events – one for intermediates and one for high school aged students.

Every year previously we have had to turn schools away due to only being able to fit 250 rangatahi into our auditorium, so to be able to double the capacity this year was fantastic.

Just under 250 young people attended from schools right across the district attended each day. Students from our Alternative Education Programme hosted their guests by serving, welcoming and ushering attendees. The 4 main speakers were 4 Zeal youth who spoke with such depth and passion as they shared their journey to encourage their peers. As always the day consisted of music, dance, games, good food and lots of give-aways. Next year we plan on hosting two separate days again so that the maximum number of students possible can benefit from these free events.

10.5



We also held a couple of paint parties this year which are always so much fun with all of the colour! In place of the WHS event we ran a basketball comp and paint party at Manukorihi Intermediate for the whole school, with the AE class helping to set up and run the event. It was great to see the AE students taking leadership roles and engaging the intermediates in activities and awesome to see enthusiasm and energy of the Manukorihi students. They packed out the dancefloor while getting covered in paint powder – it was such an awesome day!

#### What else has gone well or not so well?

With the introduction of DJ Classes, we have been able to train up several aspiring DJ's onsite and give them the platforms to master their craft.

We have converted one of the rooms onsite (upstairs) into a temporary recording studio, where one of our Youth Workers – Caleb Murray – can support young musicians to record their music and upload it to several platforms (we are currently seeking funding through NP Partners to fully

renovate this space so that we can provide this professional service completely free of charge to local musicians).

#### Full List of Events:

ZE = Zeal stand alone event, CP = Community Partnership, S = Supporting existing event

- 12th November, The Great Skate, Inglewood (ZE)
- 21st November, Zeal Showcase, Waitara (ZE)
- 26th November, The Great Skate, Okato (ZE)
- 27<sup>th</sup> November, Zeal @ The Farmers Market (Huatoki Plaza) – Zeal musicians also performed at the market on 26<sup>th</sup> Feb, 16<sup>th</sup> Apr, 25<sup>th</sup> June, 10<sup>th</sup> Sep. (CP)
- 3rd December, The Great Skate, Oakura (ZE)
- 9<sup>th</sup> December, Alternative Education Graduation (ZE)
- 16th December, Zeal End of Year Party (ZE)
- 5th January, Zeal Nights, Pukekura Park (CP)
- 8th January, Zeal stage at FOL, Inglewood (CP)
- 15th January, Zeal stage at FOL, Waitara (CP)
- 11th February, The Great Skate, Hawera (ZE)
- 24th/25th February, Zeal Stage A&P Show, Hawera (CP)
- 5th March, Zeal stage Colour Run, Stratford (CP)
- 12th March, Zeal Paint Party, Hawera (ZE)
- 18th March, The Great Skate, Stratford (ZE)
- 24<sup>th</sup> March, Coastal Taranaki School Fundraiser (CP)
- 16<sup>th</sup> May, Empowering Young Leaders Day (High School) (ZE)
- 18<sup>th</sup> May, Empowering Young Leaders Day (Intermediates) (ZE)
- 19<sup>th</sup> May, Zeal @ Sacred Heart Girls College (ZE)
- 15<sup>th</sup> June, Festival at Spotswood College (CP)
- 29th June, Zeal showcase (ZE)
- 1st July, Special Children's Extravaganza (S)
- 21<sup>st</sup> July, The Ariel Project (ZE)
- 1st August, Zeal hosting Chamber of Commerce (ZE)
- 20<sup>th</sup> September, Paint Party at Manukorihi School (ZE)
- 29<sup>th</sup> October, The Great Skate, Hawera (ZE)

#### Local Organisations we collaborated with over past 12 months:

Oranga Tamariki, Tui Ora, Tu Tama Wahine, Te Whatu Ora, Taranaki Retreat, Open Home Foundation, IWS, MOE, MSD, MYD, Spotswood College, Inglewood High School, Waitara High School, NPGHS, NPBHS, Sacred Heart Girls College, Highlands Intermediate, Mangorei School, Woodleigh School, Frankley School, Coastal Taranaki School, Manukorihi Intermediate, Patea Area College, Foodbank, Salvation Army, Taranaki Iwi, CAMHS, NZ Police, Rainbow Youth, On The House, Eat A Rainbow Foundation, Stratford District Council, South Taranaki District Council.

## Service Deliverable 3: Māori Engagement

- Zeal Taranaki with support from Zeal Aotearoa leadership, have a Māori Engagement strategy that empowers meaningful engagement with local tangata whenua and participation with the wider Māori community.
- Zeal staff are empowered and capable to work competently with Māori rangatahi who access services. (i.e Te Tiriti o Waitangi training, decolonisation courses, Te Reo Māori courses, tikanga Māori awareness training, marae visits etc).
- Te Reo Māori is promoted in the workplace and in all opportunities where Zeal is working with young people.
- Zeal's approach fosters an environment of manaakitanga and demonstrates a commitment to tikanga Māori and values framework through its organisation's purpose, vision and operational standards.

10.5

### Give us some details on how delivering this went?

A Māori engagement strategy has been developed with input from both local and national staff (with a strong priority of being informed by the views of our Māori leaders and staff) this will direct all Zeal's Māori engagement activity.

Zeal ran professional development sessions relating to our bicultural journey with all staff at Zeal's all-staff hui in January 2023 & again in July 2023. Over the past 12 months our aim was to develop understanding and competency of all staff, particularly in the areas of Te Tiriti o Waitangi, tikanga, Te Ao Māori and more. Locally we engaged Rev Jay Ruka of Taranaki Cathedral who delivered a cultural competency programme for all of our staff. Matt Renata also travelled to Taranaki for two days to help not only our staff but also our students to gain a much deeper understanding of Te Tiriti o Waitangi. Matt will be joining us again in December for two more days.

Zeal is a champion of Te Reo Māori. Zeal encourages its use by staff, young people and the community in its spaces and programmes and celebrates it where possible eg. during Te Wiki o Te Reo Maori. Zeal aims to increase its promotion through making staff development opportunities in this area available such as Te Ahu o Te Reo. Also locally we have formed a really strong partnership with Hineakura Tokotaua of Te Kahui Maru, who has been significantly supporting our rangatahi to reconnect with the whenua, Te Ao Māori and their education as well as assisting them to get much needed work experience.

Zeal has intentionally set its cultural pillars (values) in line with core, life giving Te Ao Māori principles, namely whanaungatanga, humarietanga, rangatiratanga and aroha. Zeal aspires to embody these values in everything it does.

In our Alternative Education Programme these values can be seen in the way that the mana of students is upheld as they journey together, with reciprocal ako learning. A supportive community of whanaungatanga is built through manaakitanga, with trust being built between students and staff. Lead Kaiako Christina Galley and lead Youth Worker Daniel Hartley prioritise the hauora of



taiohi, knowing that true learning cannot happen unless taiohi feel physically and emotionally safe, respected for who they are as Māori, and a sense of belonging and community. They work closely with whānau to support taiohi holistically in their growth as young people, not just educationally. The group have recently started learning raranga once a week and have commented on how much they enjoy the relaxing repetitive hand movements. Hineakura Tokotaua of Te Kahui Maru has planned a noho marae for the group to take place at the end of Term 4.

#### **What else has gone well or not so well?**

Christina and the team would like to build stronger relationships with mana whenua to access the people resources for our taiohi to grow in their Te Reo Māori, Kapa Haka and Tangata Whenuatanga.

10.5



## Service Deliverable 4: Information Gathering for Council Decision Making

- Zeal work with its youth leaders and Council to co-create and deliver a survey which provides the views of youth in the district, to support council decision-making.

### Summary:

The survey will be in circulation once we have received the questions from NPDC for feedback from local rangatahi, Zeal will use the large-scale summer events during the months of November & December 2023 and Jan 2024 to maximise the surveys reach. This shall be submitted to NPDC by January 2024.

10.5

### Give us some details on how delivering this went?

Regional Manager, Luke Galley meets with NPDC staff & councillors on a regular basis to ensure that the views of youth in the district are considered in Council decision-making.

However, we feel it is more important that NPDC are hearing directly from youth in the district, therefore we are always delighted when NPDC staff & Councillors visit our rangatahi at Zeal and we have been so grateful for the way they have supported some of our youth initiatives including Empowering Young Leaders Day, Afternoon Hangs & Coffee For Koha to name a few.

### Information gathering/Youth Engagement

Our rangatahi are always really happy to engage with NPDC staff and councillors when they pop into Zeal to say hi. This invitation is always there and we are so grateful to those who already do come and visit our young people.

Over the years several NPDC Councillors and staff have organised hui with our rangatahi to discuss/gain feedback on specific topics and we have always had a really good uptake of youth keen to take part in these discussions (pizza always helps).

## Service Deliverable 6: Democratic Participation

- Work collaboratively with local New Plymouth MP general election candidates to run a youth-led 'Meet the Candidates' event.
- Regularly encourage young people aged 17 and over who attend Zeal facilities to enrol to vote and provide on-site accessibility to do so.

### Give us some details on how delivering this went?

While Glen Bennett was MP for New Plymouth, he visited Zeal on numerous occasions and spoke with our staff and young people – given his background in Youth Development we were so grateful for how supportive and affirming he was of our mahi. Given how demanding his role was, it was incredible to see how much time he had to speak with our crew.

We hosted the Electoral Committee, who met with our team and young people. However, we were not aware of the restructure itself or the scale of this – therefore they advised that they would not be able to assist in any way with the upcoming election. This was obviously very unfortunate as we had been so grateful for the opportunity to collaborate with them in previous years on election years.

We made the decision alongside Damien Clark to not host a 'meet the candidates event' for this reason mainly but we also took into consideration the fact that the vast majority of young people that attend Zeal are Under-18 years of age and unable to vote.

The overwhelming feedback from our rangatahi is that they feel that the legal age should be reduced to 16 to vote.



## Service Deliverable 7: Container Café Feasibility

Zeal owns a container café which is currently in storage due to the impact of Covid-19 lockdowns. Zeal will produce a feasibility report for the Container Café to be installed and operate as a social enterprise that provides training and work experience opportunities for young people that supports pathways of employment into the Hospitality Sector of New Plymouth. This feasibility report should include, but is not limited to:

- i. Possible locations for the container café
- ii. A business plan to ensure the operation runs at a profit
- iii. Funding to cover the set-up, costs of installation and start-up
- iv. A project plan for installation.

### **Give us some details on how delivering this went?**

Given the delay to the project timeline regarding the Adventure Playground, we have not been able to progress this any further currently until we have clarity around that project timeline.

Zeal remains open to exploring this possibility – as you will have read earlier in our report our Barista programmes are highly successful and a significant number of young people have gone onto employment in the hospitality sector as a result of this training, we would obviously love to provide this pathway to more rangatahi going forward.

## Do you have a good news story?

Yes, many! Here are a few:

In January this year, Noah heard of Zeal's art programme and approached a youth workers to share some sketches from his book. At the same time, he revealed his identity as transgender and talked about his experiences of severe bullying that led him to be home-schooled. When Noah joined the art programme he struggled to connect with peers, particularly those from his old school who were also taking part. This caused him to rush to art class, avoiding interacting with anyone and staying close to youth workers. During these initial weeks, Noah faced panic attacks, prompting youth workers to work with him on a safety plan and support him in interacting with former schoolmates who caused him anxiety. Gradually, with these support mechanisms in place, he gained confidence in sharing his art, participated in group activities, and became more engaged in Zeal's broader activities. Noah's mother observed and commented on his positive transformation, informing us that he had become less argumentative and notably calmer at home. Noah has since taken to creating drawing tutorials on TikTok, bravely showcasing his work to the public. It's inspiring to see how Noah's passion and talents have extended beyond the programme. We are so proud of Noah and the transformations we have witnessed.

Baxter was sadly getting bullied at school, so a regular at Zeal (Chelsy) decided to bring him to Zeal to try to support him to make more positive friendships. He fit right in straight away and has made lots of great friendships – there is barely a day that he is not at Zeal and his confidence has flourished, as has his social circle enormously. He is an incredible cook and is keen on running cooking classes for other Zeal youth onsite – he is also now a key member of our Youth Leadership Team and Events team.





Our End of Year party was extra special for one of our young people. Timmy has ASD and social situations are very challenging for him. At school he was in a room of his own for his learning, as noise is something that he finds really hard. When he started coming to Zeal for almost a year he would just go into a room that he knew was his safe space. Our team have been in touch with Timmy's psychologist, mum and support team regularly and they

are amazed that he comes into Zeal at all given how challenging social situations have always been for him.

Fast forward to the Christmas party, he took part in everything, despite the loud music and big crowd - he had a smile on his face the whole time and at the end of the night he came up to every staff member, shook their hand and gave them a wrapped Christmas present - AMAZING!

Despite leaving school now due to his age, he is still mentored by Zeal staff two days a week and is studying online through Te Kura, he has aspirations to become a vet and our team are supporting him with connecting with key local organisations to help him to try and fulfil his aspirations. (Photo attached at beach with paddle board)



10.5

Tiana was our first ever AE student. She had attempted to transition to mainstream education in Taranaki after attending Kura Kaupapa in Tamaki Makaurau and found the transition too overwhelming. Tiana struggled with anxiety and attending Zeal each day was a huge achievement



for her especially for the first few months. Tiana grew in confidence over the year and by Term 3 was confidently serving customers at Coffee for Koha and excelling at her speaking assessments for English. After completing Alternative Education and Zeal and gaining Level 1 Literacy she moved on to further study at WITT, completing the New Zealand Certificate in Food and Beverage Service (our team supported her to get enrolled, provided transport and were ongoing mentors for her). She was then offered a full time job at Te Kohanga Reo O Waiwakaiho who have offered to support her to get her Early Childhood Education qualifications. Zeal were honoured to give her a glowing reference when she applied for the job at Te Kohanga Reo O Waiwakaiho and delighted to receive an excited phone call from her when she got the job.

Tiana is thriving in the supportive environment at Te Kohanga Reo O Waiwakaiho and finds speaking her Reo everyday life giving. (Photo attached in green hoodie)

One of our former AE students has recently got out of hospital after being in there for several weeks. He said he was keen for visitors so we took two other former students to pick him up for a feed. The three boys were so happy to be together again, talking about how much they loved being at AE and sharing their current successes and struggles. One is thriving at his carpentry course at Te Pukenga, one has a full time job in forestry and the other was offered a contract for the Roosters development squad in Sydney. It's a privilege to be the people they call when they have successes, but also the people they call when time and tough and they need help – they know we're their support crew even if they're not on the AE roll anymore. You can read more about Kanye's story at story <https://www.stuff.co.nz/taranaki-daily-news/news/131664628/taranakis-alternative-education-students-who-are-beating-the-odds>

Many of our taiohi on the alternative education programme had been disengaged from mainstream education for quite some time, with some out of education for over a year before arriving and others saying they have previously only attended school once or twice a fortnight. Many have traumatic histories of neglect, abuse, homelessness, drug use and violence. All of the students on the programme have attendance rates of at least 70%, with some as high as 100%. Over 10 students have received green Zeal hoodies to celebrate having attended course on time for 50 days, and several more will receive them at the end of year celebration where all of our year 11 students will graduate onto further education or employment.

Prior to Zeal's Alternative Education Programme the average number of NCEA credits attained by Year 11 students in Alternative Education in North Taranaki was 1.5. Last year 8 year 11 students gained an average of 29.5 credits, with the two Year 11's who were on the programme for the whole year gaining Level 1 Literacy, Numeracy and over 65 credits. Kanye Taipari became the first ever North Taranaki Alternative Education student to gain the 80 credits needed for NCEA Level 1. This year all of the Year 11 students who have been with us for 3 terms or more have gained Level 1 Literacy and Numeracy and are on track to Achieve NCEA Level 1. This is helped significantly by our Year 11 students being able to attend Trades Academy courses at WITT this year. We are very grateful to their Secondary Tertiary Partnerships team for helping to make this happen and the outstanding pastoral care they have given our rangatahi.



Our Regional Manager, Luke Galley really looks forward to speaking to this end of year report in due course, but in the meantime we would like to thank you for your ongoing support and partnership - our mahi would not be possible if it wasn't for the faith you have showed in us.



## Survey Results (Zeal National incl Taranaki)

### Feedback from young people

To measure impact and improve, we asked 163 young people to share their experience of Zeal, their challenges and aspirations. The survey covered activities at Zeal, youth mental health and the effects of COVID-19 lockdowns.

- 95% of young people say that Zeal has had a positive impact on them
- 96% feel that Zeal has supported them and that they feel cared for at Zeal.
- 93% of young people feel they can approach staff if they have a problem

Breakdown of survey by ethnicity: Pakeha/NZ European 67%, Maori 35%, Pacific Island 8%, Asian/Indian 10%, Other 6%

Young people shared how having a home and whānau like Zeal helped them grow in confidence, find purpose and community, or overcome challenges like depression, low confidence, self harm or getting into trouble after school.

### Quotes from Young People about Zeals impact:

"Its helped me get out of my comfort zone in a judge-free space and has also helped me get over my social anxiety."

"Ive felt more open-minded since coming to Zeal and I feel more weight off my shoulders because Ive gotten to speak my mind more."

"They helped me build a future, I went from not knowing what I wanted to now knowing what it is I want."

"Ive finally found myself and become who Ive wanted to be this whole time thanks to the staff."

### Impact of Zeals programmes:

Please see supporting document for Taranaki's Post Programme Survey results.

## Youth Engagement Options | 2025 -

The purpose of this document is to provide Elected Members with greater detail on the options available to engage young people in the New Plymouth District. Until a decision is made by council and a comprehensive RFP process undertaken (if required), all financial details and deliverables are deemed to be estimates or approximates.

**Note:** \$135,000 was allocated in the 2024-2034 Long Term Plan for Youth Engagement, so any financial estimations at or below this number will have no impact on the budgets for 2025/26 Financial Year.

### Option One: **Continue with the Status Quo.**

#### *What:*

NPDC continue to partner with Zeal Youth Trust Aotearoa for the delivery of NPDC's Youth Engagement.

#### *Deliverables:*

- Creative Programmes
  - Deliver four 10 weeklong Creative Programmes (for example: barista training, hip-hop dance, photography live sound and lighting, event management singer/song writing).
- Youth Engagement Events
  - Five Community Partnership Events are to be held, one in each of the following towns: Waitara, Inglewood, and Kaitake,
  - At least five school events including one at Waitara High School and one at Inglewood High School during school terms.
- Information Gathering for Council Decision-Making
  - Work with youth leaders and Council to co-create and deliver a survey which provides the views of youth in the district,
  - Pilot new youth engagement and participation methods to support Council decision-making and council project engagement requirements.

#### *Financial:*

\$100,000.

Zeal already has a funding agreement in place to support the cost of their premises as approved in LTP 2024-34.

#### *Alignment with 2023 Community Partnerships Review Recommendations:*

Recommendation	Alignment
Leverage data, resources and networks to address real challenges faced by young people.	Low
Engage beyond surveys.	High

*Alignment with Youth Strategy (2006)*

Core Objectives	Alignment
NPDC is a 'youth friendly' organisation.	Low
Ensure a strong youth voice in decision making.	Low
Promote and recognise youth achievements within the district.	Low
Develop collaborative solutions with key partners to address high priority youth issues and improve well-being.	Medium
Strengthen the support base for youth in the district.	High

**Option Two: Outsource youth engagement to local providers with a district-wide focus.**

*What:*

NPDC will look to partner with one or more youth organisations to engage young people with a strong district wide focus.

The district would be divided into four geographical locations based on the Community Boards and location of Secondary schools. These would be:

- Kaitake
- Inglewood
- New Plymouth (including Bell Block/Puketapu)
- Waitara & Clifton

*Deliverables:*

Partner organisations will be responsible for delivering the following services throughout the community as specified in their service agreement:

- Youth Engagement Events
  - Four community partnership events per annum
  - At least four events in partnership with local secondary schools during school terms.
- Youth Friendly consultation
  - Work with youth leaders and Council to co-create and deliver a survey which provides the views of youth in the community,
  - Pilot new youth engagement and participation methods to support Council decision-making and council project engagement requirements.

*Financial:*

Location	School & Size		Financial Contribution
Kaitake	Coastal Taranaki	75	\$ 13,500
	Green School	42	
	<b>Total:</b>	<b>117</b>	
Inglewood	Inglewood High School	547	\$ 20,250
	<b>Total:</b>	<b>547</b>	



New Plymouth (including Bell Block/Puketapu)	NPBHS	1,486	\$	81,000
	NPGHS	1,331		
	FDMC	521		
	SHGC	543		
	Spotswood	935		
	Te Pi'ip'i'inga Kakano Mai I Rangiatea	40		
	<b>Total:</b>	<b>4,856</b>		
Waitara & Clifton	Waitara High School	423	\$	20,250
	<b>Total:</b>	<b>423</b>		
	<b>Total:</b>	<b>5,943</b>		<b>135,000</b>

\* All school roll data found at [www.educationcounts.govt.nz](http://www.educationcounts.govt.nz) and is accurate as of 1 July 2024

\* All data is taken from Year 9 upwards

10.6

#### Alignment with 2023 Community Partnerships Review Recommendations:

Recommendation	Alignment
Leverage data, resources and networks to address real challenges faced by young people.	High
Engage beyond surveys.	Medium

#### Alignment with Youth Strategy (2006)

Core Objectives	Alignment
NPDC is a 'youth friendly' organisation.	Low
Ensure a strong youth voice in decision making.	Low
Promote and recognise youth achievements within the district.	Low
Develop collaborative solutions with key partners to address high priority youth issues and improve well-being.	High
Strengthen the support base for youth in the district.	Medium

### Option Three: Establish an NPDC Youth Council.

#### What:

NPDC will employ a full-time staff member who will coordinate and facilitate a youth council.

To operate the youth council will require the development and then coordination of an application and selection process. Meetings will occur as part of the Council's meeting rounds and require engagement and participation from Council Officers, Te Ranga Urungi and Elected Members.

#### Deliverables:

- Selection of Youth Council members
- 6-7 Youth Council meetings per annum

#### Financial:

Budgeted Item	Description	Financial Commitment
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1.0 FTE	Youth Advisor	\$ 100,000
Operating Costs	<ul style="list-style-type: none"> <li>• Remuneration (\$50 per meeting)</li> <li>• Youth Council led activities</li> <li>• Marketing and Communications</li> <li>• Venue Hire</li> <li>• Catering</li> </ul>	\$ 35,000
	<b>Total:</b>	<b>\$ 135,000</b>

*Alignment with Community Partnerships Recommendations:*

Recommendation	Alignment
Leverage data, resources and networks to address real challenges faced by young people.	Low
Engage beyond surveys.	Low

*Alignment with Youth Strategy (2006)*

Core Objectives	Alignment
NPDC is a 'youth friendly' organisation.	Medium
Ensure a strong youth voice in decision making.	High
Promote and recognise youth achievements within the district.	Low
Develop collaborative solutions with key partners to address high priority youth issues and improve well-being.	Low
Strengthen the support base for youth in the district.	Low

**Option Four: Centralise all youth engagement activities internally.**

*What:*

NPDC will employ two full-time 'Youth Officers' who will operate primarily out in the community, connecting with Secondary Schools, youth organisations, Iwi and Hapū and the general community to inform and raise awareness of Council activities and obtain youth voice.

*Deliverables:*

- Direct engagement with secondary schools and youth organisations about various council initiatives,
- Working in partnership with Iwi and Hapū to understand and implement rangatahi Māori aspirations for the district,
- Youth Engagement Events
  - Five community partnership events across the district with at least one in each of Waitara, Inglewood and Kaitake,
  - At least five school events including one at Waitara High School and one at Inglewood High School,
- Selection of Youth Council members
- 6-7 Youth Council meetings per annum

*Financial:*

Budgeted Item	Description	Financial Commitment
2.0 FTE	Youth Officer	\$ 150,000
Operating Costs	<ul style="list-style-type: none"> <li>• Remuneration (\$50 per meeting)</li> <li>• Youth Council led activities</li> <li>• Youth Friendly Consultation</li> <li>• Youth Engagement Events</li> <li>• Marketing and Communications</li> <li>• Venue Hire</li> <li>• Catering</li> </ul>	\$ 50,000
	<b>Total:</b>	<b>\$ 200,000</b>

*Alignment with Community Partnerships Recommendations:*

Recommendation	Alignment
Leverage data, resources and networks to address real challenges faced by young people.	Medium
Engage beyond surveys.	High

10.6

*Alignment with Youth Strategy (2006)*

Core Objectives	Alignment
NPDC is a 'youth friendly' organisation.	Medium
Ensure a strong youth voice in decision making.	High
Promote and recognise youth achievements within the district.	Low
Develop collaborative solutions with key partners to address high priority youth issues and improve well-being.	High
Strengthen the support base for youth in the district.	Low

**Option Five:** Deliver a hybrid youth engagement model with distinct roles for the council and the community.

*What:*

This is a combination of Option Two and Option Three without the formal youth council. NPDC will outsource parts of youth engagement to one or more youth organisations while undertaking appropriate components ourselves.

*Deliverables:***Youth Organisations**

- Youth Engagement Events
  - Four community partnership events per annum
  - At least four events in partnership with local secondary schools during school terms.
- Youth Friendly Consultation

**Council**

- Youth Advisory Group
  - Coordinate and facilitate a quarterly meeting for young people.

- Work with youth leaders and Council to co-create and deliver a survey which provides the views of youth in the community,
- Pilot new youth engagement and participation methods to support Council decision-making and council project engagement requirements.
- Participate in and support with the running of the Youth Advisory Group.

*Financial:*

Delivering	Location	Financial Contribution
Community Organisations	Kaitake	\$ 12,000
	Inglewood	\$ 19,000
	New Plymouth (including Bell Block/Puketapu)	\$ 78,000
	Waitara & Clifton	\$ 20,000
NPDC	Youth Advisory Group	\$ 6,000
	<b>Total:</b>	<b>\$ 135,000</b>

*Alignment with Community Partnerships Recommendations:*

Recommendation	Alignment
Leverage data, resources and networks to address real challenges faced by young people.	High
Engage beyond surveys.	High

*Alignment with Youth Strategy (2006)*

Core Objectives	Alignment
NPDC is a 'youth friendly' organisation.	Medium
Ensure a strong youth voice in decision making.	Medium
Promote and recognise youth achievements within the district.	Low
Develop collaborative solutions with key partners to address high priority youth issues and improve well-being.	High
Strengthen the support base for youth in the district.	Medium

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**COMMUNITY FUNDING INVESTMENT POLICY REVIEW – ADMINISTRATIVE CHANGES UPDATE**

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**PURPOSE/ TE WHĀINGA**

- 1. This report provides an update regarding administrative omissions in the Community Funding and Investment Policy report that was adopted on 13 May 2025 (Appendix 1 ECM\_9461181).

**RECOMMENDATION / NGĀ WHAIKUPU**  
**That, having considered all matters raised in the report, the report be noted.**

**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**

- 3. On 13 May 2025 Council adopted the new Community Funding Investment Policy (ECM\_9461204) and associated Policy Schedules (ECM\_9461199).
- 4. Following the adoption of the Policy, it was identified that there were two administrative omissions that need to be captured and acknowledged by Elected Member for completeness.
- 5. These changes do not impact the options assessment as contained in the original report.

*Whanake Grant*

- 6. It has been identified that there was no specific directive within the Council resolutions to either increase the Whanake Fund or to 'note' the report which referenced the increase.
  - 7. Point 33 of the Report stated:  
  
*"Following the feedback, Council Officers propose that the Whanake Grant stay with Te Huinga Taumatua, the fund be increased from \$20,000 to \$50,000 from existing community funding budgets, and that applying to the Whanake Grant would not exclude organisations from applying to other Council grant schemes covered in this policy."*
  - 8. This report therefore confirms by resolution through the noting of this report that the Whanake Fund will be increased from the current \$20,000 allocation to a \$50,000 allocation from the existing community funding budgets.
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*Heritage Funding*

- 9. Within the Policy Schedule (ECM\_9461199) for the Built Heritage Fund and Cultural Heritage Fund incorrect reference is made to the '*Proposed District Plan*' in two locations.
- 10. For clarity, as it is through the remainder of the Policy Schedule (ECM 9461199), the correct terminology is '*Proposed **or Operative** District Plan*'.

**CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

- 11. There are no climate change implications.

**NEXT STEPS / HĪKOI I MURI MAI**

- 12. The Whanake Grant will be administered utilising a \$50,000 budget.
- 13. The Built Heritage Fund Schedule and the Cultural Heritage Fund will be updated and uploaded to the Council website.

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

- 14. There are no Financial and Resourcing Implications.

**IMPLICATIONS ASSESSMENT / HĪRANGA AROMATAWAI**

- 15. 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 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.

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Appendix 1 – Original Report – Community Investment Policy Review  
(ECM\_9461181)

Appendix 2 – Draft Community Funding Investment Policy Schedule (ECM\_9461199)

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**Report Details**

Prepared By:	Riley McGregor (Community Development Advisor)
Team:	Community and Economic Development
Approved By:	Damien Clark (Community and Economic Development Manager)
Ward/Community:	District Wide
Date:	04 June 2025
File Reference:	ECM 9515130

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

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## COMMUNITY FUNDING INVESTMENT POLICY REVIEW 2025

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### MATTER / TE WHĀINGA

1. The matter for consideration by the Council is whether to adopt the new Community Funding Investment Policy and Policy Schedules.

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

- a) **Adopt the draft Community Funding Investment Policy (ECM\_9461206) and associated Policy Schedules (ECM\_9461199);**
- b) **Revoke Community Funding Investment Policy P22-022**
- c) **Adopts the tiered accountability framework for community funding as proposed in this report**
- d) **Adopts Taranaki Arts Festival Trust and The Taranaki Gardens Festival Charitable Trust as a Strategic Council Partnership**
- e) **Notes the current Strategic Council Partnerships**
- f) **Revoke current delegations and delegate authority for decisions as follows (noting that Council will review committee establishment and delegations following the 2025 triennial election):**

Grant Scheme	Delegation
Community Programmes and Services Grant (under \$5k outside of Community Development Committee)	Officer Delegation [Currently Community Development Committee]

### STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the Officer’s recommendation.

### COMMUNITY BOARD RECOMMENDATIONS

3. The Inglewood, Puketapu-Bell Block, Clifton, Waitara and Kaitake Community Board’s endorsed the officer’s recommendation.



**AGE AND ACCESSIBILITY WORKING PARTY RECOMMENDATION**

4. The Age and Accessibility Working Party endorsed the Officer’s recommendation; subject to updating the definition of CBD areas, within the Policy and associated Schedules, to include the Town Centre Zone of Fitzroy, in accordance with the Proposed District Plan.

**TE HUINGA TAUMATUA RECOMMENDATION**

5. Te Huinga Taumatua endorsed the Officer’s recommendation.

**COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION**

6. The Community Development Committee endorsed the Officer’s recommendation.

11.1

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of some importance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <p>1. Adopt the changes to policy and policy schedules.</p> <p>2. Do not adopt changes to the policy and policy schedules</p>
Affected persons	The persons who are affected by or interested in this matter are the wider community, including businesses, community groups, not-for-profits, Iwi and Hapū, and any other groups or individuals eligible to apply for grants under this policy.
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 / WHAKARĀPOPOTOTANGA MATUA**

7. It is recommended that Council approves the changes to the Community Funding Investment Policy in order to address unintended consequences of the previous policy (ECM 9461551), respond to Long Term Plan (LTP) 2024-2034, improve accessibility to underutilised funds, and improve the effectiveness of funds.

- 
8. Approving the revisions to this policy will improve efficiencies, create greater transparency, and deliver greater impact across the district, while signalling to the community that Council considers feedback and adjusts accordingly.
  9. Some of the feedback received fell outside of the scope of this review. Feedback specific to process will be considered on an ongoing basis.
  10. If the Community Funding Investment Policy and Policy Schedules are adopted, Council officers will share this with interested parties, and the next Community Funding Round will be administered under the guidance of the revised Policy.
  11. The Community Funding Investment Policy will be reviewed again in 2028.

## **BACKGROUND / WHAKAPAPA**

12. On 26 July 2022, the Council adopted a new Community Funding Investment (CFI) Policy following public consultation. This policy included extensive improvements, additions, and changes to address several longstanding challenges.
13. NPDC administer 22 different community funds. Each fund has independently established policy settings.
14. The CFI policy was scheduled for review in 2023. However, due to the concurrent Community Partnerships Review, which included aspects of the funding policy, Council officers postponed the review until 2024.
15. This review has been completed to take on community feedback following the full review conducted in 2022 and was not intended to be a full-scale review. Feedback has outlined that in many aspects the policy is fit for purpose, however some minor administrative and technical changes are required.
16. This report is broken into three different sections; Elected Member Decisions Contestable Funding, Delegated Authority Contestable Funding and Strategic Council Partnership.

## **ELECTED MEMBER DECISIONS | CONTESTABLE FUNDING**

17. All Council funding is contestable, but some funds are administered by council officers under delegated authority. The following proposed changes directly impact those decisions made by Elected Members and are commonly referred to as Council's "Community Funding". These include:
    - a) Community Programmes and Services Grant
    - b) Community Events Grant
    - c) Strategic Community Partnerships Grant
-

d) Whanake Grant.

18. Currently all recipients of these grants must complete a standardised report, irrespective of the funding received. It is proposed that a tiered approach to accountability is introduced as per the table below:

Granted Amount	Reporting Expectation
Less than \$5,000	Short Accountability Report. <ul style="list-style-type: none"><li>- Evidence of expenditure of grant,</li><li>- Short explanation of outputs delivered.</li></ul>
\$5,000 - \$15,000	Accountability Report <ul style="list-style-type: none"><li>- Evidence of expenditure of grant,</li><li>- Explanation of outputs delivered,</li><li>- Description of the change in community (outcome) and how this was measured (indicators)</li></ul>
\$15,000 - \$30,000	Accountability Report <ul style="list-style-type: none"><li>- Evidence of expenditure of grant,</li><li>- Explanation of outputs delivered,</li><li>- Outcomes &amp; indicators x2</li></ul>
More than \$30,000	Accountability Report + Deputation to Elected Members <ul style="list-style-type: none"><li>- Evidence of expenditure of grant,</li><li>- Explanation of outputs delivered,</li><li>- Outcomes &amp; indicators x3</li></ul>

*Engagement with community:*

19. Council officers have built on the findings from the 2023 Community Partnerships Review by continuing to engage with external stakeholders to address specific challenges that exist within the policy because of some unintended consequences, namely:

- a) An increase in applications creating a large oversubscription to the Whanake grant
- b) A broad definition of Sports Activity resulting in some unintended organisations being excluded from applying
- c) Improved accessibility has increased applications and in turn the administrative workload for decision making
- d) Standardised reporting has created a burden for many organisations who have received a small amount of funding.

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20. Engagement with Iwi and Hapū partners including Te Kotahitanga o Te Atiawa, Ngāti Mutunga, Ngāti Maru, Ngāti Tama, Ngāti Te Whiti, Puketapu and Ngā Mahanga highlighted that Council Funding needed:
- a) A relational approach to support accessibility
  - b) To focus on grass roots initiatives or in sectors of the community not currently served by other funders
  - c) To be flexible to effectively support grass roots initiatives
  - d) Appropriate levels of reporting for the funding awarded.
21. New Plymouth is fortunate to have several local and national funders in the district. Council Officers engaged with Taranaki Electricity Trust (TET), Toi Foundation, Sport Taranaki, Department of Internal Affairs (DIA) and NZ Community Trust (NZCT) to identify key learnings. Some of their observations and recommendations included:
- a) Small organisations and sports clubs are financially struggling, short of volunteers, and are time poor
  - b) The importance of continued collaboration between funders
  - c) Consider the administrative burden on organisations in relation to the granted amount
  - d) Stay focused on equity and what the community needs, as opposed to what is wanted
  - e) Maintain a focus on funding outcomes (the change in community because of the funding) as opposed to outputs (the direct action of the funding)
  - f) Ensure there is effective support to guide people through the funding application process
  - g) Avoid duplication of purpose between and across funders
22. In February 2025, Council officers conducted a survey with over 70 past applicants for funding. Feedback was sought on key areas including:
- a) Policy - Delegated Authority
  - b) Policy - Minimum level of funding
  - c) Schedules - the exclusion of sporting activities
  - d) Process – Levels of Reporting
-

e) General Feedback

23. A total of 29 responses were received (see Appendix 4 ECM\_9461209) with:
- a) 55% Strongly agreeing and 28% agreeing that it would be best for community organisations if funding applications under \$5,000 were granted under Delegated Authority
  - b) A very split view on whether a minimum level of funding to be awarded was a good idea,
  - c) 55% Strongly agreeing and 28% agreeing that sporting activities should be excluded from councils' community granting,
  - d) 38% Strongly agreeing and 31% agreeing that reporting requirements should match the level of funding received.

*Strategic Community Partnership Grant*

24. As well as Strategic Council Partnership decisions made by Council, funding is also allocated to Strategic Community Partnership Grants. These decisions are made by the Community Development Committee and are multi-year agreements from the contestable community fund.
25. There is a significant difference between the two, however due to the similarities in name, there is confusion for all parties/stakeholders. It is proposed that there are the following name changes:
- a) Strategic Community Partnership Grant to "Community Partnership Grant"
  - b) Strategic Council Partnership Grant to "Strategic Council Partner".
26. Organisations who have applied for a Strategic Community Partnerships Grant and were declined have historically not been considered for the Community Programmes and Services grants. In 2025/26 Officers are utilising an Expression of Interest (EOI) process to ensure those not considered for a Strategic Community Partnership grant can still apply for a Community Programme and Services grant.
27. It is proposed in the policy changes that organisations who are declined for a Strategic Community Partnership Grant are then automatically considered for the Community Programme and Services grant, removing the need for an EOI process.

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*Community Programmes and Services Grant*

28. Community Organisations can apply for grants up to \$30,000 from the Community Programmes and Services (CPS) Grant. All applicants must complete an online application and are invited to make a deputation to the Community Development Committee.
29. It is proposed that Officers would be given delegated authority to make decisions on applications under \$5,000. This would replicate a similar model already operating for Community Event Grants empower small grass root initiatives and create greater consistency of officer delegation across the policy.
30. In the 2024/25 funding round there were two applications received under the \$5,000 threshold. 14 further applicants received less than \$5,000 based on their application, therefore it is anticipated that this could increase as more applications are made to Council but the available funds remain unchanged.

11.1

*Whanake Grant*

31. The Whanake Grant was implemented in 2019 as no Māori organisations were applying for grants. The total available is \$20,000 and in 2024/25 it was oversubscribed by 500%.
  32. In late 2024, Council officers engaged with previous recipients of the Whanake Grant, Iwi and hapū and a workshop with Te Huinga Taumatua to seek feedback on:
    - a) Combining the Whanake and Community Services and Programmes Grants which would require moving the decision making to the Community Development Committee
    - b) Increasing the funding available in the Whanake Grant and maintaining decision making through Te Huinga Taumatua Committee
    - c) Whether applying for the Whanake Grant should exclude organisations from applying to other Council grant schemes.
  33. Following the feedback, Council Officers propose that the Whanake Grant stay with Te Huinga Taumatua, the fund be increased from \$20,000 to \$50,000 from existing community funding budgets, and that applying to the Whanake Grant would not exclude organisations from applying to other Council grant schemes covered in this policy.
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*Definition: Sport Activity*

34. Both the Community Programmes and Services and Whanake Funds exclude "Sports Activity". This has resulted in recreational activity also being excluded, creating funding 'dead zones' in the community.
35. The proposed change is to update the exclusion and definition as "Competitive Sports Activity" to better differentiate away from recreational activity.

**DELEGATED AUTHORITY CONTESTABLE FUNDING**

36. Several funds in the Community Funding Investment Policy have been designed for specific purposes, with tight criteria and a narrow focus, enabling officer delegation to make decisions on the applications. The list of the funds where changes are proposed include:
  - a) The Built, Natural and Cultural Heritage Funds
  - b) Te Korowai o Tane - Planting our Place
  - c) Manaaki Urupā and Marae Development Fund
  - d) Main Street Building Fund
  - e) Mayoral Relief Fund.
37. Several minor and administrative changes are proposed to improve the overall effectiveness of each fund. These changes are outlined in appendix 4 and align with the feedback received from the engagement work on the policy as a whole. However, given these changes are minor in nature Council Officers have not sought feedback from stakeholders on the proposed amendments except for the Manaaki Urupā fund.

*Built, Natural and Cultural Heritage Funds*

38. During the last policy review the Built, Natural and Cultural Heritage Funds were separated out to become independent of each other with their own criteria. Some criteria are not fit for purpose and are proposed to be addressed during this policy review. These changes can be grouped into three themes:
    - a) Improving accessibility to underutilised funds
    - b) Administrative changes to improve the effectiveness of granting
    - c) Increasing decision making transparency to ensure applicants know how grants will be prioritised and what will be taken into account.
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39. The changes proposed for the Built Heritage Protection Fund and the Natural Heritage Protection Fund assist with clarification, consistency and help to avoid duplication of funding.
  40. The Cultural Heritage Protection Fund is currently underutilised. The proposed changes intend to increase the number of recipients. Once there is a significant pool of applicants, Council Officers will be in a better position to obtain feedback in order to improve the fund further.

*Te Korowai o Tāne - Planting our Place*

41. The purpose of the Te Korowai o Tāne grant is to assist not for profit community groups in purchasing native tree and shrub species to plant on their relevant properties. Administrative changes are proposed to deliver better outcomes for community groups and improve the overall impact to the environment.

*Manaaki Urupā and Marae Development Fund*

42. The purpose of the Manaaki Urupā fund is to assist urupā owners and trustees with on-going care and maintenance costs for their urupā.
  43. A key challenge facing this fund is that some urupā are reaching capacity and establishing a new urupā is financially challenging. Another challenge is that growing uptake of the grant and renewed promotion of the grant is anticipated to put further pressure on the fund.
  44. To address these challenges, proposed changes include:
    - a) remove the exclusion of establishing a new urupā
    - b) include a prioritisation list for decision making on grants selection
  45. Council Officers prioritised engaging with those who drafted an application but did not submit it as well as past applicants. In general, respondents pointed to difficulties with the process rather than the policy criteria.
  46. Urupā and Marae have limited funds available for emergency repairs, often exhausting all available resources. This policy review proposes the inclusion of retrospective funding for Manaaki Urupā and Marae Development grants where there are barriers in accessing grants for unforeseen and urgent works.
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*Main Street Building Fund*

47. The purpose of the Main Street Building fund is to enhance the vibrancy and character of CBD areas of the New Plymouth District. The fund helps commercial property owners, or their tenants, improve the frontage of their building, creating a more appealing CBD environment. Proposed changes include:
- a) Changing the frequency of determination from twice a year to once a year
  - b) Removing the inclusion of "repair work" to establish greater scrutiny on general maintenance repairs that do not contribute to enhancement or vibrancy.

*Mayor Relief Fund*

48. The purpose of the Mayoral Relief fund is to provide assistance to families and individuals who are undergoing extreme financial hardship. The Mayor has sole discretion over this fund. Proposed changes include extending funding to organisations where the organisation can demonstrate provision of support for families or individuals within the community

*New grant type: Community Climate Action Fund*

49. During LTP2024-2034 Council resolved to establish a community fund to help the community to reduce emissions totalling \$100,000 per annum. This fund is due to begin in Year 2 of the LTP at a temporarily reduced total of \$75,000, providing an opportunity to prove demand exists for the full \$100,000.
50. The funds' purpose is to foster community action and transition to a sustainable, net zero emissions, climate resilient future focusing on:
- a) Greenhouse gas reduction
  - b) Climate-related education
  - c) Climate adaptation and resilience
  - d) Research and investigations
-

STRATEGIC COUNCIL PARTNERSHIPS

51. Strategic Council Partnerships are funding agreements, separate from contestable funding, decided by Council during the LTP or Annual Plan process. The following table details the current Strategic Council Partnerships:

Strategic Partner	Amount PA	Original Council Resolution	Subsequent Council Resolution
Art in Public Places	\$50,000	08/06/2009	LTP 2018 - 2027 Reinstated from Year 3 onwards
Bell Block Aquatic Centre	\$185,000	Prior to 2012	LTP 2024-2027 Yr 1 \$75k Yr 2-10 \$40K
Creative Taranaki	\$84,000	22/12/2020	LTP 2021-2024 Years 2-10 \$84k
New Plymouth Community Stadium Trust	\$75,000	19/12/2017	2018-2027 LTP Reviewed every LTP Cycle thereafter
New Plymouth Mountain Bikers Club	\$20,000	27/28 May 2024	Yr 1-10 \$20k
North Taranaki Sport and Recreation	\$38,500 plus inflation	19/12/2017	2018-2027 LTP Reviewed every LTP Cycle thereafter
Surf Lifesaving New Zealand	\$130,000 (incl. of increase)	Prior to 2012	LTP 2024-2027 increase Yr 1 \$25k Yr 2 \$27k Yr 3-10 \$31k
Sport Taranaki	\$81,000 plus inflation	06/06/2018	LTP 2018-2027 Yr 1-10 \$81k

52. Strategic Council Partnerships have not been included in the Policy or Policy Schedules in the past causing inconsistency in reporting expectations and limited visibility for Elected Members, therefore, it is proposed that a Strategic Council Partnership is added to the Schedules, outlining reporting requirements, standardising the outcomes format and providing Elected Members the opportunity to review them during each LTP.

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53. During the previous policy review in 2021 the major events fund was added as an exclusion in the interest of fairness for most cases. However, it noted that it would significantly affect current recipients of multi-year funding once their agreement concluded. This is the case for:
- a) Taranaki Arts Festival Trust (TAFT) - Previously a multi-year recipient of \$105,000 per annum
  - b) The Taranaki Gardens Festival Charitable Trust - Previously a multi-year recipient of \$35,000 per annum
54. In this review it is recommended the major events exclusion remains as part of the policy as it still promotes fairness for the majority of cases. However, during LTP 2024-2034 budget was set aside to continue the funding support for both groups through the Taranaki Arts Festival Trust with the matter of TAFT being adopted as a Strategic Council Partner to be addressed during the scheduled policy review in 2024/2025.
55. It is proposed that the appropriate funding mechanism for both the Taranaki Arts Festival Trust and The Taranaki Garden Festival Charitable Trust is via a Strategic Council Partnership directly with TAFT totalling \$140,000 per annum to address the known consequence of the previous policy review.

**CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

56. While the new Climate Resilience Fund will impact Climate Change in the community, there are no other direct climate change impact or considerations associated with this matter.

**NEXT STEPS / HĪKOI I MURI MAI**

57. If the Community Funding Investment Policy and Policy Schedules are adopted, Council officers will then share the adopted policy with interested parties, and the next Community Funding Round will be administered under the guidance of this Policy.
58. Council officers will continue to support any organisations who wish to obtain funding for their work that supports Council outcomes.

**SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

59. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because people are moderately impacted in a positive way.
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**OPTIONS / KŌWHIRINGA**

*Statutory Responsibilities / Ngā Haepapa ā-ture*

- 60. Under S10 1a) of the Local Government Act 2022, the Council has a statutory responsibility to promote the social, economic, environmental and cultural well-being of communities in the present and for the future.

*Participation by Māori / Te Urunga o Ngāi Māori*

- 61. Council Officers have completed significant engagement with Iwi and Hapū on this matter as outlined earlier in the report.
- 62. A number of grants in the policy support community groups and organisations who deliver activities, programmes or services that contribute to identified outcomes and aspirations valued by whānau, hapū and Iwi.

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

- 63. Community engagement in this matter can be defined as people or organisations who have received funding from NPDC in the past.
- 64. Many of the changes made in this Policy are in direct alignment with feedback we have received from the community.

**Option 1 Adopt the new Policy and Policy Schedules.**

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

- 65. There are no immediate financial or resourcing implications, however should there be an increase in the funds in the future, there will be a significant increase in the internal resources required if we don't make changes to the administration.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

- 66. These changes may lead to an increase in the number of applications and the amount of funding requested, which the Council will be unable to accommodate. This could negatively impact the Council's reputation within the community.

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

- 67. Adoption of this policy will mean that the New Plymouth District Council will continue to meet the current and future needs of community groups and organisations.

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

68. This option is consistent with the Long-Term Plan and District Plans.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

69. The advantages of this option are that some of the unintended consequences from the original policy review will be remediated; there will be an increase in accessibility, ie: more organisations/groups will be able to apply; and there will be an improvement in the transparency of most decision making.
70. The disadvantage of Officer Delegation to applications under \$5,000 is the loss in transparency of the decision making.
71. The disadvantage of this option is that there is no change in funding available, therefore funding that is already significantly oversubscribed could increase in oversubscription rates.

11.1

**Option 2 Do not adopt the Policy and Policy Schedules.**

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

72. There are no financial or resourcing implications.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

73. The risk is that if the Policy is not adopted it will not best reflect the outcomes Council is wishing to achieve, nor will it reflect the current funding environment and the needs of our community groups and organisations.

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

74. Although the current Policy works to achieve the Community Outcomes it has been identified that it is not sufficiently meeting the mark.

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

75. This option is inconsistent with the Policy review period and will leave the current Policy unchanged since 2022.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

76. The disadvantages of this option are that the Policy will remain as is, without reflecting the current funding environment and community needs, and that community and Mana Whenua voice won't have been taken forward.
-

**Recommended Option**

This report recommends option 1, adopt the Community Funding Investment Policy and Policy Schedules, for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

- Appendix 1 Draft Community Funding Investment Policy (ECM 9461204)
- Appendix 2 Community Funding Investment Policy Schedules (ECM 9461199)
- Appendix 3 Community Funding Investment Policy Schedules with tracked changes (ECM 9461187)
- Appendix 4 NPDC Community Funding Investment Policy Review Survey Scale results (ECM 9461209)

**Report Details**

Prepared By:	Riley McGregor (Community Development Advisor)
Team:	Community and Economic Development
Approved By:	Damien Clark (Community and Economic Development Manager)
Ward/Community:	District Wide
Date:	11 March 2025
File Reference:	ECM 9461181

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

## Policy Schedules

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## Grant and Sponsorship General Information

### Grants requiring Council approval or by committee (where a committee has been established)

Grant Scheme	Maximum Funding Available	Frequency of Determinations
Community Services and Programmes Grant	\$30,000	Annually
Whanake Grant	Case-by-case basis	Annually
Social Enterprise Grant	Case-by-case basis	Annually
Community Partnership Grant	\$50,000	Annually
Creative Communities Scheme <sup>1</sup>	\$5,000	Twice yearly

11.2

### Grants approval delegated to officers, except where applications exceed the delegated authority

Grant Scheme	Maximum Funding Available	Frequency of Determinations
Built Heritage Protection Fund	One third of total project cost	Annually (for applications up to \$10,000)
Community Events Grant	Case-by-case basis	Annually (for applications over \$5,000) As required (for applications under \$5,000)
Cultural Heritage Protection Fund	Case-by-case basis	Annually (for applications up to \$10,000)
Charitable Sponsorship	\$500 per applicant	As required
Main Street Building Fund	One third of total project cost	Annually
Manaaki Urupā Grant	Case-by-case basis	Annually (for applications over \$10,000) As required (for applications under \$10,000)
Marae Development Grant	Case-by-case basis	Annually (for applications over \$10,000) As required (for applications under \$10,000)
Natural Heritage Protection Fund	One third of total project cost	As required (for applications up to \$10,000)
Planting Our Place Fund	\$5,000 excl gst	As required
Resource Management Support for Iwi and Hapū	Case-by-case basis	As required

<sup>1</sup> Funding is determined by the Creative Communities Advisory Committee in accordance with Creative New Zealand criteria and assessment guidelines.

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11.2

Grant Scheme	Maximum Funding Available	Frequency of Determinations
Rural Hall Development Grants	Case-by-case basis	Annually <sup>2</sup>
Zero Waste Fund	Case-by-case basis	Twice yearly

#### Foregone revenue and venue concessions

Financial Support	Maximum Funding Available	Frequency of Determination	Approval
Community Concessional Lease	Case-by-case basis	As required	Council committee
Rates Remission	Case-by-case basis	As required	Delegated authority as per the Rates Remission Policy
Reduced Service Rates	Determined by Schedule of Fees and Charges	As Required	Delegated authority

11.2

#### Funding partnerships determined through the Long-Term Plan or Annual Plan Process

Financial Support	Maximum Funding Available	Frequency of Determination	Approval
Strategic Council Partner	Case-by-case basis	Once every three years	Full Council

#### Funding allocated at the discretion of the Mayor

Grant Scheme	Maximum Funding Available	Frequency of Determinations
Mayoral Relief Fund	Case-by-case basis	As required

<sup>2</sup> If budget is not fully expended, rural hall societies are able to apply after the fact for projects under \$10,000

## Community Services and Programmes Grant

### Purpose

The Community Services and Programmes Grant aims to support projects and programmes that seek to strengthen the community and make long-lasting change.

The grant can be up to a maximum of \$30,000 per year and can be applied for as a multi-year grant of up to three years.

The grant specifically aims to:

- Support activities, programmes or services that directly benefit the wider community of the New Plymouth district.
- Foster and support services, programmes and activities which address unmet needs in the community.
- Create opportunities which develop knowledge, awareness and understanding of the community.
- Support groups and organisations whose activities are contributing to a growth in community wellbeing and community cohesion.
- Support activities that contribute to the social and cultural vibrancy and vitality of the New Plymouth district.
- Provide investment in new services and programmes as the move towards a path of sustainability.

### Eligibility

Only not-for-profit or charitable organisations or groups, who may or may not be a Registered Charity, are able to apply for this funding.

### Exclusions

In addition to the general policy exclusions, the following purposes are not considered:

- Competitive sporting activities
- Events (see the Community Events Fund)
- Fundraising activities (for supporting an event to raise funds)
- Projects, programmes or operational costs that have previously received Catalyst funding.

### Application requirements

In addition to the general application requirements the group or organisation must supply:

- A copy of the most recent annual accounts<sup>3</sup>
- Quotes for capital projects
- Strategic documents such as plans or strategies

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<sup>3</sup> Accounts must be compliant with the relevant legislation by which the organisation is established under, such as the Charities Act, Trusts Act or Incorporated Societies Act.

## Creative Communities Scheme

### Purpose

The Creative Communities Scheme supports and encourages local communities to create and present diverse opportunities for accessing and participating in arts activities. Under the scheme, “the arts” are broadly defined as *‘all forms of creative and interpretive expression’*.

This includes opportunities for creative participation in theatre, music, visual arts, digital art, applied arts, arts education, Toi Māori, literary workshops, digital storytelling, and many other activities.

### On behalf of Creative New Zealand

The Council administers the Creative Communities Scheme on behalf of Creative New Zealand. All eligibility criteria and exclusions are directed by Creative New Zealand and can be found on the Creative New Zealand website [www.creativenz.govt.nz](http://www.creativenz.govt.nz).

## Whanake Grant

### Purpose

The Whanake Grant aims to support community groups and organisations who deliver activities, programmes or services that contribute to identified outcomes and aspirations valued by whānau, hapū and iwi.

The grant can be applied for as either an annual grant or a multi-year grant of up to three years.

### Eligibility

- Only not-for-profit or charitable organisations or groups, who may or may not be a Registered Charity, are able to apply for this funding
- Applicants who have applied or received funding from other Council funding schemes are eligible to apply to the Whanake Grant

### Exclusions

In addition to the general exclusions, the following purposes are not considered:

- Competitive sporting activities
- Events (see the Community Events Fund)
- Fundraising activities (for supporting an event to raise funds)
- Projects, programmes or operational costs that have previously received Catalyst funding

### Application requirements

In addition to the general application requirements the group or organisation must:

- Explain how the activity, programme or service contributes to identified outcomes and aspirations valued by whānau, hapū and iwi
- Provide a copy of the most recent annual accounts<sup>4</sup>
- Provide quotes for capital projects
- Provide strategic documents such as plans or strategies

<sup>4</sup> Accounts must be compliant with the relevant legislation by which the organisation is established under, such as the Charities Act, Trusts Act or Incorporated Societies Act.

## Social Enterprise Grant

### Purpose

The aim of the Social Enterprise Grant is to provide seed funding to an organisation that seeks to earn an income for the sole purpose of reinvesting that income into the community to achieve wellbeing. There are many different forms of Social Enterprise. For the purposes of this policy, eligible organisations are defined as follows:

*A Social Enterprise is a revenue generating organisation with a primary purpose of achieving social, environmental and/or cultural objectives where profit is principally re-invested for that purpose of community good, rather than being driven by the need to maximise profit for shareholders, directors or owners.*

### Eligibility

Funding may only be sought by investment-ready enterprises.

The funding will be targeted at social enterprises that are either in a start-up phase or growth stage.

### Application requirements

In addition to the general eligibility criteria, applications will be considered and assessed in relation to the following:

- Whether the enterprise involves trade to achieve a social mission
- Demonstration of the extent to which there is a market for the enterprise and the potential for the business to be self-sustaining following the end of the grant period
- Whether the business plan is realistic and practical, and includes financial projections and accounts
- The extent to which the enterprise will deliver a social return on the investment
- The extent to which the enterprise may deliver an economic return on the investment through the employment of people, volunteers, and/or trading activities
- The extent to which the enterprise has governance, management and business capacity and capability in place to run the enterprise
- The total impact (social, economic, environmental and/or cultural) expected to be yielded

The group or organisation must provide a copy of:

- The business plan, and any relevant documents such as feasibility studies or economic reports
- The most recent audited financial accounts<sup>5</sup>

### General conditions

If the organisation receives a Social Enterprise Grant, this precludes the organisation from receiving any financial support through contestable funding from the Council in the future. This fund is to get social enterprises up and running to a self-sustainable model.

<sup>5</sup> While there is a preference for accounts that have been audited, if they are not available please discuss this with a Community Development Adviser.

## Strategic Council Partnership

### Purpose

The purpose of a Strategic Council Partnership is to recognise those community and not- for-profit organisations that deliver the strategic objectives of the Council, and with whom the Council is comfortable to engage in a long-term partnership (financial and/or otherwise).

### The relationship

The relationship between the organisation and Council will be one where there is both financial contribution and two-way collaboration. Organisations and Council will engage formally with each other in a symbiotic relationship to achieve key outcomes.

The organisation and council officers will work closely together to achieve strategic outcomes, as identified through the Council's Vision, Mission and Goals and provide milestone reporting to Council annually.

### Eligibility and application

Strategic Council Partnerships are identified by Council and made by full Council resolution usually during adoption of a Long-Term Plan or Annual Plan. The general policy eligibility and exclusions apply, however, Council has the discretion to make decisions on Strategic Council Partnerships outside of these exclusions.

### General conditions

Organisations that have entered into a strategic partnership with the Council will not be eligible to apply for other contestable funding or grants within the Community Funding Investment Policy<sup>6</sup>.

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<sup>6</sup> With the exception of Foregone Revenue and Venue Concessions and the Zero Waste Fund



## Community Partnership Grant

### Purpose

The purpose of a Community Partnership Grant is to recognise those community and not-for-profit organisations that are closely aligned to the strategic objectives of the Council, and with whom the Council is comfortable to engage in a medium-term partnership (financial and/or otherwise) relationship.

### The relationship

The relationship between the organisation and Council will be one where there is both financial and capacity support. Organisations will be willing to engage formally with Council in a symbiotic relationship to achieve key outcomes.

The organisation and council officers will work closely together to achieve strategic outcomes, as identified through the Council's Vision, Mission and Goals.

A Community Partnership is a mutually beneficial relationship between a community organisation and Council, working to achieve strategic Council outcomes and add value to the wider community.

### Eligibility and application requirements

In addition to the general policy eligibility, organisations need to meet all of the following criteria:

- Has an acknowledged strategic leadership and brokerage role within their sector
- Deliver work programmes and outcomes that have clear alignment to the Council strategic outcomes and priorities
- Has robust and strategic business plans in place
- Has a strong track record of achievement within the community
- Provides a direct benefit to the wider community
- Has a strong and supportive board of trustees or governance type model
- Outline how a collaborative and comprehensive partnership with Council will be achieved
- Is up to date with financial requirements e.g. annual return

Organisations must provide evidence of how they meet the above criteria.

### Exclusions

- Competitive sporting activities

### Application process

Organisations are able to express their interest in becoming a Community Partner by contacting the Community and Economic Development Team. Applicants who demonstrate they meet the above criteria will be invited to meet with the team to discuss the partnership approach prior to applying.

Applications declined for a Community Partnership Grant are automatically considered for Community Services and Programmes Grants in the same round.

### General conditions

Organisations that have entered into a strategic partnership with the Council will not be eligible to apply for other contestable funding or grants within the Community Funding Investment policy<sup>6</sup>.

<sup>6</sup> With the exception of Foregone Revenue and Venue Concessions and the Zero Waste Fund

## Built Heritage Protection Fund

### Purpose

The purpose of the Built Heritage Protection Fund is to assist private landowners manage, maintain, preserve and enhance the heritage values of heritage buildings or items on their properties. It provides a partial contribution towards the cost of a specific heritage project or work.

Activities that will be considered for a grant include, but are not limited to:

- Earthquake strengthening
- Repair or replacement of verandas, rooves, etc.
- Repiling
- Exterior cleaning and painting
- Specialist building work (e.g. stonework)

### Eligibility

This policy schedule allows applicants who are individuals, for-profit enterprises, mana whenua, not-for-profit organisations and registered charities.

To be eligible for a grant from the Built Heritage Protection Fund a heritage building or item must:

- Be identified as a heritage building or item in SCHED1 (Schedule of Heritage Buildings and Items) of the Proposed or Operative District Plan
- Meet the minimum points required under the assessment criteria attached as **per the table below**
- Have any legal requirements necessary for the works approved by statutory bodies or organisations (e.g. building and/or resource consents from Council and archaeological authorities from Heritage New Zealand Pouhere Taonga)

### Exclusions

Heritage buildings and items are not eligible for funding if they are on land owned by:

- Central or Local Government
- State Owned Enterprises
- Council Controlled Organisations

Funding may not be used for the purposes of:

- Professional advice (e.g. architect or engineer fees)
- Conservation or management plans
- Internal work that does not help ensure the future physical integrity of a heritage building or item (e.g. reconfiguration of spaces, updated or new kitchens and bathrooms, painting and wallpapering)
- Purchasing of a heritage building or item
- Religious activities except where religious buildings and items are identified in SCHED1 (Schedule of Heritage Buildings and Items) of the **Proposed District Plan**

Application requirements

In addition to the general eligibility criteria, applicants must provide two quotes for the work being undertaken (except where it includes earthquake strengthening) and a proposed colour scheme in heritage colours for any external painting. For work that includes earthquake strengthening, applicants must provide information about the total cost of the work, including contractor and cost breakdowns for various aspects of the work.

Conditions

Only one application per heritage building or item will be accepted every three years.

Recurring applications for the same type of work on a heritage building or item may not be accepted if previously funded work does not meet its expected lifespan.

Applications for heritage buildings identified in SCHED1 (Schedule of Heritage Buildings and Items) of the Proposed or Operative District Plan and located within the CBD that could be eligible for funding from the Main Street Building Fund must seek funding from the Built Heritage Protection Fund first.

Assessment Criteria

See **table below**

## Built Heritage Protection Fund Assessment Criteria

QUANTITATIVE MEASURES	POINTS
1. Degree to which the proposed work is necessary to ensure the maintenance or preservation of the heritage building or item	Essential work – 20 points <i>Generally allocated when work is required to ensure the future integrity of a heritage building or item, e.g. earthquake strengthening, repiling, roof replacement, etc.</i>
	Desirable work – 10 points <i>Generally allocated when work is required as part of regular/ongoing maintenance to keep a heritage building or item in good order, e.g. external painting, chimney repairs, replacing rotten weatherboards, etc.</i>
2. Degree of public access or use	High degree of public access or use – 20 points <i>Generally allocated when a heritage building or item is accessed or used by many in the community, e.g. retail stores, banks, school halls, etc.</i>
	Medium degree of public access or use – 10 points <i>Generally allocated when a heritage building or item is accessed or used by some in the community, e.g. professional offices, residential apartments, churches in rural areas, etc.</i>
	Low degree of public access or use – 5 points <i>Generally allocated when a heritage building or item is accessed or used by few in the community, e.g. residential houses, unoccupied industrial buildings, etc.</i>
	<i>Note: An item will be assessed for its future use once works are carried out, e.g. an empty building that will be earthquake strengthened and leased out as retail will be assessed as 20 points instead of 0 points.</i>
34. Level of prominence	Located in a commercial centre – 20 points <i>Generally allocated when a heritage building or item is located within the City Centre Zone (New Plymouth central area), Town Centre Zone (Inglewood, Waitara and Fitzroy) or Local Centre Zone (all other district centres) identified in the Proposed or Operative District Plan.</i>
	Located on a high volume traffic road – 10 points <i>Generally allocated when a heritage building or item is located on a state highway, arterial road or collector road identified in the Proposed or Operative District Plan.</i>
	Located on a low volume traffic road – 5 points <i>Generally allocated when a heritage building or item is located on a local road identified in the Proposed or Operative District Plan.</i>
Maximum total points	60 points
Minimum points required to be eligible to apply for funding	30 points

If an application meets the minimum points required, the following matters are taken into account:

- The degree to which the work is necessary to ensure the sustainable management, maintenance or preservation of the heritage building or item.
- Whether funding from other agencies is being sought for the heritage building or item (Note: Council is generally supportive of applicants applying to more than one funding source).
- The degree to which the work is in accordance with the principles of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value.
- The amount of money in the fund and the need for equitable distribution.
- Whether the heritage building or item has received funding previously or not.
- The degree to which the work aligns with Council strategies, policies and plans.

## Community Events Grant

### Purpose

The purpose of the Community Events Grant is to acknowledge grassroots community events and support the vibrancy of the district. The grant is also to support the establishment of future annual events with the aim of becoming a major attraction of the district.

Specifically, the grant will help with the following:

- Venue hire costs
- Promotion
- Hire of equipment such as sound, lighting, and toilet facilities
- Entertainers' fees
- Road closure costs

### Eligibility and exclusions

In addition to the general eligibility criteria, the specific eligibility criteria is as follows:

- This grant is only available to grassroots community events within the New Plymouth district

This grant will not fund:

- Competitive sporting activities
- Events that are exclusive to particular groups/members (e.g. school reunions/anniversaries, prize-giving events, end of year dinners for clubs).
- Events that have a focus on fundraising for a charity or not-for-profit.
- Events that qualify for Major Events Funding through Venture Taranaki.
- Event manager fees.
- Costs to hire Council owned/managed venues.

### Application requirements

In addition to the general application requirements applicants are expected to provide the following supporting documents:

- Event plan, including health and safety plan
- Any sponsorship agreements
- Quotes for hire of venues or equipment

### Conditions

Events must be either free or low-cost admission (\$5 or less) to the public and have a focus on encouraging participation across New Plymouth's diverse communities, as well as engaging local communities and neighbourhoods.

## Cultural Heritage Protection Fund

### Purpose

The Cultural Heritage Protection Fund assists landowners and mana whenua manage, maintain-preserve and enhance the cultural heritage values of archaeological sites or sites and areas of significance to Māori on their properties. It provides a partial contribution towards the costs of a specific project or work required to protect cultural heritage.

The fund contributes to achievement of the Kaupapa Māori Framework values of Rangatiratanga, Kaitiakitanga, Ūkaipōtanga and Kotahitanga developed for the Proposed District Plan by supporting mana whenua and landowners to protect cultural heritage.

Activities that will be considered for a grant include, but are not limited to:

- Priority works to clear overgrown and unusable sites
- Water connection assistance to urupā
- Fencing (e.g. around a pā site to prevent stock damage)
- Retaining walls or earthworks to prevent or remedy erosion
- Specialist underground geotechnical investigations to locate urupā for protection
- Structural repairs, cleaning and/or painting of stonework, monuments, memorials or headstones associated with a pā sites or other archaeological sites or sites of significance to Māori
- Development of agreements (legal or otherwise) between landowners and mana whenua to transfer ownership of the site or provide access to sites on private land
- Installation of interpretive signage for the site

### Eligibility

This policy schedule allows applicants who are individuals, for-profit enterprises, mana whenua, not-for-profit organisations and registered charities.

To be eligible for a grant from the Cultural Heritage Protection Fund an archaeological site or site or area of significance to Māori must:

- Be identified in SCHED3 (Schedule of Archaeological Sites or Sites and Areas of Significance to Māori) of the Proposed or Operative District Plan; or a site or area marking cultural heritage values on land zoned as Māori Purpose Zone within the Proposed or Operative District Plan or on Māori land identified under the Te Ture Whenua Māori Act 1993;
- Meet the minimum points required under the assessment criteria attached as **per the table below**
- Have any legal requirements necessary for the works to be carried out approved by statutory bodies or organisations, prior to applying (e.g. building and/or resource consents from Council, and archaeological authorities from Heritage New Zealand Pouhere Taonga)

Exclusions

Archaeological sites or sites and areas of significance to Māori are not eligible for funding if they are on land owned by:

- Central or Local Government
- State -Owned Enterprises
- Council Controlled Organisations

Funding may not be used for the purposes of:

- Professional advice (e.g. archaeologist fees)
- Conservation or management plans
- Work that does not help ensure the future physical integrity of an archaeological site or site or area of significance to Māori
- Purchasing of a property with an archaeological site or site or area of significance to Māori on it

Application requirements

- In addition to the general eligibility criteria, applications must be from the landowner and/or mana whenua. Applicants must also provide two quotes for the work being undertaken.
- Where a site is not identified in SCHED3 (Schedule of Archaeological Sites or Sites and Areas of Significance to Māori) of the district plan, two pieces of evidence about the site are required. Applicants require approval of the Iwi Relationships Team.

Conditions

Only one application per archaeological site or site or area of significance to Māori will be accepted every three years.

Applications in relation to ongoing maintenance of an urupā must seek funding for a Manaaki Urupā Grant first.

Assessment Criteria

See **table below**

## Cultural Heritage Protection Fund Assessment Criteria

QUANTITATIVE MEASURES	POINTS
1. Requirement for physical protection	Essential work— 20 points <i>Generally allocated for erosion, new fencing for stock exclusion or memorial structures that need urgent protection or remediation to ensure the future physical integrity of the site.</i>
	Desirable work 10 points <i>Generally allocated for maintenance of existing fencing, or structural repairs, maintenance, cleaning and/or painting of memorial structures to keep the site in good order.</i>
2. Education and interpretative value	High potential to enhance community understanding of past – 20 points
	Moderate potential to enhance community understanding of the past – 10 points
	Low potential to enhance community understanding of the past – 5 points
3. Access to site for mana whenua	There is access to the site for mana whenua— 20 points
	Access to site for mana whenua must be negotiated – 10 points
	Access to the site for mana whenua is not available –5 points
Maximum total points	60 points
Minimum points required to be eligible to apply for funding	30 points

If an application meets the minimum points required, the following matters are taken into account:

- The significance of the item from a heritage point of view
- The degree to which the work is necessary to ensure the sustainable management, maintenance or preservation of the archaeological site or site or area of significance to Māori
- Whether funding from other agencies is being sought for the archaeological site or site or area of significance to Māori (Note: Council is generally supportive of applicants applying to more than one funding source)
- The degree to which the work is in accordance with the principles of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value
- The amount of money in the fund and the need for equitable distribution
- Whether the archaeological site or site or area of significance to Māori has received funding previously or not
- The degree to which the work aligns with Council strategies, policies and plans



## Charitable Sponsorship

### Purpose

From time to time the Council is approached by charitable organisations who are seeking funding by way of sponsorship.

### Eligibility

Registered Charities may seek support from the Council to be a “sponsor” for their event.

The award of sponsorship monies will be granted to charities that have alignment to the core values and strategic vision of the Council.

### Conditions

The award of sponsorship monies is at the discretion of the Chief Executive or their nominee.

The monies available for charitable sponsorship shall be limited to \$500 per application. The amount of funding will depend on the availability of funds.

### Application Requirements

Applicants may only seek this funding once per financial year. Enquiries should be made to the Community and Economic Development Team.

## Main Street Building Fund

### Purpose

The purpose of the Main Street Building Fund is to enhance the vibrancy and character of buildings in the CBD areas of New Plymouth District. The fund helps commercial property owners or their tenants improve the frontage of their buildings, making them more attractive to potential customers and tenants and creating a more appealing CBD environment.

Grants can be used for:

- Street art and murals
- Façade painting, including signage
- Installation of decorative lighting, verandas and appropriate architectural features
- Repair work that enhances the vibrancy and character of the building
- Removal of unsightly features that do not fit the style of the building

### Eligibility

Buildings must be located within the CBD areas of New Plymouth District.

### Exclusions

- Work on a heritage listed building that has received funding from the Built Heritage Protection Fund is not eligible for this fund.
- Routine maintenance i.e. functional repair work, cleaning, safety upgrades, structural repairs
- Council-owned buildings and/or infrastructure are an exclusion

### Conditions

- Applications for work on any heritage listed building must be made to the Built Heritage Protection Fund first.
- Only one application per building every two years.
- Applicants are not to cover any of the improvements with advertising material, such as posters or billboards.
- Colours and signage should be in keeping with the building's era and design and may be subject to approval in accordance with the District Plan.

### Application

In addition to the general application requirements applicants are required to provide:

- Street art and murals
  - A description or mock-up or proposed artwork
- Façade painting:
  - Proposed colour scheme
  - Two quotes for the work
- Explanation of how the works will comply with health and safety requirements
- If the applicant is a tenant, written approval from building owner

## Manaaki Urupā Grant

### Purpose

The purpose of the Manaaki Urupā Grant is to partially cover the annual costs incurred by urupā owners/trustees in the on-going care of their urupā as well as the establishment of new urupā.

The grant can go towards activities directly related to the care of the urupā, including but not limited to the following (in order of priority):

1. Maintenance, repair and cleaning of headstones
2. Installation, repair and maintenance of gateways and fences
3. Replacement of equipment (e.g. lawn mowers, gardening tools)
4. Establishing new urupā (survey and new fencing costs)
5. Mowing
6. Maintenance of hedges and trees

Retrospective costs of urgent work to remain operational.

### Eligibility

To be eligible for a Manaaki Urupā grant the urupā must be:

- Within the New Plymouth district; and
- Located on:
  - Land designated a Māori reservation under section 338 of the Te Ture Whenua Māori Act 1993 for the purposes of an urupā; or
  - Māori freehold land; or
  - General land in Māori ownership.

Council may also consider urgent protection-related work on a case-by-case basis, including, but not limited to:

- Erosion-related mitigation
- New car-parking, vehicle and pedestrian access ways
- Flood mitigation

### Exclusions

The Manaaki Urupā grant may not be used for:

- Multiple-year projects
- Payment of salaries, wages, commissions, fees etc.
- Power and water rates, legal fees or leases

### Application

When applying for a Manaaki Urupā Grant, applicants will need to provide evidence that the urupā meets the criteria. The evidence requirements are attached as **per the table below**.

Conditions

- Only one application per urupā will be accepted per financial year
- Requests for retrospective costs if urgent work is required must be agreed to prior to applying by the Iwi Relationships Team
- Projects must be completed no later than October 31 of the year following the grant

Assessment Criteria

See table below

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## Manaaki Urupā Grant Evidence Requirements

APPLICATION CRITERIA	EVIDENCE REQUIRED
Eligibility	<p>The Urupā meets the criteria by providing:</p> <ul style="list-style-type: none"> <li>• A copy of the <i>Certificate of Title</i></li> <li>• Screenshot from the Māori Land Court's <i>Māori Land Online</i> website; or</li> <li>• Copy of the notice in the <i>New Zealand Gazette</i> establishing a Māori reservation for the purpose of an Urupā</li> </ul>
Estimated costs of activities	The costs of the activities are verified by a third-party quote
Letter of support	<p>A letter of support from an appropriate sponsor must be provided. The letter should:</p> <ul style="list-style-type: none"> <li>• Verify that the urupā interests an applicant represents are genuine; and</li> <li>• Support the proposed activities</li> </ul> <p>A sponsor may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Chair of a relevant urupā trust; or</li> <li>• One or more urupā owners</li> <li>• CEO of an appropriate Iwi rūnanga</li> <li>• Chair of a relevant hapū entity</li> </ul> <p>If Council receives more than one application on behalf of an urupā in the same year, the matter will be referred back to the submitters for resolution.</p>
Confirmation of works completed	<p>The following evidence proving the completion of works (to be submitted by October 31 of the following year of the grant) include:</p> <ul style="list-style-type: none"> <li>• Dated before and after photographs</li> <li>• Before and after visits by Council Officers; or</li> <li>• Receipts, invoices or bills marked as paid.</li> </ul>

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## Marae Development Grant

### Purpose

The purpose of the Marae Development Grant is to support funding for the maintenance and development of the District's Marae.

Grants may be sought for the following purposes:

- External works (protection of the fabric of the building ensuring it is structurally sound and watertight)
- Health and safety (work that ensures the building is safe and secure for all using it and includes areas such as electrical work, faulty floorboards, plumbing and heating/lighting).
- Accessibility (work that improves the accessibility of the buildings and facilities for people with accessible needs, in particular, Kaumātua)
- Hygiene (matters relating primarily to drainage, kitchens, bathrooms, drinking water and toilet areas)
- Interior structure (walls, ceilings, and the internal structures not already covered by the above)
- Aesthetic and capital projects (allowing for new projects to achieve the future aspirations of the Iwi/Hapū)
- Creating or updating Marae Development Plans
- Retrospective costs if urgent work is required (must be agreed to prior to applying by the Iwi Relationships Team)

### Eligibility

To be eligible the Marae must be an incorporated society or trust.

### Application

Applicants must supply the following:

- Quotes (minimum of two quotes for non-urgent works)
- Resolution from the Marae trustees to apply for funding

## Marae Insurance

Insurance funding for Marae is excluded from the Marae Development Grant. Insurance funding is separately available for Marae. Marae Committees are advised to contact Council Officers. Insurance funding will only cover the costs of:

- Material Damage, including insurance of whakairo, tukutuku and kōwhaiwhai
- Business liability
- Contract works for development/renovations

## Natural Heritage Protection Fund

### Purpose

The purpose of the Natural Heritage Protection Fund is to help private landowners manage, maintain, preserve and enhance the natural heritage values of natural areas on their properties. The work must be necessary to ensure the conservation and preservation of the natural area.

The Natural Heritage Protection Fund covers fencing to protect the natural area from stock damage.

### Eligibility

This policy schedule allows applicants who are individuals, for-profit enterprises, mana whenua, not-for-profit organisations and registered charities.

To be eligible for a grant from the Natural Heritage Protection Fund a natural area can:

- Be protected by being identified in SCHED6 (Schedule of Rural Significant Natural Areas) of the Proposed or Operative District Plan, or by way of a protective covenant, or by other legal mechanisms providing similar protection to a protective covenant
- Where the property is protected by way of a protective covenant or by other legal mechanisms providing similar protection to a protective covenant:
  - The protective covenant or other legal mechanism must meet the requirements of the Proposed or Operative District Plan for legal protection of the special ecological features to achieve the protective outcome
  - The protected natural area meets the significance criteria for being protected in the Proposed or Operative District Plan
  - The area of land containing the protected natural features must be readily identified and able to be measured distinctly from the total area of the property
- Meet the eligibility criteria required under the assessment criteria attached as **per table below**
- Have any legal requirements necessary for the works to be carried out approved by statutory bodies or organisations prior to applying for release of funding (e.g. QEII covenant pre-approval, resource consent for earthworks)

### Exclusions

Natural areas are not eligible for funding if they are on land owned by:

- Central or Local Government
- State Owned Enterprises
- Council Controlled Organisations

Funding may not be used for the purposes of:

- Professional advice (e.g. ecologist fees)
- Conservation or management plans
- Work that does not help ensure the future physical integrity of a natural area (e.g. new carparking next to a natural area, interpretation signage, etc.)
- Purchasing of land
- Complying with conditions or terms of a resource consent, or other statutory permission or obligation.

Conditions

Only one application per natural area will be considered, unless it is rational to stage fencing and protection, in which case one application will be considered every two or more years.

Where the natural area is not identified in SCHED6 (Schedule of Rural Significant Natural Areas) of the Proposed or Operative District Plan, Council Officers must be satisfied that the landowner is committed to entering into a conservation covenant with a covenanting agency.

Application requirements

In addition to the general eligibility criteria evidence of the legal protection mechanism and a plan to sustainably manage the ecological values of the protected natural features must be provided.

Assessment Criteria

See **table below**

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## Natural Heritage Protection Fund Assessment Criteria

QUESTION	QUANTITATIVE MEASURES	ELIGIBILITY
<b>One</b>	Is the natural area a significant natural area under SCHED6 (Schedule of Rural Significant Natural Areas) of the Proposed or Operative District Plan?	Yes – consider question two then go to question three No – next question
<b>Two</b>	Does the natural area meet the criteria for a significant natural area and will the natural area have a land covenant registered on a <a href="#">Record of Title</a> to protect an area for indigenous biodiversity under the Queen Elizabeth II National Trust Act 1977, the Reserves Act 1977 or the Conservation Act 1987, or a Ngā Whenua Rāhui Kawenata, or other legal mechanism providing equivalent or similar protection?	Yes – next question No – <b>not eligible</b> (unless a significant natural area under SCHED6, next question)
<b>Three</b>	Has other matching funding been sought or has other contributory funding from the applicant been made apparent?	Yes – next question No – <b>not eligible</b>
<b>Four</b>	Does the natural area function as a wildlife corridor or contribute to connectivity in the landscape?	Yes – next question No – <b>not eligible</b>
<b>Five</b>	To what extent is the natural area under threat from grazing and pest animals?	High – eligible for one third of total project cost Medium – eligible for one quarter of total project cost Low – eligible for one fifth of total project cost

The following matters are taken into account when assessing applications:

- The significance of the natural area from a natural heritage point of view
- The degree to which the work is necessary to ensure the sustainable management, maintenance or preservation of the natural area
- Percentage of current peripheral fencing and proposed new fencing
- Whether funding from other agencies is being sought for the natural area Note: Council is generally supportive of applicants applying to more than one funding source)
- Whether the applicant is prepared to legally protect the feature/item e.g. QEII Covenant, Reserves Act covenant, Ngā Whenua Rāhui Kawenata
- The amount of money in the fund and the need for equitable distribution
- Whether the natural area has received funding previously or not
- The responsibilities of other statutory bodies or organisations in protecting or maintaining the natural area
- The prominence of the natural area, i.e. its location, proximity to other natural features, any public access connectivity, any landscape amenity attributes
- The degree to which the work aligns with Council strategies, policies and plans

## Planting Our Place - Te Korowai o Tāne

### Purpose

The purpose of the Te Korowai o Tāne grant is to assist not for profit community groups in purchasing native tree and shrub species to plant on their relevant properties. This grant will provide 'wrap around' support for New Plymouth's community to engage in positive action for climate change and the environment, and will augment the work occurring through the planting of public land through Planting our Place to facilitate and expedite achievement of the 10% urban vegetation cover target.

### Eligibility

To be eligible for the Planting Our Place grant the applicant must be a community group or not for profit organisation, which includes (but is not limited to):

- Schools
- Sports clubs
- Kōhanga reo, kindergartens, early childhood centres and play centres
- Marae

The space to be planted is to be located within the urban environment and ideally would contribute to priority planting areas (for example, a biodiversity corridor, stream, wetland or native forest or coastal margin).

Applicants who have applied or received funding from other Council funding schemes are eligible to apply to the Planting Our Place – Te Korowai o Tāne.

### Exclusions

The grant cannot be provided for:

- Individuals or private residential/commercial property
- Planting exotic trees or fruit trees
- Establishing a nursery

### Funding may not be used for the purposes of:

- Labour to prepare the planting site
- Maintenance of the planting site
- Planting the plants

### Application requirements

- In order to apply for funding the applicant must provide a quote for the plants from a supplier approved by Council.
- The application must include a simple planting and maintenance plan that:
  - identifies the planting area location and size (m<sup>2</sup>)
  - lists species selections appropriate to the local ecosystem type and plant numbers
  - sets out plant spacing, timing and sequence of works
  - provides a maintenance plan to ensure planting establishment

### Conditions

- Before and after photos must be provided to confirm the planting has been undertaken
- Funding must be used for Indigenous plants only and at least 20% of mix to be large trees (canopy species >5m at maturity) for carbon sequestration
- Planting should be carried out between April and August
- Planting must be intended to be in perpetuity
- Council reserves the right to account for any greenhouse gas emission reductions as part of its emissions accounting
- Only one application will be accepted per property every three years
- Maximum of \$5000 per group or entity

11.2

## Resource Management Support Grant for Iwi and Hapū

### Purpose

The purpose of this fund is to enable Iwi and Hapū to purchase a range of professional services to facilitate their participation in resource consent processes so as to incorporate Māori values in resource management decision making.

### Eligibility

This grant is only available to Iwi and Hapū.

To be eligible, services must relate to resource consent processes or applications, or private plan change processes where the Council is the consenting authority.

Services that are eligible are for professional services and reports including, but not limited to:

- Planning
- Legal
- Specific technical assessments (e.g. hydrology engineering, ecological landscape, noise)
- Cultural services and advice
- Valuation services
- Monitoring
- Scientific services
- Contribution towards master planning and feasibility studies

### Exclusions

The grant is not to be used for any of the following services:

- Purchase of equipment or machinery
- Enforcement or compliance matters
- Costs incurred in preparation of a resource consent application or private plan change
- Debt services

### Application

In order to apply for this grant, applicants should discuss with the Planning Team or Manager Iwi Liaison, who will then provide the application form link.

## Rural Halls Development Grant

### Purpose

The purpose of the Rural Halls Development Grant is to support funding for the maintenance and development of the district's rural halls.

Grants may be sought for the following purposes:

- External works (protection of the fabric of the building ensuring it is structurally sound and watertight).
- Health and safety (work that ensures the building is safe and secure for all using it and includes areas such as electrical work, faulty floorboards, plumbing and heating/lighting).
- Accessibility (work that improves the accessibility of the buildings and facilities.)
- Hygiene (matters relating primarily to drainage, kitchens, bathrooms and toilet areas).
- Interior structure (walls, ceilings, and the internal structures not already covered by the above).
- Aesthetic and capital projects (allowing for new projects).

### Eligibility

Applications will be considered from hall societies for capital improvements and preventative maintenance works on a priority needs basis. Priority needs are:

- Halls with more than 30 hours per month demonstrated average use (excluding school holiday weeks).
- Where the lack of maintenance would constitute a health, safety or fire risk, or compromise weather tightness.
- Halls that have less than 30 hours per month use, but who can demonstrate that the work being undertaken will increase hall hire.

Halls that meet both criteria one and two have first priority.

### Exclusions

A rural hall that in the opinion of Council Officers is in a significant state of disrepair and inappropriate for community hire will not be eligible for a grant.

### Application requirements

In addition to the general application requirements applicants must provide:

- A copy of the most recent financial accounts; and
- Two quotes for the proposed works.

## Rural Hall Insurance

All Hall Committees/Societies are encouraged to insure the halls with a material damage policy.

Insurance funding is excluded from the Rural Halls Grants. Insurance funding is separately available for Rural Halls. Rural Hall Committees are advised to contact Council Officers.

## Zero Waste Fund

### Purpose

The purpose of the Zero Waste Fund is to boost the district's performance in waste minimisation. Projects should benefit New Plymouth district and lead to measurable reductions in waste to landfill, or other waste improvements.

Only waste minimisation projects are eligible for funding. Projects must promote or achieve waste reduction through initiatives that avoid, reuse, recycle or recover waste, or make use of resources diverted from landfill.

Projects can include, but are not limited to:

- Education or behaviour change, to promote waste minimisation activity to the public or a particular target audience.
- Infrastructure that helps divert resources from landfill.
- Understanding existing waste quantities and composition, behaviour or economic incentives, as a precursor to effectively reducing waste and/or increasing reuse.
- Design of product stewardship schemes or other solutions that promote and achieve waste minimisation
- Other initiatives that contribute to the actions and strategic priorities of the Council and the NPDC *Waste Management and Minimisation Plan*.

### Eligibility

Applicants can be individuals, businesses or groups based within the New Plymouth district.

Projects must be new or expanded activities and should be for a specified timeframe, with achieved results within one year, however multi-year projects can be considered.

Applications will be considered against the assessment criteria based on the Council *Waste Management and Minimisation Plan*<sup>7</sup>.

### Exclusions

Funding will not be awarded for existing activities or the running costs of existing activities of organisations, individuals or groups.

### Application

In addition to the general application requirements applicants must provide the following:

- Evidence of funding from other sources (including in-kind funding)
- Any other information required during the zero waste funding process

### Conditions

The maximum amount of funding available to individuals applicants is \$15,000.

The level of reporting required will depend on the amount of funding granted. For projects/activities greater than \$5,000 reporting will be required at key milestones, as well as a final outcomes report. For projects seeking less than \$5,000 a final one-off report will be required.

<sup>7</sup> Criteria will be made available on the Council website and determined by Council Officers.

## Community Climate Action Fund

### Purpose

The purpose of the Community Climate Action Fund is to foster community action and transition to a sustainable, net zero emissions, climate resilient future.

Activities that will be considered for a grant include:

- Greenhouse emissions reduction initiatives, including:
  - Renewable energy, micro-grids, electrification and energy efficiency
  - Sustainable transport and travel, including electric vehicles, e-bikes and active transport
  - Low energy, sustainable homes
- Climate adaptation and resilience initiatives, including:
  - Community resilience and emergency preparedness
  - Resilient local food systems and climate-resilient agriculture
  - Water resilience
  - Natural ecosystem resilience
- Climate-related education initiatives, including behaviour change, upskilling and awareness
- Research and investigations into emissions reduction or adaptation and resilience related to New Plymouth District, including:
  - Feasibility studies or emissions reduction plans for significant emissions reduction
  - Climate change risk assessments
  - Citizen science projects for emissions reduction, climate adaptation or resilience

Projects will receive priority if they:

- Support mana whenua priorities relating to climate change
- Support rangatahi/youth priorities relating to climate change
- Support communities and demographic groups vulnerable to climate change impacts
- Provide for long-term benefits that accrue beyond the terms of the funding (for instance, catalysts for larger change, proof of concept, or permanently removes emission sources)
- Provide benefits to both reducing greenhouse gas emissions and climate adaptation and resilience
- Provide for benefits that accrue to the community rather than an organisation's internal operations

Council may also set annual priorities where, in the view of Council, greater focus is required to ensure a transition to a sustainable, net zero emission, climate resilient future.

### Eligibility and exclusions

Applicants can be community groups, mana whenua trusts or schools based within the New Plymouth District, as well as research institutes.

The grant will not fund:

- Projects that fit within related community funding schemes operated by Council (Planting our Place – Te Korowai o Tāne, Natural Heritage Protection Fund Scheme and the Zero Waste Fund)
- Projects that duplicate existing Council services or programmes

- Projects that undermine other funding criteria (for instance, a climate adaptation and resilience project must not result in increasing greenhouse gas emissions)
- School building work
- Emergency preparedness initiatives for emergency centres that do not have a memorandum of understanding with Council's Emergency Management Team.

#### **Conditions**

- Eligible projects costs for the replacement of fossil fuel uses (e.g. replacing gas boilers with heat pumps or petrol/diesel cars with electric cars) are calculated as the cost difference between the preferred low/no carbon product and the equivalent fossil fuel product, as well as any supporting infrastructure changes (such as electricity supply).
- Council reserves the right to require co-funding or in-kind support for substantive projects where benefits accrue to community organisation's internal operations rather than the wider community.
- Council reserves the right to account for any greenhouse gas emission reductions as part of its emissions accounting.

#### **Application**

In addition to the general application requirements:

- the group or organisation must provide quotes where it is relevant to the project applied for.
- Where an application is seeking to replace a fossil fuel use with a low/no carbon product, a quote must be provided for the low/no carbon product and either a quote for the fossil fuel product or publicly available pricing information on a fossil fuel product. Council reserves the right to seek a comparison to an alternative fossil fuel product if, in the opinion of Council, the product is not an appropriate equivalent product.
- Applicants should, where relevant, provide a business plan for how a project will continue to provide benefits after the funding ends.
- Projects that reduce greenhouse gas emissions may, but are not required to, provide an estimate of emissions reductions.



## Community Concessional Lease

### Purpose

The purpose of the Community Concessional Lease is to recognise the value of a not-for-profit group or organisation occupying Council owned land and/or property, through the award of a reduced lease fee.

### Eligibility

When considering approval of a new community concessional lease or the renewal of an existing lease, the Council will consider a number of factors including:

- Type of use or activity and its consistency with the purpose of the reserve and its location
- The contribution the proposed activity will make towards Council's strategic vision and key community outcomes
- Whether the organisation has demonstrated history of having stable membership and being a trustworthy leaseholder
- The amount of financial investment the lessee intends to make into the leased area or associated structures
- Feasibility of any development and the ability to fund ongoing operating costs, including funding of capital replacement
- The time commitment the lessee is willing and interested in negotiating

In addition, all proposals must be consistent with the policies and requirements set out in legislation and other council policies, including the Council's General Policies for Council Administered Reserves 2006, Reserve Management Plans and the Reserves Act 1977.

### Application

Applications for a community concessional lease must contain:

- Description of activity/use
- Relevant information about the group/organisation applying for the lease including:
  - membership information
  - financial statements
  - strategic plan/business plan
- Length of term the lease is sought for and reasons for this (noting maximum that can be granted under the Reserves Act 1977 is 33 years).

For applications involving new activities/use or change of an existing use:

- Assessment of potential effects of the activity/use and any proposed steps to avoid, remedy or mitigate any adverse effects.
- Information about alternative locations considered and reasons why these have been discounted.
- Assessment of the proposed activity/use against relevant legislation, regulations, codes and bylaws.
- Feasibility study and business plan for any new activities that are expected to cost over \$100,000 or result in debt levels of \$10,000 or greater. The contents of the feasibility study is to be discussed with Council Officers on a case-by-case basis.

## Community Concessional Leases cont.

### Lease rental

#### Land only leases

This type of lease would apply to organisations that own their own building and improvements and lease only the land occupied by those buildings and/or improvements.

The land rental will be a flat-rate as set by the Council in the Long-Term Plan or Annual Plan.

#### Land and building leases

This type of lease would apply to organisations that lease council owned buildings as well as any land occupied.

The land component of the rental will be a flat-rate as set by the Council in the Long-Term Plan or Annual Plan.

An additional building rental will be set at a rate of 0.1% plus GST per annum of the current fair asset value of the building occupied, with a minimum rental level set by the Council in the Long-Term Plan or Annual Plan.

*Note: All rentals will be reviewed in accordance with the terms and conditions of the individual leases, which is generally every three years to the Consumer Price Index (CPI).*

## Mayoral Relief Fund

### Purpose

The Mayoral Relief Fund exists to provide assistance to families and individuals who are undergoing extreme financial hardship.

The fund may be used to support organisations supporting families and individuals.

Other forms of assistance ~~will~~ may be made available from the fund at the discretion of the District Mayor.

#### a) Families and Individuals

- i. Eligibility
  - Every applicant's circumstances are unique
  - The requirement for support must be one of proven financial hardship. The applicant must have exhausted general sources of assistance such as the Ministry of Social Development, or local food banks, as well as their immediate family (if applicable).
- ii. Application Requirements
  - Applications will be made directly through the Mayor's office
  - The Mayor's office will investigate the request before making a decision. Investigation is likely to involve a discussion with third parties, and applicants may be required to give consent to obtain information from relevant sources such as the Ministry of Social Development, Kāinga Ora, local food bank or New Zealand Police.

#### b) Organisation

- i. Eligibility
  - Each organisation's circumstances are unique.
  - Any funding requested must relate directly to providing support for families or individuals within the community.
  - The organisation will have exhausted all general avenues of assistance, both locally and nationally.
- ii. Application Requirements
  - Applications will be made directly through the Mayor's office
  - Evidence is to be provided that no other sources of funding are available to the organisation at the time of application.

### Decision making

The Mayor has sole delegated authority to approve or decline requests and/or provide funding.

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## ART IN PUBLIC PLACES STRATEGY REVIEW 2025

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### MATTER / TE WHĀINGA

1. The matter for consideration by the Council is the review of the Art in Public Places Strategy and the adoption of a new Strategy.

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

#### a) Notes that:

- i) New Plymouth District Council developed the Art in Public Places Strategy in 2008;
- ii) The New Plymouth District Art in Public Places Trust was established in 2009 to deliver the Art in Public Places Strategy, and;
- iii) The Art in Public Places Strategy was reviewed in 2023. Council adopted minor changes to support the ongoing viability of the New Plymouth District Art in Public Places Trust and instructed officers to undertake a full district-wide review of the Art in Public Places Strategy as soon as possible.

#### b) Adopts the new Art in Public Places Strategy (Appendix 1 ECM9486373).

#### c) Revokes the existing Art in Public Places Strategy (S08-002) (Appendix 2 ECM1254354).

### STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee recommend Council retain the existing Art in Public Places Strategy *and develop a location framework and Memorandum of Understanding to specify Councils expectation for Māori representation on the Trust.*

### KAITAKE COMMUNITY BOARD RECOMMENDATION

3. The Kaitake Community Board recommend Council retains the existing Art in Public Places Strategy and develops a framework to include:
  - i) A focus on local artwork, and
  - ii) Reference to Mana whenua

**COMMUNITY BOARD RECOMMENDATIONS**

4. The Inglewood, Puketapu-Bell Block, Clifton and Waitara Community Boards endorsed the Officer’s recommendation.

**TE HUINGA TAUMATUA RECOMMENDATION**

5. Te Huinga Taumatua endorsed the Officer’s recommendation.

<b>COMPLIANCE / TŪTOHU</b>	
Significance	This matter is assessed as being of some importance
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"><li>1. Adopt the new Art in Public Places Strategy</li><li>2. Retain the existing Art in Public Places Strategy</li></ol>
Affected persons	The persons who are affected by or interested in this matter are Art in Public Places Trust Trustees and New Plymouth District residents and visitors.
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 / WHAKARĀPOPOTOTANGA MATUA**

6. Officers recommend Council adopts a new Art in Public Places Strategy (the Strategy) to guide the delivery of impactful art in public places. The Strategy has a partnership approach, with the independent New Plymouth District Art in Public Places Trust (the Trust) as the primary partner.
7. A full review showed the existing Strategy does not align with key stakeholder views. The review found that the current model, with the Trust solely responsible for delivering the Strategy, does not reflect how Council delivers artworks through a range of partnerships.

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8. The proposed new Strategy reflects aspirations for art in public places to be relevant to our communities and for local partners to be involved in its delivery. It moves operational details to a toolkit (which can be updated as required) and references a memorandum of understanding with the Trust and a location framework clarifying that the Strategy is district-wide rather than New Plymouth-centric.
  9. The new Strategy will guide the delivery and management of public art across Council activities, enhancing New Plymouth District's reputation as an art destination.
  10. The Trust will no longer be solely responsible for delivering the Strategy, but their work will be informed by it. Retaining the Trust as the primary but not exclusive partner allows independent commissioning of public art and increases funding opportunities through donations and bequests. Council can also support projects with other partners where possible.
  11. An updated memorandum of understanding between Council and the Trust will include Council's expectation for Māori representation on the Trust, specifically through a Trustee/Trustees who bring local Toi Māori expertise.

## **BACKGROUND / WHAKAPAPA**

12. Council adopted the first Art in Public Places Strategy in December 2008. The purpose of the Strategy was to support the vision that New Plymouth District be recognised nationally and internationally for excellence in public art.

### *The New Plymouth District Art in Public Places Trust*

13. The Trust was established in 2009 as an independent entity responsible for delivering the Strategy. Council supported the establishment of the Trust with \$310,000 seed funding. Since 2019, Council has provided the Trust with \$50,000 annum.
  14. As an independent entity the Trust appoint their own Trustees. Several long-standing Trustees resigned from the Trust in 2021 and have not yet been replaced due to the ongoing Strategy review. There are currently two Trustees.
  15. The Trust reduces ratepayer costs by managing bequests, donations, and fundraising for public art. The Trust also provides independent advice to Council on proposed artwork gifts and bequests.
  16. Historically the Trust has been expected to commission a significant artwork at least every two years. However the definition of a "significant" artwork has not been established, and rising costs along with non-inflation-adjusted funding have impacted the Trust's ability to meet expectations.
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17. The Trust has commissioned nine permanent and one temporary artwork since its establishment. It has also sponsored two light-based artworks for the TSB Festival of Lights. Most of the works can be seen on the Trust's [website](#).
  18. The Trust's role in delivering the Strategy has not been clearly defined. Under the existing Strategy they are fully responsible for delivering art in public places, however Council is involved with public art initiatives through a wide variety of avenues and partnerships that often do not include the Trust.
  19. The Trust have also been responsible for assessing potential gifts and bequests of artworks that would be owned by Council, however Council's decision-making role in this process is not defined and the Trust's recommendations have been followed inconsistently. Similarly, the Trust has also been required to find locations for artworks purchased by Council without the Trust's prior involvement or assessment.

#### *2022-2023 Art in Public Places Strategy Review*

20. In 2022, the Trust reviewed its operations and identified several issues affecting their ability to deliver artworks. These included projects stalling for reasons outside of their control, an increased workload associated with project management and site identification, and ongoing vandalism of Len Lye's *Waving Wands* artwork.
  21. Council Officers initiated a review of the Strategy to address the issues faced by the Trust, and paused the Trust's funding for the 2022-2023 financial year while the review took place. The review identified two recommendations to support the Trust's viability. The recommendations were:
    - a) For Council to identify a list of potential sites for art in public places, and;
    - b) For Council to clarify that the funds it provides the Trust can be used for project management costs to make the delivery of artworks more sustainable.
  22. Council adopted the recommendations in May 2023. Due to limited engagement with wider stakeholders, and fair expectation from the community that a full review was due to take place, Council also instructed officers to:
    - a) Undertake a full district wide review of the Strategy as soon as possible;
    - b) Develop an updated memorandum of understanding (MOU) between the Trust and Council which should include an increased commitment to the inclusion of local Māori narratives and artists, and;
    - c) Discuss the inclusion of tangata whenua representation on the Trust.
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*2024/2025 Art in Public Places Strategy Review*

- 23. The current review began in mid-2024. The Trust has been operating at a reduced capacity during the review.
- 24. Council resumed annual funding to the Trust in the 2023-2024 financial year after adopting the revised Strategy, allowing the Trust to continue an interim work programme. Since 2024 the Trust has sponsored *Affinity* (TSB Festival of Lights) and worked with three Taranaki-based artists on the development of projects that are pending delivery. The Trust also has several other projects in progress including redevelopment of its website and potential remedial work for some artworks.
- 25. The Trust has expressed their desire to work under a more sustainable and community-focused model, with Te Ao Māori embedded and represented in their governance team. The Trust has also indicated that it could be wound up if Council’s strategic direction changed.

*2024/2025 Engagement*

- 26. Council officers led targeted engagement for the Strategy review, with input from the following stakeholders summarised below:
  - a) Iwi and hapū representatives: Officers engaged with representatives from Te Atiawa, Ngāti Mutunga, Taranaki Iwi, and Ngāti Tama as well as Ngāti te Whiti, Puketapu, Manukorihi, and Ngā Mahanga hapū. Collectively they expressed the importance of mana whenua representation on the Trust, early engagement, meaningful partnership, and the value of reflecting community narratives and aspirations;
  - b) Venture Taranaki: Venture Taranaki values art in public places for promotion of our District and enhancing vibrancy, highlighting the potential for art trails and experiences to drive tourism. Venture Taranaki also expressed the importance of celebrating our unique district through art that represents local stories, places, and people;
  - c) Creative Taranaki; As our regional arts advocacy body, Creative Taranaki supports the growth of art in public places and the establishment of mana whenua representation on the Trust, along with wider mana whenua partnership with Council;
  - d) Other key stakeholders and potential investors: Other groups support a broad partnership approach to leverage potential funding, and emphasise the need for a clear strategy supported by strong governance and a targeted investment framework;



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- e) Impacted internal NPDC teams: Representatives from Iwi Relationships, Parks and Strategic Planning support a partnership approach for the Strategy to better reflect current processes, embed a commitment to collaborating with mana whenua, and provide opportunities to leverage other funds, particularly in relation to a strategic location framework. The proposed toolkit is supported by the Parks team who are responsible for managing art in public places once it comes under Council ownership;
  - f) Sport Taranaki: Sport Taranaki are invested in the activation of public spaces that encourages physical activity, particularly for young people. They encourage the inclusion of play elements in art in public places and the establishment of trails and experiences to facilitate movement, and;
  - g) The Trust: The Trust supports a broad partnership approach as they are not resourced to be fully responsible for the delivery of a Council strategy. They are seeking guidance from Council through the Strategy and MOU to direct their workplan and provide clarity on their role, and are committed to mana whenua partnership and the activation of the wider public art landscape.
27. Officers have also taken into account the valuable feedback given by Council during the 2023 review. Specifically, officers note that Community Boards expressed a concern that public art initiatives have largely taken place in New Plymouth rather than throughout the district, and that Te Huinga Taumatua emphasised the need for more Māori artists and narratives, and for Māori representation on the Trust.
28. Council officers have reviewed art in public places strategies and policies of other Councils around New Zealand to identify gaps and ensure alignment with national best practice in public art delivery and management.
29. Through this engagement, and taking into consideration the feedback from 2023, Officers have identified several themes that have informed the new Strategy and development of an MOU between Council and the Trust. These themes are:
- a) The aspiration for art in public places to reflect the unique and diverse stories, places, and people of New Plymouth District;
  - b) The importance of a partnership approach that enables collaboration with a range of stakeholders, especially mana whenua, while leveraging funding opportunities;
  - c) Ensuring Te Ao Māori is embedded and represented on the Trust;
  - d) The importance of early, meaningful engagement with mana whenua and a commitment to mana whenua-led narratives;
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- e) A district-wide and community-focused approach rather than New Plymouth-centric approach to identifying locations for art in public places, and;
- f) The delivery of the Strategy is Council’s responsibility rather than solely that of the Trust.

**CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

- 30. There are no direct climate change impacts and considerations associated with this matter. While the manufacture and installation of art in public places may generate emissions, art also has potential to educate audiences on climate change and encourage behaviour change.

**NEXT STEPS / HĪKOI I MURI MAI**

- 31. Officers will finalise an updated MOU between the Trust and Council that is informed by the Strategy.
- 32. Council officers will develop a strategic framework of potential sites in collaboration with key stakeholders and potential partners, and a toolkit outlining processes and procedures guiding the management of Council’s public art collection.

**SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

- 33. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance. The changes in the new Strategy are largely administrative and align with community aspirations and current practice. The new Strategy would have a positive impact on the delivery of art in public places and ongoing funding for the Trust is already approved in the Long-Term Plan.

**OPTIONS / KŌWHIRINGA**

**Option 1 Adopt the new Art in Public Places Strategy**

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

- 34. Option 1 has no financial implications beyond those already budgeted for. Council would continue to consider funding for the Trust the Long-Term Plan.
- 35. Funding for other potential partnerships or projects would be considered as part of relevant project budgets.
- 36. Council Officers would manage identification of potential sites through business as usual activity.

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*Risk Analysis / Tātaritanga o Ngā Mōrearea*

- 37. Adopting a Strategy with a broader partnership and district-wide approach without further investment could make the Strategy ineffective.
- 38. There is a reputational risk to Council in formalising a partnership approach that community partners may not uphold the Strategy, resulting in artworks that do not meet the objectives. However the MOU with the Trust and case-by-case agreements with other partners would mitigate this risk.
- 39. There is a reputational risk to Council in emphasising a district-wide approach, as the Trust may not be seen as representative of communities outside of New Plymouth, resulting in criticism toward Council. However, this risk would be mitigated through the MOU with the Trust that would outline expectations for local community engagement.

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

- 40. The new Strategy promotes and contributes to the following Community Outcomes:
  - a) Trusted: Strengthening Te Tiriti partnerships and building trust with the community through a partnership-based approach to delivering art in public places;
  - b) Thriving Communities and Culture: Seeking opportunities to support mana whenua aspirations and reflect community identity in the creative sector, and;
  - c) Prosperity: Creating vibrant spaces to live, work and play and leveraging the economic benefits of the arts by activating art in public places.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

- 41. Option 1 contributes to the purpose of local government<sup>1</sup> to promote the social, economic, environmental and cultural well-being of communities, by guiding public art initiatives in alignment with community aspirations.

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

- 42. Option 1 is consistent with Council policies and plans. Ongoing funding for the Trust will continue to be considered through the Long-Term Plan. The District Plan will be taken into consideration when identifying potential sites.

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<sup>1</sup> S10 LGA 2002

*Participation by Māori / Te Urunga o Ngāi Māori*

43. Council Officers sought feedback from iwi and hapū and this has been incorporated into the new Strategy. Specifically, the Strategy includes:
- a) Commitment to ongoing engagement with mana whenua on the nature, installation, and placement of art in public places
  - b) Clearer potential for direct partnership between Council and mana whenua for the delivery of public art projects, and;
  - c) A revised vision and objectives that encompass iwi and hapū aspirations for art in public places to reflect our unique stories, places, and people, including Māori narratives.

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

44. Option 1 is the Trust's preferred option.
45. Community views were sought through a series of targeted engagements with key stakeholders mana whenua, Venture Taranaki, Creative Taranaki, Sport Taranaki, the Trust, and other key groups and potential investors. Those views have been incorporated into the new Strategy through:
- a) Prioritising a partnership approach with the Trust as the primary but not exclusive partner;
  - b) Creating art in public places that reflects our unique stories, places, and people;
  - c) Committing to early, meaningful engagement with mana whenua;
  - d) Formalising the relationship between Council and the Trust through a robust MOU, and;
  - e) Seeking opportunities to activate art in public places to promote vibrancy, tourism, and play.
46. Wider community views have not been sought as the new Strategy guides the delivery of art in public places rather than the art itself. However the new Strategy includes a commitment to seeking community views where possible.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

- 47. Option 1 aligns with community aspirations and better reflects the ways in which art in public places is currently delivered. Option 1 also allows for the Trust to continue operating as an independent advisory and commissioning entity while ensuring other potential partnerships delivering art in public places are guided by the Strategy.
- 48. A further advantage of Option 1 is that the new Strategy operates at a high level, with the MOU and toolkit available to provide operational detail that can be reviewed and updated easily.
- 49. A disadvantage of Option 1 is that removing the Trust as the sole entity responsible for delivering the Strategy places extra responsibility on Council officers to ensure the Strategy is applied across all art in public places initiatives.

**Option 2      Retain the existing Art in Public Places Strategy**

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

- 50. There are no additional financial implications associated Option 2. This option may impact officer time as the existing Strategy offers less efficiency in the delivery of public art initiatives as it does not include an MOU or toolkit that would clarify roles and processes.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

- 51. There is risk that community aspirations are not reflected in the existing Strategy and that art in public places projects involving other partners are not guided by a Strategy. Public perception of Council could be negatively effected as a result of not aligning with the views of the community.

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

- 52. Option 2 would limit contributions to the following Community Outcomes:
  - a) Trusted: Option 2 does not support strengthened Te Tiriti partnerships as the existing Strategy does not reference mana whenua, and;
  - b) Thriving Communities and Culture: Option 2 does not encourage connected and engaged communities or the embracing of Te Ao Māori as the existing Strategy does not reflect community aspirations for art in public places to be locally relevant.

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*Statutory Responsibilities / Ngā Haepapa ā-ture*

53. Option 2 contributes less to the purpose of local government to promote the social, economic, environmental and cultural well-being of communities as outlined in the Local Government Act 2002, as it does not align with community aspirations for art in public places as closely.

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

54. This option is consistent with Council policies and plans. Ongoing funding for art in public places and the Trust will be considered through the Long-term Plan.

*Participation by Māori / Te Urunga o Ngāi Māori*

55. This option does not reflect the aspirations of Māori as identified through engagement with several New Plymouth District iwi and hapū. The existing Strategy does not clearly outline expectations for Council, the Trust, or any other potential partner to engage with mana whenua on the design, delivery, or placement of art in public places.

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

56. This option does not reflect key stakeholder views that art in public places should have local relevance and be delivered through a partnership approach. However the existing Strategy outlines an expectation for the Trust to seek and consider community views when commissioning major artworks.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

57. An advantage of Option 2 is that responsibility for delivering the Strategy remains with the Trust, putting no additional responsibility on Council officers.
58. A disadvantage of Option 2 is that it does not address Council and key stakeholder concerns about the delivery of art in public places, specifically the lack of mana whenua engagement and historic New Plymouth-centric focus.
59. Option 2 also does not reflect community stakeholder aspirations for art in public places to be locally relevant. Not formalising a wider partnership approach means that art in public places will continue to be delivered across Council without guidance from an overarching strategy.

**Recommended Option**

This report recommends Option 1, Adopt the new Art in Public Places Strategy, for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 New Art in Public Places Strategy (ECM 9486373)

Appendix 2 Existing Art in Public Places Strategy (ECM 1254354)

**Report Details**

Prepared By:	Chanelle Carrick (Community Development Adviser)
Team:	Community and Economic Development
Approved By:	Damien Clark (Manager Community and Economic Development)
Ward/Community:	District Wide
Date:	29 April 2025
File Reference:	ECM 9486374

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

## Proposed Art in Public Places Strategy

### Introduction

New Plymouth District is increasingly recognised as an arts destination. From Len Lye's iconic *Wind Wand* to Mr G's stirring portrait of Hana te Hemara, art in public places contributes significantly to the vibrancy of our district and our reputation as a centre for creativity. It provides us with opportunities to reflect on our unique stories, places, and people, and to forge a sense of community identity, while supporting positive regional positioning and encouraging tourism.

### Strategy purpose

The Art in Public Places Strategy guides public art initiatives across New Plymouth District, whether delivered by New Plymouth District Council, the New Plymouth District Art in Public Places Trust, or in partnership with other parties. It demonstrates Council's commitment to supporting vibrancy and access to the arts in our communities.

### The value of art in public places

*"The creative sector is essential to the vitality and diversity of any economy, serving as a catalyst for innovation, cultural expression, and economic growth."*

-Tapuae Roa Action Plan 2025/26

Art in public places contributes to the vibrancy of our communities and the wellbeing of our people. As outlined in Creative New Zealand's 2023 report [New Zealanders and the Arts](#), most New Zealanders feel that art is good for their mental health and that it helps them connect with their culture. The presence of art in public places offers opportunities for diverse audiences to access the benefits of creativity in their everyday lives. Specifically, art in public places<sup>1</sup>:

- improves local economies through tourism and regeneration

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<sup>1</sup> Ming Cheung, Natasha Smith & Owen Craven, "The Impacts of Public Art on Cities, Places and People's Lives," *The Journal of Arts Management, Law, and Society* 52: no. 1 (2022): 37-50.



- fosters a sense of individual, cultural and community identity
- provides opportunities to engage with and reflect on social issues

Regionally, the [Taranaki 2050 Roadmap](#) identifies the significant potential of the arts to drive growth in other sectors as a transition pathway towards a low-emissions economy. The Roadmap envisions our region as an arts destination, with the central business district as a “living canvas” of art in public places at its core. In the immediate term, the [Tapuae Roa Action Plan](#) 2025/26 aims to further strengthen the region’s creative sector as a catalyst for tourism, investment, and social cohesion. Through Council’s Strategy, art in public places contributes to the realisation of this vision in the New Plymouth District.

## Definitions

For this Strategy, “Art in Public Places” is defined as works of art experienced in public places under the control of New Plymouth District Council. These places include open spaces, streets, pathways, parks, reserves, foreshore areas, and any other area that can be accessed at any time.

Art in Public Places may be:

- Permanent, that is designed and manufactured to be durable and maintained across its lifespan
- Temporary, with a defined and finite lifespan

Art in Public Places can take many forms, including:

- Stand-alone three-dimensional sculptures
- Sculptures and designs integrated into other structures
- Small- to large-scale
- Static or kinetic
- Light, sound, and digital media
- Site-specific, being designed for a particular location that is integral to its meaning
- Applied, such as murals and street art

Artworks may be located on private property provided that:

- The work is freely accessible to the public
- The work and public access are protected by an appropriate covenant

## Exclusions

For this Strategy, art in public places does not include:

- Memorials, which are defined under Policy [P04-009 Memorials in Public Open Spaces](#)
- Council's institutional art collections or exhibitions
- Performance-based art
- Street furniture
- Landscape architecture
- Urban design

12.1

## Vision

New Plymouth District will be enhanced by impactful art in public places that reflects our unique stories, places and people, and contributes to the vibrancy, culture, and connectedness of our communities.

## Objectives

***Art in public places will enhance our diverse communities' sense of belonging, connectedness, and identity through:***

- Artworks that respond to our unique landscapes and examine our past, present, and future
- Supporting mana whenua aspirations for toi Māori and Te Ao Māori to enhance public spaces
- Support for community-led public art initiatives where possible

***Art in public places will activate and elevate public spaces by:***

- Creating vibrant, innovative, and impactful streetscapes, experiences, and focal points
- Regenerating and enhancing our central business districts and community spaces
- Incorporating opportunities for play and interaction

***Art in public places will increase access to and understanding of art through:***

- A strategic, district-wide approach to the identification of potential locations
- The development of interpretive content for artworks
- Opportunities for the community to engage in the process of commissioning new artworks where possible

***Art in public places will contribute to the development of creative and cultural tourism to the district through:***

- The commission of new artworks
- Opportunities for connected experiences such as art trails, tours, festivals, and events
- Promotion and celebration of our district's creative sector

## Guiding principles

### ***Working in partnership***

- The Strategy guides public art initiatives across Council activities.
- Council will partner with the New Plymouth District Art in Public Places Trust (the Trust) who support the delivery of this strategy. The Trust will commission artworks and provide advice on proposed donations or bequests of public artworks to Council that aligns with this Strategy.
- Council and/or Council partners will engage with mana whenua on the nature, installation, and placement of art in public places.
- Council and/or the Trust will support public art projects initiated by other community partners including mana whenua, artists, and groups such as the Len Lye Foundation, the Govett-Brewster Foundation, and New Plymouth Partners where possible.

### ***Responding to place***

- Council will prioritise art in public places that conceptually reflects the unique stories, places, and people of New Plymouth District.
- Art will be integrated into key strategic projects where possible, helping to activate and elevate significant public places district-wide.
- Council and/or Council partners will seek and consider stakeholder community views when commissioning public art where possible.

### ***Responsible delivery***

- Council will leverage partnerships to access greater amounts of funding, minimising costs to ratepayers while enabling the delivery of innovative projects.
- Art in public places will be high quality, ensuring best ‘whole of life’ cost.

### ***Supporting local***

- Council and/or Council partners will engage local artists, technical experts, and manufacturers where possible to support New Plymouth District’s creative industries.

## **Implementation**

Delivery of the Art in Public Places Strategy will be supported by the following documents that will be revised and updated as needed:

### ***Memorandum of Understanding (MOU)***

- An MOU between Council and the New Plymouth District Art in Public Places Trust, in effect unless the Trust ceases to operate, will outline the agreed roles and expectations of each party in the delivery of public art initiatives., including:
  - Delivery targets
  - Trust governance
  - Decision making

### ***Art in Public Places Toolkit***

- A toolkit outlining processes and procedures will guide the internal management of Council’s public art collection, including:
  - Acquisition data collection
  - Disposal procedures
  - Guidelines for artist proposals

The strategy will be reviewed at least every 6 years.



# Appendix 1: Strategic links

New Plymouth District Council’s vision of Taranaki as a Sustainable Lifestyle Capital where people want to live, learn, work, play and invest is reflected in this strategy through the following community outcomes:

***Trusted***

Strengthening Te Titiri partnerships and building trust with the community through a partnership-based approach to delivery of the Art in Public Places Strategy

***Thriving Community and Culture***

Seeking opportunities to support mana whenua aspirations and reflect community identity in the creative sector

***Prosperity***

Creating vibrant spaces to live, work and play and leveraging the economic benefits of the arts by activating art in public places

While the Art in Public Places Strategy applies to the whole district, it also links to the following Ngāmotu New Plymouth City Centre Strategy principles:

***Uniquely Ngāmotu***

Using creativity in public places to reflect and celebrate the unique history, stories, and identities of our district and communities

***Responsive delivery through collaborative relationships***

Enabling the Art in Public Places Trust and collaborating with other partners to have the greatest impact

## S08-002 Art in Public Places Strategy

**Status:** *Approved by the Council on 9 December 2008 and readopted with minor amendments on 2 May 2023*

### Vision

That New Plymouth District will be recognised nationally and internationally for excellence in public art.

### Strategic Linkages

The New Plymouth District is recognised nationally and internationally as a vibrant and exciting place to live, work and visit. Art works in public places are high quality public amenities that celebrate and enhance local culture, heritage and the environment and such they contribute to the “vibrant” “sustainable” and “together” community outcomes.

### Definition

“Public Art” is any creative work located in a public place owned or administered by the New Plymouth District Council. Public places include open spaces, streets, pathways, parks, squares, and foreshore areas, but may also include significant works commissioned as part of the design of council-owned buildings held for civic, cultural or recreational purposes. However, works may be located on private property provided that:

- a) The work is freely accessible to the public.
- b) The work and public access are protected by an appropriate covenant.

Public Art is not memorials, which are defined under Policy P004-009 Memorials in Public Open Spaces.

### Principles

The principles of this strategy are:

- The New Plymouth District Public Art Trust (the trust) will be the entity responsible for delivering this strategy.
- The trust will seek to minimise cost to ratepayers by seeking independent funding, via fundraising, donations and any other appropriate means.
- Proposed gifts and bequests will be considered by the trust to ensure that they fit with the strategy.

### Strategy Objectives

The objectives of this strategy are:

- Art in public places will promote New Plymouth District’s sense of community, civic pride and distinctive identity.
- Where feasible, integrate public art into the design and landscape of the district’s major open spaces.
- Public art will be located in places where it enhances the public enjoyment of public places and where art works ‘fit’ with the site where they are intended to be located.
- Art in the district’s public places will increase understanding and enjoyment of public art and public spaces.

- Preference will be given to art identified as priorities through other council policies/activities and where appropriate will support local initiatives.
- Public Art will be of sufficient quality to ensure that it offers the best 'whole of life' cost.
- Public art will contribute significantly to the development of cultural tourism to the district.
- A significant piece of public art will be commissioned at least every two years.

### **Implementation**

This strategy will be implemented by the Trust. The trust will have primary responsibility for promoting, commissioning and providing public art work. The goals of the trust will be to:

- Foster a strategic and coordinated approach to all public art projects.
- Work with the Len Lye Foundation to recognise opportunities for commissioning Len Lye works.
- Align any city centre requisitions with the City Centre Strategy.
- Implement a district wide public art programme and seek a complementary relationship with the district's landscape, heritage and cultural and public space initiatives.
- Take responsibility for fund raising for public art within the New Plymouth District.
- Seek and consider community views when commissioning major art works.
- Expend funds in a manner that is consistent with the trust deed.

### **Evaluation of Proposals, Gifts and Bequests**

The New Plymouth District Public Art Trust will evaluate and commission potential public works (including proposed gifts and bequests) according to the following considerations:

- Standards of excellence and innovation.
- Durability of the work.
- Ownership structure and conditions for movement or disposal of the work.
- Potential of the work to capture the public's imagination and to help create a sense of place and identity for the New Plymouth District.
- Fit with the character, topography and use of the relevant public place(s).
- Fit with the strategic goals of this strategy.
- Cost implications including ongoing maintenance costs.
- Safety of proposed work.
- Consistency with any relevant council policies.
- Views of the community.

### **Support**

The council will support the trust by way of:

- "Seed capital" funding and any funding approved in its Long Term Council Community Plan.
- The provision of technical and administrative support from council officers.



### **Funding**

The council will provide the trust with “seed” capital to establish the trust and consider a funding contribution as part of its three-yearly draft Long Term Council Community Plan.

Funding for public art by way of sponsorship, donations and gifts of public art will be actively sought and encouraged.

### **Terms and Conditions - Gifts and Bequests**

The following conditions will apply to gifts and bequests:

- That all offers of gift or bequest of public art to New Plymouth District Council (hereafter referred to as the council) be referred to the New Plymouth District Public Art Trust (the Trust) for consideration.
- The Trust may accept any gift or bequest conforming to the Art in Public Places strategy, but shall not be bound to accept any gift or bequest.
- That the Trust shall not be bound to display any artwork acquired by gift or bequest.
- The donor of an artwork must have legal title in order to gift or bequest it to the council.
- Gifts and bequests should be unrestricted, although the Trust may consider the acceptance of gifts and bequests with restrictions in special circumstances.
- The Trust is obliged to take into serious consideration any restrictions placed on gifts and bequests.
- Once the work is installed the council shall assume ownership of the work. If a work is to be disposed of, the disposal process for gifts and bequests shall be:
  - i) If the original donor is still alive, by giving the donor the choice of repossessing the work; or
  - ii) If the original donor is deceased or uncontactable, the artwork may be disposed of by any method that the Monitoring Committee of the council sees fit.

#### **NOTES:**

*Replaced P99-025 (2 August 1999), P01-005, P01-006 (25 June 2001), P03-007 (23 September 2007)*

*Reviewed 6 yearly*

*Policy can also be viewed at ECM 8932037*

## WAITARA SPATIAL PLAN – APPROVAL FOR CONSULTATION

### MATTER / TE WHĀINGA

1. The matter for consideration by the Council is to approve public consultation on the Draft Waitara Spatial Plan (Tiritiri o Mātangi).

### RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

**That having considered all matters raised in the report Council approves consultation of the Draft Waitara Spatial Plan (attached as Appendix 1, Tiritiri o Mātangi).**

### STRATEGY AND OPERATIONS COMMITTEE RECOMENDATION

2. The Strategy and Operations Committee endorsed the Officer's recommendation.

### WAITARA COMMUNITY BOARD RECOMMENDATION

3. Waitara Community Board endorsed the Officer's recommendation.

### AGE AND ACCESSIBILITY WORKING PARTY RECOMMENDATION

4. The Age and Accessibility Working Party endorsed the Officer's recommendation.

### TE HUINGA TAUMATUA RECOMMENDATION

5. Te Huinga Taumatua endorsed the Officer's recommendation.

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being significant.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Approve consultation on Tiritiri o Mātangi - the Draft Waitara Spatial Plan.</li> <li>2. Do not proceed with consultation on Tiritiri o Mātangi - the Draft Waitara Spatial Plan.</li> <li>3. Approve consultation on Tiritiri o Mātangi - the Draft Waitara Spatial Plan, with amendments.</li> </ol>

<b>COMPLIANCE / TŪTOHU</b>	
Affected persons	The persons who are affected by or interested in this matter are tangata whenua, the Waitara community and surrounding communities, development and technical professionals' sector, infrastructure providers, government organisations, and the general community.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No. The plan provides strategic guidance and priorities for investment in Waitara. It does not commit Council to any funding through the Long Term Plan but will be a tool to inform future Council Long Term Plans.
Significant Policy and Plan Inconsistencies	No. Changes to existing policies and plans will only be required upon adoption of the Spatial Plan. These may be completed at the time of review period of plans and policies.

## **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

6. This report seeks Councils' approval for consultation on the Draft Waitara Spatial Plan. The Draft Waitara Spatial Plan (Tiritiri o Mātangi) ("the draft Plan") has been prepared by New Plymouth District Council (NPDC) and consultants Barker and Associates (B&A) in partnership with Manukorihi and Otaraua Hapū.
7. If the draft Waitara spatial plan is approved for consultation, the next steps would be to open for submissions between 14 July and 31 August 2025. It is intended that council officers will seek community feedback through a range of mechanisms. Following the close of submissions, the draft Plan would be updated taking into consideration submissions and feedback received and brought back to Council for adoption in the first quarter of 2026. It is intended that a workshop on the details of the spatial plan post consultation would be undertaken with the new Council post-election and prior to any decision reports being presented to Council.
8. The current schedule is aligned to ensure that once adopted, the document can inform the preparation of the Long-Term Plan 2027-37.

## **BACKGROUND / WHAKAPAPA**

9. New Plymouth District Council (Council) committed to preparing the Plan in partnership with Te Kōwhatu Tu Moana Trust (the Trust) and a co-creation process was developed and started in 2022. Funding for this plan was approved as part of the Long-Term Plan 2024-34 (LTP).

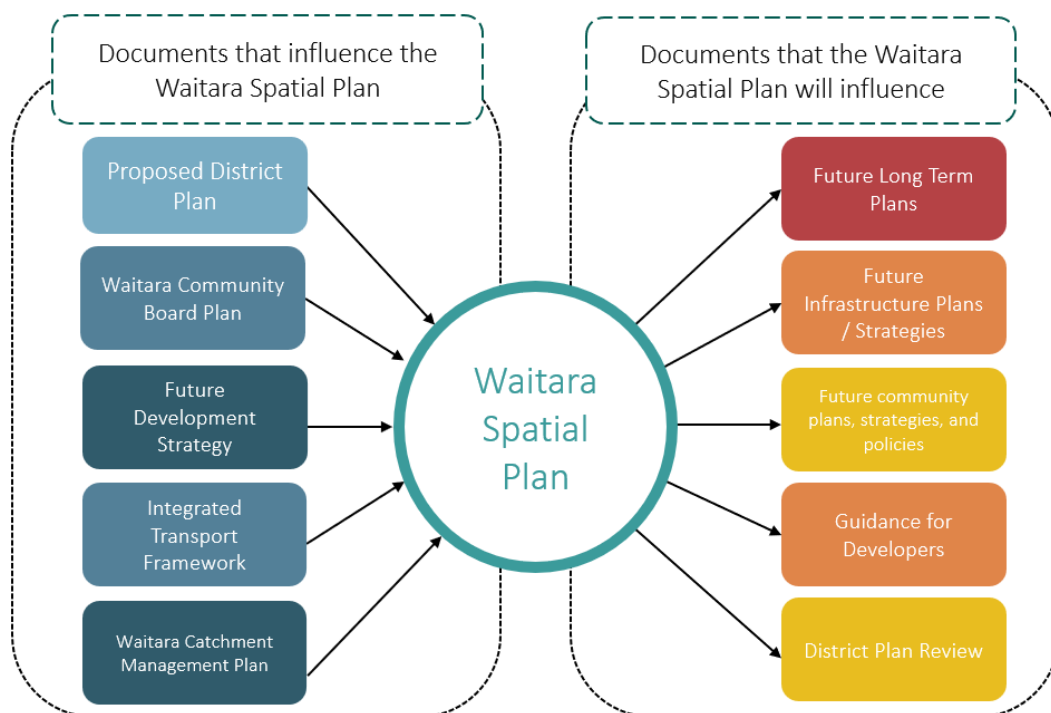
- 
10. A project governance board for the spatial plan was established in August 2022 with the purpose of providing guidance for key project decisions required by the project delivery team. The board consists of two Manukorihi Hapū representatives, two Otaraua Hapū representatives and four NPDC representatives, including one Elected Member (Cr Tony Bedford). A member of The Trust also provides guidance and oversight in this forum.
  11. In July 2024, NPDC engaged spatial planning consultants Barker and Associates (B&A) work alongside Council and Hapū in the preparation of the Plan. A project delivery team including Council subject matter experts across departments (waters, transportation, climate and planning), as well as representatives from Manukorihi and Otaraua Hapū, as well as Taranaki Regional Council (TRC).
  12. The Trust have offered the name Tiritiri o Mātangi for the draft Plan. This is the name of the magical dart of Whare-matangi. Tiritiri can also be interpreted as to scatter in the wind, distribute, cultivate or allocate. This name reflects the spatial plan for Waitara and the responsibility to cultivate a prosperous, vibrant, engaging future for all.

*What is a spatial plan?*

13. The purpose of a spatial plan is to help shape the future of our cities and towns and promote community endorsement of a vision. They are an effective tool to communicate a clear strategic vision for future land use and decision making. They take a long-term view and identify priorities, shaped by the community. Spatial plans align other council plans and enable co-ordinated decision-making on infrastructure, services and investment, relevant to a particular area. They are accessible to the community by providing a visual illustration of the intended future location, form and mix of residential, rural and business areas, along with the critical transport and infrastructure required to service those areas and any relevant environmental constraints such as natural hazards.
  14. In New Zealand spatial planning is currently a non-statutory tool within the strategic planning framework. They are a best practice and emerging tool with the Plan being the first in the region. However, under the soon to be reformed resource management legal framework, they are anticipated to be required at a regional level and to guide statutory planning mechanisms such as structure plans or precinct plans within District Plans and Council funding decisions.
  15. The draft Plan will be a living document and to ensure alignment with changes both within the community and beyond, it is intended that it will be reviewed on a three yearly basis, to identify any particular updates/issues as and when they might arise.
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16. The spatial planning process incorporates all known data sources which inform the plan. Within this it also considers current plans, strategies and policies. As a result, there may be some updates required in other documents to ensure alignment in relation to Waitara specific issues that arise from the Plan. Diagram 1 below shows examples of the documents that have been used to inform the development of the draft Plan and what documents will be influenced by the draft Plan.

*Diagram 1: Example of documents informing the development of the Draft Spatial Plan and documents that the Spatial Plan will influence*



17. To ensure a full and robust process the draft Plan has completed an in-depth methodology for delivery in partnership with Hapu. At a high level the methodology is split into 6 stages, with the first 4 completed resulting in the draft Plan now pending approval for public consultation:
- Project Initiation (Completed)
  - Baseline analysis and key issue identification (constraints and opportunities identification) (Completed)
  - Development of key outcomes/objectives and growth scenario options (Completed)
  - Preparing the draft spatial plan (Completed)

- e) Consultation on draft spatial plan
  - f) Finalise spatial plan
18. As a result of spatial planning process, the draft Plan has identified key focus areas or themes, an implementation plan to achieve these outcomes, and a plan for future growth and infrastructure for now and the future. The communities' input is now required to ensure that the draft Plan aligns with the Waitara community's long-term wants and needs.

#### *Summary of Constraints*

19. Waitara has a range of constraints that have been considered in the development of the draft Plan. These have in turn, informed a number of opportunities for future planning in Waitara.
20. Being a coastal settlement located along the district's largest river; a number of natural hazards are present. It is important to consider these in any planning and funding decisions to improve resilience and to ensure future development is sustainable and sensible. The Waitara township was established on a large flood plain with historic development on low-lying land. Natural hazards include flooding from the Waitara River, urban stormwater flooding, sea level rise, coastal inundation, coastal erosion, and rising groundwater. These natural hazards are expected to pose increasing risk over the long term as the climate changes and existing development may need to adapt.
21. Furthermore, like most towns, there is aging infrastructure, and the Council needs to make decisions about future investments. To improve the future resilience of Waitara, careful planning is required in relation to where development occurs, how we support those already located in hazard prone areas, and the infrastructure required to support growth.
22. Additionally, Waitara has significant cultural history and the ongoing protection of Sites and areas of significance to significance Māori (SASMs) is important.
23. The transportation network is another constraint, with limited public transport that responds to the specific needs of the community. There are safety concerns on State Highway 3. Identifying these traffic and transport constraints highlights opportunities for improvements, particularly in relation to walking and cycling infrastructure.

### *Summary of Outcomes*

24. The draft Plan for Waitara aims to capture the community's aspirations and reflect its unique identity, shaped by its rich Māori cultural history, sense of community, and connection to the environment. The draft Plan outlines what needs to be protected and enhanced to make Waitara a better place to live, work, and play while retaining its unique identity.
25. Achieving these outcomes will take time and require short, medium, and long-term actions. The draft Plan includes spatial moves and key projects that will need to be considered for prioritisation over the next 30+ years to achieve this vision. The draft outcomes include:
  - a) Waitara's Māori cultural history is recognised, visible and celebrated in a tangible way that is reflected in civic and open spaces.
  - b) Waitara and its people are thriving and rangatahi, pakeke and kaumātua can stay and live in Waitara.
  - c) The mauri and health of Waitara waterbodies is protected, and where appropriate enhanced and restored.
  - d) Development is carefully planned to make best use of existing infrastructure and any new stormwater, wastewater and water infrastructure delivery incorporates innovative and smart methods.
  - e) Waitara and its people are resilient to natural hazards and able to adapt to future climate change effects.
  - f) Accessibility and movement throughout Waitara and beyond is easy.
  - g) Waitara town centre is vibrant, services the community and is a safe place for everyone.

### *Future Growth, Planning Outcomes and Focus Areas*

26. The future growth and land use identified in the draft Plan focuses on growth to the west of Waitara and continues to provide for future growth and development in parts of Waitara East that are less subject to natural hazard risks and infrastructure constraints. Preferred locations most appropriate for infill have also been identified.

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27. No additional land for business uses (e.g. industrial activities) has been identified. There is sufficient business and industrial land in Waitara to cater for anticipated growth, noting that there is additional industrial land in the district to support district wide industrial and business demand. There is also an opportunity to work with businesses to understand their needs and how to better utilise industrial land in Waitara, including for emerging industries.
  28. The plan considers that the town centre could be consolidated due to high flood risk at the West Quay end and an excess supply of retail space relative to Waitara's population. Consolidation aims to enhance the concentration of shops and services, improving attractiveness and vibrancy. Public space improvements and facility upgrades would be needed as Waitara acts as a key service centre to small townships north of Waitara.
  29. Future resilience planning for Waitara has been identified as an area that requires further work. This relates specifically to the Waitara catchment management plan and known complex combined risk in Waitara relating to hazards from the coast, river, surface flooding and rising ground water. The draft Plan seeks to understand what the community view is in relation to these risks and the consultation will include discussions with the community on how to best plan for and address these risks in terms of adaptation planning going forward to ensure a resilient Waitara.

### *Implementation*

30. To achieve the draft Plan outcomes and support the delivery of the future growth and land use plan a number of actions will be required; these are referred to as 'key moves'. Key moves are a mix of spatial actions (e.g. relating to a particular part of Waitara) and non-spatial actions (e.g. relating to Waitara as a whole or the development of policy or strategy).
  31. Some of the key moves are 'quick wins' that can be delivered in the short term, others are aspirational and may require feasibility testing and/or long-term delivery. Some key moves are also high priorities with respect to delivering on the future growth and land use implementation outcomes.
  32. The key moves have been categorised as follows; Cultural, Placemaking and sense of place, Environmental, Infrastructure, Transport and Community facilities, Future Growth and Housing, Climate Change and Natural Hazards and finally, Economic.
  33. The draft Plan outlines projects, indicates what priority they are, and includes recommended timeframes for projects to progress. As noted previously, projects are not confirmed as funded through the spatial plan process. This document only provides strategic guidance, and funding would need to be sought through respective LTP and other external funding mechanisms. It is hoped that the Plan would support funding applications from external sources.
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## **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

34. Climate change and resilience matters are central to the draft Plan. It is noted that the draft Plan aligns with the Proposed District Plan, with both seeking the following considerations:
- a) compact urban form which reduces the need for private motor vehicles and considers energy efficiency;
  - b) transportation planning that allows for a reduced need for private vehicles;
  - c) building resilience by managing growth in respect of known risks from natural hazards;
  - d) adaptive management to support communities impacted by natural hazards, including the effects of climate change; and
  - e) protection of Significant Natural Areas and promoting restoration of waterbodies and indigenous biodiversity.
35. While urban intensification is generally encouraged in the Proposed District Plan, the draft spatial plan encourages the Waitara community to take a cautious position in relation to flooding hazards. The draft Plan guides that some areas are less appropriate for urban intensification, and other areas on higher ground are more appropriate for intensification and urban growth.

## **NEXT STEPS / HĪKOI I MURI MAI**

36. If consultation of the draft Plan is approved, consultation with the community will commence on 14 July 2025 and close on 31 August 2025. This timeline will ensure that there are plenty of opportunities for the community to provide feedback. The intention is to ensure that consultation is fully accessible to all within the community with a mix of consultation approaches including (but not limited to); online, face to face, public events, library information, targeted stakeholders eg. Youth/schools.
37. Council officers will provide an opportunity to workshop the spatial plan process and findings from the draft Plan consultation with Councillors post-election 2025.
38. The partnership of the Trust and Council officers will then seek the adoption of the finalised Waitara Spatial Plan in the first quarter of 2026.

## **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

39. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because it will impact the long term future of the Waitara Community and the wider community as it will have a potential influence on consideration of projects through the next Long Term Plan.
40. Formal consultation is required to provide the Waitara and wider Community an opportunity for feedback on the draft Plan.

### *Pre-engagement completed November 2024 – March 2025*

41. Extensive pre-engagement was completed throughout the project to date. Pre-engagement varied from interactions with the community, central government agencies and the regional council, council subject matter experts and other forums.
42. This was undertaken to better understand from the community what they wish to see changed about their town. This allowed the project delivery team to test outcomes and scenarios. Engagement opportunities included:
  - a) Waitara Night Market – November 2024.
  - b) Waitara Waitangi Day Market – February 2025.
  - c) St Josephs Primary, Waitara Whanau Pool Party – February 2025.
  - d) Waitara Central School Gala Day – February 2025.
  - e) Waitara High School Online Survey - February 2025.
  - f) Community Online Survey (also available in the Waitara Library) - February 2025.



Fig 1 and 2. Waitara Spatial Plan Information Stall - Waitara Waitangi Market, February 2025

43. One to ones were completed in the initiation stage of the project with central government departments, internal council subject matter experts, and Taranaki Regional Council (TRC). This was to gather information to help shape the delivery teams understanding of Waitara including its constraints and opportunities.
44. Stakeholder workshops were completed during the baseline analysis and key issues phase (October 2024) of the project as well as during the growth scenario and outcomes phase (December 2024). These workshops invited representatives from central government departments, community organisations, Hapū in the Waitara rohe, technical professionals, NPDC staff and consultants. All participants were asked to contribute to activities and to test concepts.



Fig 3. Waitara Spatial Plan Stakeholder Workshop #1, October 2024

45. The District Growth Advisory Panel was updated and discussions held with this group at the November and December 2024 meetings. Both sessions covered aspects of the plan that would impact matters relating to the panel's terms of reference (growth and development).
46. The Strategy and Operations committee have been kept up to date on the progress of the draft spatial plan project through the planning growth and development update provided on a quarterly basis.

*Proposed consultation*

47. The proposed public consultation stage of the spatial plan making process will provide opportunities to give feedback through a variety of consultation mechanisms to ensure a robust collection of responses. The consultation will be aided by the draft consultation document, online presentation of work through Storymap, online and physical surveys, stakeholder workshops and drop-in sessions.

## **OPTIONS / KŌWHIRINGA**

### **Option 1 Approve consultation on Tiritiri o Mātangi - the Draft Waitara Spatial Plan.**

48. This option continues the process required to develop the final spatial plan by consulting with the community.

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

49. Consulting on the draft Plan will be financed by existing operational budgets.
50. NPDC delivery team is responsible for implementing consultation, updates to the final spatial plan post consultation, workshop with new Councillors and presenting the final Plan to Council. The consultant, B&A will provide guidance on material, attendance of third stakeholder workshop and review of final content in the plan.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

51. There are no operational risks for NPDC to continue with consultation.
52. There are potential risks associated with community expectations and whether projects identified within the draft Plan will be delivered. This is managed with careful wording and three-yearly review process.

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

53. Consultation on the draft Plan supports the following community outcomes:

- a) Trusted - the consultation of the draft Plan will strengthen Te Tiriti partnerships with hapū and iwi to improve wellbeing. It will build trust and credibility with the community, development and technical professionals' sectors, infrastructure providers and government organisations. The development of the draft Plan has built trust with Waitara hapū, through the co-design process with Manukorihi and Otaraua Hapū, and meaningful pre-engagement with key stakeholders including Taranaki Regional Council (TRC).
- b) Environmental Excellence - the draft Plan seeks to mitigate environmental impacts associated with growth and development, tackle challenges associated with natural hazards that are expected to worsen with climate change, and support the efficient delivery of resilient infrastructure. The purpose of the spatial plan is to maintain well-functioning urban environments, as well as the infrastructure necessary to support development. The draft Plan informs development and signals changes to Council plans to support a coordinated and integrated approach to shaping growth and development across the district by reducing greenhouse gas emissions and being resilient to the effects of climate change. Under the draft Plan the mauri and health of Waitara waterbodies would be protected, and where appropriate, enhanced and restored. The natural environment is recognised, visible and celebrated.
- c) Thriving Communities and Culture – the draft Plan will help the community to embrace Te Ao Māori. In the draft Plan Waitara's Māori cultural history is recognised, visible and celebrated as is the mauri and health of Waitara waterbodies. This supports the town's identity.
- d) Prosperity – the draft Plan seeks that Waitara, and its people are thriving and rangatahi, pakeke and kaumātua can stay and live in Waitara. There is a focus on the town centre to enhance shopping and services and improve attractiveness and vibrancy. Public space improvements and facility upgrades would support a prosperous Waitara.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

54. There is currently no statutory requirement to prepare spatial plans, but they are considered a best practice tool to support statutory processes such as plan making of district plans, long-term plans, future development strategies and a range of other plans and policies.

- 
55. Council officers have sought guidance from the Ministry for the Environment in relation to how the resource management reforms might impact district plan changes. The Ministry for the Environment recommended focussing on spatial planning and data to inform the new regional spatial plan; going forward decisions are to be made based on evidence and data through the spatial planning process.
  56. The community consultation is in accordance with the principles of consultation under section 82 of the Local Government Act 2002.

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

57. Any future growth identified though the draft Plan will impact on Council's ability to maintain levels of service. Currently growth enabled though the PDP is aligned with the draft LTP. However, new growth opportunities identified will need to be factored into future LTP processes.
58. Currently the Future Development Strategy outlines that the Waitara Spatial Plan will identify potential new areas for development. The FDS is required to be reviewed on a regular basis and if the spatial plan is endorsed the FDS will be updated to reflect the new areas.
59. Within the consultation document, an implementation table outlines a number of specific plans, strategies and policies that will need to be created, reviewed and amended to Waitara specific locations.

*Participation by Māori / Te Urunga o Ngāi Māori*

60. This document and outcomes within have been co-created with Manukorihi and Otaraua Hapū as well as from guidance from Te Kowhatu Tu Moana Trust. Ngati Rahiri and Pukerangiora Hapū were also offered opportunities to be involved as participants in stakeholder workshops completed in the pre-engagement phase of the project.

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

61. As the Waitara Spatial Plan will inform future Long-Term Plans it has an effect on the wider community of the District. The opportunity for community input will be provided for through the formal consultation phase.
62. If Option 1 is agreed to, consultation will open on the 14th July 2025 and will close on the 31st August 2025.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

63. Completing community consultation on the draft Plan in a timely way will allow the plan to align with respective LTP's next year.
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**Option 2 Do not proceed with consultation on Tiritiri o Mātangi - the Draft Waitara Spatial Plan.**

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

64. There would be additional costs associated with making changes and/or undertaking further research before consultation.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

65. Not consulting on the draft Plan, or extending out the timeline and delaying the consultation of the draft Plan would mean that there is a break in communication and connection with the community that are already engaged in the process of development of the draft Plan. In addition, the opportunity to align confirmed projects from the spatial plan with the next LTP process would be delayed.

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

66. This option would contribute to community outcomes the same as Option 1, except that the non-alignment of the consultation within agreed timeframes discussed already with the community and with the LTP 2027-2037 reduces the impact for quality consultation.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

67. Council officers have sought guidance from the Ministry for the Environment who have indicated that going forward, under the anticipated resource management reforms, decisions are to be made based on evidence and data through the spatial planning process.
68. Not approving the draft spatial plan does not affect this but means that the council will be behind in the spatial planning programme as set out in the LTP (2024-2034).

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

69. The draft Plan will inform the LTP. If NPDC does not adopt the draft Plan for public consultation there will be a lost opportunity to align with the LTP 2027-2037.
70. This may result in a delay in proposed future projects that are identified as having a high priority in the draft spatial plan.

*Participation by Māori / Te Urunga o Ngāi Māori*

71. Not adopting the draft FDS for public consultation and delaying the work will still allow for participation by Māori but will delay presentation of work already undertaken with Manukorihi and Otaraua Hapū and therefore disrupt the flow of work that has been undertaken to date and scheduled to occur.

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

72. This option would mean Council delays community consultation for the project.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

73. A key disadvantage of not consulting on the draft spatial plan at this time and undertaking changes/more work is that NPDC will not be delivering on the full package of strategic directions/outcomes for Waitara aligned with the next LTP.

**Option 3 Approve consultation on Tiritiri o Mātangi - the Draft Waitara Spatial Plan, with amendments**

74. This option continues the process required to develop the final spatial plan by consulting with the community with amendments.

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

75. Consulting on the draft Plan will be financed by existing operational budgets, but if amendments are substantive additional resourcing may be required to carry out changes to the draft document prior to consultation commencing. This may also result in consultation commencing later than anticipated and additional funding may be required.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

76. Council will need to assess the risks in making amendments, in the event amendments are requested.

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

77. Council will need to assess community outcomes in making any amendments.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

78. Council officers have sought guidance from the Ministry for the Environment who have indicated that going forward, under the anticipated resource management reforms, decisions are to be made based on evidence and data through the spatial planning process.



79. Making amendments would delay the draft spatial plan which would put council behind in the spatial planning programme as set out in the LTP (2024-2034).

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

80. Depending on what amendments are made, additional policies and plans may need to be updated (in addition to policies or plans outlined in option 1).

*Participation by Māori / Te Urunga o Ngāi Māori*

81. As this document and outcomes within have been co-created with Manukorihi and Otaraua Hapū as well as from guidance from Te Kowhatu Tu Moana Trust, any amendments will need to be reviewed by project partners Manukorihi and Otaraua Hapū.

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

82. Any amendments will be made to the draft Plan and the consultation document will gather submissions and feedback on this, once it's endorsed for consultation.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

83. Council will need to consider the advantages and disadvantages of any amendments.

**Recommended Option**

This report recommends option 1 (Approve consultation on Tiritiri o Mātangi – the Draft Spatial Plan) for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 Tiritiri o Mātangi – the Draft Spatial Plan (ECM 9489311)

Appendix 2 Technical Document of Tiritiri o Mātangi – the Draft Spatial Plan (Tiritiri o Mātangi) (ECM 9489304)

**Report Details**

Prepared By:	Liezl Ebersohn (Strategic Planning Coordinator)
Reviewed By:	Rachelle McBeth (District Planning and Growth Lead)
Team:	Strategic Planning
Approved By:	Renee Davies (Manager Strategic Planning)
Ward/Community:	Waitara Community
Date:	28 April 2025
File Reference:	ECM9486905

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

## Appendix 1

# DRAFT

# Tiritiri o Mātangi

13.1

**Waitara Spatial Plan  
A 30 year blue print  
for Waitara.**



NPDC

**B&A**  
Urban & Environmental



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01

## Forewords



13.1



## DRAFT Hapū statements

### Manukorihi

Karakia o Manukorihi

*Mauria mai te Manawanui o  
Manukorihi*

*Nau mai te mauri tau, te mauri tū, te  
mauri ora*

*Kia hiki te mānuka, Kōkiritia  
Haumi e, Hui e, Taiki e !!!*

*Bring amongst us the resilient and  
determined spirit of Manukorihi*

*Have composure, have strength, have  
vitality*

*Accept the challenge and pursue it  
There is strength in unity*

Manukorihi Hapū is honoured to collaborate on the creation of Tiritiri o Mātangi — the 30 year Waitara Spatial Plan. We acknowledge the New Plymouth District Council for this opportunity, and for recognising the significance of our involvement throughout the process. We look forward to continuing to work together to bring Tiritiri o Mātangi to life.

Our pā, our people, and our histories are woven into the fabric of Waitara. Our enduring connection to this whenua shapes not only who we are, but also enriches the wider community through the stories, values, and legacy we uphold.

Tiritiri o Mātangi acknowledges our past, strengthens our presence today, and empowers our collective aspirations for the future.

It has allowed us to embed our values, priorities, and aspirations into the future growth and development of Waitara — for the benefit of both our whānau and the broader community.



**Manukorihi**  
HAPŪ

### Otaraua

Otaraua Hapū welcomes the opportunity to contribute to Tiritiri o Mātangi — the Waitara Spatial Plan. We acknowledge the New Plymouth District Council for recognising the importance of hapū leadership in shaping the future of our town, and we look forward to working alongside the Council, Manukorihi Hapū, and the wider Waitara community to bring this kaupapa to life.

Otaraua's connection to Waitara is deep and enduring. Our pā, our kāinga, and our histories are woven through this whenua and the life of the Waitara River. The footsteps of our tūpuna, from the many ancestral hapū who hold long-standing ties to Waitara — including Ngāti Kura, Ngāti Hinga, and others — are embedded in the landscape. Our whakapapa is carried through these tūpuna lines, grounding Otaraaua firmly within the life and history of this place. Alongside Manukorihi, we hold mana whenua, and it is through these deep roots that our aspirations for Waitara are shaped.

Through Tiritiri o Mātangi, Otaraaua aspires to support a future where development honours the whakapapa of the land, enhances the wellbeing of all who live here, and restores balance to our environment. We seek to see our cultural values, our relationships with the whenua and awa, and our intergenerational aspirations reflected in the growth of Waitara.

Our vision is one of whanaungatanga, manaakitanga, and kaitiakitanga — a town where tangata whenua and tauwi live alongside one another with mutual respect, and where the legacy of Otaraaua continues to enrich the life of Waitara for generations to come.



**OTARAUA HAPŪ**

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## Meaning behind Tiritiri o Mātangi

*Te-whai-tara-nui-a-Wharematangi-ki-te-kimi-tana-matua-a-Ngarue*



*The-pursuit-of-the-magic-dart-of-Wharematangi-when-searching-for-his-father-Ngarue.*

Ngarue was the son of Te Moungaroa, the tohunga (navigator) of Kurahaupō, and after growing up in Taranaki he moved to Kawhia where he married Uru-te-kakara. While gardening in his in-laws fields one day, Ngarue overheard people mocking him for being like a landless man having to cultivate another man's garden.

As Ngarue was of a high rank this offended him, and he chose to leave Kawhia. Uru-te-kakara was pregnant with their first child and she refused to go. Ngarue asked her to name their child Whare-matangi (if it was a boy) or Kaimatangi (if a girl) because of the open sided and drafty house they lived in at the time. Whare-matangi was born a boy and grew up in Kawhia where he excelled at most things, especially games.

One day when he won a game of darts, another child called him a bastard and mocked his single parent home. Whare-matangi asked his mum where Ngarue had gone, and she showed him a distant snow-capped mountain (Taranaki) in the distance.

When he was old enough, Whare-matangi left to search for his father, throwing a magic dart when lost to find his way. His last throw landed at the finely carved door of his father, Ngarue, who lived next to a great river. Ngarue was overjoyed to be united with his son, and there was a great celebration.

Because of the mana both men possessed, the river was renamed to commemorate their story. The first person to discover a place earned the right to name it under the Tikanga Take Taunaha (Rights of Discovery) and there are many place names around Aotearoa New Zealand named like this.

Understanding our history, the Te Kowhatu Tu Moana Trust (Manukorihi & Otaraua hapū) would like to offer the following as the name for the Waitara Spatial Plan (30 year). This is the name of the magical dart of Wharematangi. Tiritiri can also be interpreted as to scatter in the wind, distribute, cultivate or allocate. If we think of our mahi in front of us we all hold the responsibility to cultivate a prosperous, vibrant, engaging future for all.

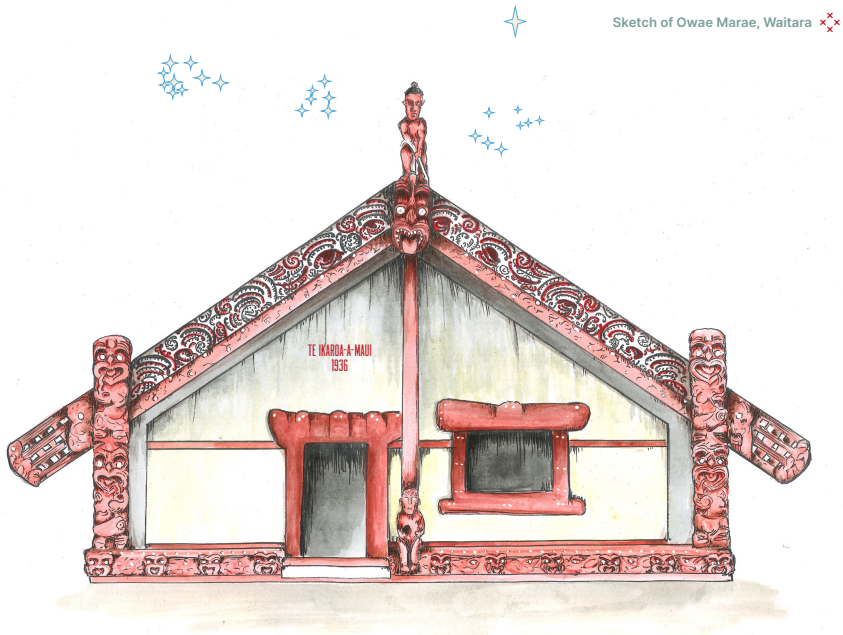


✖✖ Kōrero of Whare-matangi is depicted on the carved entrance gates of Ōwae Whai Tara marae. Designed by local artist Darcy Nicholas and created by tohunga whakairo (master carver) John Bevan Ford 1972.

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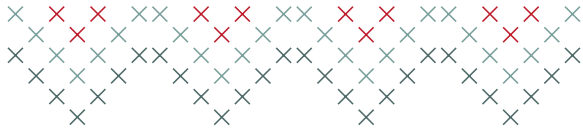
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**Waitara Spatial Plan overarching outcome:**

*Tangata whenua and council work in a Te Tiriti o Waitangi partnership to achieve their shared goals.*



Tiritiri o Mātangi is not just a Council plan. It has been developed through a co-creation process between hapū and New Plymouth District Council, with input from the Waitara community, Taranaki Regional Council and other government agencies and stakeholders.

**Te reo Māori terms and kupu**

Awa	rivers, streams, creeks and other flowing waterbodies.
Kai	food / to eat.
Kaumātua	older generation.
Mahinga kai	locations or places used to gather, cultivate or harvest food, tools or other resources. This can be on land, freshwater or coastal waters.
Manaakitanga	hospitality, kindness, generosity, support - the process of showing respect, generosity and care for others.
Mauri	life force or essence.
Moana	the ocean or sea.
Pā	fortified village.
Pakeke	adults.
Papakāinga	development of a communal nature on ancestral land owned by Māori or Treaty Settlement Land. It can include a combination of housing, community facilities, and other activities that support the social, cultural, environmental and economic wellbeing of Māori.
Rangatahi	youth, young people or younger generation.
Rongoa species:	indigenous flora and fauna that is used and harvested for traditional Māori medicines.
Tangata Tiriti	people who are not tangata whenua.
Taonga species:	native plants and animals that hold significant cultural value, treasured by Waitara Hapū.
Te Oranga o te Taiao:	the health of the environment.
Te taiao	the natural environment.
Wairua	the spirit or soul that exists within a person. It is the non-physical spirit that is different from mauri.
Whānau	immediate and extended family.
	Border pattern also used along Te Pai o Te Rangi (Coastal Walkway extension) to Waitara.
	Border pattern inspired by the design on the Princess Street upgrade project - used on the centre roundabout and underpass.

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# Glossary: Key terms

Active travel	transport that involves physical exercise, predominantly walking or cycling but also includes other forms of transport including skateboards and micro-mobility devices such as e-bikes and e-scooters.
Adaptive reuse	repurposing an existing building for a new use with upgrades and renovations, instead of demolishing it. Older buildings (for example in the Waitara town centre) which have historical value, and contribute to character and identity of place, can be retained and restored, while being modern and fit-for-purpose.
Coastal erosion	loss of land due to coastal processes such as waves and tidal currents wearing away land suddenly or over time.
Coastal inundation	flooding from the sea.
Community facilities	activities used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes
Competitive land market	a market where there is sufficient development capacity for housing and business needs, provides flexibility for landowners to respond to market demands, removes unnecessary land use restrictions, and provides choice for consumers.
Demand	the need or desire for land, housing and business space.
Flooding	overflowing of water onto land that is usually dry, from river flooding, coastal flooding or stormwater flooding.
Future urban	land zoned future urban zone (FUZ) under the District Plan. This is land that has been identified as being suitable for urban growth in the future. The land will be rezoned when it is required for urban purposes.
Future Development Strategy (FDS)	a long-term strategy developed under the National Policy Statement on Urban Development (NPS-UD) that sets the high-level vision for accommodating urban growth over the long term at a district-wide scale. The FDS identifies strategic priorities to inform other development related decisions.
Groundwater	water underground beneath the land surface.
Highly productive land:	land suitable for growing food and fibre, identified as Land Use Capability Class 1, 2, or 3, protected for primary production purposes under the National Policy Statement for Highly Productive Land (NPS-HPL).
Housing and business capacity assessment	an assessment required under the National Policy Statement on Urban Development 2020 (NPS-UD). The assessment provides information on the demand and supply of housing and business land in the district and must demonstrate that development capacity is sufficient to meet expected demand for housing and business land in the short term, medium term, and long term.

Infill	urban intensification where additional homes are built on existing residential sites. This increases housing supply without adding to urban sprawl.
Intensification	when an existing building, site or area is developed or redeveloped at a density higher than what currently exists. This process may include the consolidation of sections and the removal of multiple buildings for redevelopment.
Long Term Plan	Council's Long-Term Plan (including the infrastructure strategy) adopted under section 93 of the Local Government Act 2002, setting out Council's planned activities and finances for a 10 year period.
Mixed use	a mix of commercial, residential, and/or community-based activities which are co-located within a site or wider area.
National direction	refers to national policy statements, national environmental standards, and the National Planning Standards produced by central government under the Resource Management Act. National direction directs and guides Council decision making on resource management.
Overland flow path	the route along which stormwater from rain flows overland when it has not infiltrated the ground, and cannot flow through the primary stormwater system due to the water flow exceeding the capacity of the network.
Peak wet weather events	peak flow in the wastewater network caused by Inflow & Infiltration of stormwater and groundwater into the network.
Projected growth	estimated population growth to occur over the next 30 years, based on data from Infometrics.
River flooding	flooding that comes from a river when the water level rises above the banks and overflows.
Stormwater flooding	flooding from rain directly onto land, creating surface water ponding and overland flows.
Sufficient development capacity:	development capacity that is a) on land that is zoned for housing or business use or identified as Future Urban Zone, b) can be serviced by existing or funded infrastructure or infrastructure identified in the Council's Long Term Plan infrastructure Strategy, and c) must be commercially viable and likely to occur, considering factors like market demand, financial feasibility, and the availability of infrastructure.
Water conservation	to use water supply efficiently to reduce usage where possible. This can include through minimising water use and/or re-using rainwater for non-drinking uses such as car washing.
Water sensitive design solutions	engineering design solutions to manage rainwater to minimise stormwater flooding and reduce impacts on freshwater. It includes features which mimic natural processes (including soil and plants) to reduce stormwater flooding risks and improve water quality.

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12 Aerial View of Otupalia Beach

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# 02

## Introduction



13.1







## DRAFT What is Tiritiri o Mātangi?

### 2.1

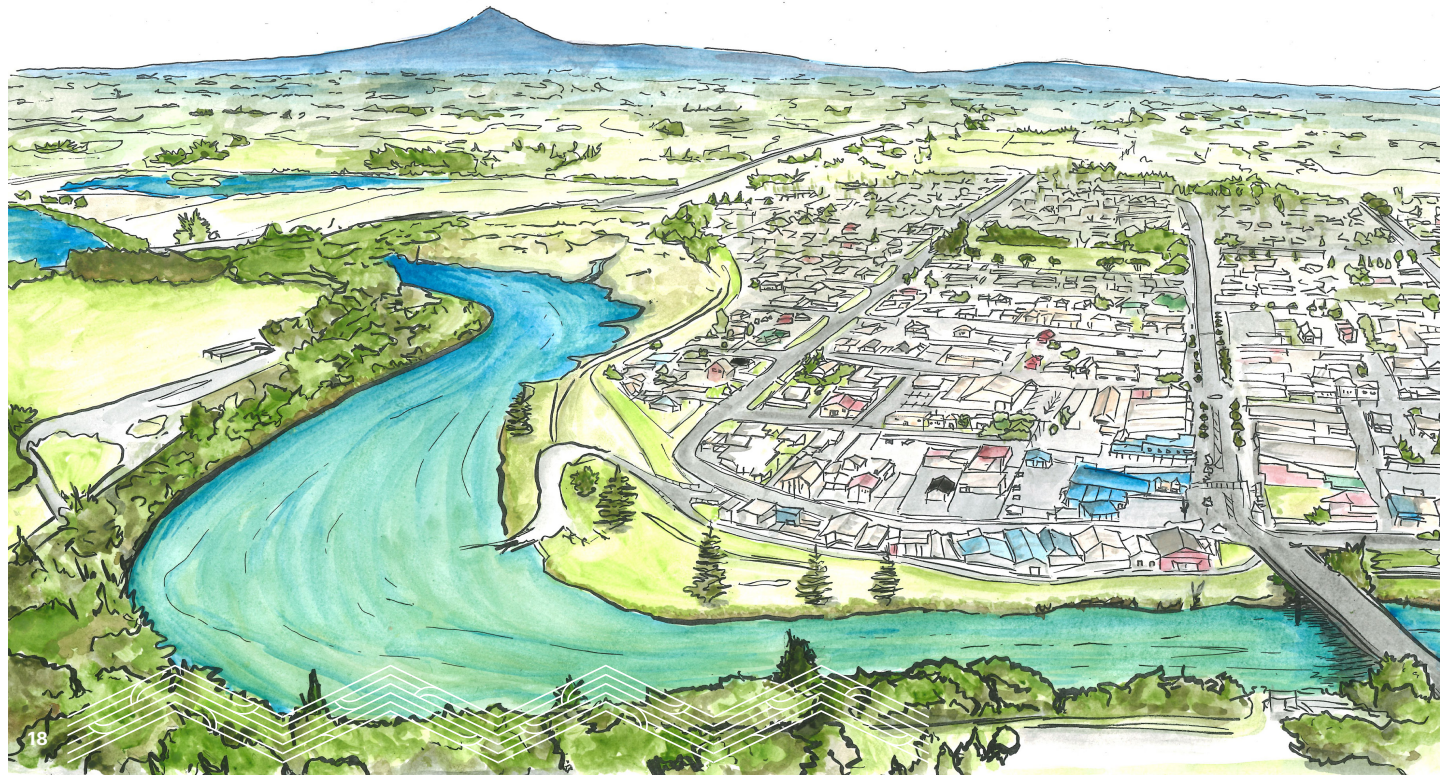
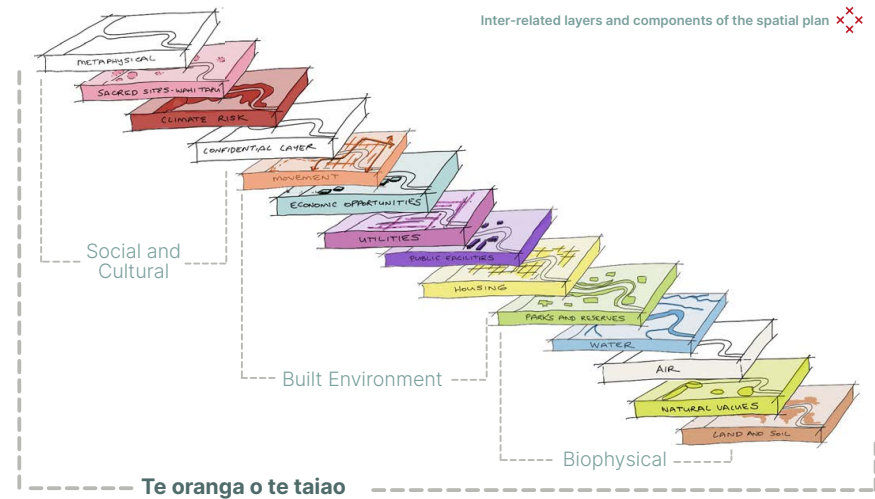
Tiritiri o Mātangi sets the blueprint for how and where Waitara will grow and change over the next 30+ years, to meet the needs of the community including tangata whenua, tangata tiriti and te taiao. Tiritiri o Mātangi seeks to ensure that Waitara continues to be a great place to live, work and play for future generations of rangatahi to come.

There is a lot to love about Waitara. It is a proud town with a unique community spirit and rich cultural and sporting history. Waitara people are connected to the awa, moana and wider taiao. Tiritiri o Mātangi will help to safeguard those things that make Waitara special.

However, there are some significant challenges facing the community including ageing infrastructure, natural hazards like flooding and

coastal erosion, access to healthy and affordable housing, local jobs and services. Tiritiri o Mātangi allows us to plan how we will address these challenges into the future and invest accordingly, so our town supports healthy and connected communities with sufficient land for housing, infrastructure and services.

Tiritiri o Mātangi sets out growth, development and land use aspirations within the township and a broader surrounding area of influence around Waitara. It identifies opportunities for the community, to improve connectivity and enhance the environment. It considers a range of elements relating to growth in Waitara including cultural values, land use, transport, water, wastewater and stormwater infrastructure, natural hazards, climate change, and natural environment values.



Tiritiri o Mātangi is guided by a series of outcomes for Waitara that are intended to capture the aspirations of the Waitara community into the future. It is important to remember that many of the outcomes described in this plan will not happen right away; some require long-term planning and investment which is why we need to identify these aspirations early, and work together towards achieving them.

Tiritiri o Mātangi provides guidance for future growth in a way that will support positive changes to the natural environment, provision of infrastructure, housing choice and affordability, access to jobs and services, the wellbeing of the community, and experience of visitors. Tiritiri o Mātangi will influence other planning documents such as the District Plan, the Waitara Community Board Plan, and the Long-term Plan.

Tiritiri o Mātangi is also accompanied by an implementation plan which recognises and sets out the steps that Council, hapū, the community, private development sector, businesses, infrastructure providers and others will collectively need to take over the short, medium and long term to work towards delivering the spatial plan outcomes.





### Documents that influence the Waitara Spatial Plan

- Proposed District Plan
- Waitara Community Board Plan
- Future Development Strategy
- Integrated Transport Framework
- Waitara Catchment Management Plan

### Documents that the Waitara Spatial Plan will influence

- Future Long Term Plans
- Future Infrastructure Plans / Strategies
- District Plan Review
- Guidance for Developers
- Future Community plans, strategies and policies

## Relationship with other documents

### 2.2

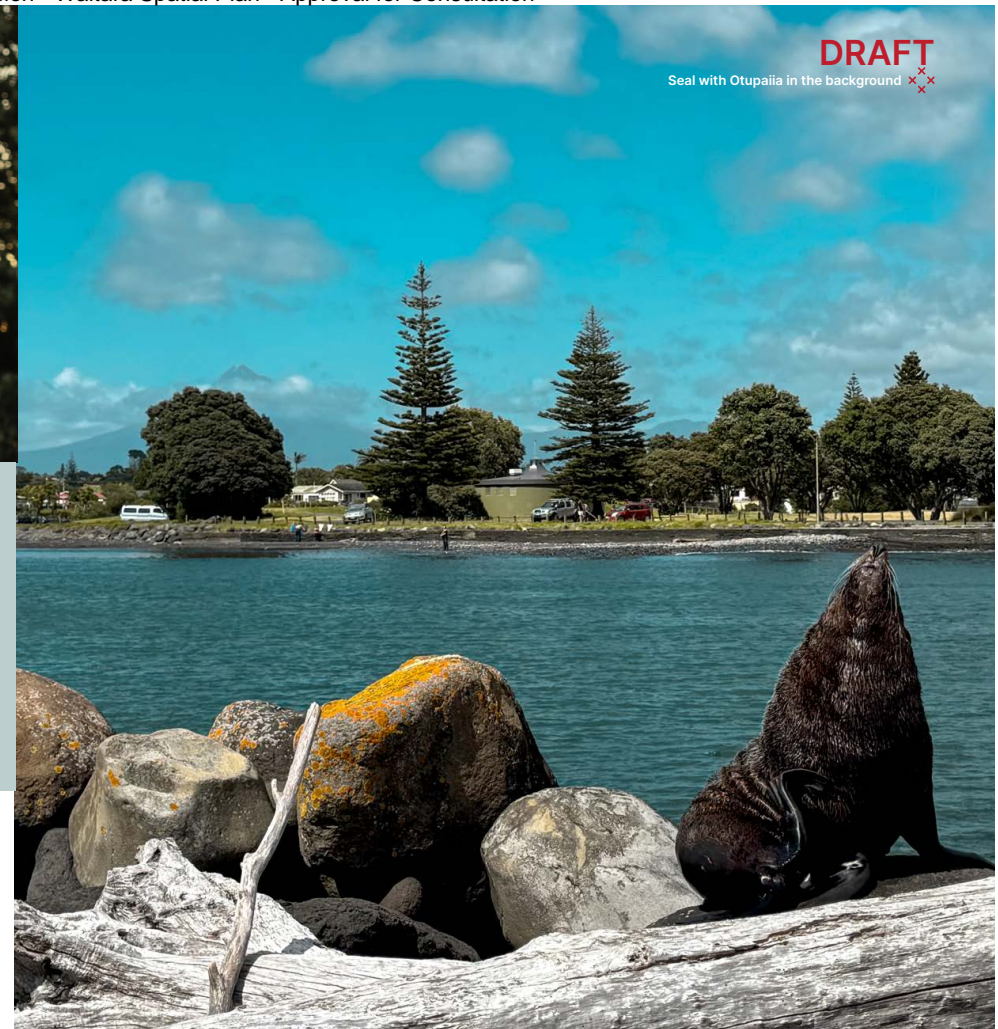
Tiritiri o Mātangi is part of a connected framework of legislation, strategies, policies and plans at a national, regional and local level that collectively influence how Waitara grows and develops.

It is a key strategic document for Waitara that will guide future growth planning and investment decisions. While it is a non-statutory document, it will influence other Council documents such as future [District Plans](#), [Future Development Strategies](#) (FDS), [Long Term Plans \(LTP\)](#) and [Infrastructure Strategies](#).

Councils are required to prepare a LTP under the Local Government Act every three years. An LTP describes community outcomes for the district and key priorities over the next 10 years, with

the Infrastructure Strategy stretching out to 30 years. Tiritiri o Mātangi provides a longer-term view of community aspirations and therefore informs the LTP, including specific projects that will require funding to be delivered. Tiritiri o Mātangi also considers central government legislation and policy direction in place at the time.

It will look to support cultural history visibility, location of land use, infrastructure and transport, place-making, and the local economy, in an integrated and coordinated way. It will provide direction for future district plan changes as well as directly inform the development of future LTPs and investment decisions.



### What a spatial plan can do

Reflects the long term collective aspirations for Waitara to inform:

- ✓ Councils' Long Term Plan processes and provide project proposals for future Long Term Plans, to help determine funding.
- ✓ Become part of the evidence base for future District Plan changes, when rules for land use and development are updated.
- ✓ Support applications for future funding opportunities, for example central government funding.

### What a spatial plan cannot do

- ✗ Replace regional policy statements, regional plans or district plans.
- ✗ Change land uses on a property (e.g, rezone).
- ✗ Commit funding to proposed projects.

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## Snapshot of growth in Waitara

### 2.3

Our understanding of growth in Waitara is based on previous documents compiled by NPDC and TRC, such as Housing and Business Capacity Assessments (which informs the LTP) and the Future Development Strategy. However, these assessments were based on the whole district. Tiritiri o Mātangi provides an opportunity to take a more detailed look at Waitara.



The current estimated population of Waitara is 7,263 (2024 – 34 LTP projection). Waitara is expected to grow to 8,652 over the next 30 years. This is an increase of 1,389 people or approximately 13%.



Waitara is expected to accommodate around 6.5% of the district's growth over the next 30 years.



Waitara has sufficient development capacity for housing growth in the short and medium term. However, a shortfall has been identified for the long term. To meet the projected demand, around 619 new houses will need to be built over the long term (30 years). When the 'competitiveness margin' from the NPS-UD is included, this increases to 725 houses.

Considering zoning and district plan provisions, availability of infrastructure and commercial feasibility, there is capacity for around 580 new houses over the long term. This means there is a shortfall in development capacity of around 145 houses (when considering Waitara as separate from the whole district).

The Council is continually building an understanding of the natural hazard risks in Waitara. In addition to meeting projected growth, recent work to understand natural hazards and the future impacts of climate change show that a number of houses in Waitara are vulnerable to natural hazards like coastal erosion and flooding. We also recognised there may be demand for additional housing in the future as a result of future climate change adaptation planning.



Taking a detailed look at the housing and business land at a Waitara specific level provides a better understanding of:

- what type of housing and employment land is needed.
- the need to find space for more houses to accommodate the projected growth in the long term; making more land available than required is expected to help ensure that land supply is not a barrier to delivery of affordable housing.
- where growth should occur, considering some land may be affected by long term constraints like flooding. We need to consider where existing residents will live in the future, and how to accommodate whānau who may not have access to resilient housing right now.
- the need to ensure that different types of housing are provided for that meet the needs of Waitara people, for example papakāinga, multi-generational housing, and different forms of ownership.
- what the constraints are to accessing housing.
- the need to look at other opportunities to assist with affordability.

There are a range of challenges in accessing suitable housing, particularly with respect to affordability.



We need to ensure that different types of housing are provided for that meet the needs of Waitara people, for example:

papakāinga



multi-generational housing



different forms of ownership



The average house price in Waitara is approximately \$488,200, which is 24% lower than the New Plymouth District median house price (\$640,000).



There are 79 Kāinga Ora social housing homes in Waitara, and 4 community group housing.



Waitara faces considerable socioeconomic challenges, with a higher prevalence of poverty and associated disadvantages compared to the broader New Zealand population. Over 50% of the Waitara population is in the most deprived socioeconomic category.

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The average age of Waitara residents is 38 years.



45.1% of the Waitara population is of Māori ethnicity.



According to Ministry of Business, Innovation and Employment Tenancy Services, median weekly rents for households in Waitara in 2025 are 2 bedroom \$460, 3 bedroom \$510, and 4 bedroom \$600.



Over the two years from December 2022 – December 2024 Waitara had the fastest growing house prices in the New Plymouth District at 1.24%.



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# How Tiritiri o Mātangi was prepared

2.4

## Stage 1

Project initiation  
August - October 2024

Site visits and getting to know Waitara  
hosted by hapū representatives

Identifying key stakeholders

Developing core project  
documentation

Developing the programme and  
co-design approach with hapū and  
Council officers

## Stage 3

Key outcomes  
October - December 2024

Preparing draft outcomes and key  
moves to respond to identified  
constraints

Spatial scenario development, testing  
and evaluation

Workshopping with hapū and key  
stakeholders on Tiritiri o Mātangi  
outcomes, key moves and spatial  
scenarios

## Stage 5

Tiritiri o Mātangi engagement  
July - August 2025

Community engagement and  
feedback/input into the draft  
Tiritiri o Mātangi

Workshopping with hapū and key  
stakeholders to share community  
engagement findings and working  
draft of Tiritiri o Mātangi

## Stage 2

Baseline analysis and key issues  
September - November 2024

Establish the district, regional and  
national context

Initial conversations with hapū and  
Council staff to help understand  
constraints and opportunities

Review of existing plans, documents  
and strategies

Constraints mapping

Contacting key stakeholders

Workshopping with hapū and key  
stakeholders on opportunities,  
constraints and key issues

Information sharing and input  
from the community on the Tiritiri  
o Mātangi project

## Stage 4

Prepare draft Tiritiri o Mātangi  
December 2024 - April 2025

Analysing information received  
through engagement

Preparing Tiritiri o Mātangi including  
the implementation plan

## Stage 6

Finalise Tiritiri o Mātangi  
September 2025 - March 2026

Reviewing and update of Tiritiri  
o Mātangi following community  
engagement

Publishing of Tiritiri o Mātangi

Implementing Tiritiri o Mātangi

engagement opportunities

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View of Waitara Township from Manukorhi Lookout

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03

## Waitara Context



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Aerial View of Waitara River with Taranaki Maunga in the distance



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## Cultural history

### 3.1

Waitara has long been a place of rich history, community, and resilience. It has been home to Māori for centuries, particularly Manukorihi and Otaraua Hapū, who have thrived here for generations. Māori were drawn to the area's mild climate, fertile soils, natural resources, and the abundant kai from the Waitara Awa and Moana.

Waitara was home to many kāinga and pā, showing how important this place has always been. Otauraua and Manukorihi Hapū continue to hold mana whenua over the lands and waterways of Waitara.

European settlers arrived in the 19th century and the land's fertility and potential as a port made it an attractive place to live. Rangatira of Otaurau and Manukorihi signed Te Tiriti o Waitangi, with others, in 1840 and in doing so preserved rangatiratanga for their descendants.

The illegal purchase of the Pekapeka Block in Waitara was a key moment in Aotearoa New Zealand's history, contributing to the first conflicts known as the Taranaki Wars. These events had lasting effects on the community, particularly with the Crown's subsequent confiscation of almost all Hapū owned land in Taranaki.

The loss of whenua brought significant challenges for many Māori, impacting their ability for generations, to retain economic independence and connection to traditional ways of life. The Waitara Lands Act 2018 attempts to acknowledge past events and Waitara's history.

It includes specific requirements for the vesting and transfer of lands, management of reserves, funding obligations, as well as the ability for

Hapū to purchase back confiscated lands which are vested or own by Council. Council and TRC must take into account the relationship of Manukorihi and Otaraua Hapū and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga in Waitara and in relation to the Waitara Awa.

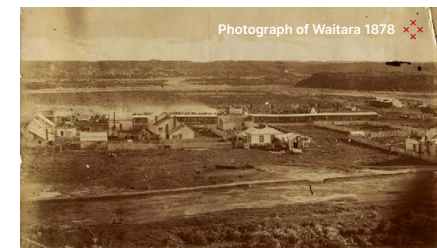
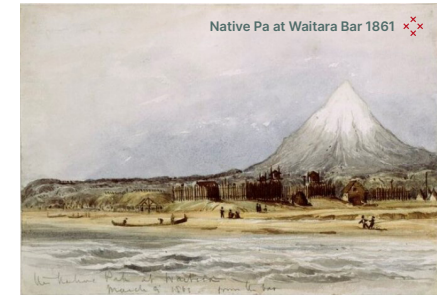
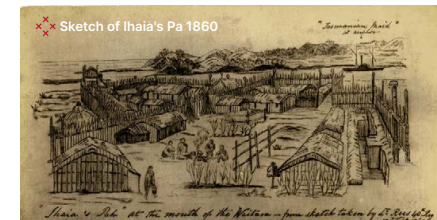
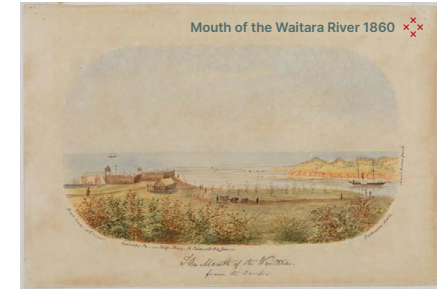
Waitara continues to be a place of cultural strength as well as sporting pride and community spirit. Standing proudly on the historic Manukorihi Pā site, Ōwae Marae remains a focal point for the Hapū of Te Atiawa.

Events held at Ōwae Marae include 'Te Riri me Te Raukura', an annual day of remembrance commemorating the first shots fired by the Crown in Waitara, and 'Te Raa o Maui Pomare' to acknowledge whānau who passed away and to celebrate the achievements of the year passed.

There are some events that encourage reflection and learning, strengthening connections by acknowledging the past and striving for resilience for all that now call Waitara home.

As Waitara looks to the future, Tiriti o Mātangi reflects a commitment to working together. By fostering strong partnerships with Hapū, Iwi, and the wider community. There is an opportunity to create a future that reflects and acknowledges our shared history while building a thriving and inclusive town for generations to come.

Waitara's story is one of resilience, adaptation, and hope. By acknowledging where we have come from, together we can shape a future that reflects the strength of the culture and traditions of Otaurau and Manukorihi Hapū and the diversity of Tangata Tiriti who live here.





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## Economic history

### 3.2

In pre-European times, the mouth of the Waitara River was about 400 meters wide. The river was in its natural and changeable state. The river was very important to the Māori people for gathering food and trading.

The river became busier with the arrival of Europeans and the 'Port of Waitara' provided for trade of a range of goods including meat and dairy produce on barges and steamers.

In the 1880s, to help bigger boats get into the river from the sea, structures called "moles" were built at the river mouth. These moles separated the river water from the ocean water and kept the channel open for boats. The moles made the river mouth narrower, which made the water flow faster and cleaned out the riverbed to keep it deep enough for boats.

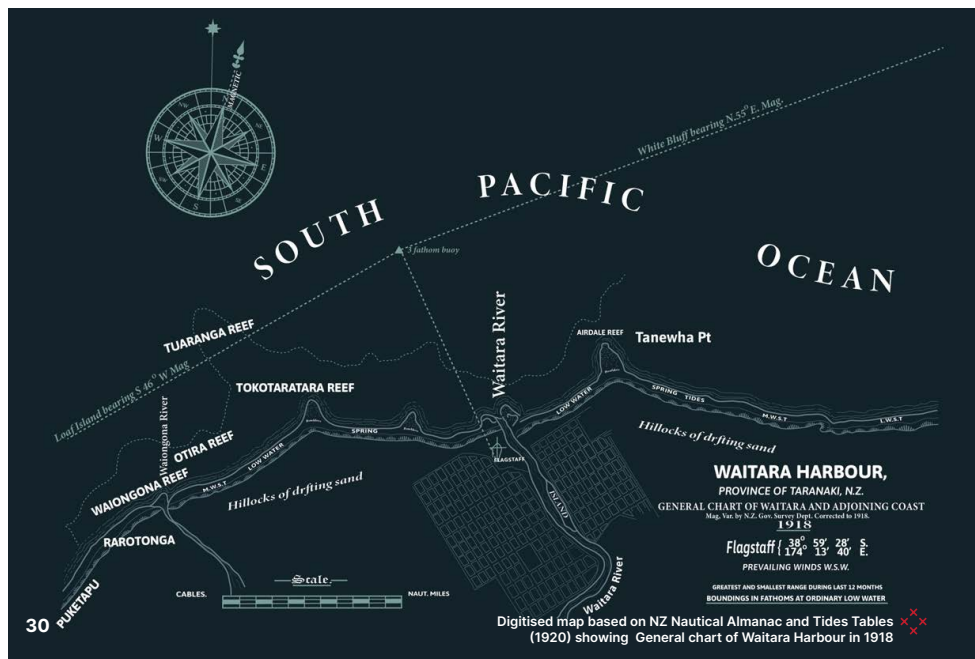
At first, the moles were used to control the river, but later the harbour's use changed, and the moles weren't needed for ships anymore.

From the 1940s the focus became limited to commercial fishing boats, and since the 1990s the Waitara River has been used by small recreational vessels including yachts and power boats.

The Waitara River has always been crucial to the people of Waitara, but periodic flooding caused significant disruption and damage to the town's commercial area. This led to the stop banks being built in the early 1970's.



Waitara Wharf and River 9 February 1915  
(John Buller Barleyman)



Between 1950 – 1990 Waitara was an economic hub supporting the community with jobs in manufacturing, agriculture, and oil and gas.

During this time key employers included Subaru car assembly, Swandri clothing factory, various food production and the freezing works, among others.

The freezing works was a key provider of job opportunities in the area, opening in 1885, but eventually closed in the late 90's due to a change in local and international markets.

This resulted in significant job losses, followed by further closures by Swandri and Subaru. This led to high unemployment rates and increased social deprivation in the town which affected the Māori work force as Māori made up a majority of the Waitara labour force. The works were purchased by ANZCO which still operates today but in a reduced capacity limited to specified small goods production only.

The oil and gas industry in addition to the meat works is an important industry to the community's economic development.

Establishment and the operation of the facilities lead to residential expansion on the eastern side of Waitara in the early 2000s.

The impact on small towns when large industries come and go have a significant impact on the social economic health of the community.



Waitara Freezing works  
(photographer unknown - Puke Ariki archives)



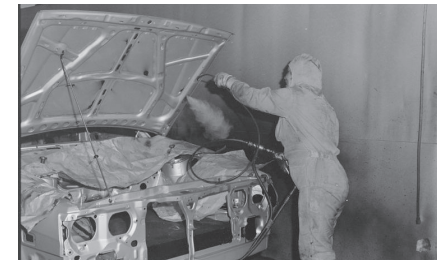
Locals shopping at Waitara New World supermarket, on opening day 31 March 1977 (Bernard Woods Studio)



10,000th vehicle manufactured in Waitara by Motor Industries Int. Ltd, Waitara 30 April 1982 (Bernard Woods Studio)



Working on an engine at Motor Industries Int. Ltd, Waitara 30 April 1982 (Bernard Woods Studio)



Woman spray paints a bonnet at Motor Industries Int. Ltd, Waitara 30 April 1982 (Bernard Woods Studio)

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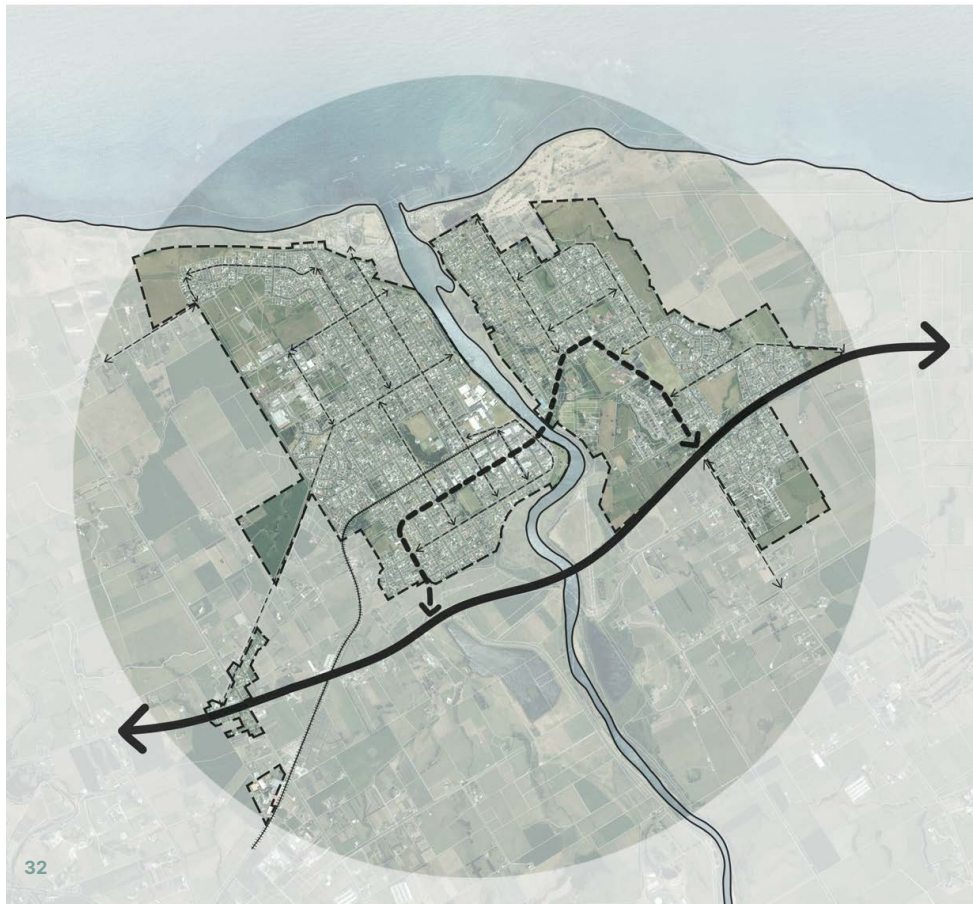
## Tiritiri o Mātangi area

Waitara is a township within the New Plymouth District in the northern part of the Taranaki region. It is a coastal settlement, dissected by the Waitara River and surrounded by predominantly rural land.

This map shows the broad spatial extent for Tiritiri o Mātangi which focuses predominantly on the township of Waitara.

The extent of the spatial plan does not have a defined boundary. This allows consideration of the influence of surrounding land, New Plymouth and other towns and settlements on Waitara and vice versa.

A flexible boundary also allows Waitara to respond to current and future opportunities and challenges without being restricted to a specific area.



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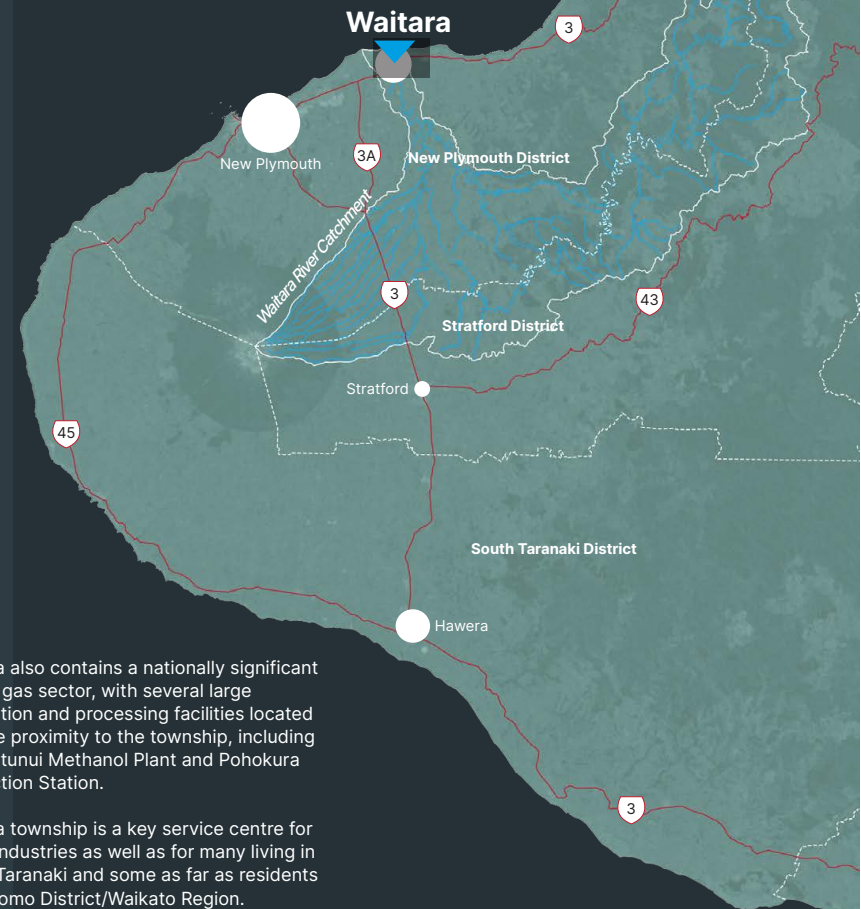
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## District and Regional context

3.3

Waitara is located just off State Highway 3 and approximately 20 minutes from New Plymouth. State Highway 3 provides northern and southern transport connections from Waitara.

Key drivers of Waitara's economy include a strong agricultural industry, with dairy, poultry and other primary industries well established in the area.



Waitara also contains a nationally significant oil and gas sector, with several large production and processing facilities located in close proximity to the township, including the Motunui Methanol Plant and Pohokura Production Station.

Waitara township is a key service centre for these industries as well as for many living in North Taranaki and some as far as residents in Waitomo District/Waikato Region.

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## Key National Direction

**3.4**

Tiritiri o Mātangi is an opportunity for the Council to respond to national direction, and be prepared at a strategic level for any changes in national direction and resource management reform. The government has signalled that national direction instruments will be reformed including the introduction of new national direction. The following current national direction is particularly relevant to Tiritiri o Mātangi.

## Te Ture Whenua Māori Act

**3.4.1**

The [Te Ture Whenua Māori Act 1993](#) sets out the jurisdiction of the Māori Land Court and provides special rules around dealing with Māori freehold land and other types of land held by Māori. The term 'Māori land' is defined as land administered by the Māori Land Court, including Māori freehold land, Māori customary land, and land held by trusts constituted under Te Ture Whenua Māori Act.

The Act stipulates that the Court's objective is to keep Māori lands in Māori hands, protect wāhi tapu, and assist landowners in living on, developing, and using their land for the benefit of all owners, their whānau, and their hapū.

## New Zealand Coastal Policy Statement

**3.4.2**

The [New Zealand Coastal Policy Statement 2010](#) (NZCPS) sets out requirements to protect and enhance the Coastal Environment. The Coastal Environment contains natural and physical features and values important to the cultural, economic and social wellbeing of Waitara.

The NZCPS contains national direction around protecting and enhancing coastal values such as natural character, landscape and amenity values, cultural values, and coastal water quality. It also guides how to sustainably manage the coast, acknowledging that certain resources are only available at the coast, and certain activities important to people can only occur at the coast. The NZCPS also provides direction around managing coastal hazards.

## Urban Development

**3.4.3**

The [National Policy Statement for Urban Development 2020](#) (NPSUD) requires the Council to set out how it intends to achieve well-functioning urban environments at a district-wide scale, and to demonstrate the district has sufficient development capacity over the short, medium and long term. The first Future Development Strategy for the New Plymouth District was adopted by NPDC and TEC in May 2024. The NPS-UD does not direct specific requirements for smaller towns the size of Waitara.

However, several of the principles contained in the NPS-UD are useful when looking at the spatial growth of Waitara. For example, considering areas for housing and development that have good accessibility via walking or cycling to services, employment, and open spaces, and providing for a variety of homes that meet local needs and enable Māori to express their cultural traditions and norms.

## Freshwater Management

**3.4.4**

The [National Policy Statement for Freshwater Management 2020](#) (NPSFM) sets out requirements to protect and enhance freshwater bodies. This is relevant to the river, streams and wetlands within Waitara.

The NPSFM includes a hierarchy of obligations relevant to Te Mana o te Wai that prioritises:

- first, the health and well-being of water bodies and freshwater ecosystems
- second, the health needs of people (such as drinking water)
- third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Freshwater bodies in Waitara are valued by tangata whenua and the wider community as a food source and cultural resource. Urban growth can impact freshwater in many ways, such as impacts on water quality from run-off and interfering with natural processes. It is very important to manage the effects of development on freshwater.

NPDC are currently working on the creation of catchment management plans for the district, funded from NPDC's operational budget. Waitara is the first priority catchment. There are also restoration projects underway in the district. The Tangaroa Restoration project in Waitara aims to resolve flooding issues currently affecting the lower reaches of the Tangaroa catchment, as well as improve water quality, restore native fish habitat and biodiversity, and return mauri to an awa (river) of cultural significance.

## Highly Productive Land

**3.4.5**

Of particular relevance to Waitara is the [National Policy Statement on Highly Productive Land 2022](#) (NPSHPL). The NPS-HPL requires that highly productive land is protected for primary productive uses. This includes restricting rezoning of rural land for urban purposes, unless it can be demonstrated that it is required to provide sufficient development capacity to meet expected demand for housing and business land and there are no other alternatives. Waitara is surrounded by land that is classified as highly productive under the national mapping provided by Manaaki Whenua.

Taranaki Regional Council is currently underway with a review of highly productive land in the region. At this stage, the Council must consider a range of options before expanding town boundaries on to highly productive land. This includes looking at existing capacity and opportunities for more intensive housing within the current urban zoned land – this is discussed in Section 5.

## Indigenous Biodiversity

**3.4.6**

The [National Policy Statement for Indigenous Biodiversity 2023](#) (NPSIB) seeks to respond to the ongoing decline of biodiversity in Aotearoa New Zealand by aiming to protect, maintain and restore indigenous biodiversity. It sets out a range of regulated measures that provides increased clarity and direction to councils on their roles and responsibilities for identifying, protecting and maintaining indigenous biodiversity. The NPS-IB requires the identification and protection of significant natural areas (SNAs). The Proposed District Plan includes over 360 SNAs, however none are identified in Waitara. The NPS-IB includes opportunities for the identification of taonga species by hapū and iwi, and opportunities for restoring indigenous biodiversity. Tiritiri o Mātangi supports implementation of the NPS-IB through protecting indigenous biodiversity in Waitara and increasing biodiversity across the wider district.

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# Constraints, key issues and opportunities

3.5

Before we look forward, we need to take stock of the present situation and identify and understand the physical constraints and key issues that will impact future development and growth of Waitara. Waitara is subject to a range of significant and complex issues, refer to the supporting Technical Report for further detail including constraints mapping. While there are a number of constraints and key issues, these represent opportunities for the spatial plan to respond to. Constraints and key issues include:



Susceptibility to several natural hazards, including flooding from the Waitara River, urban stormwater flooding, sea level rise, coastal inundation and coastal erosion and rising groundwater inland from Waitara's coastline.



Waterbodies have the potential to be negatively impacted by urban stormwater and wastewater overflows.



Ageing infrastructure that requires maintenance and upgrading to address capacity issues in the stormwater and wastewater networks, particularly during peak wet weather events.



A lack of affordable housing and diversity in housing choice that meets the needs of the community.



Highly productive land may constrain the ability for future growth beyond the existing urban boundary.



Development has historically occurred on low-lying land and near the Waitara River.

Stopbanks have been successfully protecting Waitara from river flooding since 1977, however stop banks also stop water from draining back into the river during wet weather, resulting in flooding from stormwater.



The ongoing protection of a large number of sites and areas of significance to Māori (SASMs) across Waitara that require ongoing protection from degradation.

Topography, including the altitude of land relative to water levels, and stopbanks mean that infrastructure improvements will not completely solve the flood risk.



Safety concerns in relation to State Highway 3.



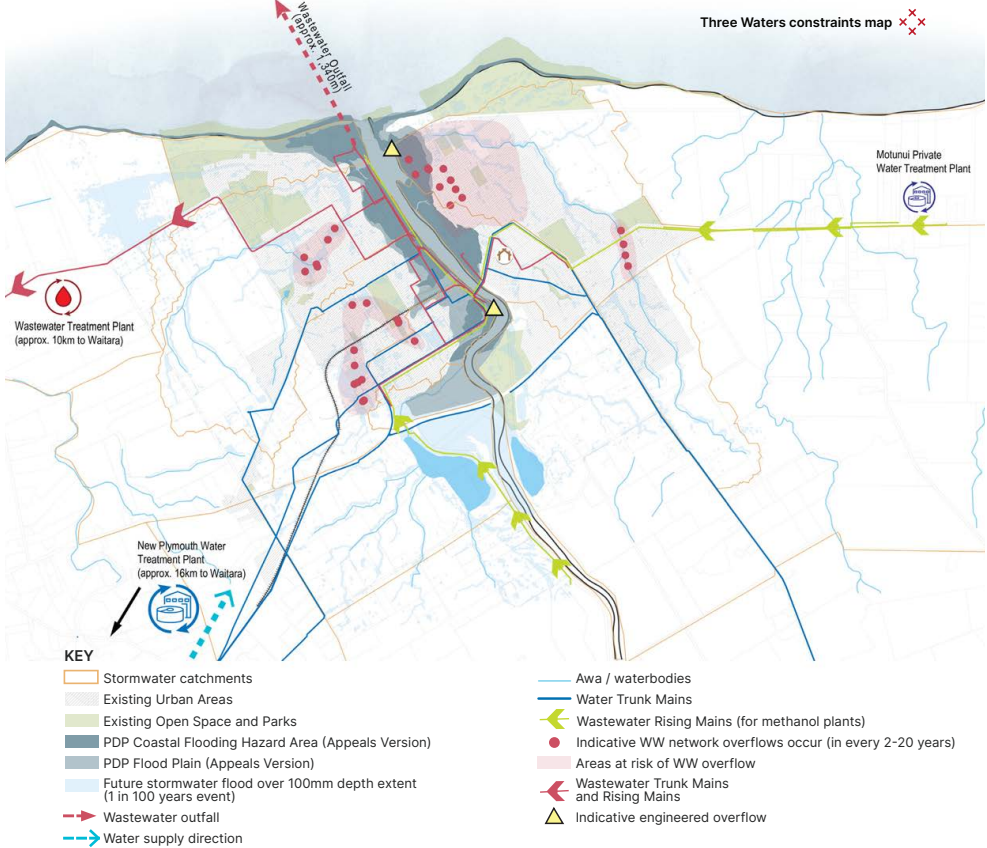
Opportunity for walking and cycling infrastructure improvements.



Historical leasehold land that it is challenging for some house owners to convert to freehold titles.



Limited public transport within Waitara and to other parts of the District.



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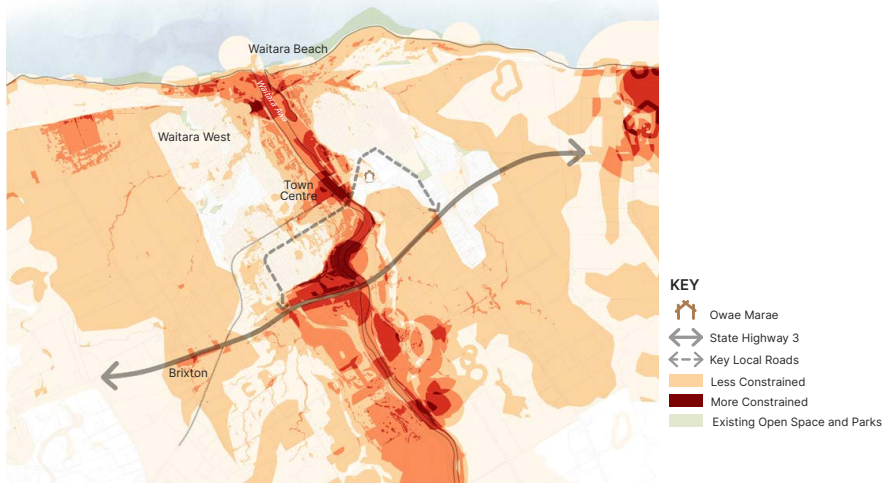
## Constraints and key issues

3.5.1

⚠️ Hazards constraints map



⚠️ Constraints Heatmap



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Landuse constraints map ⚠️



Sites and Areas of significance to Māori (SASM) constraints map ⚠️





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## Engagement

**3.6**

Tiritiri o Mātangi has been informed by numerous engagement activities. This has included workshops with key stakeholders, interactive displays at Waitara community events, sessions with youth groups and schools and the development community. Landowners identified as interested parties were also contacted.

Many central and local government agencies have been engaged with, such as Ministry of Education and Taranaki Regional Council, and these conversations will continue into the future as actions are delivered.

### What did early engagement look like with the Waitara Community?

Early engagement with the Waitara Community took place between November 2024 and March 2025 with several different events. At these events the community were asked to answer a series of questions and prioritise statements. They were also provided with a map and were asked a series of questions which allowed an opportunity for open answers.



### Events included:

- Waitara Night Market – November 2024
- Waitara Waitangi Day Market – February 2025
- St Josephs School, Waitara, Whanau Pool Party – February 2025
- Waitara Central School Gala – February 2025

The community were also provided the opportunity to respond to a survey with the same questions from the events. Physical copies of the survey were circulated and were also available online. Waitara High School students opted to participate with the online survey to provide feedback.

A local youth group also completed a session where they workshopped where the Spatial Plan should prioritise the focus points for Waitara.



### What did we hear from the Waitara Community?

What we heard during these engagement events has heavily influenced the drafting of the spatial plan outcomes, proposed future growth scenario and key moves.

A full summary of engagement completed to date is included in the supporting technical report. Key themes that came up time and time again during engagement events include:

- The importance of the awa and the beach
- Community pride and spirit and maintaining the sense of community
- Infrastructure challenges
- Issues with risk from natural hazards
- Desire for improved public transport
- The need for more affordable healthy housing
- The need for improvements to the town centre vibrancy
- More community facilities and improved recreational spaces
- Protect and enhance Māori cultural values and sites of significance.

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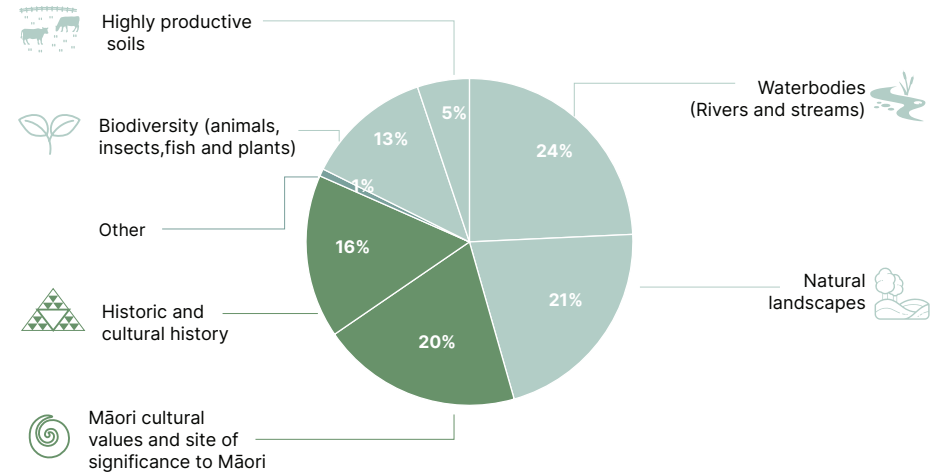
## Engagement

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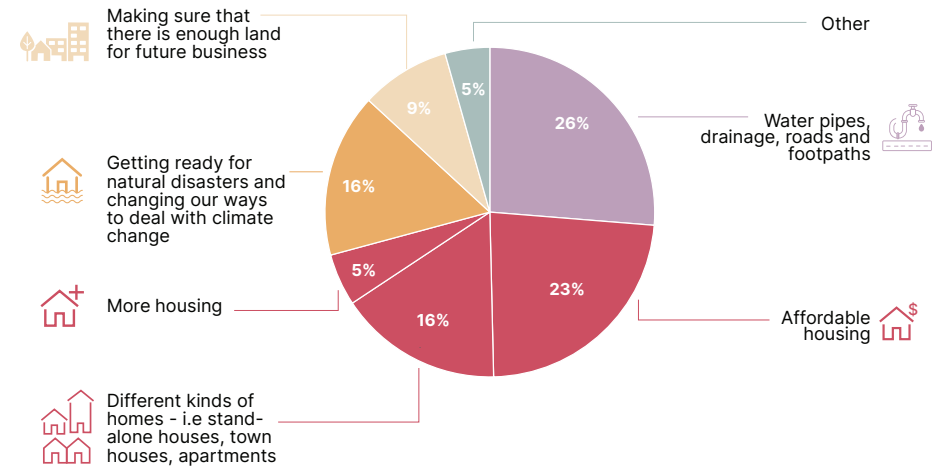


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## What should we protect or enhance in Waitara?



## What is important for this project to focus on in Waitara?



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04

## Waitara community identity and Tiritiri o Mātangi Outcomes





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# Introduction

4.1

Tiritiri o Mātangi includes outcomes that are intended to capture the aspirations and reflect the unique identity of the Waitara community now and into the future.

Waitara's unique identity has been shaped by its rich Māori cultural history, sense of community and connection to te taiao. Tiritiri o Mātangi recognises this community identity and ensures it is weaved throughout the outcomes that this plan seeks to achieve.

The outcomes represent what we want to protect and enhance in Waitara, and what we need to work on to make Waitara an even better place to live, work and play and retain the unique community identity.



The outcomes will not be achieved immediately, many will take time and ongoing effort. Achieving the outcomes will require a number of short, medium and long term actions, as well as ongoing actions (refer to the implementation plan in section 6).

The following sections of Tiritiri o Mātangi cover spatial moves and key projects that include the steps that will need to be prioritised to achieve the outcomes over the next 30+ years.

# Community values and identity

4.2

We have spent a lot of time talking to the community about Waitara.

The most common values are:



Community focus.  
Look out for each other



Sporting community



Sense of pride.  
The wairua and spirit  
of what it means to  
belong to Waitara



Rich Māori cultural  
history



Connection to the  
awa and whenua

# Achieving the Tiritiri o Mātangi Outcomes

4.3

The plan is intended to achieve all of the outcomes as a whole. There is no hierarchy of outcomes, therefore achieving the outcomes will require balancing and prioritising, noting that this may change as different parts of the plan are implemented.

Achieving the outcomes will take time. There are elements of the outcomes that are aspirational. It is important to remember this is a 30+ year plan.

Throughout Tiritiri o Mātangi the symbols representing each outcome are located next to elements on the future growth and land use plan (see section 5), key moves (see section 5.2) and the implementation plan (see section 6).

The outcome symbols indicate that the element contributes to achieving the relevant outcome. Some elements of Tiritiri o Mātangi achieve multiple outcomes.

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# The Outcomes

4.2



Waitara's Māori cultural history is recognised, visible and celebrated in a tangible way that is reflected in civic and open spaces



Waitara and its people are resilient to natural hazards and able to adapt to future climate change effects



Waitara town centre is vibrant, services the community and is a safe place for everyone



Waitara and its people are thriving and rangatahi, pakeke and kaumātua can stay and live in Waitara



The mauri and health of Waitara waterbodies is protected, and where appropriate, enhanced and restored

x x x

There is no untreated stormwater to the Waitara River or its tributaries

x x x

Wastewater is contained and there are no new discharges to the moana and awa

x x x

Mahinga kai, rongoa and other taonga species are accessible and flourishing with flora and fauna, ensuring tangata whenua can practice manaakitanga



Development is carefully planned to make best use of existing infrastructure

x x x

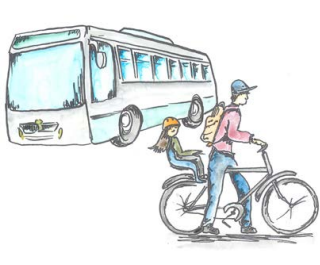
Any new stormwater, wastewater and water infrastructure delivery incorporates innovative and smart methods

x x x

Stormwater treatment through water sensitive design solutions and rainwater harvesting

x x x

Water conservation



Accessibility and movement throughout Waitara and beyond is easy

x x x

Public transport is a viable alternative

x x x

Walking, cycling and other active travel connections throughout Waitara

x x x

People have access to affordable healthy homes

x x x

People have equitable access to parks and reserves

x x x

Community facilities and services meet community needs

x x x

Local jobs

x x x

Supply of land for housing and business exceeds project demand in Waitara in order to support affordability and a competitive land market



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# 05 Waitara 2055



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# Introduction

5.1

Waitara is a proud town with a unique community spirit and rich cultural history. Waitara people are connected to the awa, moana and wider taiao. Any growth and development, or changes in Waitara must protect and enhance these elements that are valued.

As mentioned in section 3.6 above, there is currently plenty of land available in Waitara to accommodate the small amount of growth anticipated. However, some of this land is constrained, particularly in relation to stormwater and flooding. We also have big challenges with ageing and failing infrastructure which is expensive to maintain and upgrade to an acceptable standard.

We also know that access to housing is unaffordable for many Waitara people. Despite the amount of land zoned for residential uses in Waitara, average incomes, house prices and rents, and the cost of developing new homes mean that while there is land available for housing, access to this capacity cannot be realised by many of the community.

The plan for Waitara in 2055 has been developed to:

- align with Manukorihi Hapū and Otaraua Hapū aspirations for Waitara in the future
- achieve Tiritiri o Mātangi outcomes
- reflect stakeholder and community values
- ensure that there is sufficient land for housing and business over the long term, including careful consideration of constraints such as flooding and coastal erosion
- give effect to government policy including freshwater, urban development and highly productive land
- address existing issues such as infrastructure capacity and freshwater quality.

In developing this plan, a number of other options were considered, including growth in different locations. A full assessment of all options is included in the technical report (see section 9.7).

It is important to note that the change indicated in the future growth and land use plan, as well as supporting key moves, will not happen immediately, and in some cases, change will happen very slowly.



52 Kuaka | Godwit mural, McLean St by Charles and Janine Williams,

# The future growth and land use plan

5.2

The future growth and land use plan (the plan) focuses on growth to the west of Waitara and continues to provide for future growth and development in parts of Waitara East that are less subject to natural hazard risks and infrastructure constraints.

The plan provides for more residential growth than the projected demand of around 620 homes, providing space for approximately 1550 new homes. The additional housing capacity assists with supporting housing choice and competition in the market to support affordability as well as greater flexibility in where best to accommodate any growth to cater for changing circumstances over the long term (e.g. development feasibility).

The plan has:



Areas identified as suitable for intensification and infill within the existing urban environment



Residential expansion to the west



Retention of existing undeveloped residential areas



Removal of land at Waitara East currently identified for future urban uses (now accommodated in the west), with the future long term use of this area to be determined



Consolidation of the town centre with the future long term use of land adjacent to the Waitara River to be determined

It also shows locations for housing and growth in the best locations to support safe and resilient communities, e.g. away from areas with higher risk from natural hazards and infrastructure constraints.

No additional land for business uses (e.g. industrial activities) has been identified. There is sufficient business and industrial land in Waitara to cater for anticipated growth, noting that there is additional industrial land in the district to support district wide industrial and business demand. There is also an opportunity to work with businesses to understand their needs and how to better utilise industrial land in Waitara, including for emerging industries.

Retention of existing open space areas



Identification of a corridor either side of the Waiari Stream



Identification of convenience retail in accessible locations



Retention of existing industrial areas except for vacant land adjacent to the Waitara River which has been identified as future green space



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✖✖ Proposed Future Growth and Land Use Plan



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# The health of te taiao

The ground on which the Waitara community now resides has undergone substantial alteration from its original state. This document recognises past decisions that have impacted on the environment, not only within the urban areas, but land use decisions within the wider catchment.

For example, the conversion of headwaters into intensive farming has led to the destruction of natural ecosystems, which over time has resulted in a significant decline in the quantity and quality of freshwater ecosystems and become detrimental to the health of humans, animals and plant life that rely on these water sources.

One of the biggest current and ongoing challenges for Waitara is the management of stormwater and wastewater and impact on freshwater.

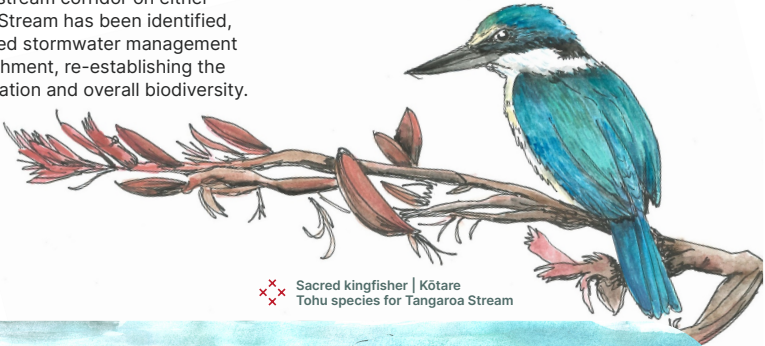
Projects are currently underway and planned for to contribute to improving the health of te oraanga o te taiao. It should be acknowledged that these projects are only a starting point to do so.

Although the freshwater ecosystems across urban Waitara are degraded and reduced in extent, the current health of those which remain shows great potential for enhancement and long-term return to health. This will benefit not only the mauri (life force, quality and vitality) of urban waterbodies within the Waitara catchment, but also the wider Waitara community.

Historic decisions around landfill locations have also impacted on the health of te taiao. Recent extreme weather events and high tides exposed the Waitara West Reserve landfill, prompting an immediate operational response.

This has resulted in the West Beach Reserve Landfill (Battiscombe Terrace) and Golf Course Landfill commencing a review for potential remedial solutions.

The long-term future use of Waitara East Future Urban Zone has been reviewed as part of this plan. A protected stream corridor on either side of the Waiari Stream has been identified, to support improved stormwater management for the Waiari catchment, re-establishing the wetland in this location and overall biodiversity.



✕✕✕ Sacred kingfisher | Kōtare  
Tohu species for Tangaroa Stream



✕✕✕ Current land use and vegetation cover

✕✕✕ Enhanced vegetation cover around waterways, coastline, gullies, urban and town centre and existing green space/reserves

Goldstripe Gecko ✕✕✕



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## Where people will live

The plan provides potential capacity for 1550 additional homes:

- Approximately 750 via existing vacant residential zoned land
- Approximately 150 via infill and intensification within the existing urban environment
- Approximately 600 via residential expansion to the west

The plan shows areas of infill/intensification in Waitara West between Cameron Street and McLean Street and Waitara East between Clifton Drive and Carey Street. Infill and intensification opportunities are assumed to be provided through smaller secondary units (e.g. granny flats), duplexes and some terraced housing and apartments in appropriate locations.

The areas identified for infill are located on higher ground, outside higher flood risk areas (although subject to potential overland flow paths that require careful management), and in areas that have good accessibility to the town centre and/or community facilities like schools.

The infill/intensification areas are also in stormwater catchments which are less constrained. Infill can continue to be provided above the ground floor within the town centre, supporting a mixed use environment.

Currently infill is provided for by the Proposed District Plan throughout Waitara's urban area, however in reality this cannot always happen due to the flood risk. The plan anticipates the majority of infill/intensification in the two locations identified (and the town centre) and discourages it from occurring elsewhere.

The plan shows a large area (approximately 34 hectares) of land immediately to the west of Waitara (south of Brown Road and west of Ranfurly Road) identified for future growth. This area has been identified as it is the least constrained with respect to natural hazards and infrastructure.



This area could accommodate around 600 homes, plus a small centre to provide local convenience services, and open spaces. Structure planning will be required to identify more specific locations of roads and other infrastructure required to support growth.

Recent investigations indicate that it is not suitable for urban development due to low lying topography, the location of the Waiari Stream and associated wetland and infrastructure constraints.

Further work to determine the appropriate future use of this land, including stormwater management and promoting good ecological and cultural outcomes for the Waiari is underway.

No provision is made in the plan for rural lifestyle development due to the requirements of the NPS-HPL.

The Rohutu Block Trustees and NPDC are working together to remove houses from the Block, and both acknowledge the need for a future vision that removes further homes from this area to ensure risks associated with coastal erosion are reduced.

A change to the Proposed District Plan will also be required to rezone this land from rural to residential. This land is currently identified as highly productive under the NPS-HPL and can only be rezoned if there is insufficient land for housing within the existing urban environment. Further analysis of this will be required before any rezoning can be progressed.

In the current Proposed District Plan and FDS, future urban zoned land is identified at Waitara East. The long term future use of the Waitara East Future Urban Zone has been reviewed as part of this plan. The plan proposes to remove the future urban zoning of this land.

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# Jobs and services



## Town centre

The zoned extent of the town centre is proposed to be consolidated for two key reasons. The West Quay end in particular is subject to high risk from flood hazards – primarily due to water not being able to drain to the river. There is no practical way to alleviate this risk, which is likely to only increase with climate change. In addition, the existing town centre is considered large relative to the population of Waitara. This has contributed to excess supply of retail space and lack of vibrancy. Consolidating the town centre will support a greater concentration of shops and services and improve overall attractiveness and vibrancy. Public space improvements are also required (refer key moves section below).



## Aging Population

As the population continues to age, consideration needs to be made for an increase in demand for cemetery services. Land for a cemetery is currently provided for, however in the long term acquisition of land will be required for expansion as space in the current area will eventually reach maximum capacity. It is important that the current cemetery is expanded as opposed to building an additional cemetery. There are many reasons for this such as efficiencies for management by Council, better to group like activities (zoning) and accessibility.



## Green space

A potential future community green space has been identified for the vacant industrial land next to the Waitara awa at the end of West Quay/Whitaker Street East. Transitioning this area to community green space has multiple benefits, including celebrating and connecting to the awa. The space could also be used as an outdoor community hub and flexible outdoor activation space. This change in use supports connections to and from the coastal walkway, Otupaiia Marine Park and the town centre.



## Land for industry

There is sufficient capacity in Waitara to cater for projected business growth over the next 30 years. Other than a potential removal of vacant industrial land at the end of West Quay / along Whitaker Street East, no changes to existing industrial land are proposed and it is anticipated at this stage that new industry will locate within the existing industrial zone in Waitara.



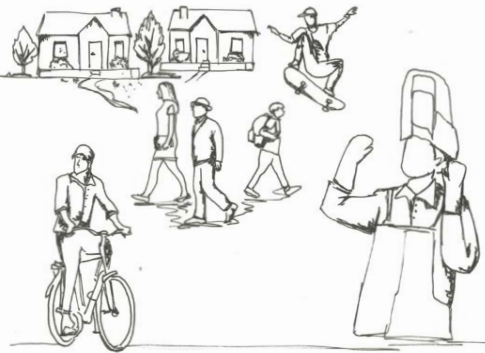
## Residential

The plan includes expansion of residential land to the west. As many schools, day care and community facilities (e.g. Whai Tapuwae Nō Rongo, North Taranaki Sports and Recreation Centre) and Owaē marae are located in Waitara East, the plan needs to include access improvements so that people can easily make their way to these services. This will include new and improved cycleways and safe routes to school. Refer to the key moves section for more detail.



## Library

The Waitara Library and Service Centre is a much-loved community facility that provides access to the internet, accessible literary resources (including printing), meeting rooms and council related services such as rate and dog registration payment. As Waitara services a larger area of smaller satellite townships as far as Mokau, it acts as a community hub and means users don't need to go into New Plymouth. As part of the plan, as the community grows there will be a need to consider whether to upgrade the current building or to build elsewhere, outside of the floodplain.





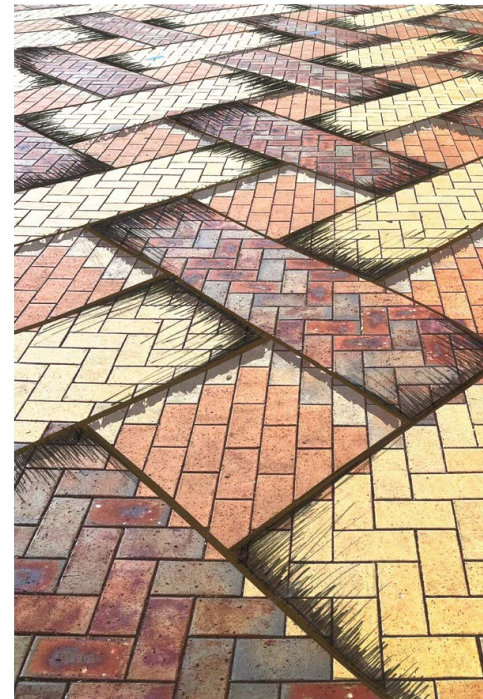


## Cultural

This plan seeks to respect Waitara's rich Māori cultural history through the ongoing protection of sites and areas of significance to Māori, while celebrating the town's people and identity.

The plan has carefully considered locations of sites and areas of significance to Māori and ensured that growth areas and other changes do not affect these important places.

Environmental improvements proposed as part of implementing the plan will support improvements to the mauri and health of Waitara's waterbodies which in turn supports the maintenance and restoration of mahinga kai, rongoa and taonga species.



Town centre footpath bricks designed in a weaving pattern



Pou on the Hub by Rangit Bailey



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## Natural hazards

As mentioned earlier, there are several ways which hazards may impact Waitara. Tiritiri o Mātangi recognises past decisions, dating back to Carrington's 1842 survey plan, where infrastructure choices made by the first British settlement influenced the location and development of Waitara. In the 1860s and 1870s, town sections were built across numerous large wetlands, located close to sea level, within the river floodplain and its tributaries and within overland flowpaths.

The 'Taming' of the river began in 1880s. The rivermouth was reduced in width. Historically important wetlands were drained or filled in, streams were straightened and diverted into

pipes, and roads intentionally cut through pā sites rather than following the natural lay of the land. The roads were often built higher than surrounding properties, rather than being cut in, like in New Plymouth and Inglewood. This means that many of the roads in Waitara act as dams, stopping water from naturally draining away.

Since 1972, Waitara has been protected from flooding from the Waitara River by stop banks. The Waitara River catchment is large and covers around 17 per cent of Taranaki. The stop bank structures were built to reduce damage as the result of significant flooding which occurred in 1956 and 1971.

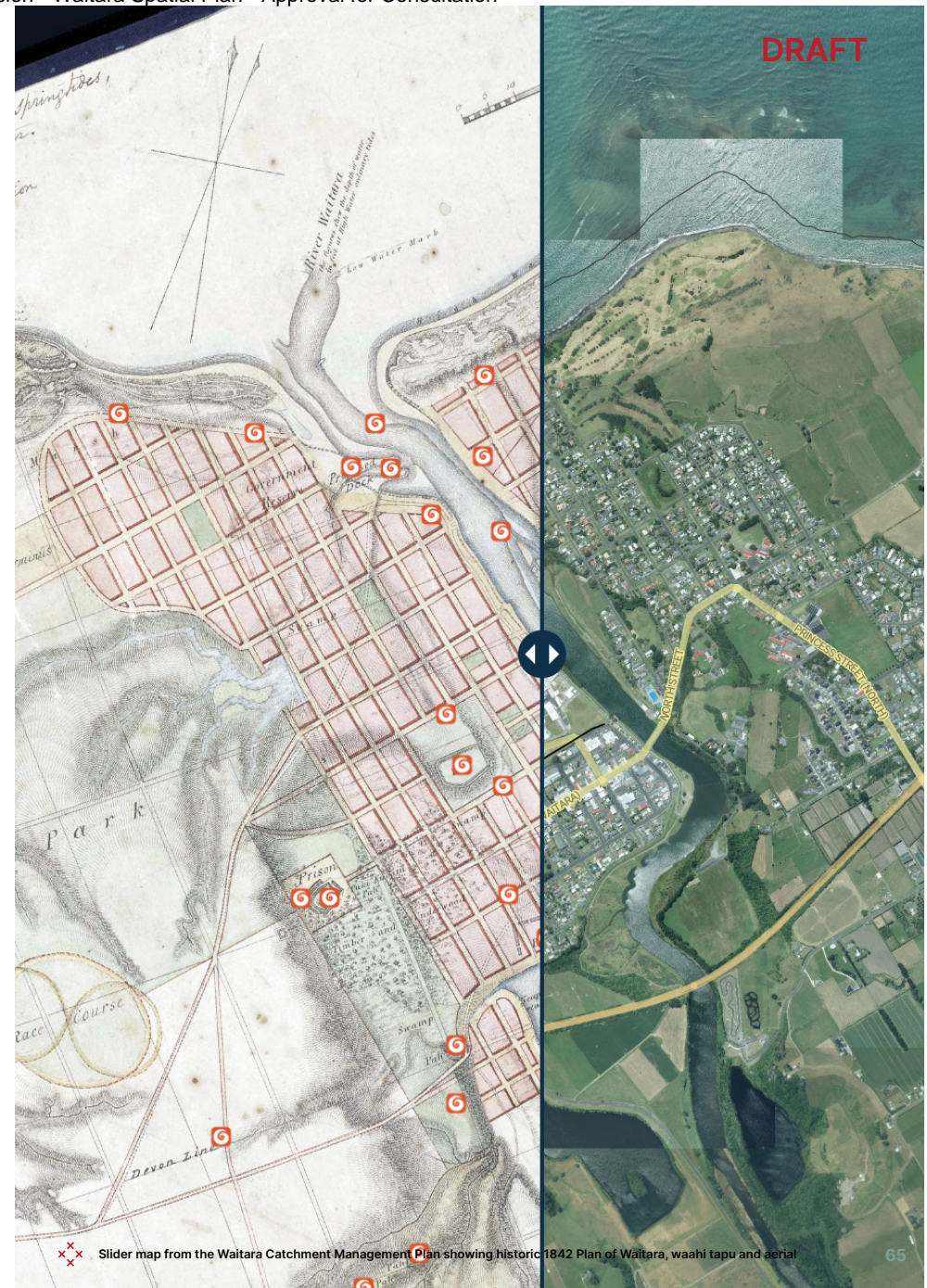
The stop banks have successfully provided protection for the Waitara community from catchment flooding caused by heavy rainfall high upstream. However, ponding (pooling of water) caused by more heavy downpours in Waitara itself continues to be an issue as stormwater cannot flow into the river.

Taranaki Regional Council has continued to roll out improvements and regular maintenance to the stop bank after flooding events. Improvements completed include increasing the height of the stop bank and river channel improvements. Natural hazards will be made worse by climate change, and will increase risks to the community into the future. The plan outlined in this document has taken these risks into account and has informed where people can live in the future that is safer, as well as ways to reduce risk and increase resilience by avoiding development in the higher risk areas.

Design measures for new development required by the Proposed District Plan and Building Code will be required in certain locations to mitigate risk (for example raising floor levels), although in some places there will still be risk that remains, that are challenging to mitigate (or, for example, are very expensive). There are also some natural hazards such as volcanic hazards that cannot be avoided. In these cases, emergency readiness is important (for example, having enough water and supplies in case they aren't accessible because of an emergency event).



64 1965 flooding in Waitara



Slider map from the Waitara Catchment Management Plan showing historic 1842 Plan of Waitara, waahi tapu and aerial



**DRAFT****Resilient Waitara*****Exploring options with the Waitara community for solutions to navigate and thrive into the future.***

The Waitara River and coastline are much-loved areas of the Waitara Community. They have brought economic opportunities to the town and provided a rich source of kai for hundreds of years.

Today these areas still provide kai and provide for recreation spaces for the community including: fishing, boating, canoeing, swimming and many other activities. Because of this, protection of these natural areas is important.

While the Waitara River and the coastline is valued, the community have also indicated concern to ensure their town is safe from natural hazards and environmental change (including the impacts of climate change). The constructed stopbanks have done and continue to protect the town from the floodwaters of the river.

Despite this there remain some natural hazard impacts and associated risks, in particular urban surface flooding, rising groundwater and coastal inundation. The future growth and land use plan for Waitara focuses on areas that are less exposed to natural hazards. In the current urban areas, some stormwater issues can be fixed with future infrastructure improvements (discussed in the supporting infrastructure section).

However, it's becoming clear that not all the future flood risks can be addressed by engineering solutions, especially if sea level rise, rising underground water levels, climate change, and erosion are put into the mix.

There are other towns and cities in New Zealand that have been fighting against water for many years but are now exploring alternative ways to better work with water and nature (e.g., [Resilient Westport](#), [South Dunedin Future](#), and [Anzac Parade Resilience-Building](#)).

Tiritiri o Mātangi seeks to explore ways of keeping people and property safe by involving the community in exploring with the Waitara Community the best options for potential solutions to navigate these environmental change challenges and ensure a thriving community into the future.

Future resilience planning for Waitara has been identified as an area that requires further thinking. This relates to the information coming out of the Waitara catchment management plan and the known combined risks from coast, river, surface flooding and rising ground water.

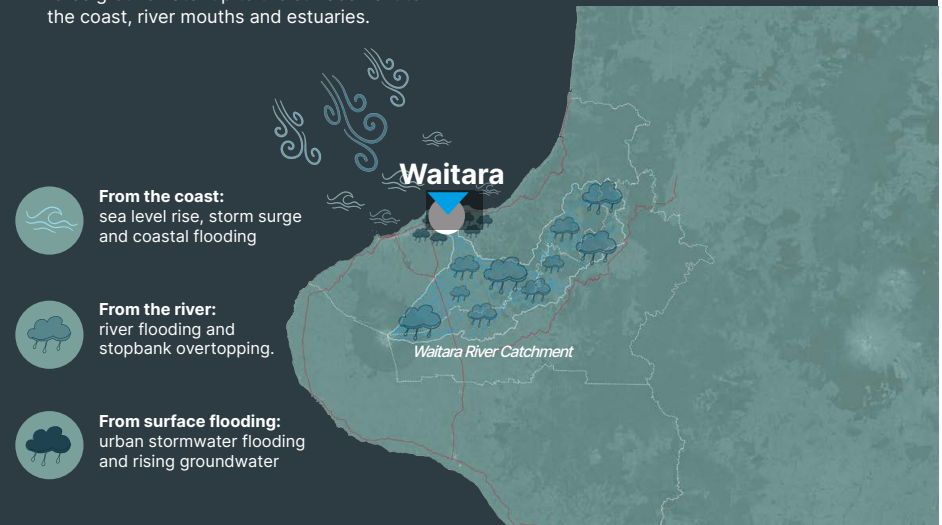
Tiritiri o Mātangi seeks to understand what the community view is in relation to these risks and how they would like to plan for taking into account these environmental changes and better working with the natural environment of the area.

There is time to think about how best to respond to these risks and the spatial plan aims to provide some strategic guidance, informed by the community on the way forward.

**A combined risk**

Waitara is subject to environmental change impacts in particular areas. These are all natural processes that occur, but when they come together in a particular area, combined increase risks. These include:

- **From the coast** – Sea level rise and coastal flooding. The risk from a storm surge event (powerful ocean movements caused by factors such as strong winds) can vary depending on the tide, wave height and wind direction. This risk is increasing as sea level rises and is expected to increase further with climate change.
- **From the river** – river flooding and stopbank overtopping. The Waitara catchment (area that 'catches the water' upstream) drains areas of both the eastern hill country in North Taranaki and the Taranaki ring plain from Taranaki Maunga. When the upper catchments flood, large volumes of water flow and expand along the natural floodplain. However, the flow is forced to narrow when it reaches the Waitara township because of the reduced channel width and tight bends. This risk increases as climate change causes more frequent bouts of heavy rainfall.
- **From surface flooding** – urban stormwater flooding. Urban water pools in low lying areas, overland flow paths and behind the stopbanks. This risk also increases as climate change causes more frequent bouts of heavy rainfall.
- **From rising groundwater** – rising sea levels force groundwater up to the surface next to the coast, river mouths and estuaries.



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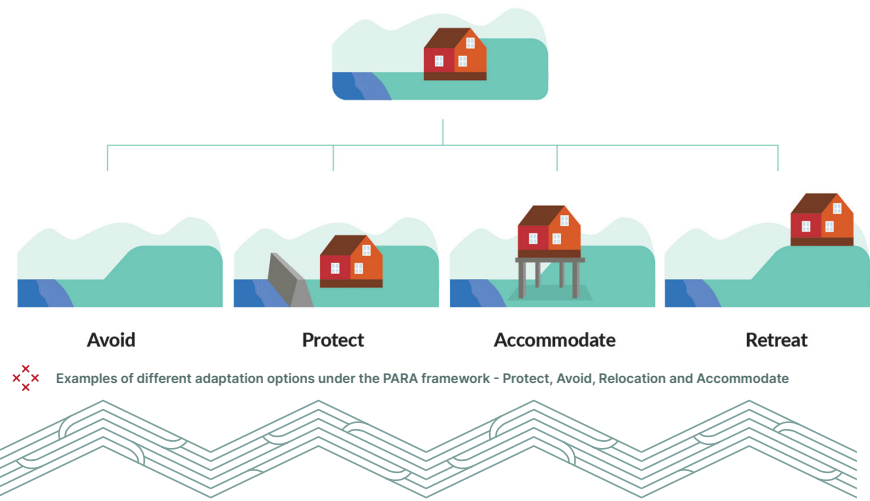
# Resilient Waitara

## Questions for the community to consider:



- Q.1 Should we be better planning for and supporting Waitara for preparedness when natural hazards occur?
- Q.2 Can we provide improved information on the natural hazards that might impact Waitara?
- Q.3 Are you as a community concerned about natural hazard risks?
- Q.4 Being resilient can involve a range of approaches (see below), should we be working with the community to identify which mix of approaches might be suitable for Waitara into the future?
- Q.5 Should we be guiding new growth areas, where possible, to be focused on areas of Waitara that don't have natural hazard risks?
- Q.6 Should we be ensuring that development in high-risk areas is done in a way that responds to those risks?

## Options for resilience planning:



# Supporting infrastructure

There is sufficient potable water available to cater for the level of growth anticipated through this plan. Upgrades to the wastewater transfer pump station will be required to increase the pumping capacity of wastewater to the New Plymouth Wastewater Treatment Plant (NPWWTP).

Upgrades to the NPWWTP are required to cope with the increased wastewater volumes coming from Waitara. Stormwater resilience, attenuation and treatment projects will also be needed within the various stormwater catchments across Waitara to support future growth and development.

There is sufficient capacity in the local roading network to support the level of growth anticipated. Upgrades on State Highway 3 will continue if/when planned by NZTA. New and improved walking and cycling connections are proposed to improve levels of accessibility and connections across Waitara, as outlined in the key moves section 5.2.

No changes to the location of existing schools and marae are proposed. As mentioned above, access improvements for people coming from the west are proposed.

From a cultural perspective, this document recognises that Waitara is sending wastewater into another rohe.

This plan seeks to respect Waitara's rich Māori cultural history through the ongoing protection of sites and areas of significance to Māori, while celebrating the town's people and identity. The plan has carefully considered locations of sites and areas of significance to Māori and ensured that growth areas and other changes do not affect these important places.



Infrastructure improvements proposed as part of implementing the plan will support improvements to the mauri and health of Waitara's waterbodies which in turn supports the maintenance and restoration of mahinga kai, rongoa and taonga species.

# Water, wastewater and stormwater requirements

The Council and other infrastructure providers will need to plan for, and help to fund, supporting infrastructure. To support our plan, we require safe, resilient, well-planned and integrated strategic infrastructure. We have identified upgrades to existing infrastructure as well as new infrastructure that would be required over the next 30 years to enable growth to occur.

The map to the right identifies the general location for water, stormwater and wastewater

infrastructure as well as the approximate cost to deliver this infrastructure. These are conceptual, and feasibility, exact location, and land requirement will be investigated through future planning processes. Some of this infrastructure is already planned for through the LTP and Infrastructure Strategy, however many of the upgrades or new infrastructure fall outside the current LTP cycle and will require additional funding.

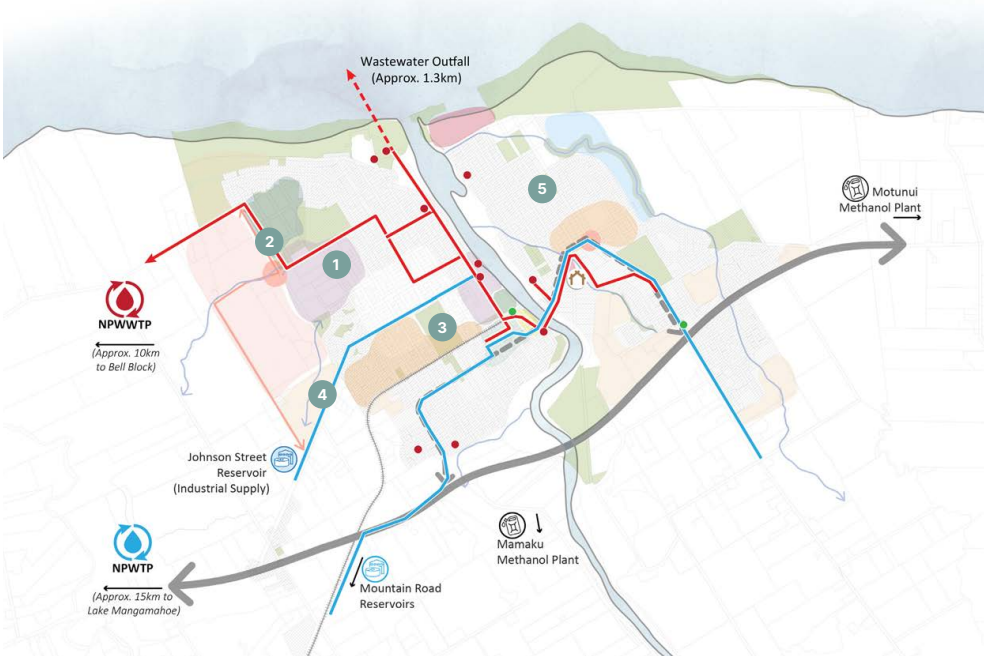
Type	Ref #	Area	Description	Cost Est.
 Wastewater	1	West of Waitara River	Transfer station upgrade	\$ 5m
	2	West of Waitara River	Wastewater network upgrades	\$ 5m
Sub-total (Wastewater)				\$ 10m
 Stormwater	3	West of Waitara River	Incremental cost of bund at Pukekohe Domain	\$ 0.5m
	4	West of Waitara River	Raleigh Street runoff treatment pond	\$ 2m
	5	East of Waitara River	Minor adjustments and attenuation basin at Te Puna Park	\$ 5m
Sub-total (Stormwater)				\$ 7.5m
Total				\$17.5m

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✖✖ Proposed Future Growth and Land Use Plan  
- Stormwater, wastewater and water infrastructure requirements



KEY

- Owae Marae
- State Highway 3
- Railway
- Awa / Waterways
- Wastewater Trunk and Rising Mains
- Wastewater Outfall
- Wastewater Pump Stations
- Stormwater Pump Stations
- Water Trunk Mains
- Existing Urban or Peri-urban Areas
- Existing Open Space, Parks or Reserves
- Consolidated Town Centre\*
- Special Purpose - Māori Purpose Zone
- Local convenience retail\*
- Existing Industrial Zoned Land
- Undeveloped Residential Zoned Land (Vacant)
- Undeveloped Future Urban Zoned Land\*
- Future Infill/Intensification\*
- Future Residential Expansion\*
- Explore potential appropriate uses for the land, including stormwater management and promoting good ecological and cultural outcomes with the Waiari

\* Proposed Growth Scenario subject to future investigation and future plan change processes



## Water

Potable water will continue to be supplied from Lake Mangamahoe. There is sufficient supply of water to cater for the level of growth anticipated through the plan.

No potable water upgrades are required to support the plan other than regular scheduled maintenance and those upgrades already identified and included in the LTP and Infrastructure Strategy.



## Wastewater

To realise the plan, an upgrade at the NPWWTP will be required to manage increased processing of wastewater.

Additionally, two key wastewater network upgrades will be required which will be focused on the western wastewater catchment.

This includes a transfer pump station upgrade and wastewater network upgrades. These upgrades are also required to assist in addressing current level of service deficiencies.



## Stormwater

In the current urban areas, some stormwater issues can be fixed with future infrastructure improvements. However, it's becoming clear that we can't eliminate all flood risks in Waitara by engineering solutions alone, especially considering future impacts like sea level rise, rising underground water levels, climate change, and erosion.

Several stormwater upgrades across the existing stormwater network in Waitara will be required to support the plan. These would need to occur at the same time as development is occurring within the different stormwater catchments. Upgrades required include a combination of stormwater resilience, attenuation and treatment projects within strategic locations.

Currently identified upgrades (refer to Proposed Future Growth and Land Use Plan - Stormwater, wastewater and water infrastructure requirements map above) include a new runoff treatment pond and increased storage in Pukekohe Park. Also, the small amount of infill / intensification around Carey Street will require additional treatment through wetland enhancement and attenuation creation at Te Puna Park.

All new development will be required to be hydraulically neutral with stormwater being appropriately stored and treated before discharge.

NPDC have recently prepared Catchment Management Plans (CMPs). The CMPs have completed an evaluation of watercourses and identified management opportunities in relation to stormwater.

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# Key moves

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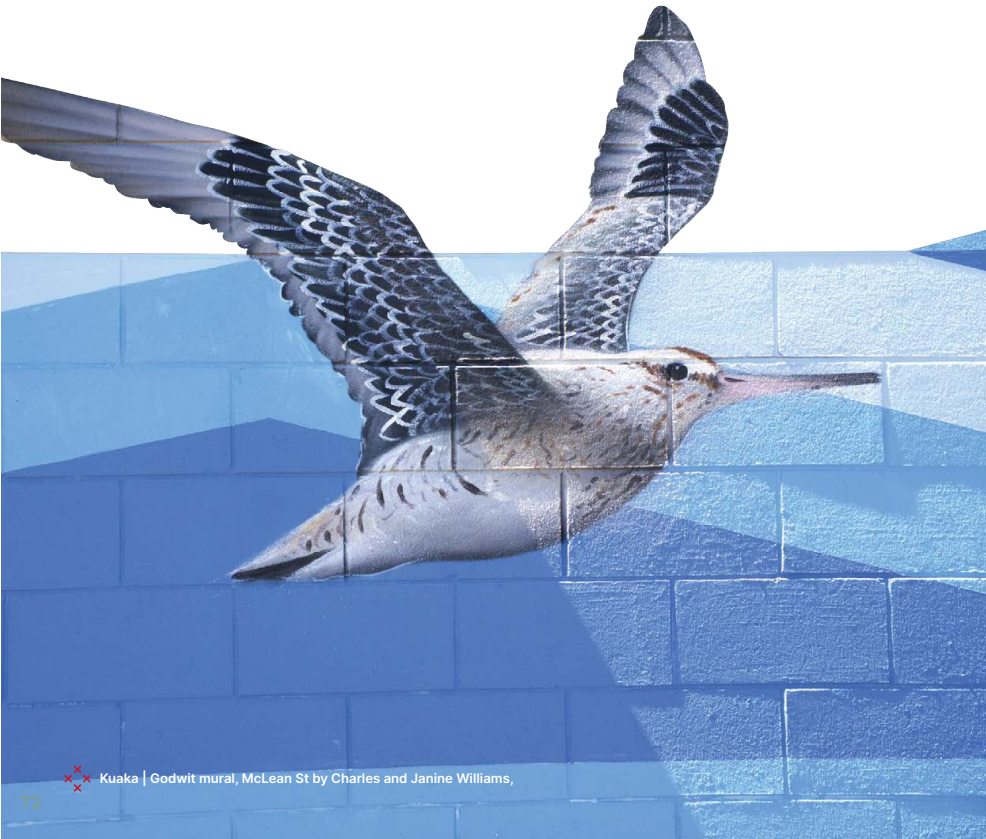
To achieve the Tiritiri o Mātangi outcomes and support the delivery of the future growth and land use plan a number of actions will be required; these are referred to as 'key moves'.

Key moves are a mix of spatial actions (e.g. relating to a particular part of Waitara) and non-spatial actions (e.g. relating to Waitara as a whole or the development of policy or strategy).

Some of the key moves are 'quick wins' that can be delivered in the short term, others are aspirational and may require feasibility testing

and/or long-term delivery. Some key moves are also high priorities with respect to delivering on the future growth and land use plan and achieving the outcomes. This is discussed further in section 6 (implementation).

The map on the following page shows spatial key moves, followed by a list of non-spatial key moves, with details on how these could be implemented in section 6.



Kuaka | Godwit mural, McLean St by Charles and Janine Williams,





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# Key moves

5.2



Key moves map

KEY

- State Highway 3
- State Highway 3 gateway opportunities
- Railway
- Awa / Waterways
- Protected stream corridor
- Prioritisation of Owae Marae as a central hub, including connections and enhancements.
- Extend coastal walkway to town centre and enhancements to town centre end of coastal walkway
- Enhanced local cycling connections in Waitara West
- Increased bus frequencies
- Consolidated town centre and flood resilience works
- New or upgraded neighbourhood centres
- Streetscape enhancements and pedestrianisation of West Quay

- Existing Urban or Peri-urban Areas
- Consolidated Town Centre\*
- Special Purpose - Māori Purpose Zone
- Local convenience retail\*
- Existing Industrial Zoned Land
- Undeveloped Residential Zoned Land (Vacant)
- Undeveloped Future Urban Zoned Land\*
- Identify and enable more infill/intensification opportunities\*
- Future Residential Expansion\*
- Existing Open Space, Parks or Reserves
- Create future community green space

\* Proposed Growth Scenario subject to future investigation and future plan change processes

- Library upgrade
- Parks and open space enhancements
- Pool upgrade or relocation
- Support papakainga development
- cemetery extension
- Future structure planned area
- Cultural wayfinding and storyboards

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## KEY MOVE ONE - CULTURAL



Celebrate Waitara's Māori cultural history by increasing visibility through a range of methods such as establishing design guidelines to inform improvements to public and civic spaces.

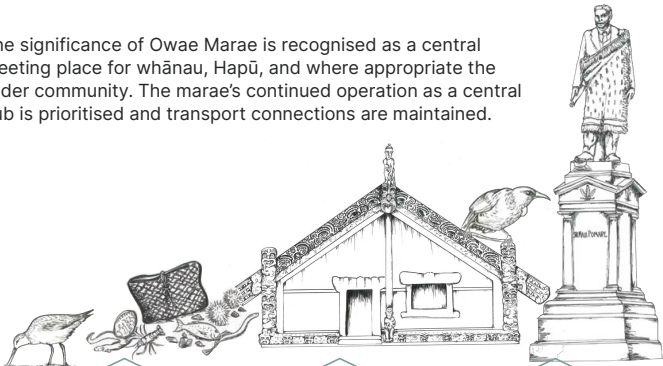
Introduce cultural wayfinding in streets and public open spaces through use of pou, storyboards, and toi Māori.

Investigate potential for a cultural heritage trail.

Restore the health and mauri of significant waterbodies, including Waitara Awa and its tributaries, by requiring development to manage stormwater through high quality treatment and promoting enhancement planting of riparian margins.

Continue to protect sites and areas of significance to Māori via the district plan, and where appropriate promote their enhancement in partnership with tangata whenua.

The significance of Owae Marae is recognised as a central meeting place for whānau, Hapū, and where appropriate the wider community. The marae's continued operation as a central hub is prioritised and transport connections are maintained.



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# KEY MOVE TWO - PLACEMAKING AND SENSE OF PLACE



Develop Waitara-specific public space design guidelines to reflect Waitara's unique place and cultural history in future streetscape and public space upgrades.



Pedestrianisation and public space upgrades of key streets in the town centre including West Quay and Maclean Street.



Create a community green space at the end of West Quay adjacent to Whitaker Street East.



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# KEY MOVE THREE - ENVIRONMENTAL



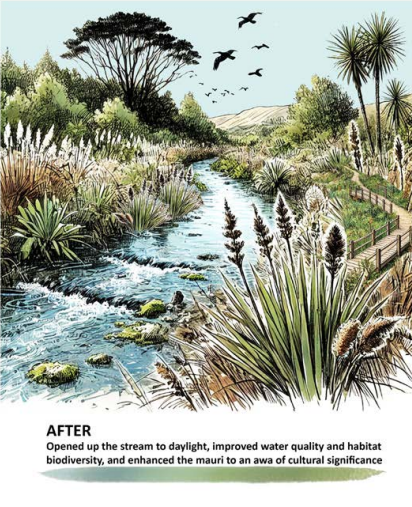
Improve mauri, quality and health of waterbodies within Waitara through stream naturalisation and daylighting (e.g. opening up streams that have previously been built over), enhancement planting, reconstruction of wetland systems and ongoing improvements to stormwater management.



Little Black Shag | Kawau tū  
Coastal and estuary seabird



**BEFORE**  
Existing situation includes degraded stream health and water quality overtime, waterway are overwhelmed by invasive vegetation



**AFTER**  
Opened up the stream to daylight, improved water quality and habitat biodiversity, and enhanced the mauri to an awa of cultural significance



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## KEY MOVE FOUR - INFRASTRUCTURE, TRANSPORT AND COMMUNITY FACILITIES

Increase public transport frequencies within Waitara and to key destinations in New Plymouth and Bell Block.

Develop a walking and cycling strategy for Waitara and identify future street network improvements to support multimodal access.

Ensure parks are accessible by all people through multi modal transport options

Improve cycling and other active travel routes between key destinations in Waitara, including to support connections to the town centre and community facilities in Waitara East for people living in Waitara West, including the future growth area.

Install traffic calming and street enhancements between Clifton Park and St Joseph's.

Undertake enhancements associated with the Coastal Walkway extension to Waitara Town Centre, this may include signage to other key attractions, seating and end of trip facilities (secure cycle parks, lockers and the like).

Carry out specific infrastructure upgrade projects to improve management of wastewater and stormwater in wet weather events, for example localised wastewater pump station and network capacity upgrades.

Develop a 'toolbox' / guidance to support developers to utilise on-site water conservation and attenuation of water – such as supporting rain water tanks, and mitigating and minimising impermeable surfaces.

Investigate options to efficiently manage stormwater on private and public land, and purchase land as required, through the vesting process or through collaborating with developers to achieve integrated stormwater solutions. This could result in better use of space for stormwater infrastructure.

Investigate potential for a recreation trail along the Waitara River.

Enhancements and / or upgrades to key community facilities such as the Waitara pool, library and cemetery.

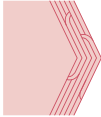
Enhancements to existing reserves, ranging from planting to support stormwater drainage and biodiversity to other structures such as play equipment, seating areas and barbeques.

Investigate opportunities for a shared community space/s. This would be subject to demand and feasibility and could range from the co-location of services, to establishing a community hub as a place for everyone that houses a range of facilities such as the library, a museum, gallery, access to social services

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## KEY MOVE FIVE - FUTURE GROWTH AND HOUSING



Undertake a detailed housing and business capacity assessment specific to Waitara to develop a comprehensive understanding of demand, affordability and realistic/feasible capacity.



Review current residential zoning and district plan provisions to encourage infill / intensification in places that are best suited to this type of residential use, taking into account flood hazards and accessibility to employment, public transport and community facilities.



Avoid infill and intensification in areas where the risk from flooding is too high and cannot be mitigated.



Prepare a structure plan for residential zoned land at Brown Road, including locations for key infrastructure, roading, open spaces.



Prepare a structure plan for the Ranfurly Future Urban Zone, including consideration of whether any of the pony club land is used for public open space as well as locations for key infrastructure and roading.



Enable new / enhanced local convenience retail in accessible locations and at a scale that services the immediate neighborhood while not drawing business away from the town centre. This is a response to the local Waitara context where many people do not have access to a car and is intended to meet demand for access to day-to-day retail (e.g. bread, milk) by walking or cycling.

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Prepare a structure plan for the new growth area to the west, including locations for key infrastructure, roading, open spaces and local convenience retail.



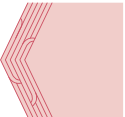
Complete a study to fully understand and then work towards addressing barriers to housing delivery in Waitara. Investigate opportunities for Council to partner with iwi and Hapū (i.e., joint ventures) utilising Council and/or iwi and Hapū landholdings to undertake development including housing.



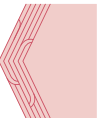
Investigate opportunities for Council to partner with other housing providers to deliver housing.



Investigate new and promote existing financial incentives to improve the standard of buildings in the town centre and encourage adaptive re-use of buildings in the Town Centre.



Develop a guidance/toolbox to support landowners and developers wanting to develop housing. This could include guidance on RMA and Building Act consent requirements, navigating the district plan, supporting information requirements, infill design, resilient buildings and contact details for local experts.



Use various methods, including a change to the district plan to consolidate Waitara Town Centre to minimise development on land at high risk from flooding, and to support a concentration of activities that will improve vibrancy.

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## KEY MOVE SIX - RESILIENT WAITARA



Develop and implement a climate change local adaptation plan with the Waitara Community, following the completion of a district wide climate adaptation plan. This will explore the options to protect, accommodate, retreat or avoid hazards in Waitara.

Continue to manage and maintain flood protection along the Waitara River.

Consider solutions to support the community of Waitara to have accessible and high quality information on hazards and associated risks. As an example, explore subsidized LIM's etc.



View of Mclean Street during flooding in the 1970s

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## KEY MOVE SEVEN - ECONOMIC



Develop an economic development strategy/plan for Waitara, including opportunities that will create local jobs.

Work with businesses and Venture Taranaki to support the best use of industrial land in Waitara and cater for existing and emerging industries.

Investigate opportunities for Council and iwi/Hapū to undertake catalyst projects in the town centre to encourage further private investment and development.

Install gateway landscaping at State Highway intersections and beyond to draw people into Waitara.

Investigate the potential of short term and/or pop-up retail opportunity for the township.



Example of a 'catalyst project' in the town centre - ephemeral and/or pop-up retail opportunity for the township.



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## Implementing Tiritiri o Mātangi



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## Introduction

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This section sets out key actions to guide the short, medium and long term implementation of the spatial over the next 30+ years.

These actions indicate how Hapū and Council will work with the community and other stakeholders to deliver on the Tiritiri o Mātangi outcomes. Given Tiritiri o Mātangi is a long term plan, the outcomes will be phased over time depending on priority.

## Review of Tiritiri o Mātangi

6.2

Tiritiri o Mātangi is not a static document. The first 'sense check' review of Tiritiri o Mātangi will be completed in three years following adoption, with sense checks occurring on a three yearly basis thereafter, with every second review being a full review and re-assessment of outcomes and monitoring and reporting of actions.

These will be timed to inform Council Long Term Plan processes. A full review will be completed every six years. This review period will ensure it remains current with respect to responding to key issues and any changes in growth projections and any changes in community's priorities.

## Implementation Plan

6.3

Timeframe:

- Current / ongoing = already underway
- Short term = 1 – 3 years
- Medium term = 3 – 10 years
- Long term = 10+ years

Priority:

LOW

MEDIUM

HIGH


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Cultural	Placemaking	Environmental	Infrastructure	Resilient Waitara	Economic	Future growth and housing
Increase visibility of cultural history	Pedestrianise key streets	Improve mauri and health of waterbodies	Increase public transport	Climate change local adaptation plan	Economic development plan for Waitara	Housing and business capacity assessment
Cultural wayfinding	Develop community green space	Historic landfill remediation	Opportunities from Coastal Walkway Ext.	Continue to manage/maintain flood protection	Scope / prepare industrial land study	Avoid infill in areas of high flood risk
Protect waahi tapu / SASM sites		Explore a Waitara awa corridor plan	Walking and cycling plan	Accessible, high quality info on hazards and risks	Enhance gateway landscaping and signage	Investigate barriers to housing delivery
Investigate slope stability at Owae Marae			Cycling and active travel routes		'Catalyst projects' in the town centre	Partnerships for affordable housing
Better stormwater management			Traffic calming on active travel routes			Financial incentives for centre buildings
			Better long term wastewater management			Ensure district plan enables housing choice
			Wastewater pump station install/upgrades			Structure plan Brown Road res zoned land
			'Toolbox' to support developers			Structure plan West growth areas
			Shared community hub/space			Structure plan Ranfurly Future Urban Zone
			Ensure parks are accessible by all modes			Review zoning and rules to encourage infill
			Enhancements to Waitara pool			'Toolbox' to support housing
			Feasibility study on Waitara pool			Enable local convenience retail locations
			Improve active travel in East Waitara			Consolidate Waitara Town Centre
			Waitara Reserves Management Planning			
			Expansion of the cemetery			
			Support Waitara Sport and Rec clubs			
			Improve community services			

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REF	ACTION	OTHER POLICIES AND STRATEGIES	TIMEFRAME	PARTNERS	PRIORITY
 <b>CULTURAL</b>					
1.	Identify and undertake methods to increase visibility of Waitara's cultural history including development initiatives: including development initiatives: <ul style="list-style-type: none"> <li>Street and place naming</li> <li>Design guide</li> <li>Cultural heritage trial</li> <li>Public spaces design guidelines to reflect Waitara's unique place and cultural history in future streetscape and public space upgrades.</li> </ul>		Medium	Waitara Community Board	MEDIUM
2.	Introduce cultural wayfinding in streets and public open space through pou, storyboards and toi Māori.		Current to ongoing	Waitara Community Board	LOW
3.	Continue to protect sites and areas of significance to Māori via the district plan, and where appropriate promote their enhancement in partnership with tangata whenua. This will include: <ul style="list-style-type: none"> <li>Wahi tapu site plan changes to update information as required.</li> </ul>	<ul style="list-style-type: none"> <li>District Plan</li> </ul>	Current to ongoing		HIGH
4.	Investigate and fund potential slope stability issues at Owae Marae to protect it from natural hazards so it is maintained as a central meeting place for whānau, hapū, and where appropriate the wider community. <p><i>*The significance of Owae marae is recognised as a central meeting place for whānau, Hapū, and where appropriate the wider community. The marae's continued operation as a central hub is prioritised and transport connections are maintained. This location is also a key location in Civil Defence emergencies.</i></p>	<ul style="list-style-type: none"> <li>District Plan</li> </ul>	Medium		MEDIUM
5.	Require development to manage stormwater through high quality treatment and promoting and enhancing planting of riparian margins and wetlands to support the restoration of the health and mauri of significant waterbodies.		Current to ongoing	Taranaki Regional Council, Waitara River Committee, Waitara Community Board	HIGH

REF	ACTION	OTHER POLICIES AND STRATEGIES	TIMEFRAME	PARTNERS	PRIORITY
 <b>PLACEMAKING</b>					
6	Pedestrianisation and upgrades of key streets in the town centre including West Quay and Maclean Street. <ul style="list-style-type: none"> <li>Trial pedestrianisation during key busy periods e.g. night markets, Waitangi Day.</li> </ul>		Medium to long	Waitara Community Board, NZTA Waka Kotahi	MEDIUM
7	Explore with private partner/landowner the development of a community green space on the vacant industrial land next to the Waitara awa at the end of West Quay/Whitaker Street East. Investigate issues and options for the transition of this land to a public space.		Long	Current landowner, Waitara Community Board	MEDIUM






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REF	ACTION	OTHER POLICIES AND STRATEGIES	TIMEFRAME	PARTNERS	PRIORITY
 <b>RESILIENT WAITARA</b>					
8	Develop and implement a climate change local adaptation plan to respond to sea level rise, coastal inundation, and flooding.	<ul style="list-style-type: none"> <li>Taranaki Regional LTP</li> <li>New Plymouth District Risk Assessment</li> <li>New Plymouth District Climate Change Adaptation Plan</li> <li>NPDC Environmental Sustainability Policy 2024</li> </ul>	Short to long	Taranaki Regional Council, Waitara Community Board	HIGH
9	Continue to recognise the importance of connection with the Waitara awa for tangata whenua and the community and continue to manage and maintain flood protection along the Waitara River.	<ul style="list-style-type: none"> <li>River control and flood protection bylaw for Taranaki 2020</li> <li>Taranaki Regional LTP</li> </ul>	Ongoing	Taranaki Regional Council, Waitara River Committee	HIGH
10	Consider solutions to support the community of Waitara to have accessible and high-quality information on hazards and associated risks. (example to explore subsidised LIMs etc).	<ul style="list-style-type: none"> <li>New Plymouth District Climate Change Adaptation Plan</li> </ul>	Short to medium	Taranaki Regional Council	MEDIUM
 <b>ECONOMIC</b>					
11	Develop a targeted economic development strategy/plan for Waitara, including opportunities to create local jobs <i>*Note – this could form part of a wider economic development strategy for the district and/or region</i>	<ul style="list-style-type: none"> <li>Economic Development Strategy – Tapuae Roa including Tapuae Road 2025/26 Action Plan</li> <li>Waitara Community Board Plan (for gateway signage)</li> </ul>	Short to medium	Waitara Community Board, Venture Taranaki, NP Partners	LOW
11a.	Scope and prepare an industrial land study that includes: <ul style="list-style-type: none"> <li>Review of existing industrial land and land uses</li> <li>Review of industrial land uses occurring outside the industrial and</li> <li>Review of vacant land (note link to action #27 detailed housing and business capacity assessment)</li> <li>Work with industrial business community and Venture Taranaki to understand demand and future opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Economic Development Strategy – Tapuae Roa including Tapuae Road 2025/26 Action Plan</li> <li>Waitara Community Board Plan (for gateway signage)</li> </ul>	Short to medium	Waitara Community Board, Venture Taranaki, NP Partners	LOW
12	Develop and enhance gateway landscape treatment and signage as needed as provided through Waka Kotahi (NZTA) at the State Highway accesses and beyond to draw people that are travelling through into Waitara.	<ul style="list-style-type: none"> <li>Economic Development Strategy – Tapuae Roa including Tapuae Road 2025/26 Action Plan</li> <li>Waitara Community Board Plan (for gateway signage)</li> </ul>	Medium	Waitara Community Board, NZTA Waka Kotahi	LOW
13	Investigate opportunities for Council and iwi/Hapū to undertake ‘catalyst projects’ in the town centre to encourage further private investment and development <ul style="list-style-type: none"> <li>Investigate the potential of ephemeral (short term) and/or pop-up retail opportunity for the township.</li> <li>Exploring the feasibility to purchase vacant buildings and land in the town centre to repurpose.</li> </ul>	<ul style="list-style-type: none"> <li>Economic Development Strategy – Tapuae Roa including Tapuae Road 2025/26 Action Plan</li> <li>Waitara Community Board Plan (for gateway signage)</li> </ul>	Medium	Land/building owners	MEDIUM

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REF	ACTION	OTHER POLICIES AND STRATEGIES	TIMEFRAME	PARTNERS	PRIORITY
 ENVIRONMENTAL					
14.	Improve mauri, quality and health of waterbodies within Waitara through stream naturalisation and daylighting where possible including: <ul style="list-style-type: none"> <li>Opening up streams that have previously been piped of filled in,</li> <li>Replacing culverts with bridges to improve urban flooding</li> <li>Enhancement planting,</li> <li>Reconstruction of wetland systems</li> <li>Ongoing improvements to stormwater management.</li> <li>Any future planning considers alternatives to using natural waterways as stormwater pipes.</li> </ul>	<ul style="list-style-type: none"> <li>District Plan, including master planning/structure planning</li> <li>Taranaki Regional Freshwater Plan</li> <li>Tangaroa Stream Restoration Project</li> <li>NPDC Environmental Sustainability Policy</li> <li>Taumata Arowai wastewater and stormwater environmental performance standards</li> </ul>	Ongoing	Waitara Community Board, Taranaki Regional Council	HIGH
15.	Waitara Historic Landfill Remediation Programme: <ul style="list-style-type: none"> <li>West Beach Reserve Landfill (Battiscombe Terrace).</li> <li>Waitara Golf Course Landfill.</li> </ul>		Long	Taranaki Regional Council Ministry of the Environment	HIGH
16.	Work with key partners to explore a Waitara awa corridor plan, including Investigation of restoration and recreation opportunities.		Long	Waitara Community Board, Taranaki Regional Council	MEDIUM

REF	ACTION	OTHER POLICIES AND STRATEGIES	TIMEFRAME	PARTNERS	PRIORITY
 INFRASTRUCTURE, TRANSPORT AND COMMUNITY FACILITIES					
17.	Explore increasing public transport typologies (ie. Smaller-scale shuttle style opportunities), frequencies within Waitara and to key destinations in New Plymouth and Bell Block  <i>*Note – detailed implementation subject to further planning and feasibility</i>	<ul style="list-style-type: none"> <li>Ngā Motu Integrated Transport Framework</li> <li>Taranaki Regional Land Transport Plan</li> <li>Waitara Community Board Plan</li> <li>NPDC Environmental Sustainability Policy</li> </ul>	Medium to long	Taranaki Regional Council NZTA Waka Kotahi	MEDIUM
18.	Develop opportunities associated with Te Pai o Te Rangi (Coastal Walkway extension) through: <ul style="list-style-type: none"> <li>Enhanced connections to Waitara Town Centre, this may include signage to other key attractions, seating and end of trip facilities (e.g. secure cycle parks, lockers and storage)</li> </ul>	<ul style="list-style-type: none"> <li>Waitara Community Board Plan</li> </ul>	Medium to long	Waitara Community Board	MEDIUM
19.	Prepare a walking and cycling plan for Waitara and One Network Framework assessment to ensure the local street network can support future growth and access needs.	<ul style="list-style-type: none"> <li>Ngā Motu Integrated Transport Framework</li> </ul>	Short to medium	Waitara Community Board, NZTA Waka Kotahi	MEDIUM

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REF	ACTION	OTHER POLICIES AND STRATEGIES	TIMEFRAME	PARTNERS	PRIORITY
 <b>INFRASTRUCTURE, TRANSPORT AND COMMUNITY FACILITIES</b>					
20.	Improve cycling and active travel routes between key destinations in Waitara, including to support connections to the town centre and community facilities in Waitara East for people living in Waitara West, including the future growth area.	<ul style="list-style-type: none"> <li>Taranaki Regional Land Transport Plan</li> <li>NPDC Environmental Sustainability Policy</li> </ul>	Medium	Waitara Community Board, NZTA Waka Kotahi	HIGH
20a.	Upgrades and enhancements to active travel routes with the following initiatives: <ul style="list-style-type: none"> <li>Installation of traffic calming between Clifton Park and St Joseph's (i.e. the main link between Waitara West and East).</li> </ul>	<ul style="list-style-type: none"> <li>Taranaki Regional Land Transport Plan</li> <li>NPDC Environmental Sustainability Policy</li> </ul>	Ongoing	Waitara Community Board, NZTA Waka Kotahi	LOW
21.	Investigate both immediate and long- term options to better manage and convey wastewater to the centralised wastewater treatment plant to the west.	<ul style="list-style-type: none"> <li>Infrastructure Strategy</li> <li>Integrated Catchment Management Plans</li> </ul>	Short		HIGH
22.	Prepared detailed designs for localised wastewater pump station installation and/or upgrades. <i>*Note this may require land purchases</i>	<ul style="list-style-type: none"> <li>Infrastructure Strategy</li> <li>Integrated Catchment Management Plans</li> </ul>	Short to medium		HIGH
23.	Develop a 'toolbox' to support developers to use on-site water conservation and attenuation and to support efficient management of stormwater on private and public land. Including investigation of the following: <ul style="list-style-type: none"> <li>Develop options for centralised stormwater devices and sizing</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure Strategy</li> <li>Integrated Catchment Management Plans</li> </ul>	Short to medium		HIGH
24.	Investigate and establish a shared community hub / space which combines key community facilities and/or co-locates services that responds to the spatial plan guidance including the Waitara Library and associated services. <ul style="list-style-type: none"> <li>Complete a feasibility study to understand demand, the type of space required by the community, potential partners, a location and any potential funding sources.</li> </ul>		Medium to long	Waitara Community Board	MEDIUM
25.	Ensure parks are accessible by all people through multi modal transport options <i>*Note relationship with transport and accessibility related actions.</i>		Medium	Waitara Community Board	HIGH
26.	Enhancements to Waitara pool including an accessible changing room	<ul style="list-style-type: none"> <li>Waitara Community Board Plan</li> <li>Open Space, Sport and Recreation Strategy</li> </ul>	Medium to long	Waitara Community Board	MEDIUM
27.	Investigate and carry out feasibility study on the swimming pool in Waitara (does the current pool just get upgraded, or is a new location for the pool needed that could deliver on the wider pool shortage across the district – e.g. co locating by the recreation centre)	<ul style="list-style-type: none"> <li>Waitara Community Board Plan</li> <li>Open Space, Sport and Recreation Strategy</li> </ul>	Short	Waitara Community Board	MEDIUM
28.	Improve active travel (cycle, scooter, walking) connections to community facilities in Waitara East <ul style="list-style-type: none"> <li>Safe to school routes</li> <li>Dedicated cycle lanes (noting alignment with ITF)</li> <li>Accessible footpaths for walking, scooters, mobility scooters</li> <li>Well sign posted, Crime prevention through environmental design principles (CPTED)</li> </ul>	<ul style="list-style-type: none"> <li>NPDC Environmental Sustainability Policy</li> </ul>	Medium to long	Waitara Community Board	HIGH

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REF	ACTION	OTHER POLICIES AND STRATEGIES	TIMEFRAME	PARTNERS	PRIORITY
 <b>INFRASTRUCTURE, TRANSPORT AND COMMUNITY FACILITIES</b>					
29.	Continuation of the Waitara Reserves Management Planning to develop with the community enhancements to existing reserves, ranging from planting to support stormwater drainage and biodiversity, to other structures such as play equipment, seating areas and barbeques. This work to respond to the Spatial Plan.	<ul style="list-style-type: none"> <li>NPDC Environmental Sustainability Policy</li> </ul>	Ongoing	Waitara Community Board	HIGH
30.	Land acquisition for expansion of the cemetery		Medium to long		LOW
31.	Waitara Sport and Recreation Clubs are supported to continue to thrive and generate national talent.		Ongoing	Waitara Sport and Recreation Clubs	HIGH
32.	Initiatives to improve community services are supported. This may include: <ul style="list-style-type: none"> <li>Scholarships for health professionals to return and work in Waitara.</li> <li>Housing for the elderly</li> </ul>			Charitable Trusts Private organisations	HIGH
 <b>FUTURE GROWTH AND HOUSING</b>					
33.	Undertake a detailed housing and business capacity assessment for Waitara to develop a comprehensive understanding of demand, affordability and realistic/feasible capacity  <i>*Note - updating the housing and business assessment will need to continue throughout the life of Tiritiri o Mātangi to ensure it remains accurate and current</i>	<ul style="list-style-type: none"> <li>Housing and Business Capacity Assessment 2024</li> </ul>	Ongoing		LOW
34.	Avoid infill and intensification in areas where the risk from flooding is too high and cannot be mitigated, including: <ul style="list-style-type: none"> <li>Preparation of an interim practice note to set out NPDC expectations regarding development within flood hazard zones</li> </ul>		Short to medium		HIGH
35.	Work with iwi / Hapū trusts, social housing providers and developers to undertake a study/investigation to understand barriers to housing delivery in Waitara <ul style="list-style-type: none"> <li>Next steps beyond study/investigation will depend on the findings</li> </ul> <i>* Note - implementation plan may require updating depending on what future work programme is required.</i>	<ul style="list-style-type: none"> <li>District Plan</li> <li>Te Atiawa Housing Strategy</li> </ul>	Short	Kāinga Ora and other housing providers	MEDIUM
36.	Consider opportunities for Council, iwi and hapū to work together to enable development of affordable housing including Investigation of opportunities for partnerships to deliver affordable housing  <i>*Note – this could include using existing landholdings, need to consider where the land is located, constraints; or policy changes such as reducing/waiving development contributions</i>		Ongoing		HIGH
37.	Investigate new and promote existing financial incentives to improve the standard of buildings in the town centre and encourage adaptive re-use of buildings in the Town Centre including: <ul style="list-style-type: none"> <li>Develop a Council policy on deteriorating buildings in the town centre, including requirements for maintenance or demolition.</li> </ul>		Ongoing	Waitara Community Board	MEDIUM

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REF	ACTION	OTHER POLICIES AND STRATEGIES	TIMEFRAME	PARTNERS	PRIORITY
 <b>FUTURE GROWTH AND HOUSING</b>					
38.	Ensure district plan settings enable housing choice and diversity that provides for the needs of whānau and the community, including papakāinga and other types of housing, in appropriate locations	<ul style="list-style-type: none"> <li>District Plan</li> </ul>	Short		LOW
39.	Prepare a structure plan for the residential zoned land at Brown Road, including locations for key infrastructure, roading and open space			Landowners	LOW
40.	Prepare a structure plan for the new growth area to the west, including locations for key infrastructure, roading, open space and local convenience retail <i>*Note - timing dependent on outcome of housing and business capacity assessment.</i>	<ul style="list-style-type: none"> <li>District Plan</li> </ul>	<i>*timing is dependent on updated housing and business capacity assessment</i>	Landowners	LOW
41.	Prepare a structure plan for Ranfurly Future Urban Zone, including consideration of whether any of the pony club land is used for public open space	<ul style="list-style-type: none"> <li>District Plan</li> </ul>	<i>*timing is dependent on updated housing and business capacity assessment</i>	Landowners	LOW
42.	Review current residential zoning and district plan provisions to encourage infill / intensification in places that are best suited to this type of residential use, taking into account flood hazards and accessibility to employment, public transport and community facilities	<ul style="list-style-type: none"> <li>District Plan</li> <li>Future Development Strategy</li> </ul>	Short to medium	Landowners	HIGH
43.	Develop a guidance/toolbox to support landowners and developers wanting to develop housing. This could include guidance on RMA and Building Act consent requirements, navigating the district plan, supporting information requirements, infill design, resilient buildings, contact details for local experts.	<ul style="list-style-type: none"> <li>District Plan</li> </ul>	Short to medium	Landowners	HIGH
44.	Enable local convenience retail in accessible locations including: <ul style="list-style-type: none"> <li>Review current zoning (in vicinity of Princess Street, Richmond Street and Harris Street) and consider whether a plan change is required to support an enhanced centre in this location</li> <li>Review where convenience retail is located in other locations/neighbourhoods and enable additional convenience retail in accessible locations (e.g. by walking) where this does not already exist.</li> </ul>	<ul style="list-style-type: none"> <li>District Plan</li> </ul>	Medium to long	Waitara Community Board	LOW
45.	Explore potential land use changes to consolidate Waitara Town Centre so that it does not include areas of land that are subject to high risk from flooding, and to support a concentration of activities that will improve vibrancy. <ul style="list-style-type: none"> <li>Progress of this action will dovetail in with the climate change adaptation plan (which will consider the most appropriate use of this land)</li> </ul> <i>*Note - This action will need to be updated as other workstreams progress. This may include an amendment in the future to rezone this land.</i>		Long <i>*Note – is linked to the Climate Change Adaptation workstream</i>	Building Owners and Tenants	MEDIUM

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Pohutukawa in bloom at Otupaila

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## APPENDIX: 2

# Tiritiri o Mātangi Draft Waitara Spatial Plan Technical Report

13.2

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## Appendices

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## List of acronyms

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FDS – Future Development Strategy  
GFA – Gross Floor Area  
GRZ – General Residential Zone  
HBCA – Housing and Business Capacity Assessment  
I & I – Inflow and Infiltration  
ITF – Integrated Transport Framework  
LUC – Land Use Capability Classification  
LGA – Local Government Act  
LoS – Level of Service  
LTP – Long Term Plan  
MCA – Multi Criteria Analysis  
MRZ – Medium Density Residential Zone  
MHUD – Ministry for Housing and Urban Development  
NDGAP – Ngamotu District Growth Advisory Panel  
NPDC – New Plymouth District Council  
NPS-FM – National Policy Statement for Freshwater Management  
NPS-HPL – National Policy Statement for Highly Productive Land  
NPS-IB – National Policy Statement for Indigenous Biodiversity  
NPS-UD – National Policy Statement for Urban Development  
NPWWTP – New Plymouth Wastewater Treatment Plant  
NZCPS – New Zealand Coastal Policy Statement  
PDP – Proposed District Plan  
PGB – Project Governance Board  
PDT – Project Delivery Team  
RLTP – Regional Land Transport Plan  
RMA – Resource Management Act  
RPS – Regional Policy Statement  
SASM – Sites and Areas of Significance to Māori  
SH3 – State Highway 3  
SNA – Significant Natural Areas  
TRC – Taranaki Regional Council



TRC LTP – Taranaki Regional Council Long Term Plan

DRAFT

13.2



## 1.0 Purpose and structure of report

The purpose of this report is to provide an overview of the method used and analysis undertaken to prepare Tiritiri o Mātangi. This report sets out the inputs, assumptions and technical work that supports Tiritiri o Mātangi.

The report is structured as follows:

**Section 2** provides an overview of the process and methodology used to develop Tiritiri o Mātangi.

**Section 3** sets out the approach to co-designing Tiritiri o Mātangi and working with hapū.

**Section 4** sets out the relevant background including legislation, plans, strategies and reports reviewed.

**Section 5** provides an overview of the key inputs and assumptions used to prepare Tiritiri o Mātangi including a summary of the opportunities and constraints mapping.

**Section 6** provides an overview of the infrastructure context in Waitara.

**Section 7** details the engagement with community and stakeholders which informed Tiritiri o Mātangi.

**Section 8** sets the outcomes of Tiritiri o Mātangi.

**Section 9** describes the future growth and land use scenarios that have been assessed and how they were developed.

**Section 10** sets out the evaluation and key findings of the future growth and land use scenarios.

**Section 11** describes the preferred scenario and the findings of the preferred scenario evaluation.

**Section 12** details how Tiritiri o Mātangi will be implemented and provides the detailed action / implementation plan.

## 2.0 Methodology and timeline

The preparation of Tiritiri o Mātangi started in August 2024. The methodology to develop Tiritiri o Mātangi followed the broad stages set out in [Table 1](#) below.

**Table 1: Stages and key tasks undertaken in the preparation of Tiritiri o Mātangi**

Stage	Key tasks
1 – Project initiation (July 2024 – September 2024)	<ul style="list-style-type: none"><li>• Develop project documentation (programme, communications and engagement plan, risk register, stakeholder register)</li><li>• Site visits (Waitara and surrounds)</li><li>• Work with hapū and the project delivery team (PDT) to develop approach to co-design</li><li>• Initial meetings with NPDC staff and hapū – e.g. policy and resource consent planners,</li></ul>

	infrastructure engineers, transport, environmental, climate change officers
2 – Baseline analysis and key issues identification (August 2024 – January 2025)	<ul style="list-style-type: none"> <li>Review of existing plans and strategies and other available information, identify information gaps</li> <li>GIS mapping of relevant matters, prepare draft opportunities and constraints mapping</li> <li>Prepare key issues and summary of background document review memo</li> <li>Workshop #1 with key stakeholders (building awareness of project, building knowledge on opportunities and constraints, confirming key issues)</li> <li>Community engagement (introduce project to stakeholders and community)</li> </ul>
3 – Develop vision, key outcomes and objectives (September 2024 – February 2025)	<ul style="list-style-type: none"> <li>Prepare the draft outcomes and key moves to respond to issues, opportunities and constraints</li> <li>Develop framework for assessing spatial scenarios</li> <li>Identify potential growth areas and develop spatial scenario options</li> </ul> <p>Evaluate spatial scenarios (including advantages and disadvantages) and determine preferred spatial scenario</p> <ul style="list-style-type: none"> <li>Evaluate infrastructure requirements to support spatial scenarios</li> <li>Workshop #2 (Develop the outcomes, key moves and growth scenarios)</li> <li>Continue community engagement</li> </ul>
4 – Prepare draft Tiritiri o Mātangi (December 2024 – May 2025)	<p>Prepare the draft of Tiritiri o Mātangi and supporting technical report</p> <p>PDT and Governance Group review of Tiritiri o Mātangi</p> <ul style="list-style-type: none"> <li>Council meeting to endorse the draft of Tiritiri o Mātangi for engagement</li> </ul>
5 – Tiritiri o Mātangi engagement (July – August 2025)	<p><i>Public engagement on Tiritiri o Mātangi (notification, submissions, consultation event)</i></p> <ul style="list-style-type: none"> <li><i>Submissions analysis and reporting</i></li> </ul> <p><i>Workshop #3 (share findings from 2025 engagement and working draft of Tiritiri o Mātangi)</i></p> <ul style="list-style-type: none"> <li><i>Hapū workshop</i></li> </ul>
6 – Finalise Tiritiri o Mātangi (September 2025 – March 2026y)	<p><i>Updates to Tiritiri o Mātangi and technical report following engagement</i></p> <p><i>PDT and Governance Group sign off and endorsement of final version of Tiritiri o Mātangi</i></p> <p><i>Council meeting to adopt Tiritiri o Mātangi</i></p>

## 3.0 Tangata Whenua

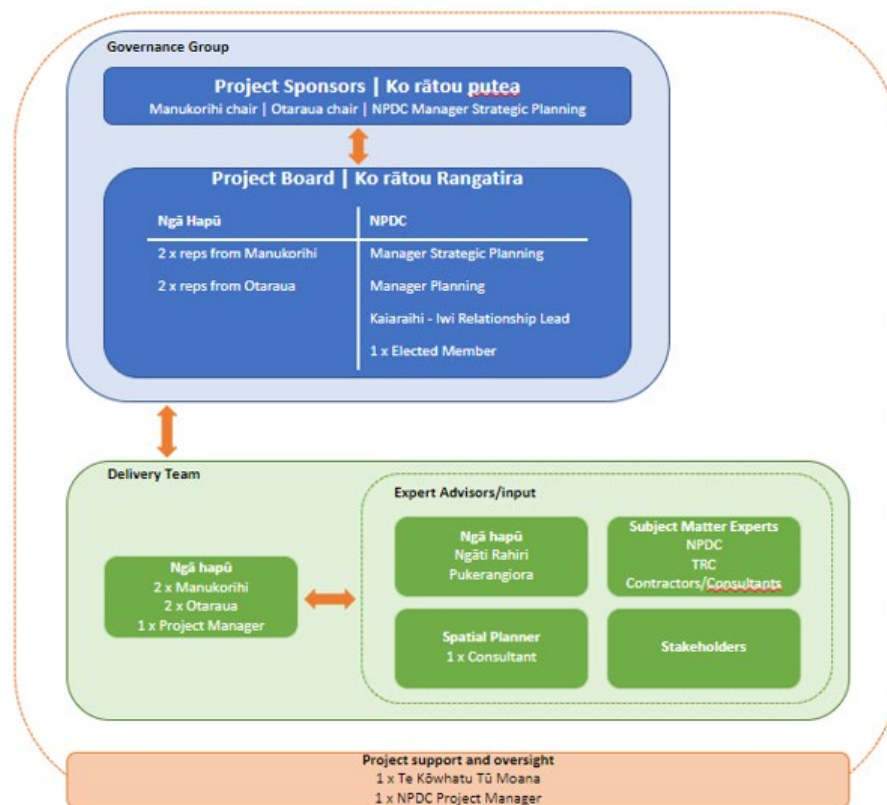
### 3.1 Co-design

Tiritiri o Mātangi was prepared following a co-design process that was initiated between Manukorihi Hapū, Otaraua Hapū, Te Kōwhatu Tū Moana Trust and the New Plymouth District Council (Council). The approach integrates cultural, planning, engineering and other technical disciplines to develop a shared vision for Waitara over the next 30 years. The co-design approach established a project Governance Board and Delivery Team made up of hapū representatives, elected members, council officers and subject matter experts to oversee, guide decision making and deliver Tiritiri o Mātangi.

The purpose of this approach was to outline how council, Manukorihi Hapū, Otaraua Hapū and Te Kōwhatu Tū Moana Trust will work together in partnership to develop a future vision for Waitara that was considerate of the social, economic, environmental, spiritual and cultural wellbeing's, while being responsive to Māori needs, values and aspirations. The project structure is illustrated in [Figure 1](#), with the key roles and responsibilities described below:

- **Project sponsors** – Overarching oversight and in place to make high level decisions regarding project design and implementation when consensus cannot be reached by the Governance Board.
- **Governance Board** – The project Governance Board was established to provide strategic oversight, make high level decisions regarding project design, implementation and ensure alignment with Council, hapū and community values. The Governance Board was made up of Manukorihi and Otaraua Hapū representatives, Elected Members and council officers.
- **Delivery Team** – The project Delivery Team was responsible for developing Tiritiri o Mātangi and preparing information in order for the Governance Board to make decisions. The Delivery Team was made up of Manukorihi and Otaraua Hapū representatives, council officers and other subject matter experts for Māori cultural values, infrastructure planning, natural hazard management, district planning and strategic planning.

The co-design approach establishes a framework that provides for involvement by Manukorihi and Otaraua Hapū at all levels of the project, working alongside elected members and council officers to develop and deliver a vision for Waitara, from now into the future. This approach also ensures voices from the community, business and industry sector will have an opportunity to influence the outcomes, key moves and actions in the plan through stakeholder workshops and public engagement to come.



**Figure 1: Project Governance Overview**

### 3.2 Manukorihi Hapū and Otaraua Hapū

Manukorihi Hapū and Otaraua Hapū are recognised as holding mana whenua over the lands and waterways of Waitara and have played a key role in shaping the outcomes, key moves and actions sought by Tiritiri o Mātangi. The co-design approach described in [section X](#) highlights the key roles held by Manukorihi Hapū and Otaraua Hapū representatives, which enabled hapū involvement in both project delivery and decision making for Tiritiri o Mātangi. This included:

- Attendance at fortnightly Delivery Team meetings to make ‘day-to-day’ decisions;
- Review and feedback of baseline analysis and background research;
- Input to collate the stakeholder workshop list;
- Targeted workshops with the project delivery team at different stages including for the following:
  - Stage 1 – Host council staff, council officers, elected members and council staff on a tour of Waitara. Review and agree on the project methodology, timeline and programme;
  - Stage 2 – Workshop to identify issues and opportunities to inform ‘Workshop #1’ with key stakeholders;



- Stage 3 – Workshop to identify and provide feedback on potential growth scenarios options considered by Tiritiri o Mātangi to inform ‘Workshop #2’ with key stakeholder. Workshop to develop the outcomes and key moves for Tiritiri o Mātangi; and
- Stage 4 – Targeted meetings to provide feedback the draft version of Tiritiri o Mātangi.
- Attendance at Governance Board meetings to make decisions; and
- Manukorihi and Otaraua Hapū, together with Te Kōwhatu Tū Moana named ‘Tiritiri o Mātangi’ to recognition of Ngarue and the traditional name of Waitara River, which is ‘Te-whai-tara-nui-a-Wharematangi-ki-te-kimi-tana-matua-a-Ngarue’.

A summary of Otaraua Hapū and Manukorihi Hapū feedback is provided at section 3.3 below.

Engagement with Te Atiawa Iwi, Ngāti Rahiri Hapū and Pukerangiora Hapū has also been undertaken as part of the stakeholder workshops. Engagement with these groups has been informed by Otaraua Hapū and Manukorihi Hapū as mana whenua of Waitara.

### 3.3 Summary of Feedback

As detailed above, targeted hui with representatives of Manukorihi Hapū and Otaraua Hapū was undertaken at key stages of the project with a summary of their feedback provided below:

Constraints and opportunities:

- Need to consider assets managed by Taranaki Regional Council, including the stop banks along the banks of the Waitara Awa.
- Consider other hazard mapping sources such as the tsunami modelling completed by Greenpeace.
- Need to consider viewshafts to maunga and the sea from wāhi tapu as well as ensuring high buildings are not constructed within these sightlines.
- Waitara Awa is significant to all hapū in and around Waitara. Historic land use, including wastewater and stormwater discharges from council infrastructure and industries have degraded the Waitara over consecutive generations.
- Land use and development continues to degrade waterways from the discharge of untreated stormwater.
- Greater protections are required for the Waitara River and its tributaries to ensure these are protected from further degradation. Development should be setback a minimum of 15m.
- Potential to relocate the existing light industrial site (meat processing plant). While this site provides local employment opportunities, it is also seen to detract from the amenity and vibrancy of the town centre. Future uses of the freezing works and balance land not currently used for light industry activities need to be considered, particularly for more open space.
- Wāhi tapu not identified and protected by the District Plan requires further consideration. Including methods for management, such as buffers and setbacks, and how information of these important sites is shared.
- Low-cost public transport (buses) is available in Waitara, however, need to understand why this is underutilised. Opportunity to improve this with more education and better advertising.



- Not sure whether there is sufficient potable water supply to support growth projected for Taranaki and understands that another supply is being investigated.
- Industrial activities using water supply should not be utilising potable water. This should be reserved for potable supply.
- Need to consider opportunities for Waitara's Māori cultural and historic narrative:
  - Signage, toi Māori, pou;
  - Remove street names that reflect colonial settlement / conflict of Waitara;
- Re-establish traditional Māori place names on reserves;
  - Celebrate Waitara history that goes beyond land wars and confiscation. I.e., Waitara's story of Ngarue and Whare Mātangi.
- Hapū have a vested interest in Waitara and are now a significant land owner and investor. Consider opportunities for joint ventures with Council, government agencies and other businesses.

### 3.4 Engagement with other hapū

Engagement with Te Atiawa, Ngāti Rahiri and Pukerangiora was also undertaken as part of the stakeholder workshops based on the advice of Otaraua Hapū and Manukorihi Hapū.

#### Summary of Feedback

As detailed above, targeted hui with representatives of Manukorihi Hapū and Otaraua Hapū was undertaken at key stages of the project with a summary of their feedback provided below:

#### Constraints and opportunities:

- Need to consider assets managed by Taranaki Regional Council, including the stop banks along the banks of the Waitara Awa.
- Consider other hazard mapping sources such as the tsunami modelling completed by Green Peace.
- Need to consider viewshafts to maunga and the sea from wāhi tapu. Need to ensure high buildings avoid high buildings being constructed within these sightlines.
- Waitara Awa is significant to all hapū in and around Waitara. Historic land use, including wastewater and stormwater discharges from council infrastructure and industries have degraded the Waitara over consecutive generations.
- Land use and development continues to degrade waterways from the discharge of untreated stormwater.
- Greater protections are required for the Waitara River and its tributaries to ensure these are protected from further degradation. Development should be setback a minimum of 15m.
- Potential to relocate the existing light industrial site (meat processing plant). While this site provides local employment opportunities, it is also seen to detract from the amenity and vibrancy of the town centre. Future uses of the freezing works and balance land not currently used for light industry activities need to be considered, particularly for more open space.





- Wāhi tapu not identified and protected by the District Plan requires further consideration. Including methods for management, such as buffers and setbacks, and how information of these important sites is shared.
  - Low-cost public transport (e.g. bus) are available in Waitara, however, need to understand why this is underutilised. Opportunity to improve this with more education and better advertising.
  - Not sure whether there is sufficient potable water supply to support growth projected for Taranaki and understands that another supply is being investigated.
  - Industrial activities using water supply should not be utilising potable water. This should be reserved for potable supply.
  - Need to consider opportunities for Waitara's Māori cultural and historic narrative:
    - Signage, toi Māori, pou;
    - Remove street names that reflect colonial settlement / conflict of Waitara;
    - Re-establish traditional Māori place names on reserves;
    - Celebrate Waitara history that goes beyond land wars and confiscation. I.e., Waitara's story of Ngarue and Whare Mātangi.
- Hapū have a vested interest in Waitara and are now a significant land owner and investor. Consider opportunities for joint ventures with Council, government agencies and other businesses.

13.2

## 4.0 Background

Relevant legislation, plans, strategies, and reports have been reviewed to establish a baseline of information and inform the development of Tiritiri o Mātangi. This section provides an overview of the key documents reviewed. A summary of the complete baseline analysis of relevant documents is included at **Appendix 2**.

### 4.1 Relationship to other legislation, plans and strategies

Tiritiri o Mātangi is a key strategic document that will guide future growth planning and investment decisions.

The diagram below shows where Tiritiri o Mātangi fits within the wider statutory context.

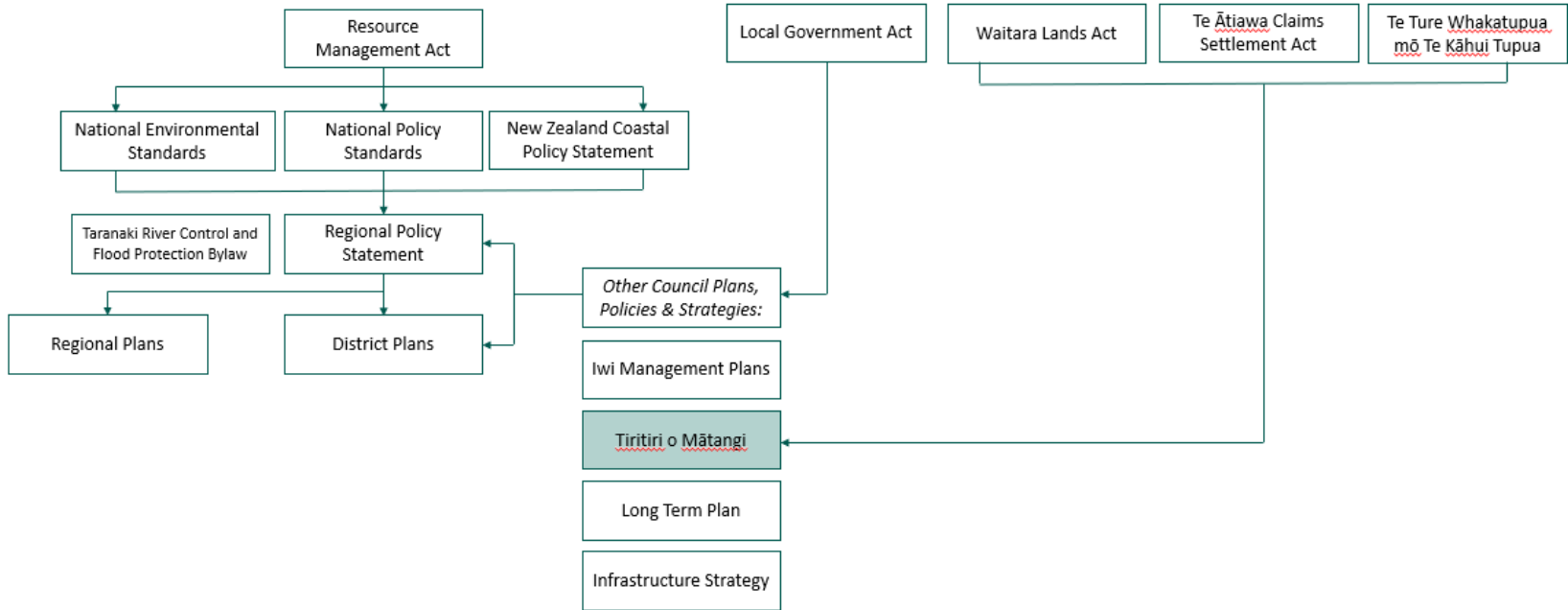


Figure 2: Relationship of Tiritiri o Mātangi to other legislation, plans and strategies

## 4.2 National legislative and policy context

### 4.2.1 Resource Management Act and national direction

The Resource Management Act 1991 (**RMA**) is currently the key legislation that sets out how the environment should be managed<sup>1</sup>. It is based on the concept of sustainable management of resources and encourages communities to plan for future generations. Section 6 of the RMA identifies the following matters of national importance and Tiritiri o Mātangi seeks to recognise and provide for them:

- The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins;
- The protection of outstanding natural features and landscapes;
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- The protection of historic heritage from inappropriate subdivision, use, and development;
- The protection of protected customary rights; and
- The management of significant risks from natural hazards.

There are a range of other matters that must also be considered and these are listed in Section 7 of the RMA. Of relevance to Tiritiri o Mātangi include kaitiakitanga, the ethic of stewardship, the efficient use and development of resources, the maintenance and enhancement of amenity values, the quality of the environment, the intrinsic values of ecosystems and the effects of climate change. The RMA also requires the principles of the Te Tiriti o Waitangi to be taken into account.

Tiritiri o Mātangi has been developed in consideration of the RMA, and the following key national direction of relevance.

#### National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 (**NPS-UD**) aims to ensure Aotearoa New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of its diverse communities. Well-functioning urban environments are identified as those which, at a minimum:

(a) *have or enable a variety of homes that:*

(i) *meet the needs, in terms of type, price, and location, of different households; and*

<sup>1</sup> The Government is advancing significant reforms to the RMA. This reform programme, initiated in late 2024, seeks to replace the RMA with two new pieces of legislation, the Planning Act and the Natural Environmental Act. Drafts of the new acts are expected to be released for public consultation in mid to late 2025, with the goal of introducing the final versions to Parliament by early 2026.



- (ii) enable Māori to express their cultural traditions and norms; and*
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

The NPS-UD also guides the response to urban growth planning to support housing affordability and supply, and directs local authorities to provide at least sufficient development capacity to meet expected demand for housing and business land for at least 30 years, and to be responsive to changes in demand.

In response to the directions of the NPS-UD, the Council has prepared a Future Development Strategy (**FDS**) and undertaken Housing and Business Capacity Assessments (**HBCA**). The development of Tiritiri o Mātangi has been informed by the FDS and HBCA, as well as additional assessment focussed to growth projections and residential and business capacity in Waitara. The NPS-UD does not direct specific requirements for smaller towns the size of Waitara. However, a number of the principles contained in the NPS-UD are useful when looking at the spatial growth of Waitara. For example, considering areas for housing and development that have good accessibility via walking or cycling to services, employment, and open spaces, and providing for a variety of homes that meet local needs and enable Māori to express their cultural traditions and norms. Overall, Tiritiri o Mātangi gives effect to the directions of the NPS-UD.

#### National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (**NPS-FM**) provides local authorities with direction on how they should manage freshwater. Of relevance to Tiritiri o Mātangi, the NPS-FM seeks to firstly priorities the health and well-being of waterbodies and freshwater ecosystems, while balancing this with the health needs of people (such as drinking water), and the ability of people and communities to provide for their social, economic, and cultural well-being, as second and third priorities. Policies of the NPS-FM seek to manage freshwater to give effect to Te Mana o te Wai, and for tangata whenua to be actively involved in freshwater management and decision-making processes. They also address the integrated management of freshwater with use and development, the protection of habitats for indigenous species, restoration of degraded waterbodies, and the role of freshwater management in climate change response.

The directions of the NPS-FM have been considered in the development of Tiritiri o Mātangi.

#### National Policy Statement for Highly Productive Land 2022

The National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) aims to ensure the availability of Aotearoa New Zealand's most favourable soils for primary production (highly productive land), now and for future generations. The NPS-HPL is relevant to Tiritiri o Mātangi as



it seeks to protect highly productive land from urban rezoning and expansion unless the following evidential threshold can be met:

- (a) the urban rezoning is required to provide sufficient development capacity to meet demand for housing or business land to give effect to the National Policy Statement on Urban Development 2020; and
- (b) there are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market while achieving a well-functioning urban environment; and
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

Urban rezoning of highly productive land must also consider:

- Greater intensification in existing urban areas; and
- Rezoning of land that is not highly productive land as urban; and
- Rezoning highly productive land that has a relatively lower productive capacity.

The location of highly productive land in Waitara has been considered in the opportunities and constraints mapping discussed at Section [5.0](#) below.

#### National Policy Statement for Indigenous Biodiversity 2023

The National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**) seeks to respond to the ongoing decline of biodiversity in Aotearoa New Zealand by aiming to protect, maintain and restore indigenous biodiversity. It sets out a range of regulated measures that provides increased clarity and direction to councils on their roles and responsibilities for identifying, protecting and maintaining indigenous biodiversity.

The proposed New Plymouth District Plan (Appeals Version) includes the identification of Significant Natural Areas (**SNA**) that are in general accordance with the directions of the NPS-IB, and these areas have been accounted in the opportunities and constraints analysis. It is noted that SNAs are not a dominant feature within the Waitara area.

#### New Zealand Coastal Policy Statement 2010

The purpose of the New Zealand Coastal Policy Statement 2010 (**NZCPS**) is to achieve the purpose of the RMA in relation to the coastal environment. The NZCPS provides guidance on the day-to-day management of the coastal environment, seeks to protect natural character, biodiversity, and public access, and to manage coastal hazards, including with respect to climate change. The NZCPS also acknowledges the role of tangata whenua as kaitiaki and seeks to provide for tangata whenua involvement in the management of the coastal environment.

The northern boundary of the Tiritiri o Mātangi spatial area is located adjacent to the coastal environment, and the objectives and policies of the NZCPS are relevant to development at this interface.

#### 4.2.2 Local Government Act 2002

The Local Government Act 2002 (**LGA**) provides the legislative framework for local authorities to plan and manage the development of their communities. The Act requires councils to promote the social, economic, environmental, and cultural well-being of their communities and to ensure that decision-making is transparent, inclusive, and future-focused.

A key aspect of the LGA is the requirement for local authorities to prepare a Long-Term Plan (**LTP**) every three years under section 93. The purpose of a LTP is to identify community outcomes, enable integrated decision-making and co-ordination of resources, and provide a long-term focus for the decisions and activities of the local authority. The LGA also requires that every LTP includes a 30-year infrastructure strategy to guide the development, renewal, and maintenance of essential infrastructure such as transport, three waters, and waste management.

Tiritiri o Mātangi has been informed by the council's LTP. The key initiatives and issues identified under the LTP that are relevant to Waitara are set out at section [4.4.2](#) below. Consultation on Tiritiri o Mātangi is in accordance with Section 82 of the LGA. Upon adoption, Tiritiri o Mātangi as a key strategic document, will also guide future planning and investment decisions under the LTP and infrastructure strategy.

### 4.3 Regional context

#### 4.3.1 Regional Policy Statement for Taranaki 2010

New Plymouth is located within the Taranaki region, and the Regional Policy Statement (**RPS**) for Taranaki 2010 provides an overview of the relevant resource management issues in the region. The RPS sets the overall regional direction for Taranaki, including in relation to key resource management issues.

The development of Tiritiri o Mātangi has been informed by data from Taranaki Regional Council (**TRC**) and policy direction in relation to the use and development of resources, the protection of environmental values, and the management of risks from natural hazards.

#### 4.3.2 Taranaki Regional Council Te Mahere Roa Long Term Plan 2024-2034

The Taranaki Regional Council Te Mahere Roa Long Term Plan 2024-2034 (**TRC LTP**) outlines the Regional Council's strategic priorities for the next decade and focussing on the following key issues:

- Improving resource management through spatial planning;
- Freshwater management;
- Responding to climate change by understanding the climate science in Taranaki and reducing emissions;
- Pest and predator control; and
- Protecting indigenous biodiversity, including a review of the Taranaki Biodiversity Strategy.

The plans and programmes of the TRC LTP have been grouped into themes, of key relevance to Tiritiri o Mātangi relating to resource management, catchment management, transport, and flood protection and hazard management.

Of relevance to Tiritiri o Mātangi, TRC is responsible for the management of the lower Waitara River Flood Control Scheme, which provides 1% AEP protection, with allowance for climate change



through to 2065. The TRC LTP also identifies the following objectives for catchment and flood management:

- Assist to establish and service the Waitara River Committee and provide support to these Committees.
- Assist the Waitara River Committees to develop a strategy for the distribution of income from the sale of Waitara leasehold land.

The establishment of the Waitara River Committees is pursuant to the New Plymouth District Council (Waitara Lands) Act 2018, as further discussed below, and the TRC LTP recognises the role of the Regional Council in facilitating the Waitara River Committees.

#### 4.3.3 Taranaki Regional Land Transport Plan for Taranaki 2024/25 – 2026/27

The Regional Land Transport Plan for Taranaki 2024/25 – 2026/27 (RLTP) sets the strategic direction and priorities for transport planning and investment in the Taranaki region, covering land transport activities from 2024 to 2027. It serves as a mid-term review of the 2021 RLTP.

The RLTP identifies the following transport initiatives for Waitara, which have been accounted for in the development of Tiritiri o Mātangi:

- State Highway 3/3A Waitara to Bell Block Route Improvements: This package of works includes safety improvements to support growth in Waitara and Bell Block. High-risk intersections will be improved, some with roundabouts, and safety features such as median barrier, wide centrelines and road markings will be implemented. This is a committed project and works are in progress and is identified as being of inter-regional significance.
- Coastal Pathway Extension – Waitara to Mangatī: This includes the extension of the Coastal Pathway from Bell Block to Waitara for improved community wellbeing, safety and active mode share. This is a committed project and works are in progress.

The RLTP also identifies projects within the Taranaki Region for consideration for funding that becomes available in the future. These projects include:

- The delivery of public transport supporting infrastructure, including bus hubs and shelters and park and ride facilities in Waitara. Similar improvements have also been identified for the New Plymouth CBD and Bell Block;
- Implement a District-wide One Network Framework classification, and identify works to support multi-modal and place making improvements on urban arterials; and
- Progressing a business case for implementing an urban cycle network in New Plymouth, Bell Block, Inglewood, and Waitara.

#### 4.3.4 River Control and Flood Protection Bylaw for Taranaki 2020

The Taranaki Regional Council River Control and Flood Protection Bylaw 2020 establishes rules for the protection, maintenance, and management of flood protection infrastructure within the region. The purpose of this bylaw is to protect flood protection and flood control works belonging to or under the control of TRC from damage or misuse by people undertaking activities within the vicinity of these works. This bylaw only controls activities that may affect the integrity or effective operation and maintenance of the flood protection and flood control works. The bylaw ensures that floodways, defences against water, flood protection vegetation, and hydrological devices are

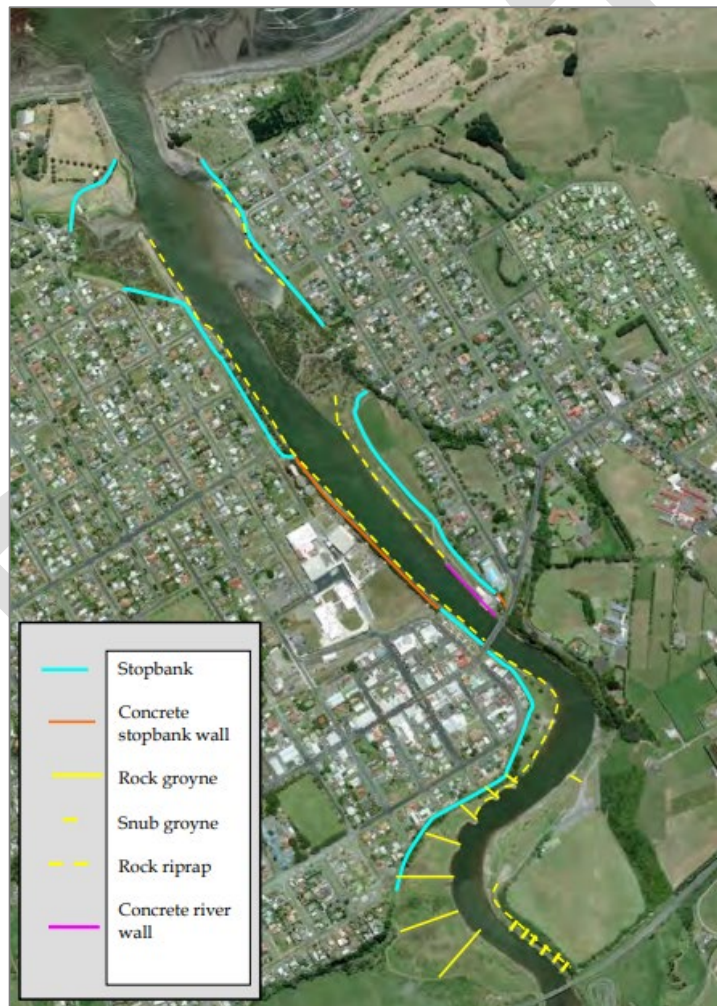


not damaged by unauthorized activities. The bylaw also enables TRC to issue notices to remedy unauthorized works or removing structures that compromise flood defences.

The Bylaw identifies areas along the Waitara River where 'defences against water' infrastructure is located, in addition to the floodway area. Restricts establishment of structures, earthworks, planting and other activities within 7.5m of the stopbank.

#### 4.3.5 Lower Waitara River Flood Control Scheme Asset Management Plan

The Lower Waitara River Flood Control Scheme Asset Management Plan (Lower Waitara River Flood Control Scheme AMP) identifies the means and mechanisms to plan for the most efficient economic and sustainable management of the Lower Waitara River Flood Control Scheme. The Lower Waitara River Flood Control Scheme AMP defines the objectives and performance standards for the Lower Waitara River Flood Control Scheme and the level of maintenance needed to ensure these are met at all times. The locations of various scheme assets are shown below:



**Figure 3: Lower Waitara River Flood Control Scheme Assets**

The Lower Waitara River Flood Protection Scheme was constructed between 1968 and 1971, and was last upgraded in 2016. These upgrades sought to ensure that the scheme would provide





protection to the 1% AEP flood event, with an allowance for increased flood levels arising from climate change, to the year 2065. The climate change effects identified in the AMP include the Taranaki region being 3 degrees warmer over the next 70-100 years and 20% wetter with more varied rainfall patterns and flooding becoming up to four times as frequent by 2070.

The 2016 upgrade works provide protection of existing commercial, industrial, and residential land in Waitara, and while some changes to land use are anticipated to occur before 2065, it has been assumed that the value of the assets currently protected is unlikely to change significantly before then. At present, there are no plans to further upgrade the level of service provided by the Scheme ahead of 2065.

There is \$15,000 that is budgeted each year for the repair of flood damage from the North Taranaki Schemes, and is accumulated if it is not spent.

#### 4.3.6 Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025

The Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025 is legislation that formally recognises Taranaki Maunga as a legal entity (Te Kāhui Tupua) with its own rights, responsibilities, and protections. This Act is part of a collective redress agreement between the Crown and Ngā Iwi o Taranaki<sup>2</sup>, acknowledging historical grievances and ensuring co-governance of the maunga and its surrounding environment.

The Act provides for the establishment of Te Tōpuni Kōkōrangi as a statutory body to be the human face of Te Kāhui Tupua and to perform functions in relation to the Act.

### 4.4 Local context

#### 4.4.1 Te Ātiawa Claims Settlement Act 2016

The purpose of the Te Ātiawa Claims Settlement Act 2016 is to:

- (a) *to record the acknowledgements and apology given by the Crown to Te Ātiawa in the deed of settlement; and*
- (b) *to give effect to certain provisions of the deed of settlement that settles the historical claims of Te Ātiawa.*

Section 9 of the Te Ātiawa Claims Settlement Act 2016 sets out the Crown's acknowledgements of its past failings and of Te Ātiawa's grievances. Section 9(9) acknowledges that the Crown's actions ultimately deprived Te Ātiawa of the control and ownership of the lands reserved for them in Taranaki, while section 9(12) acknowledges that the people of Te Ātiawa have experienced significant distress at the degradation of their environment, including the loss or displacement of indigenous plants and animals, and the pollution of waterways and important offshore fishing reefs.

Section 10 of the Te Ātiawa Claims Settlement Act 2016 sets out the Crown's apology.

<sup>2</sup> Under the Act, Ngā Iwi o Taranaki means the collective group of Ngāa Rauru Kīitahi, Ngāruahine, Ngāti Maru, Ngāti Mutunga, Ngāti Ruanui, Ngāti Tama, Taranaki Iwi, and Te Āti Awa. It is inclusive of those iwi and their hapū, and includes present and future members of those iwi and their hapū.



Schedule 1 of the Te Ātiawa Claims Settlement Act 2016 contains a list of areas subject to statutory acknowledgement, which are those areas local authorities are required to have regard to in relation to resource management matters, and as evidence of the association of Te Ātiawa to those areas.

Statutory acknowledgement areas that are of particular relevance to Tiritiri o Mātangi include the Waitara River and its tributaries (OTS-043-49), Waitara West Marginal Strip (OTS-043-31), Waitara River No 1 Marginal Strip (OTS-043-20).

#### 4.4.2 New Plymouth District Council (Waitara Lands) Act 2018

The New Plymouth District Council (Waitara Lands) Act 2018 enables the leaseholders of former Waitara Harbour Endowment Lands to freehold their leasehold properties at any time, with proceeds directed towards future development in Waitara, environmental restoration, and redress in the settlement of Treaty of Waitangi claims. The Act provides for a split of net accumulated and ongoing income between TRC and the Council and mandates the application of TRC's and the Council's income towards:

- Improving the health and well-being of the Waitara River and its catchment;
- Improving Waitara and the lower Waitara River catchment;
- the Hapū Land Fund to enable the Waitara hapū to purchase, develop, and manage land in and adjacent to Waitara; and
- the Waitara Perpetual Community Fund to improve the social, economic, cultural, and environmental well-being of Waitara.

In addition, TRC is required to establish a standing committee called the Waitara River Committee. The Committee may determine the amounts and purposes of 70% of TRC's income towards the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River and the Waitara River catchment, and 30% of TRC's income toward any matter in Waitara or in the lower catchment of the Waitara River.

#### 4.4.3 Te Ātiawa O Te Waka-A-Māui Iwi Environmental Management Plan

Te Ātiawa O Te Waka-A-Māui Iwi Environmental Management Plan outlines the Iwi's vision, values, and strategies for managing the natural environment within their rohe. The Plan emphasises the role of kaitiakitanga and seeks to integrate Māori cultural values into resource management decision making processes.

The Plan identifies a number of priorities and objectives. Of particular relevance to the development of Tiritiri o Mātangi are the following headline objectives:

- Te Ātiawa – will be pre-eminent in the sustainable management of the rohe;
- Te Ātiawa, as kaitiaki, will be effective in ensuring that the mauri or essential life principle of the natural world within the rohe is maintained and enhanced;
- Waahi tapu in the rohe will be protected, respected and sustained, as a management priority by Te Ātiawa Iwi, co-managers of the rohe, and by all those who live, work and play in the rohe;
- Waahi taonga in the rohe will be protected, respected and sustained, as a management priority by Te Ātiawa Iwi, co-managers of the rohe, and by all those who live, work and play in the rohe;



- The mauri of wai will be maintained as a resource management priority throughout the rohe, and the traditional and contemporary relationship between Te Ātiawa Iwi and fresh water resources sustained; and
- The mauri of the coastal / marine resources will be sustained in perpetuity, and traditional Te Ātiawa practices and iwi aspirations will be realised.

The development of Tiritiri o Mātangi has been undertaken in partnership with tangata whenua partners, as discussed at section [3.0](#) above, including representatives of Otāraua and Manukorihi hapū.

#### 4.4.4 Future Development Strategy

The FDS 2024-2054 for Ngāmotu New Plymouth establishes a long-term strategic framework for managing urban growth in the district. Prepared and adopted by TRC and NPDC, the FDS aligns with the requirements of the NPS-UD and addresses the housing and business needs of the District over the next 30 years.

The FDS and how it applies to Waitara is discussed further throughout this report, in particular with respect to growth assumptions and future urban zoned land. It is understood the FDS did not include a fulsome assessment of infrastructure and other constraints and opportunities in relation to identified growth areas and it noted that that further detailed work for Waitara was required.

While Tiritiri o Mātangi is not a statutory document, it will influence the next FDS.

#### 4.4.5 Long Term Plan

The council's LTP 2024-2034 and LTP Infrastructure Strategy outline the strategic vision and capital programme for the next decade, including the approach to managing infrastructure assets. The LTP also addresses current economic challenges including inflation and rising costs, and seeks to future-proof assets and target long-term investment.

The LTP is structured around four key pillars:

- Future-proofing infrastructure, including a \$1 billion investment in transport, water, and stormwater networks.
- Partnering with Mana Whenua on projects, for example the Bell Block to Waitara walkway, planting initiatives, Rohutu Block.
- Sustainability efforts, including climate change planning – including adaptation planning, promoting public transport and funding new environmental and sustainability projects.
- Community-focused investments, including up to \$50 million for the Tūparikino Active Community Hub, ensuring facilities are fit for purpose as the population of the district grows over the next decade.

The LTP identifies the following key issues and initiatives planned in Waitara over the next decade:

- **Flooding issues:** To address long standing flooding issues, and \$17 million has been allocated over the next 10 years for associated works. This is an uplift from previous investment levels and sets the foundation for further future investment.
- **Wastewater network upgrades:** Over \$9.5 million has been allocated on upgrade programmes and inflow and infiltration reduction programmes for the wastewater network in Waitara.



- **Waitara Coastal Walkway Extension:** A \$37 million investment by NZTA Waka Kotahi and NPDC will extend the walkway by approximately 10 kilometres, connecting Waitara and Bell Block enhancing connectivity and providing a safe walking and cycling alternative to State Highway 3. This project has been co-designed and started, alongside Ngā Hapū which includes Puketapu, Pukerangiora, Manukorihi and Otaruau Hapū.
- **Waitara Pool accessibility and sustainability improvements:** \$209,405 is allocated in 2024/25 for upgrades to improve accessibility and \$697,000 to reduce greenhouse gas emissions. The long term future of pool will be considered as part of a Sport Taranaki study which will focus on a New Plymouth wide review of all swimming pool infrastructure.
- **Waitara Library redevelopment:** Approximately \$15 million is set aside for the library's redevelopment, with planning in year 1, a review in year 5, and delivery between years 11 and 15.
- **Waitara Transfer Pump Station upgrade:** Up to \$12.2 million is estimated for detailed investigations and upgrades from years 11 to 30. This value is for the first phase of work. It should be noted that this project sits outside of LTP and is not funded.
- **Battiscombe Terrace dump site:** Ongoing site assessments will be conducted, with \$0.5 million allocated for investigations in 2024/25 and \$1 million for remedial work in 2026/27.
- **Rohutu Block adaptation planning:** Rohutu is a 7.13-hectare Māori freehold land block in Waitara, where a small, vibrant community developed between 1940 and 1960. Due to coastal erosion and frequent tidal surges, there is an imminent risk to some buildings, and NPDC will collaborate with the trustees to mitigate these risks and develop a long-term protection strategy for the community.
- **Waitara Resilience Main (Phase 3):** \$500,000 allocated to construct the final piece of water trunk main along SH3, between Nelson St and the east side of the Waitara River bridge. This will resolve the extreme resilience risk that currently exists for the water supply in Waitara East and will allow renewal of the water supply assets at end of life that are located on the Waitara town bridge.

#### 4.4.6 Waitara Community Board Plan 2023-2036

The Waitara Community Board Plan (2023-2026) outlines the Board's vision and key focus areas for improving the well-being of the Waitara and Lepperton communities. It identifies four main focus areas:

- **Hauroa (Health and Well-being):** This focus area prioritises preserving natural amenities like rivers and parks to support outdoor activities and community well-being. It emphasises the importance of creating accessible spaces that promote physical and mental health through connection with nature.
- **Community:** The Board seeks to balance Waitara's rich history with future growth, fostering a strong sense of togetherness and inclusivity. It aims to support cultural diversity and encourage community engagement through events and services that bring people together.
- **Quality Infrastructure:** Improving infrastructure such as stormwater systems, footpaths, and kerb and channelling is essential for safety and accessibility. The plan identifies a need for



investment in transport and pedestrian infrastructure to enhance mobility and reduce risks from flooding.

- **Supporting and Enhancing Recreation Opportunities:** The Board identifies the need for the development of parks, trails, and sports facilities to promote social interaction, physical activity, and cultural preservation. It focuses on ensuring recreation spaces are well-maintained, accessible, and meet the needs of diverse community members.

In addition, the Plan identifies a number of priorities in Waitara over the short (1-3 years) and medium to long (4-10 years) terms.

Priorities within Years 1-3:

- Kerb and channelling upgrades: Install kerb and channelling in Waitara to improve safety and accessibility. It is noted there is no budget set aside for kerb and channel upgrades, only renewals relating to potential reseal of roads.
- Stormwater and wastewater upgrades: upgrade Waitara's stormwater and wastewater systems to reduce flooding risks and improve environmental health.
- Promotion of cycleways and walkways: upgrade and improve access to walking and cycling tracks in Waitara, including river walkways and trails. It is noted that the Taranaki Trails Trust has an indicative recreational trail mapped and have sought funding through external funding organisations.
- History and Heritage Trail, Waitara History Centre/museum: create a history and heritage trail featuring significant Pā sites, improve signage to local Pā sites, and establish a heritage centre/museum at Te Kōhia Pā. It is noted there is an ongoing partnership with tangata whenua relating to this work.
- Waitara festive lighting: continue maintaining and upgrading festive lighting in Waitara, and support current plans to rejig the lighting poles and sails in Waitara Township.
- Waitara Memorial Hall theatre upgrade: upgrade the Waitara Memorial Hall Theatre as a matter of urgency, including new dressing rooms, backstage areas, and toilets.
- Waitara Library upgrade: support the upgrade of the Waitara Library to ensure it can service the needs of Waitara district and the area's growing population. It is noted that this facility supports other council services such as rates and dog registration.
- Waitara Pool accessibility upgrade: install a neutral changing room to make the Waitara Pool more accessible for people requiring caregiver assistance. It is noted that accessibility for the Waitara Pool is in the LTP for the 2025/26 financial year.
- Waitara Pool – future planning: conduct a feasibility study on the long-term needs of the Waitara Pool to plan for future replacement.
- Recreational spaces: upgrade play and recreation spaces in Waitara to improve community facilities, including the Pukekohe Domain.

Priorities within Years 4-10:

- Marine Park development: continue developing Otupaiia/Marine Park to enhance recreational spaces for the community. It is noted this work is underway with a new skatepark recently completed.



- Upgrade and enhance West Quay development: create a boardwalk along the riverbank and develop a multi-use green space with picnic areas, art, and sculptures. It is noted this work is underway, funded by the Waitara community Board discretionary fund.

Finally, the Plan identifies that the Board will also have an advocacy role in relation to the following matters:

- Rural and urban planning: advocate for appropriate land use, including papakāinga housing and the protection of green spaces and sites of cultural significance.
- Housing Strategy implementation: advocate for the implementation of the Council's Housing Strategy.
- Welcome to Waitara signs: advocate for bilingual "Welcome to Waitara" signs at key entry points to the town to improve exposure for visitors.
- Environmental enhancements: support ongoing environmental projects such as river and beach clean-ups, planting, and enhancement programs. It is noted that this is being addressed through State Highway improvements currently underway by Waka Kotahi (NZTA).
- Regional water centre: support the development of a regional water center to provide a home for river-based activities like waka ama and canoeing.
- Representation and governance for Māori: advocate for enhanced representation and governance arrangements for Māori across all tiers of Council.
- Accessible boat ramp: advocate for further community engagement to be undertaken for an accessible boat ramp in Waitara through the Sailability Taranaki initiative.

Waitara Community Board members have been involved in the preparation of Tiritiri o Mātangi. A number of the priorities identified the Waitara Community Board Plan align with 'key moves' developed for Tiritiri o Mātangi.

#### 4.4.7 Draft Parks & Open Spaces Asset Management Plan 2024-2034

The Draft Parks & Open Spaces Asset Management Plan 2024-2034 (Parks & Open Spaces AMP) sets out the strategy for the management and delivery of the parks and open space services within the district, including park and reserve land, walkways, playgrounds, skate parks, sports grounds, cemeteries, Brooklands Zoo, and public art. Combined, the assets are valued at \$40.7 million.

Aligned with the LTP 2024-2034, the Draft Parks & Open Spaces AMP addresses key considerations and challenges for delivering services challenges such as population growth, urban development, and climate change. Identified priorities include the efficient management of assets, regular maintenance, and building resilience against the potential effects of climate change and increased severe weather events, while striving to meet community expectations.

The Parks & Open Spaces AMP identifies the Waitara Cemetery as a critical asset within the District for resilience planning, especially in response to pandemic events and large-scale natural disasters. It identifies the cemetery's vulnerability to natural hazards, the impacts of climate change and heavy rain events and volcanic activity, highlighting the need to ensure its operational capacity during emergencies.

#### 4.4.8 Waitara Neighbourhood Parks Management Plan

The Waitara Neighbourhood Parks Management Plan applies to all neighbourhood parks within Waitara and guides management and development, focussing on meeting community needs and enhancing recreational spaces.

The Waitara Neighbourhood Parks Management Plan identifies key local parks and open spaces within Waitara. These include Barclay Park, Kinkade Park, Pennington Park, Larsen Park, Victoria Park, and James Nuku Reserve.

Management objectives are focussed to enhancing accessibility, improving amenities, and ensuring parks are adaptable to changing demographics and accommodating projected growth in the future. Some areas, like parts of Victoria park and Larsen Park, are earmarked for potential future disposal. The Plan also recognises tangata whenua interests and the cultural significance of parks to ensure that future development will align with the needs of the community and cultural values.

#### 4.4.9 Ngāmotu Integrated Transport Framework

The Integrated Transport Framework (ITF) has three main components:

- the 30-year programme business case, required by Government to get access to national transport funding
- a transport model for New Plymouth district to assess how different interventions perform, and;
- Connecting Our Place community document.

The ITF programme business case is a preferred programme of investment for transport to help manage the projected growth in New Plymouth district over the next 30+ years. It has been tested against a range of different scenarios to make sure it can adapt to change. It has been developed with our key partners - NZTA, TRC and Te Ātiawa, to ensure they have confidence in the programme and underlying evidence base, and that NZTA and TRC are prepared to co-fund it.

The programme provides a guide to help understand the proportion and types of transport investment and costs needed to achieve the benefits the ITF programme is seeking for the district. It will assist the Council and key partners with decision-making on the types of projects and the timing of them to consider in current and future long-term plans and other strategic documents.

The programme identifies 75+ programme interventions covering all aspects of the district's transport network including public transport, walking, cycling infrastructure, freight, road accessibility and land use planning in a whole-of-network programme. The programme also identifies several studies and business cases required to progress larger-scale interventions, such as introducing a frequent bus network or developing the Waiwhakaiho second river crossing.

The ITF Strategic Transport Model allows us to model how population, land use, and employment growth and technology impact on current and future travel demand within the district and to test how different packages of interventions perform. This was a key input into identifying the preferred programme for the district.

The Connecting Our Place community document is a high-level public-facing document which provides information about the type of key transport moves required in the district and where



more detailed information can be found. It was informed by community consultation and research undertaken in 2023 as part of the development of the ITF.

#### 4.4.10 New Plymouth District Council Environmental Sustainability Policy 2024

The New Plymouth District Council Environmental Sustainability Policy 2024 establishes NPDC commitment to environmental sustainability in both its operations and community leadership. It identifies four environmental sustainability pou that Council resources and efforts will concentrate on:

- Reducing resource use through circular economy principles;
- Mitigating and adapting to climate change;
- Protecting and enhancing biodiversity; and
- Promoting sustainable transport and travel.

The policy integrates kaitiakitanga and emphasises partnerships with iwi and hapū in environmental decision-making. It also prioritises whole-of-life resource use, innovative solutions, and measuring progress through sustainability data and reporting.

This policy applies across all Council operations, guiding decision-making in planning, procurement, and infrastructure development, ensuring alignment with local, national, and international sustainability goals.

The Environmental Sustainability Policy is to be reviewed six years following its adoption.

## 5.0 Inputs and assumptions

### 5.1 Introduction

This section covers the various inputs and assumptions that have informed Tiritiri o Mātangi. This includes residential and business land growth projections, as well as mapping inputs that have assisted with the development of Tiritiri o Mātangi.

### 5.2 Growth assumptions

#### 5.2.1 Evidence base

The HBCA 2024 forecasts residential and business growth over the next 30 years, in accordance with the requirements of the NPS-UD 2020. The HBCA quantifies the development capacity needed to meet the expected demand for housing and business land over a 30-year period for the whole district.

The population of New Plymouth District is projected to increase at 8.3% in the next decade, reaching approximately 98,800 people, and to around 110,400 people over the next 30 years. Specific forecasts for Waitara are outlined in **section XXX** below.

An additional 11,027 houses are needed to accommodate this growth over a 30 year period, translating to an average of 368 houses annually. Like many other districts within New Zealand, the demographics in the New Plymouth district are expected to shift over the long term. Expected trends include an ageing population and decreasing household sizes. This means more houses are



needed to accommodate the same number of people, and the demand for housing typologies for multi-unit dwellings such as apartments, or facilities like rest homes and retirement villages will increase.

The findings of the HBCA confirm that the district has sufficient housing and business capacity in the short, medium, and long terms, with an excess of 329 dwellings, 9.7 hectares of business land and 80.3 hectares of industrial land. Notwithstanding there being sufficient capacity across the district as a whole, further analysis of growth and capacity in Waitara indicates a shortfall in housing capacity over the long term, as discussed further below.

In terms of residential land, the HBCA also finds that greenfield development is currently more economically feasible under the current market offer than infill. Infrastructure upgrades and zoning changes to existing Future Urban zoned land will therefore be critical in supporting long-term housing needs, and a significant portion of the Council's infrastructure spending over the next decade is dedicated to supporting future growth.

### 5.2.2 Residential Growth in Waitara

The anticipated growth in Waitara is expected to account for around 6.5% of the total demand for New Plymouth District, which translates to a need for around 619 new dwellings in the long term. The figure below shows the locations for residential growth, as currently provided for by the district plan.



**Figure 4: Areas zoned for residential growth under the District Plan**

The HBCA highlights that the reasonably expected to be realised development capacity in Waitara (with account to both live zoned residential land and Future Urban zoned land) is 644 standalone dwellings and 113 attached dwellings. However, there are limitations to the reasonably expected to be realised development in the long term as the Ranfurly Future Urban zone is currently utilised by the local pony club and is afforded a reserve status, which would need to be revoked to



accommodate residential growth. In addition, there are development constraints due to PDP restrictions relating to land containing sites and areas of significance to Māori (**SASM**).

Despite the HBA showing that Waitara has sufficient capacity in the short term, some of the community are not able to access housing due to affordability issues. Growth is made difficult by the flood hazards affecting Waitara. Currently, proposed subdivisions at Bayly Street (Te Atiawa) and Aratapu Street (Korff) are working through solutions with TRC and hapū which would form suitable conditions of consent to manage flooding on site or downstream stormwater effects.

Further analysis undertaken by the Council in addition to the HBCA (refer **Appendix 3**) therefore confirms that while there is sufficient plan-enabled, feasible, and reasonably expected to be realised residential capacity in the short and medium term, there is a shortfall in capacity in the long term.

### 5.2.3 Business Growth in Waitara

Appendix 3 sets out business growth projects for Waitara. As set out in Appendix 3, business projections for Waitara indicate that growth across retail, commercial, and industrial sectors is expected to range from 1% to 4% of New Plymouth's overall growth. Retail growth in Waitara is projected to outpace industrial growth.

Waitara has sufficient and excess provision for retail gross floor area (**GFA**), with opportunities to consolidate the floor area within the town centre's central core area. There is also sufficient capacity for industrial use, however, the vacant industrial land near Norman Street has been deemed to be unfeasible for large-scale development due to its proximity to residential areas and infrastructure constraints. Large scale industrial opportunities are outside of Waitara, with most industrial land to support growth in the district located at Bell Block.

## 5.3 Key issues and constraints mapping

Tiritiri o Mātangi has been informed by the identification and mapping of a series of high-level key issues and development constraints, and areas for protection. Details of the mapping is included in **Appendix 4** of this document while a summary is contained within Tiritiri o Mātangi.

### 5.3.1 Development constraints

There is no specific guidance as to what constitutes "constraints on development" with regard to spatial planning under the NPD-UD. However, Policy 1, which sets out what constitutes well-functioning urban environments, and clause 3.32, which sets out 'qualifying matters' in relation to district plans, provide some indirect guidance as to the types of matters that may be relevant when identifying constraints on development for the purpose of developing Tiritiri o Mātangi. This includes:

- Current and future effects of climate change;
- Coastal environment, wetlands, lakes and rivers;
- Outstanding natural features and landscapes;
- Areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- Culturally significant lands, water, sites and wahi tapu;
- Historic heritage;

- Natural hazards (e.g. flooding);
- Highly productive land; and
- Nationally significant infrastructure.

In terms of Waitara's long-term development, growth and change, key development constraints identified relate to the existing and future impacts of natural hazards, ageing infrastructure with capacity constraints, the presence of highly productive land and the need to protect the area's rich cultural history.

### Natural hazards

Waitara is at risk from a number of natural hazards including flooding, coastal erosion and inundation, tsunamis, liquefaction and volcanic hazards.

Floods and storms are the most frequent hazard in Taranaki. With climate change, they will likely increase in frequency and intensity. Historically there have been numerous major storms resulting in severe flooding which has resulted in stop banks, pumping stations and other protection measures being put in place. Waitara East and the area around the Town Centre have been identified as being particularly vulnerable.

Coastal hazards in Waitara include storm erosion, tsunamis and coastal inundation. The present-day extent and likelihood of coastal hazard risks in Waitara are expected to increase as a result of climate change projections with increased storm intensities, sea level rise, and coastal subsidence. Extensive areas of coastal erosion and the threat it poses to Waitara are already evident at the Rohutu Block. Low-lying areas, already impacted by flood risks are also at greater risk of exposure to coastal hazards like inundation and tsunamis.

While there are theoretical engineering solutions available to address flooding and coastal hazards, other factors need to be considered. This includes the frequency and impact of the hazards and how residual risk will be managed. The relative affordability of constructing and maintaining engineered solutions (e.g. stop banks and pumped stormwater systems) for ratepayers in the long term is also a relevant development constraint for consideration.

### Highly productive land

The importance of the productive values associated with the land in Taranaki, including its economic benefits for the region, is one of the primary constraints on future growth and change around Waitara. The NPS-HPL requires protection of highly productive land (Land Use Classification) Classes 1, 2 and 3) (LUC). The LUC is an assessment of the land's capability for use, while allowing for its physical limitations, and its versatility for sustained production. There are eight classes with limitations to land use increasing, and versatility for land use decreasing, from LUC 1 to LUC 8. Of particular relevance to Tiritiri o Mātangi, classes 1 to 3 can be summarised as:

- **LUC Class 1:** Arable. Most versatile multiple-use land, minimal limitations, highly suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry.
- **LUC Class 2:** Arable. Very good multiple-use land, slight limitations, suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry.
- **LUC Class 3:** Arable. Moderate limitations, restricting crop types and intensity of cultivation, suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry.



This mapping shows that the land outside of the Waitara urban area is predominantly underlain by highly productive soils, with the majority being classed as LUC 1 and 2. LUC 3 land is also present although this is generally concentrated in areas with other constraints (e.g. within flood plains around rivers and streams).

Cultural resources and Māori land

SASM have been mapped and included within the Proposed District Plan, however further work with mana whenua is ongoing regarding this. In the past, SASM have been negatively impacted by urban development. Any new development or changes to existing urban areas around Waitara needs to carefully consider the potential impact from development on these resources.

In addition to SASM, there is also large areas of Māori land identified in and around Waitara. These have been identified as a potential development constraint due to challenges associated with financing and tenure which can create practical barriers to development. However, it is also acknowledged that Māori land holdings around Waitara offer significant opportunities to help fulfil iwi and hapū aspirations and help address long-term housing needs for whanau and the wider community.

Leasehold land

Council has historically owned approximately one-quarter of houses in Waitara as a result of endowments, much of it directly vested in Council from Crown confiscations following the Taranaki Land Wars. These homes were leasehold properties.

In 2018 Parliament passed the New Plymouth District Council (Waitara Lands) Act to provide a resolution to the multiple issues arising from this historic endowment land, including the dispossession of land for hapū and the limitations of leasehold ownership. These limitations include limiting the ability to subdivide land.

Since that time, approximately 60% of leaseholders have purchased the freehold title to their property.

[placeholder for link to map that shows remaining leasehold land]

Council owned land

5.3.2 Summary of spatial data used

In response to the above, data was collected from a range of sources. Table 2 below sets out the data sources that have been sourced or created as part of the development of Tiritiri o Mātangi to inform an understanding of development opportunities and constraints across the spatial plan area and enable an assessment of the advantages and disadvantages of different spatial scenarios.

Table 2: Summary of Spatial Data Used

Category	Layer	Source(s)
Natural Hazards	Volcanic Hazard Area	NPDC GeoHub Open Data Portal
	Coastal Erosion Hazard Area	NPDC GeoHub Open Data Portal
	Coastal Flooding Hazard Area	NPDC GeoHub Open Data Portal

	Stormwater Flooding Area (100yr ARI Historical Event)	NPDC GeoHub Open Data Portal
	Stormwater Flooding Area (100yr ARI with Climate Change)	NPDC GeoHub Open Data Portal
	Liquefaction Vulnerability	NPDC GeoHub Open Data Portal
	Tsunami Inundation Zones	CDEM Taranaki Open Data Portal
Natural Environment & Landscape	Highly Productive Land (Land Use Classification)	New Zealand Land Resource Inventory
	QEII Covenants	Queen Elizabeth II National Trust
	Conservation Land	National Property and Land Information System (DoC / LINZ)
	Significant Natural Areas	NPDC GeoHub Open Data Portal
	Wetlands	TRC Open Data Portal
	Key Native Ecosystems	TRC Open Data Portal
	Near Shore Reefs	TRC Open Data Portal
	Ecological Water Course Assessments	NPDC GeoHub Open Data Portal
	Rivers and Catchments	TRC Open Data Portal
	Coastal Environment	NPDC GeoHub Open Data Portal
Cultural	Sites and Areas of Significance to Māori (including setbacks)	NPDC GeoHub Open Data Portal; TRC Open Data Portal
	Māori Land	Māori Land Spatial Dataset (Māori Land Court)
	Archaeological Sites	NPDC GeoHub Open Data Portal
Infrastructure	Hazardous Facilities (including buffers)	NPDC GeoHub Open Data Portal
	Crash History	Crash Analysis System (NZTA)
	Noise Control Boundary	NPDC GeoHub Open Data Portal
	Designations	NPDC GeoHub Open Data Portal

	Airport Flight Path	NPDC GeoHub Open Data Portal
	National Grid	NPDC GeoHub Open Data Portal
	Three Waters Infrastructure (including mains, pumpstations, treatment plants)	NPDC GeoHub Open Data Portal
	Bus Routes	TRC Open Data Portal
Other	Poultry Farms (including buffers)	Created by B&A for assessment purposes
	District Plan Zones	NPDC GeoHub Open Data Portal
	Parks and Open Spaces	NPDC GeoHub Open Data Portal
	Deprivation Index	Statistics New Zealand

#### 5.4 Accessibility Analysis

Policy 5 of the NPS-UD requires regional policy statements and district plans applying to Tier 2 urban environment to enable heights and density of development to be reflective of the “level of accessibility” by existing or planned active and public transport. New Plymouth, and by default Waitara, is classified as a Tier 2 urban environment. Whilst Tiritiri o Mātangi is neither a regional policy statement or district plan it will function as an important document that informs the future review and development of other statutory documents.

No specific accessibility analysis was carried out to help inform the development of Tiritiri o Mātangi. In the context of Waitara, this was not considered necessary as the majority of commercial and community services required to support the day-to-day needs of the community are concentrated along an approximately 2km corridor encompassing McLean, North, Richmond and Princess streets. This includes the town centre itself, multiple schools, Owae Marae, open spaces, pool and community facilities. For this reason, and subject to consideration of development constraints, the most accessible area of Waitara (and hence the area more suitable for directing infill and intensification) are those areas within approximately 5-minutes’ walk (400m) of this corridor.

#### 5.5 Summary of key issues and opportunities

Key issues for Tiritiri o Mātangi to consider and respond to have been identified through review of background documents, discussions with hapū representatives, NPDC staff, community board members, stakeholders and the wider community.

This section sets out what the issues are, as well as opportunities identified to date. Tiritiri o Mātangi response to these issues and opportunities is set out in **sections XX and XX.**

### 5.5.1 Stormwater, water and wastewater

Tiritiri o Mātangi presents an important opportunity to undertake strategic planning through a holistic approach to three waters infrastructure (stormwater, water and wastewater) and growth, including potential water quality improvements.

There is an opportunity to partner with iwi, hapū and central government on funding streams to lower infrastructure costs / development contributions.

#### Stormwater

- Much of Waitara is within the river floodplain. The floodplain areas of Waitara are located behind a stopbank (TRC Flood Control Scheme) that protects the floodplain area from river flooding up to the 1% AEP event. When the Waitara River is in flood, the urban stormwater gravity drainage system cannot operate which creates stormwater ponding behind the stopbanks and flooding in houses. Existing issues arising from localised ponding are worsened due to a number of urban areas, including residential sections being located at a lower elevation than the road. One Stormwater pump station is located near the town centre to pump stormwater through the stopbanks during high rainfall events.
- High groundwater in some areas results in poor soakage that affects the ability to dispose of stormwater to ground and associated treatment benefits.
- The Building Code requires minimum floor levels to provide protection from a one-in-50-year flood event. The Council also requires ground/floor levels to be at a level to mitigate risk from flood hazards under the Proposed District Plan and s106 of the RMA requires that subdivision consent may be refused, or conditions imposed if there is a significant risk from natural hazards. It is understood that the costs to develop and build above these flood levels can significantly increase build costs.
- Installing kerb and channel throughout Waitara is an ongoing conversation. This is not a practical solution in large sections of Waitara due to flatness, increased containment loading and stormwater reticulation constraints. Installing kerb and channel will be expensive and result in a negative outcome in some locations.
- Stormwater catchment management plans (currently being prepared) assist in comprehensively planning for the management of stormwater within a topographically confined area, and identifying issues and opportunities so that solutions can be developed in a holistic well thought out way. Tiritiri o Mātangi is an opportunity to use information from the catchment management planning and ensure that urban growth and land use aligns with the aspirations captured in the catchment management plan.
- Provision of housing through infill/intensification is part of the housing solution for Waitara. A number of options need to be considered to support infill/intensification, for example maintenance of swales and clearing of culverts, and managing greenfield development holistically through sustainable water sensitive design solutions and drainage designs.
- Maintenance actions and greenfield development management can contribute to not exacerbating the existing flooding risk. However, the current risk would not be reduced significantly by these actions. More than 2,000 properties are at risk of urban flooding in a 1% AEP event, and in such event, 544 habitable dwellings would be flooded or not have enough freeboard to be safe from flooding.



### Water

- The Council holds a water take consent from Lake Mangamahoe. Assuming water conservation targets are met district-wide, there is sufficient water supply until 2050 – 2060.
- The Council are implementing a water conservation plan with the community (to achieve 25% reduction target), including volumetric charging across the district. Future options to implement water conservation initiatives are currently being investigated by the Council.
- Consideration needs to be given to the provision for a resilient potable water supply for East Waitara. Potable water is fed from the west of Waitara, and is supplied to Waitara East via a single pipe across the Waitara River on the North Street Bridge. This single supply is an extreme resilience risk. If the bridge and pipe were damaged in an earthquake or by a river flood event these communities could be without a water supply. Completion of the resilience trunk main on SH3 will resolve this risk.

### Wastewater

- During extreme wet weather events the likelihood of wastewater overflows increases, posing a risk to both human health and the environment.
- The Waitara wastewater network is experiencing overflows of raw sewage to the environment multiple times per year, and in residential areas during heavy rain events. The cause of this is a combination of high levels of Inflow and Infiltration (I&I), a lack of pipe capacity and a poor network layout. This creates a constraint with respect to additional connections for infill/intensification, as well as greenfield growth in a number of locations. Further investigations are required to identify opportunities to optimize and upgrade wastewater network infrastructure to perform better during wet weather events.
- There are a number of issues with the system for transferring wastewater from Waitara to the New Plymouth Wastewater Treatment Plant (**NPWWTP**), including capacity, seismic resilience and overall system design. Significant upgrades are required to the Waitara transfer station in order to address these issues. Potential significant upgrades are required in order to address seismic risk to existing to the existing pump station and provide sufficient capacity to convey all wastewater to the NPWWTP without overflowing during heavy rain events.
- The discharge consent for the Waitara marine outfall will expire in 2041. This outfall is used to discharge untreated wastewater in an emergency, such as an extreme rain event which exceeds the capacity of the transfer pump station. The discharge of untreated wastewater is currently a prohibited activity under the Taranaki Regional Coastal Plan, meaning this consent cannot be renewed. This may change with future wastewater performance standards produced by Taumata Arowai that will set the standard for discharges and overflows, with no ability for regional councils to apply stringency. There is still a great deal of uncertainty regarding what these standards will be.
- There is one wastewater treatment plant for the entire reticulated wastewater network for New Plymouth District, including Waitara. This plant is nearing its hydraulic capacity and upgrades are required to accommodate forecasted growth across the district.
- Wastewater overflows are a significant risk to cultural and environmental values, in particular freshwater health.



### 5.5.2 Transport

- NZTA is part way through implementing 'Te Ara Tūtōhu: Waitara to Bell Block'. This project involves safety improvements to State Highway 3 (SH3) between Waitara and Bell Block. The first stage of this work has been completed – a roundabout and pedestrian underpass at the SH3 and Princess Street intersection. Construction is now underway of a roundabout and safety improvements at Raleigh Street / Tate Road / SH3.
- The SH3 improvements are anticipated to affect local traffic flow, with higher traffic volumes in areas where traditionally there have been low traffic volumes. The traffic flow will increase on those roads which serve as collectors from SH3 to the town centre and surrounding neighbourhoods, e.g. Raleigh St and local streets that connect to it (e.g. Cracroft, Grey, Mould St) in the west and Princess St and the local streets that connect to it in the east (e.g. Richmond, Bayly, Hutchins, Mouatt)
- An opportunity has been identified to increase safety outside Waitara Central School on the intersection of Maclean and Cracroft Street, to address safety and changes in traffic dynamics. Options identified include construction of a roundabout and upgrade of current crossing from zebra to a raised crossing. It is noted that alignment with the new Ngāmotu Integrated Transport Framework 2024 will be required.
- Safe and accessible walking and cycling connections to schools, key community facilities, the town centre and Ōwae Marae have been identified as a key opportunity, as well as connections between Waitara West Beach and the . Waitara Board Riders Club (at Waitara East Beach).
- Waitara is a commuting base to and from New Plymouth and Bell Block. Transport planning and growth within Waitara and the surrounding areas will need to be carefully considered and integrated to manage roading capacity and congestion, including along SH3. Opportunities to alleviate this congestion include increasing public transport frequencies and creating local Waitara based jobs.
- The coastal walkway extension to Waitara (currently under construction) creates an active travel link to and from Waitara to the airport, Bell Block and New Plymouth.
- An outcome of the state highway upgrades between Waitara and Bell Block there will be an effect on local traffic flow. This will result in higher traffic volumes in areas where traditionally there hasn't been which will change the way that traffic moves in the area.
- NZTA are looking at modelling of SH3 with respect to projected population growth. At present roundabouts being constructed on the state highway are being designed to accommodate two lanes in response to projected growth. In future, there will need to be additional measures to improve traffic flow on SH3. Implementing measures like increased public transport, turning restrictions (at some intersections between Airport Drive to Northgate), and traffic signal optimisation will help manage congestion during peak times.
- It is noted that North Street Bridge provides extensive services, and should be closely monitored to ensure ongoing infrastructure resilience for the existing township and opportunities for growth.

### 5.5.3 Environmental

#### Freshwater



- Urbanisation and lack of impact mitigation has contributed to water quality degradation of Waitara's waterways, including the Waitara River and Tangaroa Stream. The Tangaroa Restoration project is currently underway, looking at resolving flooding issues and improving water quality. There are opportunities for similar restoration projects in other catchments.
- Many streams and tributaries are overgrown, and/or have been filled in or piped. There is an opportunity to daylight these and contribute to improved water quality and biodiversity, including in the upper reaches.
- Preparation of a catchment management plan is underway.
- The Waitara River Authority, set up under the Waitara Lands Act 2018 currently holds \$23.7M associated with leases. Once the terms of reference for the authority are finalised this fund is a potential funding opportunity for the implementation of Tiritiri o Mātangi.
- TRC has started mapping wetlands as required by the NPS-FM.

#### Highly productive land

- Waitara urban area is surrounded by LUC 1 and 2 land. Under the NPS-HPL this land can only be rezoned for urban purposes if there is a shortfall of development capacity within the existing urban environment, there are no other reasonably practicable and feasible options, and the benefits outweigh the costs (see clause 3.6 of the NPS-HPL).
- The NPS-HPL requires TRC to map highly productive land by October 2025, however the work programme for this to be completed is uncertain at this stage given the updated national direction package currently being prepared by Central Government. Until this mapping is completed, highly productive land is that mapped by New Zealand Land Resource Inventory.

#### Biodiversity

- Opportunities to restore, enhance, and increase biodiversity in Waitara could be supported by NPDCs 'Planting our Place' project, NPDC's Te Korowai o Tāne grants, TRC's biodiversity initiatives, Wild for Taranaki, Trees that Count, and other landscape restoration and funding opportunities.
- The NPS-IB requires regional councils to set a target of at least 10% indigenous vegetation cover. TRC has indicated this will likely form part of the biodiversity strategy that is also required under the NPS-IB. Preparation of this strategy is required to start within three years of the operative date of the NPS-IB (2023) and completed within 10 years.
- The Proposed District Plan identifies and protects significant natural areas in the district's rural areas and in New Plymouth city, but other urban centres such as Waitara have not been assessed for significant natural areas. The Council's planning team is in the early stages of looking at the potential for a new biodiversity strategy for the district's other urban areas.
- There is a knowledge gap in respect of understanding ecological values within the spatial plan area.

#### Closed historic landfill sites

- There are two closed landfill sites and one historic farm dump within Waitara.
- The Waitara Golf Course, Waitara Farm Dump and Waitara West Beach Reserve landfill sites are all at high risk of coastal erosion and require active management to prevent release of



material into the environment. Short-term options for these sites identified also include regular monitoring and beach clean-ups

- The West Beach Reserve Landfill (Battiscombe Terrace) and Golf Course Landfill are currently being reviewed for potential remedial solutions while the Waitara Farm Dump will be managed according to its lease agreement.

#### 5.5.4 Climate change and natural hazards

- Waitara is subject to multiple natural hazards. The likelihood of multiple hazard events occurring at the same time is not well understood.
- There is a high urban flooding risk due to topography, road levels, stopbanks that cause ponding on the other side of the stopbanks during high rainfall events, high groundwater table and existing issues with the stormwater network.
- Existing stopbanks are part of the Lower Waitara River Flood Protection Scheme, which is designed to protect the existing commercial, industrial, and residential areas of Waitara from a 1 % AEP event. The Scheme was last upgraded in 2016 with an allowance for climate change until 2065<sup>3</sup>.
- TRC have work underway to prepare a regional flood catchment model, this can be used for the Waitara River.
- NPDC are continually working to better understand the flood risk in Waitara. A model for Waitara urban area has recently been prepared based on the RCP 8.5 2051-2100 climate change scenario that models flood risk based on depth of water and velocity. This has highlighted parts of Waitara that are at high risk from flood hazard. Tiritiri o Mātangi is one opportunity for NPDC and community to consider and respond to this through considering the risk with respect to long term growth planning.
- Coastal erosion is occurring at a rapid rate and there are also stability issues along the coastline due to erosion. Robust coastal science has been obtained by the Council so this hazard is well understood and the district plan includes appropriate controls for development in respect of coastal erosion.
- Land known as the Rohutu Block is subject to significant erosion, causing damage to the natural environment as well as existing structures including dwellings. NPDC and the trustees for the Rohutu Block are working with the community to remove high-risk dwellings.
- The coastal inundation risk to low-lying areas is likely to increase due to sea level rise. Robust coastal science has been obtained by the Council so this hazard is well understood and the district plan includes appropriate controls for development in respect of coastal inundation.
- Parts of Waitara have high groundwater, which is also impacted by sea level rise.

<sup>3</sup> The Lower Waitara River Flood Control Scheme currently provides protection from flooding in 3,840 cumec flood event with a freeboard allowance of 500mm and an allowance for climate change through to 2065. The climate change allowance was made by adding a further 20% to the 3,200 cumec flood flow. The 3,200 cumec flow was determined in 2013 to be the 1% AEP (annual exceedance probability) flood events. (Lower Waitara River Flood Control Scheme Asset Management Plan, Taranaki Regional Council, 2023).



- An opportunity has been identified for natural hazards resilient housing in Waitara, in areas outside high-risk areas, where there are other mitigation options, potentially using innovative methods.
- Volcanic activity/eruption would have significant impacts on Waitara from lahar flows. Volcanic activity is monitored and it is likely that warning devices would provide at least two weeks lead in time ahead of an eruption, allowing time to prepare.
- NPDC have commenced the first stages of climate adaptation planning, with a district wide adaptation plan now underway. The next step will be place-based local adaptation plans, including for Waitara if there is support from the Waitara community to do so. Early engagement as part of the preparation of Tiritiri o Mātangi has indicated that the community is supportive of adaptation conversations and planning.

#### 5.5.5 Economic, growth and development, social

- Along with a rich Māori cultural history and heritage, Waitara also has a history of economic development and industry. There is an opportunity celebrate this history.
- There are potential redevelopment opportunities of industrial sites such as the former Subaru factory, and others such as the former Swandri premises, potentially as a training facility or other new use. At present the site is fully tenanted. Similarly, large parts of the ANZCO site are not being used. The long term plan for the unused parts of the site need to be considered, noting that the site is also constrained by flood hazard.
- Waitara's identity is closely linked to the water. Strengthening economic opportunities associated with the Waitara River and ocean have been identified.
- The Waitara River provides recreational and lifestyle opportunities for residents but also the wider New Plymouth District, for example, recreational walking tracks, waka ama, rowing club, river sailing.
- There is an opportunity to explore the potential for the coastal walkway to link into the Waitara River walkway / Tuna walkway, and eventually continue upstream, supporting local recreation and a tourism opportunity to bring activity into Waitara.
- The town centre has vacant shops and a number of run down and unoccupied buildings. There is an opportunity to work with building owners and business owners on improvements to town centre revitalization.
- There is potential to build opportunities for young people and youth, including with respect to local training and employment.
- It is understood the FDS did not include a fulsome assessment of infrastructure in relation to identified growth areas/FUZ.
- There is an opportunity to improve degraded housing stock quality and deliver more diversity in housing typologies for example, duplexes and terraced housing. The Proposed District Plan (PDP) enablement of medium density housing assists intensification, choice and affordability. Tiritiri o Mātangi needs to ensure intensification/infill is happening in the most appropriate locations with respect to flood hazards in particular.
- There is an opportunity to review extent and use of reserves. Noting that many of these serve a secondary purpose as stormwater detention (albeit informally).

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- Waitara will be impacted by any potential changes to nearby industry, for example if Methanex closed due to lack of gas. Opportunities may also arise if these sites are disestablished, including the national grid link to the existing facilities, as well as a groundwater source.
- The economic profile of Waitara (and the wider district) will be potentially impacted by other regional changes in dairying and other rural production activities, oil and gas, horticultural diversification, offshore mining, mineral sands, wind farms and solar farms. Waitara also needs to consider what a low emissions future looks like and any local changes.
- The Waitara swimming pool is located in a flood hazard zone. An opportunity to relocate and upgrade the pool, with associated water safety improvements has been identified.
- Any changes to the extent of the Waitara urban area, or other development opportunities in the rural zone need to consider potential reverse sensitivity effects arising from nearby poultry farms and potential piggeries nearby.

The spatial plan will take a long term view of potential growth areas to address existing issues with respect to natural hazards, infrastructure and housing affordability and choice, as well as potential future unknown changes. There is an opportunity for Tiritiri o Mātangi to be proactive, flexible and responsive to change, and reduce the need to be simply reacting to change.

#### 5.5.6 Cultural

- Historic development and growth in Waitara and its surrounds have resulted in the loss of a number of SASMs. Additionally, there are a number of wāhi tapu that are not scheduled in the PDP. NPDC are working with Manukorihi Hapū and Otāraua Hapū to address this through the SASM mapping project, however, consideration of these unscheduled sites can be considered as part of the scenario testing.
- There is a lack of acknowledgement and visibility of Waitara's Māori cultural heritage in Waitara's urban centre.
- Affordable housing for whānau is a concern for Otāraua Hapū and Manukorihi Hapū, particularly as more growth and development occurs. Historic development within flood prone areas, overland flowpaths and adjacent to watercourses has exacerbated flood hazards with housing throughout Waitara being within flood hazard overlays.
- Much like the rest of New Zealand local authorities, Council has not been able to keep up with investment needed in three waters and social infrastructure and This has resulted in increasingly ageing infrastructure in Waitara that in some instances have not been upgraded which has and continues to impact on the natural environment.
- In the past engineering solutions were created with little consideration of [mātauranga Māori](#). The modern planning approach under the PDP and Councils Treaty partnership strategy is to consider western science alongside ancestral knowledge and cultural values.
- The Waitara River holds cultural and spiritual significance to Otāraua Hapū and Manukorihi Hapū. Infrastructure and growth need to be appropriately managed to ensure any discharge to the Waitara River and tributaries are treated appropriately.
- Taranaki Regional Council has funding set aside for the management of the Waitara River under the Waitara Lands Act.

- There is an opportunity to restore and enhance many of the waterways in Waitara with native planting.
- A number of reserves returned to hapū through Treaty Settlement processes have been rezoned 'open space zone' which does not provide for development in a manner that support hapū development aspirations. Opportunities for rezoning plan changes to the Proposed District Plan has been identified to support hapū aspirations.

## 6.0 Infrastructure

The consideration of infrastructure for Tiritiri o Mātangi is focused on 'Three Waters' being water (potable), wastewater and stormwater.

This section addresses initial findings taking into account Council data, plans and information that pertains to three waters specifically. This includes the provision of the current status quo, understanding supply, source, storage and capacity within the relevant networks of the core development infrastructure to meet and support development capacity. Other 'relevant infrastructure' such as telecommunications, electricity, transport (including roading and multi modal) has also been considered.

Below is an overview of development infrastructure and the status quo situation in Waitara.

### 6.1 Context

The most critical infrastructure issues that pose a risk to growth in Waitara relate to wastewater and stormwater capacity and management. The protection and betterment of the Awa (freshwater bodies) is intrinsically tied to the effective management of these issues. A combination of high groundwater, long duration wet weather events and existing topography combine to create stormwater flooding, wastewater overflows and wastewater discharges to river/sea.

The areas of Waitara that are impacted vary, dependent on the specific wastewater and stormwater catchments where development has previously and is currently occurring. The cost of managing the potential adverse effects of these infrastructure issues is largely determined on the direction and extent of growth planned in Waitara, hence it is important to understand the existing state of play and natural environment.

Generally, in dry weather, the provision and operation of wastewater and stormwater effects can be managed and provided for.

For wastewater, during long duration (24 hours or more) 1-in-5 to 1-in-10-year wet weather events, there can be localised wastewater network overflows. Also, the pump capacity in the wastewater transfer station can be overwhelmed, which can lead to emergency discharges of untreated wastewater to sea via the outfall, noting that this is consented up to 2041 (after which it becomes a prohibited activity).

Waitara is low-lying, flat and protected from flooding from the river by stopbanks. The urban stormwater network drains Waitara through multiple outlets which have flap valves (similar to non-return valves in the water supply system). When the river is in flood the flap valves are closed to prevent river water from flooding the town, but simultaneously prevents the urban runoff from draining, resulting in consequential flooding behind the stopbank.



The flat topography of the land means that the stormwater network has low grade (is not very steep) which reduces the amount of water that can be conveyed by the network. These low grades mean that constructing or upgrading a stormwater network to convey large rainfall events is limited and unlikely to be practical or feasible.

#### 6.1.1 Supporting infrastructure requirements

The Council and other infrastructure providers will need to plan for, and help to fund, supporting infrastructure. To support our plan, we require safe, resilient, well-planned and integrated strategic infrastructure. We have identified upgrades to existing infrastructure as well as new infrastructure that would be required over the next 30 years to enable growth to occur.

A summary of the infrastructure requirements to enable growth are set out below with more detail provided in the following subsections.

- There is sufficient potable water available to cater for the level of growth anticipated through Tiritiri o Mātangi with the assumption that water meters are effective in reducing demand by 25% and a supplementary groundwater source is located and secured. This is not limited to Waitara, with the additional groundwater source and water metering being required in the future to assist with ensuring water is available to support growth and development across the wider district.
- Upgrades to the wastewater transfer pump station will be required to increase the pumping capacity of wastewater to the NPWWTP. Upgrades to the NPWWTP are required to cope with the increased wastewater volumes coming from Waitara. Stormwater resilience, attenuation and treatment projects will also be needed within the various stormwater catchments across Waitara to support future growth and development.
- There is sufficient capacity in the local roading network to support the level of growth anticipated. Upgrades on SH3 will continue if/when planned by NZTA. New and improved walking and cycling connections will be required to improve levels of accessibility and connections across Waitara.
- No changes to the location of existing schools, marae and other community facilities are proposed.

## 6.2 Wastewater

Waitara is broken down into discrete wastewater catchments that are largely defined by topography with relevant pump stations and trunk mains. Wastewater feeds into the central transfer pump station located on the western stopbank. It is then pumped out of Waitara via a trunk wastewater rising main to the NPWWTP for treatment and discharge. The pump and rising main capacity is exceeded in long duration wet weather events, leading to emergency overflows through the marine outfall pipe. This outfall has a discharge permit that expires in 2041. A solution to upgrade the transfer pump station is required before the 2041 discharge expiry to ensure compliance is able to be appropriately managed in relation to the emergency discharge.

Within each wastewater catchment and depending on the level of future development, some are more susceptible to wastewater overflows than others. This is largely dependent on levels of inflow and infiltration, pipe capacity, and existing topography and network layout. Wastewater overflows occur when the system capacity is overwhelmed during wet weather events and a combination of



stormwater and wastewater escapes from manholes, private gully traps and engineered overflow points. Overflows have the potential to cause environmental, cultural and health harm. Overflows are infrequent but do occur with Council recording and monitoring some of them. The location of the overflows coincides with the low points in the most affected wastewater catchments, being Waitara West, East and South (*shown below*).



Figure 5: Waitara South Sub Wastewater Catchment





**Figure 6: Waitara East Sub Wastewater Catchment**

As additional growth occurs within the township itself through infill or small greenfield development; each new connection creates additional risk to network capacity during long duration wet weather events. This is realised in long duration storm events which could lead to an increase in overflows and emergency discharges to waterways and sea.

The LTP has budget to investigate further and help plan and manage wastewater network effects. Below is a brief summary of some of the critical infrastructure spend that is planned.

- Service level improvements to reduce wastewater overflows and allow for growth; budgeted at \$11.5m
  - A combination of new pump stations, new and upsized pipes and changes to network layout to relieve capacity constraints.
  - Inflow and Infiltration investigations and targeted remedial work to reduce the volume of stormwater and groundwater that enters the wastewater network.

- Upgrades to the existing NPWWTP and Wastewater Treatment Master Plan; \$11.5m allocated in the LTP for the entire district.

Infrastructure upgrades which are not funded in the 24/34 LTP but have been identified are:

- Waitara transfer station upgrade to increase capacity and address resilience.
  - Investigations for seismic risk and capacity upgrades (\$1–2m).



- Depending on investigation results, solutions could range from \$10–30m for the ‘macro wastewater solution’ to future proof Waitara which would resolve the existing seismic resilience and overflow risk from the main transfer pump station before the emergency marine discharge consent expires in 2041.

Through Taumata Arowai, there are changes coming to wastewater performance standards and untreated overflows. This could have an impact on the scale and type of interventions required to manage wastewater in the future.

### 6.3 Stormwater

Stormwater catchments are named and divided into sub catchments depending on topography. The existing fluvial threat from king tides combined with rainfall events poses a threat to existing urban housing and the CBD. Stopbanks are in place along the river edge to mitigate and manage potential river flood effects. The sizes of these were increased to help cater for larger rainfall events and protect the township.

A key issue facing Waitara is that development occurred on low-lying land and is exposed to a flood hazard from a major watercourse. Stopbanks protect Waitara from river flooding but prevents urban runoff from draining, resulting in flooding from stormwater runoff. A combination of high groundwater, lack of local infrastructure in the street (i.e. kerb and channel, catchpits, conveyance pipe network, and low-lying land surrounding a major watercourse) enable and contribute to the significant flood risks for Waitara. This is shown spatially on Council flood mapping and generally follows overland flow paths and existing stream tributaries that flow towards the Waitara River.

A potential option to remove the flood waters in a high rainfall/duration event is to install a series of extremely large pumps that would attempt to pump out the flood water from the town into the Waitara River. Such a solution would be very high cost and very high risk with uncertain reliability and is not considered best practice for modern stormwater management. Also, in an event that the river overtops the stopbanks the potential solution would be redundant in any case.

The Council LTP has budget to address some of the upper catchment stormwater network effects that have been identified. Below is a brief summary of some of the critical infrastructure spends that is planned and some additional works for specific catchments that could be of benefit to future growth in Waitara.

- Ongoing projects valued at \$20m full life have already begun across Waitara but this is largely to manage the existing environment.
- Future Urban Zone (FUZ) and new greenfield development could potentially add storage capacity in the upper Waiari Stream to mitigate downstream flooding by artificially holding and discharging at a controlled rate.
- Estimate \$5m for additional pipes in Phase 2 of the Waiari Stream stormwater project.

Limitations on the effectiveness that network improvements could make to the current situation due to the challenges previously discussed make infill development challenging and any increase in impervious surfaces would worsen the current situation.



For FUZ and greenfield developments, developers are required to design and build 'Hydraulically Neutral' stormwater systems. Hydraulic Neutrality is when the fully developed area (post development) discharges the same amount of stormwater as the un-developed area (pre-development). This means the development does not add any new stormwater to the existing stormwater network. There are a range of design options available to achieve Hydraulic Neutrality with a commonly utilised option being storage ponds. Preference is for consolidated stormwater ponds in strategic locations that can accommodate larger catchment areas including multiple development sites and existing urban areas. This requires a master planning approach considering wider stormwater catchment issues.

Infill development will face challenges due to the effectiveness that network improvements would have given the limitations faced by Waitara coupled with the Council's lack of funding to physically improve the existing network, as any increase in impervious surfaces would worsen the current situation. These include low-lying topography particularly within challenged stormwater sub catchments where upstream development can cause an increased threat of flooding effects. Options to mitigate these effects through future development include onsite attenuation, localised stormwater management techniques and general maintenance of existing stormwater infrastructure.

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## 7.0 Engagement

This section summarises the engagement that the NPDC, and Manukorihi Hapū and Otāraua Hapū has undertaken to support the development of Tiritiri o Mātangi.

The feedback received to-date has informed development of Tiritiri o Mātangi, and the form and outcomes of this engagement is summarised below.

### 7.1 Summary of Engagement

#### 7.1.1 Who we have talked to

The engagement to inform Tiritiri o Mātangi was held with a variety of groups, identified based on their involvement in the community and the nature and relevance of their inputs to the plan.

A full list of people and organisations that the project team has contacted is included in **Appendix 5**. Key groups we have spoken to include:

- Te Kotahitanga o Te Atiawa, Ngāti Rāhiri Hapū and Pukerangiora Hapū and Te Kōwhatu Tu Moana;
- The Waitara Community Board and other NPDC elected members;
- NPDC staff, including the District Plan team, three waters engineers, resource consents planners, development engineers, transport planner, strategic housing and climate adaptation advisor;
- Landowners and developers, as well as developer representatives such as planners and surveyors;
- Central government agencies such as NZTA, Ministry of Housing and Urban Development (MHUD) and Ministry of Education, Kāinga Ora;



- TRC;
- Health services and community facilities and support providers including Tui Ora, Taranaki District Health Board, Sport Taranaki, Taranaki Facilities Consortium, representatives from several Waitara schools, Waitara Pataka Kai (Food Bank);
- Waitara Taiohi Trust Youth Group; and
- Waitara Schools were contacted to invite youth, teacher and whanau participation. Schools invited include Saint Josephs School, Waitara, Waitara Central School, Waitara East School, Manukorihi School and Waitara High School. Of these Saint Josephs School, Waitara Central School and Waitara High Schools wished to participate in activities.
- Community members via stalls at the Waitara Night Market and Waitara Waitangi Day Market.

7.1.2 Summary of key themes

Key and common themes from engagement include:

- The importance of the awa and the beach;
- Kerb and channel;
- Community pride and spirit and maintaining the sense of community;
- Infrastructure challenges;
- Issues with risk from natural hazards;
- Desire for improved public transport;
- The need for more affordable healthy housing;
- The need for improvements to the town centre vibrancy;
- More community facilities and improved recreational spaces; and
- Protect and enhance Māori cultural values and sites of significance.

13.2

7.2 Engagement events

7.2.1 Stakeholders

7.2.1.1 Stakeholder workshops

Two in-person workshops were held in October 2024 (Stakeholder Workshop #1) and December 2024 (Stakeholder Workshop #2). Further details of the workshops are set out below.

Table 3: Stakeholder workshop attendees and purpose

Attendees	Date	Purpose
Organisations are as listed below with representatives in attendance:	<b>Stakeholder Workshop #1</b> 30 October 2024	To provide an introduction and overview of Tiritiri o Mātangi and to receive feedback from stakeholders to inform the identification of key issues and Waitara and the development of the vision, outcomes, and objectives of

<p>Manukorihi Hapū Te Kowhatu Tu Moana, Landpro, Taranaki Housing Trust, NZTA, TDHB/ Te Whatu Ora, Tui Ora, Waitara Community Board Elected Representatives, Councillor Tony Bedford, Sport Taranaki, New Plymouth District Council Staff, Taranaki Regional Council, Venture Taranaki, Waitara High School, Ngāti Rahiri Hapū, Pukerangiora Hapū, Waitara Taiohi Trust, Waitara Pataki Kai, and Individuals from the community not affiliated from any organisation, but high involved in the community were also in attendance.</p>		<p>Tiritiri o Mātangi. This was achieved by group discussions and a series of interactive activities.</p>
<p>Organisation are as listed below with representatives in attendance: Manukorihi Hapū Te Kowhatu Tu Moana, Landpro, Taranaki Housing Trust, NZTA, TDHB/ Te Whatu Ora, Tui Ora, Waitara Community Board Elected Representatives,</p>	<p><b>Stakeholder Workshop #2</b> 5 December 2024</p>	<p>To recap and share findings from workshop 1, understand the growth and infrastructure context for Waitara, share the draft spatial plan outcomes, workshop draft growth scenarios and workshop key moves to meet spatial plan outcomes and future growth scenarios.</p>

<p>Councillor Tony Bedford, Sport Taranaki, New Plymouth District Council Staff, Taranaki Regional Council, Venture Taranaki, Waitara High School, Ngāti Rahiri Hapū, Pukerangiora Hapū, Waitara Taiohi Trust, Waitara Pataki Kai, and Individuals from the community not affiliated from any organisation, but high involved in the community were also in attendance.</p>		
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The stakeholder groups raised key issues, opportunities, constraints and insights in relation to existing issues and considerations for future growth and development for Waitara, that has informed the development of Tiritiri o Mātangi.

Stakeholder Workshop 1

The key feedback from Workshop 1 is summarised below.

- The awa and beach is Waitara’s point of difference and waterways were identified as a key feature to protect as growth occurs;
- Key areas of interest for Tiritiri o Mātangi identified by stakeholders are increasing housing supply and the diversity of housing types, building resilience to natural hazard risks and adapting to the effects of climate change, and investing in infrastructure;
- There are existing infrastructure constraints in Waitara for stormwater and wastewater, and there is a need to investigate and implement alternatives to ensure Waitara is well resourced and able to support new growth and development;
- There is a need to adapt to climate change, including considerations for relocating existing infrastructure and buildings that are vulnerable to flooding risks, focusing growth away from flood hazards, and developing a climate adaptation plan;
- The lack of a convenient and useful public transport service is one of the biggest issues for Waitara, with an emphasis on the need to support growth by improved public transport provision;
- Growth will need to be supported with parks and open space facilities and community and civic spaces, including the provision of a central community hub;



- The library is a key hub and location for the community;
- There is a need to revitalise and enhance the Town Centre;
- Provide employment opportunities to attract youth and young families to live, work and stay in Waitara; and
- Opportunity to pull the built form of the Town Centre from the awa, and consolidate the heart of the Town Centre.

### Stakeholder Workshop 2

Workshop 2 provided an overview of key findings from Workshop #1, an update on infrastructure and then focussed on two interactive activities to obtain stakeholder feedback on growth scenarios and key moves. Participants were divided into six groups, and the activities and key feedback received are summarised below.

### Activity 1 – Growth Scenarios

Activity 1 included group discussion on seven spatial scenarios developed for consideration – refer to [Section 9.6](#) for the scenario descriptions and maps used during this activity.

Workshop participants discussed what they supported, did not support and what they would change in relation to each scenario. The feedback received is summarised below.

- Scenario 1 Status Quo:
  - The scenario and growth areas are very spread out;
  - Waitara FUZ is not plan enabled - it is low lying, floods and in the wrong direction for people and infrastructure. This area should be removed;
  - The industrial land adjoining Ranfurly FUZ is not required and could be removed;
  - Brixton needs to be rezoned to urban zone; and
  - A general consensus that this scenario is not the most economical option for Waitara.
- Scenario 2a Southeastern Growth:
  - Support the new/enhanced small centre;
  - Do not support the locations proposed for industrial uses;
  - Residential expansion zone is in a good location – it would be a selling point having housing closer to schools and would promote greater accessibility;
  - Industrial land by Ranfurly FUZ is under utilised and the industrial area on Grey Street floods;
  - The residential expansion area is a long way away from existing infrastructure and there are traffic challenges;





- This scenario positively aligns growth near the schools;
- Would be more expensive in comparison to other scenarios given the location of existing infrastructure;
- Do not support the lack of infill in this scenario;
- A positive with this scenario is the additional housing capacity that will be provided; and
- Eastern focused development has good access to schools and community facilities.
- Scenario 2b - Southeastern Growth Alternative:
  - Scenario 2b is better in the outcomes it will deliver than option 2a;
  - Support for the new/enhanced small centre;
  - Lack of support for the area indicated for industrial expansion;
  - Need to consolidate industrial zoned land, do not want to see more of this zoned land in Waitara;
  - Potential for development around Grey Street near the town centre as it does not flood;
  - It would be good if this scenario could include some provision for rural lifestyle zoning;
  - The industrial expansion is located close to the state highway supporting easy transport access;
  - A positive with this scenario is the additional housing capacity that will be provided; and
  - Eastern focused development has good access to schools and community facilities.
- Scenario 3a - Northwestern Growth:
  - Some concern about growth on the western side of Waitara and the potential for it to create an imbalance in the community;
  - Growth indicated through residential expansion seems logical and away from most constraints;
  - No support for infill along Parris Street due to flooding risk;
  - If future growth was to be focused on the northwestern side of Waitara, more buses would be





required for schools and connect the western and eastern sides of Waitara;

- If growth continues from Bell Block over the next 30 years then growth out the Western side of Waitara makes sense, particularly from an efficient use of infrastructure perspective;
  - Ranfurly FUZ could be changed to open space, parks or reserves with a better link to the coastal walkway;
  - Support for a new small centre to support local convenience needs;
  - Support for the Waitara East FUZ being used for open space;
  - It would be good to see consideration of a small centre along Princess Street;
  - Support for the areas indicated for infill / intensification however it would be good to see the additional infill area shown in Scenario 2a near King Street included;
  - Support for West Beach Reserve being open space due to erosion risk;
  - Need more green space within the future residential expansion area;
  - Positive with this scenario is the additional housing capacity that will be provided
  - Intensification is provided in appropriate locations where development will be safe and efficient; and
  - Support that this scenario will be more efficient and cost effective in relation to infrastructure.
- Scenario 3b - Northwestern Growth Alternative:
    - All the recreational areas are on the eastern side of Waitara which does not leave many 'local' options for residents out west;
    - Not supportive of West Beach Reserve being used for housing given the erosion risk;
    - Infill is more limited under this option particularly around Parris Street in comparison to other scenarios. It would be good to see provision for a bit more infill;
    - Positive with this scenario is the additional housing capacity that will be provided; and



- Support that this scenario will be more efficient and cost effective in relation to infrastructure.
- Scenario 4 - Southwestern Growth:
  - Least preferred scenario as it is very disconnected to the Waitara community;
  - No infill is possible along Parris Street due to flooding risk;
  - Not supportive of the residential expansion along Raleigh Street (near the Johnston Structure Plan Area);
  - Concern with the potential industrial expansion next to residential land;
  - Residential expansion area indicated raises concerns with traffic issues on and off the state highway;
  - Maclean Street area is like a swamp and should not be used for housing purposes;
  - Lack of access to schools in this scenario is a negative;
  - Positive with this scenario is the additional housing capacity that will be provided;
  - Support that this scenario will be more efficient and cost effective in relation to infrastructure;
  - The Raleigh Street centre would potentially pull activity from the existing town centre and potentially create an 'us and them' situation; and
  - Scenario creates significant urban sprawl in Waitara which is not supported.
- Scenario 5 – Status Quo Plus:
  - Support for the reduction in the town centre / more condensed town centre (moving away from the river). General consensus that this should be applied to the final scenario;
  - Support for the proposed open space in the town centre;
  - Support for no infill being indicated along Parris Street; and
  - Positive with this scenario is the additional housing capacity that will be provided.

### Activity 2 – Key Moves

Activity 2 included discussion around the key moves to meet the spatial plan outcomes and deliver the different growth scenarios. Potential key moves were identified by the project team and printed on cards for participants to rank or group (e.g., must do, nice to have, not necessary).

The feedback received on the key moves are summarised below, and the responses to all key moves are included at **Appendix 6**.

- The majority of key moves were generally identified by the six groups as being ‘must do’ or ‘nice to have’, except that the following two key moves were consistently not supported:
  - All groups identified the need to enable more housing in Waitara, rather than facilitating this growth elsewhere to reduce pressure in Waitara. This includes within the neighbouring suburb Bell Block and within other locations in New Plymouth.
  - Four groups identified the provision of a new neighbourhood centre or school to support residential growth as a ‘nice to have’, while two groups identified that this was ‘not necessary’.
- All groups consistently identified the following key moves as ‘must do’:
  - Work with iwi and hapu trusts, social housing providers, and developers to address barriers to housing affordability;
  - Create local jobs by investigating economic development opportunities;
  - Improve waterways, including through naturalisation, planting, daylighting, creating new wetlands, and improve methods to manage stormwater;
  - Investigate options to manage stormwater and respond to sea level rise and coastal inundation;
- There was also support for key moves which would facilitate or enable growth and development in Waitara, reduce barriers to housing, or address existing infrastructure barriers, including:
  - Undertaking detailed housing assessment for Waitara to develop an understanding of demand and existing capacity (identified by five groups as ‘must do’ and one group as ‘nice to have’);
  - Investigating partnerships with iwi and hapū and other housing providers to undertake development and/or deliver housing (both initiatives were identified by five groups as ‘must do’ and one group as ‘nice to have’);



- Increase wastewater capacity and conveyance to a centralised wastewater treatment plant (identified by five groups as 'must do' and one group as 'nice to have'); and
  - Localised sewer pump station and pipe capacity upgrades (identified by five groups as 'must do' and one group as 'not necessary', citing that a pump station was not desired).
- There was general support for cultural visibility through potential and change street names, landscaping, and a cultural heritage trail (identified by four groups as 'must do' and two groups as 'nice to have') and introducing cultural wayfinding in streets and public open spaces through pou, storyboards, toi Māori (identified by two groups as 'must do' and four groups as 'nice to have'). The identification of the Owae Marae as a feature within the community was identified as a new key move by one group.
- In terms of responding to climate change and natural hazards, five groups identified the need to develop and implement a climate change adaptation plan as a 'must do', and one group identified this as a 'nice to have'. Mixed responses were received in relation to limiting infill housing to high ground, which was identified as a 'must do' by three groups, a 'nice to have' by two groups, and 'not necessary' by one group.
- Transport and access related key moves were generally split between being 'must do' and 'nice to have', including key moves to include gateway treatments at State Highway accesses, improving cycling facilities between Clifton Park and St Joseph's (identified by one group as 'not necessary'), enhance the Coastal Walkway and extending it to the Town Centre, and increasing public transport frequencies for routes to Bell Block and New Plymouth.
- Other preferred key moves include:
  - Consolidating the Waitara Town Centre (identified by five groups as 'must do' and one group as 'nice to have');
  - Undertaking a plan change to the District Plan to enable urban expansion in desired locations (identified by four groups as 'must do' and two groups as 'nice to have');
  - Establishing a community hub and space for all by combining existing community facilities (identified by four groups as 'must do' and four groups as 'nice to have').

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### 7.2.2 Stakeholder meetings

In addition to workshops with key stakeholders, targeted one on one meetings were held with some specific stakeholders which is outlined below.

#### 7.2.2.2 Taranaki Regional Council

A meeting was held with TRC on 1 October 2024. Key feedback and points from the discussion included:

- Flood catchment modelling is underway, including for Waitara River which may be useful for the development of Tiritiri o Mātangi;
- The study area for Tiritiri o Mātangi should include the coastal marine area;
- Natural hazards and future climate change adaptation is a big issue for Waitara which the community are aware of. Tiritiri o Mātangi should take into account the natural hazard and climate change risks;
- TRC will share information regarding wetlands, SNA mapping, natural hazards and any other baseline information relating to freshwater to help inform Tiritiri o Mātangi.

#### 7.2.2.3 Ministry of Housing and Urban Development

A meeting with the MHUD was held on 5 November 2024. Key feedback and points from the discussion included:

- Acknowledgement over damp housing and ageing housing stock in Waitara. Also, that there is a lack of diverse housing options available to the community;
- The ground conditions in Waitara have been a barrier to Kāinga Ora projects getting underway in recent years;
- There are several social and/or community housing groups in Waitara who are keen to do housing projects in Waitara;
- NPS-HPL was noted as a significant barrier to urban expansion, especially for locations like Waitara which is surrounded by high class soil;
- MHUD are supportive of lots of housing supply and diversity of housing typologies;
- MHUD could share examples of spatial plans recently completed for similar sized areas in comparison to Waitara that are experiencing similar issues;

#### 7.2.2.4 NZTA / Waka Kotahi

A meeting with NZTA / Waka Kotahi was held on 22 October 2024. Key feedback and points from the discussion included:

- NZTA / Waka Kotahi submitted on the draft New Plymouth Future Development Strategy;
- There is community interest around Taite Road upgrades and potential directional options; and
- Project improvements in the future include NPDC Airport roundabout and SH 3/3A upgrades.

### 7.2.3 Community

A series of public events were held within the community between November 2024 and February 2025 as well as a community survey which was launched and circulated at the Waitara Market Day. Further details of these events and the survey questions are set out below.



Table 4: Summary of community engagement events

Event	Date	Purpose
November Night Markets	15 November 2024	To provide an introduction and overview of Tiritiri o Mātangi and to receive feedback from the public to identify and gather what can be improved and changed from the community’s perspective, and what people value in Waitara.  A dedicated stall was set up at the Night Market with interactive activities. The Council was available to introduce Tiritiri o Mātangi and answer questions from members of the community.
Waitangi Day Wairata Market	6 February 2025	To provide an introduction and overview of Tiritiri o Mātangi and to receive feedback from the public on key themes in reference to Waitara.  If participants were unable to participate in the activities they were encouraged to take a physical copy of a survey that was also available online.

The key feedback from these events is summarised below.

7.2.3.1 Waitara Night Market – 15 November 2024

Feedback received was focussed on the aspirations of the community for future growth and development in Waitara. Key themes identified include:

- Prioritising investment into improving or enhancing community facilities and public spaces, including libraries and museums, sports clubs, youth centres, public barbeque facilities and areas, food trucks, public art, community gardens, and playgrounds and work out stations in open spaces;
- Education opportunities, particularly for tertiary education and Kura Kaupapa;
- More events for youth;
- New housing;
- Improving the retail offering, including supermarkets and larger format retail stores e.g., The Warehouse and Kmart;
- Investment into infrastructure to improve flooding and wastewater issues, the sea wall, footpaths, roading (pot holes), and cycle lanes;
- Improving the water quality of the awa; and
- Improve and revitalise buildings in the Town Centre, which are also earthquake prone.



**Figure 7: Content set up at the Night Market event**

#### 7.2.3.2 Waitara Waitangi Day Market – 6 February 2025

Feedback received was in response to a series of the themed questions and statements. These included:

- What do we protect or enhance?
- What is important to you?
- As we grow we will need new or improved?
- How will we get around?

The key feedback from the Waitangi Day Market 2025 is summarised below.

- Waitara does not currently have enough housing and the housing that is available is expensive. Support for more affordable housing;
- Natural hazards need to be considered for future planning to ensure that damage to the community is minimised – both to people and its infrastructure;
- Improved Infrastructure is a key priority to the community. There is a general concern that there has been under investment to date in the Waitara area;
- There's already plenty of land zoned in Waitara as industrial with most of the land being underutilised. The town needs to be revitalised with more retail options. The community are option needing to travel to New Plymouth to purchase what they need, or they purchase items online. All are in support of encouraging incentives to bring more business into the town centre. There are plenty of business owners in Waitara, but it is too expensive to rent space in the town centre;
- There is support to protect and enhance the natural environment in Waitara. This includes Waterbodies, Natural Landscapes, Biodiversity and highly productive soils;



- Waitara Parks are important to the community;
- The community support the protection of Māori sites of significance; and
- Buses from Waitara are available, but they don't currently go to the right destinations like the hospital or shopping in New Plymouth. Users often need to take connecting buses which result in the trip taking a whole day.

Aspirations include:

- Improved public transport services and facilities;
- Availability of affordable and resilient housing;
- Improved retail offering, particularly for shopping which in turn will create more jobs in the Waitara area;
- Continued investment into local parks and improvement of connectivity to all the parks and recreation spaces in Waitara;
- Increasing vibrancy in the town centre and encouraging alternative industry to Waitara to create more jobs that don't harm the environment. No more heavy industry in Waitara;
- More community activities available including a youth facility and health care facilities in the Waitara Town Centre;
- Providing a space for retailers to come together in one space to sell their goods without having to commit to a whole space themselves;
- For smaller tips in the Waitara area, participants suggested smaller shuttles;
- Accurate reflection of Waitara's history (including cultural history) in an educational format; and
- Investment in infrastructure to support future growth.





**Figure 8: Waitara youth and community members participating in engagement activities**

#### 7.2.3.3 Community Survey

Launched on Waitangi Day at the Waitara Markets, a survey was shared with the public through physical copies and an online survey via council website “Have your say” (Social Pinpoint). Participants were asked to answer a series of questions and prioritise statements. They were also provided with a map and were asked a series of questions which allowed an opportunity for open answers.

Of the surveys circulated (physical copies and online) 47 responses we’ve received. Based on the above questions participants prioritised statements or options. Below is a summary of the questions asked and findings highlighting where the focus of the project should be.

- (1) What is important for this project to focus on in Waitara
  - a. Affordable housing (23%)
  - b. Water pipes, drainage, roads and footpaths (26%)
  - c. Different kinds of homes - i.e stand-alone houses, town houses, apartments (16%)
  - d. Getting ready for natural disasters and changing our ways to deal with climate change (16%)
  - e. Making sure that there is enough land for future business (9%)
  - f. More housing (5%)
  - g. Other (5%)
- (2) As Waitara grows we will need new or improved...
  - a. Community and civil spaces (23%)
  - b. Shopping and retail opportunities (23%)
  - c. Parks (18%)
  - d. Water, wastewater, stormwater, roads and footpaths (20%)

- e. Industry opportunities (12%)
- f. Other (5%)
- (3) What should we protect or enhance in Waitara?
  - a. Waterbodies (Rivers and streams) (24%)
  - b. Māori cultural values and site of significance to Māori (20%)
  - c. Natural Landscapes (21%)
  - d. Historic and cultural history (16%)
  - e. Biodiversity (animals, insects, fish and plants) (13%)
  - f. Highly productive soils (5%)
- (4) In the next 30+ year how will you get around in Waitara?
  - a. Car (31%)
  - b. Walking (28%)
  - c. Cycling and Scooters (22%)
  - d. Public Transport (15%)
  - e. Other (4%)
- (5) What outcomes are the most important?
  - a. Waitara town centre is vibrant, services the community and is a place for everyone (19%)
  - b. Tangata whenua and council work in a Te Tiriti o Waitangi partnership to achieve their shared goals (15%)
  - c. Waitara and its people are thriving and rangitahi can stay and live in Waitara (15%)
  - d. The mauri and health of Waitara waterbodies is enhanced (11%)
  - e. Waitara's cultural history is visible and celebrated (10%)
  - f. Accessibility and movement throughout Waitara and beyond is easy (9%)
  - g. Development is carefully planned to make best use of existing infrastructure and any new three waters infrastructure delivery incorporates innovative and smart methods (12%)
  - h. Waitara and it's people are resilient to natural hazards and able to adapt to future climate change effects (6%)
- (6) Map It – Tell us...
  - (a) Where you think more housing should or shouldn't go
 

In summary respondents were consistent in commenting that there's plenty of empty land surrounding Waitara and exploring these areas for development should be investigated. Land to the West was identified specifically.

Support for land currently in Te Kowhatu Tu Moanas management was also supported for development.
  - (b) Where areas are that should be protected



A majority of respondents did not want to see any land currently designated as parks or reserves developed and wished for them to be protected. They wished however that they be enhanced or upgraded with seating, walkways and more planting to increase biodiversity.

Sites of significance and waterways were also identified as areas that should be protected.

- (c) What would you like the town centre to look like? Is there anything that is missing or you would like to see more of? Tell us where this should go.

Revitalisation of the town centre was suggested, highlighting that in doing so this would encourage business and job opportunities. Furthermore, many wished that buildings in the town centre are repainted and upgraded as they are in a state of disrepair. Attractions and shared spaces were noted such as Māori Arts Centre and locations in the town centre for gigs and festivals.

- (d) If Waitara need any more parks or recreation activities/ facilities? Tell us where they should go.

A majority of respondents commented that there are plenty of parks in the Waitara area and they do not require more. They did however note (as above in point 6b of point 7.2.3.3) that they wished for them to be upgraded/ improved if not already. Suggestions include providing active options at parks.

Native planting of parks and reserved were requested to encourage biodiversity by several respondents.

13.2

7.2.4 Youth Engagement

As part of the community engagement, NPDC also engaged with school students and youth groups between November 2024 and February 2025. Further details of these events are set out below.

Table 5: Youth engagement overview

Group	Date	Purpose
Waitara Taiohi Trust Youth Group	20 November 2024	To introduce the project and understand the aspirations of the younger generation. This was achieved through a series of interactive activities facilitated by their Youth Group Leader, Jared.
St Josephs School Whanau Pool Party Day	13 February 2025	To introduce the project and understand the aspirations of the younger generation and their whanau for the future of Waitara and how it should grow. This was achieved through a series of interactive activities facilitated by the Council at the schools

		start of team pool party. Feedback was gathered from both students and whanau.
Waitara Central School Gala Day	22 February 2025	To introduce the project and understand the aspirations of the younger generation and their whanau for the future of Waitara and how it should grow. This was achieved through a series of interactive activities facilitated by the Council at the schools start of team Gala Day on a weekend. Feedback was gathered from both students and whanau.
Waitara High School	13 – 27 February 2025	Students were directed to complete the same online survey completed by members of the public. The summary of feedback gathered from the surveys can be found in section 7.2.3.3.

The key feedback from these events is summarised below.

#### 7.2.4.1 Waitara Taiohi Trust

General themes and comments:

- There is a need to support growth with infrastructure (three waters and transport), followed by opportunities for shopping and retail and industry and new parks. Very few identified the need for community and civic spaces and office space;
- All modes of transport were identified as a means to get around, with particular emphasis on car and public transport;
- Significant emphasis on protecting Māori cultural values and sites of significance to Māori and historic and cultural history as growth occurs;
- The provision of affordable housing was identified as the main priority for future growth in Waitara, following by increasing housing supply, providing sufficient land for business, and responding to natural hazards and climate change;
- The sense of community and culture within Waitara were identified as key values to be retained into the future; and
- Existing facilities that are valued and well-used include the New World Supermarket and Owae Marae.

Aspirations for Waitara:

- Improved public transport services and facilities.
- Improved retail offering, particularly for shopping and food and beverage.

- Continued investment into the coastal walkways.
- More community activities.
- Opportunities for Kura Kaupapa.
- Improving the water quality of the awa and swimmable beaches.
- Ongoing support for youth groups and a new youth center.



**Figure 9: Waitara Taiohi Trust listen to activity instructions and participate in group activities**

#### 7.2.4.2 St Josephs School, Waitara

General themes and comments:

- There is a need to support growth with infrastructure (three waters and transport);
- Strong support for shopping and retail opportunities in the town centre by providing for more diverse options. In doing so the consensus was that more jobs would be created in the town;
- The youth loved their local parks, but want to see them improved with more activities;
- Few supported more industry or sufficient land for business. Most agreed that there was enough land already allocated;
- Most participants highlighted the importance of the library noting that it is too small and needs to provide more space for youth and quiet study rooms;
- All modes of transport were identified as a means to get around, with particular emphasis on car and public transport;
- Significant emphasis on protecting Māori cultural values and sites of significance to Māori and historic and cultural history as growth occurs; and



- Affordable housing is a priority to focus on for this community. It is very difficult to secure a rental let alone buying a house.

Aspirations for Waitara:

- More affordable housing;
- An upgraded pool that is fully covered all year round;
- More retail options in Waitara town centre including fresh produce, butchery and options that can only be found in New Plymouth;
- The current library upgraded and expanded in it's current location so that there's more space for youth to hang out in and quiet spaces to study in.
- A dedicated youth hub to ensure that youth always have a place to go and be/ feel safe;
- Continued investment in local parks and connections to the parks (safe footpaths and pedestrian crossings); and
- New and improved infrastructure to cope with current and future demand on the 3 waters network.



**Figure 10: St Josephs students complete Tiritiri o Mātangi activities at whanau pool party**

#### 7.2.4.3 Waitara Central School Gala Day

General themes and comments:

- It is hard to find affordable rental properties as well as properties for sale;
- Waitara doesn't have a lot of retail options. Often residents of Waitara are forced to go to New Plymouth to buy what they need;
- There is a need to support growth with infrastructure (three waters and transport);
- Footpath network needs improvement to allow people to get places safely. There continue to be areas of Waitara that have footpaths that do not connect logically with the rest of the network; and
- Smaller shops and dairies are important for families and elder members of the community that do not have access to vehicles;

Aspirations for Waitara:

- Waitara town centre is vibrant and offers a range of retail opportunities;

- There is diversity in local jobs available for the people of Waitara;
- Waitara has a range of activities on offer for youth;
- There are alternative options to conventional education available to youth such as kura Kaupapa and/ or trade school;
- Alternative means of transport are supported i.e small, high frequency shuttles; and
- Waitara has waters infrastructure in place that New Plymouth has such as kerb and channel.



Figure 9: Waitara Central School Gala Day Tiritiri o Mātangi Information Stall

### 7.2.5 Elected Members

An update was provided to elected members within a regular 'planning update' report which was presented to the Councils Strategy and Operations Committee in November. This outlined the projects progress to date.

Informal updates were also provided to all council staff and councils through the 'Friday Flash'. This is used to provide quick weekly updates to the full organisation through the means of a short bulletin. Updates provided included:

- Project Initiation and Site Visits;
- Stakeholder Workshops (1&2); and
- Waitara Night Market and Waitara Waitangi Day Market.



Council officers also provided updates to the Ngamotu District Growth Advisory Panel (NDGAP), (which includes 3 elected members and a number of local development professionals). NDGAP were provided with high level updates on the progress of the project. Growth scenario outputs were also tested with them and development professionals.

### 7.3 Spatial Plan website

As part of the Waitara Spatial Plan pre-engagement and drafting phase of the project, the Waitara community were encouraged to find further information about the project on the 'Have your say' section of the NPDC website - [Waitara Spatial Plan | Have Your Say](#)

This site included a summary of what the project is, a timeframe for the project and an online survey.

Feedback was collected using 'Social Pinpoint'. This information was collected and summarised to help inform what the priorities and aspirations of the community are.

### 7.4 Public engagement on Tiritiri o Mātangi

Set plan for engagement on draft Tiritiri o Mātangi scheduled for mid July – end August 2025 (.

Note that this report will be updated following engagement on the draft.

13.2

## 8.0 Tiritiri o Mātangi Outcomes

A series of outcomes have been developed to guide the development of Tiritiri o Mātangi, inform the assessment of growth areas, and provide a framework for implementation.

The outcomes are short guiding statements. They are aspirational, and Tiritiri o Mātangi sets out how to achieve them as a whole.

### 8.1 The draft outcomes

- Waitara's Māori cultural history is recognised, visible and celebrated in a tangible way that is reflected in civic and open spaces
- Waitara and its people are thriving and rangitahi can stay and live in Waitara
  - People have access to affordable healthy homes
  - People have access to attractive parks and reserves
  - Community facilities and services meet community needs
  - Local jobs
  - Supply of land for housing and business exceeds projected demand in Waitara in order to support affordability and a competitive land market
- The mauri and health of Waitara waterbodies is protected, and where appropriate enhanced and restored



- There is no untreated stormwater to the Waitara River or its tributaries
- Wastewater is contained and there are no new discharges to the moana and awa
- Mahinga kai, rongoa and other taonga species are accessible and flourishing with flora and fauna ensuring tangata whenua can practice manaakitanga
- Development is carefully planned to make best use of existing infrastructure and any new three waters infrastructure delivery incorporates innovative and smart methods
  - Stormwater treatment through water sensitive design solutions
  - Water conservation and rain harvesting
- Waitara and it's people are resilient to natural hazards and able to adapt to future climate change effects
- Accessibility and movement throughout Waitara and beyond is easy
  - Public transport is a viable alternative to travel by private car
  - Walking, cycling and other active travel connections are provided throughout Waitara
- Waitara town centre is vibrant, services the community and is a safe place for everyone

## 9.0 Future growth and land use scenarios

### 9.1 Introduction

Future growth and land use scenarios ('the scenarios') are broad options for how Waitara will grow to accommodate the projected population increase. They visually show strategic growth options for Waitara that:

- Provide housing and business capacity;
- Incorporate strategic supporting infrastructure;
- Take into account constraints and opportunities;
- Address existing issues; and
- Contribute to achieving Tiritiri o Mātangi outcomes.

The scenarios assist in identifying and understanding trade-offs that may be required to meet the outcomes at a strategic level. They also assist with identifying new growth areas, for example rural land that may be suitable for urban expansion, or developed land that may be suitable for infill/intensification. The scenarios show how Waitara may change over time, how growth will be distributed and the constraints, key issues and opportunities the spatial plan needs to respond to.

Four broad scenarios (status quo, southeastern growth, southwestern growth and northwestern growth) were developed following the development of the outcomes in Tiritiri o Mātangi, interrogation of constraints mapping and review of opportunities and key issues. A further three sub-scenarios were developed in response to early stakeholder feedback. The scenarios broadly illustrate the range of housing and business typologies anticipated, the likely capacity provided and the strategic supporting infrastructure.



The scenarios demonstrate growth and land use outcomes for Waitara that differ to the 2024 – 2054 FDS. The FDS noted that more detailed work was required for Waitara to inform appropriate growth opportunities that will then inform the next FDS.

## 9.2 Purpose of the Scenarios

The scenarios have been prepared to test and evaluate ways Waitara could change or develop over the next 30-years and to understand the advantages and disadvantages of the different options. They do not indicate any preference or ideal pattern of growth, with each scenario invariably having their own pros and cons relative to one another. The scenarios were also designed to provoke discussion and thought from a diverse group of stakeholders, including special interest groups and those representing the wider community. In addition to the scenarios, the spatial plan must consider what changes are required to support the existing community and address known issues, regardless of whether any growth occurs (e.g. flooding).

The assessment of the scenarios also assists in providing an evidence base to support an extension of residential or business land into areas identified as containing highly productive land (should this be required) to address the requirements of the National Policy Statement on Highly Productive Land. The spatial scenarios also:

- provide an opportunity to understand what the challenges are to development currently;
- allow for an understanding of potential infrastructure upgrades (and costs) required to support development in a particular area;
- explore options that could help fund future infrastructure upgrades to address existing issues in Waitara (e.g. wastewater capacity);
- provide an opportunity to explore how existing housing or business land that is subject to high natural hazard risk could be re-provided; and
- allow the community and decision makers to be proactive in how they consider future requests from private developers to enable new housing or business land to occur.

## 9.3 Developing the Scenarios

These scenarios were used to help inform the spatial distribution of growth and an understanding of how growth areas could contribute to Tiritiri o Mātangi outcomes and meeting housing capacity requirements over the next 30 years.

A scenario considering meeting all (or a large portion) of Waitara's future growth requirements elsewhere (e.g. in other towns in the district) or providing for less capacity than the current status quo of the District Plan / Future Development Strategy was discounted from consideration. This is because of community expectations around growth options being available and the requirements of the NPS-UD. Feedback received from stakeholders has indicated a strong desire to ensure sufficient housing and employment opportunities for Waitara's community to remain in Waitara if they so desire.

The scenarios are:

- Scenario 1 Status Quo;
- Scenario 2a Southeastern Growth;

- Scenario 2b Southeastern Growth Alternative;
- Scenario 3a Northwestern Growth;
- Scenario 3b Northwestern Growth Alternative;
- Scenario 4 Southwestern Growth; and
- Scenario 5 Status Quo Plus.

Refer to [section 9.6](#) for a full description and map of each scenario.

#### 9.4 Common to each scenario

The scenarios do not imply growth will occur at a particular rate or scale in any given location, but rather help to provide an understanding of potential implications should there be a need to grow. That being said, each scenario has been designed to ensure that sufficient housing and business land is made available to meet forecasted demand in Waitara. The most recent assessment is that Waitara will need at least 725 new dwellings over the next 30-years. In all instances, the scenarios that have been developed provide for more “plan-enabled” potential dwellings and business land than is required over the next 30 years. In this sense they are not intended to imply significant levels of growth over the 30-year forecast will actually occur. Rather this is in recognition that there is uncertainty over a long-term planning horizon about the readiness or feasibility of enabling infrastructure as well as the extent to which development opportunities can be realised (e.g. unwilling sellers, development is at a lower density than assumed, or development is not commercially feasible and goes unrealised).

It is important to note that having more capacity available must be balanced with the need for growth to be managed, staged, and targeted to avoid rapid and widespread expansion that would negatively affect the special character of Waitara and adversely impact affordability and on matters such as community facilities, education services, traffic, and environmental assets.

There is also a requirement under the NPS-UD (Objective 2) to support competitive land markets to help improve housing affordability (and housing affordability has been raised as a key issue in Waitara). In this regard, it is helpful to understand that enabling relatively more capacity (over and above projected demand) means more development opportunities and competition among developers (including those in the social / community housing sector) can be created and maintained.

In addition to the above, a number of common factors have been applied to each of the scenarios to allow for a fair comparison between each. These include:

- Future housing growth is provided through a mixture of infill / intensification and greenfield expansion, in accordance with the preferred ‘Balanced’ growth scenario set out in the FDS;
- Infill / intensification areas that have been identified are predominantly outside areas subject to high natural hazard risks (e.g. flooding / coastal erosion). However, they do occur in places with potential flooding issues related to overland flow paths and parts of the Town Centre. It is acknowledged that infill/intensification is provided for by the Proposed District Plan (Appeals Version) in the General Residential Zone (**GRZ**) and Medium Density Residential Zone (**MRZ**). Some of these areas are subject to the Stormwater Flooding Area, and mitigating the risk with higher floor levels or other mitigation measures can mean development is less feasible. The



scenarios therefore consider areas that are less constrained and give a more realistic indication of where intensification/infill is likely to be more viable;

- Infill / intensification opportunities are assumed to be provided through smaller secondary units (e.g. granny flats), duplexes and some redevelopment projects such as terraced housing (up to 2-storeys in height);
- Boundaries shown are not precise and are not intended to signal specific properties which may or may not be developed in the future. Rather, the key function of the scenarios is to understand the implications of the general direction and scale of growth. More detailed planning at the time of a future plan change or resource consent is considered a more appropriate time to determine precise boundaries for any future development;
- Related to the point above, growth areas have generally sought to avoid development on / near Sites and Areas of Significance to Māori; and
- Any new areas of significant residential expansion also include provision for local convenience retail in accessible locations (e.g. small-block of shops providing for local convenience needs and services).

## 9.5 Infrastructure requirements

For all the scenarios evaluated as part of preparing Tiritiri o Mātangi (refer to Section 9.7) there are base assumptions that need to be considered. These assumptions relate to the additional likely infrastructure types and investment that would need to be implemented.

- There is sufficient potable water available to cater for the level of growth anticipated through Tiritiri o Mātangi with the assumption that water meters are effective in reducing demand by 25% and a supplementary groundwater source is located and secured. This is not limited to Waitara, with the additional groundwater source and water metering being required in the future to assist with ensuring water is available to support growth and development across the wider district.
- Level of Service (LoS) is a measure of the quality or service the public can expect around the provision of an element of infrastructure. Each scenarios cost estimate is incremental to the upgrades that are required to meet a LoS for Waitara for wastewater and water.
- In Waitara it is impractical to meet the target stormwater LoS. Any scenario that has an infill component initiates a requirement to meet the target LoS in the downstream catchment.
- Stormwater pump stations: Stormwater Pumping is not considered best practice for long term stormwater management.
- New Plymouth wastewater treatment plant impact: Upgrade required for all growth scenarios. Change from 1050 to 1400 in growth.

## 9.6 Calculating capacity for the scenarios

### 9.6.1 Introduction

Understanding the housing capacity of potential growth areas and spatial scenarios is a critical component to spatial planning. Capacity estimates have served two important functions in the development of Tiritiri o Mātangi, namely:

- To inform the analysis of the pros and cons of each scenario in terms of how individual growth areas or groups of growth areas contribute to providing for sufficient housing capacity over the long-term; and
- To inform a high-level analysis on the potential implications on existing infrastructure, the potential future infrastructure required to support them and a rough order of costs for providing this.

### 9.6.2 Residential capacity

Development capacity numbers for each of the scenarios were based on an approximate gross density of 11 dwellings per hectare with lot sizes of 500-600m<sup>2</sup>. This aligns with the data provided within the 2024 HBCA and assumes around 35% of any new growth area would be set aside for roads, open spaces and stormwater management while the remaining 65% would be used for development. This is consistent with the scale of recent subdivisions in Waitara. However, it is noted that greenfield subdivision more broadly in New Zealand is typically moving towards smaller lot sizes of 300-400m<sup>2</sup> to aid in the affordability of development. If future development in Waitara was to follow a similar trend, significantly more development could be provided for – or alternatively a smaller area of land would be required to meet long-term projections.

In terms of calculating the long-term potential of infill / intensification, housing numbers are broad estimates to help understand impacts on existing infrastructure and are not reflective of any detailed testing / feasibility studies at this stage. The scenarios have identified between 150 to 250 dwellings that could be delivered through infill and intensification. The HBA identified up to 113 attached dwellings as being feasible within Waitara over the long-term. However, it is noted that alternative tenure and housing models (e.g. social housing, build-to-rent) have different commercial drivers than typical market housing and are not captured within the HBA. As such, these tenures or housing models may be more feasible in the medium-to-long term and important for addressing the need for more affordable housing options across Waitara and should be accounted for.

In addition to the above, it is understood that access to housing is unaffordable for many people in Waitara. Despite the amount of land currently available and zoned for residential uses in Waitara, average incomes, house price and rents and the cost of developing new homes mean that while there is land available for housing, access to this capacity is unable to be realised by many of the community. As a result, more development capacity is required to be enabled through Tiritiri o Mātangi. This is not intended to imply significant levels of growth will actually occur. Rather this is in recognition that it is one factor that will help generate more competition in the market and that there is a level of uncertainty over the readiness or feasibility of enabling infrastructure as well as the extent to which development opportunities can be realised.

### 9.6.3 Business capacity

This includes retail, commercial, and industrial sectors. As set out in **Appendix 3**, retail growth in Waitara is projected to outpace industrial growth. In the mixed use and town centre zones, some buildings remain vacant. Additionally, the amount of undeveloped industrial land exceeds the expected growth forecasts for the industrial sector. In general, the projected demand for business land can be catered for in the existing commercial and industrial zones. While there may be a long term shortfall for industrial land as described above, there is currently plenty of land available to support a wide range of business and industry activities. A long term shortfall will be dependent on the nature and rate of growth in Waitara and this is not well understood currently. Further work (as identified in the key moves in Tiritiri o Mātangi) is recommended. Tiritiri o Mātangi can be updated in the future to reflect this and any recommended responses.

## 9.7 Scenarios evaluated as part of preparing Tiritiri o Mātangi

### 9.7.1 Spatial Scenario 1: Status Quo

This Scenario represents what the direction of growth currently provided for via the Future Development Strategy and District Plan. This scenario provides a starting point for which other scenarios can be assessed and broadly involves:

- Development occurring as per the Future Development Strategy. This assumes both the Waitara East and Ranfurly Future Urban Zone are developed.
- Also assumes development of vacant land contiguous with the West Beach Reserve (currently zoned residential).
- Plan enabled capacity of 1050 (housing locations allocated in line with the Housing and Business Capacity Assessment).

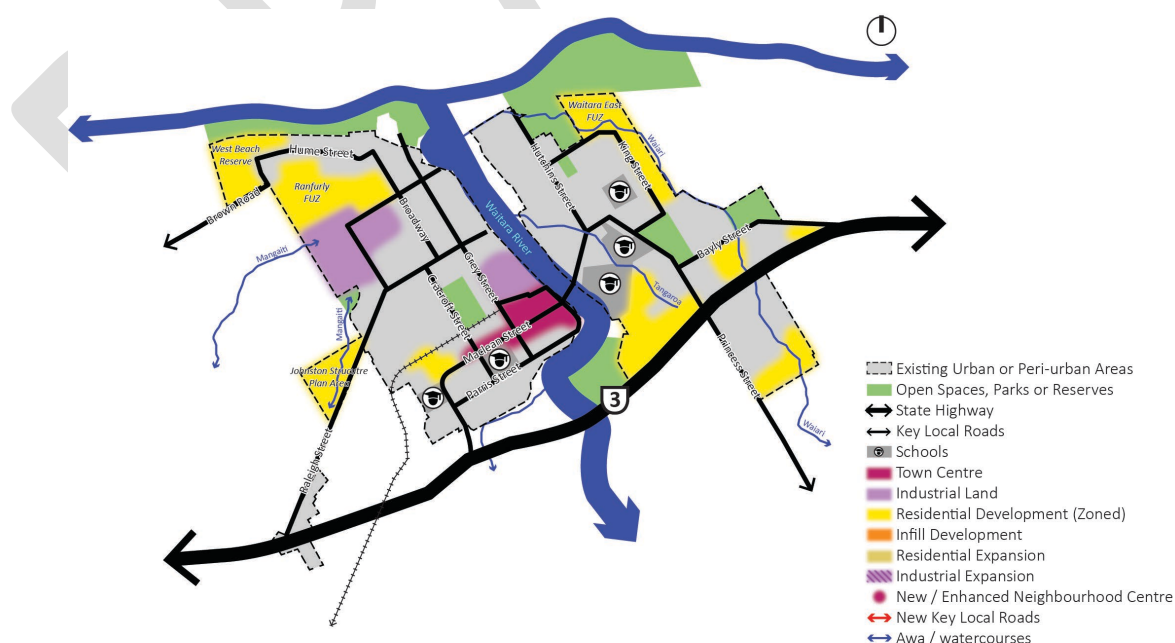


Figure 11: Scenario 1 Status Quo

Key infrastructure requirements required to support this scenario are:

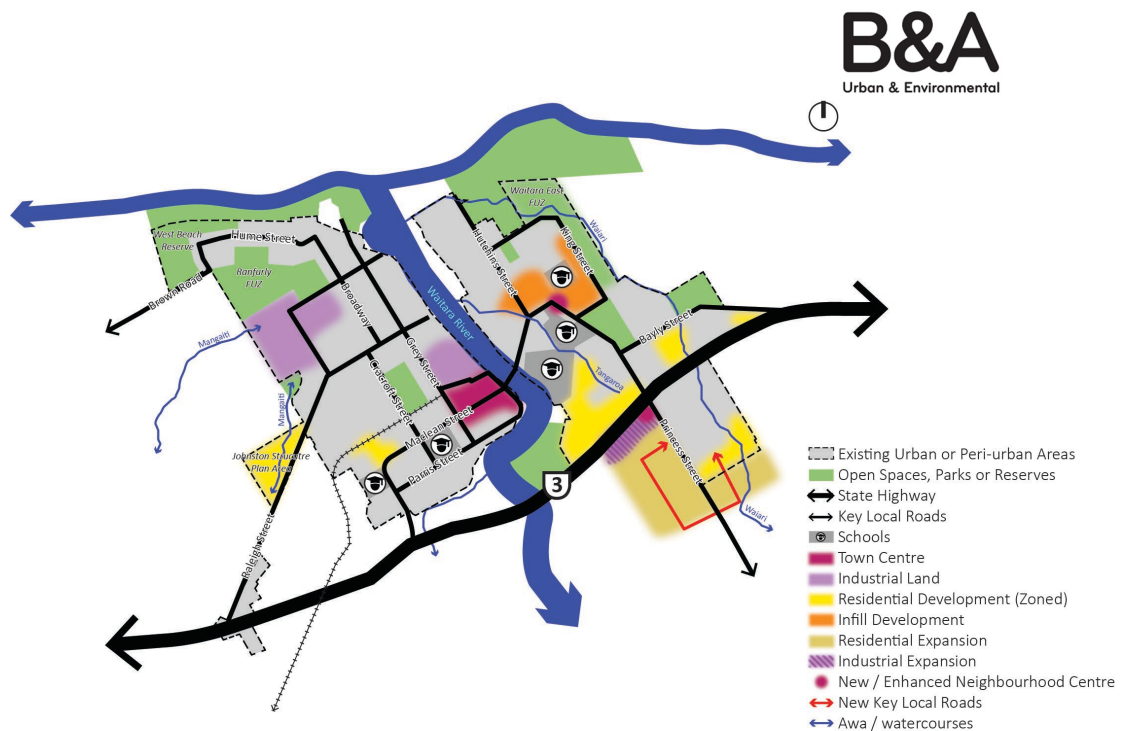
There are no additional infrastructure requirements under the status quo scenario other than what is currently planned for in the LTP.

#### 9.7.2 Spatial Scenario 2a: Southeastern Growth

Scenario 2 seeks to broadly extend growth in a southeastern direction on higher elevation land, away from natural hazard risks. Growth in this area is also located in relatively close proximity to key social services via Princess Street such as primary, intermediate and secondary schools and Clifton Park. 3-waters infrastructure required to serve growth in this direction would need to feed back into the mains system in Waitara East / West and any capacity issues there may also need to be addressed to realise growth.

Scenario 2a broadly involves:

- Development of Waitara East and Ranfurly Future Urban Zone, or the vacant land contiguous with the West Beach Reserve does not occur in the next 30-years.
- Development of remaining zoned vacant land occurs.
- Approximately 570 new homes southeast of existing urban boundary along Princess Street through to Waipapa Road.
- Some infill / intensification development in Waitara East and town centre (away from Hazard areas) and increased densities on vacant land.
- Provision for a small centre and light industrial / commercial land along SH3.
- Plan enabled capacity of approximately 1400 homes.



**Figure 12 - Scenario 2a Southeastern Growth**

Key infrastructure requirements required to support this scenario are:

West of Waitara River, the Wastewater Transfer station upgrade and Wastewater network upgrades that would facilitate the additional demand is likely to cost approximately \$5m each, totalling a \$10m spend. Refer to the Future Growth Scenario Infrastructure map to see the location of this infrastructure.

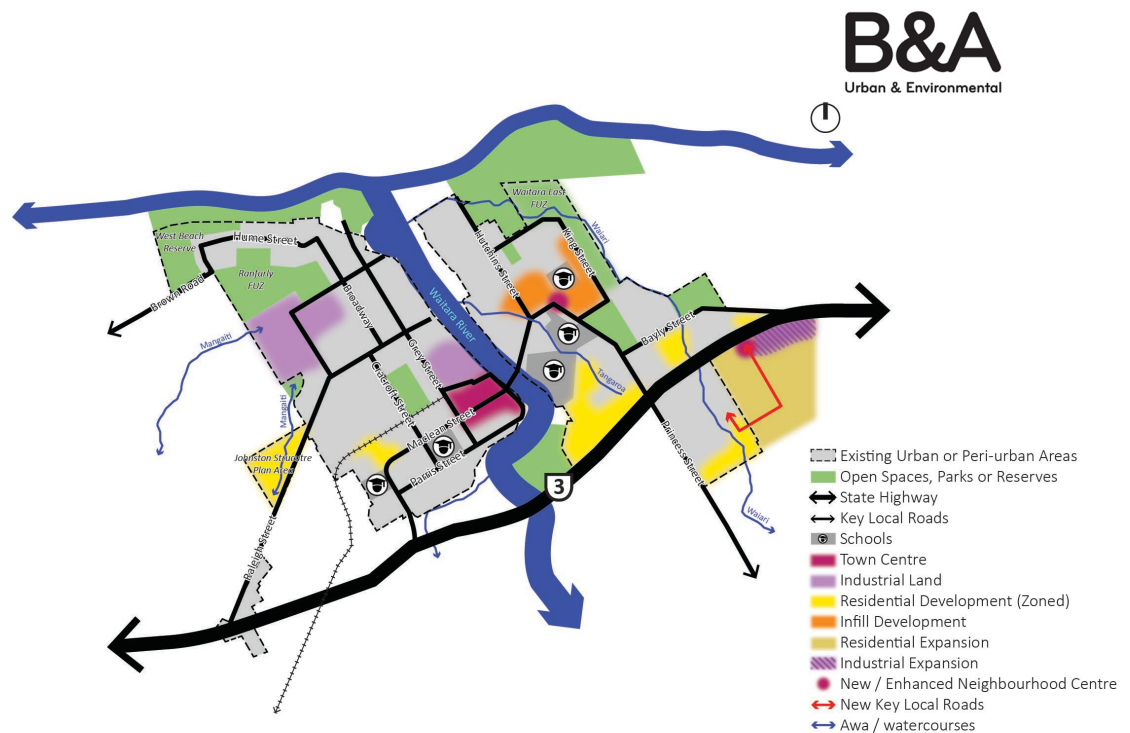
Stormwater upgrades would be required including projects to the east of the Waitara River which would result in minor adjustments to the pond at Te Puna Park to allow for the increased flows. The total cost of stormwater upgrades required would be approximately \$5m.

### 9.7.3 Spatial Scenario 2b: Southeastern Growth Alternative

This Scenario broadly involves:

- An alternative to Scenario 2b where growth is directed east of the Aratapu subdivision, instead of west of Princess Street.
- Plan enabled capacity of approximately 1400 homes.





**Figure 13 - Scenario 2b Southeastern Growth Alternative**

Key infrastructure requirements required to support this scenario are:

Similar to Scenario 2A above, this scenario would require the same works upgrades of the Wastewater Transfer Station and Wastewater network upgrades to facilitate the additional demand. This is likely to cost approximately \$5m each, totally a \$10m spend. Refer to the Future Growth Scenario Infrastructure map to see the location of this infrastructure.

Stormwater upgrades would include projects to the east of the Waitara River which would result in minor adjustments to the pond at Te Puna Park to allow for the increased flows. The total cost of these upgrades would be approximately \$5m.

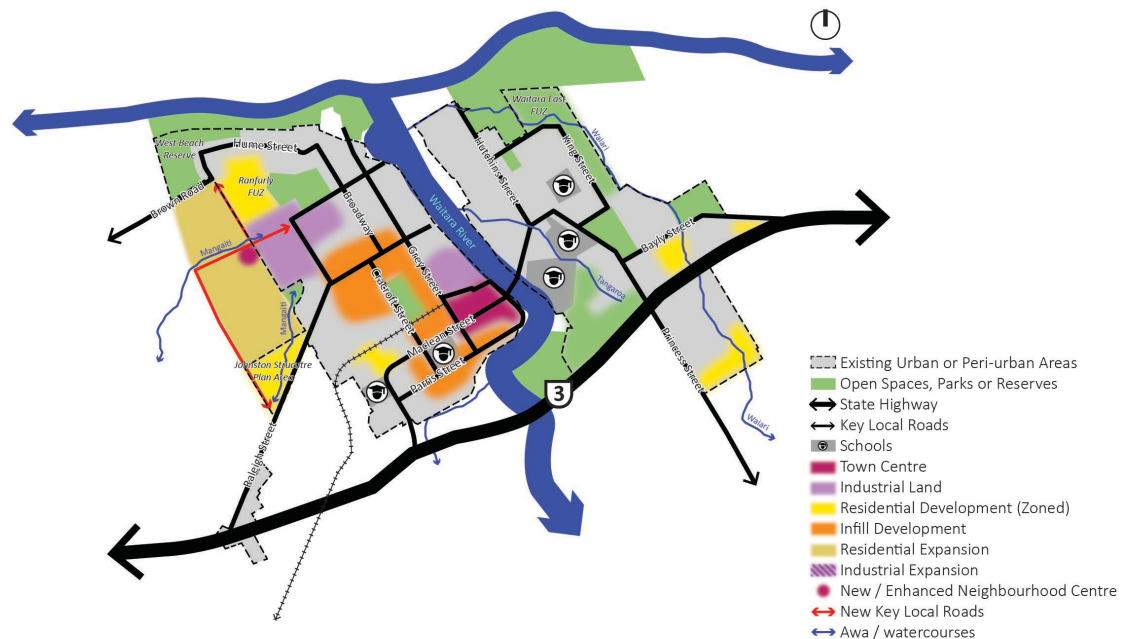
#### 9.7.4 Spatial Scenario 3a: Northwestern Growth

Scenario 3 seeks to broadly extend growth in a northwestern direction on higher elevation land, away from natural hazard risks and near key infrastructure assets (e.g. wastewater main to Bell Block and Coastal Pathway). Growth in this area is however more disconnected from existing services in the Town Centre and Waitara East so would likely need to be supported through improvements to the connections of these destinations.

Scenario 3a broadly involves:

- No development of Waitara East Future Urban Zone or the vacant land contiguous with the West Beach Reserve in the next 30-years.
- Development of Ranfurly Future Urban Zone with retention of some of the Pony Club Land for public open space.
- Existing zoned vacant land along Armstrong Avenue is retained for rural / horticultural uses.
- Approximately 800 new homes west of Ranfurly Road along with a small centre to provide local convenience needs.

- Some infill development in Waitara West and around a consolidated town centre (away from natural hazard areas).
- Plan enabled capacity of approximately 1400 homes.



**Figure 14 - Scenario 3a Northwestern Growth**

Key infrastructure requirements required to support this scenario are:

Similar to the above 2A and 2B scenarios the same works would be required to enable Scenario 3A including the upgrade of the Wastewater Transfer Station and Wastewater network upgrades to facilitate the additional demand. This is likely to cost approximately \$5m each, totally a \$10m spend. Refer to the Future Growth Scenario Infrastructure map to see the location of this infrastructure.

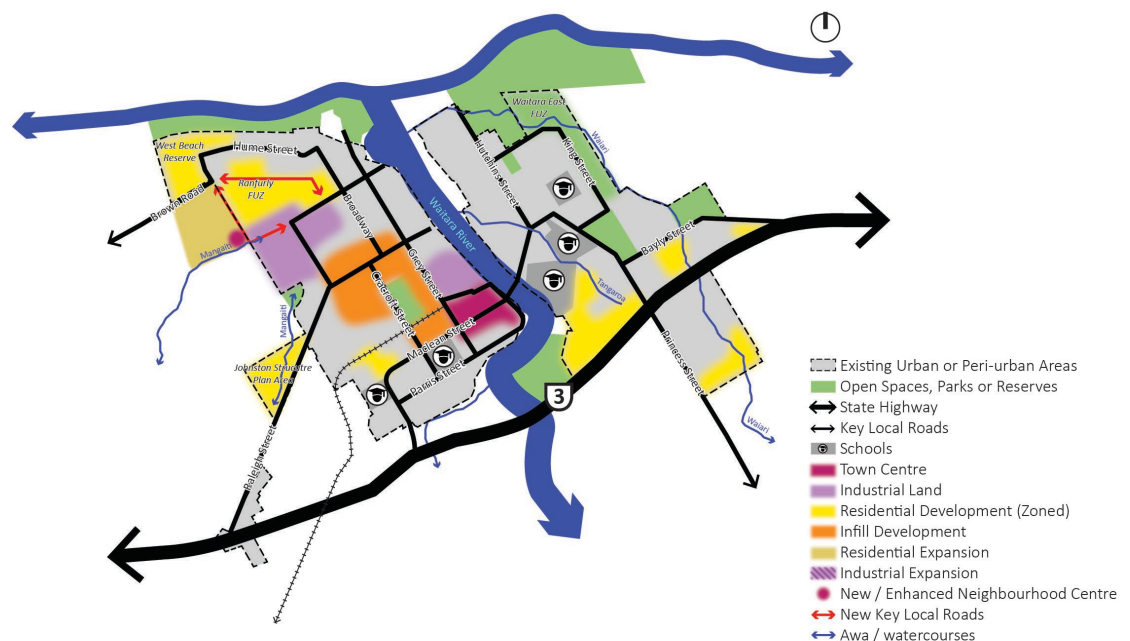
Stormwater upgrades would include projects to the west of the Waitara River which would result in three key upgrades being an incremental cost of the bund at Pukekohe Domain, Pumpstation (Note: Stormwater Pumping is not considered best practice for long term stormwater management), inlet and potential property purchase and a treatment pond located at Raleigh Street. Collectively this totals, \$5m, \$10m and \$2m respectively.

#### 9.7.5 Spatial Scenario 3b: Northwestern Growth Alternative

This Scenario broadly involves:

- No development of Waitara East Future Urban Zone. Instead the stream is revegetated and a wetland system is reconstructed.
- Full development of Ranfurly Future Urban Zone, Pony Club and the vacant land contiguous with the West Beach Reserve occurs.
- Assumes development of existing zoned vacant land along Armstrong Avenue.

- Approximately 250 new homes west of Ranfurly Road along with a small centre to provide local convenience needs.
- Some infill development in Waitara West and around a consolidated town centre (away from natural hazard areas).
- Plan enabled capacity of approximately 1400 homes.



**Figure 15 - Scenario 3b Northwestern Growth Alternative**

Key infrastructure requirements required to support this scenario are:

Similar to the above 3A scenario, the same works would be required including the Wastewater Transfer station upgrade and Wastewater network upgrades in order to facilitate the additional demand. This is likely to cost approximately \$5m each, totally a \$10m spend. Refer to the Future Growth Scenario Infrastructure map to see the location of this infrastructure.

Stormwater upgrades would include projects to the west of the Waitara River which would result in three key upgrades being an incremental cost of the bund at Pukekohe Domain, Pumpstation (Note: Stormwater Pumping is not considered best practice for long term stormwater management), inlet and potential property purchase and a treatment pond located at Raleigh Street. This totals approximately \$5m, \$10m and \$2m respectively. Noting that the additional greenfield growth towards the east, would not trigger the Te Puna Park upgrades as the growth areas are in a separate stormwater sub catchment.

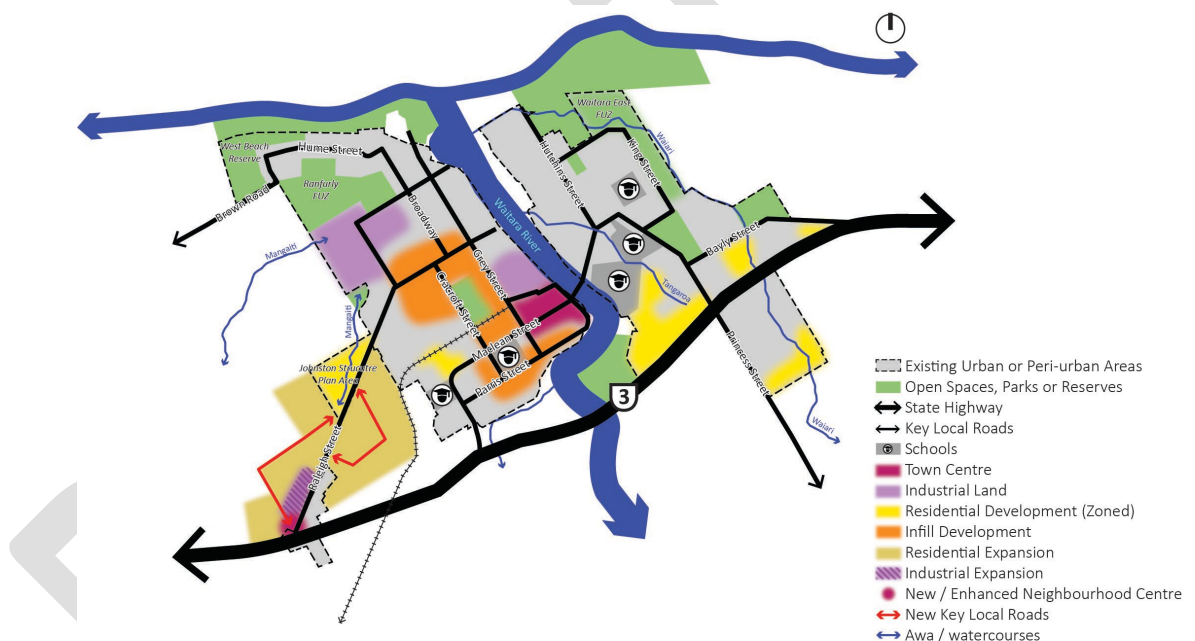
#### 9.7.6 Scenario 4: Southwestern Growth

Scenario 4 seeks to broadly extend growth in a southwestern direction towards Brixton on higher elevation land, away from natural hazard risks. Like the northwestern scenarios, growth in this area would be more disconnected from existing services in the Town Centre and Waitara East so may need to be supported by improvements to the connections of these destinations. Quicker and

more direct access to Bell Block via public transport could help support some greater levels of growth in this location.

This Scenario broadly involves:

- No development of Ranfurly and Waitara East Future Urban Zone or the vacant land contiguous with the West Beach Reserve.
- Approximately 700 new homes along the Raleigh Road corridor towards Brixton (west of the railway corridor). Development in this area would avoid the Pa site (as currently mapped).
- Some infill development in Waitara West and town centre (away from hazard areas).
- Provision for a new small centre at Brixton along with some additional light industrial / commercial land along SH3.
- Plan enabled capacity of approximately 1400 homes.



**Figure 16 - Scenario 4 Southwestern Growth**

Key infrastructure requirements required to support this scenario are:

Similar to the above 3A & 3B scenarios, the same works would be required including the Wastewater Transfer station upgrade and Wastewater network upgrades to facilitate the additional demand. This is likely to cost approximately \$5m each, totally a \$10m spend. Refer to the Future Growth Scenario Infrastructure map to see the location of this infrastructure.

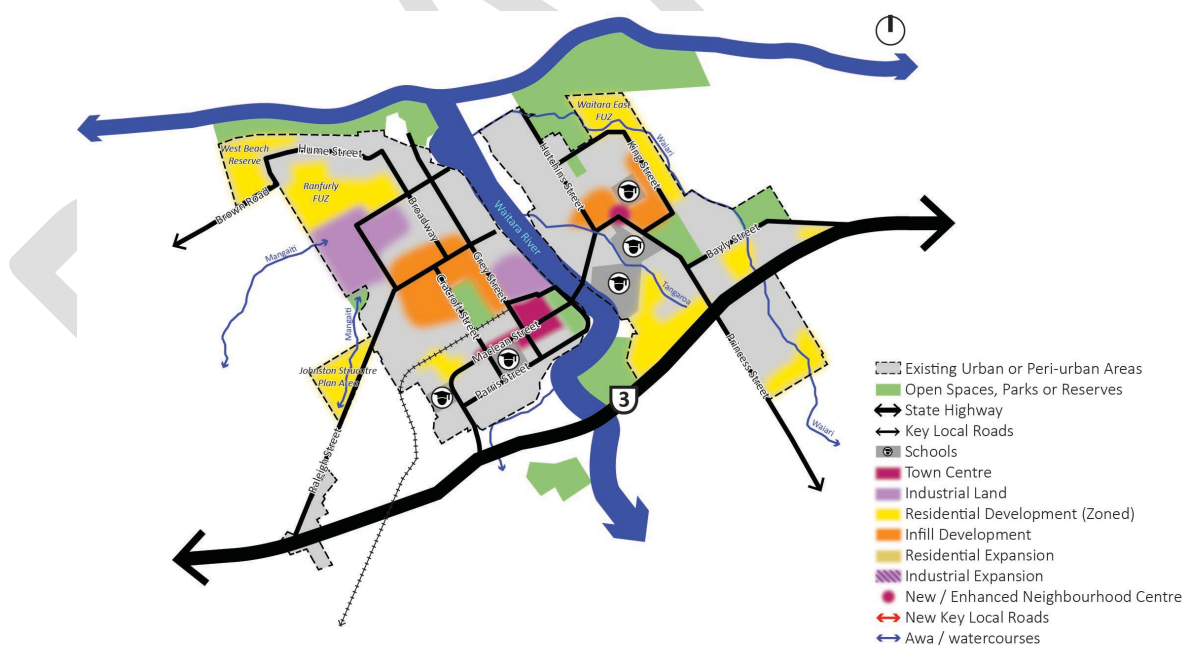
Stormwater upgrades would include projects to the west of the Waitara River which would result in three key upgrades being an incremental cost of the bund at Pukekohe Domain, Pumpstation (Note: Stormwater Pumping is not considered best practice for long term stormwater management), inlet and potential property purchase and a treatment pond located at Raleigh Street. This totals approximately \$5m, \$10m and \$2m respectively. It is noted that the eastern

additional residential growth in this scenario would not trigger the Te Puna Park upgrades as the growth areas are in a separate stormwater sub catchment.

#### 9.7.7 Scenario 5: Status Quo Plus

This Scenario builds upon the Status Quo scenario by accommodating greater levels of future growth in Waitara via infill and small-scale intensification (e.g. an additional house on a former back-yard, community housing and Papakāinga). This would require investment in infrastructure to better enable this broadly involves:

- Development as per existing Future Development Strategy.
- However, it also assumes all infrastructure capacity issues are addressed to enable more meaningful infill development to occur. Infill development in Waitara East and West and town centre (away from flood and coastal hazard areas).
- A contraction of the town centre away from those areas subject to the most significant natural hazard risks. It is assumed that this balance land is instead utilised for local resilience / public open spaces.
- Assumes Waitara East and Ranfurly Future Urban Zone are developed.
- Also assumes development of the vacant land contiguous with the West Beach Reserve (currently zoned residential).
- Plan enabled capacity of approximately 1400 homes



**Figure 17 - Scenario 5 Status Quo Plus**

Key infrastructure requirements required to support this scenario are:

This scenario would trigger all the identified infrastructure projects due to the increased intensity across the board. These projects would trigger works including, the upgrade of the Wastewater Transfer station and Wastewater network upgrades in order to facilitate the additional demand.



This is likely to cost approximately \$5m each, totally a \$10m spend. Refer to the Future Growth Scenario Infrastructure map to see the location of this infrastructure.

Stormwater upgrades would include projects to the west of the Waitara River which would result in three key upgrades being an incremental cost of the bund at Pukekohe Domain, Pumpstation (Note: Stormwater Pumping is not considered best practice for long term stormwater management), inlet and potential property purchase and a treatment pond located at Raleigh Street. This totals approximately \$5m, \$10m and \$2m respectively. The Te Puna Park Pond adjustments for stormwater would be triggered also at a cost of approximately \$5m.

9.8 Advantages and disadvantages of spatial scenarios

A high-level evaluation of the advantages and disadvantages of the seven scenarios has been completed with respect to the following matters:

- Housing demand / capacity;
- Infrastructure requirements;
- Protection of SASMs or other areas of cultural significance;
- Highly productive land;
- Protection of waterbodies (rivers and stream);
- Accessibility; and
- Climate change / natural hazards.

This evaluation is set out in Table 6 to Table 12 overleaf.

Table 6: Scenario 1 Status Quo Advantages and Disadvantages Evaluation

Advantages	Disadvantages
<div>Provides sufficient capacity</div> <ul style="list-style-type: none"><li>• Land is already zoned</li><li>• Some services in place (noting the need for significant upgrades)</li><li>• Good access to existing community facilities – shops, schools, open space, sports groups.</li></ul> <div>No implications on highly productive land as it is already zoned land or signalled for future development</div>	<ul style="list-style-type: none"><li>• Areas of MRZ and GRZ in hazard areas subject to flooding</li><li>• Expensive to upgrade existing services</li><li>• Lack of support during early stakeholder engagement</li><li>• Less opportunity for variety of housing typologies in comparison to other scenarios</li><li>• Growth would continue to occur in an ad hoc and sporadic manner</li></ul> <div>Potential for increased adverse effects on the Waiari Stream</div> <div>Unconsolidated approach to infrastructure spend on stormwater and wastewater.</div>



**Table 7: Scenario 2a Southeastern Growth Advantages and Disadvantages Evaluation**

Advantages	Disadvantages
<p>Provides sufficient capacity</p> <ul style="list-style-type: none"> <li>Provides for a variety of housing typologies (although not as much in comparison to other scenarios)</li> </ul> <p>Less hazard implications with future development being located on higher ground away from flood risk areas</p> <ul style="list-style-type: none"> <li>Good proximity and accessibility to schools and community facilities</li> </ul> <p>Utilises existing upgrades to state highway to support active travel modes</p> <p>In the event of a volcanic hazard, the northern route remains available in this scenario</p> <ul style="list-style-type: none"> <li>Provides for growth in an area with a number of different landowners which could support a more competitive land market</li> <li>Development is situated away from known wastewater overflow locations</li> </ul> <p>Limited development in multiple stormwater catchments, limiting potential for future downstream effects in Mangaiti and Waiari (to an extent)</p>	<ul style="list-style-type: none"> <li>Infill is restricted to one location which will provide less opportunity for a variety of housing typologies in a range of locations</li> </ul> <p>No services - will require an extension of existing networks. Potential need to upgrade capacity of existing services to enable growth</p> <p>Concentration of waahi tapu and waterbodies to the west</p> <ul style="list-style-type: none"> <li>Implications on highly productive land to enable residential expansion in the southeast</li> <li>Increased reliance on bridge for key service conveyance</li> <li>Further away from key truck services</li> </ul> <p>Potential reverse sensitivity effects for established rural industries (e.g. horticulture)</p> <ul style="list-style-type: none"> <li>Will require detailed structure planning to coordinate development across a range of landowners</li> </ul> <p>Some concerns raised by stakeholders that the residential expansion areas are located a long way from existing infrastructure and in an area where there are existing traffic challenges that could be exacerbated</p>

**Table 8: Scenario 2b Southeastern Growth Alternative Advantages and Disadvantages Evaluation**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Provides sufficient capacity</li> <li>Less hazard implications with future development located on higher ground away from flood risk areas</li> <li>Reasonable access to schools and sports grounds with new underpass</li> <li>Relative to Scenario 2A, less concentration of SASM and waterbodies</li> <li>In the event of a volcanic hazard, the northern route remains available in this scenario</li> <li>Easier to provide for comprehensive redevelopment through limited landholdings.</li> <li>Limited development in multiple stormwater catchments, limiting potential for future downstream effects in Mangaiti and Waiari (to an extent)</li> </ul>	<ul style="list-style-type: none"> <li>Infill is restricted to one location which will provide less opportunity for a variety of housing typologies in a range of locations</li> <li>No services - will require an extension of existing networks. Potential need to upgrade capacity of existing services to enable growth</li> <li>Includes growth areas on highly productive land which is protected under the NPSHPL</li> <li>More disconnected from existing urban areas by the State Highway (potential need to provide for new intersections and crossings)</li> <li>Future growth areas concentrated in a small number of landholders which can limit a competitive market</li> <li>Increased reliance on bridge for key service conveyance</li> </ul>

Further away from key trunk services

**Table 9: Scenario 3a Northwestern Growth Advantages and Disadvantages Evaluation**

Advantages	Disadvantages
<p>Provides sufficient capacity</p> <p>Provide for a variety of housing typologies in a range of different locations</p> <p>Less natural hazard implications with growth and development being focused on areas subject to less risk – growth is located in least constrained areas</p> <p>Development would be closer to the main trunk services, reducing the impact on existing network capacity</p> <p>Relative to Scenario 2A, less concentration of waahi tapu and waterbodies</p> <ul style="list-style-type: none"> <li>• Good access to the coastal walkway</li> </ul> <p>Provides for growth in an area with a number of different landowners which could support a more competitive land market</p> <p>Support for Waitara East FUZ being used for open space by stakeholders during early engagement</p>	<ul style="list-style-type: none"> <li>• No services - will require extension of existing networks.</li> <li>• Includes growth areas on highly productive land which is protected under the NPSHPL</li> </ul> <p>Further away from schools and sports grounds. Will require greater investment into walking and cycling connections to schools, the recreation centre and town centre</p> <ul style="list-style-type: none"> <li>• Some infill / intensification locations are in areas subject to flooding risk</li> <li>• Infill contains more waahi tapu</li> <li>• Will require detailed structure planning to coordinate development across a range of landowners</li> <li>• Potential reverse sensitivity effects for established rural industries (e.g. poultry farms)</li> </ul>

**Table 10: Scenario 3b Northwestern Growth Alternative Advantages and Disadvantages Evaluation**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides sufficient capacity</li> <li>• Provide for a variety of housing typologies in a range of different locations</li> </ul> <p>Less natural hazard implications with growth and development being focused on areas subject to less risk – growth is located in least constrained areas</p> <ul style="list-style-type: none"> <li>• Development would be closer to main trunk services, reducing impact on existing network capacity.</li> <li>• Relative to Scenario 2A, less concentration of waahi tapu and waterbodies</li> <li>• Good access to the coastal walkway</li> <li>• Infill is focused in appropriate locations</li> <li>• Provides for growth in an area with a number of different landowners which could support a more competitive land market</li> </ul>	<ul style="list-style-type: none"> <li>• No services – will require extension of existing networks.</li> <li>• Includes growth areas on highly productive land which is protected under the NPSHPL</li> <li>• Further away from schools and sports grounds. Will require greater investment into walking and cycling connections to schools, the recreation centre and town centre</li> <li>• Some concerns raised by stakeholders during early engagement that less infill is provided as an option</li> <li>• Will require detailed structure planning to coordinate development across a range of landowners</li> <li>• Potential reverse sensitivity effects for established rural industries (e.g. poultry farms)</li> </ul>



**Table 11: Scenario 4 Southwestern Growth Advantages and Disadvantages Evaluation**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Provides sufficient capacity</li> <li>Less natural hazard implications with growth and development being focused on areas subject to less risk – growth is located in least constrained areas</li> <li>Provides for growth in an area with a number of different landowners which could support a more competitive land market</li> </ul>	<ul style="list-style-type: none"> <li>Received the least amount of support from stakeholders during early public engagement</li> <li>Could result in significant urban sprawl</li> <li>No services – will require extension of existing networks.</li> <li>Includes growth areas on highly productive land which is protected under the NPSHPL</li> </ul> <p>Further away from community facilities (e.g. schools and sports grounds) – may require roading upgrades to better support access to these</p> <ul style="list-style-type: none"> <li>Portions of infill in hazard areas</li> </ul> <p>Infill contains more waahi tapu while southwestern growth moves towards other area of wahi tapu</p> <ul style="list-style-type: none"> <li>Further from wastewater mains</li> <li>Will require detailed structure planning to coordinate development across a range of landowners</li> </ul> <p>Concern from some stakeholders that the residential expansion area indicated raises concerns with traffic issues on and off the state highway particularly from a safety perspective</p> <p>Potential for a centre at Raleigh Street to pull activity from the existing town centre</p>

**Table 12: Scenario 5 Status Quo Plus Advantages and Disadvantages Evaluation**

Advantages	Disadvantages
<p>Provides sufficient capacity</p> <ul style="list-style-type: none"> <li>Good access to schools, community facilities, shops, sports grounds</li> <li>Does not include any growth onto areas of highly productive land</li> </ul> <p>Consolidation of town centre will promote more vibrancy and less empty shops and support overall revitalisation of the town centre</p> <ul style="list-style-type: none"> <li>More greenspace and potential for civic space in the town centre</li> </ul> <p>Access to existing three water networks (noting that upgrades will still be required)</p>	<ul style="list-style-type: none"> <li>Cost of/need for upgrades to existing services to enable infill</li> <li>No services for greenfield areas which would require significant infrastructure upgrades to enable</li> <li>Portions of infill in areas subject to flooding risk</li> </ul> <p>Infill contains more waahi tapu</p>

## 10.0 Evaluation Framework

### 10.1 Developing the Framework

Multi-criteria analysis (**MCA**) is a planning tool used to objectively evaluate different options. It is a common tool used for spatial planning exercises in New Zealand and internationally.

An MCA can assist to navigate differing values amongst members of the community about growth and consider trade-offs where multiple values may overlap. For Tiritiri o Mātangi, a basic MCA has been completed to inform decision making by assessing how potential growth areas compare relative to each other for each criterion and to better understand the potential advantages and disadvantages of development in that location (relative to other options).

A total of nine criteria were developed to help assess each of the scenarios (refer to [Section 10.2](#) overleaf). These criteria respond to national direction which has direct relevance to spatial planning processes (e.g. the National Policy Statement on Urban Development) as well as key issues for Waitara raised through stakeholder engagement (e.g. water quality of the awa). Criteria were then assessed at a high level against a 'traffic light' scale (red for poor alignment, orange for moderate alignment and green for good alignment). This allows for a quick comparison between options and also aided in communication and engagement with stakeholders.

No criteria in the MCA process was given primacy, and the criteria were not ranked in order of importance (i.e. they were not weighted). Weighting of the criteria would have introduced additional subjectivity / complexity into a process which was intended to act as a high-level sieve of development options. The criteria themselves were also largely reflective of key issues identified by various stakeholders and partner organisations and it was not considered necessary or appropriate to prioritise one (or some) criteria over another.

For this reason, the number of red/orange/green scores that a particular scenario received is not necessarily indicative of the overall appropriateness or otherwise in terms of Waitara's long term growth or change, it is simply another tool through which to compare different options.

## 10.2 Multi-Criteria Analysis

Table 13: Future Growth and Land Use Scenarios MCA

Assessment matter (Scenarios 2-5 assessed relative to Scenario 1)	Does not impact SASMs or other areas of cultural significance	Variety of development opportunities (i.e. Number of landowners)	Growth and development has good access to jobs, schools and community facilities by walking, cycling or public transport	Can be efficiently serviced by water infrastructure	Can be efficiently serviced by wastewater infrastructure	Can be efficiently serviced by stormwater infrastructure	Does not include urban expansion on highly productive land (as mapped by NZLRI)	Development avoids areas where there is high risk from natural hazards (including taking into account climate change effects)	Waterbodies (rivers and streams)
Scenario 1 – Status Quo	Good alignment	Poor alignment	Moderate alignment	Good alignment	Poor alignment	Poor alignment	Good alignment	Poor alignment	Poor alignment
Scenario 2a – South Eastern Growth	Moderate alignment	Moderate alignment	Good alignment	Good alignment	Poor alignment	Moderate alignment	Poor alignment	Moderate alignment	Moderate alignment
Scenario 2b South Eastern Growth Alternative	Good alignment	Poor alignment	Moderate alignment	Good alignment	Moderate alignment	Moderate alignment	Poor alignment	Moderate alignment	Good alignment
Scenario 3a – North Western Growth	Good alignment	Good alignment	Moderate alignment	Good alignment	Moderate alignment	Moderate alignment	Poor alignment	Poor alignment	Moderate alignment
Scenario 3b – North Western Growth Alternative	Moderate alignment	Good alignment	Moderate alignment	Good alignment	Moderate alignment	Moderate alignment	Moderate alignment	Moderate alignment	Moderate alignment
Scenario 4 – South Western Growth	Moderate alignment	Moderate alignment	Poor alignment	Good alignment	Moderate alignment	Moderate alignment	Poor alignment	Poor alignment	Moderate alignment
Scenario 5 – Status Quo Plus	Moderate alignment	Moderate alignment	Good alignment	Good alignment	Poor alignment	Poor alignment	Good alignment	Moderate alignment	Poor alignment

## Assessment options:

Good alignment

Moderate alignment

Poor alignment



### 10.3 Summary of evaluation

An overview summary of how the traffic light evaluation was determined for the scenarios in relation to each of the criteria is set out below.

#### 10.3.1 SASM and other areas of cultural significance

There are a large number of SASM mapped under the Proposed District Plan within the existing urban environment, along the coast and foreshore, and in areas that are currently zoned rural in proximity to Waitara River.

All SASM that have already been mapped are managed by the Proposed District Plan, including those within the existing urban environment. Growth scenarios that identify new greenfield development outside the existing urban environment may have the potential to pose new risk to mapped SASM that are not at risk from urban development. Manukorihi and Otaraua Hapū consider there are more areas of significance to them that have not been scheduled, including in areas along the coast and in other areas along Waitara Awa which were traditional areas of occupation by Māori.

The scenario evaluation has considered mapped SASM and whether each growth scenario has the potential to pose a 'new' risk to already scheduled Māori cultural heritage. Scenarios 2a, 3b, 4 and 5 have been evaluated as moderate for this category because they promote growth in new greenfield locations where there are already scheduled SASMs or are in locations where there is potential for addition Māori cultural heritage values (i.e., unscheduled SASM) to exist that have not been mapped. Scenarios 1, 2b and 3a that are considered to have good alignment with respect to not impacting on SASM and focussing growth in locations that are not considered to introduce new risks to scheduled or unscheduled SASM.

#### 10.3.2 Variety of development opportunities

A variety of development opportunities i.e. the number of landowners, the availability of land zoned for development, infrastructure readiness / ease of servicing, cost to develop, maturity of the local development sector and fragmentation of land all contribute to creating a competitive land market.

Scenario 1 provides for a large amount of new growth in Waitara East. Wastewater and stormwater servicing of this land is challenging due to issues with the existing networks that are not easily addressed, topography of the site and the Waiari Stream traversing the site. This scenario does not identify any area for focussed infill/intensification (which has infrastructure supply benefits). It has therefore less desirable in this category in comparison to other options.

Scenario 2b is also less desirable compared to other options as all the greenfield growth expansion is provided in one location, with West Beach Reserve, Ranfurly FUZ and Waitara East FUZ all being identified for open space. The residential expansion area to the east of Princess Street is under single ownership, limiting market competition and development opportunities, including with respect to potential landowner willingness to develop.

Scenario 2a is slightly more desirable in comparison with the above options because the Waitara East FUZ does not proceed, and is replaced with a large greenfield growth area either side of Princess Street, encompassing land in multiple ownership. Focussed intensification/infill is also provided for under this scenario.



Scenarios 4 moderately aligns with the variety of development opportunities criteria as while the Waitara East and Ranfurly FUZ do not proceed, these are replaced with a large greenfield growth area either side of Raleigh Road, encompassing land that is in multiple ownership and where new infrastructure is more cost effective to provide. This scenario does reduce flexibility in where future growth and development could occur around Waitara.

Scenario 5 also moderately aligns with the variety of development opportunities criteria because due to the potential increase in development opportunities by enabling for greater levels of infill and intensification which would provide greater flexibility in land which could be developed – potentially at lower costs where it can utilise existing infrastructure.

Scenarios 3a and 3b are the most desirable in comparison to the other options because they provide for growth via a mix of infill/intensification and greenfield growth, in locations where new infrastructure is more cost effective to provide, as well as providing growth areas on land that has multiple owners, which supports a greater variety of development opportunities therefore helping to improve a competitive land market.

### 10.3.3 Accessibility

Accessibility has been evaluated based on ease and proximity of access to jobs, services and community facilities like schools and daycare.

Scenario 4 is less desirable in relation to other scenarios due to focus of growth around Brixton/Raleigh Street and distance from Waitara town centre and the concentration of community facilities in Waitara East. This scenario would require significant investment in active and public transport to improve accessibility.

Scenarios 1, 2b, 3a and 3b all compare moderately as growth is distributed across Waitara and access to the town centre supported by transport options, albeit that improved walking, cycling and public transport infrastructure will still be required. Access to facilities in Waitara East to schools in is also better than scenario 4, and can be improved by better active transport connections. All these scenarios have good access to the coastal walkway.

Scenarios 2a is more desirable in comparison to the other options due to focussing the growth around existing infrastructure along Princess Street, including the cycleway and proximity to schools and community facilities in Waitara East.

Scenario 5 is also more desirable in comparison to the other options well primarily due to increasing infill/intensification with the urban area that is close to the town centre and schools and can make use of existing transport connections, albeit that improved walking, cycling and public transport infrastructure will still be required

### 10.3.4 Water infrastructure

All scenarios are considered to have good alignment with the water infrastructure criteria as they all have good accessibility to Council water mains with adequate supply being delivered to both the eastern and western sides of Waitara with adequate pressure.

### 10.3.5 Wastewater infrastructure

Scenarios 1 and 5 are less desirable as they require servicing multiple catchments at the same time while also trying to manage ongoing wastewater maintenance in an unconcentrated and targeted manner. The wastewater infrastructure requirements for Scenarios 1 and 5 are significantly more



costly in comparison to other scenarios which is also exacerbated by the status quo wastewater problems. The natural environment risk to streams from overflows is also greater in these scenarios where growth is not occurring in a consolidated and strategic manner

Scenario 2a is also less desirable because the location of growth is a considerable distance from existing trunk wastewater infrastructure including pumps and transfer stations. The cost to support growth and development under Scenario 2a is significant.

Scenarios 2b, 3a, 3b, 4 are more desirable in comparison to the other options as the focus of growth including new growth areas are in the closest proximity to existing wastewater infrastructure, trunk mains and transfer stations. The infrastructure required can efficiently and effectively be provided under these scenarios as they make best use of the existing infrastructure. Generally, these growth areas are further away from the Waitara River and do not rely on being transferred across the river, resulting in less risk to the natural environment in comparison to other scenarios. Scenarios 3a and 3b in particular also do not put any additional pressure on the Waiari Stream catchment.

No scenario was considered to be the most desirable in relation to wastewater as current wastewater infrastructure is not performing well in wet weather events, triggering use of the Waitara marine outfall. Additionally, numerous network overflows have been recorded over the last decade. Regardless of the location of growth, upgrades are required.

#### 10.3.6 Stormwater infrastructure

No scenario was clearly the most desirable in relation to stormwater infrastructure due to flooding in Waitara. Stormwater runoff generally drains towards the Waitara River resulting in considerable flooding and there is no feasible solution to manage this during storm events, particularly at high tide.

Scenarios 2a, 2b, 3a, 3b, 4 were more desirable in comparison to Scenarios 1 and 5 as the relevant locations for growth are within less constrained stormwater catchments and the growth areas are located across fewer catchments making development easier to achieve, noting there still a cost to realise growth and development.

Scenarios 1 and 5 were less desirable because the locations for development proposed in these scenarios is within the more sensitive stormwater catchments in relation to factors such as the 1 in 100 year flood data, the Proposed District Plan flood plain mapping and coastal hazard risk area mapping. Given the existing issues within the relevant stormwater catchments, it is much more challenging and less cost efficient to realise development in these locations.

#### 10.3.7 Highly productive land

Scenarios 2a, 2b, 3a and 4 were undesirable in relation to highly productive land as they rely expanding Waitara urban zoning onto larger amounts of highly productive land.

In comparison, Scenario 3b was slightly more desirable because it provides for a small expansion onto highly productive land only.

Scenarios 1 and 5 were more desirable relative to other scenarios as no additional urban expansion is required to accommodate growth, nothing that future growth is anticipated in the two areas of Future Urban zoned land.

### 10.3.8 Natural hazards

Waitara is subject to a number of natural hazards, many of which are mapped in the Proposed District Plan. Other than at the Rohutu Block, which is subject to a separate process to address the risk from coastal erosion and inundation, the most constraining natural hazard with respect to urban growth and development is flooding.

Scenarios 1, 3a and were least desirable with respect to natural hazards because they involve accommodating a higher proportion of growth, in areas subject to higher risk from natural hazards, in particular flood hazards. This includes infill/intensification around the Parris Street area and the town centre, where there is a higher risk of flooding.

The other scenarios located more growth and development outside higher risk flood areas and have therefore more desirable with respect to natural hazards. Scenario 5 also reduces the size of the town centre in response to risk from flooding (as well as other reasons).

### 10.3.9 Waterbodies

Stormwater catchment planning and urban growth and development can impact the health and function of waterbodies. A number of waterbodies in Waitara are degraded.

Scenarios 1 and 5 were least desirable relative to the other scenarios, primarily as there are existing issues for waterways under the status quo with respect to stormwater discharge, and in relation to Waitara East, urban development in this location will worsen the Waiari Stream catchment.

Scenario 2a achieves moderate alignment with this category because it consolidates infill and greenfield growth in areas of higher ground and further from waterbodies, therefore reducing the impact on low lying catchments.

Scenario 2b achieves the same outcomes as scenario 2a, but is considered to have better alignment as growth and development under this scenario is outside the Waiari Stream stormwater catchment.

Scenarios 3a, 3b and 4 were more desirable as they locate growth on higher ground and/or less constrained catchments where stormwater is able to be better managed creating less impact on waterbodies.

## 11.0 Proposed Scenario

The proposed scenario (the Future Growth and Land Use Plan) builds predominately from scenario 3a (refer to [Section 9.6.4](#) above) but continues to provide for future growth and development in parts of Waitara East not subject to natural hazard risks and infrastructure capacity constraints. The proposed plan can accommodate approximately 1550 new dwellings.

Broadly, the proposed plan involves:

- Development of the vacant residential land adjacent to the West Beach Reserve;
- Development of Ranfurly Future Urban Zone and Johnston Structure Plan. There is also the potential to retain some of the pony club land for use as public open space for both the existing and future community of Waitara West;



- A future residential expansion area to the west of the Ranfurly Future Urban Zone, extending from Brown Road to the Johnston Structure Plan area. This would include provision for accessible local convenience retail to meet the needs of existing and future residents of this part of Waitara. The nature of development in this area would be established through a future structure planning / plan change process to determine the density of development, infrastructure provisions, roads, and open spaces;
- Enablement of intensification / infill development outside of higher risk flood areas and close to key amenities. This includes areas around Pukekohe Domain / High Street West and in Waitara East in proximity to Clifton Park / Waitara High School;
- Enhancement of the small centre in Waitara East around the existing dairy and ITM supported by streetscape enhancements. This centre is intended to compliment the Town Centre and provide for local convenience needs for the immediately surrounding population in Waitara East;
- Retaining some of the existing industrial zones on Mould Street and the ANZCO factory site for employment and service activities;
- Removal of land at Waitara East currently identified for future urban uses (now accommodated in the West), with the future long term use of the land to be determined;
- Identification of a reserve either side of the Waiari Stream;
- Existing vacant, residentially zoned land is developed (this includes parcels of land around Bayly Street, Princess Street, and Armstrong Avenue); and
- Consolidation of commercial activities within the Town Centre away from higher risk flood area (e.g. around Warre Street and West Quay towards Parris Street) with the future long term use of the land adjacent to the Waitara River to be determined.



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Figure 18 - Proposed Scenario for Engagement

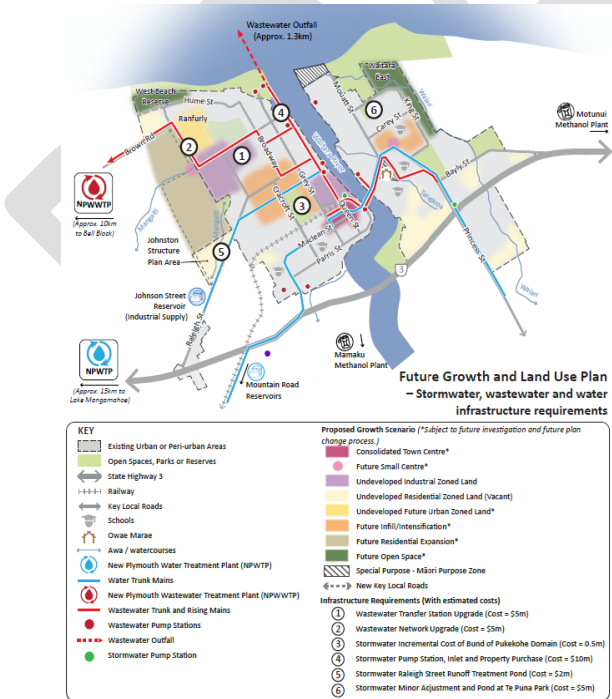


Figure 19: Supporting Infrastructure Required

### 11.1 Intensification/infill

Opportunities for significant intensification or infill development across Waitara are limited due to constraints imposed by natural hazards and capacity within the stormwater and wastewater networks. However, opportunities to realise more intensive forms of housing will be important to cater for the needs of the Waitara community – particularly via more affordable typologies.

Over the next 30-years, there is potential for at least 150 new homes around the Pukekohe Domain and Clifton Park areas.

### 11.2 Residential greenfield

The proposed plan provides for two types of residential greenfield development – firstly on vacant land that is already signalled for development (either via a residential or future urban zoning), and secondly through further expansion to the north-west of the existing urban area.

In terms of vacant land where development is already signalled, there is potential capacity for around 750 new dwellings. Most of the sites where this would occur are smaller in nature and their development would be heavily influenced by the existing nature and pattern of adjacent residential development.

With regard to future expansion to the north-west of Waitara, there is potential for approximately **600 new dwellings** to be accommodated in this area. However, this would need to be supported by more detailed investigation and design as part of a future structure planning / plan change process to enable development. This process would be necessary to determine the location of new roads and other horizontal infrastructure, requirements for any infrastructure upgrades, and the extent of stormwater management devices and other open spaces.

The current Proposed District Plan and FDS has future urban zoned land identified at Waitara East. The long term future use of Waitara East Future Urban Zone has been reviewed as part of this plan. The plan proposes to remove the future urban zoning of this land. Recent investigations indicate that it is not suitable for urban development due to low lying topography, the location of the Waiari Stream and associated wetland and infrastructure constraints. Further work to determine the appropriate future use of this land, including stormwater management and promoting good ecological and cultural outcomes for the Waiari is underway.

### 11.3 Business

There is sufficient business land in Waitara to accommodate future demand and growth based on land already zoned to support business and industrial uses. Tiritiri o Mātangi does not propose to identify any additional business land as it is not required over the next 30 years.

A potential future community green space has been identified for the vacant industrial land next to the Waitara awa at the end of West Quay/Whitaker Street East. Transitioning this area to community green space is has multiple benefits, including celebrating and connecting to the awa. The space could also be used as an outdoor community hub and flexible outdoor activation space. This change in use supports connections to and from the coastal walkway, Otupaiia Marine Park and the town centre.

Tiritiri o Mātangi does propose to signal provision for a new and upgraded local convenience retail in accessible locations in Waitara East (in the vicinity of the ITM building) and Waitara West as part



of any future residential expansion. This retail would be designed to provide for local convenience needs of the immediate community (e.g. diary, food and beverage, salons) with the primary focus of commercial services and employment activities concentrated within the Town Centre. These would also be supported by appropriate streetscape / public realm designs.

#### 11.4 Infrastructure requirements

The proposed future growth and land use plan will provide the most efficient and cost-effective approach to growth in terms of key strategic infrastructure. The western focus for growth under the proposed future growth and land use plan supports more efficient infrastructure outcomes for Waitara given the closer proximity to existing infrastructure networks and can help avoid the need for significantly and costly infrastructure upgrades and maintenance.

To deliver the preferred scenario shown in **Figures X and X** above an investigation into the status quo has been completed by NPDC engineers. Those investigations determined the extent and capacity of three waters infrastructure that was then used as a baseline to inform what would be required for the proposed scenario. It must be noted that the optimal level of service (LoS) for stormwater/flooding across Waitara is cost prohibitive, hence any new growth would need to be optimised to be hydraulically neutral and not exacerbate any existing adverse stormwater effects.

It's important to note that the preferred scenario is premised on the following 'base assumptions' listed below:

- Level of Service (LoS) is a measure of the quality or service the public can expect around the provision of an element of infrastructure. Each scenarios cost estimate is incremental the upgrades that are required to meet a LoS for Waitara for wastewater and water.
- All planned infrastructure upgrades budgeted in the LTP are completed.
- The high level estimates were created for the purpose of comparing scenarios relative to each other. Further work is required to determine effectiveness of these upgrades, and optioneering undertaken before these are recommended as future projects.
- The key issue facing Waitara is that development occurred on low-lying land and is exposed to a flood hazard from a major watercourse. Stopbanks protect Waitara from river flooding but prevents urban runoff from draining, resulting in flooding from stormwater runoff. In Waitara it is impractical to meet the target stormwater LoS and we cannot place additional houses in this hazard.

Key strategic three waters infrastructure requirements that will likely be required to support growth and development under the proposed scenario include:

##### Water

- The provision of potable water supply (take) is through the municipal supply approximately 15km west at Lake Mangamahoe via the New Plymouth Water Treatment Plant. Water supply is conveyed to the reservoirs at Mountain Road where it then supplies Waitara through gravity fed trunk water mains. The Reservoirs and Water Treatment Plant are west of Waitara and given their locations are complementary of the preferred growth scenario from a resilience and efficiency perspective. Other than scheduled maintenance and upgrades already identified and included in the LTP and Infrastructure Strategy, no other potable water



upgrades would be needed to support the proposed scenario other than standard provision of new water infrastructure through new greenfield development.

- In the future, water metering and a new groundwater supply will be required on a district wide basis to support ongoing growth and development. Water metering will be able to assist with a 25% reduction in water that is projected to occur.

Wastewater

- An upgrade at the New Plymouth Wastewater Treatment Plant would be required to manage increased processing of wastewater based on the level of growth being provided for through the proposed scenario. This is the same outcome that would occur under any of the growth scenarios that were tested through the drafting of Tiritiri o Mātangi. Given the proposed scenario is supportive of predominantly western growth with the exception of some infill around Carey Street, network upgrades can be consolidated west and cater for the western wastewater catchments through two key wastewater upgrades. These are indicated on the map below (insert ref), being a transfer station upgrade and wastewater network upgrades. Both are standard infrastructure upgrades that allow for increased capacity and pumping of wastewater west to the Brown Road trunk main that pumps wastewater back west to the treatment plant. These upgrades would occur in the locations provided below and would cost approximately 5m each.

Stormwater

- Several upgrades within the stormwater network would need to occur sequentially in line with the particular catchment being developed under the proposed scenario. The upgrades are a combination of stormwater resilience, attenuation and treatment projects that are spatially located within strategic low points of the respective stormwater catchments. New development is required to be hydraulically neutral and contaminant creating surfaces’ runoff must be treated prior to entering a watercourse, hence the future residential growth cell proposed between Raleigh Street and Brown Road adjacent to the Mangaiti Stream would require → a runoff treatment pond, west of the Waitara River and an incremental cost of the bund at Pukekohe Domain west of Grey Street. The small amount of infill development proposed around Carey Street would attract additional enhancement of watercourse, wetland and increase flood storage capability at Te Puna Park. This would cater for increased impermeable surfaces and assist in attenuating large wet weather events while enhancing ecological value benefiting the lower Waiari, thus mitigating downstream effects on the Tangaroa and Waiari Streams respectively.

11.5 Evaluation of preferred scenario

11.5.1 Advantages and disadvantages

The advantages and disadvantages of the preferred scenario was evaluated as part of preparing Tiritiri o Mātangi, refer to Section 9.7 for the matters considered as part of this evaluation.

Table 14 - Preferred Scenario Advantages and Disadvantages Evaluation

Advantages	Disadvantages
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<ul style="list-style-type: none"><li>• Provides sufficient capacity</li><li>• Provide for a variety of housing typologies in a range of different locations</li><li>• Less natural hazard implications with growth and development being focused on areas subject to less risk – growth is located in least constrained areas</li><li>• Development would predominately be closer to the main trunk services, reducing the impact on existing network capacity</li><li>• Relative to other scenarios e.g. 2A and 2B, less concentration of waahi tapu and waterbodies</li><li>• Good access to coastal walkway (and onward active connections to Bell Block and New Plymouth)</li><li>• Provides for growth in an area with a number of different landowners which could support a more competitive land market</li><li>• Consolidation of town centre will promote more vibrancy and less empty shops which will help contribute to the overall revitalisation of the town centre</li><li>• Incorporates aspects of all scenarios considered that received the most stakeholder support during the early public engagement e.g. new and enhanced small centres, infill in areas on higher ground away from flood risk, Waitara East FUZ being used for open space purposes</li></ul>	<ul style="list-style-type: none"><li>• Implications on highly productive land to enable residential expansion in the west</li></ul> <p>New residential areas are further from schools and sports grounds comparative to other scenarios. This will require greater investment into walking and cycling routes</p> <ul style="list-style-type: none"><li>• Will require detailed structure planning to coordinate development across a range of landowners</li><li>• Plan change process to remove Waitara East FUZ may be challenging</li><li>• Potential reverse sensitivity effects for established rural industries (e.g. poultry farms)</li></ul>
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11.5.2 Multi criteria analysis – including preferred scenario

Table 14 below shows the MCA for the preferred scenario alongside the other scenarios evaluated in [section 10.2](#).

Table 15: Scenario multi criteria analysis

Assessment matter (Scenarios 2-5 assessed relative to Scenario 1)	Does not impact SASMs or other areas of cultural significance	Variety of development opportunities (i.e. Number of landowners)	Growth and development has good access to jobs, schools and community facilities by walking, cycling or public transport	Can be efficiently serviced by water infrastructure	Can be efficiently serviced by wastewater infrastructure	Can be efficiently serviced by stormwater infrastructure	Does not include urban expansion on highly productive land (as mapped by NZLRI)	Development avoids areas where there is high risk from natural hazards (including taking into account climate change effects)	Waterbodies (rivers and streams)
Scenario 1 – Status Quo	Good alignment	Poor alignment	Moderate alignment	Good alignment	Poor alignment	Poor alignment	Good alignment	Poor alignment	Poor alignment
Scenario 2a – South Eastern Growth	Moderate alignment	Moderate alignment	Good alignment	Good alignment	Poor alignment	Moderate alignment	Poor alignment	Moderate alignment	Moderate alignment
Scenario 2b South Eastern Growth Alternative	Good alignment	Poor alignment	Moderate alignment	Good alignment	Moderate alignment	Moderate alignment	Poor alignment	Moderate alignment	Good alignment
Scenario 3a – North Western Growth	Good alignment	Good alignment	Moderate alignment	Moderate alignment	Moderate alignment	Moderate alignment	Poor alignment	Poor alignment	Moderate alignment
Scenario 3b – North Western Growth Alternative	Moderate alignment	Good alignment	Moderate alignment	Moderate alignment	Poor alignment	Poor alignment	Moderate alignment	Moderate alignment	Moderate alignment
Scenario 4 – South Western Growth	Moderate alignment	Moderate alignment	Poor alignment	Good alignment	Moderate alignment	Moderate alignment	Poor alignment	Poor alignment	Moderate alignment
Scenario 5 – Status Quo Plus	Moderate alignment	Moderate alignment	Good alignment	Good alignment	Poor alignment	Poor alignment	Good alignment	Moderate alignment	Poor alignment
Preferred Scenario (Future Growth and Land Use Plan)	Good alignment	Good alignment	Moderate alignment	Moderate alignment	Moderate alignment	Moderate alignment	Moderate alignment	Moderate alignment	Moderate alignment

## Assessment options:

Good alignment	Good alignment
Moderate alignment	Moderate alignment
Poor alignment	Poor alignment

## 11.6 Summary of evaluation – Future Growth and Land Use Plan

An overview summary of how the traffic light evaluation was determined for the Future Growth and Land Use Plan relation to each of the criteria is set out below.

The preferred scenario balances a mix of intensification, infill and greenfield growth in areas with less vulnerability to the effects of natural hazards and which are easier to support with new or upgraded infrastructure. More housing is provided for than the projected demand which will assist with creating greater competition within the local market to aid housing affordability challenges. The preferred scenario meets all of Tiritiri o Mātangi outcomes and best responds to the local issues in Waitara.

### 11.6.1 SASM and other areas of cultural significance

The scenario evaluation has considered mapped SASM and whether the scenario has the potential to pose a 'new' risk to already scheduled Māori cultural heritage. This scenario is considered to have good alignment with respect to not impacting on SASM and focussing growth in locations that are not considered to introduce new risks to scheduled or unscheduled SASM.

### 11.6.2 Variety of development opportunities

The preferred scenario is more desirable in comparison to the other options because it provides for growth via a mix of focussed infill/intensification and greenfield growth, in locations where new infrastructure is more cost effective to provide, as well as providing a greenfield growth area on land that has multiple owners, which support the potential for a wider variety of development opportunities therefore assisting with creating a complete land market.

### 11.6.3 Accessibility

The preferred scenario is more desirable as growth is provided for by two areas of focussed intensification/infill, one on each side of the river with good access to the town centre supported by transport options in a more balanced way than other scenarios, albeit that improved walking, cycling and public transport infrastructure will still be required. The greenfield growth area to the west is less accessible in comparison to scenarios 2a and 2b and will require supporting transport infrastructure to support access to facilities in Waitara East.

### 11.6.4 Water infrastructure

Like the other scenarios the preferred scenario has good alignment with this criteria as there is good access to Council water mains with adequate supply and pressure.

### 11.6.5 Wastewater infrastructure

The preferred growth scenario has moderately good alignment with the wastewater infrastructure criteria as the focus of growth including the new growth area is in close proximity to existing wastewater infrastructure, trunk mains and transfer stations. The infrastructure required can efficiently and effectively be provided under the scenario makes good use of the existing infrastructure. The residential expansion is further away from the Waitara River and does rely on services crossing the river, resulting in less risk to the natural environment in comparison to other scenarios.



As outlined above, current wastewater infrastructure is not performing well in wet weather events, triggering use of the wastewater outfall. Additionally, numerous manhole overflows have been recorded over the last decade. This scenario therefore still requires significant wastewater infrastructure upgrades.

#### 11.6.6 Stormwater infrastructure

This scenario is moderately aligned with this criteria as growth is focussed in less constrained stormwater catchments.

#### 11.6.7 Highly productive land

The preferred scenario is less desirable in relation to highly productive land as it includes expansion of up to approximately 60ha onto highly productive land, including more land than scenario 3b.

It is acknowledged that any urban zoning of highly productive land will need to meet the requirements of the NPS-HPL.

#### 11.6.8 Natural hazards

The preferred scenario focusses growth and development outside higher risk flood areas, and reduces the size of the town centre in response to risk from flooding (as well as other reasons). It therefore is considered to have moderate alignment with respect to natural hazards.

#### 11.6.9 Waterbodies

The preferred scenario is considered to have moderate alignment with this criteria as it focusses growth on higher ground and in less constrained catchments where stormwater is able to be better managed creating less impact on waterbodies.

## 12.0 Tiritiri o Mātangi Implementation

### 12.1 Introduction

This section sets out key actions to enable the implementation of Tiritiri o Mātangi over the next 30+ years.

These actions will require Hapū and Council to work with the community and other stakeholders to deliver on the Tiritiri o Mātangi outcomes. Given Tiritiri o Mātangi is a long term plan, all the outcomes will not be achieved immediately. In order to realise the outcomes, we need to take actions over a long period of time.

### 12.2 Review of Tiritiri o Mātangi

Tiritiri o Mātangi is not a static document. The first review of Tiritiri o Mātangi will be completed in three years following adoption with sense checks occurring on a three yearly basis thereafter. A full review will be completed every six years to form part of the FDS programme and future LTPs. This review period will ensure it remains current with respect to responding to key issues and any changes in growth projections. It is important that Tiritiri o Mātangi continues to reflect the communities priorities and allows for the community and decision makers to make informed decisions about growth and investment in Waitara and achieve the spatial plan outcomes.





12.3 Implementation Plan

The Tiritiri o Mātangi partnership between Manukorihi Hapū and Otaraua Hapū and NPDC will lead the implementation of the majority of actions. Where another organisation is expected to be involved, this is identified in the implementation plan.

Timeframe: Short term = 1 – 3 years, Medium term = 3 – 10 years, Long term = 10+ years

Cost: Each action is assigned a high-level cost to indicate likely lower cost projects (\$) relative to higher cost projects (\$\$\$). Costs will be refined and reassessed as actions are advanced.

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Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
Māori cultural						
1.	Identify and undertake methods to increase visibility of Waitara's Māori cultural history	Waitara's cultural history is visible and celebrated	District wide street naming policy (P18-005 Road Naming and Numbering Policy Approved by the Council on 2 October 2018)	Medium		\$\$\$
1a.	Develop a cultural history policy for New Plymouth District Council			Medium		\$\$
1b.	Review existing street names and consider whether they appropriately reflect Waitara's cultural history and identity			Medium		\$\$
1c.	Subject to review, consider changing existing street names			Medium to long		\$\$\$
1d.	Establish design guidelines to inform improvements to public and civic spaces			Medium		\$\$
2.	Investigate the feasibility of a cultural heritage trail *Further implementation will be subject to feasibility and funding	Waitara's cultural history is visible and celebrated		Medium		\$\$
2a.	Pending feasibility, establish a cultural heritage trail			Medium to long	Waitara Community Board	\$\$\$
3.	Introduce cultural wayfinding in streets and public open space through pou, storyboards and toi Māori	Waitara's cultural history is visible and celebrated Waitara town centre is vibrant...		Current to ongoing	Waitara Community Board	\$\$\$
4.	Continue to protect sites and areas of significance to Māori via the district plan, and where appropriate promote their enhancement in partnership with tangata whenua	Waitara's cultural history is visible and celebrated	District Plan	Current to ongoing		\$\$\$
4a.	Undertake plan change to update SASM mapping and/or provisions as required					\$\$\$
5.	Investigate and fund potential slope stability issues at Owae Marae to protect it from natural hazards so it is maintained as a central meeting place for	Waitara's cultural history is visible and celebrated	District Plan	Medium		\$\$\$

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
	whānau, hapū, and where appropriate the wider community.  <i>*The significance of Owae marae is recognised as a central meeting place for whānau, Hapū, and where appropriate the wider community. The marae's continued operation as a central hub is prioritised and transport connections are maintained.</i>	Waitara and its people are thriving...				
6.	Require development to manage stormwater through high quality treatment and promoting and enhancing planting of riparian margins to support the restoration of the health and mauri of significant waterbodies	Waitara's cultural history is visible and celebrated  The mauri and health of Waitara waterbodies in enhanced...		Current to ongoing	Taranaki Regional Council, Waitara Board, Taranaki Regional Council, Waitara Community Board	\$\$
Climate change and natural hazards						
7.	Develop and implement a climate change local adaptation plan to respond to sea level rise and coastal inundation, and river flooding.	Waitara and its people are thriving and rangitahi can stay and live in Waitara...  Waitara and its people are resilient to natural hazards and able to adapt to future climate change effects	Taranaki Regional LTP New Plymouth District Risk Assessment (preparation underway)	Short to long	Taranaki Regional Council, Waitara Community Board	\$\$\$\$
7a.	Complete a district wide climate change adaptation plan  (note this is a current NPDC project)		New Plymouth District Climate Change Adaptation Plan (preparation underway) New Plymouth District Council Environmental Sustainability Policy 2024	Current to short		\$\$
7b.	Prepare a Waitara risk assessment			Short to medium	Taranaki Regional Council	\$\$\$\$
7c.	Scope a Waitara climate change adaptation plan			Short to medium	Taranaki Regional Council, Waitara Community Board	\$ (internal resource)
7d.	Secure funding for a Waitara climate change adaptation plan through the LTP or other funding opportunities			Short	Taranaki Regional Council	\$ (internal resource)
7e.	Prepare and implement the climate change adaptation plan (note, this may result in future plan changes)			Medium to long and ongoing	Taranaki Regional Council, Waitara Community Board	\$\$\$\$ (prepare) \$\$\$\$ (implement)

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
8.	Continue to maintain flood protection along the Waitara River.		River control and flood protection bylaw for Taranaki 2020 Taranaki Regional LTP	Ongoing	Taranaki Regional Council	\$\$\$\$
<b>Economic</b>						
9.	Develop a targeted economic development strategy/plan for Waitara, including opportunities to create local jobs  *Note – this could form part of a wider economic development strategy for the district and/or region	Waitara and its people are thriving...  Waitara town centre is vibrant...	Economic Development Strategy - Tapuae Roa including Tapuae Road 2025/26 Action Plan  Waitara Community Board Plan (for gateway signage)	Short to medium	Waitara Community Board, Venture Taranaki, NP Partners	\$\$
9a.	Scope and prepare an industrial land study that includes: <ul style="list-style-type: none"><li>Review of existing industrial land and land uses</li><li>Review of industrial land uses occurring outside the industrial and</li><li>Review of vacant land (note link to action #27 detailed housing and business capacity assessment)</li><li>Work with industrial business community and Venture Taranaki to understand demand and future opportunities</li></ul>					\$
10.	Scope and prepare detailed designs for gateway landscape treatment and signage at the State Highway accesses to draw people that are travelling through into Waitara			Medium	Waitara Community Board, NZTA Waka Kotahi	\$\$\$
10a.	Secure funding for gateway landscaping and signage			Medium	Waitara Community Board	\$
10b.	Construction of gateway signage and planting at State Highway accesses			Medium to long	Waitara Community Board	\$\$-\$\$\$
11.	Investigate opportunities for Council and iwi/Hapū to undertake 'catalyst projects' in the town centre			Ongoing		\$

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
	to encourage further private investment and development  *Note - this could include Council exploring the feasibility and appetite to purchase vacant buildings in the town centre to repurpose					
12.	Investigate the potential of short term and/or pop-up retail opportunity for the township.		Economic Development Strategy - Tapuae Roa including Tapuae Road 2025/26 Action Plan	Short to medium	Waitara Community Board	\$
12a.	Scope and prepare a feasibility study for a short term retail market space.		District Plan			\$\$
12b.	Subject to feasibility, secure funding for space (buildings/land) for retail market and building and management costs; construct and manage market space.			Medium to long		\$\$\$\$
Placemaking						
13.	Develop Waitara-specific public space design guidelines to reflect Waitara's unique place and cultural history in future streetscape and public space upgrades (taking into account action 1 above).	Waitara's cultural history is visible and celebrated Waitara and its people are thriving... Waitara town centre is vibrant...	District Plan Ngā Motu Integrated Transport Framework	Medium		\$\$
14.	Pedestrianisation and upgrades of key streets in the town centre including West Quay and Maclean Street	Waitara and its people are thriving... Accessibility and movement throughout Waitara and beyond is easy...		Medium to long	Waitara Community Board, NZTA Waka Kotahi	\$\$\$-\$\$\$\$
14a.	Trial pedestrianisation during key busy periods e.g. night markets, Waitangi Day	Waitara town centre is vibrant...		Short to medium		\$\$
14b.	Subject to outcomes from trials, consider permanent pedestrianisation of West Quay including concept and detailed design for upgrades required			Medium to long		\$\$

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
14c.	Pilot projects of key public space enhancements (including community engagement on what type of upgrades or enhancements are wanted)			Short to medium		\$\$
14d.	Secure funding and implement through LTP or other mechanisms			Medium to long		\$\$\$
15.	Create a community green space on the vacant industrial land next to the Waitara awa at the end of West Quay/Whitaker Street East.	Waitara and its people are thriving...		Long	Current landowner, Waitara Community Board	\$\$\$\$
15a.	Investigate issues and options for the transition of this land to a public space.  Note: requires engagement with current landowner.	Accessibility and movement throughout Waitara and beyond is easy...		Medium to long		\$\$
15b.	Secure funding for purchase of this land and complete land purchase process.	Waitara town centre is vibrant...		Long		\$\$\$\$
Environmental						
16.	Improve mauri, quality and health of waterbodies within Waitara through stream naturalisation and daylighting (e.g. opening up streams that have previously been piped or filled in), enhancement planting, reconstruction of wetland systems and ongoing improvements to stormwater management	The mauri and health of Waitara waterbodies in enhanced...	District Plan, including master planning/structure planning Taranaki Regional Freshwater Plan Tangaroa Stream Restoration Project Environmental Sustainability Policy Taumata Arowai wastewater and stormwater environmental performance standards	Ongoing	Waitara Community Board, Taranaki Regional Council	\$\$\$
16a.	Investigate options including cost and potential locations for projects					\$
16b.	Source funding (LTP, community board, regional council)					\$\$
16c.	Implement each project subject to feasibility and funding					\$\$\$\$

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
17.	Investigate feasibility of a recreation trail up the Waitara River)  *Note - implementation subject to feasibility	Accessibility and movement throughout Waitara and beyond...  Waitara's cultural history is visible and celebrated...		Long	Waitara Community Board, Taranaki Regional Council	\$\$
Infrastructure, Transport and Community Facilities						
18.	Explore increasing public transport frequencies within Waitara and to key destinations in New Plymouth and Bell Block  *Note – detailed implementation subject to further planning and feasibility	Accessibility and movement throughout Waitara and beyond...  Waitara and its people are thriving and rangitahi can stay and live in Waitara...	Ngā Motu Integrated Transport Framework  Taranaki Regional Land Transport Plan  Waitara Community Board Plan  Environmental Sustainability Policy	Medium to long	Taranaki Regional Council	\$\$\$
19.	Enhancements associated with the Coastal Walkway extension to Waitara Town Centre, this may include signage to other key attractions, seating and end of trip facilities (e.g. secure cycle parks, lockers and storage)	Accessibility and movement throughout Waitara and beyond...  Waitara town centre is vibrant, services the community and is a place for everyone...	Waitara Community Board Plan	Medium to long	Waitara Community Board	\$\$\$-\$\$\$\$
19a.	Demand and feasibility study			Short to medium		\$\$
19b.	Secure funding			Medium to long		\$
19c.	Implement enhancements			Medium to long		\$\$\$
20.	Prepare a walking and cycling plan for Waitara and One Network Framework assessment to ensure the local street network can support future growth and access needs.	Waitara and its people are thriving and rangitahi can stay and live in Waitara...  Accessibility and movement throughout Waitara and beyond is easy...	Ngā Motu Integrated Transport Framework  Taranaki Regional Land Transport Plan (maybe?)	Short to medium	Waitara Community Board	\$\$
21.	Improve cycling and active travel routes between key destinations in Waitara, including to support connections to the town centre and community facilities in Waitara East for people living in Waitara West, including the future growth area	Accessibility and movement throughout Waitara and beyond is easy...	Environmental Sustainability Policy	Medium	Waitara Community Board, NZTA Waka Kotahi	\$\$\$\$
21a.	Secure funding			Medium	Waitara Community Board, NZTA Waka Kotahi	\$

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
21b.	Upgrades and enhancements to active travel routes			Ongoing	Waitara Community Board, NZTA Waka Kotahi	\$\$\$
22.	Install traffic calming between Clifton Park and St Joseph's (i.e. the main link between Waitara West and East).	Waitara and its people are thriving and rangitahi can stay and live in Waitara...  Accessibility and movement throughout Waitara and beyond is easy...	Ngā Motu Integrated Transport Framework  Taranaki Regional Land Transport Plan (maybe?)	Short to medium	Waitara Community Board, NZTA Waka Kotahi	\$\$
23.	Investigate options to better manage and convey wastewater to the centralised wastewater treatment plant to the west	Waitara and its people are thriving...  Development is carefully planned to make best use of existing infrastructure...	Infrastructure Strategy  Integrated Catchment Management Plans	Short		\$\$
23a.	Prepare detailed designs for wastewater solutions			Medium to long		\$\$
23b.	Secure necessary funding through LTP					\$\$
23c.	Obtain relevant consents and landowner approvals (including any required land purchases)					\$\$\$
23d.	Undertake wastewater solution works					\$\$\$\$
24.	Prepared detailed designs for localised wastewater pump station installation and/or upgrades and secure the necessary funding  *This may require land purchases			Short to medium		\$\$
24a.	Purchase any land required for pump station installations and/or upgrades  *Note this is on an as required basis only					\$\$\$
24b.	Complete pump station upgrade works					\$\$\$\$
25.	Develop a 'toolbox' to support developers to use on-site water conservation and attenuation			Short to medium		\$
26.	Investigate options to efficiently manage stormwater on private and public land			Short to medium		\$\$
26a.	Consult catchment managements and landowners on solutions/options			Ongoing – depending on rate of development		\$\$



Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
26b.	Develop options for centralised stormwater devices and sizing					\$\$
26c.	Prepare and obtain resource consents as required *Note – some stormwater solutions will be delivered through private development and vested with Council					\$\$
26d.	Complete and deliver stormwater works as per detailed designs including vesting process via subdivision					\$\$\$\$
27.	Investigate and establish a shared community hub / space which combines key community facilities and/or co-locates services	Waitara and its people are thriving... Waitara town centre is vibrant, services....		Medium to long	Waitara Community Board	\$\$\$\$
27a.	Complete a feasibility study to understand demand, the type of space required by the community, potential partners, a location and any potential funding sources.			Short	Waitara Community Board	\$\$
27b.	Subject to feasibility, include in the 2027 Long Term Plan.			Medium to long	Waitara Community Board	\$
27c.	Development of an implementation/ project plan.			Medium to long	Waitara Community Board	\$
28.	Ensure parks are accessible by all people through multi modal transport options *Note relationship with transport and accessibility related actions.	Waitara and its people are thriving... Accessibility and movement throughout...		Medium	Waitara Community Board	\$\$\$
29.	Enhancements to Waitara pool including an accessible changing room	Waitara and its people are thriving...	Waitara Community Board Plan Open Space, Sport and Recreation Strategy	Medium to long	Waitara Community Board	\$\$
29a.	Investigate and carry out feasibility study on the swimming pool in Waitara (does the current pool just get upgraded, or is a new location for the pool needed that could deliver on the wider pool			Short	Waitara Community Board	\$\$

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
	shortage across the district – e.g. co locating by the recreation centre)					
29b.	Secure funding through the LTP and implement consistent with outcome of the study			Medium to long		\$\$\$-\$\$\$\$
30.	Improve active travel (cycle, scooter, walking) connections to community facilities in Waitara East <ul style="list-style-type: none"> <li>• Safe to school routes</li> <li>• Dedicated cycle lanes (noting alignment with ITF)</li> <li>• Accessible footpaths for walking, scooters, mobility scooters</li> <li>• Well sign posted, Crime prevention through environmental design principles (CPTED)</li> </ul>	Waitara and its people are thriving...  Accessibility and movement throughout...	Environmental Sustainability Policy	Medium to long	Waitara Community Board	\$\$\$-\$\$\$\$
31.	Enhancements to existing reserves, ranging from planting to support stormwater drainage and biodiversity, to other structures such as play equipment, seating areas and barbeques.	Waitara and its people are thriving...	Environmental Sustainability Policy	Ongoing	Waitara Community Board	\$\$-\$\$\$
32.	Land acquisition for expansion of the cemetery	Waitara and its people are thriving...		Medium to long		\$\$\$
32a.	Development of acquired land for expansion of the cemetery	Development is carefully planned to make best use of existing infrastructure...				\$\$\$\$
33.	Demand and feasibility study for the expansion of the Waitara Library	Waitara and its people are thriving and rangitahi can stay and live in Waitara...		Short to medium		\$\$
33a.	Detailed design of the Waitara Library expansion	Waitara town centre is vibrant, services....				\$\$
33b.	Secure funding					\$
33c.	Implementation of the Waitara Library expansion	Development is carefully planned to make best use of existing infrastructure...				\$\$\$\$
Future Growth and Housing						

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
34.	Undertake a detailed housing and business capacity assessment for Waitara to develop a comprehensive understanding of demand, affordability and realistic/feasible capacity  *Note - updating the housing and business assessment will need to continue throughout the life of Tiritiri o Mātangi to ensure it remains accurate and current	Waitara and its people are thriving...  Development is carefully planned to make best use....	Housing and Business Capacity Assessment 2024	Ongoing		\$
35.	Avoid infill and intensification in areas where the risk from flooding is too high and cannot be mitigated	Waitara and its people are thriving...  Waitara and its people are resilient to natural hazards...		Short to medium		\$\$\$
35a.	Prepare an interim practice note to set out NPDC expectations regarding development within flood hazard zones					\$
35b.	Complete public engagement on flooding					\$
35c.	Analyse feedback					\$
35d.	Investigate options to respond to the risk					\$\$-\$\$\$
35e.	Plan change to update maps and District Plan rules					\$
36.	Work with iwi / Hapū trusts, social housing providers and developers to undertake a study/investigation to understand barriers to housing delivery in Waitara  • Next steps beyond study/investigation will depend on the findings  * Note - implementation plan may require updating depending on what future work programme is required	Waitara and its people are thriving...  Development is carefully planned....	District Plan Te Atiawa Housing Strategy	Short	Kāinga Ora and other housing providers	\$\$\$
37.	Consider opportunities for Council, iwi and hapū to work together to enable development of affordable housing.	Waitara and its people are thriving...		Ongoing		\$

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
	*Note – this could include using existing landholdings, need to consider where the land is located, constraints; or policy changes such as reducing/waiving development contributions.	Waitara town centre is vibrant, services...				
38.	Investigate opportunities for partnerships to deliver affordable housing	Waitara and its people are thriving...		Ongoing	Kāinga Ora, community housing providers	\$\$
39.	Investigate new and promote existing financial incentives to improve the standard of buildings in the town centre and encourage adaptive re-use of buildings in the Town Centre	Waitara and its people are thriving... Waitara town centre is vibrant, services ...	Abandoned building policy? Dangerous and insanitary buildings policy?	Ongoing	Waitara Community Board	\$
39a.	Develop a Council policy on deteriorating buildings in the town centre, including requirements for maintenance or demolition.			Short		\$
39b.	Review heritage funding to support building improvements			Short to medium		\$
39c.	Investigate new and promote existing financial incentives to improve the standard of buildings in the town centre and encourage adaptive re-use of buildings in the Town Centre			Short		\$\$
40.	Ensure district plan settings enable housing choice and diversity that provides for the needs of whānau and the community, including papakāinga and other types of housing, in appropriate locations	Waitara and its people are thriving...	District Plan	Short		\$\$
41.	Prepare a structure plan for the vacant residential zoned land at Brown Road, including locations for key infrastructure, roading and open space.					\$\$
42.	Prepare a structure plan for the new growth area to the west, including locations for key infrastructure, roading, open space and local convenience retail  *Note - timing dependent on outcome of housing and business capacity assessment	Waitara and its people are thriving... The mauri and health of Waitara.... Accessibility and movement throughout....	District Plan	*timing is dependent on updated housing and business capacity assessment	Landowners	\$\$

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
		Development is carefully planned....				
43.	Prepare a structure plan for Ranfurly Future Urban Zone, including consideration of whether any of the pony club land is used for public open space	Waitara and its people are thriving... The mauri and health of Waitara.... Accessibility and movement throughout.... Development is carefully planned....	District Plan	*timing is dependent on updated housing and business capacity assessment	Landowners	\$\$
44.	Review current residential zoning and district plan provisions to encourage infill / intensification in places that are best suited to this type of residential use, taking into account flood hazards and accessibility to employment, public transport and community facilities	Waitara and its people are thriving... Waitara and its people are resilient to natural hazards...	District Plan Future Development Strategy	Short to medium		\$\$
44a.	Carry out review of current zoning and determine most appropriate zoning					\$
44b.	Prepare and notify a plan change (including community engagement)					\$\$
45.	Develop a guidance/toolbox to support landowners and developers wanting to develop housing. This could include guidance on RMA and Building Act consent requirements, navigating the district plan, supporting information requirements, infill design, resilient buildings, contact details for local experts.	Waitara and its people are thriving... Waitara and its people are resilient to natural hazards...	District Plan	Short to medium		\$
46.	Enable local convenience retail in accessible locations.	Waitara and its people are thriving... Waitara town centre is vibrant....	District Plan	Medium to long	Waitara Community Board	\$\$
46a.	Review current zoning (in vicinity of Princess Street, Richmond Street and Harris Street) and consider					\$

Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
	whether a plan change is required to support an enhanced centre in this location					
46b.	Undertake streetscape / public space enhancements to make area more attractive for investment				Waitara Community Board	\$\$\$
46c.	Review where convenience retail is located in other locations/neighbourhoods and enable additional convenience retail in accessible locations (e.g. by walking) where this does not already exist.	Waitara and its people are thriving... Accessibility and movement throughout...	District Plan Centres hierarchy	Ongoing	Waitara Community Board	\$\$
47.	Develop a new / enhanced small centre/s to the east and west of Waitara, at a small scale that provides convenience retail/services to the immediate neighbourhood while not drawing business away from the town centre.	Waitara and its people are thriving... Accessibility and movement throughout...	District Plan Centres hierarchy	Dependent on Waitara East Growth Area progressing	Waitara Community Board	\$\$\$
47a.	Explore preferred locations for new / enhanced centre				Waitara Community Board	\$
47b.	Confirm location via structure planning for western growth area					\$\$
47c.	Plan change to enable small centre					\$
48.	Explore potential land use changes to consolidate Waitara Town Centre so that it does not include areas of land that are subject to high risk from flooding, and to support a concentration of activities that will improve vibrancy.  • Progress of this action will dovetail in with the climate change adaptation plan (which will consider the most appropriate use of this land)	Waitara and its people are thriving... Waitara town centre is vibrant....		Long  *Note – is linked to the Climate Change Adaptation workstream	Building Owners and Tenants	\$



Ref.	Action	Relevant outcome	Other relevant policies and strategies	Timeframe	Other organisation	Cost
	*Note - This action will need to be updated as other workstreams progress. This may include an amendment in the future to rezone this land.					

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## ADOPTION OF MANUTAHİ PARK CONCEPT<sup>1</sup>

### MATTER / TE WHĀİNGA

1. The matter for consideration by the Council is the adoption of the Manutahi Park concept.

**RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU**  
**That having considered all matters raised in the report that Council adopt the Manutahi Park concept.**

### STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the Officer's recommendation.

### WAITARA COMMUNITY BOARD RECOMMENDATION

3. Waitara Community Board endorsed the Officer's recommendation.

### AGE AND ACCESSIBILITY WORKING PARTY RECOMMENDATION

4. The Age and Accessibility Working Party endorsed the Officer's recommendation.

### TE HUİNGA TAUMATUA RECOMMENDATION

5. Te Huinga Taumatua support the Officer's recommendation.

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being significant as it relates to identified Strategic Assets; Pukekura Park and Bowl of Brooklands.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Adopt the Manutahi Park concept</li> <li>2. Do not adopt the Manutahi Park concept</li> <li>3. Adopt the Manutahi Park concept with changes.</li> </ol>

<sup>1</sup> Acting under delegated authority Te Huinga Taumatua have confirmed the name as Manutahi Park. Lepperton has been removed from the park name throughout this report.



<b>COMPLIANCE / TŪTOHU</b>	
Affected persons	<p>The persons who are affected by or interested in this matter are:</p> <ul style="list-style-type: none"> <li>• Puketapu and Pukerangiora hapū</li> <li>• The general public and users of the park</li> </ul>
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	Yes
Significant Policy and Plan Inconsistencies	No

### **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

6. It is recommended that Council approves the Manutahi Park concept (the concept) (Appendix 1).
7. The concept was created developed after Council resolved in 2020 to retain the land in question to be used as a public village green/park for the residents of Lepperton after the demolition of the old hall.
8. Since that time, Council officers have been working with the Lepperton Residents Association (LRA) and the local community to develop a concept for the park.
9. Officers and the LRA have facilitated a number of discussions with a range of stakeholders and carried out two comprehensive phases of consultation with the general public and park users to help inform the concept.
10. The next step is to adopt the concept so that the LRA can begin to implement the development of the park in phases.
11. Consultation on a proposed name for the park was also undertaken in the final phase of consultation with the community. The name proposed by Puketapu hapū, is Manutahi Park. A separate report to confirm the proposed name is being taken to Te Huinga Taumatua Committee who have the delegation for naming of reserves/parks and open space.

### **BACKGROUND / WHAKAPAPA**

12. The park is located in the Lepperton settlement on 2023m<sup>2</sup> of freehold land on Richmond Road opposite Lepperton School.

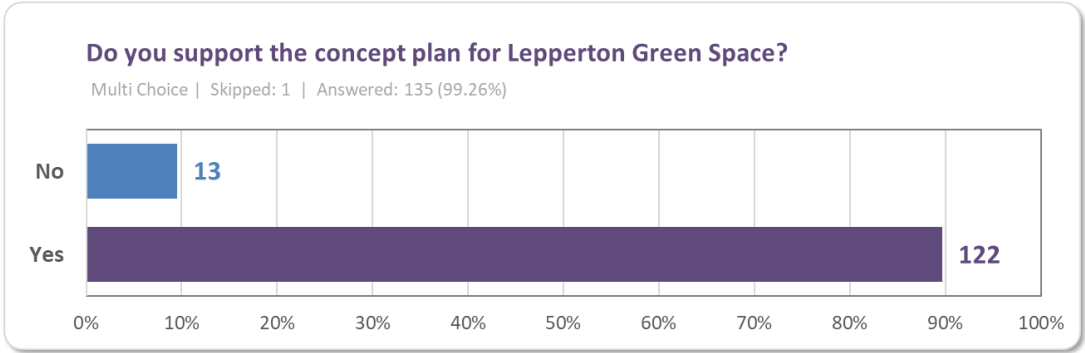
13. At its meeting in December 2020, Council resolved to revoke the previous Council decision of 12 April 2016 to sell the Lepperton Hall and land, in order to retain the land for community open space (ECM 8392586). This report was supplementary to ECM 8319546 that was reported to the Strategy and Operations Committee on 28 July 2020.



*Figure 1 – Image of current park area from road frontage*

14. Prior to this resolution, the land was identified for revocation and sale. As such, its recreation reserve status was revoked and the land now remains in Council ownership in fee simple, Land Identifier TN148/64.
15. The Council approved the demolition of the Lepperton Hall building at its meeting November 2021 (ECM 8319546). The Lepperton Hall was demolished during 2022 and 2023. At that time, contaminated land was identified at the old hall site and therefore, the process of remediation of the land to remove the contamination took some time to complete.
16. The work undertaken removed the identified contaminated soil and replaced with clean soil. This means the park is now safe to be used by the community. However, as there was contamination identified previously on site, as a precaution any work on site that requires earthworks needs to follow a contaminated land protocol. This means that in the establishment of components of the new park, that certain work that involved ground disturbance will need to be undertaken by an appropriate contractor. Council has an existing approved contractor with the skills able to undertake this work and support any community actions that will occur on site.

- 17. Phase 1 inputs from the public, partners, stakeholders and parks operational staff were used to inform a draft concept.
- 18. Phase 2 consultation on the concept plan occurred in October 2024 with an online survey on Council’s Have Your Say page. Submissions closed on 25<sup>th</sup> October 2024. Appendix 2 provides a summary of the submissions received during that consultation.
- 19. There were 136 submissions received through the consultation. 90% of submitters supported the concept plan presented.



- 20. Submissions received during Phase 2 have been reviewed by staff and where considered appropriate, modifications have been made to the concept to recognise this community contribution. These changes are summarised below.

Proposed Concept Amendments
<ul style="list-style-type: none"><li>Take into account community feedback to include a small area of pre-school play opportunities within the park, including accessible path and picnic table adjacent.</li></ul>
<ul style="list-style-type: none"><li>Change in material on pathways to concrete to ensure improved universal access.</li></ul>
<ul style="list-style-type: none"><li>Provide for a future connection from the paper road and potential future parking and footpath connection opportunities that will provide additional off-road parking to support the park and secondary off-road park entry.</li></ul>
<ul style="list-style-type: none"><li>Ensure planting on the north eastern boundary is tall enough to provide privacy for the directly adjacent neighbour.</li></ul>
<ul style="list-style-type: none"><li>Suggest that the name Manutahi park name also includes its location in Lepperton to ensure no confusion with Manutahi township in South Taranaki.</li></ul>

Table 1 – Concept Changes Overview



Figure 2 – Proposed concept for Manutahi Park (to be updated)

14

21. The final concept, including changes made following the Phase 2 public consultation is included as Appendix 1 (ECM 9486996).

#### *Relationship between the Manutahi Park Concept and Long Term Plan*

22. The financial implications of projects and programmes are not defined by the concept plan. A high level indication of project priorities has been sought through Phase 2 consultation.
23. The current Long Term Plan 2024-34 has a budget identified in year 29/30 of \$23,591 for work at the park, with the design of a public toilet and then a budget of \$424,060 in year 30/31 for the construction of a public toilet.
24. Budgets and ongoing costs are considered as part of Council's wider financial policy and Long Term Plan (LTP) planning processes. The concept is aimed at documenting community aspirations for development and management of the park as per Council's approach to reserve management planning, and as such provides the opportunity for projects and programmes to occur *only if* funding is subsequently provided, either by the community, external funding or through an annual plan/LTP process. The following diagram provides a summary of these relationships.



Figure 1 - Relationship between RMP planning, LTP, Infrastructure Strategy and Asset Management

### Land History

25. Manutahi (the pre-European name for Lepperton) was once a traditional gathering area for Māori of aka (forest vines), which were used as lashings for the palisades of pā and for hīnaki (eel traps).
26. Around 1760, Manutahi was the site of a fierce battle between Te Ātiawa and Taranaki iwi. This incident is known as Ra-ka-taha - "the descending sun" - as the fighting ended at sunset.
27. There were two pā called Manutahi in the district. The first was a kāinga (village), where Lepperton township is today. The second, where the railway junction used to be, was a fortified pā, built to defend the area during the Taranaki Wars. It was attacked and taken by British forces on 8 September 1864.
28. On 30 January 1865, land south of Waitara and west of the river, including Manutahi, was proclaimed confiscated land and Manutahi was declared a military settlement. The Crown allocated grants of land to soldiers, including Colonel Maxwell Lepper, formerly of the 14th Regiment and Taranaki Military Settlers, whose name was eventually given to the district.

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29. S. Percy Smith surveyed the Manutahi township of 20 hectares into 2000 square metre sections, a cemetery, and several reserves.
  30. The reserve was originally acquired on 12 June 1974 by the former Taranaki County Council from the Lepperton Hall Society Incorporated (incorporation wound up) by Transfer Instrument 214875 registered on Historical TN148/64, in consideration of the expense and repair of the buildings thereon (Lepperton Hall). Council officers have not been able to find documentation on how the land was acquired by the Lepperton Hall Society at this point in time.
  31. The land was subsequently declared a reserve for recreation purposes subject to the Reserves and Domains Act 1953 (now supplanted by the Reserves Act 1977) by NZ Gazette 1974 page 2648 registered as GE219397 with vesting "in trust" in the Taranaki County Council. The Council gave public notice under Section 13 of the Reserves and Domains Act 1953 to the proposal to declare reserve and no objection was received.
  32. While the reserve for a short period was then vested "in trust" in the North Taranaki District Council in 1986 with the abolition of the Taranaki County, the reserve was subsequently vested "in trust" in the New Plymouth District Council as the administering body under the 1989 Local Government Order in Council (Taranaki Re-Organisation) with effect 1 November 1989. The relevant vesting of real and personal property is recorded as memorials on the title.
  33. When Council originally decided to revoke the reserve status (and sell the land) under Section 4 of the Conservation Act 1987 (that binds the Reserves Act) Council engaged with Pukerangiora and Puketapu hapū at the time on the proposal, noting that there are no waahi tapu notations on the Operative New Plymouth District Plan affected the land. Hapū responded at that time that they supported the proposal.

#### **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

34. The concept gives consideration to minimising non-renewable resource inputs into the operational management of the park. An attempt has also been made to anticipate the impacts of likely climate change scenarios on the park and how these can be mitigated and adapted to. Of primary concern is how the park's vegetation may adapt to increasing temperatures and to ensure localised opportunities for open space recreation to reduce the need for travel to other parks and open spaces for the local community.



### **NEXT STEPS / HĪKOI I MURI MAI**

35. If adopted, the concept will become part of the Part B Reserve Management Plan documentation for this park and included on Council's website.
36. Projects and significant costs within the plan which are not covered by existing resources and budgets will be considered during future LTP processes. Budgets and timing (if any) will be determined during the LTP process.
37. Of note, the community will be undertaking much of the work to implement the concept themselves and will also be looking to secure funding locally, from external sources and will also be engaging with the Council and Waitara Community Board for support of a phased implementation.

### **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

38. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance as it relates to Council land assets.
39. RMP development includes a minimum prescribed legislative process for public consultation and although not a reserve under the Reserves Act, Council officers have ensured consultation followed these requirements. In addition, targeted consultation with stakeholders, partners and other interested parties was undertaken to ensure that all relevant views were collected and incorporated into the concept.

### *Statutory Responsibilities / Ngā Haepapa ā-ture*

40. As the land is held in fee simple the preparation of the concept should meet minimum Local Government Act (LGA) processes. Officers have treated the preparation of the concept in a way that follows the RMP preparation processes, which also addresses LGA requirements.
41. The Council has a statutory obligation to provide for the well-being of its community under the Local Government Act. From a strategic perspective, retention this land to service community open space outcomes as identified by the community is aligned to the objective of creating attractive living environments with open space adjacent to the road frontage. Retention of an area of land within the township that supports specific functions for the community aligns with the strategic goal of Recreation and open space contributing to community identify, vibrancy and sense of place.

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*Participation by Māori / Te Urunga o Ngāi Māori*

42. The preparation and delivery of the concept is of significance to Puketapu and Pukerangiora hapu. Early engagement with both hapū identified that Puketapu would take the lead in providing hapū input into the development of the concept and proposal for the name.
43. Puketapu hapu asked for some specific elements to be included in the concept in order to share some of their stories of that landscape with the community. These have been included in the concept.
44. In addition to the above, Puketapu hapū proposed a name for the park. Manutahi Park references the pā located within Lepperton. Te Huinga Taumatua Committee have delegated authority for naming and as such a separate report recommending approval of the park name has been prepared.

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

45. Preparation of the concept has been completed within existing budgets.
46. There are no further financial considerations associated with adopting or not adopting the plan.
47. Any costs associated with implementation of the concept will either be funded through community initiatives or be put forward during subsequent LTP processes for a decision by Elected Members.

**OPTIONS / KŌWHIRINGA**

**Option 1**

**Adopt the Manutahi Park concept**

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

48. Some parties may not understand that information in the concept does not need to be reconsulted on if and when the time comes for a project or action to be implemented.

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

49. The plan responds to a number of community outcomes, in particular providing for a thriving community and culture through the provision of a neighbourhood park within the heart of Lepperton for community gathering and use. In addition, the improvement of the land with native planting responds to the environmental community outcome.



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

50. This proposal is consistent with existing Council plans and policies. The development of the concept is guided by the strategic approach identified in the Open Space Sport and Recreation Strategy and follows Council’s road map for Reserve Management Planning.

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

51. Due to the multi-phase consultation process it is considered that the community has had every opportunity to contribute and be heard with regard to the concept. All submissions have been considered and given equal consideration. Many views have been incorporated into the concept, however not all contributions can (or should) be included in the final document.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

Advantages	Disadvantages
Provides a better picture of the likely development and management of the park with community input into those proposals.	Some members of the community who prefer the status quo or who disagree with recommendations will be disappointed.

**Option 2**  
**Do not adopt the Manutahi Park concept**

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

52. There will be no guidance on future development of the park. This does not address many aspects of importance for the local community in establishing this open space.

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

53. This option will maintain the asset that still provide for a range of community outcomes; however, the community outcomes may not be reflective of the current aspirations of the community as identified through the concept consultation process and as such be out of date or misaligned with the community.

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

54. This option is inconsistent with existing Council plans and policies; and prior Council resolutions as there is an expectation that with the retention of the land as a community open space, it would be developed over time to provide for effective use and enjoyment as with other parks in the District

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

55. Many people have taken the time to make considered, thoughtful submissions on the concept, and all of this input will not be used if the proposed 2023 RMP is not adopted.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

Advantages	Disadvantages
Some people who prefer the status quo may be satisfied.	No opportunity to respond to community expectations for improved use and enjoyment of the park.

**Option 3**  
**Adopt the Manutahi Park concept with changes**

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

56. Depending on any changes required and if it is necessary to resubmit the plan for Council approval there is a chance that it will delay the community ability to start development of the park.

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

57. This option will still result in a concept, however depending on the changes proposed, they may not be reflective of community aspirations.

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

58. This option may be consistent with existing Council plans and policies, and prior Council resolutions. So long as the changes reflect the consultation and feedback which has been received in contributing towards a better understanding of the community aspirations for the park.

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

59. Anticipating that any changes are primarily driven by specific community views, it is likely that the preferences of one section of the community will be substituted with those from another sector.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

Advantages	Disadvantages
Will reflect the desires of the elected members and/or specific sectors of the community.	Depending on the scale of change, and if the concept needs to be resubmitted there will be delays in community action to start implementing the concept.
	Changes may not reflect best-practice park management.
	Changes may have unanticipated negative consequences in practice as it is possible they have not been subjected to the scrutiny of the rest of the document.

**Recommended Option**

This report recommends option 1 Adopt the Manutahi Park for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 Proposed Concept Plan (ECM 9486996)

Appendix 2 Submissions Phase 2 Summary & Responses (ECM 9486995)

**Report Details**

Prepared By: Renee Davies (Manager Strategic Planning)  
Team: Strategic Planning  
Approved By: Helena Williams (General Manager Strategy and Planning)  
Ward/Community: Waitara Community Board  
Date: 29<sup>th</sup> April 2025  
File Reference: ECM 9486962

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



14.1

## LEPPERTON GREEN SPACE - Manutahi Park

## Design Statement

14.1



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**





14.1



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

## MANUTAHİ PARK, LEPPERTON

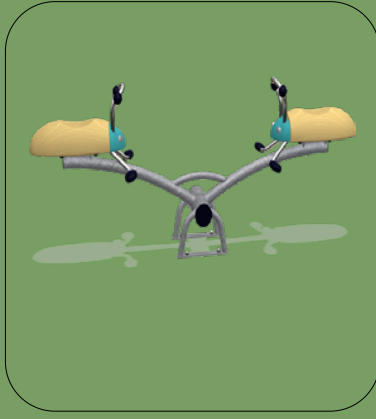


## Design Elements





## Design Elements





Plant Palette





## Plant Palette





Plant Palette





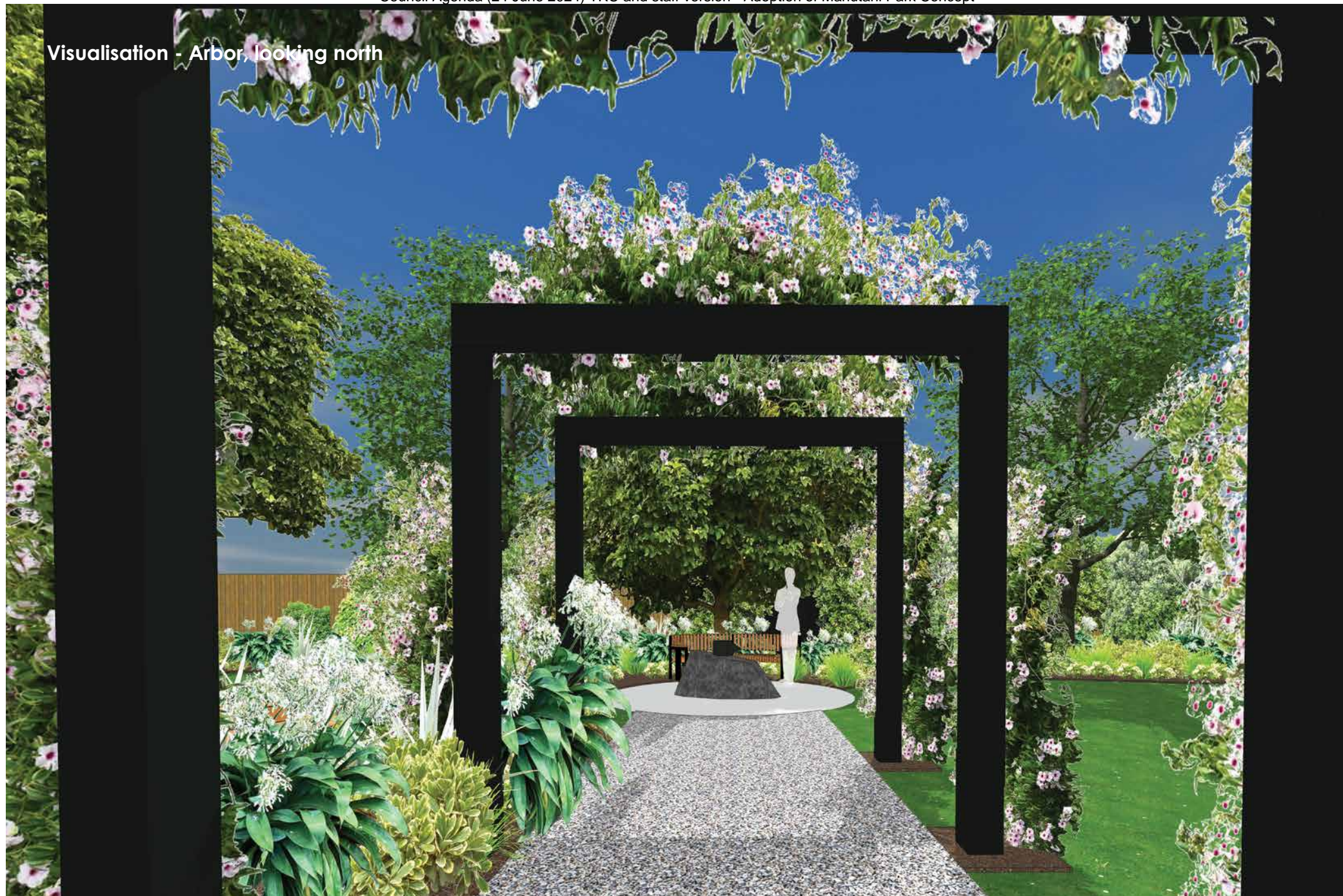
## Visualisation - Plant Arbor



14.1



Visualisation - Arbor, looking north



14.1



## Visualisation - Shade Shelter



14.1



Visualisation - Picnic Lawn, looking east



14.1



## Visualisation - Manutahi Park, looking east



14.1

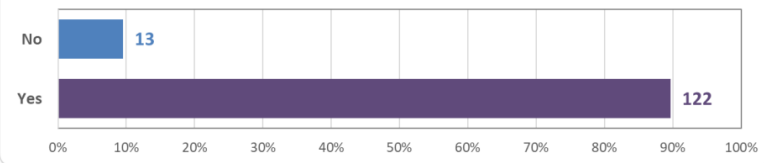


## Summary of feedback on Lepperton Green Space

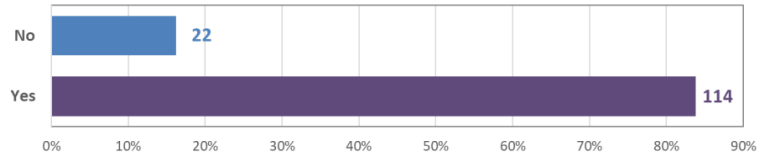
136 submitters provided feedback on the Lepperton Green Space.

Two key themes from the feedback - need for public toilets and a children's playground, particularly for pre-schoolers.

Question	Submissions	Officer recommendations
1. Do you support the concept plan for Lepperton Green Space?	<p>Those who answered 'no' were asked what they would like to see different:</p> <ul style="list-style-type: none"> <li>– Playground, particularly for pre-schoolers. Some suggested playground could just be swings.</li> <li>– Children's pump track or skate park. Path for small bikes.</li> <li>– Splash pad or a water play area.</li> <li>– Public toilets.</li> <li>– Community fruit trees and vegetable gardens.</li> <li>– Area for community to come together and spend time.</li> <li>– More options for families and young children.</li> <li>– Seems like plan for visitors to the village and not the actual community. Design is nice however it misses the mark for the community.</li> <li>– Picnic tables.</li> <li>– Shaded area.</li> <li>– BBQ area.</li> <li>– Disagree with island between shop and park. Already an issue with cars angle parked protruding back out into the path of cars heading up Richmond Road. Island would make it even more dangerous.</li> <li>– Last chance to move cenotaph to the new green space.</li> </ul>	<p>There were a number of suggestions for additional facilities to be located within the park. Some of these are at a scale that is beyond what would be appropriate for a neighbourhood park type facility eg. Splash pad. Some of the suggestions are already included in the plan eg. Public toilets, shelter (area for community to come together).</p> <p>The main over-arching theme is the need to provide for some facilities that are more targeted to the needs of the local community eg. Younger children's play opportunities.</p> <p>The feedback indicates that older childrens' play is well provided for at the school, but that younger children's play would be better located within the new park space with associated gathering areas for families and care-givers.</p> <p>With the past contaminated soil found on site, it is not considered appropriate to provide for extensive fruit or vegetable gardens on the site. A BBQ could be provided in the future within the shelter or nearby, but is a facility that should be considered after the larger toilet, shelter infrastructure is developed.</p>

Question	Submissions	Officer recommendations
	<p data-bbox="577 300 1086 323"><b>Do you support the concept plan for Lepperton Green Space?</b></p> <p data-bbox="577 331 884 347">Multi Choice   Skipped: 1   Answered: 135 (99.26%)</p>  <p data-bbox="526 542 1108 571">Some who answered 'yes' also provided comments:</p> <ul data-bbox="526 582 1321 1294" style="list-style-type: none"> <li>- An excellent space to support the well-being of the community. The initial plan is well thought through and offers many opportunities for use as it develops.</li> <li>- Great idea! Thanks to those that protected this space for future generations.</li> <li>- Support but establish a toilet now, rather than later.</li> <li>- <u>Health New Zealand National Public Health Service Te Manawa Taki</u> supported the proposal, in particular the following elements as supportive of public health gain: <ul style="list-style-type: none"> <li>: The community co-design approach of the proposal.</li> <li>: The provision of diverse public green space.</li> <li>: The ongoing provision of community spaces for Lepperton, noting that the proposed Manutahi Park is planned for the site of the old Town Hall.</li> <li>: The provision of a water fountain to ensure access to freely available drinking water.</li> <li>: The provision of bike racks to encourage physical activity.</li> <li>: The provision of accessible shaded areas, using built infrastructure and through tree planting.</li> </ul> </li> </ul>	<p data-bbox="1344 279 1982 375"><b>Recommendation:</b> That a small nature-based play space is provided for within the plan with universal access considerations and associated picnic table/seating.</p>

Question	Submissions	Officer recommendations
	<p>: The initiatives and design elements that support community placemaking and facilitate access, use and enjoyment of the areas.</p>	
<p>2. Do you support the proposed name of Manutahi Park for the Green Space?</p>	<p>Those who did not support the name, were asked if they had any other suggestions:</p> <ul style="list-style-type: none"> <li>– Lepperton Park (15).               <ul style="list-style-type: none"> <li>: It is in the centre of Lepperton. Non locals will know straight away where it is.</li> <li>: Manutahi is a small community in South Taranaki. Could be confusing when people and tourists talk about its location. Lepperton Park is far more concise and less confusing.</li> </ul> </li> <li>– Lepperton Domain (1).</li> <li>– King Charles III Park (1).</li> <li>– Manutahi Park, Lepperton – so as not to confuse with Manutahi area close by (1).</li> <li>– Manutahi Reserve or Pāka which is park in te reo (1).</li> <li>– Manutahi Memorial Park (1).</li> <li>– Manutahi/Lepperton or Lepperton/Manutahi (1).               <ul style="list-style-type: none"> <li>: To include the wider community Māori and Pakeha.</li> </ul> </li> <li>– Richmond Park (2).</li> <li>– Serenity (1).</li> </ul>	<p>Council's naming policy guides how names should be determined, some of the names put forward didn't relate to the Policy as well as the proposed name.</p> <p>The large proportion of submitters supported the name, however, it was highlighted there was concern about the name Manutahi being confused with the township in South Taranaki. A suggestion to link the location of Lepperton to the name to address this came through the submissions.</p> <p><b>Recommendation:</b> That a reference to the location of the park is included in the name, eg. Manutahi Park – Lepperton, to ensure that there is no confusion and to reinforce the location of the park.</p>

Question	Submissions	Officer recommendations						
	<div><p>Do you support the proposed name of Manutahi Park for the Green Space?</p><p>Multi Choice   Skipped: 0   Answered: 136 (100%)</p><table><thead><tr><th>Response</th><th>Count</th></tr></thead><tbody><tr><td>No</td><td>22</td></tr><tr><td>Yes</td><td>114</td></tr></tbody></table></div>	Response	Count	No	22	Yes	114	
Response	Count							
No	22							
Yes	114							
3. Any other comments?	<ul style="list-style-type: none"><li>Public toilets. One submitter suggested a small changing area. Another submitter suggested an accessible toilet and a baby change table.</li><li>Playground, particularly for pre-schoolers. Some suggested could just be swings. Lepperton community has a very high proportion of young families. Primary School’s playground is very limited and not accessible during school hours. School should not have to host the only playground to the public and it does not have swings.</li><li>Skate park or pump track.</li><li>Planting filled with nice smells of flowers and tactile plants that encourage interaction, like long soft grasses and a future tree to climb (in 20 years or so once grown) that also provide shade. Something that attracts tui and kereru.</li><li>Use other plants other than native, have more variety.</li><li>Community garden (fruit trees and communal garden planter boxes).</li><li>Additional shade, e.g. shade sails over some part of the lawn. Suggestion shelter area could be utilised to hold local farmers market/produce swaps.</li><li>Water fountain for drinking, one submitter asked for water for dogs.</li></ul>	<p>Changing facilities and ensuring an accessible toilet would be able to be included in the design for the public toilet when that is undertaken. Playground is addressed in response above and proposed to be accommodated. A skate park or pump track at this stage is not considered appropriate given the proximity of neighbours and potential noise and the aspiration from the community of this being a quieter space for casual enjoyment.</p> <p>Sensory plants with scent and tactile plants and trees to support bird species has been incorporated into the proposed plant palette.</p> <p>There are some non-native plants proposed to ensure variety in the park, while still providing a backdrop of resilient natives.</p> <p>As outlined in earlier submission response, a community garden with edible plants is not appropriate (other than some fruit trees) given the previous contamination on site.</p> <p>A number of suggestions are already included in the concept plan, for example: water fountains, picnic</p>						

Question	Submissions	Officer recommendations
	<ul style="list-style-type: none"> <li>- BBQ area, however one submitter didn't like the idea of a BBQ as could create rubbish and didn't think it would get much use.</li> <li>- Picnic tables.</li> <li>- Lighting – whether be garden solar lighting or something more.</li> <li>- Rubbish bins, including dog waste bin with bags attached.</li> <li>- Small stage to be used for entertainment, potential for space to be utilised for future events if infrastructure (power, seating space, water etc) is set up. Several submitters suggested a place to hold events (need to ensure power).</li> <li>- Fence at proposed park would be a great addition, safe and convenient place for people to bring their dogs, also benefit young children by protecting them from the busy road.</li> <li>- Incorporate some sculptural art works.</li> <li>- Entrance, possibly carved capturing the local history both Māori and non Māori.</li> <li>- Rethink on traffic island and carparking. Ample parking (ensure amount of parking stays) but parking spots are not deep enough and currently pose a hazard. Can some of the space be used to make car parking more off the road and safer? High volume traffic and visitors. Rural village can't have narrow road for tractors, truck etc passing.</li> <li>- Information board(s) on local history.</li> <li>- Bike repair station.</li> <li>- Seems a waste of space for just a park.</li> <li>- Plan is more for visiting people to the village instead of for the community.</li> <li>- Great asset to Lepperton.</li> </ul>	<p>tables, rubbish bins, potential storage in the shelter if needed, art work, carving, use of native plants, information boards on history and entry features.</p> <p>In relation to the traffic island and carparking, there is concern about loss of carparking in order to facilitate the traffic island (safe crossing point). There is a potential for a secondary entry to the park from the existing paper road and this could also incorporate off-road carparking.</p> <p>The proposed concept plan is to be phased over time as and when funding becomes available. As such there is potential to ensure timing of the infrastructure of the traffic island and associated change to parking is timed with the potential development of the paper road adjacent to the park and/or if that doesn't occur, be progressed when appropriate based on usage of the park and assessment of need.</p> <p>In relation to the Health NZ submission, the majority of these items have been incorporated. Universal access has been enhanced in the revised concept. Alcohol is covered through Council by-laws.</p> <p><b>Recommendation:</b> Consider that the the traffic island and change to parking could be phased and time to be implemented in the future when the off-road secondary entry and carparking is implemented.</p>

Question	Submissions	Officer recommendations
	<ul style="list-style-type: none"> <li>- An important step ahead for the village, families, community events – such a successful, forward thinking idea.</li> <li>- <u>Health New Zealand National Public Health Service Te Manawa Taki</u> provided the following suggestions for consideration to strengthen the public health value and aspects of the proposal:               <ul style="list-style-type: none"> <li>: Ensure that the finalised plans are co-designed with iwi/hapū.</li> <li>: Ensure ongoing co-design and engagement with iwi/hapū regarding the use and any future development of the green space.</li> <li>: Apply universal design principles to promote accessibility for all ages and ability levels.</li> <li>: Ensure that there are adequately placed and sized rubbish and recycling bins available and that the emptying schedule is sufficient to ensure that the park is free from litter.</li> <li>: Include signage clearly communicating the designation of the park as smokefree and vape free, in accordance with the Smokefree Parks and Outdoor Areas Policy.</li> <li>: In relation to the development of the proposed Manutahi Park as a social hub and hosting events, consider policy to guide the availability of alcohol at public events, particularly those where children will be present.</li> <li>: Prioritise the use of native and indigenous plants, including plants known to attract native birds.</li> <li>: Explore how the area can contribute to the overall biodiversity, health of native species, and ecological health in a way that nurtures the health of both people and nature.</li> </ul> </li> </ul>	

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## **NPDC PERFORMANCE REPORT FOR THE PERIOD 1 JULY 2024 TO 31 MARCH 2025**

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### **PURPOSE / TE WHĀINGA**

1. The purpose of this report is to advise of the Council's performance for the period 1 July 2024 to 31 March 2025 of the 2024/25 financial year.

### **RECOMMENDATION / NGĀ WHAIKUPU**

**That, having considered all matters raised in the report the performance report for the period 1 July 2024 to 31 March 2025 be noted.**

### **FINANCE, AUDIT AND RISK COMMITTEE RECOMMENDATION**

2. The Finance, Audit and Risk Committee endorsed the Officer's recommendation.

### **SIGNIFICANCE AND ENGAGEMENT / TOHUTOHU KAI WHAKAHAERE**

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

### **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

#### ***Non-Financial Performance Measures***

4. Of the 112 non-financial performance measures, 73 have been achieved or are currently on track. Data for 29 KPIs will not be available until June, and one KPI is only reported every three years. Five measures have not been achieved, and four are currently behind target—also due to data not being available until June.

#### ***Significant Capital Projects***

##### *Progress on Delivery*

5. Year to date (YTD) spend is \$80.7m, or 65 per cent of the 2024/25 revised financial year budget of \$123.8m, which includes \$2m in approved carry forwards. Management is expecting to spend \$100m to \$112m by the end of the year, or 80 to 90 per cent of the capital works budget.

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*Work in Progress (WIP)<sup>1</sup>*

6. Total WIP has increased by \$59.3m since July, bringing the total value of WIP to \$178.8m as at 31 March 2025. The WIP balance includes \$20.9m of asset addition accruals.

***Financial Performance***

*Impact of Current Economic Climate*

7. The current economic climate has posed significant challenges, impacting our revenue streams and increasing operational costs. Inflationary pressures have led to higher operational expenses, while economic uncertainty has affected commercial activities and parking revenue. Despite these challenges, our proactive measures aim to mitigate the impact and steer us towards financial stability.

*Understanding the Surplus Figures*

8. We report Council's financial results in two ways. The rating surplus, shown in the Cost of Service Statement, reflects the surplus from our everyday operations using only actual cash available. It doesn't include things like depreciation or money set aside to fund specific projects. In contrast, the financial reporting surplus presented in the Statement of Comprehensive Revenue and Expense gives a bigger picture, including all income and expenses - even if they're not cash - in line with accounting standards.

*YTD rating surplus - Cost of Service Statement*

9. Council's Cost of Service Statement shows a rating surplus for the March quarter of \$1.8m, \$0.1m higher than the budgeted surplus of \$1.7m for the quarter. The Long-Term-Plan 2024-2034 (LTP 2024) budget was adopted to break even by 30 June 2025.

*Forecast rating surplus/(deficit)*

10. Council adopted the LTP 2024 with a balanced budget, this means we aimed to spend exactly what was collected in rates. By 30 June 2025 it is forecast that Council could face a rates deficit of \$1.5m. The main drivers are lower than budgeted revenue for our Commercial Waste Sorting Facility ('The Sorting Depot'), and Parking.

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<sup>1</sup> WIP represents the costs incurred towards assets that are still under construction or development.

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*YTD financial reporting surplus - Statement of Comprehensive Revenue and Expense*

11. Council’s Statement of Comprehensive Revenue and Expense reports an accounting surplus of \$17.5m for the March quarter, \$1.8m below the \$19.3m surplus forecasted in the LTP 2024.

**Treasury Reporting**

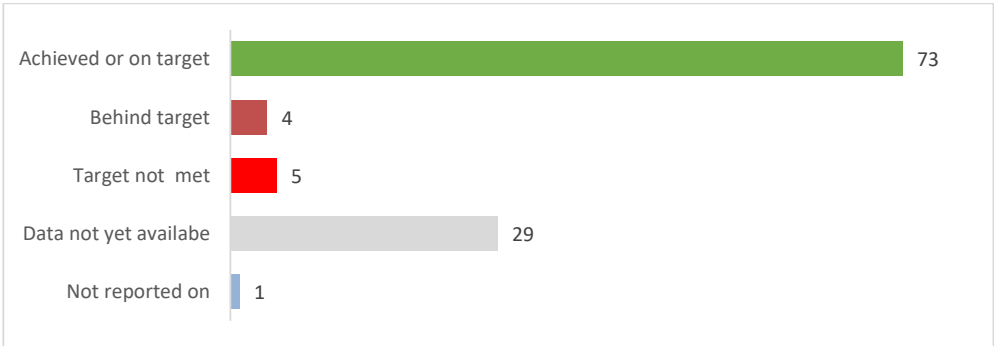
12. The Treasury section of the appendix now includes more detailed reporting on key financial assets and liabilities – specifically, the Perpetual Investment Fund (PIF), Waitara Perpetual Community Fund (WPCF), borrowings and associated interest rates, and reserves. Noteworthy points:
- a) Council remains within all Treasury Policy limits.
  - b) PIF closing balance of \$392m as at 31 March 2025.
  - c) Additional borrowings forecast for the remainder of the year is in excess of the LTP (subsequently approved by Council).
  - d) Net interest costs for the year to date are approximately \$1m lower than forecast.

**BACKGROUND / WHAKAPAPA**

13. The Performance Report is presented on a quarterly basis and includes an assessment of Council’s performance towards its objectives and key performance measures, including progress towards delivering capital projects, financial performance and treasury, as set out in its LTP 2024.

**Non-Financial Performance Measures**

14. The Council has 112 Key Performance Indicators (KPI) of which 73 have been achieved or are on track. Twenty-nine KPIs do not have data available yet and will be reported in the Annual Report 2024/25. One KPI in Governance has not been reported on as there are no triennial elections in 2024/25.



- 
15. Four KPIs are experiencing challenges obtaining interim quarterly data relating to:
- a) Economic Development (two KPIs – percentage of funding and number of events, programmes or initiatives). To provide more accurate data these KPIs will now be reported on at the end of the year.
  - b) Waste Management and Minimisation (two KPIs – reduction in waste per capita and per household). To provide more accurate data these KPIs will now be reported on at the end of the year.
16. Four KPIs are behind target relating to:
- a) Customer and Regulatory Solutions (percentage of formal complaints that receive an interim reply or are resolved within five working days).
  - b) Venues and Events (number of events/bookings across all venues).
  - c) Water Supply (total number of complaints).
17. Five KPIs have not been met relating to:
- a) Customer and Regulatory Solutions:
    - i) Requests for official information within timeframes set under Local Government Official Information Meetings Act 1987 – five of the total 263 requests received year to date were past the statutory timeframe due to resourcing pressures and the substantial or complex nature of requests.
    - ii) Building consents have improved, with historical issues related to code compliance certificates now resolved. In the past quarter, only 8 out of 674 building consents did not meet statutory timeframes, showing an improvement on previous years with 99 per cent of consents processed within the required timeframes in this quarter.
    - iii) Over the past three quarters, 162 resource consents did not meet the statutory processing timeframes. The backlog of consents that have been outsourced continues to be actively addressed, with some remaining cases expected to take time to resolve. A new reporting system, scheduled for implementation at the beginning of the new financial year, will enhance visibility into current consent volumes and processing timelines.
-

- b) Transportation (footpath length recording as failed when measured in 2022/23). This survey is measured every three years with the next condition survey due in 2025/26.
- c) Wastewater Treatment – one infringement notice was received in Quarter 1 on a discharge on Rifle Range Road.

### ***Significant capital projects***

#### *Progress on Delivery*

18. Progress to date on the Significant Capital Projects to deliver as outlined in LTP 2024 have been summarised in the appendix. Most of the construction work on the Thermal Dryer—the largest project—is now complete, with the focus shifting to commissioning activities. Downer have provided a suitably qualified commissioning lead and planning for the commissioning is progressing well. Pre-commissioning of equipment is scheduled for July-August 2025. Electrical safety works are ongoing and are expected to be completed by July 2025. The handover of the facility to Haarslev for their commissioning and product testing is now expected in late September to early October, a delay of approximately three months.

#### *Work in Progress (WIP)*

19. At the Finance, Audit and Risk Committee meeting on the 7<sup>th</sup> of May, a request was made to include a dedicated section in the quarterly reporting outlining the capital WIP balance held on Council's balance sheet. This addition aims to enhance transparency and provide greater oversight of movements within the WIP account throughout the year. The request aligns with Audit New Zealand's recommendation in their most recent management report on the Annual Report 2023/24, which emphasised the importance of regularly reviewing WIP<sup>2</sup>, to ensure project costs are correctly classified as either capital or operational, and reducing asset addition accruals<sup>3</sup>, to ensure timely capitalisation upon projects completion.

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<sup>2</sup> WIP represents the costs incurred towards assets that are still under construction or development and not yet ready for use. In accordance with accounting standards, these costs are recorded separately in Council's balance sheet until the assets are available for use. This practice ensures accurate asset valuation and financial transparency. Once construction is complete, these costs are transferred to the fixed asset register, where they are revalued and depreciated in line with Council's accounting policies.

<sup>3</sup> Asset addition accruals occur when a project is complete and the asset is available for use, but an asset locator has not yet been created, preventing capitalisation in the fixed asset register. Using accruals ensures that Council is compliant with the requirements of asset accounting standards, namely that capital expenditure is transferred out of WIP to the appropriate asset class at the time the asset is available for use.

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20. As at 31 March 2025, Council's WIP balance stands at \$178.8m, reflecting a net increase of \$59.4m since 1 July 2024 (comprising \$77.5m in additions less \$18.1m in capitalisations). At 30 June 2024, Council had accrued \$27.6m in asset additions. This has since been reduced by \$6.7m, bringing the current accruals to \$20.9m. Included in accruals are \$10.4m of Universal Water Meter assets that are pending asset data handover due to project resourcing constraints. The remaining \$10.5m is distributed across several projects, with the top two largest being \$1.7m for Puke Ariki Long-Term Refreshment and \$3m in IT infrastructure. Both are scheduled to be formally capitalised by year-end.
  21. A summary of WIP by Activity, the top 10 WIP projects and current asset addition accruals is provided in the Significant Capital Projects section of the appendix.

#### *Audit New Zealand Recommendation*

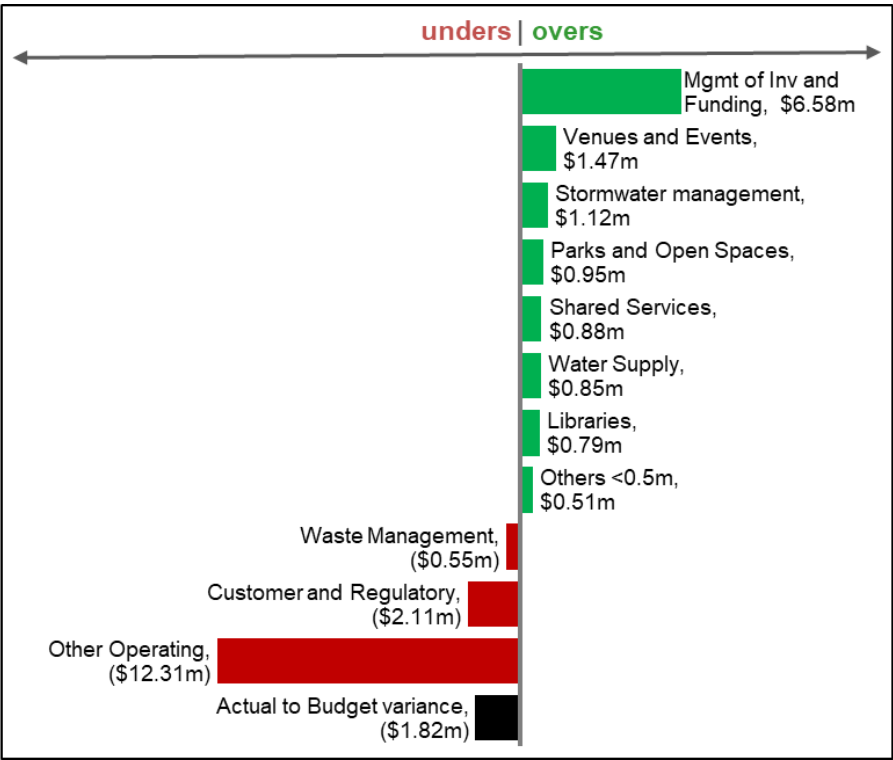
22. To provide context, capitalisation of an asset begins once the asset is available for use and the associated 'capital task' in the accounting system is closed by the project manager.
23. Challenges arise when assets are managed outside of TechOne, such as Roothing assets that are maintained in NZTA's database, creating gaps in data integration. To address this mismatch, additional steps have been introduced to the capitalisation process. Each project is now individually reviewed before being capitalised from registers outside of TechOne. Previously, asset values were batch imported into TechOne based on external data.
24. In addition, the Asset Accounting team holds regular meetings with project managers to reinforce the correct classification of tasks as either operational or capital. This also ensures accurate categorisation from the outset of a project.
25. This should address Audit's New Zealand recommendation to ensure project costs are correctly classified as either capital or operational.

#### ***Financial performance***

##### *YTD rating deficit - Cost of Service Statement*

26. The rates surplus/(deficit) stated in Council's Cost of Services Statement page, refers to money used to fund Council's day-to-day operations. It only uses the actual cash available, and can't touch money set aside for specific things, such as revenue from NZTA dedicated to funding our roads, or non-cash items such as vested assets and depreciation.
-

27. In the LTP 2024, Council adopted a budgeted operating surplus of \$31.98m for the year with the aim to break even in terms of rates funding. For the March quarter, Council's Cost of Services Statement report indicates an operating surplus of \$17.5m, which is behind the budgeted surplus of \$19.3m by \$1.8m.
28. The report also shows a rating surplus of \$1.8m, which is \$0.1m higher than the budgeted rates surplus of \$1.7m for the quarter.
29. Several non-cash and ring-fenced items make up for the third quarter difference between the operating surplus of \$17.5m and the rating surplus of \$1.8m. The reconciliation between operating surplus and rating deficit is listed at the bottom of the Cost of Services Statement report.
30. The Cost of Services Statement is followed by graphs for each Activity showing revenue and expenditure, listing the main items that have contributed to the Actual to Budget operating variance. The main activities contributing to this variance are presented in the graph below:



31. Noteworthy financial considerations for the quarter include:
- a) Management of investment and funding, includes a \$13.3m positive increase in the value of the PIF against budgeted gains of \$6.3m.

- 
- b) Venues and Events is under budget mostly due to unrealised expenditure as a consequence of running fewer concerts at the Bowl of Brooklands (\$200k), less uptake in venue hire, hosting one less summer event than anticipated (\$450k), and from the Yarrow Stadium rebuild which has disrupted operations (\$350k). Lower operating project costs for the multi-Sport Hub project was also a contributor (\$150k). Despite the lower venue hire, the activity was able to meet their targeted revenue by achieving higher commissions.
  - c) Stormwater Management savings are mostly due to timing of grants receipts for the Tangaroa Project (\$200k), lower depreciation than budget (\$400k), timing of delivery of the Catchment Management Plan (\$250k) and Phase One of Puketapu area (\$150k) projects.
  - d) Parks and open spaces is also under budget due to timing of grants received for the Destination Play, Waitara Skate Park and the Te Rewa Rewa co-management plan (\$500k), and timing of delivery for the Planting our Place (\$200k).
  - e) Shared Services is under budget primarily due to timing of delivery of technology projects.
  - f) Water supply revenue is higher due to increased water usage over the summer period (\$150k), savings due to timing of project delivery (\$500k) offset by higher carbon dioxide costs (\$200k), depreciation (\$350k) and other operating and maintenance timing differences.
  - g) Libraries is under budget due to timing of Puke Ariki painting (\$350k) and exhibitions changeover (\$150k). The remainder comprises savings in building operating costs (\$100k) and other Community Libraries and Museums.
  - h) Waste Management is behind budget due to lower than expected revenue from the Commercial Waste Sorting Facility (\$1.1m) offset by the receipt of the Waste Levy Rebate (\$0.7m) which will be distributed to a reserve at year-end for future community use.
  - i) Customer and Regulatory Solutions is behind budget mainly due to lower-than-expected revenue from development contributions applications from growth areas (infill remains on target) (\$1.7m), lower subdivision consent activity (\$300k) and lower CBD parking activity (\$300k). This is offset by savings in the planning space due to timing of plan changes and support for appeal processes.
  - j) Other operating is behind budget predominantly due to accounting entries such as losses on disposal of assets (\$8m), unrealised losses on revaluation of derivative swaps (\$5m), and offset by gains on sale of land under the Waitara Lands Act (\$0.5m).
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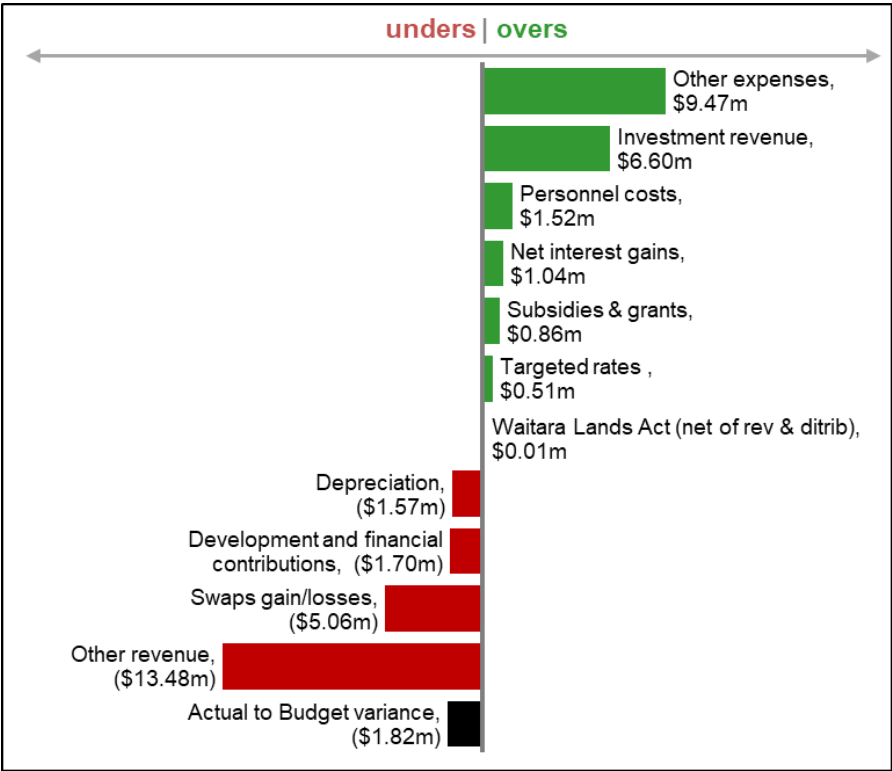
*Forecast rates deficit*

32. With the third quarter now completed, we are forecasting a deficit of approximately \$1.5m by 30 June 2025. The primary drivers of this deficit are:
  - a) Commercial Waste Sorting Facility revenue: ~\$1.2m.
  - b) Parking revenue: ~\$0.3m.
33. In response to the previously reported half-year forecast deficit of \$5m, Council approved the use of the General Renewal Reserve to cover the NZTA funding shortfall. Additionally, the local roads budget, which was previously overspent, is now expected to align with the year-end target. These adjustments have significantly reduced the projected deficit to the current estimate of \$1.5m.
34. Furthermore, over the last quarter, we have implemented cost reduction measures including:
  - a) *Centralisation and budget reductions*  
Training, Travel, and Catering Expenses – Approvals are now centralised via Executive Management Team for essential travel, training and catering.
  - b) *Vacancy management*  
We adopted a strategic approach to recruitment through vacancy management. The approach has ensured that the highest priority vacancies are filled at the right time.
35. The expectation from this approach is for lower spending over the next three months, and thereby a further reduction in the forecasted deficit, without compromising our levels of service. We are proactively monitoring our financial performance and adjusting our strategies as needed to navigate these economic conditions.

*YTD financial reporting surplus - Statement of Comprehensive Revenue and Expense*

36. Council's Statement of Comprehensive Revenue and Expense surplus/(deficit) reports the overall financial picture of Council by considering all money coming in (revenue) and going out (expenses). This is in accordance with strict reporting rules (Public Benefit Entities, International Public Sector Accounting Standards (PBE IPSAS)) and includes everything, even if it's not cash.
-

37. For the March quarter, Council reports an operating surplus of \$17.5m, behind the budgeted surplus of \$19.3m by \$1.8m. Detailed explanations of the factors contributing to this variance are provided in the Statement of Comprehensive Revenue and Expense page, as well as by Activity, in the pages that follow the Cost of Service Statement in the appendix. A graphical representation of the this variance is presented below:



**Treasury report**

*Compliance summary*

38. The Council diligently oversees treasury performance, including monitoring and reporting on borrowing covenants, interest rate risk, and exposure to credit and funding risk, in accordance with the Treasury Management Policy requirements. The Council remains compliant with all Treasury Management Policy limits.
39. More information on Council’s compliance against the Treasury Management Policy measures are included in the appendix.



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*Investment*

40. The PIF achieved a closing balance of \$392m as at 31 March 2025, compared to an opening balance of \$378.7m at 1 July 2024. To the end of the March quarter, Council has drawn down \$12m of distributions from the PIF to subsidise rates.
41. As at 31 March 2025, the Waitara Perpetual Community Fund has achieved cumulative net gains of \$2.95m since inception (February 2021). The balance of the Fund is sitting at \$23.2m and is included in Council's Statement of Financial Position under Current Assets and Other Reserves. The appendix gives more information about the history of the Fund, and Council's relationship to this investment.

*Borrowing*

42. Council's gross external debt is currently at \$390m, reflecting a net increase of \$60m for the year to date. This amount includes \$21m of prefunding that matures in April, at which point it will be incorporated into the Council's long-term debt.
  43. Council's weighted average cost of funds is at 4.28 per cent. Net interest costs at 31 March 2025 are approximately \$1m under budget.
  44. It is forecast that total debt at 30 June 2025 could exceed the debt limit approved in the LTP 2024 by \$32m. Accordingly, Council increased the debt limit for the current year by \$32m to a new limit of \$406m on 13 May 2025. The primary drivers for this increase are \$19m in unbudgeted on-lending to PRIP for their solar farm project, \$8m allocated for the accelerated delivery of capital projects (primarily the Thermal Dryer Facility and Tūparikino Active Community Hub), and \$5m for additional borrowings to meet liability requirements through to 30 June 2025. Additional information on the request to increase the debt limit is included in the report "Additional Borrowing Requirement for 2024/25", in the agenda for the Council meeting held 13 May 2025.
  45. To safeguard Council's financial position and maintain public confidence, we will continue applying risk mitigation strategies, including ongoing monthly financial reviews to track deficit trends, evaluate budget performance, and adjust forecasts as needed for effective budgetary oversight. Additionally, we have strengthened budgetary controls through stricter expenditure monitoring, sharing regular insights with management on performance across all departments to contain operational costs and reduce the risk of future deficits.
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### *Reserves*

46. Transfers into and out of Council's various reserves for the 9 months to 31 March 2025 are shown on page 74 of the appendix. The transfers shown exclude budgeted funding for the current year, aside from transfers between reserves approved at the extraordinary Council meeting held 18 February 2025, and appropriations from reserves for eligible expenditure incurred to date. All other transfers for the current year will be processed in the quarter ending 30 June 2025 and included in the Annual Report 2024/25.
47. Council operating reserves have sufficient balances to meet commitments approved and are all currently in credit, with the exception of the Esplanade Strips and TEMO Operational Fund reserves, which are overdrawn due to decisions made by Council to fund prior year operational losses from these activities.

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

48. There are no financial and resourcing implications associated with the performance reporting.

### **IMPLICATIONS ASSESSMENT / HĪRANGA AROMATAWAI**

49. 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.
  - 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 / NGĀ ĀPITI HANGA**

- Appendix 1: NPDC Performance Report for the period 1 July 2024 to 31 March 2025 (ECM 9499232)

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**Report Details**

Prepared By: Mitchell Dyer (Corporate Planning and Policy Lead) and Loren Moore (Financial Services Lead)

Reviewed By: Renee Davies (Manager Strategic Planning) and Matthew Thomson (Manager Finance)

Team: Corporate Planning and Policy

Approved By: Helena Williams (General Manager Strategy and Planning) and Jacqueline Baker (General Manager Corporate Innovation)

Ward/Community: District-wide

Date: 9 May 2025

File Reference: ECM 9499231

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

# Quarterly Performance Report

1 July 2024 to 31 March 2025



Te Kaunihera-ā-Rohe o Ngāmotu  
**New Plymouth  
District Council**

15.1



This quarterly performance report provides a summary of progress NPDC has made against the Long-Term Plan (LTP) 2024-2034 for Quarter 3 2024/25 (1 July 2024 to 31 March 2025).

The LTP 2024-2034 is published on the Council's website [www.npdc.govt.nz](http://www.npdc.govt.nz)



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

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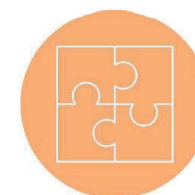
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**Achievements during the quarter**



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**Financial performance and Treasury reporting**



## Achievements during the quarter Ngā hua o tēnei wāhanga

This section provides a spotlight on work programme(s)/achievements during Quarter 3 (1 January to 31 March 2025).



### ***Progress for Tūparikino Active Community Hub***

Work started on the demolition of public stand at the New Plymouth Raceway, marking a major milestone in the development of the Hub.

The removal of the stand opens the way for the construction of a six-court indoor stadium – the first stage of the project to enhance sport and recreation opportunities for the region.



### ***Drilling rig to get a look inside Pukekura Park dam***

NPDC is taking an in-depth look at Pukekura Park's main lake dam to find out how it was built.

The dam, between the band rotunda and the waterfalls, is 147 years old and design specifications do not exist.

We have extracted samples for analysis, and equipment has been installed in the bore-holes for ongoing monitoring of the dam's performance.



### ***Ōkato kids explore their creativity***

Ōkato tamariki are expanding their imaginations in an after-school art programme thanks to funds from NPDC's Creative Communities Scheme.

We opened a new round for application.



### ***Parking meter upgrade***

NPDC replaced its ageing parking meters in New Plymouth's city centre with 100 new units offering a wider range of payment options.



### ***Facelift for Inglewood***

Some of Inglewood's oldest buildings are getting a facelift for the town's 150th jubilee thanks to NPDC's Built, Cultural Heritage Protection Fund.

The improvements to Fern Lodge (built in 1875) and the Railway Hotel (1876) rejuvenated the town for the big anniversary, in January.



### ***Sewer installation to support housing development***

Massive piles began being put into place in Sutherland Park in January as part of a new sewer line connecting to the Patterson Road housing development.

The 1.1km pipeline will have a shared pathway on top of it, making it a great facility for people in the Hurdon, Frankleigh Park and Ferndale suburbs.



### ***Ventilation upgrade for Todd Energy Aquatic Centre***

Work began in March to replace the indoor pools' 20-year-old ventilation system with a new, more efficient one.

The outdoor pool has been kept open until the end of May while this work is carried out.



### ***Five days of kapa haka magic!***

In February, Ngāmotu New Plymouth hosted Te Matatini at the Bowl of Brooklands. Hundreds of performers and thousands of spectators turned out to watch the best kapa haka teams in the country, culminating in a sell-out for finals day. Also watched by millions around the world. Te Matatini was followed by WOMAD, ending a busy summer on the local event scene.

*Photo: Te Matatini Enterprises*





## Non-financial performance measures by Council Service area

Ngā tātai aronui ā te  
Kaunihera



## Overview

### Kōrero Whakarāpopoto

Performance measures help us report back on our service performance. Targets are set for the full financial year. The table below gives an overview of how we are tracking across the 16 Council service areas for Quarter 3, 1 July 2024 to 31 March 2025 compared to the same period last year, noting a key performance indicator increase in Long-Term Plan 2024-2034.

Council Service	This period (Q3 2024/25) based on LTP 2024-2034 (112 performance measures)				Target Not Met trend compared to same period last year	Same period last year (Q3 2023/24) based on LTP 2021-2031 (108 performance measures)			
Community Partnerships	1			4	=	1			4
Customer and Regulatory Solutions	4	1	3	1	↓	4	1	2	1
Economic Development	3			2	=	6	1		1
Emergency Management and Business Continuance	5				=	5	1		
Flood Protection and Control Works	3				=	1			
Governance (one measure not reported on as no triennial elections in 2024/25)	2				=	3			
Govett-Brewster Art Gallery/Len Lye Centre	4			1	=	4			1
Management of Investments and Funding	2				=	2			
Parks and Open Spaces	3			5	=	2			5
Puke Ariki and Community Libraries	10			1	=	8	2		1
Stormwater Management	8			1	=	8			
Transportation	2		1	5	=	2		1	5
Venues and Events	3	1		3	=	2	1		3
Waste Management and Minimisation	5			3	=	6			
Wastewater Treatment	8		1	1	↓	9	1		
Water Supply	10	2		2	=	11	2		1
<b>Total</b>	<b>73</b>	<b>4</b>	<b>5</b>	<b>29</b>		<b>74</b>	<b>9</b>	<b>3</b>	<b>22</b>
	<b>66%</b>	<b>4%</b>	<b>5%</b>	<b>26%</b>		<b>69%</b>	<b>8%</b>	<b>3%</b>	<b>20%</b>

● Achieved or on target


● Behind target

● Target not met

● Data not available and will be reported in the Annual Report 2024/25

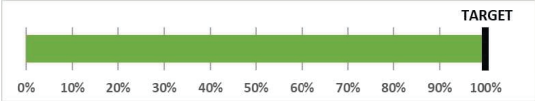
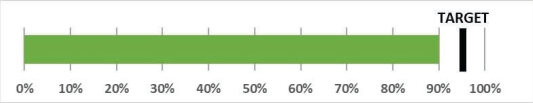
# Community Partnerships

## Ngā rangapū ā-hapori

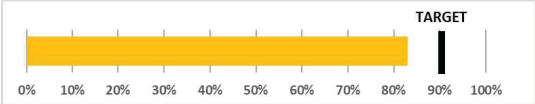
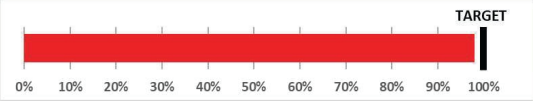
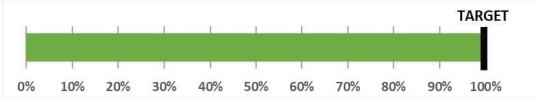
Build strategic relationships that support collaboration, capability and capacity in the community sector.		Provide a 'start-up' fund to support creativity and collaboration in new community initiatives.				
<div>Not yet available</div> <p>The percentage of partners satisfied with NPDC's advice and involvement in community initiatives.</p> <p><b>Target: 95%</b></p> <p>Annual measure provided at the completion of Q4.</p>	<div>Not yet available</div> <p>The percentage of residents satisfied with NPDC's advice and support to community groups (satisfaction survey).</p> <p><b>Target: 90%</b></p> <p>Annual measure provided at the completion of Q4.</p>	<div>Achieved - 4</div> <p>The number of initiatives receiving 'start up' financial support.</p> <p><b>Target: 3</b></p> <div><table><tr><th>Value</th><th>Target</th></tr><tr><td>4</td><td>3</td></tr></table></div> <p>An increase from same period last year (3). Q1 &amp; Q2: One</p>	Value	Target	4	3
Value	Target					
4	3					
Provide effective funding support for community organisations and initiatives.	Effectively coordinate and administer the Housing for the Elderly service.					
<div>Not yet available</div> <p>The percentage of key performance indicators achieved by recipients of the NPDC's grants (as set out in funding contracts).</p> <p><b>Target: 95%</b></p> <p>Annual measure provided at the completion of Q4.</p>	<div>Not yet available</div> <p>The percentage of tenants satisfied with the service.</p> <p><b>Target: 90%</b></p> <p>Annual measure provided at the completion of Q4.</p>					

# Customer and Regulatory Solutions

## Ngā Whakatika i ngā Kiritaki me ngā Waeture

Animal control processes contribute to a safe and healthy community.		
<div>On target – 100%</div> <div>The percentage of dog attacks responded to within two hours.</div> <div>Target: 100%</div> <div></div> <div>Consistent with same period last year.</div> <div>Q1 &amp; Q2: 100%</div>	<div>On target – 90%</div> <div>The percentage of known dogs registered.</div> <div>Target: 95%</div> <div></div> <div>An increase from same period last year (86%). While Q3 presented a 24% increase in reported dog attacks which require priority officer resourcing, Animal Control Officers continue to contact dog owners whose dog registration fees are yet to be paid, issue infringements for non-payment, as well as patrol popular areas in the district to identify unregistered dogs.</div> <div>Q2: 88%</div> <div>Q1: 85%</div>	<div>Not yet available</div> <div>The percentage of residents satisfied with animal control activities (satisfaction survey).</div> <div>Target: 90%</div> <div>Annual measure provided at the completion of Q4.</div>

Customer and Regulatory Solutions

Respond to logged complaints in a timely manner.	Process requests for official information within timeframes set under Local Government Official Information and Meetings Act (1987).	Conduct alcohol licensing inspections in accordance with statutory requirements.
<div>Behind target – 83%</div> <p>The percentage of formal complaints that receive an interim reply or are resolved within five working days.</p> <div>Target: 90%</div> <div></div> <p>Delays to response times to complaints were driven by a continuation of volume and complexity. Processes have been put in place to address areas of attention. Q3 showed 90%, an improvement on previous quarters but year-to-date at 83% behind the same period last year (90%). There have been 200 formal complaints received to date (72 in Q1, 57 in Q2, 71 in Q3) compared to 136 for same period last year.</p> <p>Q2: 78% Q1: 85%</p>	<div>Target not met – 98%</div> <p>The percentage of requests for official information completed within statutory timeframe.</p> <div>Target: 100%</div> <div></div> <p>A decrease from same period last year (100%). There have been 263 official information requests received to date (85 in Q1, 87 in Q2, 91 in Q3), compared to 230 for same period last year.</p> <p>Of the 263 requests received to date, five requests were completed outside the timeframe. A weekly report detailing the status of requests is emailed to General Managers, Managers and Leads for their review. Resourcing pressures and the substantial or complex nature of requests has led to a small percentage of requests exceeding the legislated timeframe.</p> <p>Q1 &amp; Q2: 98%</p>	<div>On target – 100%</div> <p>All businesses applying for licenses under the Sale and Supply of Alcohol Act 2012 will be inspected in accordance with statutory requirements.</p> <div>Target: 100%</div> <div></div> <p>Consistent with same period last year. We have a total of 231 licensed premises in the district. All premises are inspected when new or renewal applications are received, or on a report of non-compliance. All licensing requirements have been met.</p> <p>Q1 &amp; Q2: 100%</p>

Customer and Regulatory Solutions

Process consent applications within statutory timeframes.		
<div><div>Target not met – 97%</div><div>The percentage of building applications processed within statutory timeframes (consents and code compliance certificates).</div><div><div>Target: 100%</div><div><div><div>0%</div><div>10%</div><div>20%</div><div>30%</div><div>40%</div><div>50%</div><div>60%</div><div>70%</div><div>80%</div><div>90%</div><div>100%</div></div><div>TARGET</div></div></div></div> <div><div>An increase from same period last year (94%). There has been a total of 2,178 building applications processed to date within statutory timeframes:</div><div><div><div>• 841 in Q1 (487 building consent applications and 354 code compliance certificates).</div><div>• 671 in Q2 (407 building consent applications and 264 code compliance certificates).</div><div>• 666 in Q3 (384 building consent applications and 282 code compliance certificates).</div></div></div><div><div>Q3 showed an improvement on previous years, with 99% of building consents processed within statutory timeframes.</div><div><div>Q2: 97% (cumulative)</div><div>Q1: 95%</div></div></div></div>	<div><div>Target not met – 52%</div><div>The percentage of non-notified resource management consents processed within statutory timeframes.</div><div><div>Target: 100%</div><div><div><div>0%</div><div>10%</div><div>20%</div><div>30%</div><div>40%</div><div>50%</div><div>60%</div><div>70%</div><div>80%</div><div>90%</div><div>100%</div></div><div>TARGET</div></div></div></div> <div><div>A decrease from same period last year (73%). There has been a total of 174 non-notified consents processed to date within statutory timeframes:</div><div><div><div>• 63 of 103 in Q1 (40 exceeded) - 61%*</div><div>• 61 of 132 in Q2 (71 exceeded) - 46%**</div><div>• 50 of 101 in Q3 (51 exceeded) – 50%.</div></div></div><div><div>The backlog of resource consents has been outsourced and worked through. A new reporting system, set to be implemented at the start of the new financial year, will provide a clearer understanding of current consents and their timeframes.</div><div><div>Note: Numbers updated above from previous Q1 and Q2 reports of non-notified consents within statutory timeframes:</div><div><div>* 53 of 87 in Q1 (34 exceeded timeframes) – 61%.</div><div>** 52 of 114 in Q2 (62 exceeded timeframes) – 46%</div></div></div></div></div>	<div><div>On target – 100%</div><div>The percentage of non-notified resource management consents where decisions to extend timeframes meet the requirements of the Resource Management Act 1991 requirements.</div><div><div>Target: 100%</div><div><div><div>0%</div><div>10%</div><div>20%</div><div>30%</div><div>40%</div><div>50%</div><div>60%</div><div>70%</div><div>80%</div><div>90%</div><div>100%</div></div><div>TARGET</div></div></div></div> <div><div>New systems now ensuring that requirements of the Resource Management Act for timeframe extensions are being complied with.</div><div><div>Q1 &amp; Q2: 100% (previously reported in error as 85%)</div></div></div>

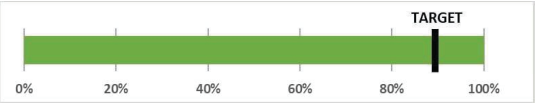
# Economic Development

## Whakawhanake Ohaoha

<b>Promote the New Plymouth District and the Taranaki region as a vibrant and desirable place to work, live, learn, play and invest.</b>		<b>Facilitate, promote, and support sustainable business growth, innovation, investment and employment opportunities in Taranaki.</b>	
<div><h2>On target - 2</h2><p>The number of major events attracted or retained.</p><p><b>Target: 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Economic Development

Facilitate, promote, and support sustainable business growth, innovation, investment and employment opportunities in Taranaki.	
<div>Not yet available</div> <div>Number of events, programmes or initiatives to drive change and support regional strategy objectives such as in Tapuae Roa and Taranaki 2050.</div> <div>Target: 10</div> <div>Annual measure will be provided at the completion of Q4.</div>	<div>On target – 100%</div> <div>Performance measures and reporting requirements of external contracts (such as with central government) are achieved.</div> <div>Target: 90%</div> <div></div> <div>This is a new measure. To date we have 10 external contracts. The projects and the deliverables are either complete or on track.</div> <div>Q1 &amp; Q2: 100%</div>


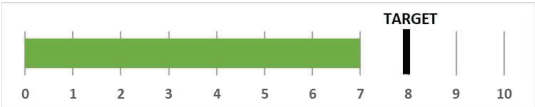


# Emergency Management and Business Continuance

## Whakahaere Wā Mōrearea me te Tōnuitanga Pakihi

Ensure NPDC is ready for, can respond to, and can recover from emergencies.		
<div>Achieved</div> <div>Emergency processes and plans are reviewed and updated annually as per review schedule.</div> <div>Target: Achieved</div> <div>All plans reviewed and finalised December 2024. New review cycle to be developed and will be communicated to managers.</div>	<div>On target</div> <div>Recruit, train, and maintain a database of at least 150 staff and volunteers capable of responding to an emergency.</div> <div>Target: Achieved</div> <div>An increase from same period last year (100). There are 178 recruited and trained staff and volunteers (122 trained EOC staff, 56 trained community volunteers who are aligned with Civil Defence Centre within the region).</div> <div>Training courses for 2025 have been socialised and will continue to be promoted throughout the organisation and to the wider community.</div> <div>Q2: 186 recruited and trained staff and volunteers</div> <div>Q1: 162 recruited and trained staff and volunteers</div>	<div>On target</div> <div>Ensure the NPDC Emergency Operations Centre (EOC) is fit for purpose.</div> <div>Target: Complete monthly system checks and an annual EOC capability audit</div> <div>Monthly checks completed. Next scheduled annual EOC capability audit will take place in May 2025.</div>

Emergency Management and Business Continuance

Ensure NPDC is ready for, can respond to, and can recover from emergencies.	Assist the New Plymouth community in becoming ready for, responding to, and recovering from emergencies.
<div>Achieved - 5</div> <div>Develop and implement an NPDC emergency exercise programme.</div> <div>Target: Undertake two emergency exercises</div> <div></div> <div>An increase from same period last year (3). Cold debrief in July to close out exercise Ru Whenua, two table tops exercises were conducted in October focusing on Avian influenza and community exercise with Red Cross held at Northpoint Church in October. Additional exercises planned for Q4.</div> <div>Q2: Five (cumulative) Q1: One</div>	<div>On target - 7</div> <div>Emergency Centres are identified, assessed and formalised with Memorandum(s) of Understanding.</div> <div>Target: 8</div> <div></div> <div>Consistent with same period last year (7). Seven Civil Defence centres identified, assessed and formalised with MOUs: Owae Marae, North Taranaki Sports and Recreation Waitara, Northpoint Baptist Church, Coastal School, Knox Church, Ōākura Bowling Club, TET Stadium Inglewood.</div> <div>Sites for additional Emergency Centres being investigated with three potential sites identified and initial conversations undertaken. Site assessments now begin to determine suitability.</div> <div>Exercising with North Point Church and Red Cross further enhances community preparedness.</div> <div>Q1 &amp; Q2: Seven</div>

# Flood Protection and Control Works

## Tiakina Waipuke me ngā Mahinga Whakahaere

Major flood protection scheme assets and systems are maintained in accordance with asset management plans and annual works programme.		Major flood protection scheme assets and systems are repaired in accordance with asset management plans and annual works programme.
<div>On target</div> <p>Assets to be maintained to full service potential in accordance with the Dam Safety Management System and Asset Management System (T1) scheduled maintenance.*</p> <p><b>Target: Achieved</b></p> <p>Maintenance is being scheduled accordingly.</p>	<div>On target</div> <p>Dam Safety Management System is updated in accordance with Dam Safety Regulation.</p> <p><b>Target: Achieved</b></p> <p>Adhering to the new regulations.</p>	<div>On target</div> <p>Following an event, damage is identified and programmed for repair.</p> <p><b>Target: Achieved</b></p> <p>Clearing debris at several intakes to prevent damage after an event.</p>

Note: Renewal works are not included in Council's asset management plans/annual programme due to the current remaining lives of the assets.

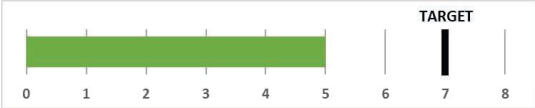
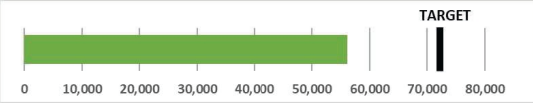
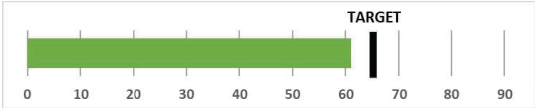
\* Flood protection assets are maintained in accordance with the maintenance scheduled in NPDC's Tech 1 system.

Governance  
Kāwanatanga

Effectively manage local elections in accordance with statutory requirements.		Ensure NPDC processes comply with statutory requirements.
<div>Not applicable</div> <div>Elections and polls comply with the provisions of the Local Electoral Act 2001 and are without successful petitions for inquiry into the conduct of elections.</div> <div>No triennial elections in this year</div>	<div>On target</div> <div>The Long-Term Plan, Annual Plan and Annual Report are each adopted within statutory timeframes.</div> <div>Target: Full compliance</div> <div>The Annual Report 2023/24 was adopted on 16 December 2024. Preparatory work on the Annual Plan 2025/26 continued.</div>	<div>On target</div> <div>Meeting agendas are available at least two working days before every meeting.</div> <div>Target: Full compliance</div> <div>Meeting agendas provided online within statutory timeframes. Hard copies available to members of the public on request.</div>

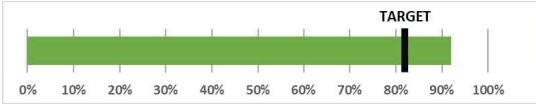
# Govett-Brewster Art Gallery/Len Lye Centre

## Te Whare Toi ā Govett-Brewster me Len Lye

Provide access to an engaging range of contemporary art from New Zealand and around the world.		
<div>On target - 5</div> <div>The annual number of exhibitions on offer.</div> <div>Target: 7</div> <div></div> <div>A decrease from same period last year (8). One exhibition opened during the third quarter: Stitching Solidarity: Artists for Palestine.</div> <div>Q2: Four (cumulative) Q1: Two</div>	<div>On target – 56,185</div> <div>The annual number of visitor entries.</div> <div>Target: 72,000</div> <div></div> <div>A decrease from same period last year (67,789 – target 70,000). The Gallery received a total of 18,120 visitor entries during the third quarter – 7,846 in January, 4,117 in February and 6,157 in March.</div> <div>Q2: 38,0651 (cumulative) Q1: 17,462</div>	<div>On target - 61</div> <div>The annual number of audience engagement events.*</div> <div>Target: 65</div> <div></div> <div>A decrease from same period last year (86 – target 60). The Gallery delivered 8 audience engagement events in February and 8 in March, as well as 3 recurring events during the quarter.</div> <div>Q2: 42 (cumulative) Q1: 22</div>

\* These include formal ticketed events such as the Monica Brewster evenings, free and paid gallery and exhibition tours, targeted free events such as Sense Art tours, Gallery Babes and Gallery Seniors, education programmes including Young Visionaries, family art and workshops, and other public talks, lectures, tours and workshops.

Govett-Brewster Art Gallery/Len Lye Centre

Provide access to an engaging range of contemporary art from New Zealand and around the world.	
<div>Not yet available</div> <div>The percentage of residents satisfied with the service (satisfaction survey).</div> <div>Target: 65%</div> <div>Annual measure provided at the completion of Q4.</div>	<div>On target – 92%</div> <div>The percentage of customers satisfied with their overall experience at the Govett-Brewster Art Gallery/Len Lye Centre (in-house surveys).</div> <div>Target: 82%</div> <div></div> <div>A decrease from same period last year (94%). Year to date 344 visitors were surveyed, who reported to be very satisfied (77.3%) or satisfied (15.1%).</div> <div>Q2: 94%</div> <div>Q1: 91%</div>

# Management of Investments and Funding

## Whakahaere o ngā Haumitanga me ngā Pūtea Mōni

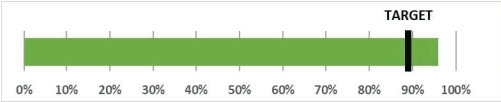
Manage the Perpetual Investment Fund (PIF) to provide sustainable NPDC revenue.	Manage NPDC’s borrowing programme in accordance with the Liability Management Policy.*
<p><b>On target</b></p> <p>The annual return from the PIF received by NPDC.</p> <p><b>Target: 3.3% + CPI + management fees and costs</b></p> <p>The fund has an unrealised gain of \$13.2m for the nine months to 31 March 2025.</p> <p>NPDC have received \$8.9m from the PIF for the year to date.</p>	<p><b>On target</b></p> <p>Debt levels comply with limits set by policy.</p> <p><b>Target: All measures met</b></p> <p>Net debt as at 31 March 2025 was \$(98)m.**</p> <ul style="list-style-type: none"><li>• Net debt of total revenue is (37.6)% - TMP maximum limit is 135%.**</li><li>• Net interest expense on external debt is 5.0% of total revenue – TMP maximum limit is 10%.</li><li>• Net interest expense on external debt of total annual rates income is 8.2% - TMP maximum limit is 12.5%.</li><li>• Liquidity is 109.1% over existing debt – TMP target is to be greater than 105%.</li></ul>

\* The Liability Management Policy is incorporated within the Treasury Management Policy (TMP) which was updated and approved by the Council on 18 June 2024.

\*\* The result for these measures are negative as the Council’s net debt is nil. This is because the Council’s liquid assets are greater than borrowings

# Parks and Open Spaces

## Ngā Papa Rēhia me ngā Wāhi Tuwhera

Maintain quality district parks, reserves and open spaces.		
<div>Not yet available</div> <div>The percentage of residents satisfied with the quality of the district's parks and reserves, including the Coastal Walkway and Pukekura Park (satisfaction survey).</div> <div>Target: 95%</div> <div>Annual measure provided at the completion of Q4.</div>	<div>Not yet available</div> <div>The percentage of residents satisfied with the quality of the district's urban landscapes and streets (satisfaction survey).</div> <div>Target: 90%</div> <div>Annual measure provided at the completion of Q4.</div>	<div>Not yet available</div> <div>The percentage of residents satisfied with the quality of the district's sports grounds (satisfaction survey).</div> <div>Target: 90%</div> <div>Annual measure provided at the completion of Q4.</div>
<div>Not yet available</div> <div>The percentage of residents satisfied with the quality of the district's playgrounds (satisfaction survey).</div> <div>Target: 95%</div> <div>Annual measure provided at the completion of Q4.</div>	<div>Achieved – 96%</div> <div>The percentage of compliant playgrounds with NZ Safety Standards.</div> <div>Target: 90%</div> <div></div> <div>An independent audit of playgrounds was completed in March 2024. This audit is completed every three years with the next audit due in 2027.</div>	<div>Achieved – 97%</div> <div>The percentage of Brooklands Zoo visitors satisfied with the zoo (in-house survey).</div> <div>Target: 90%</div> <div>An increase from 2023/24 (96%).</div>



Parks and Open Spaces

Maintain access to the district's parks, reserves and open spaces.	Provide quality public toilets across the district.
<div>Achieved – 88%</div> <p>The percentage of households in the district that are within 500 metres of a park, reserve or neighbourhood open space.</p> <p>Target: 80%</p> <div><div></div><div>TARGET</div></div> <p>An increase from the same period last year (84%). New processes for asset data collection have been initiated providing for improved annual reporting on this measure.</p>	<div>Not yet available</div> <p>The percentage of the community satisfied with the quality of the district's public toilets (satisfaction survey).</p> <p>Target: 80%</p> <p>Annual measure provided at the completion of Q4.</p>

# Puke Ariki and Community Libraries

## Puke Ariki me ngā Whare Pukapuka ā-hapori

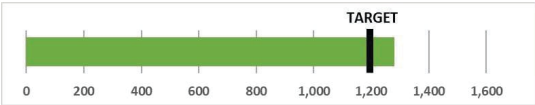
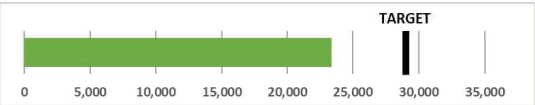
Provide an accessible and informative point of contact and booking service for visitors to New Plymouth District.	Ensure library collections, including digital resources, are available to meet the needs of the community.	Ensure our libraries are accessible across the district.
<div>On target – 100%</div> <p>The percentage of customers satisfied with the i-SITE Visitor Information Centre (in-house survey).</p> <p>Target: 98%</p> <div><div></div></div> <p>Same period last year 100%.</p> <p>Q1 &amp; Q2: 100%</p>	<div>On target – 3.1 items</div> <p>The number of items per capita is maintained.</p> <p>Target: 3 to 3.5 items</p> <p>Consistent with same period last year (3.1 items).</p> <p>Q1 &amp; Q2: 3.1 items</p>	<div>On target – 1,477 per day</div> <p>The average number of customers per day across Puke Ariki and community libraries.*</p> <p>Target: 1,000 per day</p> <div><div></div></div> <p>This is a new measure. To date there have been 404,784 visitors to all libraries (142,081 in Q1, 135,495 in Q2, 127,208 in Q3).</p> <p>Q2: 1,509 per day</p> <p>Q1: 1,544 per day</p>

\* Physical visits to Bell Block, Waitara, Inglewood, Urenui, Ōākura community libraries and the mobile library.



Puke Ariki and Community Libraries

<p>Provide access to online information using public computing devices.</p>
<p>On target</p> <p>Free WiFi available and access to online information using public computers and customer devices is available.</p> <p>Target: Free access at all libraries</p> <p>Free WiFi and access to free public computers and printing services across all libraries continues to be well used.</p>

Puke Ariki and Community Libraries

Offer widely accessible and engaging education programmes and public and community programmes.		
<div>Achieved – 1,281</div> <div>The annual number of programmed learning opportunities on offer.</div> <div>Target: 1,200</div> <div></div> <div>A decrease from same period last year (1,593).</div> <div>Q2: 989 (cumulative)</div> <div>Q1: 606</div>	<div>On target – 23,357</div> <div>The number of participants attending.</div> <div>Target: 29,000</div> <div></div> <div>A decrease from same period last year (32,466).</div> <div>Q2: 18,166 (cumulative)</div> <div>Q1: 11,142</div>	<div>Not yet available</div> <div>The percentage of participants satisfied with programmes (in-house survey).</div> <div>Target: 95%</div> <div>Annual measure provided at the completion of Q4.</div>

Puke Ariki and Community Libraries

Provide new, dynamic exhibitions regularly to ensure visitor engagement and repeat visits.		
<div>On target – 0</div> <div>Refresh of permanent galleries.</div> <div>Target: 1</div> <div>A decrease from same period last year (1). Taranaki Naturally Earth Sciences section upgrade is in progress and due to be completed in Q4.</div> <div>Q1 &amp; Q2: None</div>	<div>Achieved - 2</div> <div>Temporary exhibitions annually.</div> <div>Target: 2</div> <div></div> <div>An increase from same period last year (1).</div> <div>Q2: Two (cumulative)</div> <div>Q1: One</div>	<div>Achieved - 7</div> <div>Additional exhibitions per year in other Gallery spaces.</div> <div>Target: 4</div> <div></div> <div>An increase from same period last year (3). A further four exhibitions opened in the third quarter: <i>Te Hono Wairua</i>   <i>The Joining of Spirits</i> (Foyer) opened 31 January 2025; <i>He Hokinga Mahara Kapa Haka</i>   <i>A Journey Back</i> film( Theatre) opened 31 January 2025; <i>Ngā Pare Whakatikitiki</i>   <i>The Adorned Lentils</i> (Ōākura, Inglewood, Bell Block and Waitara Libraries) opened 10 and 11 February 2025; and <i>Pupuru Taonga - Preserving Treasures</i> (TRC) opened 14 February 2025.</div> <div>Q2: Three</div> <div>Q1: None</div>


Puke Ariki and Community Libraries

Provide online access to the heritage collection through a variety of platforms.

**Achieved - 5**

Addition of digital product/experiences and other digital platform exhibitions per year.

**Target: 4**



Metric	Value
Achieved	5
Target	4

A decrease from same period last year (6). WW2 Servicemen Story Collection and Unidentified Soldiers' resource.

Q2: Four (cumulative)  
Q1: Two

# Stormwater Management

## Whakahaere Wai Marangai

Provide a stormwater management system that protects people and property.	
<div>On target - 0</div> <div>The number of flooding events in the district per financial year.</div> <div>Target: 0</div> <div>Consistent with same period last year. There have been no flooding events in the district.</div>	<div>On target - 0</div> <div>The number of habitable floors affected in each flooding event (per 1,000 properties connected to NPDC's stormwater system).</div> <div>Target: 1 or less</div> <div>Consistent with same period last year. There have been no flooding events which have flooded habitable floors.</div>

Stormwater Management

Comply with all resource consents for discharges from our stormwater system.		
<div>On target – 0</div> <div>The number of abatement notices received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No abatement notices received.</div>	<div>On target – 0</div> <div>The number of infringement notices received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No infringement notices received.</div>	<div>On target – 0</div> <div>The number of enforcement orders received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No enforcement orders received.</div>
<div>On target – 0</div> <div>The number of convictions received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No convictions received.</div>		



Stormwater Management

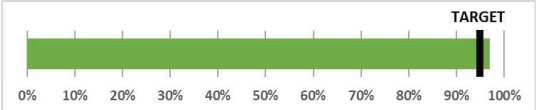
Respond to service requests in a timely manner.	Ensure customers are satisfied with the performance of our stormwater system.	Provide a good quality and safe stormwater system.
<div>On target – 0.40 hours</div> <div>The median response time to a flooding event (from the time that NPDC receives notification to the time service personnel reach the site*).</div> <div>Target: One hour or less</div> <div>A decrease from same period last year (0.45 hours).</div> <div>Q2: 0.40 hours (median for six months)</div> <div>Q1: 0.43 hours (median for three months)</div>	<div>On target – 1.94</div> <div>The number of complaints received about the performance of NPDC's stormwater system (per 1,000 properties connected).</div> <div>Target: 8 or less</div> <div>A decrease from same period last year (1.99). The measure equates to 64 or less complaints for each quarter. There have been 63 to date (34 in Q1, 21 in Q2, 8 in Q3) from 32,415 connections to the wastewater system.</div> <div>Q2: 1.70 (cumulative)</div> <div>Q1: 1.05</div>	<div>Not yet available</div> <div>The percentage of residents satisfied with the quality and safety of the district's stormwater supply (satisfaction survey).</div> <div>Target: 70%</div> <div>Annual measure provided at the completion of Q4.</div>

\* The times shown for 'attendance' and 'resolution' are reported by NPDC's operation and maintenance contractor as part of their contracted responsibilities. This includes travel time. The accuracy of these times has been verified by NPDC.

Transportation  
Ngā waka kawenga

Provide a local roading network that is safe for all road users.		Provide good quality district roads.	
<div>Not yet available</div> <p>The change from the previous financial year in the number of fatality and serious injury crashes on the district's local roading network.</p> <p><b>Target: Reducing</b></p> <p>Annual measure provided at the completion of Q4.</p>		<div>Not yet available</div> <p>The average quality of ride on the district's sealed local road network, as measured by smooth travel exposure.</p> <p><b>Target: 85%</b></p> <p>Annual measure provided at the completion of Q4.</p>	<div>Not yet available</div> <p>The percentage of residents satisfied with the overall quality of the district's roads (satisfaction survey).</p> <p><b>Target: 60%</b></p> <p>Annual measure provided at the completion of Q4.</p>
Appropriately maintain the district's sealed roads.		Provide a high quality and safe footpath network.	
<div>Not yet available</div> <p>The minimum percentage of the sealed local road network that is resurfaced.</p> <p><b>Target: 5%</b></p> <p>Annual measure provided at the completion of Q4.</p>		<div>Achieved – 93.5%</div> <p>The percentage of footpaths that meet the levels of service and service standards in current condition surveys, as set out in the Transportation Asset Management Plan.</p> <p><b>Target: More than 90% of footpath length surveyed in good or excellent condition</b></p> <p>The footpath condition rating survey was completed in 2022/23. This survey is measured every three years with the next condition survey due in 2025/26.</p>	<div>Target not met – 3%</div> <p>Footpath length recorded as failed.</p> <p><b>Target: 3% or less</b></p> <p>The footpath condition rating survey was completed in 2022/23. This survey is measured every three years with the next condition survey due in 2025/26.</p>

Transportation


Respond to service requests in a timely manner.	Provide a quality and safe cycle network.
<div>On target – 97%</div> <div>The percentage of roading and footpath related customer service requests responded to within target timeframes.*</div> <div>Target: 95%</div> <div></div> <div>Consistent with same period last year (97%). There have been a total of 3,880 customer service requests to date, of which 130 were responded to late (1,027 requests, 30 responded to late in Q1; 1,849 requests, 61 responded to late in Q2; 1,004 requests, 39 responded to late in Q3).</div> <div>Q1 &amp; Q2: 97%</div>	<div>Not yet available</div> <div>The percentage of residents satisfied with the quality and safety of the district's cycle network (satisfaction survey).</div> <div>Target: 85%</div> <div>Annual measure provided at the completion of Q4.</div>

\* Service request timeframes:

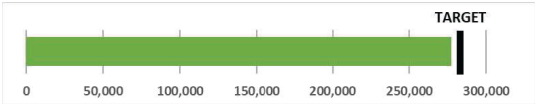

- one day for an electrical fault with traffic signals, flooding, diesel spills, chemical spills or a slip to be cleared.
- three days for street lighting faults and potholes.
- five days for traffic counts, bus shelter repairs, road marking enquiries, culvert maintenance, rubbish bins, reinstatement of footpaths and debris in the roadside channel.
- ten days for road surface faults, kerb and channel repairs, new kerb and channel, missing road signs and vegetation clearing.

Venues and Events

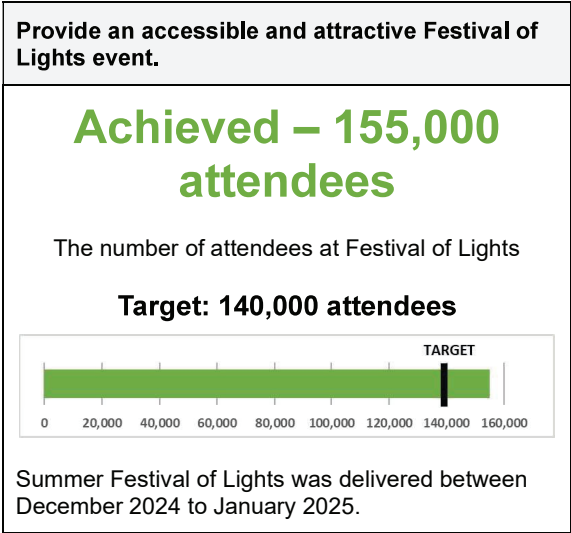
Ngā hinonga me Ngā Whakaaturanga

Provide high quality pools that encourage community participation in aquatic activities.	
<div>Not yet available</div> <div>The percentage of residents satisfied with NPDC's swimming facilities (satisfaction survey).</div> <div>Target: 85%</div> <div>Annual measure provided at the completion of Q4.</div>	<div>On target – 318,878</div> <div>The number of pool patrons per year.</div> <div>Target: 390,000</div> <div></div> <div>An increase from same period last year (303,547). All community pools closed at the end of Q3.</div> <div>Q2: 192,423 (cumulative) Q1: 82,643</div>

Venues and Events

Provide a range of appealing events at high quality venues.		Provide a network of high quality venues that create opportunities for the community to attend arts, cultural, sporting and recreation activities.
<div>Not yet available</div> <div>The percentage of residents satisfied with NPDC's events (satisfaction survey).</div> <div>Target: 95%</div> <div>Annual measure provided at the completion of Q4.</div>	<div>Not yet available</div> <div>The percentage of residents satisfied with NPDC's events venues (satisfaction survey).</div> <div>Target: 96%</div> <div>Annual measure provided at the completion of Q4.</div>	<div>The number of attendees and events/bookings across all venues.</div> <div>On target – 277,244</div> <div>Target: 280,000 attendees</div> <div></div> <div>Behind target – 549</div> <div>Target: 1,000 events</div> <div></div> <div>There has been an increase in attendees from the same period last year (235,391) and a decrease with number of events (570).</div> <div>Q2: 142,734 attendees, 403 events (cumulative)</div> <div>Q1: 85,391 attendees, 253 events</div>

Venues and Events



# Waste Management and Minimisation

## Whakahaere Para me tāna Whakaitinga

Deliver waste services and education programmes to actively encourage our communities to continually minimise waste levels throughout the district.	
<div>Not yet available</div> <p>The reduction in total waste to landfill per capita in the district (measured as a year on year percentage).</p> <p><b>Target: 5%</b></p> <p>Irregularities are showing in the data reporting. Council staff are currently reviewing with an update provided at end of financial year.</p>	<div>Not yet available</div> <p>The reduction in waste to landfill per household (measured as a year on year percentage).</p> <p><b>Target: 5%</b></p> <p>Irregularities are showing in the data reporting. Council staff are currently reviewing with an update provided at end of financial year.</p>

## Waste Management and Minimisation

Enhance the environment through low waste and low emissions solutions.		
<p><b>On target – 0</b></p> <p>The number of abatement notices received.</p> <p><b>Target: 0</b></p> <p>Consistent with same period last year. No abatement notices received.</p>	<p><b>On target – 0</b></p> <p>The number of infringement notices received.</p> <p><b>Target: 0</b></p> <p>Consistent with same period last year. No infringement notices received.</p>	<p><b>On target – 0</b></p> <p>The number of enforcement orders received.</p> <p><b>Target: 0</b></p> <p>Consistent with same period last year. No enforcement orders received.</p>
Enhance the environment through low waste and low emissions solutions.	Deliver waste management and minimisation services that customers are satisfied with.	
<p><b>On target – 0</b></p> <p>The number of convictions received.</p> <p><b>Target: 0</b></p> <p>Consistent with same period last year. No convictions received.</p>	<p><b>On target – 0.58</b></p> <p>The number of complaints about the Council's waste management and minimisation service received (per 1,000 customers).</p> <p><b>Target: 2 or less</b></p> <p>A decrease from same period last year (1.17). The measure allows for 16 or less complaints for each quarter. There have been a total of 18 complaints to date (4 in Q1, 8 in Q2, 6 in Q3) from 33,197 customers.</p> <p>Q2: 0.39 (cumulative)</p> <p>Q1: 0.12</p>	<p><b>Not yet available</b></p> <p>The percentage of the community satisfied with the kerbside rubbish and recycling collection service (satisfaction survey)</p> <p><b>Target: &gt;80%</b></p> <p>Annual measure provided at the completion of Q4.</p>



# Wastewater Treatment

## Rāwekeweke Waipara

Provide an effective wastewater treatment and disposal system.		Comply with all resource consents for wastewater discharge from our system.	
<div>On target – 0.16</div> <div>The number of dry weather sewerage overflows per 1,000 connections to the wastewater system.</div> <div>Target: 1.5</div> <div>An increase from same period last year (0.13). The measure equates to 14 or less overflows for each quarter. There have been a total of 6 dry weather overflows to date (1 in Q1, 3 in Q2, 2 in Q3) from 37,027 connections.</div> <div>Q2: 0.11 (cumulative)</div> <div>Q1: 0.03</div>	<div>On target – 0</div> <div>The number of abatement notices received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No abatement notices received.</div>	<div>Target not met - 1</div> <div>The number of infringement notices received.</div> <div>Target: 0</div> <div>An increase from same period last year (0). An infringement notice received on a discharge on Rifle Range Road in Q1.</div> <div>Q1 &amp; Q2: One</div>	
Comply with all resource consents for wastewater discharge from our system.			
<div>On target – 0</div> <div>The number of enforcement orders received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No enforcement orders received.</div>	<div>On target – 0</div> <div>The number of convictions received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No convictions received.</div>		

Wastewater Treatment

Respond to customer and maintenance requests in a timely manner.		Ensure customers are satisfied with the wastewater treatment and disposal service
<p><b>On target – 0.54 hours</b></p> <p>The median response time to sewerage overflow callouts (from the time NPDC receives notification to the time that service personnel reach the site*).</p> <p><b>Target: 1 hour or less</b></p> <p>A decrease from same period last year (0.59 hours).</p> <p>Q2: 0.55 hours (median for six months)</p> <p>Q1: 0.56 hours (median for three months)</p>	<p>The median resolution time for sewerage overflow callouts (from the time NPDC receives notification to the time that service personnel confirm resolution of the fault or interruption).</p> <p><b>On target – 1.92 hours</b></p> <p><b>Target: 4 hours or less for sewers &lt;250 dia</b></p> <p><b>On target - 0</b></p> <p><b>Target: 8 hours or less for sewers ≥ 250 dia</b></p> <p>An increase from same period last year (1.87 hours) for &lt;250 dia, with no callouts for ≥250 dia.</p> <p>Q1 &amp; Q2: 1.87 hours, no callouts</p> <p>dia = diameter</p>	<p><b>On target – 3.09</b></p> <p>The total number of complaints received about sewerage odour; system faults or blockages; or NPDC's response to issues with the sewerage system (per 1,000 connected properties).</p> <p><b>Target: 13 or less</b></p> <p>An increase from same period last year (2.85). The measure equates to 120 or less complaints for each quarter. There have been a total of 115 complaints to date (47 in Q1, 40 in Q2, 28 in Q3) from 37,207 connections to the wastewater system.</p> <p>Q2: 2.34 (cumulative)</p> <p>Q1: 1.26</p>

\* The times shown for 'attendance' and 'resolution' are reported by NPDC's operation and maintenance contractor as part of their contracted responsibilities. This includes travel time. The accuracy of these times has been verified by NPDC.

Wastewater Treatment

<b>Provide a good quality and safe wastewater treatment system.</b>
<div><div>Not yet available</div><div>The percentage of residents satisfied with the quality and safety of the district's wastewater treatment system (satisfaction survey).</div><div>Target: 80%</div><div>Annual measure provided at the completion of Q4.</div></div>

## Water Supply

### Whakaputunga Wai

Provide water that is safe to drink.	Maintain the reticulated water network in good condition.	Respond to faults and unplanned interruptions to the water supply network in a timely manner.
<p><b>On target</b></p> <p>Compliance with the Water Services (Drinking Water Standards for New Zealand) Regulations 2022 and DWQAR 2022.</p> <p><b>Target: Full compliance</b></p> <p>No non compliances in this quarter.</p>	<p><b>Not yet available</b></p> <p>The percentage of real water loss from NPDC's networked reticulation system.*</p> <p><b>Target: 20% or less</b></p> <p>Annual measure provided at the completion of Q4.</p>	<p><b>On target – 0.55 hours</b></p> <p>The median response time to urgent callouts (from the time NPDC receives notification to the time that service personnel reach the site**).</p> <p><b>Target: 1 hour or less</b></p> <p>A decrease from same period last year (0.61 hours).</p> <p>Q2: 0.56 hours (median for six months) Q1: 0.58 hours (median for three months)</p>

\* Water loss calculation: We calculate the percentage of water loss by dividing the annual volume of water loss by the total amount of treated water supplied for the year (obtained from water meter records from the Water Treatment Plant). To calculate the annual volume of water loss, we determine the minimum night flow (the average flow between 2am and 4am for the lowest 20 days of the year divided by the number of connections) and subtract the legitimate night usage per property (assumed to be six litres per property per hour). The difference is the estimated volume of water loss per property.

\*\* The times shown for 'attendance' and 'resolution' are reported by NPDC's operation and maintenance contractor as part of their contracted responsibilities. This includes travel time. The accuracy of these times has been verified by NPDC.

Water Supply

Respond to faults and unplanned interruptions to the water supply network in a timely manner.		
<p>The median resolution time for urgent callouts (from the time NPDC receives notification, to the time that service personnel confirm resolution of the fault or interruption).</p> <p><b>On target – 1.62 hours</b></p> <p><b>Target: 4 hours or less for mains &lt;250 dia</b></p> <p><b>On target - 0</b></p> <p><b>Target: 8 hours or less for mains ≥ 250 dia</b></p> <p>A decrease from same period last year (1.63 hours) for &lt;250 dia, with no callouts for ≥250 dia.</p> <p>Q2: 1.57 hours, no callouts (median for six months)</p> <p>Q1: 1.63 hours, no callouts (median for three months)</p> <p>dia = diameter</p>	<p><b>On target – 29.25 hours</b></p> <p>The median response time to non-urgent callouts (from the time NPDC receives notification to the time that service personnel reach the site).</p> <p><b>Target: 70 hours or less</b></p> <p>An increase from same period last year (20.04 hours).</p> <p>Q2: 28.05 hours (median for six months)</p> <p>Q1: 28.88 hours (median for three months)</p>	<p><b>On target – 70.62 hours</b></p> <p>The median resolution time for non-urgent callouts (from the time NPDC receives notification to the time that service personnel confirm resolution of the fault or interruption).</p> <p><b>Target: 116 hours or less</b></p> <p>An increase from same period last year (70.5 hours).</p> <p>Q2: 69.92 hours (median for six months)</p> <p>Q1: 69.96 hours (median for three months)</p>

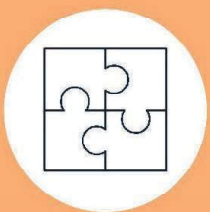
## Water Supply

Ensure customers are satisfied with our water supply service.	Provide a good quality and safe water supply.	Manage demand to minimise the impact of water supply activities on the environment.
<p><b>Behind target – 15.06</b></p> <p>The total number of complaints (per 1,000 connections) received about any of the following:</p> <ul style="list-style-type: none"> <li>• drinking water clarity, taste, or odour;</li> <li>• drinking water pressure or flow;</li> <li>• continuity of supply; and</li> <li>• NPDC's response to any of these issues.</li> </ul> <p><b>Target: 16 or less</b></p> <p>An increase from same period last year (11.5). The measure equates to 118 or less complaints for each quarter. To date there have been a total of 445 complaints (152 in Q1 (due to a water shutdown in Waitara), 105 in Q2, 188 in Q3 (dirty water in Inglewood due to house fire)) from 29,558 connections to the water system.</p> <p>Q2: 8.69 (cumulative) Q1: 5.14</p>	<p><b>Not yet available</b></p> <p>The percentage of residents satisfied with the quality and safety of the district's water supply (satisfaction survey).</p> <p><b>Target: 80%</b></p> <p>Annual measure provided at the completion of Q4.</p>	<p><b>Behind target – 319 litres per day</b></p> <p>The average consumption of drinking water per day, per resident, within New Plymouth District.</p> <p><b>Target: 300 litres per day</b></p> <p>An increase from same period last year (298 litres per day). The higher use is attributed to the leaks being discovered in private property. This is counted as consumption in the calculations.</p> <p>Q2: 278 litres per day Q1: 300 litres per day</p>

Water Supply

Manage demand to minimise the impact of water supply activities on the environment.		
<div>On target - 0</div> <div>The number of abatement notices received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No abatement notices received.</div>	<div>On target - 0</div> <div>The number of infringement notices received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No infringement notices received.</div>	<div>On target - 0</div> <div>The number of enforcement orders received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No enforcement orders received.</div>
<div>On target - 0</div> <div>The number of convictions received.</div> <div>Target: 0</div> <div>Consistent with same period last year. No convictions received.</div>		





## Significant Capital Projects

### Ngā whakatakanga nui

This section provides an overview of progress to 31 December 2024 on some of the more significant capital projects to be delivered in this financial year as outlined in the LTP 2024.





**Progress on delivery**

Project	24/25 Target (\$000)	YTD Actual (\$000)	Variance		FY Forecast	● On track and no issues   ● On track with issues   ● Off track with issues   ● Not started/On hold/ Completed					
			YTD Actual vs FY Target (\$000)	% Spent		Overall health	Schedule	Cost	Resources	Scope	Commentary - Progress to Date
Community Partnerships											
Housing for the Elderly	200	172	28	86%	319	●	●	●	●	●	Design, resource consent and tender progressing as planned.
Customer and Regulatory Solutions											
Downtown Carpark Seismic Safety Essential Works	2,260	2,259	1	100%	2,254	●	●	●	●	●	Project complete.
Governance											
Council Chamber audio visual upgrade	206	135	71	66%	206	●	●	●	●	●	The physical delivery phase of the project has been completed with final handover of the system to the service desk to support and the Governance Team. The final item to be installed is the backup Wireless Access Point which is in transit from overseas. Asset capitalisation and close report to be completed by the end of April 2025.
Govett-Brewster Art Gallery/Len Lye Centre											
Govett-Brewster Art Gallery/Len Lye Centre - collection storage	515	62	453	12%	515	●	●	●	●	●	Construction underway.
Parks & Open Spaces											
Marine Park	1,030	964	66	94%	984	●	●	●	●	●	Skatepark - nothing to report, closeout activities.
CBD Strategy Projects - Implementation	978	566	413	58%	1,007	●	●	●	●	●	There are three projects prioritised for delivery in Years 1 and 2 under the CBD Strategy Implementation programme. West End Crossing, Huatoki Masterplan/Daylighting of the Huatoki and rmeoval and replacement of 21 Alder trees in the CBD.
Brooklands Zoo Strategic Implementation	56	8	48	15%	200	●	●	●	●	●	Planning work for the refinement of the Brooklands Zoo vision is underway.
Destination Play	4,293	3,797	496	88%	4,270	●	●	●	●	●	All works completed for Phase 1. Phases 2 and 3 planned for May/June 2025.
Pukekura Park main lake dam	206	12	194	6%	206	●	●	●	●	●	Dam works now complete. \$240k with offset identified.
Sun shade sails - Okato and Hickford Park playgrounds	149	-	149	0%	147	●	●	●	●	●	Contract has been awarded and will be delivered in May/June with projected spend of \$120k

Project	24/25 Target (\$000)	YTD Actual (\$000)	Variance		● On track and no issues   ● On track with issues   ● Off track with issues   ● Not started/On hold/ Completed						
			YTD Actual vs FY Target (\$000)	% Spent	FY Forecast	Overall health	Schedule	Cost	Resources	Scope	Commentary - Progress to Date
Stormwater											
Waitara Stormwater upgrades	1,507	658	849	78%	1,244	●	●	●	●	●	Works continue on Sections 1-5 of the Tangaroa Stream Restoration Project following obtaining resource consents.  Discussion ongoing with the Pa Trustees in relation to installing the inlet structure on Owae Marae, timeframes for resolution unknown. The existing budget is considered highly unlikely to be achievable for the heavy civils aspects of the Tangaroa project and options are being considered with our partners. These will be captured in a business case for the Steering Group/TRU/Strategic Projects Committee for direction.
Stormwater network modelling project	1,270	1,034	237	81%	1,299	●	●	●	●	●	Overall good progress. Rapid models of the first six priority catchments have been completed with all but one report having been delivered. Survey of next two priority catchments continued. Detail model builds progressing.
Patterson Road culvert replacement	40	86	(46)	215%	82	●	●	●	●	●	The private developers will construct this portion of the work. NPDC is completing the design and consenting. Expected construction start date is October 2025.
Patterson Road stormwater catchment	618	153	465	25%	310	●	●	●	●	●	Project was delayed by Growth Area decision but project delays will not impact Growth Area timeline. Consultant is moving things forward to gain back time. A project Roadmap has been developed, consenting process needs to be started as early as possible.
Transportation											
Te Pae o te Rangi - coastal pathway extension to Waitara	4,939	2,760	2,179	56%	5,489	●	●	●	●	●	Construction of Stage 1a at Otupaiia/Marine Park, Waitara is complete. Overall staging of the project has been switched, with the middle stage being constructed before the Bell Block end of the project. Design of the middle stage is well underway with land negotiations going well and in time for construction to start late 2025.
Windsor Walkway safety improvements	568	567	1	100%	550	●	●	●	●	●	The Windsor Walkway Project is complete.
Urenui Bridge Replacement	933	49			69	●	●	●	●	●	Progressing with Resource Consent and mana whenua engagement.
Airport Drive/Parklands Avenue roundabout - Parklands	503	708	(205)	141%	557	●	●	●	●	●	Procurement, design and consenting progressing as planned.
Belair Avenue (SH45 South Road/Omata Road)	200	1	199	1%	1						Belair Ave has been deferred and will not be completed within the current LTP. Funding has been reallocated to the completed Gover St Raised Platform Project outside Central School.

Project	24/25 Target (\$000)	YTD Actual (\$000)	Variance		● On track and no issues ● On track with issues ● Off track with issues ● Not started/On hold/ Completed						
			YTD Actual vs FY Target (\$000)	% Spent	FY Forecast	Overall health	Schedule	Cost	Resources	Scope	Commentary - Progress to Date
Venues and Events											
Tūparikino Active Community Hub (externally delivered)	7,887	2,977	4,910	38%	7,657	●	●	●	●	●	Project proceeding well. Project wide resource consent granted with race day tie ups and stand demolition ongoing. Civils Stage 1 to commence in April 25. Design of hub ongoing.
Waste Management and Minimisation											
Organic waste processing facility	94	28	66	30%	88	●	●	●	●	●	This project is being managed by South Taranaki District Council. Negotiations and further information provided by two shortlisted parties did not reach a suitable solution. Procurement process stopped to rescope and establish more specific criteria from project partners for a follow-up process. This rescope
The Junction Building	1,030	682	348	66%	1,620	●	●	●	●	●	Vertical build now underway with Glulam beams being installed.
Historic landfill erosion protection	515	168	347	33%	300	●	●	●	●	●	Exploring alternative innovative rehabilitation options and external funding opportunities to reduce cost and finalising options for council consideration.
Wastewater Treatment											
Thermal Dryer Facility (TDF) Crown Infrastructure funded	25,650	19,897	5,753	78%	24,386	●	●	●	●	●	The budget for this project of \$69.5M will be exceeded. Additional budget requested as part of the annual plan process
Inglewood dump station	58	-	58	0%	58	●	●	●	●	●	There is no suitable site for the dump station after reviewing five options across Inglewood. If a suitable site was found, there is inadequate budget as these typically cost between \$150k - \$200k.
Mangati Pump station emergency storage	773	438	335	57%	787	●	●	●	●	●	20% design drawings have been issued and hazop and safety in design has been completed. Budget adjustments updated as part of Annual Plan process.
West Quay Pump Station	60	102	(42)	169%	196	●	●	●	●	●	Geotech completed and presented to TRC. This report shows that material replacement on the stopbank need to be undertaken to be given consent to proceed with these works. On track for construction in summer of 25/26.
Urenui and Onaero sewer system	650	387	263	60%	437	●	●	●	●	●	The project schedule has pushed out by 18 months compared to LTP budgeting due to options assessment discussions and resource consent application discissions taking longer than anticipated. Currently on hold until next steps are agreed with Ngāti Mutunga. A change request has been accepted to push out \$1.09m of FY 2025 budget to FY 2026 to account for this delay.
Shared Services											
Patterson Road Growth Area	5,245	3,276	1,969	62%	5,751	●	●	●	●	●	The programme of construction of the Phase 1,2 and 3 sewer and water is well underway and progressing well. The NPDC construction Task Order package for the sewer and water for Phase 4 has been submitted for contractor pricing. The road extension and culvert replacement is being delivered by private developers.

Project	24/25 Target (\$000)	YTD Actual (\$000)	Variance		● On track and no issues   ● On track with issues   ● Off track with issues   ● Not started/On hold/ Completed						
			YTD Actual vs FY Target		FY Forecast	Overall health	Schedule	Cost	Resources	Scope	Commentary - Progress to Date
			(\$000)	% Spent							
Water Supply											
NP WTP Intake Fish Screen	687	528	159	77%	1,433	●	●	●	●	●	Detailed design 90% complete and tender underway.
Universal water metering	6,488	4,565	1,924	70%	6,240	●	●	●	●	●	80% of meters installed. 179 leaks resolved resulting in a savings of 1.73 million litres/day (equivalent of the average daily usage of Inglewood). Status "amber" on cost, resources, and scope as the project progresses into policy and systems development in preparation for volumetric billing.
Supplementary Water Source	400	43	357	11%	333	●	●	●	●	●	MoAs have been delayed due to comments added to the agreements by landowners lawyers and landwowers. We have been actively working to resolve these and now have one signed. We feel that we are close to an agreement with one lawyer that is representing two landowners and hopefully to have these ones closed out this month. We have also delayed the initiation of the procurement process until we have signed MoAs, but the document is prepared and ready to go.

**Work in Progress**

As at 31 March 2025

	2023/24	2024/25		
	30 Jun 24	31 Mar 25	Change	(%)

**Expenditure Category****Register #1 - Infrastructure assets, including Buildings and improvements**

Governance	245,522	208,751	(36,771)	-15%
Community Partnership	3,150	3,150		0%
Emergency Management	95,423	109,773	14,350	15%
Flood Protection and Control Works	12,318	-	(12,318)	
Govett-Brewster Art Gallery	380,879	457,171	76,292	20%
Parks and Open Spaces	7,074,093	12,380,492	5,306,399	75%
Shared Services - Property	5,662,774	9,692,261	4,029,487	71%
Puke Ariki and Community Libraries	2,472,849	2,741,821	268,972	11%
Customer and Regulatory Solutions	1,952,521	416,304	(1,536,217)	-79%
Stormwater Management	5,893,501	8,518,722	2,625,221	45%
Venues and Events	1,957,977	2,212,997	255,021	13%
Waste Management and Minimisation	3,806,377	5,522,951	1,716,574	45%
Wastewater Treatment	15,088,034	19,439,818	4,351,784	29%
Wastewater Treatment - Thermal Dryer Facility	38,756,046	57,102,164	18,346,118	47%
Water Supply	23,007,228	29,528,344	6,521,116	28%
<b>Total</b>	<b>106,408,692</b>	<b>148,334,719</b>	<b>41,926,028</b>	<b>39%</b>

**Register #2 - Operating assets**

4,139,899 4,825,069 685,171 17%

Includes: Fleet Operations, Digital Enablement, Procurement, Venues &amp; Events

**Register #3 - NZTA AWM (ex RAMM)**

8,815,968 25,597,288 16,781,320 190%

**Total WIP**

119,364,558 178,757,076 59,392,518 50%

**Asset addition accruals**

(27,589,329) (20,857,572) 6,731,757 -24%

Balance of completed work from prior financial years not yet capitalised; included in the Total WIP above.

**Top 10 WIP projects****Current balance**

Thermal Dryer Facility	57,102,164
Universal Water Metering	17,274,579
Walkway Extension to Waitara	5,384,459
Kawaroa Destination Play	5,299,321
Sealed road resurfacing - NZTA subsidised	3,987,352
Tūparikino Hub	3,352,879
Transport Choices: Devon St West	3,008,138
Tangaroa Restoration - Stage 2	2,944,268
Oakura - Wairau trunk main renewal	2,780,030
Construction of the Junction Permanent Building	2,523,501

**103,656,692** 70%**Top 10 asset addition accruals****Current balance**

Universal Water Metering	(10,410,990)
Long Term Galleries Refreshment	(1,659,396)
End User Computer - Desktop/Tablet	(1,550,575)
Pakiaka - Refresh of IT Infrastructure	(1,485,935)
Princess St Roundabout Renewals	(604,885)
Yarrows Stadium Operational Assets Renewal	(380,939)
City Safe Cameras	(375,063)
General Renewal of Assets	(365,845)
General Renewal of Assets - Library	(299,348)
Esplanade & Local Reserve Land Purchase	(279,804)

**(17,412,780)** 83%





## Financial performance

### Ngā ekenga pūtea

This section provides an overview of the Council's financial performance for the year ended 31 December 2024. It includes detailed statements and analysis to offer a comprehensive understanding of our financial health and operational efficiency against budget.

**Cost of Services Statement**

Net operating surplus/(deficit) by Activity		Year-to-date March 2025			
		Actual	Budget	Variance	
Page	Activity	(\$000)	(\$000)	(\$000)	%
50	Community Partnerships	(4,878)	(5,133)	255	-5%
51	Customer and Regulatory Solutions	(923)	1,186	(2,109)	-178%
52	Economic Development	(4,604)	(4,840)	236	-5%
53	Emergency Management and Business Continuance	(891)	(871)	(19)	-2%
54	Flood Protection and Control Works	(435)	(615)	181	-29%
55	Governance	(4,014)	(3,877)	(137)	4%
56	Govett-Brewster Art Gallery/Len Lye Centre	(3,784)	(3,944)	160	-4%
57	Management of Investments and Funding	21,437	14,854	6,583	-44%
58	Parks and Open Spaces	(9,450)	(10,404)	954	-9%
59	Puke Ariki and Community Libraries	(9,733)	(10,527)	794	-8%
60	Stormwater Management	(5,825)	(6,950)	1,125	-16%
61	Transportation	(13,077)	(12,838)	(239)	2%
62	Venues and Events	(9,055)	(10,526)	1,471	-14%
63	Waste Management and Minimisation	(10,384)	(9,836)	(549)	6%
64	Wastewater Treatment	(9,075)	(9,145)	70	-1%
65	Water Supply	(11,021)	(11,868)	847	-7%
	Other Operating <sup>1</sup> (including Rates)	96,473	108,787	(12,314)	-11%
	Shared Services <sup>2</sup> Respread Allocation	(3,263)	(4,141)	878	-21%
<b>NET OPERATING SURPLUS/(DEFICIT)</b>		<b>17,498</b>	<b>19,313</b>	<b>(1,815)</b>	<b>-9%</b>
<b>Accounting adjustments:</b>					
	Add: Unfunded depreciation	18,502	17,711	791	-4%
	Less: Net unrealised gains in the PIF	(13,235)	(6,322)	(6,913)	-109%
	Add: Net unrealised losses in swap revaluations <sup>(1)</sup>	5,062	-	5,062	#DIV/0!
	Less: Capital grants and subsidies	(25,009)	(24,857)	(152)	-1%
	Less: Waitara freehold sales transferred to reserves	-	-	-	#DIV/0!
	Add: Loss on disposals of assets <sup>(1)</sup>	7,969	-	7,969	#DIV/0!
<b>Funding entries:</b>					
	Less: Debt repayments	(7,098)	(7,802)	704	9%
	Less: Appropriations / Add: Reserve drawdown	(1,891)	3,643	(5,533)	152%
<b>RATES SURPLUS/(DEFICIT)</b>		<b>1,798</b>	<b>1,685</b>	<b>113</b>	<b>7%</b>

<sup>(1)</sup> this predominantly includes accounting entries such as gains/losses on asset sales/disposals and unrealised gains/losses on revaluation of derivative swaps.

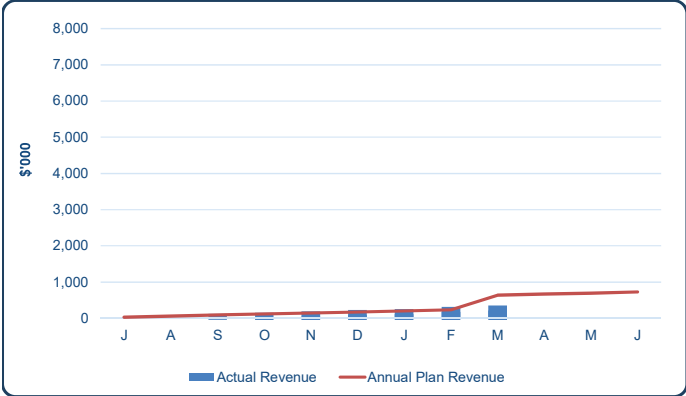
<sup>(2)</sup> Shared Services includes overhead costs related to Executive, Corporate Innovation and Project teams.

Key:

<b>On target</b> variance is within \$100k
<b>Minor variance to budget</b> variance more than \$100k and within 5%
<b>Significant favourable variance to budget</b> variance greater than \$100k and 5%
<b>Significant unfavourable variance to budget</b> variance greater than \$100k and 5%

COMMUNITY PARTNERSHIPS

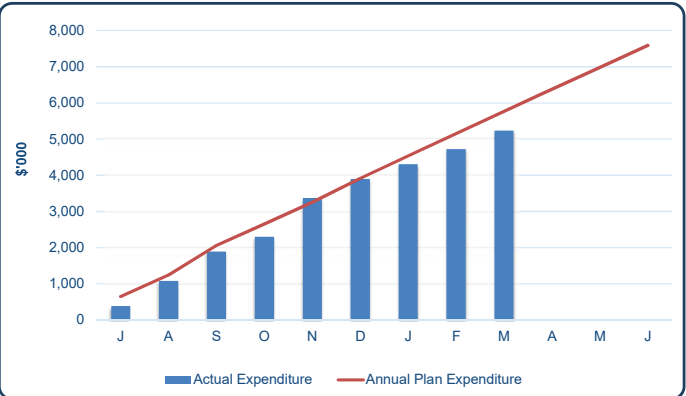
Revenue is \$280k (44%) less than budget



Revenue is less than budget year-to-date due to:

- +\$130k Additional Housing for the Elderly rents
- -\$120k Council Rates concessions are higher
- -\$380k Te Tai Pari drawdown to fund grant distribution (not yet required)

Expenditure is \$535k (9%) less than budget



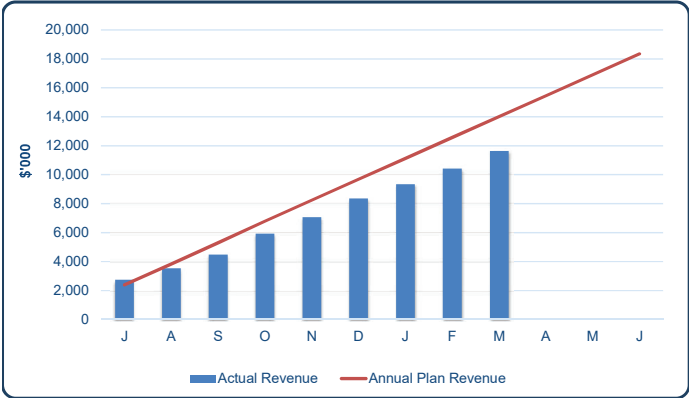
Expenditure is less than budget year-to-date due to:

- +\$290k Te Tai Pari grant distribution (timing)
- +\$150k Other grants (timing)
- +\$100k Housing for the Elderly Material Damage insurance, and maintenance



CUSTOMER AND REGULATORY SOLUTIONS

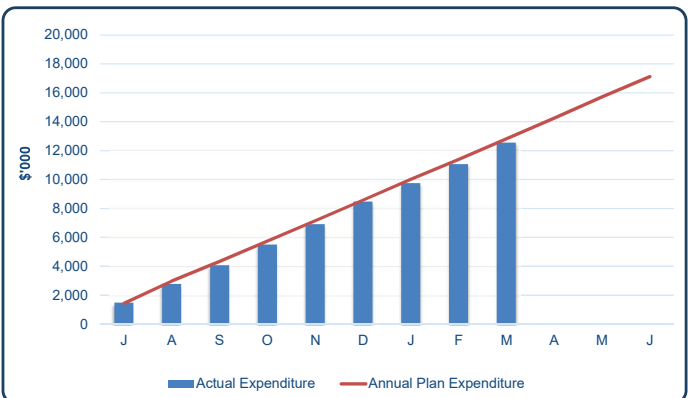
Revenue is \$2,385k (17%) less than budget



Revenue is less than budget year-to-date due to:

- -\$1.7m Lower development contributions due to slower developments in Growth Areas.
- -\$350k Lower on-street parking activity
- -\$300k Lower subdivision consent activity
- -\$120k Adjustment to FY24 Environmental health revenue
- +\$200k Building Consent revenue (including New Dwelling activity up on last year).

Expenditure is \$276k (2%) less than budget

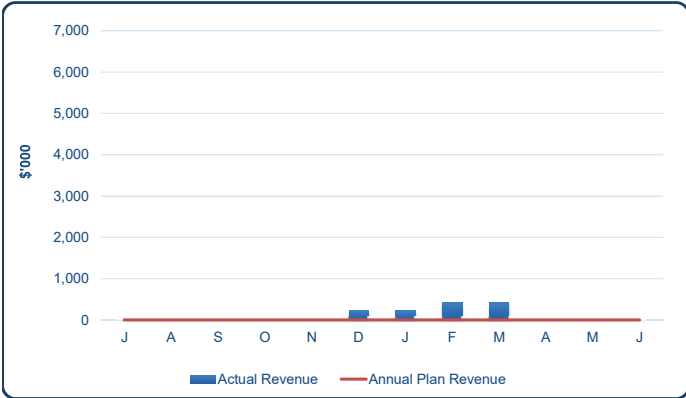


Expenditure is less than budget year-to-date due to:

- +\$400k Plan changes support for appeals process (not yet required)
- +\$300k Parking meter replacement works reserve funded (timing only)
- -\$470k Subdivision consent professional fees to clear peak period (due to applications received in anticipation of the 'Development Contributions Policy review').

ECONOMIC DEVELOPMENT

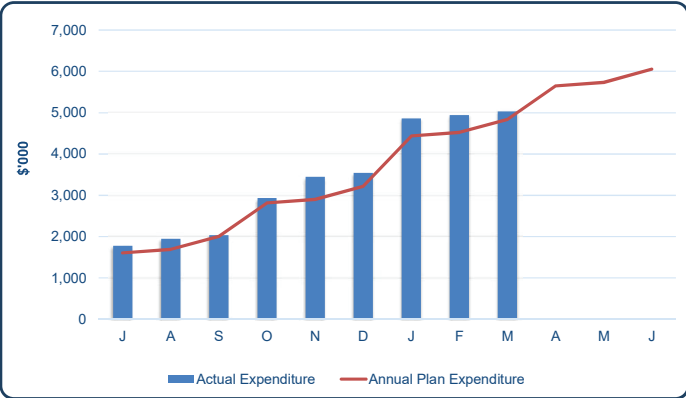
Revenue is \$428k (0%) more than budget



Revenue is more than budget year-to-date due to:

- +\$430k Better Off funding (offset expenses).

Expenditure is \$192k (4%) more than budget



Expenditure is more than budget year-to-date due to:

- +\$250k Other expenditure (timing only).
- -\$430k Venture Taranaki Trust Dryer & Processor for Hemp Farm offset Better Off funding.

EMERGENCY MANAGEMENT AND BUSINESS CONTINUANCE

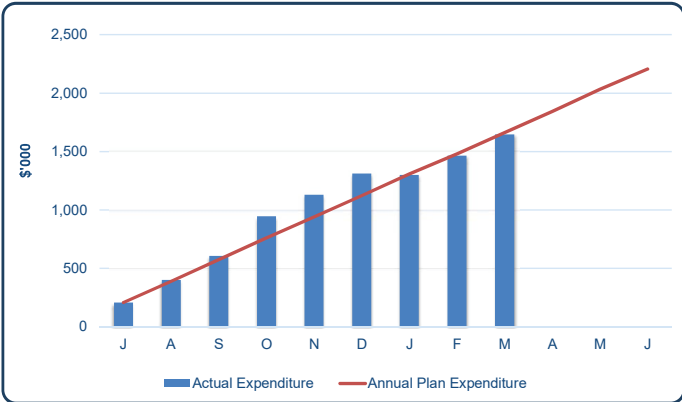
Revenue is inline with budget



Revenue is inline with budget year-to-date due to:

- No material variances

Expenditure is inline with budget



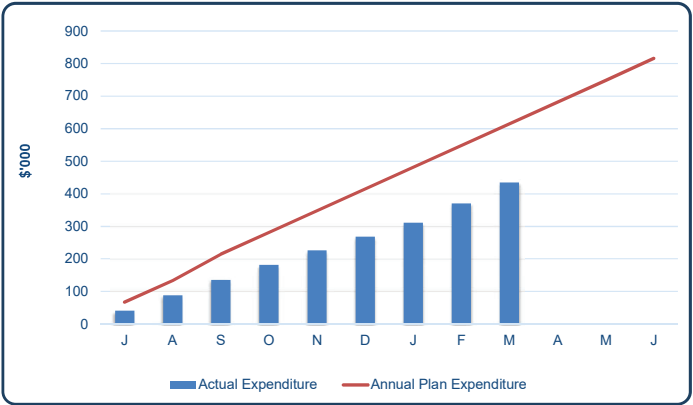
Expenditure is inline with budget year-to-date due to:

- No material variances

FLOOD PROTECTION AND CONTROL WORKS

No budgeted or actual revenue

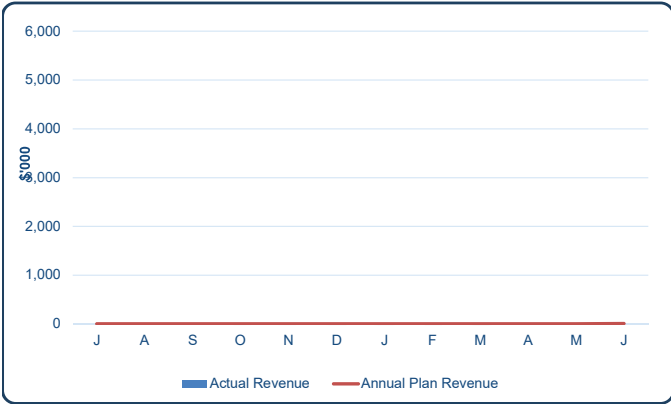
Expenditure is \$181k (29%) less than budget



Expenditure is less than budget year-to-date due to:  
• +\$125k Dam technical inspections report

GOVERNANCE

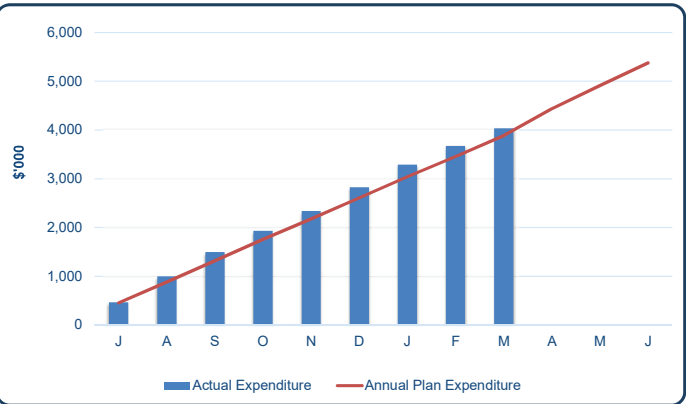
Budget and variance are immaterial



Budget and variance are immaterial

- In line with Budget

Expenditure is \$151k (4%) more than budget

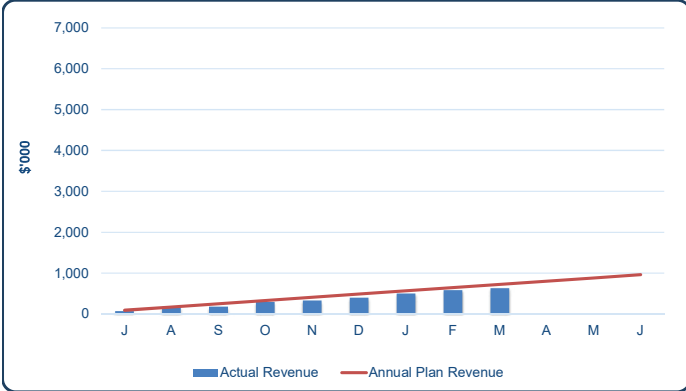


Expenditure is more than budget year-to-date due to:

- -\$200k Costs related to Environment Court appeals to proposed District Plan

GOVETT-BREWSTER ART GALLERY/LEN LYE CENTRE

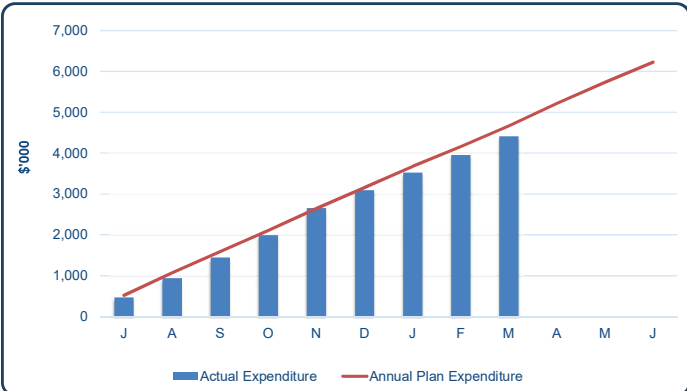
Revenue is inline with budget



Revenue is inline with budget year-to-date due to:

- No material variances

Expenditure is \$254k (5%) less than budget

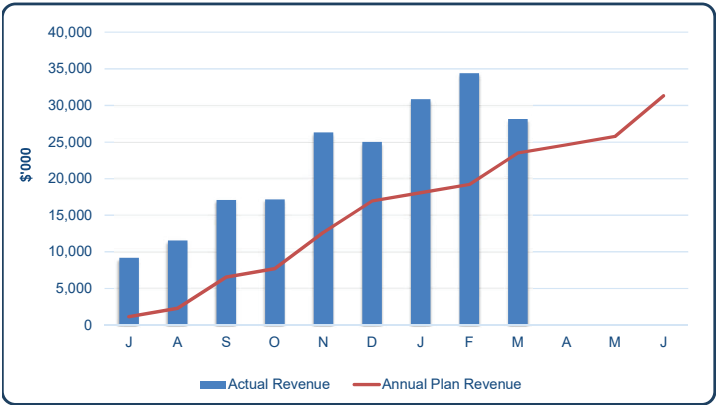


Expenditure is less than budget year-to-date due to:

- +\$200k Lower operating costs

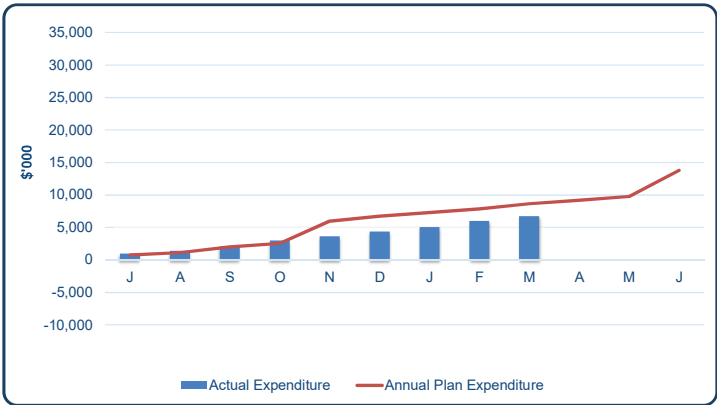
MANAGEMENT OF INVESTMENTS AND FUNDING (excl unrealised gains/losses on investments)

Revenue is \$4,656k (20%) more than budget



- Revenue is more than budget year-to-date due to:
- +\$13.3m YTD increase in value of the PIF (vs budget \$6.3m growth)
  - +\$0.7m Hapu Land Fund interest on investment (offset Expense)
  - +\$0.5m Interest on short term investments
  - +\$0.4m Additional interest received from increased PRIP loan
  - -\$3.6m McKay JV forestry harvest delayed (offset Expense)

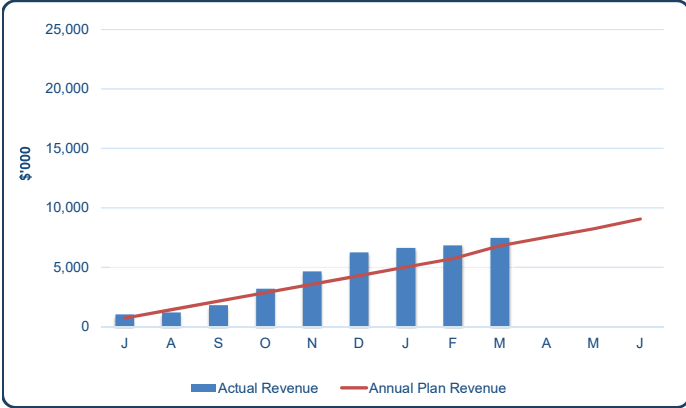
Expenditure is \$1,927k (22%) less than budget



- Expenditure is less than budget year-to-date due to:
- -\$0.2m Additional interest costs due to higher PRIP loan balance
  - -\$0.7m Hapu Land Fund interest on investment distributed (offset Revenue)
  - +\$2.7m McKay JV forestry harvest delayed (offset Revenue & Reserves)

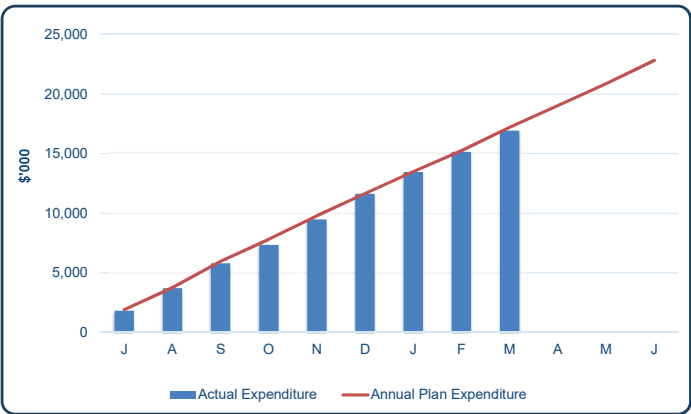
PARKS AND OPEN SPACES

Revenue is \$668k (10%) more than budget



- Revenue is more than budget year-to-date due to:
- +\$500k Timing of grants recognised for delivery of Destination Play, Waitara Skate Park and Te Rewa Rewa co-management plan
  - +\$90k Additional burial and crematorium activity

Expenditure is \$286k (2%) less than budget

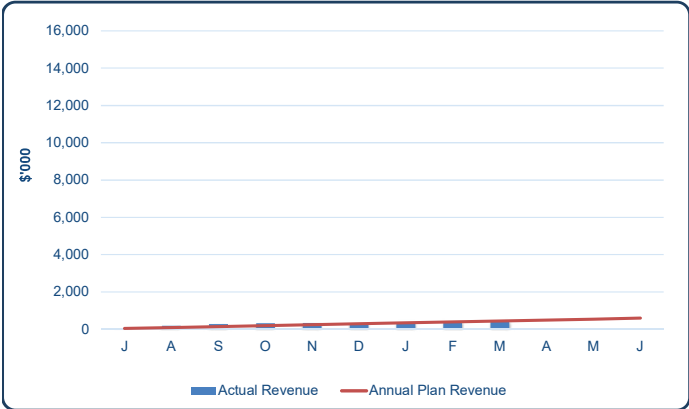


- Expenditure is less than budget year-to-date due to:
- Timing of Planting our Place, expected in May.



PUKE ARIKI AND COMMUNITY LIBRARIES

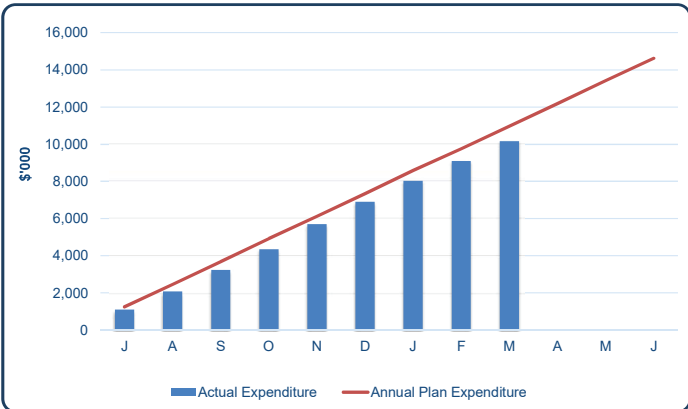
Revenue is inline with budget



Revenue is inline with budget year-to-date due to:

- No material Variances

Expenditure is \$795k (7%) less than budget

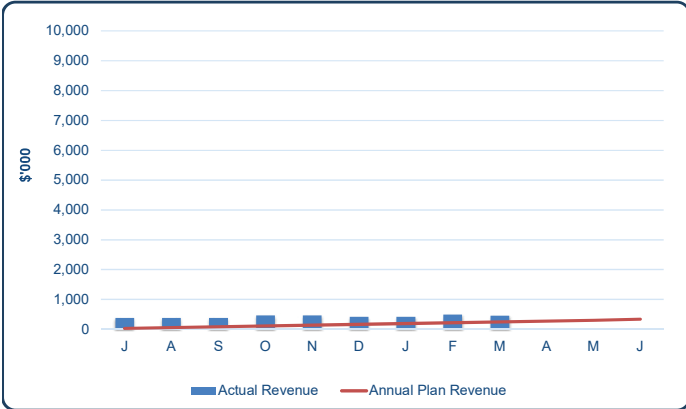


Expenditure is less than budget year-to-date due to:

- +\$350k Puke Ariki building painting (timing only)
- +\$150k Exhibition changeover (timing only)
- +\$110k Lower building operating costs
- The remainder is made of other variances across Community Libraries and Museums.

STORMWATER MANAGEMENT

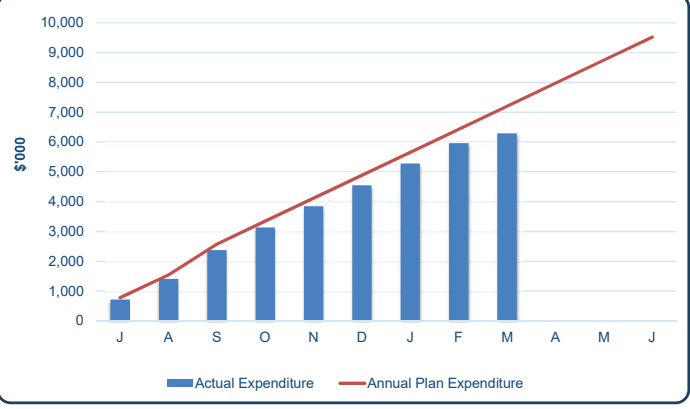
Revenue is \$212k (85%) more than budget



Revenue is more than budget year-to-date due to:

- +\$200k Ministry for the Environment grants received for Tangaroa project

Expenditure is \$913k (13%) less than budget

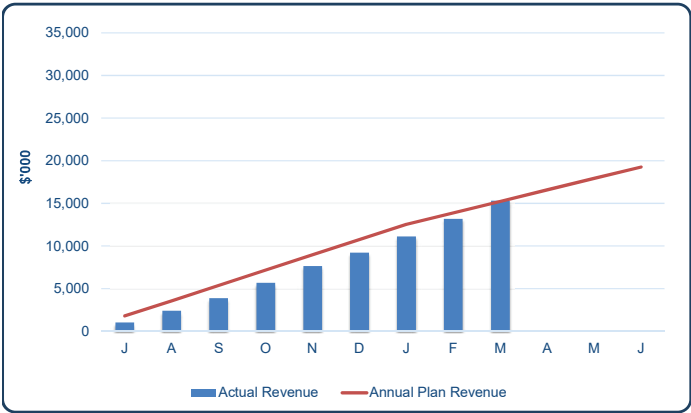


Expenditure is less than budget year-to-date due to:

- +\$150k Puketapu area Phase 1 (timing only)
- +\$250k Catchment Management Plan (timing only)
- +\$400k Lower depreciation recognised than budgeted

TRANSPORTATION

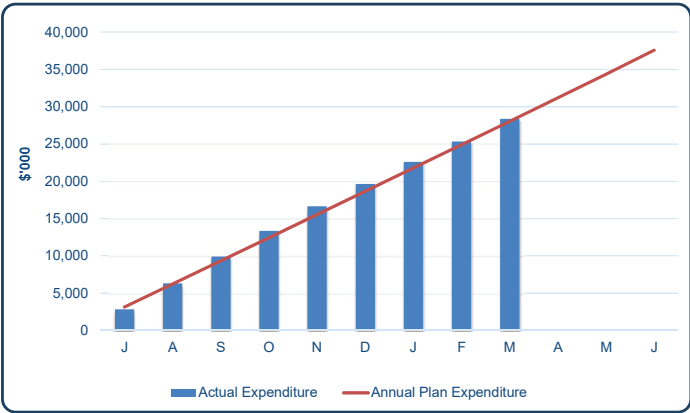
Revenue is inline with budget



Revenue is inline with budget year-to-date due to:

- +\$0.2m NZTA State highway maintenance reimbursement
- -\$0.2m Roading and Corridor access requests activity

Expenditure is \$303k (1%) more than budget

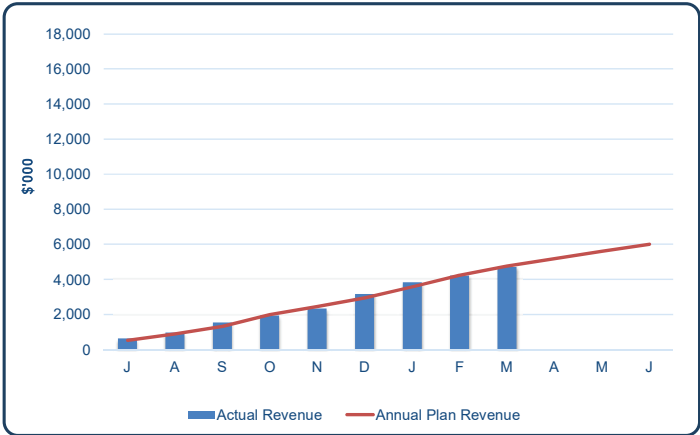


Expenditure is more than budget year-to-date due to:

- -\$0.4m Local Roads Routine Drainage Maintenance (WC113)
- -\$0.3m Local Roads Environmental Maintenance (WC121)
- -\$0.3m Local Roads Traffic Signals Maintenance (WC122)
- +\$0.3m High frequency bus trial and Tarata Rd plan
- +\$0.3m Lets Go programme (offset Revenue shortfall)

VENUES AND EVENTS

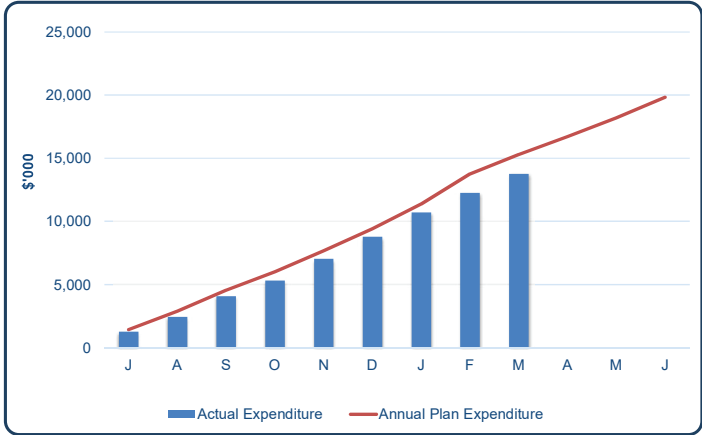
Revenue is inline with budget



Revenue is inline with budget year-to-date due to:

- No material variances

Expenditure is \$1,517k (10%) less than budget

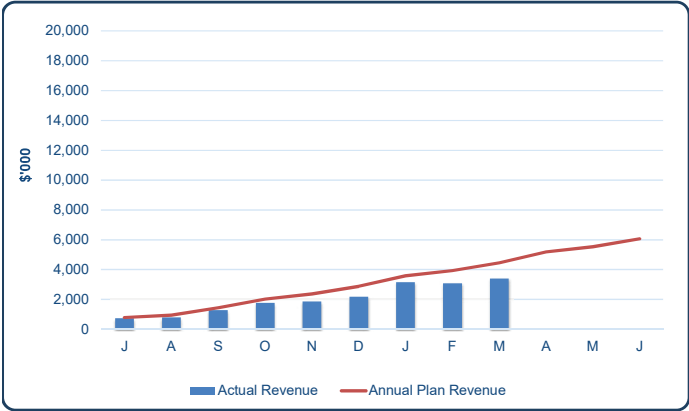


Expenditure is less than budget year-to-date due to:

- +\$450k Due to lesser venue hirage and hosting one less summer concert than anticipated
- +\$350k Not hosting an international game at Yarrow Stadium due to the rebuild affecting operations
- +\$200k Bowl of Brooklands operations due to less concerts
- +\$150k Multi sport hub OPEX project costs
- Other operating costs (timing)

WASTE MANAGEMENT AND MINIMISATION

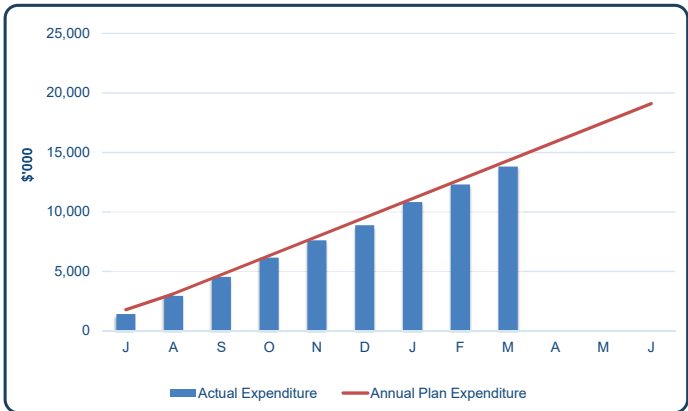
Revenue is \$1,049k (24%) less than budget



Revenue is less than budget year-to-date due to:

- -\$1.4M The Sorting Depot operations lower activity (partial offset Expenses)
- -\$300k Kerbside opt-in (offset Expenses)
- +\$0.7M Waste Levy Rebate (No rates impact as the levy is distributed to a Reserve for future community use)

Expenditure is \$500k (3%) less than budget



Expenditure is less than budget year-to-date due to:

- +\$260k The Sorting Depot operations lower activity (offset Revenue)
- +\$350k Kerbside collection operations (offset Revenue)

WASTEWATER TREATMENT

Revenue is \$233k (2%) less than budget



Revenue is less than budget year-to-date due to:

- +\$120k Tradewaste charges
- +\$2.4M Better Off funding grant for Urenui & Onaero project (capital expenditure was in the prior year, however approval of Better of Funding was delayed)
- -\$2.9M Crown Infrastructure Partners milestone grant for Thermal Dryer Facility project (timing only)

Expenditure is \$303k (1%) less than budget

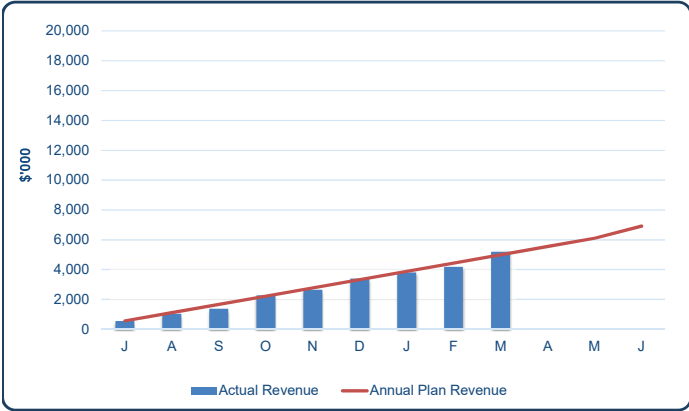


Expenditure is less than budget year-to-date due to:

- +\$146k Adjustment for Local Authority Protection Programme (LAPP) from FY24
- +\$200k Plant operations utilities and chemicals under budget
- -\$80k increase in Biosolids disposals

WATER SUPPLY

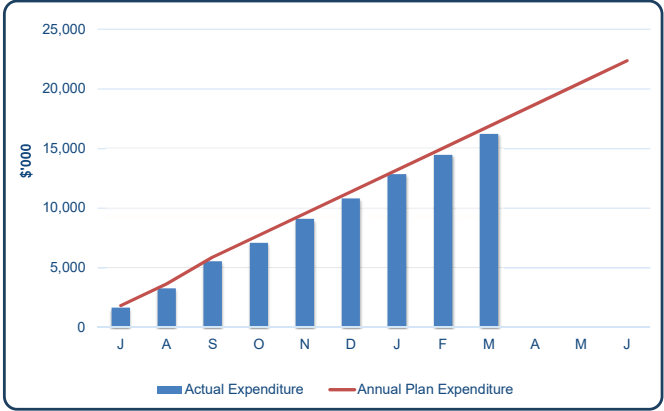
Revenue is \$191k (4%) more than budget



Revenue is more than budget year-to-date due to:

- +\$150k Increased Water usage over summer period.

Expenditure is \$656k (4%) less than budget



Expenditure is less than budget year-to-date due to:

- +\$0.5M Projects seed funding (timing only)
- -\$350k Higher depreciation recognised than budgeted
- -\$200k Higher carbon dioxide charges than budgeted
- +\$600k of other operating and maintenance timing differences.

**Statement of Comprehensive Revenue and Expense**

For the period ended 31 March 2025

		Actual (\$'000)	Budget^ (\$'000)	Variance (\$'000)	(%)
<b>Operating revenue</b>					
Rates	(a)	111,307	110,801	506	0%
Subsidies and grants	(b)	32,980	32,121	859	3%
Fines and levies		1,030	1,112	(82)	-7%
Development and financial contributions	(c)	3,270	4,969	(1,699)	-34%
Other revenue	(d)	15,474	28,867	(13,393)	-46%
Interest revenue	(e)	3,391	1,759	1,632	93%
Investment revenue	(f)	24,053	17,457	6,596	38%
Waitara Lands Act revenue	(g)	1,256	828	428	52%
<b>Total operating revenue</b>		<b>192,761</b>	<b>197,914</b>	<b>(5,153)</b>	<b>-3%</b>
<b>Operating expenditure</b>					
Personnel costs	(h)	50,543	52,063	1,520	3%
Other expenses	(i)	63,964	73,432	9,468	13%
Depreciation and amortisation expense	(j)	41,673	40,099	(1,574)	-4%
Interest costs	(k)	12,549	11,958	(591)	-5%
Interest rate swaps	(l)	5,062	-	(5,062)	0%
Waitara Lands Act distributions	(g)	1,472	1,049	(423)	-40%
<b>Total operating expenditure</b>		<b>175,263</b>	<b>178,601</b>	<b>3,338</b>	<b>2%</b>
<b>Surplus/(Deficit) before tax</b>		<b>17,498</b>	<b>19,313</b>	<b>(1,815)</b>	<b>-9%</b>
Tax refund/(expense)		-	-	-	-
<b>SURPLUS/(DEFICIT) AFTER TAX</b>		<b>17,498</b>	<b>19,313</b>	<b>(1,815)</b>	<b>-9%</b>

^Approved figures as per LTP 2024-2034

Council reports an operating surplus of \$17.5m for the 9 months ended 31 March 2025. This is \$1.8m lower than the budgeted surplus of \$19.3m for the same period. Key variances include:

(a) Targeted Rates: Higher than budget due to summer drought leading to increased water usage.

(b) Subsidies and grant funding is greater than budgeted due to:

- +\$2.4m in funding recognised YTD for Urenui Onaero through Better Off Funding;
- +\$1.3m through Destination Play funding;
- -\$2.9m Wastewater TDF Milestone Claims (timing).

(c) Development and financial contributions is lower than budget due to fewer new growth area developments than anticipated.

(d) Other revenue lower than budgeted:

- -\$1.1m Commercial Waste Sorting Facility – 'The Sorting Depot' - operating activity below budget (partially offsets Other expenses);
- -\$3.6m McKay harvest delayed until FY26 (offset by direct costs and appropriation to forestry reserve);
- -\$8m Asset disposals (no rates impact).

(e) Interest revenue:

- Higher interest rates earned across all investments and bank accounts;
- +\$0.3m interest earned on prefunding;
- +\$0.7m interest earned on Hapū Land funds;
- +\$0.4m Airport borrowing (additional drawdowns) (offset finance expense).

(f) Investment revenue: +\$13.3m YTD Increase in the value of the PIF (vs YTD Budget \$6.3m growth).

(g) Waitara Lands Act revenue and distributions: Freehold sales activity is higher than budget, therefore impacting both revenue received and distributions made.

(h) Personnel costs: Lower than budget due to:

- +\$1.6m through vacancies management vs vacancies YTD.

(i) Other expenses: Lower than budget due to the following:

- +\$4.5m technology projects under budget (partial offset in direct costs);
- +\$2.7m McKay harvest delayed until FY26 (offset by other revenue);
- +\$1.8m Three Waters opex projects (partial offset in direct costs).

(j) Depreciation and amortisation: Budgeted depreciation was increased but not sufficiently to match actual depreciation expense post revaluation.

(k) Finance Costs: Interest costs are greater than budget due to the following:

- -\$392k interest on borrowing passed on to Airport (additional drawdowns) (offset finance revenue);
- -\$199k interest due to timing of borrowings (earlier in year than forecast) (partially offset finance revenue).

(l) Swaps gains or losses are not budgtd for due to the inherent uncertainties of these derivative financial instruments



Statement of Financial Position						
As at 31 March 2025						
		2024/25 Actual 31 Mar 25 (\$'000)	2023/24 Actual 30 Jun 24 (\$'000)	Variance (\$'000)	%	2024/25 LTP Budget 30 Jun 25 (\$'000)
<b>Non-current assets</b>						
Perpetual Investment Fund	(a)	391,979	378,743	13,236	3%	357,470
PRIP advance	(b)	33,099	22,499	10,600	47%	17,911
Investment in CCOs and similar entities	(c)	59,764	57,791	1,973	3%	46,389
Community and other loans	(d)	2,020	3,265	(1,245)	-38%	-
Intangible assets	(e)	6,642	10,170	(3,528)	-35%	1,050
Forestry assets		4,758	4,758	-	0%	3,800
Derivative financial assets	(f)	88	2,328	(2,240)	-96%	7,240
Property, plant and equipment	(g)	3,477,309	3,444,664	32,645	1%	3,841,520
<b>Total non-current assets</b>		<b>3,975,659</b>	<b>3,924,218</b>	<b>51,441</b>	<b>1%</b>	<b>4,275,380</b>
<b>Current Assets</b>						
Cash and cash equivalents	(h)	23,230	17,293	5,937	34%	4,420
Trade and other receivables		31,085	28,265	2,820	10%	19,450
Inventory		176	176	-	0%	150
Intangible assets		9	9	-	0%	-
PRIP advance		-	-	-	0%	-
Term deposits		29,386	29,216	170	1%	10,000
Waitara Perpetual Community Fund		23,194	21,245	1,949	9%	25,000
Derivative financial assets	(f)	14	941	(927)	-99%	-
Non-current assets held for sale		-	-	-	0%	480
<b>Total current assets</b>		<b>107,094</b>	<b>97,145</b>	<b>9,949</b>	<b>10%</b>	<b>59,500</b>
<b>TOTAL ASSETS</b>		<b>4,082,753</b>	<b>4,021,363</b>	<b>61,390</b>	<b>2%</b>	<b>4,334,880</b>
<b>Non-current liabilities</b>						
Employee entitlements		368	359	9	3%	520
Derivative financial liabilities	(f)	1,888	-	1,888	0%	30
Provisions		1,778	1,778	-	0%	2,460
Public debt and other loans	(i)	360,500	290,500	70,000	24%	310,880
<b>Total non-current liabilities</b>		<b>364,534</b>	<b>292,637</b>	<b>71,897</b>	<b>25%</b>	<b>313,890</b>
<b>Current liabilities</b>						
Trade and other payables	(j)	23,228	40,892	(17,664)	-43%	60,120
Waitara Lands Act		20,881	19,062	1,819	10%	-
Public debt and other loans	(i)	29,000	39,144	(10,144)	-26%	63,050
Employee entitlements	(j)	5,445	4,309	1,136	26%	4,950
Provisions		86	1,068	(982)	-92%	1,020
Derivative financial liabilities		6	-	6	0%	300
<b>Total current liabilities</b>		<b>78,646</b>	<b>104,475</b>	<b>(25,829)</b>	<b>-25%</b>	<b>129,440</b>
<b>TOTAL LIABILITIES</b>		<b>443,180</b>	<b>397,112</b>	<b>46,068</b>	<b>12%</b>	<b>443,330</b>
<b>NET ASSETS</b>		<b>3,639,573</b>	<b>3,624,251</b>	<b>15,322</b>	<b>0%</b>	<b>3,891,550</b>
<b>Equity</b>						
Accumulated funds		1,679,522	1,701,413	(21,891)	-1%	1,692,470
Other reserves		1,960,051	1,922,838	37,213	2%	2,199,080
<b>TOTAL EQUITY</b>		<b>3,639,573</b>	<b>3,624,251</b>	<b>15,322</b>	<b>0%</b>	<b>3,891,550</b>

The Statement of Financial Position is a snapshot of the Council's financial position at a particular point in time.

**Total assets are \$60.9m (2%) higher compared to 30 June 2024. The increase is predominantly due to:**

(a) PIF has increased by \$13.3m since year end due to favourable investment market fluctuations. The LTP Budget opening balance was \$29.7m lower than actual, hence the variance to budget.

(b) PRIP advance receivable has increased by \$10.6m due to additional drawdown of funds for completion of the solar farm construction project.

(c) Investment in CCOs and similar entities has increased by \$2m due to an increase in bonds held at LGFA attached to borrowings.

(d) Community and other loans have decreased by \$1.2m due to repayments made by ratepayers towards outstanding Home Energy Scheme (VTR) loan balances.

(e) \$3.5m decrease in Intangible assets since June is due to treatment of intangible WIP costs which are held within PPE throughout the year, and are reclassified to Intangibles for presentation at year end.

(f) Derivative financial assets and liabilities comprise interest rate swap agreements - the overall value of these swaps have decreased by \$5m as they are moving closer to their maturity and are impacted by falling floating interest rates. Timing changes between current to non-current are due to agreements expiring within the next 12 months and moving between categories.

(g) Property, plant and equipment has increased by the net of year to date capital expenditure less depreciation.

(h) Cash and cash equivalents have increased by \$6m; primarily due to additional loans of \$60m drawn from LGFA since June 2024 and timing of cash outflows to suppliers.

**Total liabilities are \$47m (12%) higher compared to June 2024. The increase is predominantly due to:**

(i) Total Public debt and loans is \$389.5m, due to additional loans of \$60m which have been undertaken from LGFA since June 2024. Timing changes from current to non-current of \$10m is due to maturing core debt being refinanced for an extended term.

(j) Trade and other payables and Employee entitlements have decreased by \$16m overall since June 2024 due to timing of payments to suppliers and employees. The movement in Trade and other payables and Employee entitlements should be analysed in combination, since employee salaries have been included in the Trade and other payables line at year end.

The Council's current ratio (the ratio of current assets to current liabilities (a measure of liquidity) stands at 1.35 as at period end (30 June 2024: 0.93).

A ratio above 1 means current assets are greater than current liabilities, and indicates that Council is in a strong current position to cover its short-term obligations.



## Treasury reporting

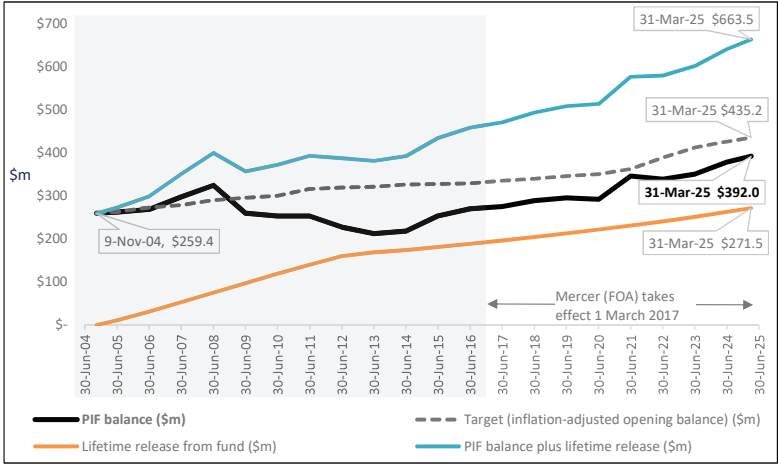
### Pūrongo Pūtea

This section provides an overview of the Council's debt position and compliance with its Treasury Management Policy, and the structure and performance of the Waitara Perpetual Community Fund for the period ended 31 December 2024.

**Perpetual Investment Fund (PIF)**  
For the period ended 31 March 2025

- Background:**
- The Perpetual Investment Fund (PIF) was created in 2004 following the sale of Council's shareholding in Powerco.
  - The PIF is invested through Mercer NZ in a range of different asset classes. Mercer acts as Fully-Outsourced Agent (FOA) for the fund, and manages the various underlying fund managers.
  - New Plymouth PIF Guardians Limited is a Council-Controlled Organisation which provides independent oversight of Mercer as FOA. The PIF Guardians board is made up of directors with experience in investment markets and supporting skills.
  - The PIF is governed by Statement of Investment Policies and Objectives (SIPO). The SIPO includes a formula for calculating the value of release payments, to ensure these are sustainable over the long term. The SIPO is reviewed every three years by the PIF Guardians and updated as required.
  - The PIF has a target return of CPI + 3.3% measured over a rolling 5-year average. This target ensures that the Fund maintains its real value against inflation, while allowing for distributions to Council (release payments) to be made quarterly that subsidise approximately 10% rates for the district.

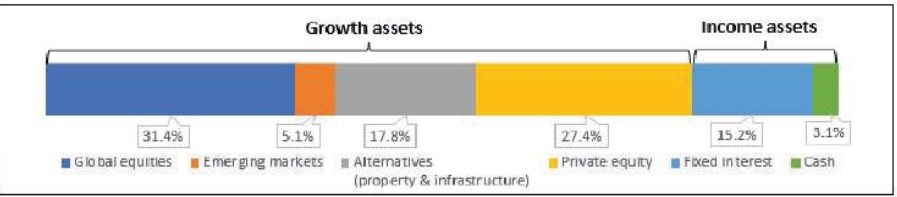
PIF balance, release payments compared to real value of initial balance to Mar-25



PIF returns:

	Since inception (Nov 2004)	5 years	1 year
Returns (after fees and taxes) (p.a.)	7.2%	10.9%	7.8%
Relative to CPI + 3.3%	-	+3.3%	+1.9%
Distributions to Council (release payments)	\$271.5m	\$52.9m	\$12m

PIF composition (Mar-25):



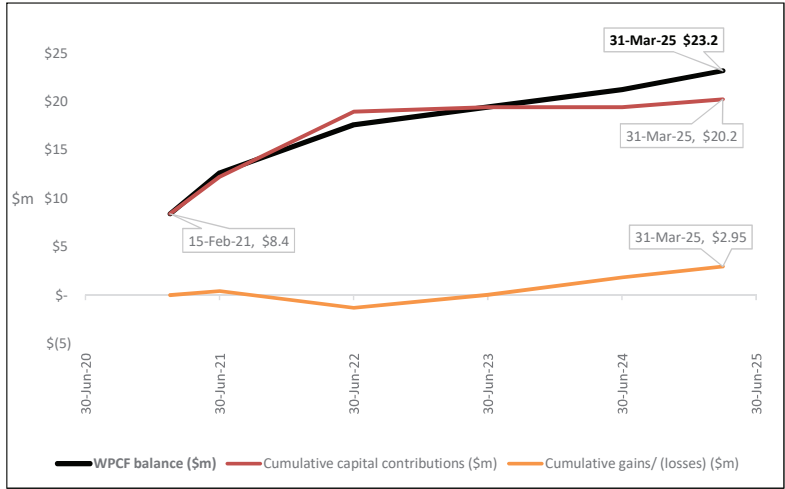
Waitara Perpetual Community Fund (WPCF)  
For the period ended 31 March 2025

Background:

- In 2018, the New Plymouth District Council (Waitara Lands) Act 2018 was enacted to prescribe how land in Waitara confiscated during the New Zealand Land Wars and later vested to New Plymouth District Council, as successor to a number of former local government entities, should be treated.
- The Act established the Waitara Perpetual Community Fund (WPCF), which receives a share of income from leasehold properties and land sales in the confiscated area. The WPCF was created to benefit the Waitara community (or any part thereof) by distributing funds annually.
- The WPCF is invested through Mercer NZ in a range of different asset classes. Mercer acts as Fully-Outsourced Agent (FOA) for the fund, and manages the various underlying fund managers.
- Distributions from the WPCF are determined by the Te Tai Pari Board, which comprises 3 members appointed by Te Kōwhiri Tū Moana Trust and 3 members appointed by Council.
- The WPCF is governed by Statement of Investment Policies and Objectives (SIPO). The SIPO includes a formula for calculating the value of release payments, to ensure these are sustainable over the long term.
- The WPCF has a target return of CPI + 3% measured over a rolling 5-year average\*. This target ensures that the WPCF maintains its real value against inflation, while allowing for distributions (release payments) to be made to the Waitara Community annually.

\* For comparison, NPDC's PIF has a target return of CPI + 3.3% (5-year average). The reason for this difference is that the PIF is more aggressively structured (asset allocation within the PIF aims for 80% growth assets / 20% income assets), compared to WPCF's more conservative asset allocation of 70% growth assets / 30% income assets.

WPCF balance, capital contributions, gains/(losses) to Mar-25

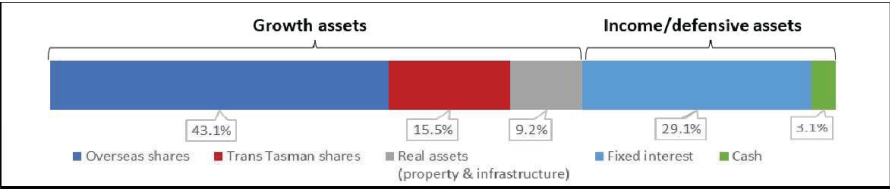


WPCF returns:

	Since inception (Feb 2021)	3 years	1 year
Returns (before fees and taxes) (p.a.)	5.1%	5.9%	6.9%
Relative to CPI + 3.3%	+0.4%	+0.8%	+0.3%
Distributions to Waitara community (release payments)*	\$0.7m	\$0.7m	\$0.3m

\* All distributions to date have been paid from available cash balances, rather than drawn down from the Fund.

WPCF composition (Mar-25):





## Borrowings

For the period ended 31 March 2025

### Background:

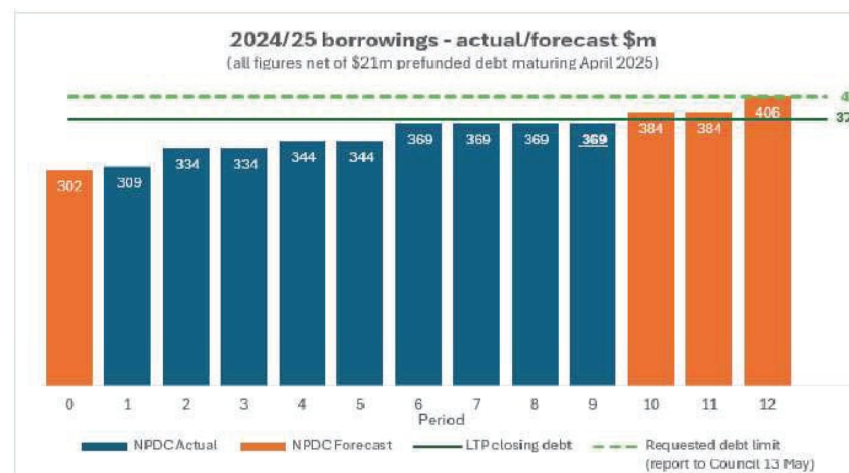
- Council borrowings are governed by a Treasury Management Policy.
- The Treasury Management Policy sets out key benchmark ratios to ensure that the level of debt remains manageable and affordable for ratepayers.
- The Treasury Management Policy also includes other requirements around borrowings and investments, to ensure that:
  - The risk of interest rates changes is managed appropriately;
  - Investments are spread across various banks/institutes and not concentrated with any one party;
  - Sufficient cash, term deposits and bank facilities are kept available to provide liquidity;
  - Timing of debt maturity is staggered (to avoid a significant portion of debt being due within any one financial year);
  - The types of financial instruments/arrangements that Council Officers can enter into without explicit Council approval are appropriate; and
  - Any on-lending to Council-Controlled Organisations or other parties requires Council approval.
- Council Officers have delegated authority to borrow money up to the total approved in the Long-Term Plan.

### Treasury Management Policy compliance

Borrowings			
Benchmark ratios	Limit	Result	Compliant?
Net debt as % of total revenue*	<135%	-38%	✓
Net interest as % of total revenue	<10%	5%	✓
Net interest as % of annual rates	<20%	8%	✓
Liquidity over existing debt	>105%	109%	✓

\* Result is negative, since liquid assets > borrowings (i.e. net asset position).

Investments			
Requirement	Limit	Result	Compliant?
Maximum investment per counterparty (AA- credit rating)	\$35m	\$14.4m	✓
Maximum investment per counterparty (A credit rating)	\$20m	\$14m	✓

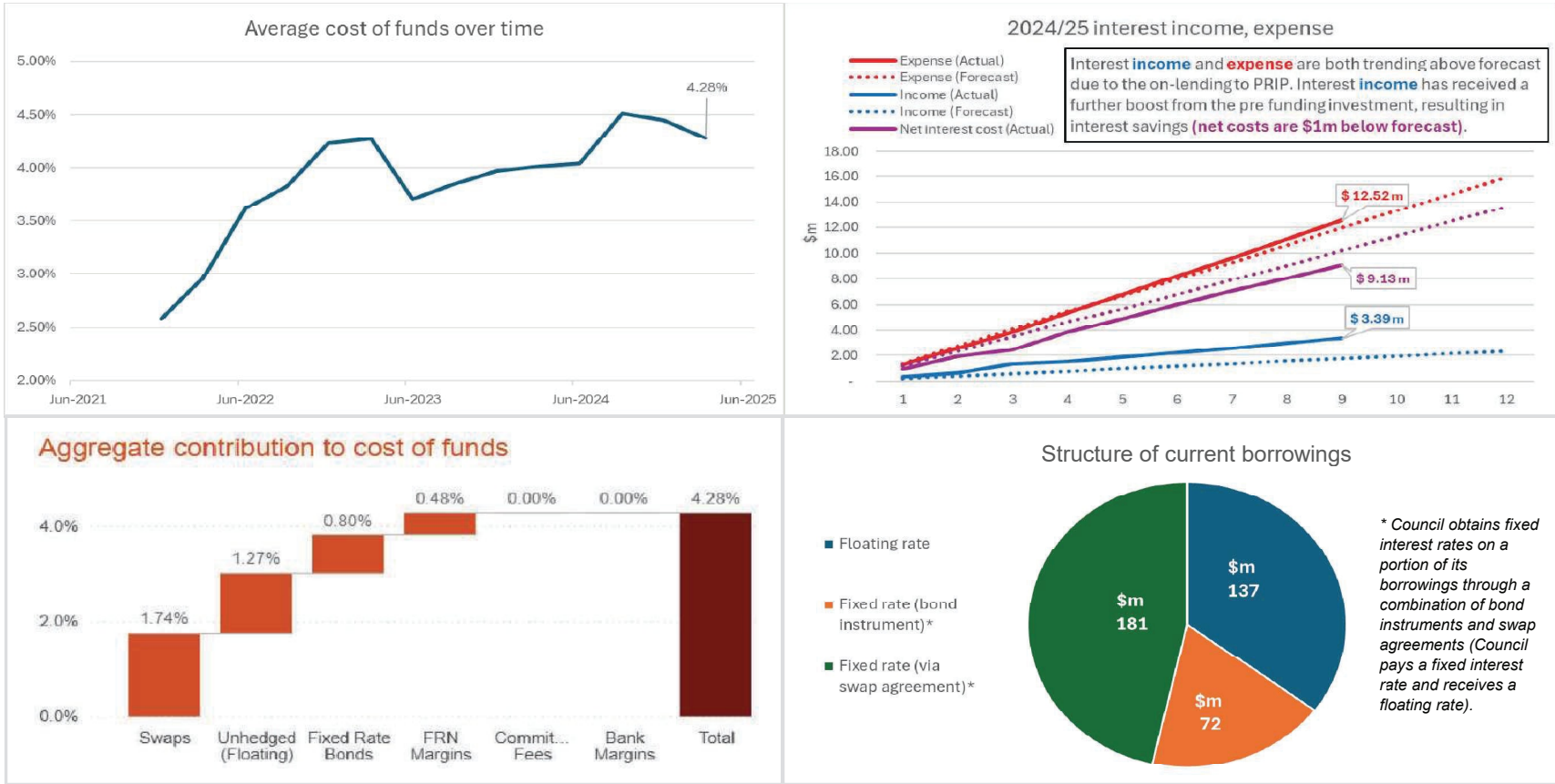


Current year borrowings - movement				
	Long-term	Short-term	Loans to CCOs	Total debt
	\$m	\$m	\$m	\$m
Opening balance at 1 July 2024	268	39	23	330
New borrowing	61	-	9	70
Repayment of debt	-	(10)	-	(10)
<b>Total debt as at 31 March 2025</b>	<b>329</b>	<b>29</b>	<b>31</b>	<b>390</b>
Forecast new borrowings	35	-	2	37
Forecast repayment of debt (prefunded)	(21)	-	-	(21)
<b>Forecast debt as at 30 June 2025</b>	<b>344</b>	<b>29</b>	<b>33</b>	<b>406</b>
Closing debt per Long Term Plan 2024/25	331	29	14	374
<b>Additional debt required (report to Council 13 May)</b>	<b>13</b>	<b>-</b>	<b>19</b>	<b>32</b>

**Borrowings - Interest costs**  
For the period ended 31 March 2025

**Background:**

- Council's Treasury Management Policy requires that the risk of changes in interest rates for Council's borrowings are managed appropriately.
- The Treasury Management Policy sets out minimum and maximum ranges for fixed and floating interest rates, split into bands based on the time until the borrowings mature. A greater proportion of fixed interest rates are required for borrowings closer to maturity, to mitigate the risk of unexpected changes in annual interest costs.



**Reserves**

For the period ended 31 March 2025

**Statement of Reserves:**

	Balance at 1 July 24 (\$'000)	Transfers into fund* (\$'000)	Transfers out of fund* (\$'000)	Balance at 31 Mar 25 (\$'000)
Revaluation Reserve	1,930,787	-	(142)	1,930,645
Renewal Reserve	15,179	600	-	15,779
Disaster funds	1,797	-	-	1,797
Restricted - Sale of Junction Road properties fund	8,366	-	-	8,366
Restricted - Waitara Perpetual Community Fund	22,203	-	-	22,203
Restricted - Solid Waste Development fund	1,459	-	-	1,459
Other restricted reserves, Trust and bequest funds	(10,245)	-	-	(10,245) *
Operating Reserve	2,928	1,291	(354)	3,865
Development funds	1,165	-	-	1,165
Accumulated Funds	-	(250)	150	(100)
<b>Total Reserves</b>	<b>1,973,639</b>	<b>1,641</b>	<b>(346)</b>	<b>1,974,934</b>

(\*) Other restricted reserves are overdrawn due to capital expenditure incurred to date for the Urenui/Onaero wastewater project, and operating losses incurred for the Commercial Material Recovery Facility.

**Notes:**

- Reserves with shading have restricted use.

Within limits
On track
Overdrawn

**Background:****Revaluation reserve**

This reserve relates to the revaluation of property, plant, and equipment to fair value.

**Renewal reserve**

The Council sets aside funding to meet the renewal of its infrastructural and operating assets. Funds are transferred out at Year End to fund current year CAPEX Renewal programme.

**Disaster funds**

The Council maintains a disaster fund as part of its insurance strategies, which can be made available for specific unforeseen events.

**Restricted reserves, Trust and bequest funds**

These reserves have been created for funds which are restricted for a particular purpose such as bequests or operations in trust. Includes Waitara Perpetual Community Fund, Sale of Junction properties fund, and Waste management and minimisation fund which was set up for works associated with Districts solid waste disposal system. Also includes Urenui/Onaero Wastewater project.

**Operating Reserve**

Reserves for different areas of benefit are used where there is a discrete set of rate payers. Any surplus or deficit relating to these separate areas is applied to the specific reserves.

**Development funds**

These arise from development contributions levied by Council to contribute to growth related capital expenditure. Funds are transferred out at Year End to repay debt.

**Accumulated funds**

This reserve relates to YTD depreciation, funds are offset with to Accumulated funds at year end. Reserves exclude deficit from 2022 & 2023.

**Operating Reserve Detail**

		Total commitment (\$000)	Total spent (\$000)	Total remaining (\$000)	Balance at 31 Mar 25 (\$000)	Forecast remaining (\$000)	Comment
	Approved commitment detail						
Agility Reserve Fund	Food Security \$80k; Taranaki Retreat's Rough Sleepers Project \$50k.	(200,000)	(70,000)	(130,000)	167,236	37,236	
Economic Development and Covid-19 Reserve	Central City Support \$197k	(197,000)	-	(197,000)	561,020	364,020	
Esplanade Strips	Nil				(608,462)	(608,462)	
Events Underwrite Reserve	Transfer to Economic Development Reserve in 2026	(500,000)	-	(500,000)	500,000	-	
Taranaki Arts Festival Trust (TAFT) Reserve	Nil	-	-	-	750,000	750,000	
Forestry Reserve Fund	Forestry harvest less operating costs (\$1.6M); Planting our Parks \$115k; spatial plans \$200k.	1,256,945	-	1,256,945	(291,777)	965,168	Colson Road, McKay, Herekawe harvests delayed
General Accounting Reserve Fund - GARF	Nil	-	-	-	355,535	355,535	
NP Partners Minor Co-Funding Opportunities Reserve	Destination Play, Marine Park.	(50,000)		(50,000)	50,000	-	
Sustainable Lifestyle Capital Reserve	Nil	-	-	-	250,000	250,000	
Kerbside Collection Operating Surplus	Targeted rate	1,500,000	-	1,500,000	(996,803)	503,197	
TEMO Operational Fund	Regional fund				(155,241)	(155,241)	
Waste Levy Operating Surplus	Targeted rate				1,668,574	1,668,574	
Water Operating Surplus	Targeted rate				-	-	
Wastewater Operating Surplus	Targeted rate				-	-	
Community Housing reserve	Housing crisis solutions	(200,000)	(126,686)	(73,314)	629,000	555,686	
Community Board Discretionary Fund	Various as per Community Board	(750,000)	(514,351)	(235,649)	985,530	749,881	
<b>Total</b>		<b>859,945</b>	<b>(711,037)</b>	<b>1,570,982</b>	<b>3,864,612</b>	<b>5,435,594</b>	



## CONTACT

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- 📘 [NewPlymouthDistrictCouncil](#)
- 🐦 [NPDCouncil](#)





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## **HEALTH, SAFETY & WELLBEING QUARTERLY REPORT – PERIOD ENDING MARCH 2025 (Q3) – DUE DILIGENCE OBLIGATIONS**

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### **PURPOSE/ TE WHĀINGA**

1. This report presents the Health, Safety and Wellbeing Quarterly Report for the period 1 January – 31 March 2025.

### **RECOMMENDATION / NGĀ WHAIKUPU**

**That, having considered all matters raised in the report, the report be noted.**

### **FINANCE, AUDIT AND RISK COMMITTEE RECOMMENDATION**

2. The Finance, Audit and Risk Committee:
  - a) Endorsed the Officer's recommendation and;
  - b) Request Officers develop an action plan and recommendations to address information gaps in contractor health and safety reporting and;
  - c) Request Officers report back on contractor safety to the September 2025 Finance, Audit and Risk Committee meeting.

### **SIGNIFICANCE AND ENGAGEMENT / TOHUTOHU KAI WHAKAHAERE**

3. This report is provided for information purposes only and has been assessed as being of some importance. The material presented in this report assists the elected members, as Officers, to exercise their duty of due diligence to meet their statutory obligations under the Health and Safety at Work Act 2015.
4. The matters discussed in this report do not have implications for the Council's level of service or the financial costs for the community. Public interest in these matters is unlikely to be high.

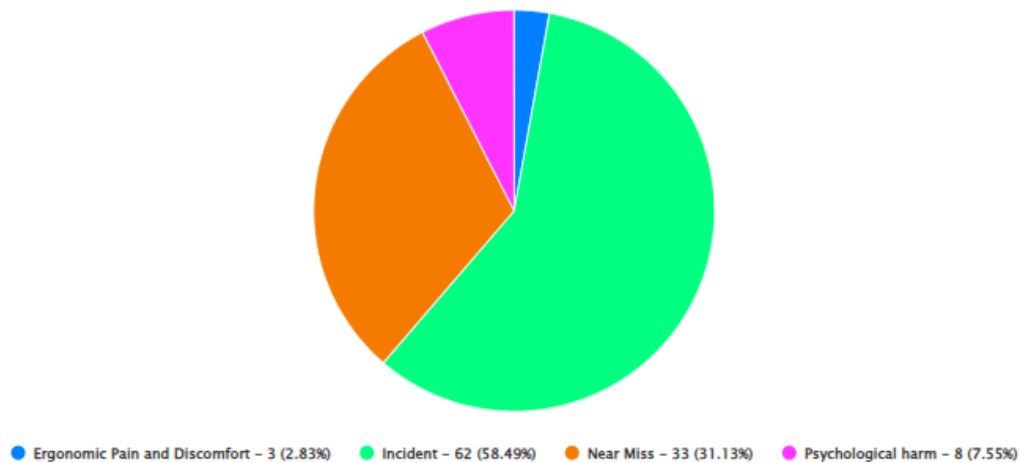
### **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

5. This report highlights a continued commitment to fostering a safe and healthy work environment through risk management, incident reporting and wellbeing initiatives.
6. There were no notifiable incidents reported to WorkSafe this quarter.
7. The ACC Accredited Employers Programme audit was conducted in April with fifteen of the sixteen assessment areas meeting the required standard. One area requires further action and evidence as documented in paragraph 18.

8. One critical risk deep dive was carried out on machinery and equipment. More emphasis needs to be placed on increasing the frequency and depth of hazard and risk reviews, to include control verifications and assurance. Work on reviewing the critical risks for NPDC has been delayed due to re-prioritisation of workload due to audit outcomes. Work on this has since restarted post submission of ACC action plan evidence.
9. Quarter three sees the launch of the new health and safety framework through several short videos, supported by an e-learning. The framework outlines the minimum expectations for health, safety and wellbeing in our daily operations.

## PERFORMANCE INSIGHTS

### Event reporting – includes contractors.

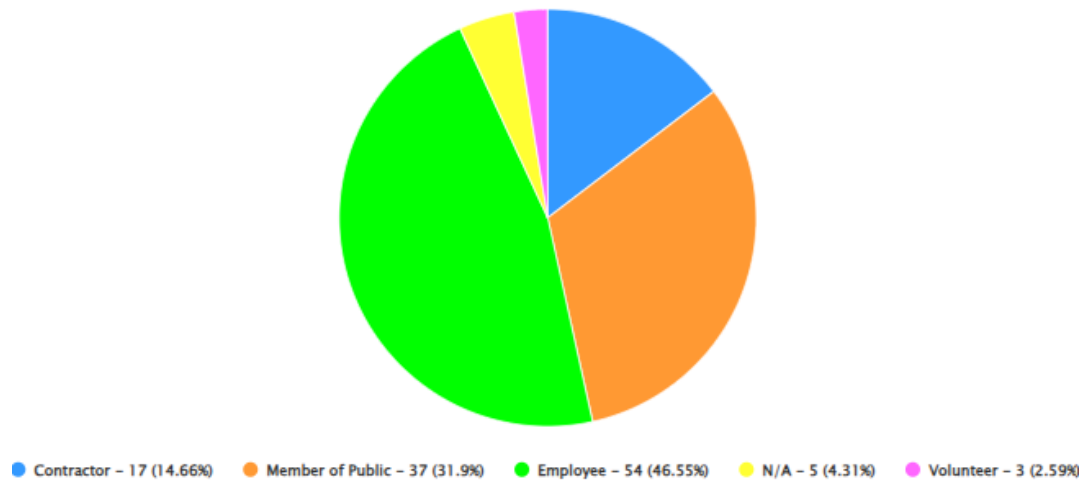
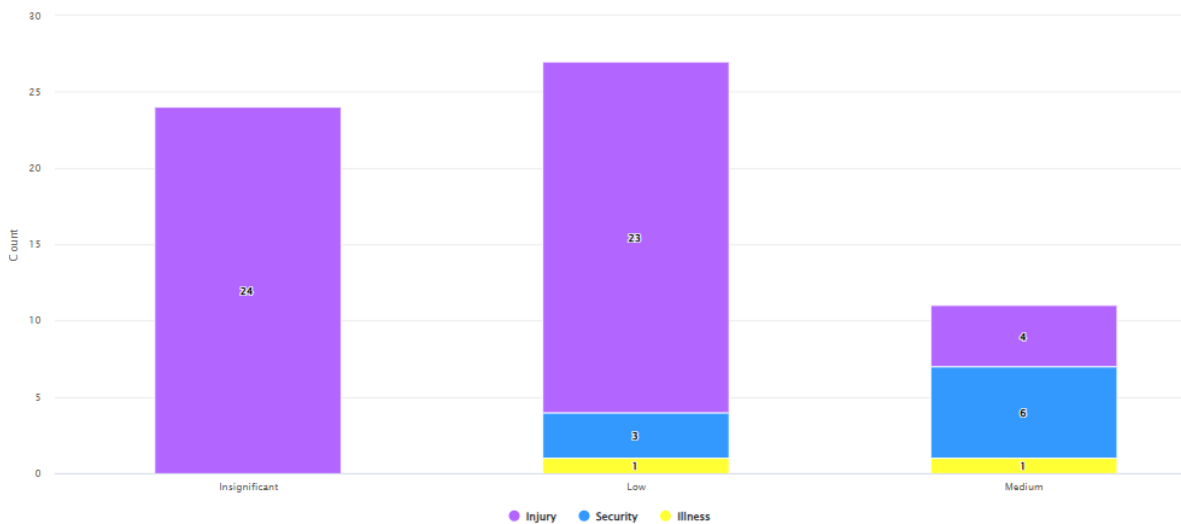


10. The graph above illustrates sixty-two incidents recorded for the quarter. The majority occurred in public-facing environments such as Parks, Aquatics and Event Venues. This highlights the need for ongoing vigilance in high-density public areas and continued situational safety awareness training for frontline staff.

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**People involved in health and safety events.**

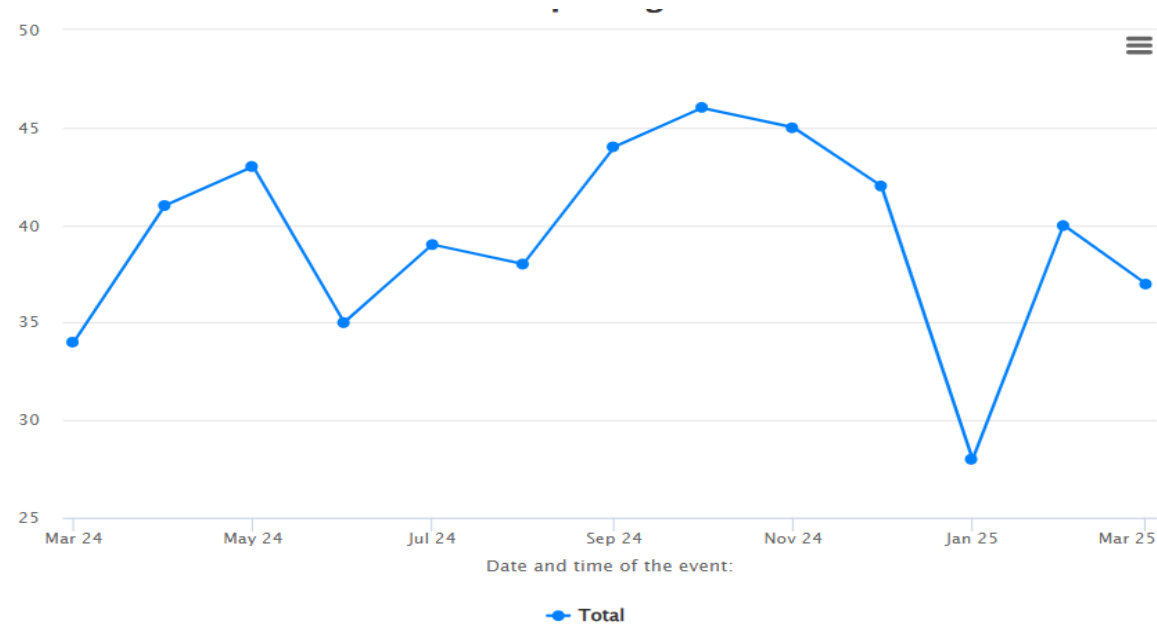
11. Employees remain the most affected group, followed closely by members of the public. The overall number of incidents involving contractors, members of the public and employees have all decreased this quarter when compared to quarter two.

**Incidents by potential severity**

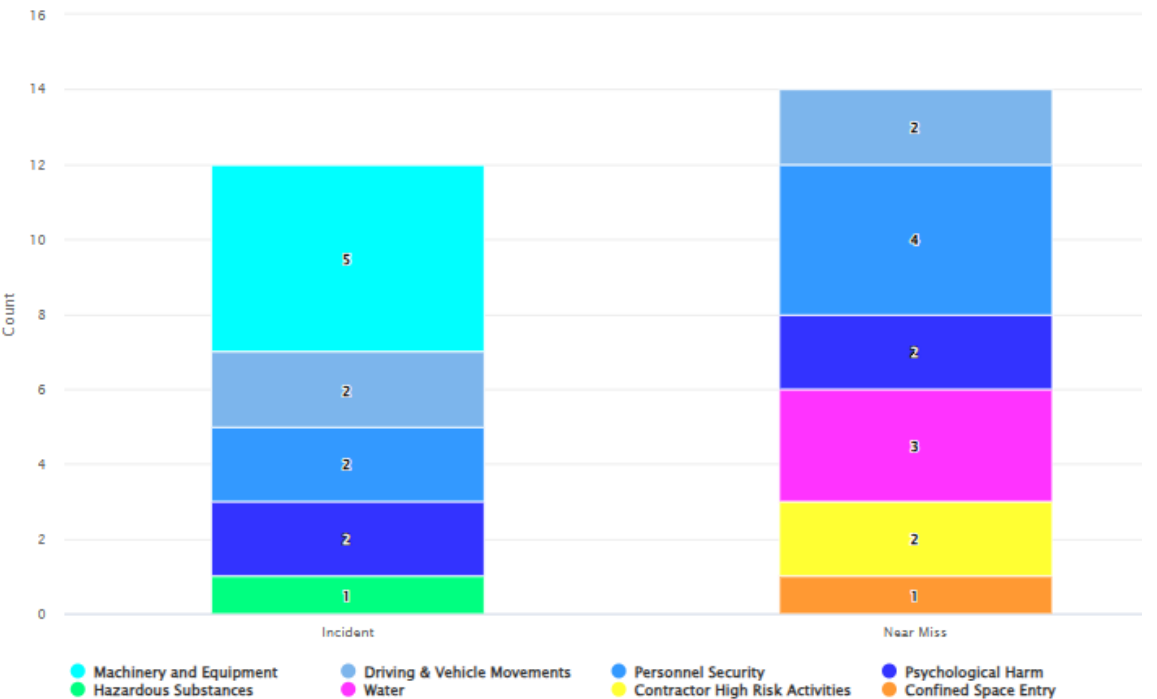
12. The above shows incidents by potential severity, a substantial portion of incidents fall in the insignificant or low severity category. Strains/sprains and superficial injuries were the leading type of injury.

13. Below shows the incident reporting trend for the last 12 months, reinforcing the commitment to reporting and continuous improvement. An analysis of the incline in critical risk incidents from January to February is due to work resuming as normal after the holiday season.

**Event reporting trend (includes all event categories)**



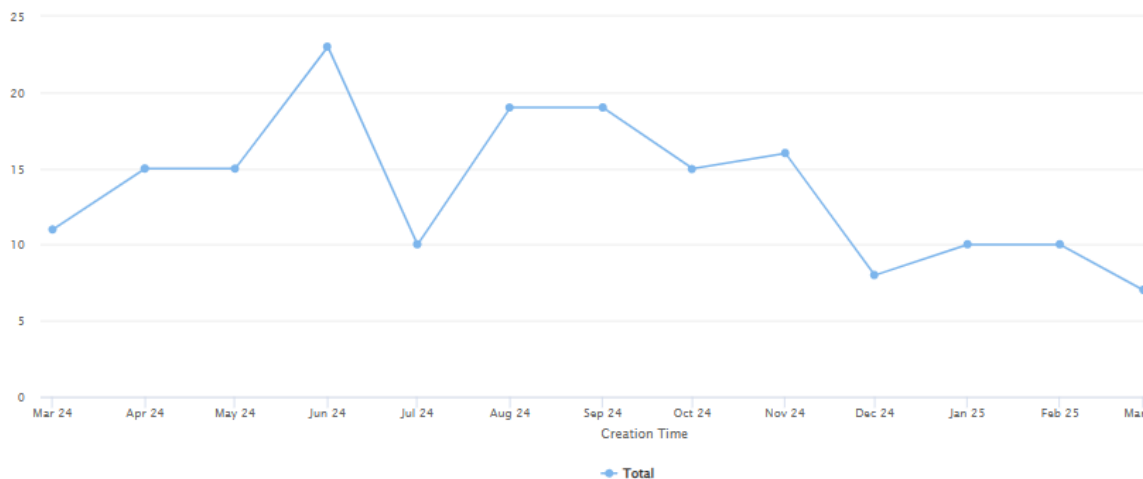
**CRITICAL RISK EVENTS**



14. Critical risks refer to hazards that pose a significant threat of serious harm or fatal injury in the workplace. Critical risk events are most frequently associated with operational hazards. Continued focus on high-risk activities, critical controls and education on psychological harm is essential. Personnel security and working over water have the highest number of near misses. Additionally, machinery and equipment present the most significant risk for the incident category.

### Critical risk incidents over 2024 -2025

15. A decline in critical risk incidents as seen above is due to events not aligning with the listed critical risks, and not a reduction in actual risk exposure.



### CRITICAL RISK DEEP DIVES AND FINDINGS

16. The following information presents the findings from this quarter's critical risk review. This quarter we have reviewed machinery and equipment. The deep dive identifies gaps in controls, control effectiveness and opportunities for improvement.

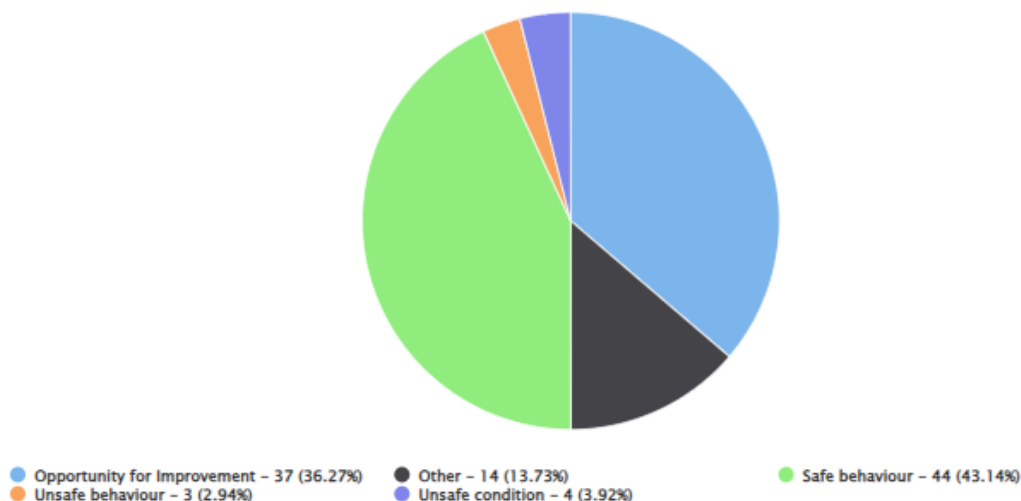
## Machinery and Equipment

Description			
Rotating parts could cause trapped/injured/entanglement of limbs, collision with machinery, mechanical failure.			
People Exposed		Controls	
Staff, Contractors, volunteers, and members of the public.		<b>Critical Controls</b> Isolation by using guards or other hard isolation controls.	
		<b>Other Controls</b> Training Application of Permit to work (PTW) Procedures Vehicle inspections Regular maintenance Competent and licenced operators Site barriers Use of safety observers/spotters Personal protective equipment (PPE)	
Gaps/Improvement/Progress			
Competency- training records are documented on individual employee profiles. Some areas of Council do not have regular maintenance schedules. Not all standard operating procedures (SOP's) are reviewed regularly.			
Key incidents			
In the past year there has been several incidents involving working with and around machinery and equipment. A significant near miss was reported when an employee failed to isolate and lock out new equipment when it unexpectedly started whilst the employee was reaching into the rotating machinery. The investigation found the employee was unfamiliar with the new equipment and procedure. Actions were immediately implemented including the reinforcement of safety protocols, exploring safety interlocks for the equipment and finalising, communicating, and training on the updated procedure for the new machine.			
Assurance			
Current overall assurance level	Medium	Overall assurance level next quarter	Medium

## SAFETY CONVERSATIONS

17. Safety conversations capture both safe and unsafe behaviour or conditions which then require us to praise or correct what we see and identify opportunities for improvement. Having meaningful safety conversations assists in creating a positive safety culture and understanding normal operations.
18. The high number of positive safety conversations reflects a strong culture of open discussion and transparency. Key areas of focus were Health and Wellbeing, Safe behaviour Observations and Contractor Management.

### Safety conversations held.



## ACC AEP AUDIT

19. NPDC is a member of the ACC Accredited Employers Programme, which allows us to manage our employees work injury claims and receive discounted levies. As part of this membership, we are audited every year to ensure that we remain up to date with health and safety standards based on ISO45001 (International standard for Occupational Health and Safety Management systems).
20. This year the audit was conducted at the Todd Energy Aquatic Centre (primary site) and Govett Brewster Art Gallery/Len Lye Centre (secondary site).
21. The good news is that we met fifteen of the sixteen assessment areas, showing strength in our policies, processes and tools, however we did not meet the requirements for site observations, identifying that there were several risks that had not been identified or expected controls observed to be operating. This highlights a gap between our systems and practices to what is happening in reality.

- 
22. An action plan was developed and submitted to ACC with the requirement of all actions complete within the 30-day time limit allowed to ensure we maintain our AEP status, due 7<sup>th</sup> June 2025. We should have a response from ACC in an estimated 3 week's time.
  23. An improvement plan was also submitted to address the assessment areas that were 'met with flexibility.' These areas of focus are:
    - a) Induction training for all personnel with claims and injury management responsibilities
    - b) Refresher training of personnel with specific designated ACC AEP responsibilities
    - c) NPDC has established and maintained an approach to measuring, monitoring, and reviewing their health and safety management system and performance.
    - d) NPDC has implemented and maintained a health and safety management system audit programme.
  24. Whilst the priority is implementing the actions at the two audit sites, there is a requirement from ACC to roll out the action and improvement plans including recommendations across the wider business in all areas before next audit in April 2026.

## **OCCUPATIONAL HEALTH SERVICES**

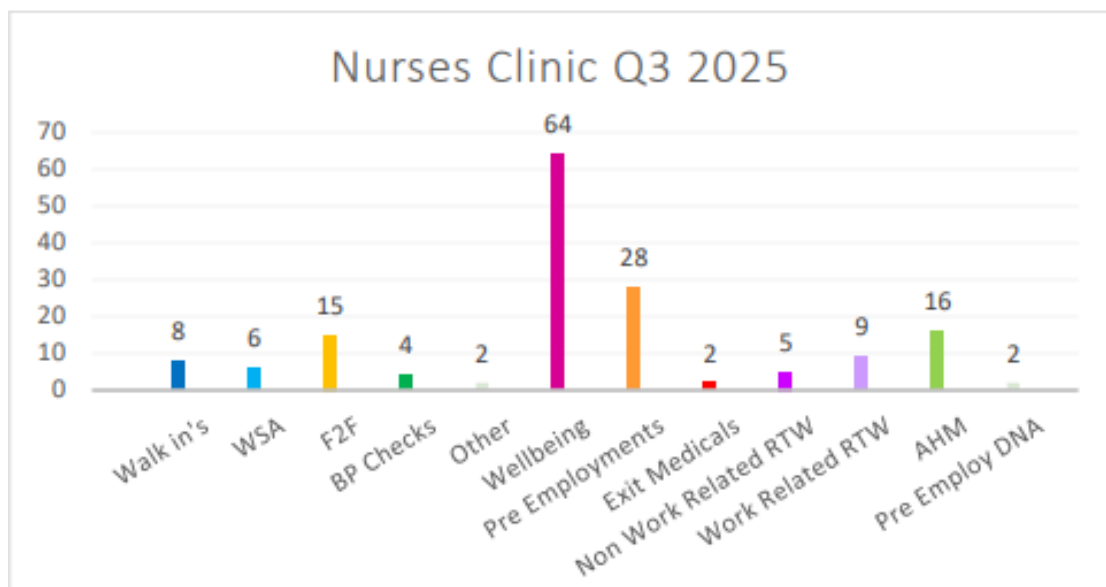
25. The nurse clinic remains actively engaged in providing healthcare advice and support to staff. This terms wellbeing initiative included the "healthy hearts" campaign themed "know your numbers" as captured as 'wellbeing' in the graph below. The initiative targeted office-based staff aiming to encourage a healthy lifestyle following the Christmas and New Year Celebrations.
26. Health monitoring continues to identify those at risk of health problems, encouraging each worker to take responsibility for their health. Recommendations have been provided to ensure the ongoing safety and wellbeing of staff.
27. 162 employees accessed the nurse clinic this quarter, with annual health monitoring carried out for the Parking and Animal Control teams. <sup>1</sup>

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<sup>1</sup> WSA: Work-station assessment. F2F: Face to face appointment. BP checks: Blood Pressure checks. RTW: Return to work. AHM: Annual Health Medical. PEM-DNA: Pre-employment medical drug and alcohol test.

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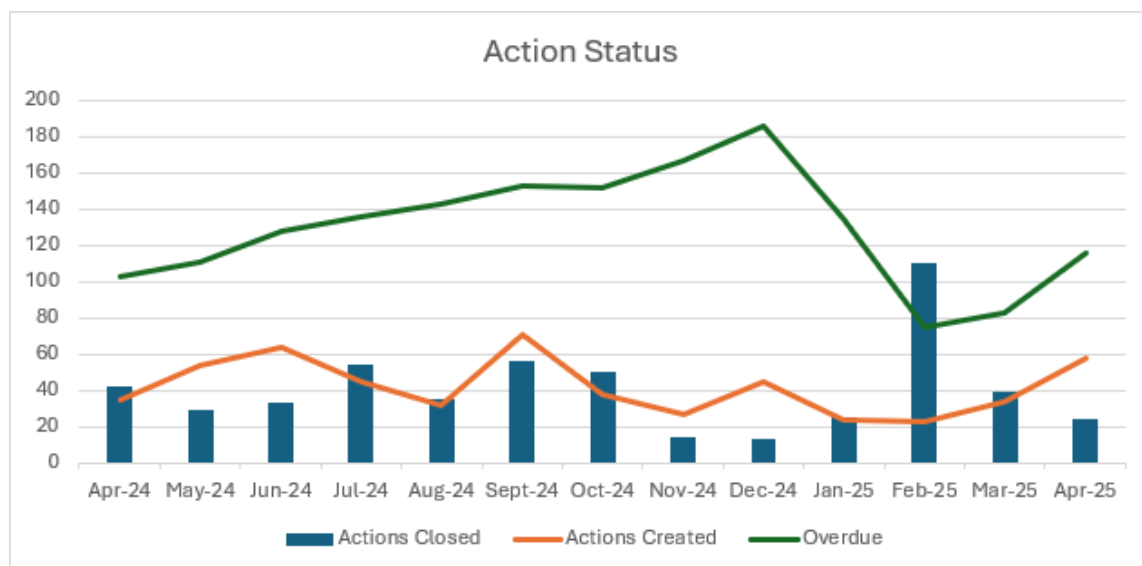


### WELLBEING INITIATIVES & EMPLOYEE ASSISTANCE PROGRAMME

28. Quarter three sees a decrease in new referrals to the Employee Assistance program, from thirty-three in quarter two down to twenty-three in quarter three. Work stress, organisational restructure and role/work overload are the top presenting work issues and this is showing as having an impact on work resulting in low morale/motivation.
29. There was a total of twenty-seven wellbeing applications from employees accessing the benefits of our people package.
30. Other wellbeing initiatives that support both physical and mental wellbeing were:
  - a) The start of weekly yoga sessions 9 (self-funded), and a push on the benefits available in the people package.
  - b) Another successful skin awareness campaign with ninety-eight outdoor workers receiving skin checks, with fifteen workers referred for further assessment. Fourteen of those came back with "no immediate concern." The results show that this service remains extremely valuable to our NPDC whanau.
  - c) Wellness check-ups with the Occupational Health Nurse for office-based staff, checking heart health scores, blood pressure, BMI, and cholesterol levels.
  - d) Hearing health month (March) – providing free hearing checks to all staff.

## ACTION STATUS

31. Actions are created and captured in the Pinnacle system to provide accountability and tracking for corrective, general or improvement actions. Actions can be initiated independently or stem from safety conversations, incidents, near misses, audits and more. This new reporting element aligns with the guidelines from the Institute of Directors H&S good governance guide.
32. Below shows all actions in the system. There is a noticeable decrease in overdue and closed actions due to focused efforts last quarter. While progress has been made, a high number of overdue items remain. The Risk, Safety and Wellbeing team is actively following up to ensure accountability.



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

33. There are no financial or resourcing implications relating to the report. However, failure to meet due diligence obligations could result in fines and improvement notices.

## IMPLICATIONS ASSESSMENT / HĪRANGA AROMATAWAI

34. This report confirms that the matter concerned has no 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 significantly alter 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.
- 

**Report Details**

Prepared By: Fleur Corlett (Risk Safety and Wellbeing Lead)  
Team: Integrity and Innovation  
Reviewed By: Helen Gray (Manager Integrity & Innovation)  
Approved By: Jacqueline Baker (General Manager, Corporate Innovation)  
Ward/Community: District Wide  
Date: 20 May 2025  
File Reference: ECM 9505480

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

## STRATEGIC REVIEW OF INSURANCE ARRANGEMENTS

### MATTER / TE WHĀINGA

1. The matter for consideration by the Council is the strategic review of NPDC's current insurance arrangements, including the key risks and opportunities, and the proposed adjustments to inform the 2025 insurance renewal process.

### RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

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

- a) **Notes the strategic review of Council's current insurance arrangements.**
- b) **Approve the proposed adjustments to Council's insurance arrangements, allocate any resulting premium savings toward the purchase of Cyber Insurance, and direct any remaining balance to the Disaster Recovery Reserve (DRR).**

### FINANCE, AUDIT AND RISK COMMITTEE RECOMMENDATION

2. The Finance, Audit and Risk Committee endorsed the Officer's recommendation subject to retaining hall hire liability in Council's insurance arrangements.

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being significant
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Approve the proposed adjustments to Council's insurance arrangements, allocate any resulting premium savings toward the purchase of Cyber Insurance, and direct any remaining balance to the Disaster Recovery Reserve (DRR).</li> <li>2. Approve the proposed adjustments to Council's insurance arrangements, but direct officers to allocate any resulting premium savings to other Council priorities.</li> <li>3. Do not approve the proposed adjustments and continue with current arrangements.</li> </ol>
Affected persons	The persons who are affected by or interested in this matter are all residents and ratepayers of New Plymouth District

<b>COMPLIANCE / TŪTOHU</b>	
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 / WHAKARĀPOPOTOTANGA MATUA**

3. This report presents the outcomes of a strategic review of New Plymouth District Council's (NPDC) insurance arrangements and recommends adjustments to improve financial sustainability and risk management.
4. The review was prompted by rising insurance premiums, evolving risk profiles, and the recent appointment of Aon New Zealand (AonNZ) as the Council's insurance broker through the All-of-Government procurement panel.
5. A key contributor to the resulting premium savings of \$230,431 for the 2025/26 financial year was NPDC's collaborative approach to the insurance market, undertaken in partnership with other Taranaki Councils. This coordinated procurement effort enabled the cohort to leverage collective purchasing power and secure more favourable terms. The review also identified and removed \$43.5 million in duplicate or misclassified assets from the insurance portfolio, further reducing costs.
6. The report recommends adopting a new annual insurance renewal date of 1 November to align with national procurement cycles and streamline administration. It also proposes removing three low-risk insurance cover types—Hall Hirers Liability, Travel Insurance, and Environmental Liability—resulting in additional savings.
7. These savings are recommended to be reinvested in cyber insurance, addressing the growing threat of cyberattacks, with any remaining funds allocated to the Disaster Recovery Reserve (DRR) as a self-insurance strategy.
8. The preferred option (Option 1) balances cost-efficiency with resilience by adjusting coverage, enhancing digital risk protection, and strengthening the DRR. This approach aligns with Council's statutory obligations and long-term infrastructure strategy, ensuring prudent financial management and preparedness for adverse events.

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## BACKGROUND / WHAKAPAPA

9. Since 2017, the Taranaki region councils — including New Plymouth District Council (NPDC), Taranaki Regional Council, Stratford District Council, and South Taranaki District Council — have collectively engaged the same insurance broker through the All-of-Government (AoG) procurement panel. While this collaborative approach remains unchanged, a recent procurement process has resulted in the appointment of Aon New Zealand (AonNZ) as the new broker, replacing Marsh in March 2025.
10. Local councils across the motu are facing heightened risks around major weather events, building consenting trends and legal precedents set around public liability and professional indemnity.
11. As a direct consequence, Councils across the country are facing rising insurance premiums and are reassessing their insurance strategies. This includes South Taranaki and Whanganui District Councils, both of which have reviewed and reset their insurance policies and portfolios in recent years.
12. NPDC takes a conservative approach to insurance, with 50 per cent of its physical asset portfolio covered by third-party insurance. In essence, Council insures all assets that are insurable within practical and financial reason.
13. With rising asset values, paired with the increased cost of insurance cover, it is becoming increasingly unsustainable to continue with this conservative approach as we aim to keep rates low for our community.

### *Strategic Interventions Considered*

14. Previous discussions with the Finance, Audit and Risk Committee highlighted several insurance settings that can be adjusted to strategically enhance our insurance portfolio:
    - a) **Optimising deductible levels:**  
Increasing deductibles selectively, based on claims history, to lower premium costs while maintaining essential protection.
    - b) **Adjusting coverage for specific assets:**  
Reducing or transitioning certain assets to natural disaster coverage only i.e. concrete buildings.
    - c) **Loss limit strategy:**  
Exploring coverage based on a predetermined financial loss threshold rather than full replacement costs.
    - d) **Expanding self-insurance:**  
Removing coverage for specific non-critical asset types, or those below an acceptable financial threshold.
-

15. Work on the above interventions is underway, with a full asset criticality assessment scheduled for 2026/27 to identify further optimisation opportunities.
16. This strategic investigative work is expected to continue for the next 1 to 2 years as we collaborate with our new insurance broker to identify opportunities and make necessary adjustments.

#### *General review of Insurance Portfolio*

17. Council has completed a comprehensive review of our insurance portfolio and associated schedules. This review included our Insurance & Innovation Analyst working collaboratively with our Asset Data and Property teams to go line by line through our asset schedules.
18. This review identified \$14.5m in duplicate assets, which have now been removed from the insurance portfolio. Additionally, a further \$29m in assets listed under the material damage schedule were found to meet the definition of underground assets and are therefore required to be covered under the Local Authority Protection Programme (LAPP). These assets will be insured under LAPP, which offers a lower premium cost compared to traditional insurance as they cover 40 per cent of the reinstatement cost and central government cover 60 per cent.
19. This review has reduced the material damage schedule by \$43.5m and contributed to our Material Damage premium reductions contained in this report.

#### **Insurance Renewal Outcome**

20. NPDC has achieved a reduction of \$230,431<sup>1</sup> in insurance premiums for the 2025/26 financial year. This outcome reflects our collaborative efforts with the Taranaki Councils to appoint a new insurance broker and approach the market collectively, alongside favourable shifts in the global insurance market.
21. The most notable premium reduction is in our Material Damage cover, being a reduction of \$211,652, also acknowledging reductions in both Fine Arts Collections and Public Liability. However, these reductions are partially offset by an increase in premiums for Liability Insurances (Professional Indemnity and Statutory Liability).
22. An overview of our renewal outcomes is included as Appendix 1.

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<sup>1</sup> Noting this number is subject to change as further terms are received and minor adjustments made

## **Proposed Adjustments to Council's Insurance Arrangements**

### *Insurance Renewal Timing and Policy Term*

23. While the insurance terms provided by AonNZ are based on a 12-month policy period ending 30 June 2026, Taranaki Councils are being encouraged to consider transitioning to a common renewal date of 1 November.
24. Should Council adopt the 1 November renewal date going forward, the premiums for the four-month period from 1 July 2026 to 1 November 2026 will be calculated on a pro-rata basis, using the same premium structure as this 12-month term.
25. The proposed change is driven by two key factors:
  - a) AonNZ negotiates liability insurance for all New Zealand councils annually, with a market placement date of 1 November. Aligning NPDC's renewal with this timeline enables us to benefit from collective purchasing power and secure more favourable insurance outcomes.
  - b) Our LAPP (Local Authority Protection Programme) insurance also renews on 1 November. Aligning all insurance policies to this date will streamline administrative processes and simplify future renewals.
26. It is therefore recommended that Council accept the proposed insurance terms for the 12-month period to 30 June 2026 and adopt 1 November as the ongoing annual renewal date for all insurance policies.

### *Insurance Cover Adjustments*

27. NPDC's Insurance & Innovation Analyst has partnered with AonNZ to evaluate market options and assess the impact of increased deductibles on our Material Damages and Motor Vehicle policies, as well as the removal of coverage for low-risk insurance types.
28. Officers recommend retaining our current deductible levels for both material damages and motor vehicle insurance policies. While increasing deductible amounts could result in some premium savings, the officers' assessment is that these savings do not justify the heightened risk at this time. Increasing deductibles remains an option we can consider for future renewals to decrease premiums if needed.



29. A full insurance claims history was completed in late 2024, assessing the frequency and cost of any claims made in the last 10 years. Three insurance cover types are recommended for removal based on this claims analysis and are assessed by Officers to be of low risk to council.

Cover Type	Description	Benefit	Assessment
<b>Hall Hirers Liability</b>	Covers the hall hirer for losses they may cause if they are uninsured <sup>2</sup>	2024/25 premiums of \$4,635	Assessed to be <b>low risk</b> <ul style="list-style-type: none"> <li>- No past claims</li> <li>- Only an issue if the hirer themselves is uninsured</li> </ul>
<b>Travel Insurance</b>	Covers domestic and international travel on council business	2025/26 premiums of \$1,708	Assessed to be <b>low risk</b> <ul style="list-style-type: none"> <li>- One claim for \$1,600 in last 6 years of data.</li> <li>- Travel insurance only recommended for international travel and purchased at time of travel.</li> </ul>
<b>Environmental Liability</b>	Covers the cost of rectifying damage to the environment up to \$1m <sup>3</sup>	2025/26 premiums of \$10,000	Assessed to be <b>low risk</b> <ul style="list-style-type: none"> <li>- No past claims</li> <li>- Reasonable use of the Disaster Recovery Reserve as/if required.</li> </ul>

30. Based on 2024/25 premiums, the removal of the above cover would result in \$16,343 in premium savings.
31. In summary the proposed adjustments to NPDC's insurance arrangements are as follows:
- Accept an extended policy period and adopt 1 November as the ongoing renewal date.
  - Remove low-risk insurance types, specifically Hall Hirers, Travel and Environmental Liability coverage, from our insurance portfolio.

<sup>2</sup> Note that Council is separately covered for any damage to halls.

<sup>3</sup> The current policy treats related pollution events as a single occurrence, which may limit claimable amounts. Exclusions apply to gradual pollution or known conditions unless specifically endorsed.

*Premium Reductions Diverted to Cover Risk*

32. While this mahi has proceeded with the goal of reducing premiums whilst appropriately managing risk, discussions to date have indicated that any reductions in premiums are not to be banked as 'savings' to Council but either diverted into the Disaster Recovery Reserve (DRR) as a self-insurance strategy, or to obtain new insurance cover.
33. To date, NPDC has not obtained cyber insurance (also known as cyber liability insurance). This insurance cover is designed to mitigate the financial impact of cyber-related risks including data breaches, data recovery, cyber extortion and business interruption related to cyberattacks and the like.
34. The risk of cyber threats has escalated significantly compared to previous years. Councils now manage vast amounts of sensitive data and rely heavily on interconnected systems, making them prime targets for cyberattacks. The increasing sophistication of cybercriminals, combined with the growing use of cloud services and remote work infrastructure, has expanded the attack surface and potential impact of incidents.
35. The quote received from AonNZ for cyber insurance is \$38,500 for up to \$1m cover.
36. It is therefore recommended that realised premium savings are first applied to the provision of cyber insurance, and any remaining funds diverted to the DRR.

**CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA  
ĀHUARANGI**

37. The strategic review includes considerations for sustainability and climate change impacts on insurance arrangements

**NEXT STEPS / HĪKOI I MURI MAI**

38. The next steps in this process are to:
  - a) Use Council feedback to refine insurance strategy.
  - b) Engage with brokers and insurers for renewal process, and
  - c) Finalise insurance arrangements by 1 July 2025.

## **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

39. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being significant because the strategic review and proposed adjustments to insurance arrangements affect the whole community and involve substantial financial considerations.

## **OPTIONS / KŌWHIRINGA**

40. There are three reasonably practicable options:

### **Option One:**

Approve the proposed adjustments to Council's insurance arrangements, allocate any resulting premium savings toward the purchase of Cyber Insurance, and direct any remaining balance to the Disaster Recovery Reserve (DRR).

### **Option Two:**

Approve the proposed adjustments to Council's insurance arrangements, but direct officers to allocate any resulting premium savings to other Council priorities.

### **Option Three:**

Do not approve the proposed adjustments and continue with current arrangements.

## ***Decision-Making Requirements Relevant to All Options***

41. The following Local Government Act 2002 decision-making requirements apply to all options.

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

42. Council are guardians for community assets with a current gross capital replacement cost of \$4.1B. Delivering and maintaining resilient infrastructure in an efficient way aligns with Council's Environmental Excellence community outcome. This includes ensuring that Council's use of funding to provide protection for those assets from a range of perils and to enable restoration following an event reflects the best use of that money.

*Statutory Responsibilities / Ngā Haepapa Ā-Ture*

43. Section 101B of the Local Government Act 2002 states that a local authority must prepare and adopt an infrastructure strategy that must outline how the authority intends to manage its infrastructure assets, considering the need to provide for the resilience of assets by identifying and managing risks relating to natural hazards and by making appropriate financial provision for those risks. Having the appropriate insurance cover and maintaining a Disaster Recovery Reserve at a suitable level are examples of tools available to protect the community from the immediate costs of recovering from an adverse event.
44. Section 64 of the Civil Defence and Emergency Management Act 2002 states that Councils must ensure that they are able to fully function, even though this may be at a reduced level, during and after an emergency. With emphasis on 'after an emergency', making provision for potential recovery costs through insurance and the Disaster Recovery Reserve or borrowing will enable the organisation to recover faster.

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

45. Nothing in this report is inconsistent with Policies and Plans. The proposed changes to the Insurance Portfolio will not impact on other Policies or Plans.

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

46. The Community have not been consulted with in regard to amendments to the Insurance Portfolio however feedback regarding increasing the size of the Disaster Recover Reserve was sought as part of the 2024-34 Long-term Plan with approval ultimately given to increase the size of the reserve to improve resilience.

*Participation by Māori / Te Urunga o Ngāi Māori*

47. Māori have not been participants in drafting this report, but this does not preclude involvement in the decision about what provisions the Council should make for responding to damaging events.
48. Marae insurance has been investigated as part of this mahi, concluding that for marae to be insured under Council insurance policies it requires Council to have insurable interest in the asset i.e. Council would need to own or be assigned as contractually responsible for marae to qualify for insurance coverage.
49. Marae insurance is therefore not included under NPDC's general insurance policy; however, the council fully fund the cost of Marae insurance through dedicated financial support.

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**Option 1    Approve the proposed adjustments to Council’s insurance arrangements, allocate any resulting premium savings toward the purchase of Cyber Insurance, and direct any remaining balance to the Disaster Recovery Reserve (DRR).**

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

- 50. There are approximately \$208,274 of expected financial benefits in adjusting the Council’s insurance arrangements as outlined in this report.
- 51. The application of any surplus funds to the provision of cyber insurance means no additional funding is required to fund this insurance cover.
- 52. There is no additional resourcing required to action this option, and our Insurance Broker (AonNZ) is positioned to finalise insurance policies with the market prior to 1 July 2025.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

- 53. The upcoming work programme marks the initial steps in shifting NPDC's insurance portfolio risk position from conservative to more tolerant. While the removal of some coverage may lead to higher self-funded losses, historical claims data indicates that the impact will be minimal.
- 54. Investing premium savings into cyber insurance mitigates growing digital security risks, while strengthening the DRR enhances NPDC’s financial resilience in disaster scenarios.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

- 55. Allocating premium savings to obtain cyber insurance will help Council mitigate financial risks and enhance recovery from cyberattacks or data breaches, protect sensitive data and limit reputational damage in the event of an incident.
- 56. Allocating any additional surplus funds to the DRR strengthens the Council’s financial resilience by ensuring readily available resources for emergency response and recovery. This reduces reliance on external borrowing or delayed reimbursements, which can strain cash flow during disasters.
- 57. Allocating funds to new insurance coverage and the DRR comes with an opportunity cost, as these funds will not be available for other Council priorities.

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**Option 2 Approve the proposed adjustments to Council's insurance arrangements, but direct Officers to allocate any resulting premium savings to other Council priorities.**

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

- 58. As per option 1, there are approximately \$208,274 of expected financial benefits in adjusting the Council's insurance arrangements as outlined in this report.
- 59. There is no additional resourcing required to action this option, and our Insurance Broker (AonNZ) is positioned to finalise insurance policies with the market prior to 1 July 2025.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

- 60. Adjusting NPDC's insurance portfolio risk position from conservative to more tolerant. While the removal of some coverage may lead to higher self-funded losses, historical claims data indicates that the impact will be minimal.
- 61. Investing premium savings into cyber insurance mitigates growing digital security risks, while strengthening the DRR enhances NPDC's financial resilience in disaster scenarios.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

- 62. Diverting any premium savings funds back into operational budgets could reduce funding pressures for other Council priorities.
- 63. Not allocating surplus funds to insure against cyber security risk leaves Council exposed in this space or needing to allocate additional funding.
- 64. Not allocating surplus funds to the DRR reduces the amount available for Council to respond quickly and effectively to disasters, reducing long-term recover costs and community disruption.

**Option 3 Do not approve the proposed adjustments and continue with current arrangements.**

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

- 65. Not approving the proposed adjustments retains Council current insurance approach and cover and will still achieve premium savings of \$230,431.
  - 66. As per Options One and Two, there is no additional resourcing required to action this option, and our Insurance Broker (AonNZ) is positioned to finalise insurance policies with the market prior to 1 July 2025.
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*Risk Analysis / Tātaritanga o Ngā Mōrearea*

- 67. This option maintains Council's conservative risk appetite and ensures cover for a large majority of community assets.
- 68. There is a risk of continued increasing premiums, impacting on affordability in outyears.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

- 69. Advantage of retaining comprehensive insurance cover without increasing Council's risk appetite or profile.
- 70. Not allocating surplus funds to insure against cyber security risk leaves Council exposed in this space or needing to allocate additional funding.
- 71. Not allocating surplus funds to the DRR reduces the amount available for Council to respond quickly and effectively to disasters, reducing long-term recover costs and community disruption.

**Recommended Option**

This report recommends Option 1 Approve the proposed adjustments to Council's insurance arrangements, allocate any resulting premium savings toward the purchase of Cyber Insurance, and direct any remaining balance to the Disaster Recovery Reserve (DRR), for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 Strategic Insurance Renewal Overview (ECM 9516113)

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**Report Details**

Prepared By:	Lacey Morunga-Mackenzie (Insurance & Innovation Analyst)
Team:	Integrity & Innovation
Approved By:	Helen Gray (Manager Integrity & Innovation)
Ward/Community:	District Wide
Date:	12 June 2025
File Reference:	ECM 9507251

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

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*STATUS QUO INSURANCE DEDUCTIBLES*

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INSURANCE COMPONENT	CURRENT DEDUCTIBLE	COST SAVED/INCURRED	RISK LEVEL	CONSIDERATIONS
<b>MATERIAL DAMAGE – COMMERCIAL/RESIDENTIAL AND BUSINESS INTERRUPTION</b>	\$100k	-\$211,652	Medium	No change in deductible.
<b>PROFESSIONAL INDEMNITY</b>	\$25k	+\$25,774	Low	No change in deductible; Due to market pressures in Local Government cover
<b>FORESTRY</b>	\$75k	+\$191	Medium	Niche coverage; dependent on risk exposure in forestry operations.
<b>FINE ART COLLECTIONS</b>	\$0k	-\$11,624	Low	Coverage ensures protection against loss or damage to collections owned or in the care of NPDC.
<b>STATUTORY LIABILITY</b>	\$25k	+\$6295	Low	Retaining deductible maintains expected financial protections.
<b>MOTOR VEHICLE</b>	\$2k	+\$457	Medium	No change in deductible.
<b>PUBLIC LIABILITY</b>	\$10k	-\$40,724	Low / Medium	Policy premium change of aggregate limit from \$20m to \$15m



REMOVAL OF INSURANCE COVER

INSURANCE COMPONENT	CURRENT DEDUCTIBLE	RECOMMENDATION	COST SAVED/INCURRED	RISK LEVEL	CONSIDERATION
TRAVEL	\$0	Removal of cover and purchase travel insurance on an individual basis.	-\$705	Low	There is a risk that travel insurance may be missed when booking international travel
ENVIRONMENTAL LIABILITY	\$25k	Removal	+\$3111	Low	Removing cover increases financial risk related to environmental incidents.
HALL HIRERS LIABILITY	\$500	Removal	-\$4635	Low	Removing cover will transfer liability risk to hirers and increase reputational risk to NPDC.

NEW INSURANCE COVER

INSURANCE COMPONENT	CURRENT DEDUCTIBLE	RECOMMENDATION	COST INCURRED	RISK LEVEL	NOTES
CYBER	\$25k	Obtain Cyber Insurance	+\$38,500	High	High-risk exposure if insurance is not acquired given digital security threats.

## DEVELOPMENT AND FINANCIAL CONTRIBUTIONS POLICY AMENDMENT

### MATTER / TE WHĀINGA

1. The matter for consideration by the Council is to review the ten submissions received on the amendments to the Development and Financial Contributions Policy (DC Policy) and to adopt the amended policy.

### RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

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

- a) **Note ten submissions were received on the Development and Financial Contributions Policy.**
- b) **Adopt the amended Development and Financial Contributions Policy.**
- c) **Note that the Development and Financial Contributions Policy including the new charges will apply from 1 July 2025.**

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of moderate importance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Adopt the amended Development Contributions Policy.</li> <li>2. Adopt the amended Development Contributions policy with other amendments.</li> </ol>
Affected persons	The persons who are affected by or interested in this matter are any persons undertaking development within New Plymouth District.
Recommendation	This report recommends option one for addressing the matter.
Long-Term Plan / Annual Plan Implications	Yes.
Significant Policy and Plan Inconsistencies	No.

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## **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

2. It is recommended that the Council adopts the amended DC Policy, as shown in Appendix 1 (ECM 9508471).
3. The amendments remove the requirement to pay a development contribution for bedroom additions to an existing dwelling. This was publicly consulted on between 5-23 April 2025.
4. Ten submissions were received on the proposed amendments to the DC Policy. Of these, nine supported the amendments proposed, with one indicating that the requirement should remain.
5. Following adoption, the next steps will be for Council to update internal processes and information to ensure the DC policy is implemented by 1 July 2024.

## **BACKGROUND / WHAKAPAPA**

### *The Legislative background*

6. The Local Government Act 2002 (the Act) requires the Council to adopt a policy on development and financial contributions.
7. A development contribution is a levy collected under the LGA 2002 to ensure any private development that creates additional demand on Council infrastructure, contributes to the additional costs created.
8. A financial contribution is '*a contribution of:*
  - a) *Money;*
  - b) *or land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Māori Act 1993 unless that Act provides otherwise; or*
  - c) *a combination of money or land.*
9. The Act requires that the policy must be reviewed at least once every three years using a consultation process that gives effect to the principles of consultation set out in the Act. The last full review of the policy was undertaken in 2024 as part of the LTP 2024-34.

*Submissions and Deliberations on the current DC Policy*

10. Amongst other matters, one of the key themes of the submissions received on the DC Policy during consultation alongside LTP 2024/2034, related to the requirement within the policy to pay a DC for the addition of bedrooms to an existing dwelling.
11. Following officers work with the Ngamotu District Growth Advisory Panel, Council made a resolution in December 2024, directing officers to:

*Prepare a revised development contribution policy with no charge applied for bedroom additions to existing dwellings.*

*Overview of the amendments to the DC Policy that were consulted on*

12. To implement the Council resolution, various changes were proposed to the DC Policy. The changes proposed to the DC Policy relate solely to the removal of clauses which stipulate that additional DC charges are payable when adding bedrooms to existing dwellings and to note this as a limitation as a case in which Council will not require DCs.
13. The amended policy is set out within Appendix 1. The changes made are summarised within Table 1.

Table 1: Amendments proposed to the DC Policy (additions underlined, deletions struck through)

Section/Clause	Proposed Change	Reason for change
Section 31, bullet point 2	<p>31. Examples of where additional development contributions may apply after a subsequent trigger event include:</p> <p>...</p> <ul style="list-style-type: none"> <li>Development contributions levied at the subdivision or land use consent stage were for a small home, but the home built is larger <del>or is subsequently extended.</del></li> </ul>	While the section solely provides examples, removal of these words clarifies that subsequent extensions will not generate a DC.
Section 51	<p><del>51. Should additional bedrooms be proposed to a residential unit that has been assessed under this section or a previous development contributions policy, Council will require additional development contributions in accordance with Table 6.</del></p>	Deletion of this section clarifies that additional DCs will not be required where additional bedrooms are proposed.

Section/Clause	Proposed Change	Reason for change
Table 6	<del>Table 6: Residential Unit (RU extension assessment guidance (HUEs))</del>  Remove entirety of table	Table 6 relates directly to the "top up" DCs required where adding additional bedrooms.
Section 69	69. In addition, Council will not require a development contribution in any of the following cases: ... <ul style="list-style-type: none"> <li><u>Bedroom additions to existing dwellings. An existing dwelling is a residential unit which has received code compliance certificate, or a certificate of acceptance under the Building Act 2004</u></li> </ul>	This addition sets a clear exception to not require DCs for bedroom additions.  Tying an existing dwelling to code compliance certificate or certificate of acceptance under the Building Act, makes it clear that this exception only applies to situations where a dwelling is built and has been through these processes (i.e. is existing).

#### *Consultation and submissions on the amendments*

14. The Council is required to consult on a Draft DC Policy using a consultation process that gives effect to s82 LGA 2002.
15. Council publicly consulted on the Draft DC policy between 5-23 April 2025. Through releasing a draft policy with supporting information for public consultation and by informing interested and affected parties of the consultation, council considers it has met the requirements of s82.
16. A total of 10 submissions were received on the Draft DC Policy. The following sections of this report cover the key themes of the feedback received in the submissions, analysis and any recommended changes.

#### *Support for the amendments*

17. Nine of the submissions received supported the proposed amendments to the DC Policy. The general themes of these submissions were that there should not be additional financial barriers to homeowners seeking to extend dwellings. Submissions indicated that the approach would support affordable housing, intergenerational living and a more efficient use of existing buildings.
18. Officers recommend noting these submissions.

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*Suggestion to use bedroom addition DC charge to offset other DCs*

19. One submission not supporting the proposed amendments suggested that the DC charge for bedroom additions was kept in place and that this revenue is used to offset the fees charged to developers for new sections. This submitter indicated that increased development costs are making it uneconomical to develop land and that increased costs are ultimately passed on to future owners.
20. In response to this submission, officers note that Council must take into account the requirements of the LGA when developing and implementing a DC Policy. This includes a requirement to take in to account the DC Principles set out in section 197AB of the Act.
21. It is not considered consistent with the requirements of the relevant sections of the Local Government Act, to use development contributions for bedroom additions to offset development in other areas of the district.
22. In particular, this approach is not considered consistent with principle 197AB(c), which specifies that:  
  
*(c) cost allocations used to establish development contributions should be determined according to, and be proportional to, the persons who will benefit from the assets to be provided (including the community as a whole) as well as those who create the need for those assets.*
23. It is our view that it is difficult to justify the approach suggested by this submitter, given the requirements of the LGA to consider who will benefit from, and who creates the need for the assets being funded.
24. No changes are recommended based on this submission.

**CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

25. There are not any climate change considerations as a result of the matter of this report.

**NEXT STEPS / HĪKOI I MURI MAI**

26. After adoption of the DC Policy, the DC Policy and charges will come into effect from 1 July 2025.

**SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

27. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of moderate importance because the changes proposed are minor amendments to the existing policy.
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## **OPTIONS / KŌWHIRINGA**

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

28. The activities funded by development contributions contribute both directly and indirectly to the Thriving Communities, Culture, Environmental Excellence and Prosperity community outcomes. Ensuring our policy meets legislative requirements helps contribute towards the Trusted community outcome.

### *Statutory Responsibilities / Ngā Haepapa ā-ture*

29. The Local Government Act 2002 sets out the requirements for Council to have a policy on development and financial contributions. The Act also sets out the matters that must be taken into account in preparing a DC Policy.
30. These matters have all previously been considered in preparing the DC Policy.

## **Option 1**

### **Adopt the amended Development and Financial Contributions Policy**

### *Risk Analysis / Tātaritanga o Ngā Mōrearea*

31. There is a risk that those undertaking development in the district will seek opportunities to pay lesser DCs, by developing a smaller residential unit, then utilising the proposed exclusion to subsequently expand the dwelling size and not incur any “top-up” DC.
32. This risk is considered to be mitigated by requiring residential units to be “existing dwellings” to be able to utilise the exclusion. As such, a dwelling will need to be established and have code compliance certificate or certificate of acceptance under the Building Act 2004 to be entitled to add additional bedrooms without incurring a development contribution charge.
33. There is also a risk of a proliferation of extensions that could put additional pressure on the capacity of the networks and lead to greater need to upgrade assets.

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

34. The implementation of the DC Policy is undertaken as part of resource and building consent processes which are cost recoverable through fees and charges. No additional financial or non-financial resources are required to implement the policy.



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35. In relation to Option 1, DCs for bedroom additions have not been factored into Councils revenue projections and therefore does not impact on the Annual Plan 24/25 rates. However, the removal of this charge will result in a reduction in overall DC revenue. If charged, this revenue would be used to pay off debt funded infrastructure projects faster.
  36. The reduction in revenue would vary year on year. Financial year to date, NPDC has received ten applications which have incurred DCs for the addition of bedrooms, at a value of approximately \$65,000.

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

37. There are no inconsistencies with council policies and plans.

*Participation by Māori / Te Urunga o Ngāi Māori*

38. Engagement with iwi and hapū was carried out to inform how the existing DC Policy can meet the principles in the Preamble to Te Ture Whenua Māori Act 1993. The current DC Policy was developed in line with the feedback received during this engagement. The amendments recommended are considered minor and are not considered to require further engagement at this time.

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

39. As outlined, public consultation has been undertaken. The majority of the submissions received supported the amendments proposed to the DC Policy.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

40. This approach allows people to add rooms without additional DC costs. This in turn makes dwelling extensions more affordable and promotes the efficient use of existing residential activities to cater for the varying housing needs of the community.
41. The main disadvantage of the option is that there will be a reduction in DC revenue, but with no impact on rates.

## **Option 2**

### **Adopt the Development and Financial Contributions Policy with other amendments.**

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

42. Any amendments to the Draft DC Policy may require further assessment to identify any associated risks.
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*Financial and Resourcing Implications / Ngā Hiraunga ā-pūtea, ā-rauemi*

43. Any amendments to the Draft DC Policy may require further assessment to identify any associated financial and resourcing implications.

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

44. Any amendments to the Draft DC Policy would require further assessment to determine consistency with policies and plans.

*Participation by Māori / Te Urunga o Ngāi Māori*

45. Any amendments to the Draft DC Policy including amendments to the way the policy proposes to meet the principles in the Preamble to Te Ture Whenua Māori Act 1993 may require further engagement with Māori recognising the engagement already undertaken on this matter to date.

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

46. Any amendments to the Draft DC Policy may require further consultation with the community or interested and affected parties particularly if the amendments significantly increase the DC charges for areas of the district compared to the Draft DC Policy.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

47. Any amendments to the Draft DC Policy would require further assessment to determine their advantages and disadvantages.

**Recommended Option**

This report recommends option 1 **Adopt the amended Development and Financial Contributions Policy** for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 Proposed Development & Financial Contributions Policy (ECM 9508471)

Appendix 2 Submissions on the draft Development and Financial Contributions Policy (ECM 9508499)

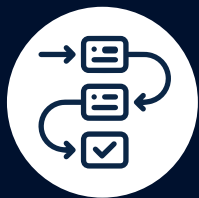
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**Report Details**

Prepared By: Jacob Stenner (Growth and Services Supervisor)  
 Team: Strategic Planning  
 Approved By: Renee Davies (Manager Strategic Planning)  
 Date: 11 March 2025  
 File Reference: ECM 9460303

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

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# Development and Financial Contributions Policy

Te Kaupapa here o te  
Whakawhanake me te Moni  
Takoha

This Development and Financial Contributions Policy (the Policy) was adopted by NPDC (Council) on 4 July 2024 with effect from 5 July 2024. The Policy will be reviewed on a three yearly basis but may be updated at shorter intervals if Council considers it necessary. See the Council website [npdc.govt.nz](https://npdc.govt.nz) for further information.

# Development and Financial Contributions Policy

## Te Kaupapa here o te Whakawhanake me te Moni Takoha

### Purpose of the policy

1. Population and business growth create the need for new subdivisions and developments, and these place increasing demands on the assets and services provided by New Plymouth District Council (Council). As a result, significant investment in new or upgraded assets and services is required to meet the demands of growth.
2. The purpose of the Policy is to ensure that a fair, equitable, and proportionate share of the cost of that infrastructure is funded by development. Council intends to achieve this by using development contributions under the Local Government Act 2002 (LGA02) for Transportation, Water, Wastewater, Stormwater, Reserves, and Community Infrastructure. The Council does not currently use financial contributions under the Resource Management Act 1991.

### Navigating this document

3. The Policy outlines Council's approach to funding development infrastructure via development contributions under the LGA02.
4. The Policy has three main parts:
  - a) Part 1: Policy operation.
  - b) Part 2: Policy details.
  - c) Part 3: Catchment maps for development contributions.

#### Part 1: Policy operation

5. Part 1 provides information needed to understand if, when, and how development contributions will apply to developments. It also explains peoples' rights and the steps required to properly operate the Policy.
6. The key sections of Part 1 are:
  - The charges.
  - Liability for development contributions.
  - When development contributions are levied.
  - Determining infrastructure impact.
  - Review rights.
  - Other operational matters.
  - Summary of financial contributions under the District Plan.
  - Definitions.

#### Part 2: Policy details

7. Part 2 provides the information needed to meet the accountability and transparency requirements of the LGA02 for the Policy, including explaining Council's policy decisions, how the development contributions were calculated, and what assets the development contributions are intended to be used towards.
8. The key sections of Part 2 are:
  - Requirement to have the Policy.
  - Funding summary.
  - Funding policy summary.
  - Catchment determination.

- Significant assumptions of the Policy.
- Cost allocation.
- Calculating the development contributions.
- Schedule 1 Development contribution asset information, calculations and charges per catchment.

### Part 3: Catchment maps for development contributions

- Part 3 provides the catchment maps that show where the development contributions in the Policy apply.

## Part 1: Policy operation

### Development contributions

#### The charges

- There are multiple local areas (catchments) within the New Plymouth District (the District) where development contributions apply, as well as district-wide catchments for the stormwater, parks and open spaces, transportation and community infrastructure activities. The catchments where development contributions apply for each infrastructure activity and development area are mapped in Part 3 of the Policy.
- The related charges per Household Unit Equivalent (HUE) for each catchment or development area are in Table 1. See the 'determining infrastructure impact' section below for an explanation of a HUE.

Table 1: Charge per HUE at 1 July 2024 (GST exclusive)

Catchment/Development Area	Charge per HUE \$
<b>Parks and Open Spaces Catchment</b>	
District-wide	257.10
<b>Community Infrastructure Catchment</b>	
District-wide	1,173.53
<b>Transportation Catchment</b>	
District-wide	1,761.66
<b>Wastewater Catchments</b>	
Wastewater Network	8,896.77
Waimea	15,317.46
<b>Water Supply Catchments</b>	
All Networks	3,325.76
New Plymouth	3,408.73
<b>Stormwater Catchments</b>	
District-wide	1,378.46
Urban	1,621.92
Waitara	2,248.16
Inglewood	25,500.16
<b>Development Areas</b>	
Puketapu	28,183.46
Carrington	36,974.30
Junction	36,319.63
Patterson	10,040.04
Sutherland/Patterson	23,919.90

12. For each catchment or development area for which development contributions are required, the development contribution payable is calculated by multiplying the number of HUEs generated through the development by the charge for that activity. This is then aggregated for all catchments to give the total charge. Table 2 shows the indicative aggregated charges for areas of the District for a single HUE.

13. For example, a three-lot residential development in New Plymouth City with standard (three-bedroom) dwellings will pay three times the water, wastewater, stormwater, transportation, community infrastructure, and parks and open spaces charges, totalling \$65,471.79 (GST exclusive). This example assumes no contributions have previously been paid for the lots.
14. These charges may be adjusted for inflation annually in line with the Producers Price Index Outputs for Construction, as permitted by sections 106 (2B) and (2C) of the LGA02. The latest charges will be published on Council's website [npdc.govt.nz](http://npdc.govt.nz).

Table 2: DC charges per HUE (exclusive GST) by area of the District

	Parks & Open Spaces Catchment District wide	Community Infrastructure Catchment District wide	Transportation Network Catchment District wide	Wastewater Network Catchment	Water Supply Catchment All Networks	Water Catchment New Plymouth	Stormwater Catchment District wide	Stormwater Catchment Urban	Wastewater Catchment Waimea	Stormwater Catchment Waitara	Stormwater Catchment Inglewood	Development Areas	Total DC charge per HUE (excl GST)
<b>District Infill Areas</b>													
New Plymouth (excl Waimea sewer catchment)	257.10	1,173.53	1,761.66	8,896.77	3,325.76	3,408.73	1,378.46	1,621.92	-	-	-	-	21,823.93
New Plymouth (within Waimea sewer catchment)	257.10	1,173.53	1,761.66	8,896.77	3,325.76	3,408.73	1,378.46	1,621.92	15,317.46	-	-	-	37,141.39
Bell Block	257.10	1,173.53	1,761.66	8,896.77	3,325.76	3,408.73	1,378.46	1,621.92	-	-	-	-	21,823.93
Inglewood	257.10	1,173.53	1,761.66	8,896.77	3,325.76	-	1,378.46	1,621.92	-	-	25,500.16	-	43,915.36
Ōākura	257.10	1,173.53	1,761.66	8,896.77	3,325.76	-	1,378.46	1,621.92	-	-	-	-	18,415.20
Ōkato	257.10	1,173.53	1,761.66	-	3,325.76	-	1,378.46	1,621.92	-	-	-	-	9,518.43
Waitara	257.10	1,173.53	1,761.66	8,896.77	3,325.76	3,408.73	1,378.46	1,621.92	-	2,248.16	-	-	24,072.09
Rural*	257.10	1,173.53	1,761.66	-	-	-	1,378.46	-	-	-	-	-	4,570.75
<b>Development Areas</b>													
Puketapu	257.10	1,173.53	1,761.66	8,896.77	3,325.76	3,408.73	1,378.46	1,621.92	-	-	-	28,183.46	50,007.39
Carrington	257.10	1,173.53	1,761.66	8,896.77	3,325.76	3,408.73	1,378.46	1,621.92	-	-	-	36,974.30	58,798.23
Junction	257.10	1,173.53	1,761.66	8,896.77	3,325.76	3,408.73	1,378.46	1,621.92	-	-	-	36,319.63	58,143.56
Patterson Road	257.10	1,173.53	1,761.66	8,896.77	3,325.76	3,408.73	1,378.46	1,621.92	-	-	-	33,959.94	55,783.87
Sutherland / Patterson	257.10	1,173.53	1,761.66	8,896.77	3,325.76	3,408.73	1,378.46	1,621.92	-	-	-	23,919.90	45,743.83

\* Additional charges will apply if connecting to a restricted flow water supply.

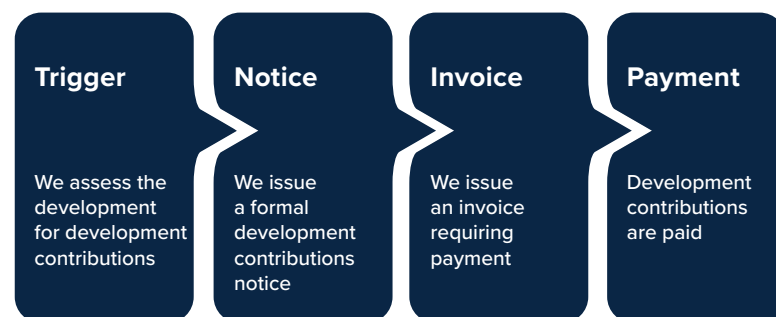


## Liability for development contributions

15. If subdividing, building, connecting to Council's services, or otherwise undertaking development in the District, development contributions may need to be paid. Development contributions apply to developments within the areas shown in the Development Contribution Catchment Maps in Part 3.
16. In some circumstances, development contributions may not apply or may be reduced. Further information on these circumstances can be found in the sections 'when development contributions are levied' and 'limitations on imposing development contributions'.
17. Development of new infrastructure sometimes means that areas not previously subject to development contributions in the development contributions policy become so. For example, development on a bare section in a subdivision may be liable for development contributions whereas previously constructed houses in the same subdivision were not.
18. Council officers will be available to help resolve any uncertainty about development contribution liabilities.

## When development contributions are levied

19. Once an application for a resource consent, building consent, certificate of acceptance, or service connection has been made with all the required information, the normal steps for assessing and requiring payment of development contributions are:



20. These steps are explained in more detail below.

## Trigger for requiring development contributions

21. Subject to the three-step initial assessment outlined in paragraph 25 below, Council can require development contributions for a development upon the granting of:
  - A resource consent.
  - A building consent or certificate of acceptance.
  - An authorisation for a service connection.
22. Council will generally require development contributions at the earliest possible point (i.e. whichever consent, certificate, or authorisation listed above is granted first). For new developments, the resource consent is often the first step in the process and therefore the first opportunity to levy development contributions. Where development contributions were not assessed (or only part assessed) on the first consent, certificate or authorisation for a development, this does not prevent the Council from assessing contributions on a subsequent consent, certificate or authorisation for the same development (for the reasons set out in the following paragraphs).
23. Development contributions will be assessed under the Policy in force at the time the application for resource consent, building consent, certificate of acceptance, or service connection was submitted with all required information.
24. Development contributions for a consent that lapses will be reassessed if a new consent is applied for.

## Initial assessment

25. On receiving an application for resource consent, building consent, certificate of acceptance, or service connection, Council will check that:
  - (A) the application is for a development (subdivision, building, land use, or work) that generates a demand for reserves, community infrastructure or network infrastructure; and
  - (B) the effect of that development (either alone or together with other developments) is to require new or additional assets or assets of increased capacity in terms of reserves, community infrastructure or network infrastructure; and the Council has incurred or will incur capital expenditure to provide appropriately for those assets. This includes capital expenditure already incurred by Council in anticipation of development.

(C) The policy provides for a development contribution to be required in the circumstances

26. Council has identified the assets and areas that are likely to meet the requirements of (B) and (C), and these are outlined in Schedule 1 and Part 3. In general, if a development is within one of the areas covered by the catchment maps it is likely that development contributions will be required.
27. Development contributions will not be required if the subject matter of the resource consent or building consent does not generate additional demand for any community facilities (such as a minor boundary adjustment).
28. Development contributions will also not be required if and to the extent that one of the circumstances outlined in the section 'limitations on imposing development contributions apply'.
29. If a subsequent resource consent (including a change to a condition of a resource consent), building consent, certificate of acceptance, or service connection is sought, a new assessment may be undertaken using the Policy in force at that time. Any increase or decrease in the number of HUEs, relative to the original assessment, will be calculated and the contributions adjusted to reflect this.
30. This means Council will require additional development contributions where additional units of demand are created, and development contributions for those additional units of demand have not already been required.
31. Examples of where additional development contributions may apply after a subsequent trigger event include:
  - Minimal development contributions have been levied on a commercial development at subdivision or land use consent stage as the type of development that will happen will only be known at building consent stage.
  - Development contributions levied at the subdivision or land use consent stage were for a small home, but the home built is larger.
  - The nature of the use has changed, for example from a low infrastructure demand commercial use to a high infrastructure demand commercial use.

## Notice

32. A development contribution notice will normally be issued when a resource consent, building consent, certificate of acceptance, or service connection authorisation is granted. In some cases, the notice may be issued or re-issued later. The notice is an important step in the process as it outlines the activities and the number of HUEs assessed for development contributions, as well as the charges that will apply to the development. It also triggers rights to request a development contributions reconsideration or to lodge an objection (see the section on review rights below).
33. If multiple consents or authorisations are being issued for a development, a development contribution notice may be issued for each.
34. Development contribution notices do not constitute an invoice or an obligation to pay for the purposes of the Goods and Services Tax Act 1985.

## Invoice

35. An invoice for development contributions will be issued to provide an accounting record and to initiate the payment process. The timing of the invoice is different for different types of consents or authorisations (see Table 2).

Table 2: Invoice timing

Invoice timing	
Building consent	Prior to granting of the building consent.
Certificate of acceptance	Prior to issue of the certificate of acceptance.
Resource consent for subdivision	At the time of application for a certificate under section 224(c) of the RMA (the 224(c) certificate). An invoice will be issued for each stage of a development for which 224(c) certificates are sought, even where separate stages are part of the same consent.
Resource consent (other)	Prior to granting of the resource consent.
Service connection	Prior to granting of the service connection.



36. Despite the provisions set out above, if a development contribution required by Council is not invoiced at the specified time as a result of an error or omission on the part of Council, the invoice will be issued when the error or omission is identified. The development contributions remain payable.

#### Payment

37. Development contributions must be paid by the due dates in Table 3.

**Table 3: Payment due date**

	Payment due date
Building consent	Prior to issue of the building consent.
Certificate of acceptance	Prior to issue of the certificate of acceptance.
Resource consent for subdivision*	Prior to release of the certificate under section 224(c) of the RMA.
Resource consent (other)	Prior to issue of the resource consent.
Service connection	Prior to issue of the connection approval.

\* Where a building consent is granted on an allotment, to which a subdivision consent relates, before the development contribution required on the subdivision consent has been paid, the Council may at its sole discretion require a portion of the development contribution to be paid immediately prior to the issue of a building consent for the development proposed. Where this situation applies the proportion of the development contribution payable will be calculated on a site area or per lot basis as applicable.

38. On time payment is important because, until the development contributions have been paid in full, Council may, under section 208 of the LGA02 and depending on what type of consent has triggered the assessment of contributions:

- Prevent the commencement of a resource consent.
- Withhold a certificate under section 224(c) of the RMA.
- Withhold a code compliance certificate under section 95 of the Building Act 2004.
- Withhold a service connection to the development.
- Withhold a certificate of acceptance under section 99 of the Building Act 2004.

39. Where invoices remain unpaid beyond the payment terms set out in the Policy, Council will start debt collection proceedings, which may involve the use of a credit recovery agent. Council may also register the development contribution under the Land Transfer Act 2017, as a charge on the title of the land in respect of which the development contribution was required.

#### Determining infrastructure impact

40. In order to have a consistent method of charging for development contributions, the Policy is centred around the concept of a household unit equivalent or 'HUE' for infrastructure. In other words, an average household in a standard residential unit and the demands they typically place on community facilities. Table 4 summarises the demand characteristics of each HUE.

**Table 4: HUE demand measures**

Activity	Unit of measurement	Demand per HUE
Water Supply	Litres per day	750 litres per day
Wastewater	Litres per day	625 litres per day
Stormwater	Impervious surface area	400m <sup>2</sup>
Transportation	Trips per day (vehicle equivalent movement)	10 trips per day
Parks and Open Spaces	Occupancy	2.5 people
Community infrastructure	Occupancy	2.5 people

#### Residential development

41. In general, the number of HUEs charged depends on the number and nature of the residential units being created, in accordance with Tables 5 and 6 below. A standard residential unit (3 bedrooms) is considered to be 1 HUE, with proportions or multiples of that HUE used for smaller or larger residential units.
42. When calculating the number of HUEs for a residential subdivision, Council will adjust the assessment to account for any:
- Allotment which, by agreement, is to be vested in Council for a public purpose.
  - Allotment required as a condition of consent to be amalgamated with another allotment.

*Residential units which are bigger or smaller than standard residential units*

43. Council will make lower assessments (i.e. less than 1 HUE per residential unit) for minor or small residential units.
44. Where information is provided by the applicant to the satisfaction of Council that demonstrates that a minor or small residential unit(s) will be provided, Council may enter into agreements with developers or landowners to give effect to a minor or small residential unit assessment and bind the applicant to any conditions that accompany the assessment.
45. Council will undertake to make higher assessments (i.e. greater than 1 HUE per residential unit) for large or extra-large residential units.
46. Accommodation units will be assessed as generating 0.5 HUE per unit for each activity.
47. Retirement village units will be assessed as generating 0.5 HUE per unit for transport.
48. Residential units connecting to a restricted flow water supply will be assessed as generating 0.5 HUE per unit for water.
49. With the exception of 46 above, such assessments are guided by the parameters outlined in Table 5.

**Table 5: Residential Unit (RU) assessment guidance**

	Minor RU	Small RU	Standard RU	Large RU	Extra-large RU
No. of bedrooms*	1	2	3	4	5**
HUE discount (all services)	50%	25%	Nil	Nil	Nil
Proportion of HUE payable for all charges	0.50	0.75	1	1.25	1.50
Retirement village units (transport)	0.25	0.38	0.50	0.75	1

Residential units (restricted flow water supply)	0.25	0.38	0.50	0.75	1
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\* A definition of bedroom is provided in the definitions section of this Policy.

\*\* For residential units over five bedrooms, each additional bedroom will be charged 0.25 HUE.

50. If the nature of the residential unit being created is not known at the time the requirement for development contributions is triggered (for example, the application is for a subdivision consent), Council will assess each allotment as 1 HUE.

**Non-residential development**

51. For non-residential developments, development contributions for water supply, wastewater, stormwater collection and management, community infrastructure, parks and open spaces and transportation can be converted to HUEs based on an assessment of information provided by the developer on the demand they expect to generate in comparison to residential HUE demand measures.
52. If the nature of the non-residential unit being created is not known at the time the requirement for development contributions is triggered (for example, the application is for a subdivision consent), Council may postpone payment by the person undertaking the subdivision until a building consent is issued for an allotment.
53. Council considers that larger/heavier vehicles create more demand on the transportation network and the need for transportation projects. Non-residential developments will be converted to HUE based on the information on vehicle equivalent movements included in Appendix 1.

**Review rights**

54. Developers are entitled under the LGA02 to request a reconsideration or lodge a formal objection if they believe Council has made a mistake in assessing the level of development contributions for their development.

## Reconsideration

55. Reconsideration requests are a process that formally requires Council to reconsider its assessment of development contributions for a development. Reconsideration requests can be made where the developer has grounds to believe that:
  - the development contribution levied was incorrectly calculated or assessed under the Policy; or
  - Council has incorrectly applied the Policy; or
  - the information Council used to assess the development against the Policy, or the way that Council has recorded or used that information when requiring a development contribution, was incomplete or contained errors.
56. To seek a reconsideration, the developer must:
  - Lodge the reconsideration request within 10 working days of receiving the development contribution notice.
  - Use the reconsideration form found on [npdc.govt.nz](https://npdc.govt.nz) and supply any supporting information with the form.
  - Pay the reconsideration fee at the time of application, as set out in Council's Schedule of Fees and Charges.
57. Applications with insufficient information or without payment of fee will be returned to the applicant, with a request for additional information or payment.
58. Once Council has received all required information and the reconsideration fee, the request will be considered by a panel of a minimum of two, and a maximum of three, staff. The panel will comprise staff that were not involved in the original assessment. Notice of Council's decision will be given to the applicant within 15 working days from the date on which Council receives all required relevant information relating to the request.

## Objections

59. Objections are a more formal process that allow developers to seek a review of Council's decision. Developers have the right to pursue an objection regardless of if a reconsideration request has been made. A panel of up to three independent commissioners will consider the objection. The decision of the commissioners is binding on the developer and Council, although either party may seek a judicial review of the decision.
60. Objections may only be made on the grounds that Council has:
  - failed to properly take into account features of the development that, on their own or cumulatively with those of other developments, would substantially reduce the impact of the development on requirements for community facilities in the District or parts of the District; or
  - required a development contribution for community facilities not required by, or related to, the development, whether on its own or cumulatively with other developments; or
  - required a development contribution in breach of section 200 of the LGA02; or
  - incorrectly applied the Policy to the development.
61. Schedule 13A of the LGA02 sets out the objection process. To pursue an objection, the developer must:
  - lodge the request for an objection within 15 working days of receiving notice to pay a development contribution, or within 15 working days of receiving the outcome of any request for a reconsideration; and
  - use the objection form (found on [npdc.govt.nz](https://npdc.govt.nz)) and supply any supporting information with the form; and
  - pay a deposit.
62. Objectors are liable for Council's actual and reasonable costs incurred in the objection process including staff arranging and administering the process, commissioner's time, and other costs incurred by Council associated with any hearings such as room hire and associated expenses, as provided by section 150A of LGA02. However, objectors are not liable for the fees and allowances costs associated with any Council witnesses.

## Other operational matters

### Refunds

63. Sections 209 and 210 of the LGA02 state the circumstances where development contributions must be refunded, or land returned. In summary, Council will refund development contributions paid if:
  - the resource consent:
    - lapses under section 125 of the RMA; or
    - is surrendered under section 138 of the RMA; or
  - the building consent lapses under section 52 of the Building Act 2004; or
  - the development or building in respect of which the resource consent or building consent was granted does not proceed; or
  - Council does not provide the reserve or network infrastructure for which the development contributions were required.
64. Council may retain any portion of a development contribution referred to above of a value equivalent to the costs incurred by Council in relation to the development or building and its discontinuance.
65. Council may retain a portion of a development contribution (or land) refunded of a value equivalent to:
  - Any administrative and legal costs it has incurred in assessing, imposing, and refunding a development contribution or returning land for network infrastructure or community infrastructure development contributions.
  - Any administrative and legal costs it has incurred in refunding a development contribution or returning land for reserve development contributions.
66. Development contributions for reserves are taken to support a 10-year programme. Consequently, a 10-year period shall apply for the purposes of section 210(1)(a) of the LGA02.

### Limitations on imposing development contributions

67. Council is unable to require a development contribution in certain circumstances, as outlined in section 200 of the LGA02, if, and to the extent that:

- it has, under section 108(2)(a) of the RMA, imposed a condition on a resource consent in relation to the same development for the same purpose; or
  - the developer will fund or otherwise provide for the same reserve, network infrastructure or community infrastructure; or
  - a third party has funded or provided, or undertaken to fund or provide, the same reserve, network infrastructure or community infrastructure; or
  - Council has already required a development contribution for the same purpose in respect of the same building work, whether on the granting of a building consent or a certificate of acceptance.
68. In addition, Council will not require a development contribution in any of the following cases:
    - Where, except in the case of a new dwelling, the value of any building work for which a building consent is required is less than \$20,000 exclusive of GST, unless the building consent is for a change of use.
    - Where a building consent is for a bridge, dam (confined to the dam structure and any tail race) or other public utility.
    - The application for a resource or building consent, authorisation, or certificate of acceptance is made by the Crown.
    - Bedroom additions to existing dwellings. An existing dwelling is a residential unit which has received a code compliance certificate, or a certificate of acceptance under the Building Act 2004.

### Maximum development contributions for reserves

69. Section 203 of the LGA02 prohibits Council from charging development contributions for reserves that exceed the greater of:
  - 7.5 per cent of the value of the additional lots created by a subdivision; and
  - the value equivalent of 20m<sup>2</sup> of land for each additional household unit or accommodation unit created by the development.
70. If the reserves development contribution would be more than 7.5 per cent of the market value of a lot, as evidenced by a valuation supplied by a registered valuer, the reserves development contributions are capped at 7.5 per cent of the valuation.

71. For example, the development contributions for reserves in Puketapu Development Area are \$14,037.04 (GST exclusive) per HUE, which translates to 7.5 per cent of an allotment value of approximately \$187,000. If the lot is valued at less than \$187,000, the reserves development contribution will be capped at 7.5 per cent of the valuation of the lot.
72. Council reserves the right to seek a second valuation from another registered valuer. If there is a material difference between valuations, Council and the developer can agree to either:
  - use the average of the two valuations; or
  - refer the matter to a third registered valuer to arbitrate an agreement between valuers.

#### Postponement and remissions

73. Postponement of development contribution payment will only be permitted at Council's discretion.
74. If the discretion to allow a bond is exercised, all costs of preparation of the bond documents will be met by the developer.
75. Council may allow remissions for particular community infrastructure works, such as those undertaken by schools, charitable organisations or charitable trusts and to support the principles in the preamble to Te Ture Whenua Maori Act 1993.
76. When considering a request for remission, Council will take into account:
  - The purpose of development contributions, Council's financial modelling, and Council's funding and financial policies.
  - The extent to which the value and nature of the works proposed by the applicant reduces the need for works proposed by Council in its capital works programme.
  - The need for the community infrastructure and the benefits to the community, or parts of the community, expected to be created by the development.
  - The promotion or achievement of the Council's vision and community outcomes by providing the community infrastructure.
  - Any other matter(s) that Council considers relevant.

#### Supporting the principles in the preamble to Te Ture Whenua Maori Act 1953

77. To support the principles in the preamble to Te Ture Whenua Maori Act 1993, Council will remit 100 per cent of the development contributions that would otherwise apply for the development of new or alterations on Māori Land\* to existing:
  - Marae.
  - Papakāinga housing (up to a maximum of 20 separately used or inhabited parts of a rating unit – SUIPs) on Māori land that is primarily for the benefit of owners, their whanau or hapū/iwi members so that they can live on their whenua.
  - Not for profit community benefit developments such as health clinics, community and cultural centres on Māori land.
78. For papakāinga developments that meet the criteria above but number more than 20 SUIPs, 100 per cent remissions will be applied to the first 20 homes only. For each subsequent home from the 21st SUIP upwards charges will apply for any water, wastewater and stormwater district wide and specific development area contribution requirements only.
79. Council will not provide remission for any development that is for commercial, retail, or industrial purposes or for profit. Where there is a mix of development and some (but not all) aspects of a development may meet the criteria for remission, the Council will consider the development contribution requirements on a case-by-case basis.

#### Development agreements

80. Council may enter into specific arrangements with a developer for the provision and funding of particular infrastructure under a development agreement, including the development contributions payable, as provided for under sections 207A-207F of the LGA02. For activities covered by a development agreement, the agreement overrides the development contributions normally assessed as payable under the Policy.

\* A definition of Māori Land is provided in the definitions section of this Policy.



81. Council may use development agreements for unanticipated or out-of-sequence development. The National Policy Statement on Urban Development 2020 addresses unanticipated or out-of-sequence development. This relates to a plan change that provides development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release. An example of this would be the development of one of the Future Urban Zones in the Proposed District Plan Appeals version, such as Area R, Ōākura and Smart Road Future Urban Zones.

## Financial contributions

### Summary of financial contributions under the District Plan

82. The Council's Financial Contributions Policy is a component of the | New Plymouth District Plan. Under the LGA 2002, this policy is required to summarise the financial contribution provisions in the District Plan.
83. The Financial Contributions Policy was formulated pursuant to the Resource Management Act 1991 (RMA). The circumstances under which financial contributions may be required are:
- For the impacts on network infrastructure resulting from subdivision and/or development and/or other land use.
  - Requirements for areas of new open space in development areas resulting from subdivision and/or development and/or other land use.
84. Under the Financial Contributions Policy developers are required to meet the full cost of on-site infrastructure demands of their developments, for example water pipes required to connect to the water network. They will also be required to meet a fair and reasonable cost of the off-site infrastructure works required.
85. The Financial Contributions Policy has a provision to require financial contributions for community facilities (as defined in the Operative District Plan). This provision is not currently applied
86. The Operative District Plan contains financial contribution provisions. However, the Proposed New Plymouth District Plan - Appeals version (September 2023) (notified on 23 September 2019) does not contain financial contributions because at the time of notification, the RMA required that they be removed from District Plans. Since notification, the RMA has been

amended again and now Council has the option of including financial contributions in its (proposed) District Plan. If Council wishes to include financial contributions in the Proposed District Plan- Appeals version, a variation or a plan change will be undertaken. In the meantime, until the Proposed District Plan is made Operative, financial contributions can still be taken under the Operative District Plan.

## Definitions

87. In the Policy, unless the context otherwise requires, the following applies.

**Accommodation unit** has the meaning given in section 197 of the LGA02.

**Activity** means the provision of facilities and amenities within the meaning of network infrastructure, reserves, or community infrastructure for which a development contribution exists under the Policy.

**Allotment (or lot)** has the meaning given to allotment in section 218(2) of the RMA.

**Asset Management Plan** means Council plan for the management of assets within an activity that applies technical and financial management techniques to ensure that specified levels of service are provided in the most cost effective manner over the life-cycle of the asset.

**Bedroom** means any habitable space within a residential unit capable of being used for sleeping purposes and can be partitioned or closed for privacy including spaces such as a "games", "family", "recreation", "study", "office", "sewing", "den", or "works room" but excludes:

- any kitchen or pantry;
- bathroom or toilet;
- laundry or clothes-drying room;
- walk-in wardrobe;
- corridor, hallway, or lobby;
- garage; and
- any other room smaller than 6m<sup>2</sup>.

Where a residential unit has any living or dining rooms that can be partitioned or closed for privacy, all such rooms except one shall be considered a bedroom.

**Capacity life** means the number of years that the infrastructure will provide capacity for and associated HUEs.

**Catchment** means the areas within which development contributions charges are determined and charged.

**Commercial activity** means any activity associated with (but not limited to): communication services, financial services, insurance, services to finance and investment, real estate, business services, central government administration, public order and safety services, tertiary education provision, local government administration services and civil defence, and commercial offices.

**Community facilities** means reserves, network infrastructure, or community infrastructure as defined by the LGA02, for which development contributions may be required.

**Community infrastructure** means:

- land, or development assets on land, owned or controlled by Council for the purpose of providing public amenities; and
- includes land that Council will acquire for that purpose.

**Council** means New Plymouth District Council.

**Development** means any subdivision, building, land use, or work that generates a demand for reserves, network infrastructure, or community infrastructure (but does not include the pipes or lines of a network utility operator).

**District** means the New Plymouth District.

**Gross floor area (GFA)** means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells or stairwells) measured:

- where there are exterior walls, from the exterior faces of those exterior walls;
- where there are walls separating two buildings, from the centre lines of the walls separating the two buildings;

- where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.

See the [National Planning Standards 2019](#).

**Household unit equivalent (HUE)** means demand for Council services equivalent to that produced by a nominal household in a standard residential unit.

**Industrial activity** means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

**LGA02** means the Local Government Act 2002.

**Māori Land** excludes all land other than Māori Freehold Land and general land owned by Māori, Hapū and Iwi entities as follows:

- General land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land immediately before the land ceased to be Māori Freehold Land.
- General land that is beneficially owned by 10 or more Māori - either individually or through a whanau trust, Māori incorporation, Māori trust board, Marae committee or other similar legally incorporated Māori entity - that previously had the status of Māori Freehold Land, where that land is beneficially owned by the persons or by the descendants of the persons who owned the land immediately before the land ceased to be Māori Freehold Land.
- General land owned by Te Kōwhiri Tūmoana Trust Limited.
- General land owned by a legally incorporated Hapū entity (for instance charitable trusts or incorporated societies).
- General land owned by an Iwi Authority, settlement trust or subsidiary entity.

**Network infrastructure** means the provision of transportation (roading), water, wastewater and stormwater infrastructure.

**Place of assembly** means Marae, community centres or facilities, halls, places of worship, indoor cultural, recreation, or sporting facilities, clubrooms, cinemas, theatres, and conference facilities.

**Policy** means this Development and Financial Contributions Policy.

**Reserve** means land for public open space and improvements to that land needed for it to function as an area of usable green open space. This land is used for recreation, sporting activities and the physical welfare and enjoyment of the public, as well as for the protection of the natural environment and beauty of the countryside (including landscaping, sports and play equipment, walkways and cycleways, carparks, and toilets). In the Policy, reserve does not include land that forms, or is to form, part of any road or is used, or is to be used, specifically for stormwater management purposes].

**Residential unit** means building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities. See the [National Planning Standards 2019](#).

**Retail activity** means any activity trading in goods, equipment or services that is not an industrial activity or commercial activity.

**Retirement unit** means any dwelling unit in a retirement village but does not include aged care rooms in a hospital or similar facility.

**RMA** means the Resource Management Act 1991.

**Service connection** means a physical connection to an activity provided by, or on behalf of, Council (such as water, wastewater or stormwater services).



## Part 2: Policy details

### Requirement to have a policy

88. Council is required to have a policy on development contributions and financial contributions as a component of its funding and financial policies under section 102(2)(d) of the LGA02. The Policy meets this requirement.

### Funding summary

89. Council plans to deliver \$519,607,000 (before external subsidies and interest costs) on infrastructure partially or wholly needed to meet the increased demand for community facilities resulting from growth. This includes works undertaken in anticipation of growth, and future planned works. The total amount to be funded from development contributions including interest costs is \$250,089,000.
90. Table 7 provides a summary of the total costs of growth-related capital expenditure and the funding sought by development contributions for all activities. No funding is sought from financial contributions.

Table 7: Total cost of capital expenditure for growth and funding sources

Activity	Total CAPEX (estimated capital costs) \$	Less subsidies \$	Development contribution funded CAPEX \$	Total CAPEX proportion funded by development %	CAPEX proportion funded from other sources %	Development contribution interest \$	Total amount to be funded by development contributions \$
Calculations	A	B	D	D/A *1	((A-D)/A)*1	F	D+F
Parks and Open Spaces	20,701,000	-	10,682,000	52%	48%	5,017,000	15,699,000
Community Infrastructure	63,061,000	-	8,198,000	13%	87%	7,278,000	15,476,000
Transportation	145,757,000	(67,443,000)	10,705,000	14%	86%	7,469,000	18,174,000
Wastewater Treatment	155,771,000	(37,243,000)	55,006,000	46%	54%	37,912,000	92,918,000
Water Supply	72,252,000	(281,000)	45,976,000	64%	36%	37,923,000	83,899,000
Stormwater Management	62,065,000	-	15,873,000	26%	74%	8,050,000	23,923,000
<b>Grand total</b>	<b>519,607,000</b>	<b>(104,967,000)</b>	<b>146,440,000</b>	<b>35%</b>	<b>65%</b>	<b>103,649,000</b>	<b>250,089,000</b>

## Funding Policy summary

### Funding growth expenditure

91. Anticipated growth in the New Plymouth District is projected at 9,800 people in the next decade reaching approximately 98,800 and 110,400 over the next 30 years (by the end of 2054). To accommodate this growth, the District requires an additional 9,445 dwellings or 315 dwellings per annum.
92. New Plymouth's business employment base is anticipated to grow consistently over the next three decades, with an estimated addition of 700 retail employees, 1,300 commercial employees, and 1,700 industrial employees. This corresponds to an average of around 123 employees per year over the next 30 years. Population and business growth create the need for new subdivisions and development, and these place increasing demands on the assets and services provided by Council. Accordingly, significant investment in new or upgraded assets and services are required to meet the demands of growth.
93. Council has decided to fund these costs from development contributions under the LGA02 for:
  - Transportation; and
  - Water; and
  - Wastewater; and
  - Stormwater; and
  - Reserves; and
  - Community Infrastructure.
94. In forming this view, Council has considered the matters set out in section 101(3) of the LGA02 within its Revenue and Financing Policy, and within the Policy.
95. The Revenue and Financing Policy is Council's primary and over-arching statement on its approach to funding its activities. It outlines how all activities will be funded, and the rationale for Council's preferred funding approach.

96. In addition, Council is required under section 106(2)(c) of the LGA02 to explain within the Policy why it has decided to use development contributions to fund capital expenditure relating to the cost of growth. This assessment is below.

### Community outcomes (section 101(3)(a)(i) LGA02)

97. Council has considered whether development contributions are an appropriate source of funding considering each activity, the outcomes sought, and their links to growth infrastructure. Council has developed four outcomes to help achieve its vision of Sustainable Lifestyle Capital:
  - **Trusted** – Strengthening Te Tiriti partnerships with hapū and iwi to improve well-being, Building trust and credibility with community, business, fellow councils and government, and demonstrating leadership and striving; and
  - **Thriving Communities and Culture** – connected and engaged communities, safe and active communities, an equitable and inclusive approach to delivering for all our people and communities, communities that embrace Te Ao Maori; and
  - **Environmental Excellence** – restoring our ecosystems, mitigating further environmental impacts, tackling the challenges of climate change, delivering resilient infrastructure efficiently; and
  - **Prosperity** – developing and supporting initiatives to achieve a diversified high-performing economy, an equitable economy where people have access to quality employment and opportunities to build wealth, contributing to NZ Inc's environmental sustainability and economic performance.
98. Overall, development contributions, as a dedicated growth funding source, offer more secure funding for achieving community outcomes that are affected by growth, or through which Council can deliver on aspects of the outcomes for new communities.

Other funding decision factors (sections 101(3)(a)(ii)-(v) LGA02)

99. Council has considered the funding of growth-related community facilities against the following matters:
- The distribution of benefits between the community as a whole, any identifiable part of the community, and individuals, and the extent to which the actions or inaction of particular groups or individuals contribute to the need to undertake the activity.
  - The period in or over which those benefits are expected to occur.
  - The costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities.
100. A summary of this assessment is below.

Table 8: Other funding decision factors

Who benefits/whose act creates the need	<p>A significant portion of Council’s work programme over the next 10 years is driven by development or has been scoped to ensure it provides for new developments. The extent to which growth benefits from a project, as well as how much it serves and benefits existing ratepayers is determined for each project.</p> <p>Council believes that the growth costs identified through this process should be recovered from development, as this is what creates the need for the expenditure and/or benefits principally from new assets and additional network capacity. Where and to the extent that works benefit existing residents and businesses, those costs are recovered through rates.</p> <p>The Catchment determination section below outlines how Council determined the catchments for development contributions in the Policy.</p>
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Period of benefit	<p>The assets constructed for development provide benefits and capacity for developments now and in the future. In many cases, the “capacity life” of such assets spans many years, if not decades.</p> <p>Development contributions allow development related capital expenditure to be apportioned over the capacity life of assets. Developments that benefit from the assets will contribute to their cost, regardless of whether they happen now or in the future.</p>
Funding sources and rationale, including rationale for separate funding	<p>The cost of supporting development in New Plymouth is significant. Development contributions send clear signals to the development community about the cost of growth and the capital costs of providing infrastructure to support that growth.</p> <p>The benefits to the community are significantly greater than the cost of policy making, calculations, collection, accounting and distribution of funding for development contributions.</p>

Overall impact of liability on the community (section 101(3)(b) LGA02)

101. Council has considered the overall impact of liability and is satisfied with it, so accordingly has not modified the incidence of development contributions arrived at following consideration of the factors in section 101(3) LGA02.
102. Council has also considered the impact of the overall allocation of liability on the community. In this case, the liability for revenue falls directly with the development community. At the effective date of this Policy, Council does not perceive any undue or unreasonable impact on the social, economic, environmental and cultural wellbeing of this section of the community.
103. Conversely, shifting development costs onto ratepayers is likely to be perceived as unfair and would significantly impact the rates revenue required from existing residents who do not cause the need for, or benefit directly from, the growth infrastructure needed to service new developments.

104. Overall, Council considers it fair and reasonable, and that the social, economic, environmental and cultural interests of New Plymouth District's communities are best advanced through using development contributions to fund the costs of growth-related capital expenditure for projects covered by this Policy.

### Catchment determination

105. When setting development contributions, Council must consider how it sets its catchments for grouping charges by geographic area.

106. The LGA02 gives Council wide scope to determine these catchments, provided that:

- the grouping is done in a manner that balances practical and administrative efficiencies with considerations of fairness and equity; and
- grouping by geographic area avoids grouping across an entire district wherever practical.

107. Council has determined that there will be the following catchments and development areas:

- Transportation – District-wide catchment.
  - All development in the District pays this catchment charge.
- Community infrastructure – District-wide catchment.
  - All development in the District pays this catchment charge.
- Parks and Open Spaces – District-wide catchment.
  - All development in the District pays this catchment charge.
- Stormwater – District-wide catchment, an urban area catchment and individual catchments for Waitara and Inglewood.
  - All development in the District pays the district wide catchment charge.
  - Any development in urban areas pays the urban area catchment charge in addition to the District wide catchment charge.
  - Any development within the Waitara catchment or Inglewood catchment pays that relevant catchment charge in addition to paying the charges for the District-wide catchment and urban area catchment.

- Wastewater – Network wide catchment and individual catchments for Waimea Sewer.
  - Any development within the network wide catchment pays the network wide charge.
  - Any development within the Waimea Sewer catchment pays that relevant catchment charge in addition to paying the charge for the network wide catchment.
- Water - Network wide catchment and an individual catchment for New Plymouth.
  - Any development within the network wide catchment pays the network wide charge.
  - Any development within the individual catchment of New Plymouth pays that relevant catchment charge in addition to paying the charge for the network wide catchment.
- Development Areas for the specific structure plan development areas in the District including Puketapu, Carrington, Junction, Patterson and Sutherland/Patterson.
  - Any development within a development area pays the relevant development area charges.
  - Any development in a development area will also be liable for a catchment contribution (if connecting in relation to water and wastewater) and for District-wide catchment contributions.

108. Council considers that this strikes the right balance between practical and administrative efficiency, and considerations of fairness and equity for the following reasons:

- Having catchments for each activity makes transparent costs of growth by activity, development type and location. Over time these costs will be reflected in the value of land, and will provide clear signals on the cost of development in different areas. Although setting and recovering development contributions separately for different catchments incurs administrative costs, these are immaterial compared to the revenue generated by the development contributions for the Council.
- The District-wide catchments for Transportation, Community Infrastructure and Parks and Open Spaces recognises that all development

in the District, irrespective of geographic location, is considered to generate the need for and receive benefit from the community facilities and reserves, including the Coastal Walkway extension from Bell Block to Waitara.

- The District-wide and urban area catchments for Stormwater include network wide projects which benefit the entire network and all development in the District is considered to generate the need for and receive a benefit from this. The approach to separately identify and require an additional charge for the urban area reflects the approach to Stormwater in the Council's Revenue and Financing Policy, which recognises that all properties should pay a rate for stormwater but that a higher proportion of the cost should be recovered from the urban area as they generate a greater need and received a greater benefit from the stormwater service than rural areas. Stormwater projects specific to Waitara and Inglewood stormwater systems are considered to only benefit development within those catchments therefore only developments occurring within these specific catchments will be charged a contribution relating to those projects.
- The network wide catchment for Wastewater recognises that all development connecting to the Wastewater network is considered to generate the need for and receive benefit from the wastewater projects in this catchment. Developments that do not connect to the network are considered to not generate a need or receive a benefit from the projects and will not be charged development contributions. The individual catchment for Waimea sewer recognises that this project is generated from development within the specific geographic area and development connecting to the wastewater network outside of this catchment is not generating the need or receiving a benefit from this project.
- The network wide catchment for Water recognises that all development connecting to the Water network is considered to generate the need for and receive benefit from the water projects in this catchment. Developments that do not connect to the network are considered to not generate a need or receive a benefit from the projects and will not be charged development contributions. The individual catchment for New Plymouth recognises that this project is required for that specific water network and is generated from development within that specific geographic area and developments connecting to the water network outside of this catchment is not generating the need or receiving a benefit from this project.

- Development areas cover specific development locations that are unserviced and undeveloped. The projects in these areas are required to make the areas serviced and available for development. These catchments recognise that development within these areas is considered to generate the need and receive benefit from the projects. Development outside of these areas is not considered to generate the need or receive benefit from these projects and will not be charged development contributions for these projects.
- Council is satisfied it is not practical, given its assessment of causation and benefits, to avoid district-wide catchments to fund particular investments where a district wide catchment applies.

## Significant assumptions of the Policy

### Methodology

109. In developing a methodology for the development contributions in the Policy, Council has taken an approach to ensure that the cumulative effect of development is considered across each catchment.

### Planning horizons

110. A 30-year timeframe has been used as a basis for forecasting growth and growth-related assets and programmes. This is set out in Council's asset management plans.

### Projecting growth

111. The District has experienced steady population and economic growth, and this growth is forecast to increase further. Statistics New Zealand (Stats NZ) figures indicate steady population growth in the District, with the number of residents increasing by 1.4 per cent per annum since over the past 10 years.
112. Using Infometrics NZ medium growth forecasts and Property Economics employment growth data for New Plymouth, the key assumptions about future growth are:
- Years 2024 to 2034:
    - Population growth in the District of around 980 people per annum.

- Residential unit growth in the District of around 329 dwellings per annum.
- Development of around 16,800m<sup>2</sup> GFA annually for business space and 6.3 hectares annually for industrial land.
- Years 2034 to 2054:
  - Population growth in the District of around 580 people per annum.
  - Residential unit growth in the District of around 308 dwellings per annum.
  - Development of around 6,600m<sup>2</sup> GFA annually for business space and 2.4 hectares annually for industrial land.

113. A five-yearly breakdown of population and household forecasts are in Table 9.

**Table 9: Five yearly breakdown of population and household forecasts (rounded to the nearest 100)**

	2018 Census*	2024	2029	2034	2039	2044	2049	2054
<b>Population</b>								
New Plymouth	50,790	51,830	53,980	56,650	58,940	61,690	63,440	64,920
Bell Block	4,230	8,700	9,830	10,770	11,180	11,520	11,660	11,790
Waitara	6,800	7,260	7,590	8,030	8,300	8,530	8,590	8,650
Inglewood	3,550	3,790	3,940	4,140	4,250	4,350	4,370	4,390
Ōākura	3,510	3,950	4,140	4,420	4,650	4,870	5,010	5,120
Rural	12,670	13,450	14,040	14,740	15,100	15,420	15,490	15,590
<b>Total</b>	<b>81,550</b>	<b>88,980</b>	<b>93,520</b>	<b>98,750</b>	<b>102,420</b>	<b>106,380</b>	<b>108,560</b>	<b>110,460</b>
<b>Households</b>								
New Plymouth	18,850	20,860	21,500	22,510	23,580	24,700	25,840	26,740
Bell Block	1,940	3,080	3,450	3,770	3,940	4,070	4,190	4,290
Waitara	1,800	2,910	3,010	3,170	3,300	3,390	3,470	3,530
Inglewood	810	1,520	1,560	1,640	1,690	1,730	1,770	1,800
Ōākura	1,250	1,510	1,560	1,670	1,770	1,860	1,940	2,010
Rural	9,020	5,290	5,460	5,710	5,890	6,020	6,150	6,250
<b>Total</b>	<b>33,670</b>	<b>35,170</b>	<b>36,540</b>	<b>38,470</b>	<b>40,170</b>	<b>41,770</b>	<b>43,360</b>	<b>44,620</b>

\*2018 census SA2 boundaries have changed so data may vary between years.



114. Council forecasts demand of approximately 159 HUE annually for business development over the next 30 years to accommodate:
- Population growth with related business land; and
  - Specific large-scale industries that are expected for Bell Block with the availability of undeveloped industrial zoned land as part of the Proposed District Plan.
115. The combined demand forecast is approximately 474 HUEs annually over 30 years – 315 HUEs for households and 159 HUEs for business. Further information about these forecasts can be found in the [Long-Term Plan 2024-2034](#).
116. To provide a more realistic HUE forecast, the figures used do not include the competitiveness margin of 15 to 20 per cent, as advised by the National Policy Statement – Urban Development (NPS-UD) and the HBCA's reasonably expected to be realised capacity figures have been utilised in projecting HUE for the development areas.

### Best available knowledge

117. Development contributions are based on capital expenditure budgets included in Council's asset management plans. The capital expenditure budgets and projected estimates of future asset works are based on the best available knowledge at the time of preparation. As better information becomes available the Policy will be updated, generally through the annual plan process.

### Key risks/effects

118. There are two key risks and resulting effects associated with administering development contributions. These are:
- That the growth predictions do not eventuate, resulting in a change to the assumed rate of development. In that event, Council will continue to monitor the rate of growth and will update assumptions in the growth and funding predictions, as required.
  - That the time lag between expenditure incurred by Council and development contributions received from those undertaking developments is different from that assumed in the funding model, and that the costs of capital are greater than expected. This would result in an increase in debt servicing costs. To guard against that occurrence, Council

will continue to monitor the rate of growth and will update assumptions in the growth and funding models, as required.

### Service assumptions

119. It is assumed that methods of service delivery and levels of service will remain substantially unchanged and in accordance with Council's Long-Term Plan, asset management plans and Land Development and Subdivision Infrastructure Standard.

### Funding model

120. A funding model has been developed to calculate development contributions under the Policy. It accounts for the activities for which contributions are sought, the assets and programmes related to growth, forecast growth and associated revenue. The funding model embodies several important assumptions, including that:
- All capital expenditure estimates are stated in current year dollars and GST exclusive.
  - The levels of service, renewal and maintenance portions of each asset or programme will not be funded by development contributions. See the 'cost allocation' section below.
  - The growth costs associated with an asset are spread over the capacity life of the asset and any debt incurred in relation to that asset will be fully repaid by the end of that capacity life.
  - Interest expenses incurred on debt accrued will be recovered via development contributions and shared equally over all forecast HUEs over a maximum 30-year period relative to the capacity life of the asset to provide for growth for each activity/catchment.

### Cost allocation

121. Council must consider how to allocate the cost of each asset or programme between three principal drivers – growth, levels of service, and renewal. Council's general approach to cost allocation is summarised as:
- Where a project provides for and benefits only growth, 100 per cent of a project's cost is attributed to growth. To qualify for this, there would have to be no renewal element (see below) or material level of service benefit or capacity provided for existing residents and businesses.

- Where a project involves renewal of existing capacity:
  - Council will use a sliding scale based on the value of a stand-alone renewal project. So, if an asset is 75 per cent through its useful life, the share of the project cost attributed to its renewal will be 75 per cent of the value of a stand-alone renewal project.
- If a project provides for growth and levels of service (LOS), after deducting any share of costs attributable to renewal, Council will split the cost between growth and LOS based on the future beneficiary split. Under this approach, the cost attributed to:
  - LOS will be based on the proportion that the existing community (in HUEs) will make up of the future community (in HUEs).
  - Growth will be based on the proportion that growth (in HUEs) will make up of the future community (in HUEs).

122. For particularly large and expensive projects, Council may undertake a specific cost apportionment assessment that differs from the general approach outlined above.

123. Schedule 1 includes historic projects from previous development contributions policies. The cost allocations of some of these historic projects have not been changed to ensure fairness and equity of development contributions over time.

## Calculating the development contributions

124. This section outlines how the development contributions were calculated in accordance with section 201 and Schedule 13 of the LGA02.

### Process

125. The steps needed to determine growth, growth projects, cost allocations, and to calculate the development contributions charges are summarised in Table 10.

Table 10: Summary of development contribution calculation methodology

Step	Description/comment
1. Forecast growth	Council estimates potential land supply and likely take up of that land. The estimates help provide household and business growth forecasts for up to 30 years. See the Projecting growth section above for further information.
2. Identify projects required to facilitate growth	Council develops the works programme needed to facilitate growth. In some cases, Council may have already undertaken the work. The programme in the Policy is for 10 years.
3. Determine the cost allocation for projects	The cost of each asset or programme is apportioned between renewal, growth, and level of service in accordance with the approach outline in the Cost allocation section of the Policy.  Schedule 1 of the Policy outlines the amount required to fund growth from development contributions for each of these assets or programmes.
4. Determine growth costs to be funded by development contributions	Council determines whether to recover all of the growth costs identified in step 3 from development contributions, or whether some of the growth costs will be funded from other sources.
5. Divide development contribution funded growth costs by capacity lives	The growth costs from step 4 are divided by the estimated capacity life (defined in HUEs) to provide a charge per HUE for each future and past asset and programme.
6. Sum all per asset charges	For each catchment and activity, add up the per HUE asset or programme charges to provide a 'raw' total development contribution before interest costs are added.  For each activity and catchment, development contributions fund the programme on an aggregated basis.



Step	Description/comment
7. Adjust for interest costs and charge inflation adjustments	<p>The raw cost requires adjustments in the funding model to ensure total revenue received over the capacity life equals total costs after accounting for interest costs. These costs are shared equally among all HUEs in the relevant catchment over the capacity life.</p> <p>These adjustments impact the final charges.</p> <p>Inflation adjustments are applied on a yearly basis in line with section 106 (2C) LGA02.</p>

Summary of calculations

126. Schedule 1 provides development contributions asset information, calculations and charges by catchment. The catchments set out in Schedule 1 correspond to the catchment maps included in Part 3 of this policy. No funding is sought from financial contributions.

## Schedule 1: Development contribution asset information, calculations and charges per catchment

This schedule 1 provides development contributions asset information, calculations and charges by catchment. Part 3 of the policy includes the maps for the catchments included in this schedule.

Project budget code	Asset/programme name	Estimated capital costs	External subsidies	Estimated finance costs	Total cost of capital expenditure less subsidies	Funded by Development Contributions	Funded from other sources	Development Contributions funded cost	Estimated annualised HUE demand	Development Contributions charge per HUE (excluding GST)
		\$	\$	\$	\$	%	%	\$		\$
		(A)	(B)	(C)	(A)+(B)+(C)					
<b>Parks and Open Spaces Catchment - District-wide (refer to map on page 33)</b>										
PK1055	Esplanade and local reserve land purchase as per District Plan	1,876,700	-	553,712	2,430,412	13%	87%	(315,954)	474	66.66
PK1034	Urenui Cemetery extension	852,000	-	810,715	1,662,715	13%	87%	(216,153)	474	15.20
PK1072	New Play Space development	280,000	-	82,613	362,613	13%	87%	(47,140)	474	9.95
PK2011	Brooklands Zoo planning implementation	158,200	-	70,420	228,620	13%	87%	(29,721)	474	4.18
PK3014	Ōākura Cemetery development extension	84,100	-	80,025	164,125	13%	87%	(21,336)	474	1.50
PK3037	Brooklands Zoo strategic implementation	2,621,900	-	1,167,098	3,788,998	13%	87%	(492,570)	474	69.29
CB4023	Metroplaza Building demolition	3,500,000	-	3,330,401	6,830,401	13%	87%	(887,952)	474	62.45
CB2206	Investment Properties - Metro Plaza (original purchase)	1,562,100	-	1,486,405	3,048,505	13%	87%	(396,306)	474	27.87
<b>Total Parks and Open Spaces - District-wide</b>		<b>10,935,000</b>	<b>-</b>	<b>7,581,389</b>	<b>18,516,389</b>			<b>(2,407,131)</b>		<b>257.10</b>
<b>Community Infrastructure Catchment - District-wide (refer to map on page 33)</b>										
CB2026	Tūparikino Active Community Hub development	50,967,600	-	48,497,866	99,465,466	13%	87%	(12,930,511)	474	909.43
CB3043	Waitara Library redevelopment	500,000	-	475,772	975,772	13%	87%	(126,850)	474	8.92
PA4002	Bell Block Library - new build	10,853,700	-	6,564,879	17,418,579	13%	87%	(2,264,415)	474	238.89
PK4017	Bell Block public toilets	740,000	-	447,590	1,187,590	13%	87%	(154,387)	474	16.29
<b>Total Community Infrastructure - District-wide</b>		<b>63,061,300</b>	<b>-</b>	<b>55,986,107</b>	<b>119,047,407</b>			<b>(15,476,163)</b>		<b>1,173.53</b>

Project budget code	Asset/programme name	Estimated capital costs	External subsidies	Estimated finance costs	Total cost of capital expenditure less subsidies	Funded by Development Contributions	Funded from other sources	Development Contributions funded cost	Estimated annualised HUE demand	Development Contributions charge per HUE (excluding GST) \$
		\$	\$	\$	\$	%	%	\$		
		(A)	(B)	(C)	(A)+(B)+(C)					
<b>Transportation Catchment - District-wide (refer to map on page 33)</b>										
Multiple	Roads land purchase and widening/extension (7 projects)	21,889,000	(7,249,650)	4,705,298	19,344,648	13%	87%	(2,434,510)	474	493.36
Multiple	Transportation walkways and cycleway (7 projects)	6,155,800	(3,714,669)	1,058,657	3,499,788	13%	87%	(440,446)	474	70.38
Multiple	Transportation pathway development (8 projects)	3,356,400	(1,952,158)	738,403	2,142,645	13%	87%	(269,650)	474	40.59
Multiple	Traffic signalisation (9 projects)	5,032,800	(2,395,878)	971,023	3,607,945	13%	87%	(454,057)	474	85.65
Multiple	Intersection, kerb and channel and other improvements (22 projects)	14,329,000	(7,306,617)	5,451,115	12,473,498	13%	87%	(1,569,780)	474	153.38
Multiple	Transportation bridges and underpasses (5 projects)	38,867,100	(19,822,221)	18,122,022	37,166,901	13%	87%	(4,677,427)	474	328.97
RD1018	Transport services for subdivisions in unserviced areas	3,568,500	-	1,052,871	4,621,371	13%	87%	(581,596)	474	122.71
RD2024	Walkway Extension to Waitara	31,102,200	(15,862,122)	14,501,590	29,741,668	13%	87%	(3,742,967)	474	263.25
RD3021	North Egmont Carpark	2,145,500	-	1,297,709	3,443,209	13%	87%	(433,325)	474	45.71
RD4011	Parklands Avenue extension	11,181,000	(5,702,310)	5,213,209	10,691,899	13%	87%	(1,345,568)	474	94.64
RD4039	Waitaha Stream SH3 Underpass	1,960,000	(999,600)	913,862	1,874,262	13%	87%	(235,874)	474	16.59
RD4009	Shared pathway along Waitaha Stream	1,170,000	(596,700)	545,520	1,118,820	13%	87%	(140,803)	474	9.90
RD2004	Waitaha Stream Parklands Avenue bridge and pathway underpass Area Q	2,115,000	-	2,012,514	4,127,514	13%	87%	(519,444)	474	36.53
<b>Total Transportation - District-wide</b>		<b>142,872,300</b>	<b>(65,601,925)</b>	<b>56,583,794</b>	<b>133,854,169</b>			<b>(16,845,447)</b>		<b>1,761.66</b>

Project budget code	Asset/programme name	Estimated capital costs	External subsidies	Estimated finance costs	Total cost of capital expenditure less subsidies	Funded by Development Contributions	Funded from other sources	Development Contributions funded cost	Estimated annualised HUE demand	Development Contributions charge per HUE (excluding GST)
		\$	\$	\$	\$	%	%	\$		\$
		(A)	(B)	(C)	(A)+(B)+(C)					
<b>Wastewater Network Catchments (refer to map on page 34)</b>										
WW1074	Wai Taatari projects	17,232,900	-	13,335,015	30,567,915	14%	86%	(4,279,508)	372	459.93
WW1048	Dillon Drive sewer upgrade	184,400	-	175,465	359,865	19%	81%	(68,374)	372	6.12
WW1061	New Plymouth Wastewater Treatment Plant (NPWWTP) dewatering plant upgrade	7,100	-	2,095	9,195	22%	78%	(2,023)	372	0.54
WW1063	NPWWTP inlet works upgrade	15,600	-	4,603	20,203	29%	71%	(5,859)	372	1.57
WW1068	Bioreactor aeration system renewal and upgrade	-	-	-	-	43%	57%	-	372	-
Multiple	Thermal Dryer upgrade and renewal	70,090,800	(37,000,000)	20,015,028	53,105,828	14%	86%	(7,434,816)	372	998.80
WW2202	Flow metering	443,000	-	267,949	710,949	14%	86%	(99,533)	372	13.37
WW2003	Wastewater network modelling	5,788,300	-	1,707,813	7,496,113	80%	20%	(5,996,891)	372	1,611.26
WW2006	Sewer services for subdivisions in unserviced areas	1,050,000	-	309,798	1,359,798	100%	0%	(1,359,798)	372	365.35
WW2010	Wastewater model build and update	4,575,000	-	1,349,834	5,924,834	80%	20%	(4,739,867)	372	1,273.52
WW2014	Te Henui fibre connection	5,300	-	5,043	10,343	50%	50%	(5,172)	372	0.46
WW2019	Eastern sewer network realignment	9,000,000	-	8,563,887	17,563,887	100%	0%	(17,563,887)	372	1,573.04
WW4001	NPWWTP Master Plan and buffer storage - programme	10,000,000	-	9,515,431	19,515,431	100%	0%	(19,515,431)	372	1,747.82
WW4012	Equipment for new WWTP laboratory building	200,000	-	190,309	390,309	100%	0%	(390,309)	372	34.96
WW4013	Waitara wastewater overflows - programme	8,300,000	-	7,897,807	16,197,807	23%	77%	(3,725,496)	372	333.66
WW4011	Inglewood wastewater overflows - programme	11,850,000	-	11,275,785	23,125,785	23%	77%	(5,318,931)	372	476.37
<b>Total Wastewater Network</b>		<b>138,742,400</b>	<b>(37,000,000)</b>	<b>74,615,862</b>	<b>176,358,262</b>			<b>(70,505,893)</b>		<b>8,896.77</b>

Project budget code	Asset/programme name	Estimated capital costs	External subsidies	Estimated finance costs	Total cost of capital expenditure less subsidies	Funded by Development Contributions	Funded from other sources	Development Contributions funded cost	Estimated annualised HUE demand	Development Contributions charge per HUE (excluding GST)
		\$	\$	\$	\$	%	%	\$		\$
		(A)	(B)	(C)	(A)+(B)+(C)					
<b>Wastewater Catchment - Waimea (refer to map on page 35)</b>										
WW1018	Waimea Valley sewer extension	4,400,000	-	2,661,348	7,061,348	100%	0%	(7,061,348)	461*	15,317.46
<b>Total Wastewater - Waimea</b>		<b>4,400,000</b>	<b>-</b>	<b>2,661,348</b>	<b>7,061,348</b>			<b>(7,061,348)</b>		<b>15,317.46</b>
<b>Water Supply Catchment - All Networks (refer to map on page 36)</b>										
WA1020	Water Master Plan (WMP) programme development	1,687,000	-	1,605,253	3,292,253	80%	20%	(2,633,803)	403	217.96
WA2006	Water services for subdivisions in unserviced areas	1,544,900	-	455,816	2,000,716	100%	0%	(2,000,716)	403	496.70
WA2019	Universal Water Metering (WMP)	23,403,100	-	22,269,057	45,672,157	69%	31%	(31,513,788)	403	2,607.87
WA4027	Microbiology Laboratory	200,000	-	190,309	390,309	50%	50%	(39,031)	403	3.23
<b>Total Water Supply - All Networks</b>		<b>26,835,000</b>	<b>-</b>	<b>24,520,435</b>	<b>51,355,435</b>			<b>(36,187,338)</b>		<b>3,325.76</b>
<b>Water Supply Catchment - New Plymouth (refer to map on page 36)</b>										
WA1040	Mountain Road and Henwood Road reservoirs	19,218,600	-	18,287,325	37,505,925	48%	52%	(18,002,844)	363	1,655.17
WA2017	Duplicate Water Treatment Plant outlet and central feeder (WMP)	8,450,000	-	8,040,539	16,490,539	100%	0%	(16,490,539)	363	1,516.13
WA2026	New water source	7,600,000	-	7,231,727	14,831,727	13%	87%	(1,928,125)	363	177.27
WA2101	Water pump Cowling Road	25,300	-	24,074	49,374	100%	0%	(49,374)	363	4.54
WA4029	Barrett Road trunk main completion	1,550,000	-	1,474,892	3,024,892	20%	80%	(604,978)	363	55.62
<b>Total Water Supply - New Plymouth</b>		<b>36,843,900</b>	<b>-</b>	<b>35,058,557</b>	<b>71,902,457</b>			<b>(37,075,860)</b>		<b>3,408.73</b>

\* Expected total yield

Project budget code	Asset/programme name	Estimated capital costs	External subsidies	Estimated finance costs	Total cost of capital expenditure less subsidies	Funded by Development Contributions	Funded from other sources	Development Contributions funded cost	Estimated annualised HUE demand	Development Contributions charge per HUE (excluding GST)
		\$	\$	\$	\$	%	%	\$		\$
		(A)	(B)	(C)	(A)+(B)+(C)					
<b>Stormwater Catchment - District-wide (refer to map on page 33)</b>										
ST2004	Stormwater services for subdivisions in unserviced areas	775,000	-	228,660	1,003,660	100%	0%	(1,003,660)	474	211.77
ST2003	Stormwater Master Plan	12,700	-	3,747	16,447	50%	50%	(8,224)	474	1.74
ST2005	Stormwater network modelling	2,577,850	-	760,584	3,338,434	80%	20%	(2,670,747)	474	563.51
ST3210	Stormwater network modelling - project	2,587,300	-	763,372	3,350,672	80%	20%	(2,680,537)	474	565.58
ST4012	Puketapu area stormwater - Phase 1	2,010,000	-	1,912,602	3,922,602	13%	87%	(509,938)	474	35.86
<b>Total Stormwater - District-wide</b>		<b>7,962,850</b>	<b>-</b>	<b>3,668,965</b>	<b>11,631,815</b>			<b>(6,873,107)</b>		<b>1,378.46</b>
<b>Stormwater Catchment- Urban (refer to map on page 37)</b>										
ST2004	Stormwater services for subdivisions in unserviced areas	775,000	-	228,660	1,003,660	100%	0%	(1,003,660)	403	249.17
ST2003	Stormwater Master Plan	12,700	-	3,747	16,447	50%	50%	(8,224)	403	2.04
ST2005	Stormwater network modelling	2,577,850	-	760,584	3,338,434	80%	20%	(2,670,747)	403	663.04
ST3210	Stormwater network modelling - project	2,587,300	-	763,372	3,350,672	80%	20%	(2,680,537)	403	665.47
ST4012	Puketapu area stormwater - Phase 1	2,010,000	-	1,912,602	3,922,602	13%	87%	(509,938)	403	42.20
<b>Total Stormwater - Urban</b>		<b>7,962,850</b>	<b>-</b>	<b>3,668,965</b>	<b>11,631,815</b>			<b>(6,873,107)</b>		<b>1,621.92</b>

Project budget code	Asset/programme name	Estimated capital costs	External subsidies	Estimated finance costs	Total cost of capital expenditure less subsidies	Funded by Development Contributions	Funded from other sources	Development Contributions funded cost	Estimated annualised HUE demand	Development Contributions charge per HUE (excluding GST)
		\$	\$	\$	\$	%	%	\$		\$
		(A)	(B)	(C)	(A)+(B)+(C)					
<b>Stormwater Catchment - Waitara (refer to map on page 38)</b>										
ST2001	Waitara stormwater upgrades	12,718,100	-	12,101,820	24,819,920	4%	96%	(992,797)	596*	1,665.77
ST3100	Tangaroa restoration project	120,000	-	114,185	234,185	4%	96%	(9,367)	596*	15.72
ST3101	Waiari stormwater upgrade	520,300	-	495,088	1,015,388	4%	96%	(40,616)	596*	68.15
ST3105	Tangaroa restoration - stage 1	1,622,100	-	1,543,498	3,165,598	4%	96%	(126,624)	596*	212.46
ST3106	Tangaroa restoration - stage 2	2,184,100	-	2,078,265	4,262,365	4%	96%	(170,495)	596*	286.06
<b>Total Stormwater - Waitara</b>		<b>17,164,600</b>	<b>-</b>	<b>16,332,856</b>	<b>33,497,456</b>			<b>(1,339,898)</b>		<b>2,248.16</b>
<b>Stormwater Catchment - Inglewood (refer to map on page 39)</b>										
ST4015	Inglewood stormwater remedial - programme	28,000,000	-	26,643,205	54,643,205	14%	86%	(7,650,049)	300*	25,500.16
<b>Total Stormwater - Inglewood</b>		<b>28,000,000</b>	<b>-</b>	<b>26,643,205</b>	<b>54,643,205</b>			<b>(7,650,049)</b>		<b>25,500.16</b>

\* Expected total yield

Project budget code	Asset/programme name	Estimated capital costs	External subsidies	Estimated finance costs	Total cost of capital expenditure less subsidies	Funded by Development Contributions	Funded from other sources	Development Contributions funded cost	Estimated annualised HUE demand	Development Contributions charge per HUE (excluding GST)
		\$	\$	\$	\$	%	%	\$		\$
		(A)	(B)	(C)	(A)+(B)+(C)					
<b>Development Area - Puketapu (refer to map on page 40)</b>										
WW1021	Area Q wastewater services projects	5,027,300	-	3,375,084	8,402,384	67%	33%	(5,629,597)	827*	6,807.25
WW4007	Parklands Avenue extension Puketapu sewer main	1,524,900	-	585,447	2,110,347	100%	0%	(2,110,347)	647*	3,261.74
WA4035	Puketapu Development Area water supply upgrades	1,793,840	-	688,700	2,482,540	100%	0%	(2,482,540)	647*	3,837.00
ST4012	Puketapu area stormwater - phase 1	-	-	-	-	13%	87%	-	647*	-
WA1096	Water services projects	250,000	-	167,838	417,838	95%	5%	(396,946)	827*	479.98
PK1046	Land purchase - Area Q	3,228,800	-	1,847,375	5,076,175	95%	5%	(4,822,366)	827*	5,831.16
PK1047	Park development - Area Q growth area	5,000,000	-	1,919,625	6,919,625	95%	5%	(6,573,643)	827*	7,948.78
RD1034	Area Q - excludes the Waitaha underpass	14,200	-	8,125	22,325	65%	35%	(14,511)	827*	17.55
<b>Total Development Area - Puketapu</b>		<b>16,839,040</b>	<b>-</b>	<b>8,592,193</b>	<b>25,431,233</b>			<b>(22,029,951)</b>		<b>28,183.46</b>
<b>Development Area - Carrington (refer to map on page 41)</b>										
WW2009	Upgrading of Huatoki Valley sewer main	1,226,300	-	361,815	1,588,115	94%	6%	(1,492,828)	231*	6,462.46
PK2047	Land purchase - Upper Carrington growth area	247,500	-	73,024	320,524	94%	6%	(301,292)	231*	1,304.30
WA4032	Carrington Zone water supply improvements	5,290,000	-	1,560,792	6,850,792	94%	6%	(6,439,744)	231*	27,877.68
RD4042	Carrington Road (peri-urban) widening	515,000	(262,650)	74,455	326,805	94%	6%	(307,197)	231*	1,329.86
<b>Total Development Area - Carrington</b>		<b>7,278,800</b>	<b>(262,650)</b>	<b>2,070,085</b>	<b>9,086,235</b>			<b>(8,541,061)</b>		<b>36,974.30</b>

\* Expected total yield



Project budget code	Asset/programme name	Estimated capital costs	External subsidies	Estimated finance costs	Total cost of capital expenditure less subsidies	Funded by Development Contributions	Funded from other sources	Development Contributions funded cost	Estimated annualised HUE demand	Development Contributions charge per HUE (excluding GST)
		\$	\$	\$	\$	%	%	\$		\$
		(A)	(B)	(C)	(A)+(B)+(C)					
<b>Development Area - Junction (refer to map on page 42)</b>										
WW2022	Junction growth area sewer upgrade	500,000	-	222,567	722,567	88%	12%	(635,859)	79*	8,048.85
PK2046	Land purchase - Junction growth area	206,200	-	91,787	297,987	88%	12%	(262,228)	79*	3,319.35
WW4009	Junction Street growth area sewer pump station	1,000,000	-	445,134	1,445,134	88%	12%	(1,271,718)	79*	16,097.70
WW4010	Junction Street growth area downstream sewer capacity upgrade	550,000	-	244,824	794,824	88%	12%	(699,445)	79*	8,853.73
<b>Total Development Area - Junction</b>		<b>2,256,200</b>	<b>-</b>	<b>1,004,312</b>	<b>3,260,512</b>			<b>(2,869,251)</b>		<b>36,319.63</b>
<b>Development Area - Patterson (refer to map on page 43)</b>										
RD3052	Patterson Road widening	1,200	(612)	173	761	94%	6%	(716)	165*	4.34
ST3209	Patterson Road culvert replacement	975,000	-	287,670	1,262,670	94%	6%	(1,186,909)	165*	7,193.39
RD3207	Patterson Road extension	1,407,500	(1,022,250)	113,666	498,916	94%	6%	(468,981)	165*	2,842.31
<b>Total Development Area - Patterson</b>		<b>2,383,700</b>	<b>(1,022,862)</b>	<b>401,509</b>	<b>1,762,347</b>			<b>(1,656,607)</b>		<b>10,040.04</b>

\* Expected total yield

Project budget code	Asset/programme name	Estimated capital costs	External subsidies	Estimated finance costs	Total cost of capital expenditure less subsidies	Funded by Development Contributions	Funded from other sources	Development Contributions funded cost	Estimated annualised HUE demand	Development Contributions charge per HUE (excluding GST)
		\$	\$	\$	\$	%	%	\$		\$
		(A)	(B)	(C)	(A)+(B)+(C)					
Development Area - Sutherland/Patterson (refer to map on page 44)										
WW3110	Sutherland/Patterson sewer main	2,800,400	(243,100)	1,138,342	3,695,642	95%	5%	(3,510,860)	280*	12,538.79
WA3018	Patterson Road water main	1,029,300	(144,500)	393,855	1,278,655	95%	5%	(1,214,722)	280*	4,338.29
PK3040	Land purchase - Patterson growth area	1,083,400	-	319,653	1,403,053	95%	5%	(1,332,900)	280*	4,760.36
RD3208	Cycle/walkway over Sutherland sewer (Patterson Road development)	147,600	(147,600)	0	0	95%	5%	0	280*	-
RD3210	Land purchase - Patterson growth area (land acquisition)	799,000	(407,490)	174,275	565,785	95%	5%	(537,495)	280*	1,919.63
WA3204	Veale Road pump station upgrade	210,000	(136,000)	32,940	106,940	95%	5%	(101,593)	280*	362.83
Total Development Area - Sutherland/Patterson		6,069,700	(1,078,690)	2,059,064	7,050,074			(6,697,570)		23,919.90
Grand Total		519,607,640	(104,966,127)	321,448,646	736,090,159	34%	66%	(250,089,779)		200,327

\* Expected total yield

### Part 3: Catchment maps for development contributions

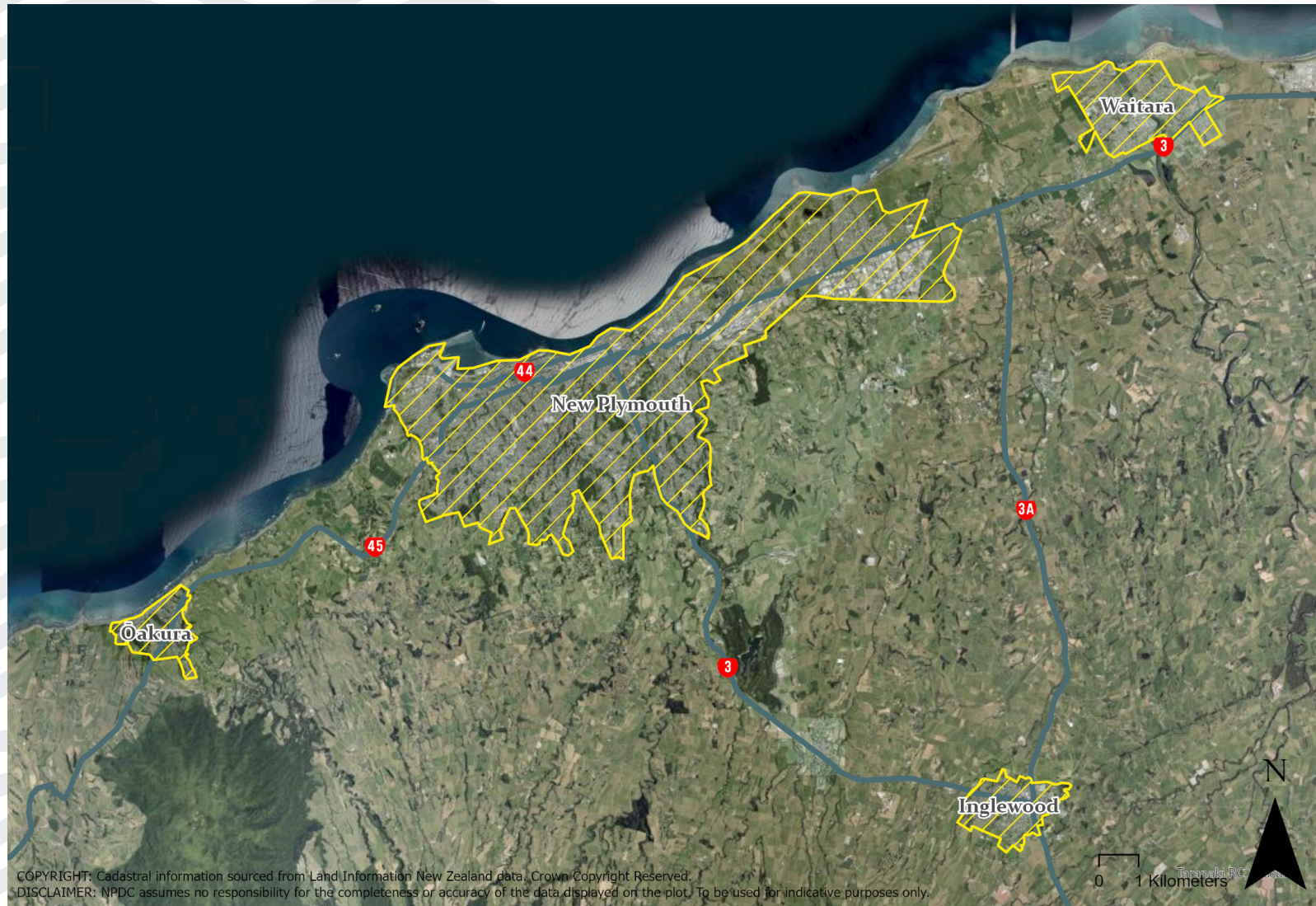
The maps in this section outline the boundaries of the catchments within which development contributions will apply. Refer to Schedule 1 for the development contribution information and charges for each catchment

#### Catchments - Parks and Open Spaces, Community Infrastructure, Stormwater and Transportation



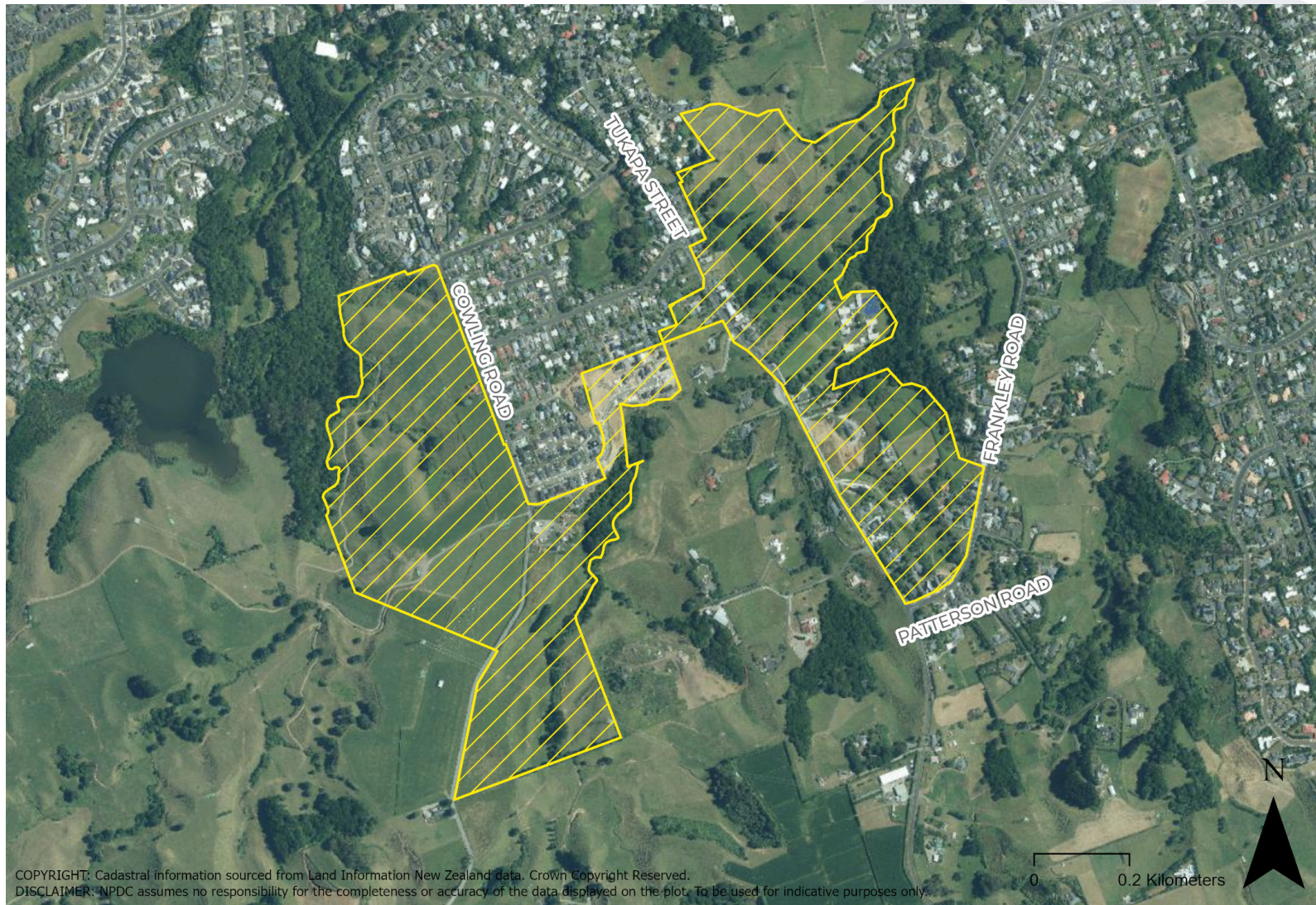


## Wastewater Catchment Network



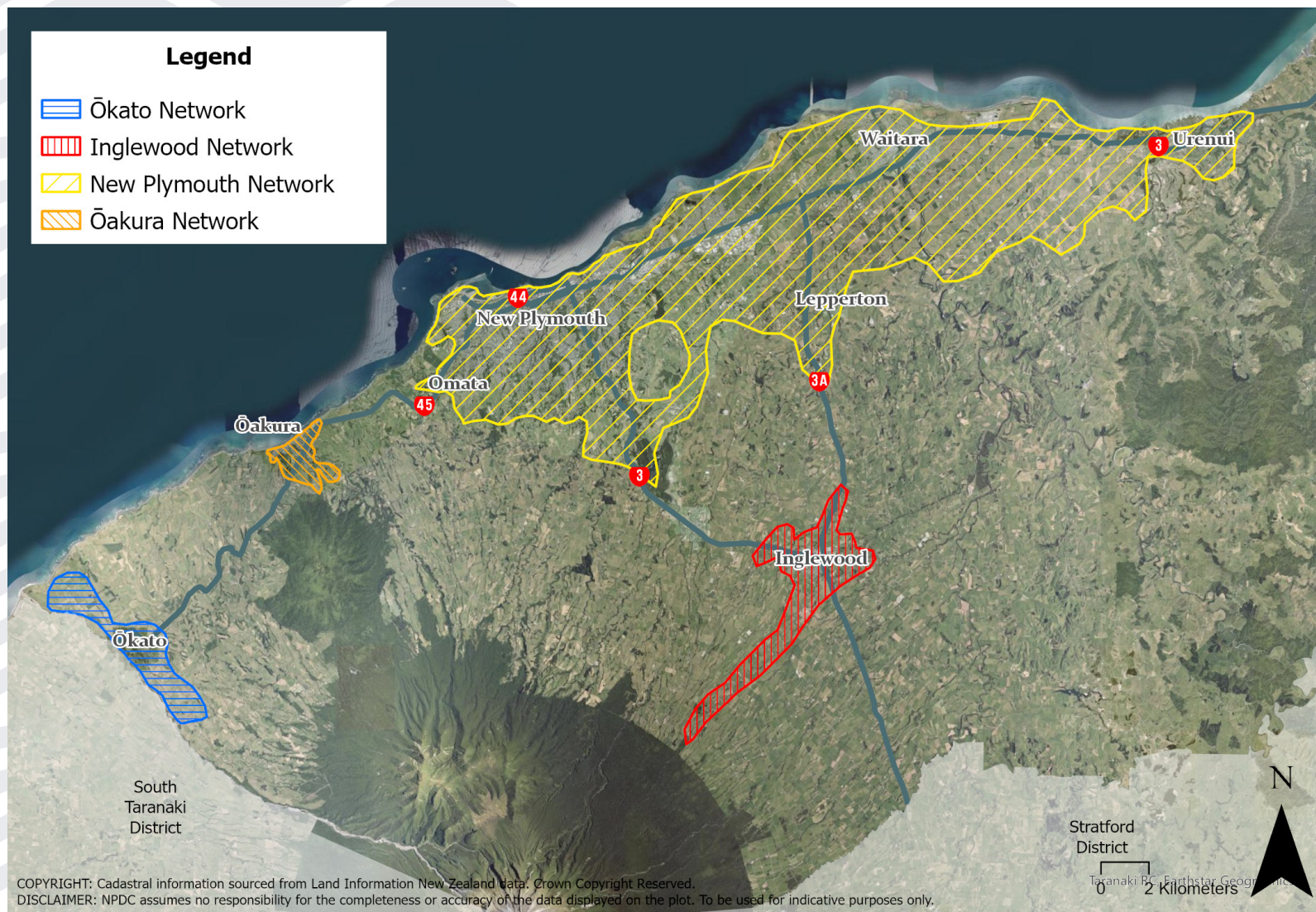


## Wastewater Catchment - Waimea





## Water Supply Catchments - All Networks including New Plymouth





## Stormwater Catchment - Urban





## Stormwater Catchment - Waitara



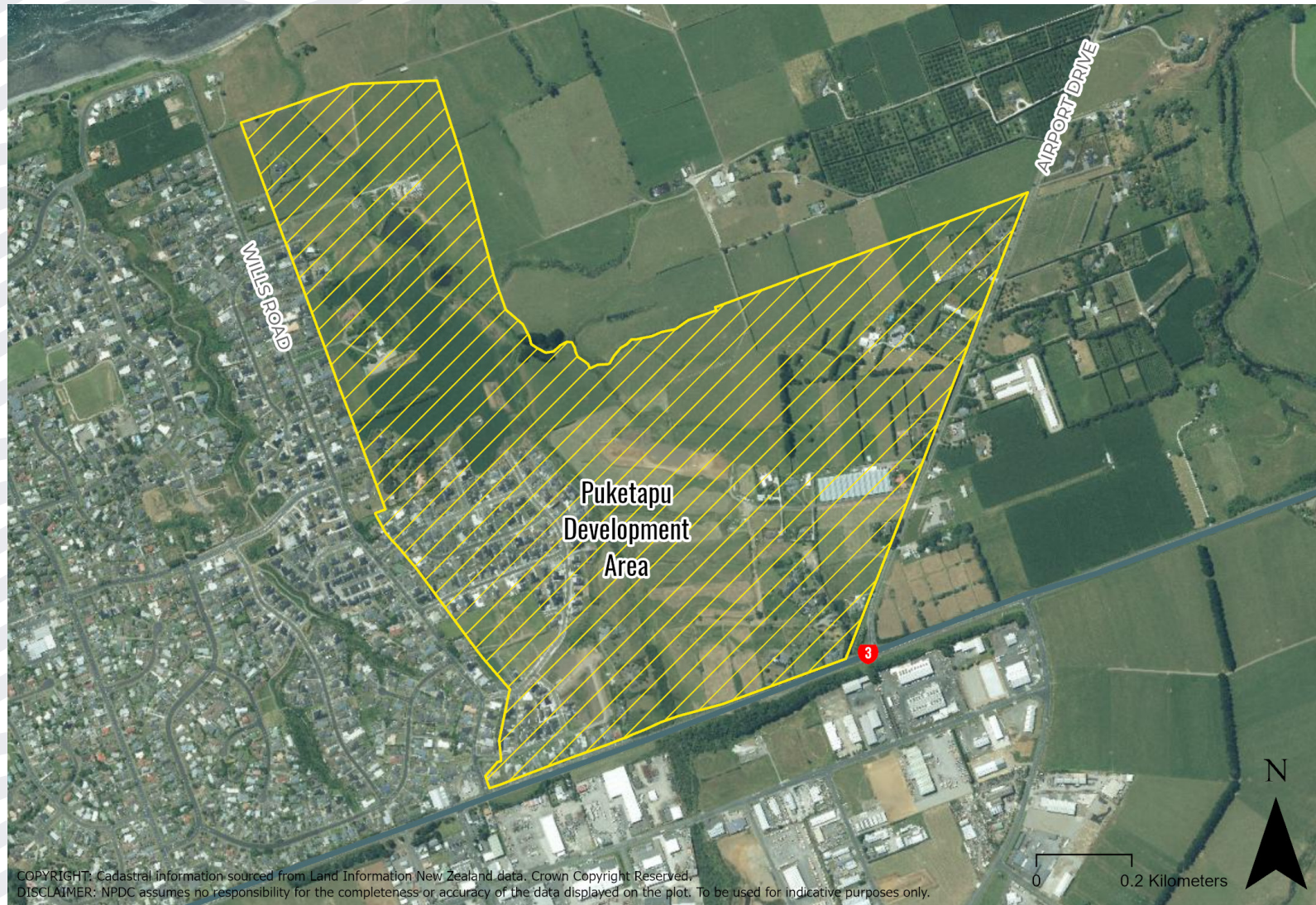


## Stormwater Catchment - Inglewood



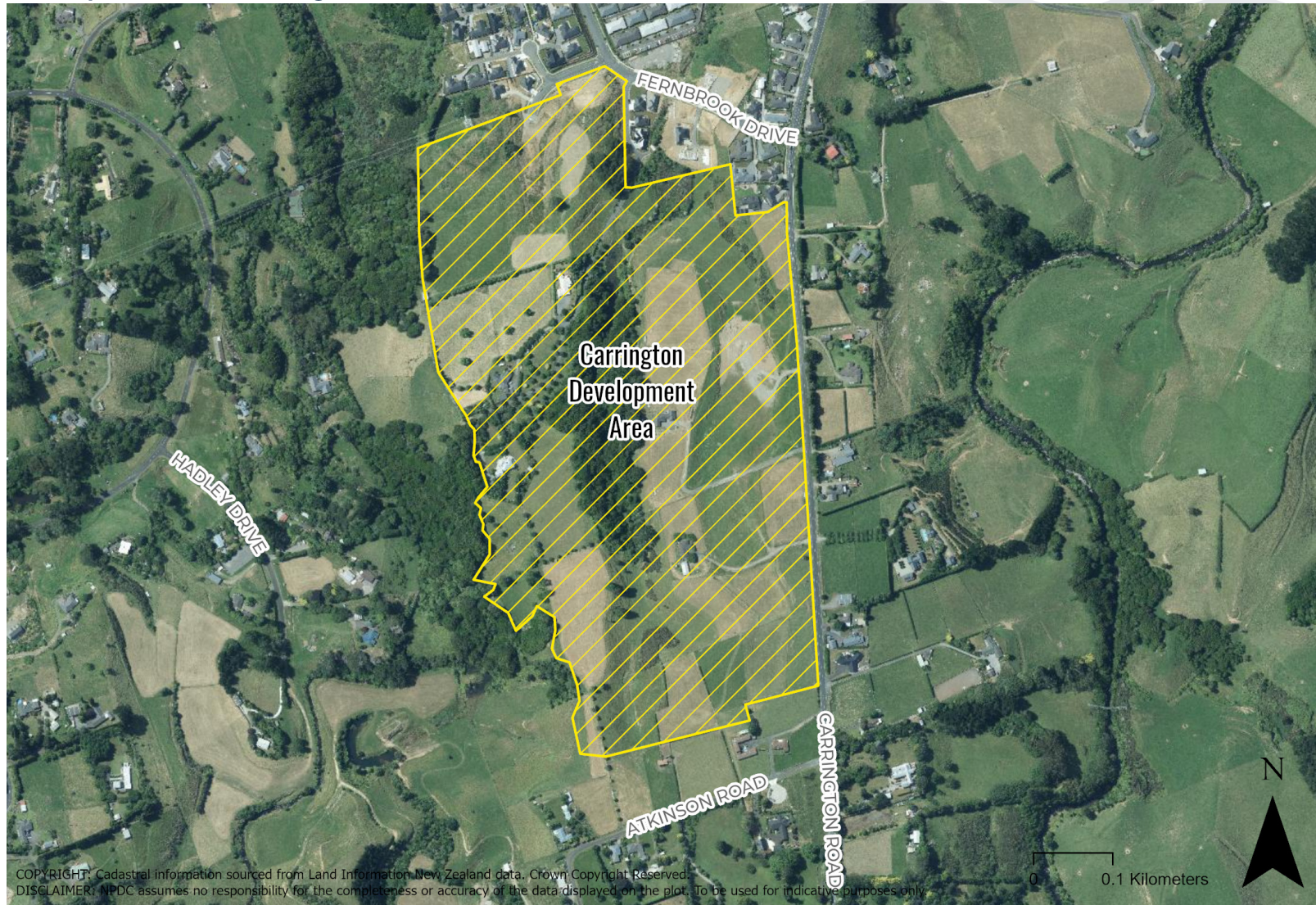


## Development Area - Puketapu





## Development Area - Carrington



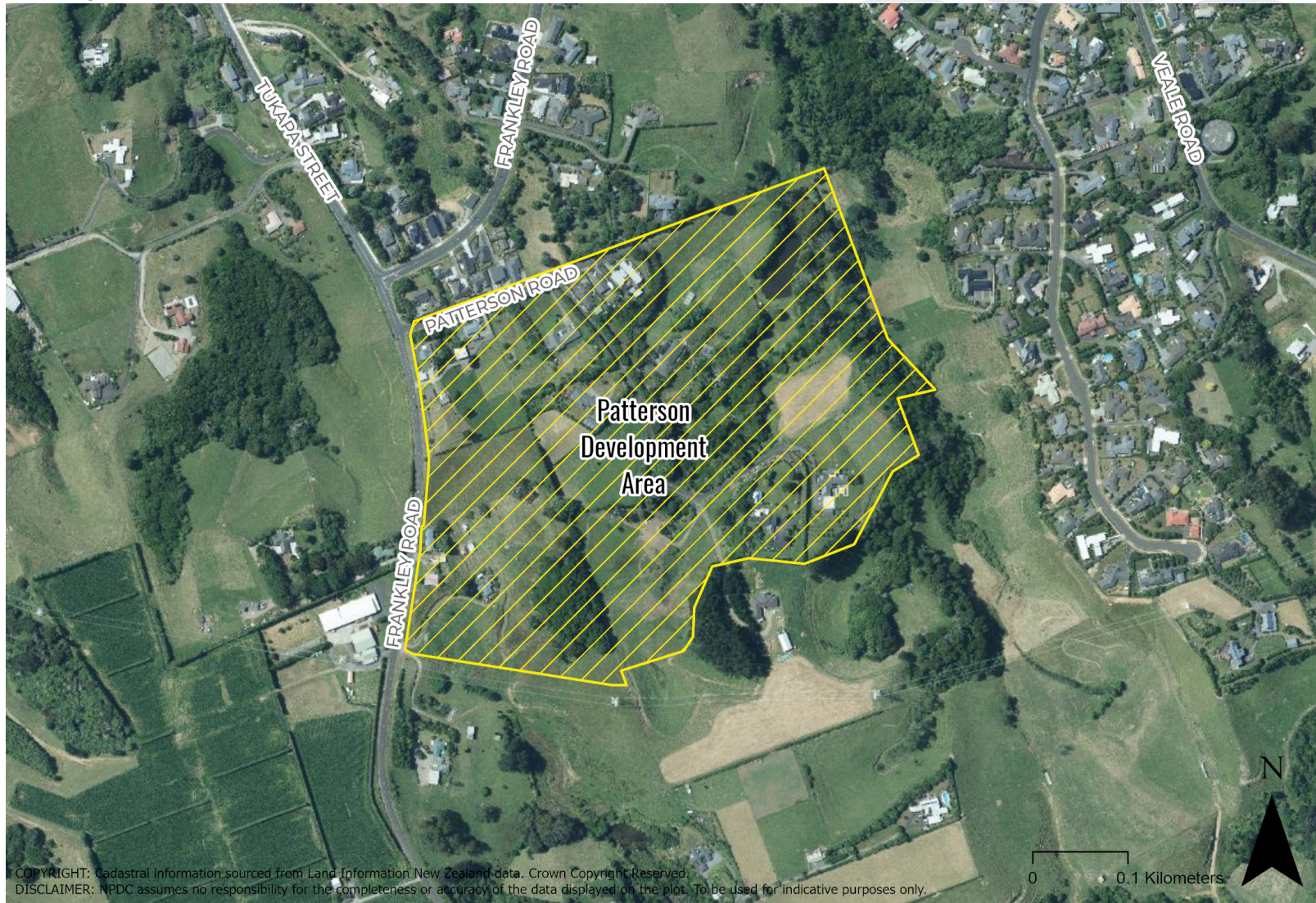


## Development Area - Junction



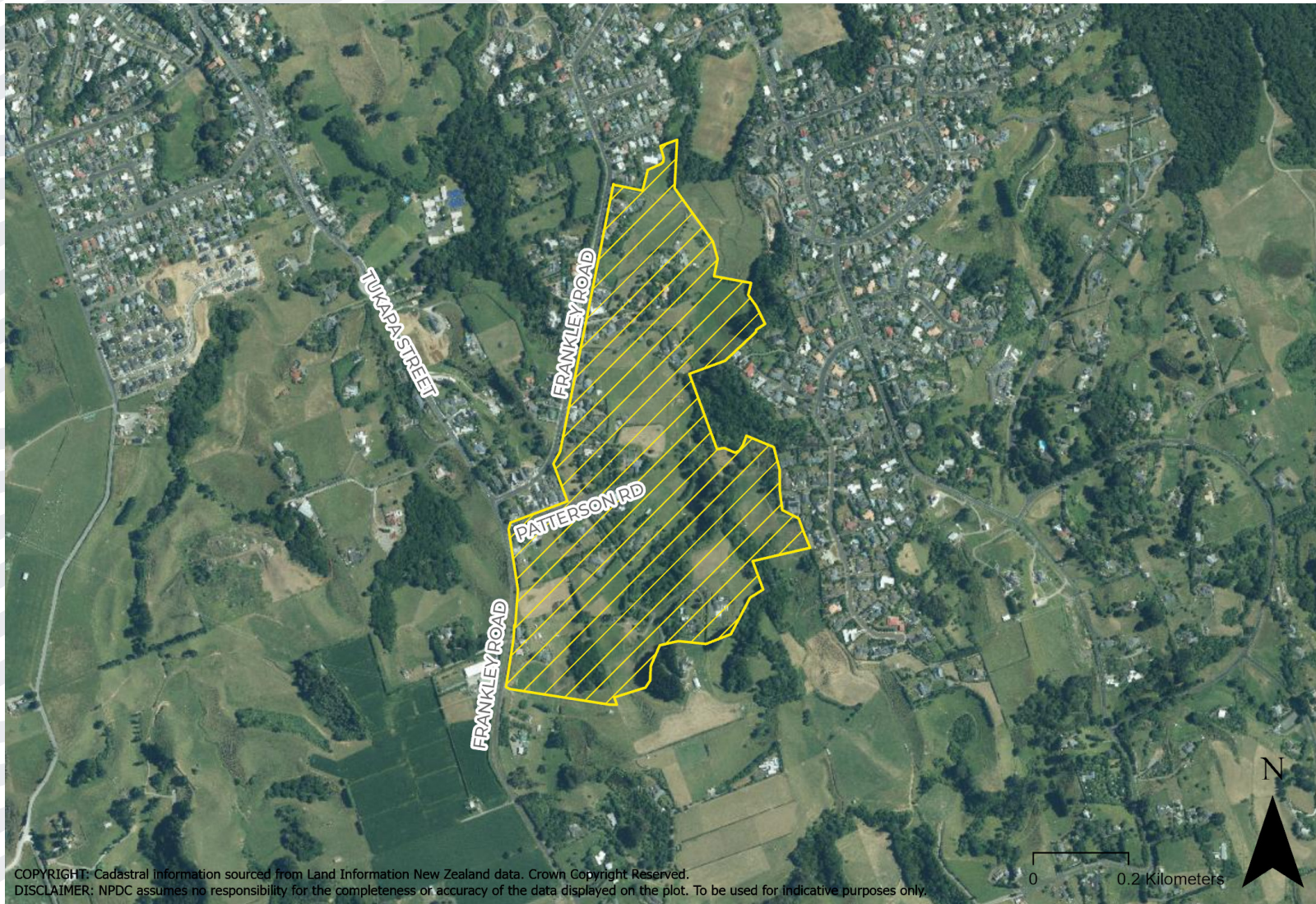


## Development Area - Patterson





## Development Area - Sutherland/Patterson

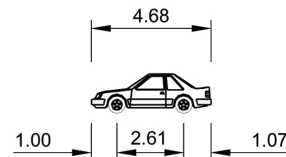


## Appendix 1: Vehicle equivalent movement for non-residential developments

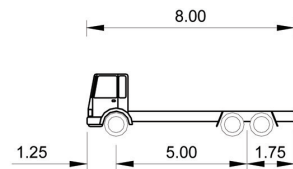
**Vehicle Equivalent Movement (VEM)** means the number of movements a vehicle makes to and from a site where:

- One vehicle being smaller than or equal to in size to a light service vehicle to and from a site = 2 VEM.
- One vehicle being equal to or larger in size than a medium service vehicle to and from a site = 6 VEM.
- One vehicle being equal to or larger in size than a medium service vehicle with a trailer (including those vehicles having an articulation point) to and from a site = 10 VEM.

**Light service vehicle** means any vehicle that has dimensions equal to or less than those specified in the diagram.

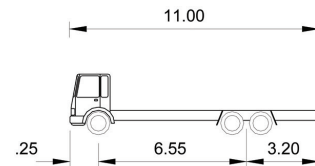


**Medium service vehicle** means any vehicle that has dimensions equal to or less than those specified in the diagram and does not include a light service vehicle.



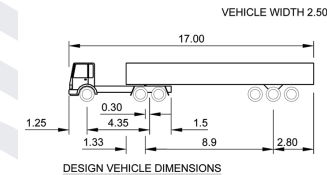
DESIGN VEHICLE DIMENSIONS

**Large service vehicle** means any vehicle that has dimensions equal to or less than those specified in the diagram and does not include a light, or medium service vehicle.



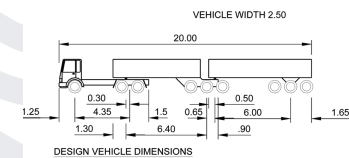
DESIGN VEHICLE DIMENSIONS

**Heavy service vehicle** means any vehicle that has dimensions equal to or less than those specified in the diagram and does not include a light, medium or large service vehicle.



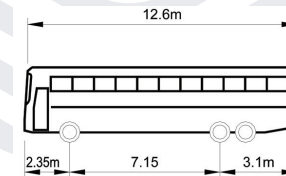
DESIGN VEHICLE DIMENSIONS

**Extra-heavy service vehicle** means any vehicle that has dimensions equal to or less than those specified in the diagram and does not include a bus or light, medium, large or heavy service vehicle.



DESIGN VEHICLE DIMENSIONS

**Bus** means any vehicle that has dimensions equal to or less than those specified in the diagram below and does not include a light, medium or large service vehicle.







## Appendix 2: Submissions on Proposed Amendment – Development and Financial Contributions Policy

Subm No	Name, Organisation	Support amendment	Comments
1	Ryland Currie, Manor Build	No	Leave it in place but make it so these development fees are used to offset the fees charged to developers for new sections. The cost of borrowing and increase in general development cost / compliance, combined with a reduced saleable section value, is fast making it uneconomical for developers to bring new sections to market. Development fees are ultimately passed on and added to the sale price so any increase for new sections will hurt consumers. It won't be long that development in the city will fall to levels so low that council will be financially burned by increasing costs, but no new rates or development fees will be produced to cover this due to a lack of development.
2	Callum Williamson	Yes	This change makes it easier for families to grow and adapt without facing extra costs. For example, parents might want to build a room for a new baby, whānau might be caring for elders at home, or a family might take in boarders to help with rising living costs. Charging people extra for adding a bedroom felt unfair, it punished people for making better use of the homes they already have. This change supports affordable housing, intergenerational living, and more efficient use of existing buildings.
3	Adrian Seymour	Yes	
4	Mike Adams, Manor Property	Yes	DC's are getting out of hand and killing progress in the district. Increasing the cost for people to improve their properties and in the case of developers wanting to increase the housing stock is just dumb.
5	Greg Mawson	Yes	
6	Dave Huzziff	Yes	
7	Tianlun Zhang	Yes	Representing myself, I support the change in the development contribution policy. However, a potential question is how this approach is going to align with the RMA reform and the Going for Housing Growth programme (GfHG)? For GfHG, the government suggests replacing development contributions with a development levy system.
8	Mawhaturia White, Manukorihi Hapu - Chairperson	Yes	If a property owner wants to put another bedroom on their existing dwelling, under the existing code of compliance rules, they should not be additionally penalised financially by doing so. With all the current barriers to building/sub dividing/in-fill development, removal of the development charge for bedroom additions to existing dwellings will give whanau the ability to extend their footprint and provide additional bedrooms to accommodate more people without additional financial pressure.
9	Racheal Cottam, Endurance Holdings Limited	Yes	
10	Cameron Hooper	Yes	

**NEW PLYMOUTH PART OPERATIVE DISTRICT PLAN**

**MATTER / TE WHĀINGA**

1. The matter for consideration by the Council is setting an operative date of 29 August 2025 for those parts of the New Plymouth Proposed District Plan (PDP) that are beyond challenge as of 22 August 2025.

**RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU**  
**That having considered all matters raised in the report, Council set an operative date of 29 August 2025 for those provisions in the New Plymouth Proposed District Plan that are beyond challenge as of 22 August 2025.**

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being administrative.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"><li>Set an operative date of 29 August 2025 for those provisions in the PDP that are beyond challenge as of 22 August 2025 (i.e. make the PDP part operative).</li><li>Set an operative date once all provisions in the PDP are beyond challenge.</li></ol>
Affected persons	<p>The persons who are affected by or interested in this matter are:</p> <ol style="list-style-type: none"><li>Hapū and iwi within New Plymouth District.</li><li>Submitters, appellants, s274 parties and general PDP users.</li><li>Developers within New Plymouth District.</li><li>Taranaki Regional Council and adjacent territorial authorities.</li><li>The Ministry for the Environment as a Crown agent with duties under the resource management system.</li></ol>
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 / WHAKARĀPOPOTOTANGA MATUA**

- 2. The purpose of this report is to seek approval from the Council to set a date for the PDP to become part operative. This is a legal requirement under Schedule 1 of the Resource Management Act 1991 (RMA) and is an administrative decision.
- 3. Setting an operative date communicates to users of the PDP and the wider community that all matters related to the provisions in question are resolved and that the provisions in question have full weight. It involves affixing the Council common seal to the district plan which indicates formal endorsement by the Council.
- 4. From the recommended operative date of 29 August 2025, the PDP would be known as the New Plymouth Part Operative District Plan 2025 (PODP).
- 5. The timing of making the provisions operative is the key consideration. The reasons for making the provisions operative on 29 August 2025 are to avoid potential delays in making plan provisions operative in the future, and to reduce complexity in writing and processing consent applications, which will benefit applicants as well as Council consent planners.
- 6. The next steps are to notify relevant parties of the part operative date and to affix the common seal of the Council to the PDP.

**BACKGROUND / WHAKAPAPA**

- 7. Under the RMA, territorial authorities are required to have a district plan with objectives, policies and rules to manage the effects of land use and development and to meet the housing and business demands of the district. The plan provisions must be reviewed at least every 10 years. Schedule 1 of the RMA prescribes the process for making and changing these plans.
- 8. The Council started the review of its district plan in 2015. The PDP was publicly notified in September 2019 for submissions. Following a series of hearings by independent commissioners, the Council notified its decisions on the PDP in May 2023.

9. The Environment Court received 23 appeals on the PDP raising 961 appeal points. Through Environment Court-assisted mediation, 683 of these points have been resolved by agreement between the parties (known as a draft consent order) and are considered beyond legal challenge. There are 152 appeal points have been through mediation and have agreement in principle (subject to endorsement by Council and/or the Environment Court) and we expect them to be beyond challenge by mid-2025. There are 126 appeal points that are still in mediation and unlikely to be beyond challenge before the middle of 2025. These relate to the provisions in the Hazardous Substances Chapter (and related definitions and risk contour mapping), the rezoning of three areas to Māori Purpose Zone, five specific sites and areas of significance to Māori, and one heritage building.
10. Setting an operative date for the provisions that are beyond challenge communicates to users of the PDP and the wider community that all matters related to the provisions in question are resolved and the provisions in question have full weight.

#### *Legal requirements*

11. Schedule 1 (17) of the RMA requires the Council to make all or part of the PDP operative when it is beyond challenge<sup>1</sup>. However, the Council can only do this after it has made any amendments directed by central government in a national environmental standard or national policy statement<sup>2</sup>.
12. Schedule 1 (17) (3) of the RMA states that every approved plan/provision<sup>3</sup> "shall be effected by affixing the seal of the local authority to the proposed policy statement or plan".
13. Schedule 1 (20) (1) and (2) of the RMA requires the Council to publicly notify the date that its plan/provision will become fully operative at least five working days before that operative date.
14. Schedule 1 (20) (4) and (5) requires the Council to provide a copy of the operative provisions, free of charge, to:
  - a) The Minister for the Environment and the appropriate regional manager.
  - b) The regional council and adjacent territorial authorities (TRC, SDC, STDC).
  - c) Tangata whenua via iwi authorities, and the board of any foreshore and seabed reserve.

<sup>1</sup> If a Council decision on a provision is not appealed within the statutory appeals window, it becomes beyond challenge. If a decision on a provision is appealed, it becomes beyond challenge once a consent order resolving the appeal has been issued by the Environment Court and the subsequent 15-day period for appeals on that consent order has lapsed.

<sup>2</sup> This refers specifically to directions given to make amendments not using the Schedule 1 process.

<sup>3</sup> This includes any amendments made outside of the Schedule 1 process to give direction to national instruments and /or to make minor amendments.

- d) Every public library in its area.

*A question of timing*

15. While it would be more efficient to make the entire PDP operative after all appeals have been resolved, there are some pressures on the Council that are prompting officers to recommend making operative the parts of the PDP that are beyond challenge.
16. Some of the appeals on PDP provisions are likely to take several more months to resolve through the mediation process. Some appeal points may need to be directed to an Environment Court hearing for resolution.
17. If the Council was to wait for all provisions in the PDP to be beyond challenge before setting an operative date, that is unlikely to happen until the end of 2025, if not beyond<sup>4</sup>.
18. Central government has stated its intention to notify 14 new or revised national direction instruments by the middle of 2025 for consultation and they that are likely to take effect by the third quarter of 2025 (no specific date has been mentioned).
19. Should the national instruments be made operative before the PDP is made part operative and should these instruments direct Councils to make changes to their plans without delay, the Council will not be able to set an operative date for any PDP provisions affected by those national instruments until it can demonstrate that it has made all of the changes directed by the national direction instruments into those provisions.
20. Based on previous timeframes for implementing even a single national policy statement or national environmental standard, this process may take months to achieve. It would be preferable to make operative the parts of the PDP that are beyond challenge before this happens.
21. In addition, there has been feedback from the community that some provisions in the PDP are constraining the pace and ease of housing development. In response, officers intend to seek approval from the Council in August 2025 to notify proposed changes to the PDP that will make consenting easier, while still maintaining urban amenity. The proposed changes are likely to focus on rules and standards for the residential zone chapters.

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<sup>4</sup> This is beyond the control of Council as the appeals process is administered by the Environment Court and Council is a party to the proceedings.

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22. Until provisions in the PDP are beyond challenge, Council consent planners must assess two sets of planning provisions (the existing provisions in the Operative District Plan 2005 and the proposed provisions in the PDP). Even though the existing provisions have negligible weight in decisions, it is a nuisance step that increases the consent processing complexity to a degree.
  23. However, if a new raft of changes were to be proposed to provisions before those provisions were operative, this may exacerbate the current complexity by adding a third set of provisions to consider in consent applications.
  24. Friday 29 August 2025 is the date recommended to make the provisions in the PDP that are beyond challenge operative. Council is required to publicly notify the operative date at least five working days before that date. The recommended date meets this statutory requirement and allows sufficient time for officers to carry out the steps required as identified in the Next Steps section below.
  25. Appendix 1 lists the PDP chapters in tabular format and uses colours to highlight the status of the provisions and indicate which provisions are likely to be beyond challenge by 22 August 2025 (five working days before the operative date).

#### **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

26. There are no climate change impacts and considerations.

#### **NEXT STEPS / HĪKOI I MURI MAI**

27. The next steps are to:
  - a) Publicly notify a part operative date for the PDP.
  - b) Notify these parties in writing: iwi and hapū, statutory authorities, PDP submitters and regular PDP users.
  - c) Affix the common seal of the Council to the PDP and rename it the PODP.
  - d) Update the relevant PDP pages on the Council website.

#### **SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

28. In accordance with Council's Significance and Engagement Policy, this matter has been assessed as being administrative because the Council has already agreed to the provisions via draft consent orders at earlier Council meetings and the provisions are already close to fully in effect as they have been approved by the Environment Court.

29. Officers undertook extensive consultation throughout this process as required under Schedule 1 of the RMA. This included providing the opportunity for interested parties to make submissions and further submissions, and to be heard in person at hearings chaired by independent commissioners.

### **OPTIONS / KŌWHIRINGA**

30. It is a legal requirement for the Council to set an operative date for the PDP provisions. The subject of this decision is when the operative date should be.
31. Two feasible options have been identified:
- a) **Option 1: Set an operative date of 29 August 2025 for those provisions in the PDP that are beyond challenge as of 22 August 2025 (i.e. make the PDP part operative).**
  - b) **Option 2: Set an operative date once all provisions in the PDP are beyond challenge.**
32. The rest of this section assesses these two options against the following Council criteria.

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

33. The financial and resource implications of both options are minor.
34. The only financial costs are advertising and communication. These are easily accommodated within existing budgets.
35. Both options have minor resourcing implications for officers. No external support is necessary.
36. Option 1 has a marginally higher resource commitment as the process will need to be repeated to make the remaining PDP provisions operative once they are beyond challenge.

#### *Risk Analysis / Tātaritanga o Ngā Mōrearea*

37. Once the national direction instruments due to be released in mid-2025 are made operative, Council will not be able to set an operative date for those PDP provisions that would be impacted by the national instruments until it can demonstrate that it has incorporated all of the changes contemplated by the national direction instruments into those provisions. The Background section of this report discusses this in more detail.

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38. Option 1 will avoid these risks. Potential delays in making plan provisions operative in the future will be avoided. In addition, there will be reduced complexity in writing and processing consent applications, which will benefit applicants as well as Council consent planners.
  39. There is a residual risk with Option 1. Only some PDP provisions will be operative, and the name of the PDP will change to the PODP. Some plan users may become confused about how to consider different provisions.
  40. Option 2 will bear a similar risk of confusing plan users once new proposed changes to the PDP are notified in August as there would be three sets of provisions to consider in making and deciding resource consent applications.
  41. However, communications about the PODP will be carefully crafted to minimise confusion and to make it clear exactly which provisions are operative, and which remain proposed and still subject to appeal.

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

42. As an administrative task, the contribution to Community Outcomes lies in having an efficient and effective resource management system that enhances credibility with the community, in particular regular plan users such as iwi and hapū, developers and statutory authorities.
43. PDP submitters, plan users and the general public have not been privy to the appeal mediation process or any of the decisions made by the Council around draft consent orders. They have not had any visibility of the status and/or direction of travel of the PDP provisions that were appealed. This can create uncertainty for some.
44. Option 1 contributes to the Community Outcome of Trusted because having a district plan that is current and well-promulgated increases transparency and helps build trust with the community and confidence in the Council.
45. Option 2 delays making the provisions operative and the notification process.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

46. The Council's statutory responsibilities are outlined in detail in the Background section of this report.
  47. Both Option 1 and Option 2 are legally compliant as both would go through the same Schedule 1 process. The key decision in this report is around timing for an operative date and there are no requirements around the timing of this in Schedule 1.
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*Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere*

48. This is an administrative task that gives effect to previous decisions of the Council on the PDP Decisions Version and draft consent orders resolving appeals.
49. Both Option 1 and 2 are consistent with past Council decisions on the PDP.

*Participation by Māori / Te Urunga o Ngāi Māori*

50. The principle of kaitiakitanga is embedded in the PDP strategic framework and chapter objectives and policies. Māori actively participated in the development of the PDP and the PDP Decisions Version includes provisions which require the decision maker to have regard to the outcomes of any engagement, consultation with and/or expert cultural advice provided by tangata whenua. Many of the provisions within the PDP that are now beyond challenge required draft consent orders to be signed by the Mana Whenua Appellants. Officers continue to work with the Mana Whenua Appellants on their outstanding concerns.

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

51. The people who may have an interest in this matter are:
  - a) Hapū and iwi within New Plymouth District.
  - b) Submitters, appellants, s274 parties and general PDP users.
  - c) Developers within New Plymouth District.
  - d) Taranaki Regional Council and adjacent territorial authorities.
  - e) The Ministry for the Environment as a Crown agent with duties under the resource management system.
52. Option 1 “closes the loop” for these parties (and the general public) by providing some certainty around the status of the plan provisions. Option 2 delays this.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

53. Weighing up both options, Option 1 will contribute better to ensuring the Council has an effective and efficient resource management system. It avoids future delays in making provisions operative creating transparency and certainty for plan users. It reduces consent processing complexities.

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- 54. Potential issues with confusion for plan users would be mitigated through clear communication around the implications of making the PDP part operative for plan users.
  - 55. There are only minor financial costs (related to advertising and communication) related to this matter that will be met within existing budgets.

**Recommended Option**  
This report recommends Option 1 **Set an operative date of 29 August 2025 for those provisions in the PDP that are beyond challenge as of 22 August 2025** (i.e. make the PDP part operative) for addressing the matter.

**APPENDICES / NGĀ ĀPITI HANGA**

Appendix 1 Status of New Plymouth Proposed District Plan Chapters (ECM 9460738)

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**Report Details**

Prepared By:	Lauren O’Byrne (District Planning Supervisor)
Team:	District Planning and Growth
Review By:	Rachelle McBeth (District Planning and Growth Lead)
Approved By:	Renee Davies (Manager Strategic Planning)
Ward/Community:	District wide
Date:	21 May 2025
File Reference:	ECM 9460189

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

**APPENDIX 1: STATUS OF NEW PLYMOUTH PROPOSED DISTRICT PLAN PROVISIONS**

The table below shows the status of the provisions in the PDP as of 4 June 2025. This indicates which provisions are likely to be beyond challenge by 22 August 2025 and eligible to be made part operative five working days later on 29 August 2025.

Beyond challenge		Appeals close to resolution		Appeals some way from resolution			
Plan section		Percentage of provisions beyond challenge					
		20%	40%	60%	80%	100%	
Introduction & general provisions	Introduction						
	Statutory context						
	General approach						
	Cross boundary matters						
	Relationship between spatial layers						
	Interpretation						
	National direction instruments						
District-wide matters	Tangata whenua						
	Historic & cultural						
	Infrastructure & energy						
	Natural environment						
	Rural environment						
	Tangata whenua						
	Urban form & development						
	Energy						
	Network utilities						
	Transport						
	Contaminated Land						
	Hazardous substances						
	Natural hazards						
	Entrance corridors						
	Historic heritage						
	Notable trees						
	Sites & areas of significance to Māori						
	Viewshafts						
	Ecosystems & indigenous biodiversity						
	Natural features & landscapes						
	Public access						
	Waterbodies						
	Subdivision						
	Activities on surface of water						
	Coastal environment						
	Earthworks						
	Light						
	Noise						
	Signs						
Temporary activities							
Area specific matters	Low density residential zone						
	General residential zone						
	Medium density residential zone						
	Rural production zone						
	Rural lifestyle zone						
	Local centre zone						
	Commercial zone						
	Large format retail zone						
	Mixed use zone						
	Town centre zone						
	City centre zone						
	General industrial zone						
	Natural open space zone						
	Open space zone						
	Sport & active recreation zone						
	Airport zone						
	Future urban zone						
	Hospital zone						
	Major facility zone						
	Māori purpose zone						
	Port zone						
	Dev area 1 Puketapu						
	Dev area 2 Carrington						
	Dev area 3 Junction						
	Dev area 4 Johnston						
	Dev area 5 Patterson						
	Designations						
	Appendices & schedules	Archaeological sites responsibilities					
		Sch: Heritage buildings & items					
Sch: Heritage buildings (interior)							
Sch: Archaeological sites & SASMs							
Sch: Notable trees							
Sch: Viewshafts							
Sch: Rural significant natural areas							
Sch: Urban biodiversity							
Sch: Outstanding natural features & landscapes							
Sch: Priority locations esplanades							
Sch: Outstanding natural character areas							
Sch: Heritage character areas							
Sch: Iwi and hapū development plans							
Maps							
Planning maps							

Linked to ecosystems/biodiversity

Linked to hazardous substances

Consent order to Council 24 June

Mediation stage ongoing

Consent order with Court to approve

Consent order to Council 24 June

Mediation stage ongoing

Mediation stage ongoing

Mediation stage ongoing

Environment Court hearing July 2025

Consent order with Court to approve

Linked to Māori purpose zone

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## **HUATOKI DAYLIGHTING PROJECT – BOUNDARY ADJUSTMENT SUBDIVISION, LAND TRANSFER AND PEDESTRIAN EASEMENTS**

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### **MATTER / TE WHĀINGA**

1. The matter for consideration by the Council is the decision on land arrangements required to facilitate the progression of the Huatoki Daylighting project. This involves a proposed boundary adjustment subdivision between Council land (33 Devon Street West) and KDH land (41-51 Brougham Street), with associated land transfer and right of way easements in favour of Council.

### **RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU**

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

- a) **Approve lodging an application for resource consent for boundary adjustment subdivision between Council land (33 Devon Street West) and KDH land (41-51 Brougham Street).**
- b) **Approve, subject to granting of resource consent, the transfer of approximately 135m<sup>2</sup> of land on the western boundary of 33 Devon Street West to KDH Ltd (owner of 41-51 Brougham Street).**
- c) **Approve reservation of two Pedestrian Easements (in Gross) over 27 Devon Street West and 41-51 Brougham Street with a combined area of approximately 150m<sup>2</sup> in favour of the Council, to provide for public access from Devon Street West through to Currie Lane, Brougham and Powderham Streets under and/or through the building footprints of the buildings redeveloped by KDH Holdings Ltd.**
- d) **Approve granting of an Air Space Lease to KDH Holdings Ltd, for a term of thirty (30) years to facilitate minor building shading panels.**
- e) **That the final terms and conditions relating to the Subdivision, Encumbrance, Easements, and/or Covenants or other supporting documentation be approved by the Chief Executive.**

<b>COMPLIANCE / TŪTOHU</b>	
Significance	This matter is assessed as being moderate importance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> <li>1. Approve lodging an application for a boundary adjustment subdivision, Pedestrian easements and Air Space lease between Council land (33 Devon Street West) and KDH land (41-51 Brougham Street). Subject to the grant of the resource consent approving the transfer of land to owner of 41-51 Brougham Street and easements in favour of Council for public access over 41-51 Brougham Street and 27 Devon Street West.</li> <li>2. Undertake a two-week public consultation period on the proposal to approve lodging an application for a boundary adjustment subdivision, pedestrian easements and air space lease between Council land (33 Devon Street) and KDH land (41-51 Brougham Street). Subject to the grant of the resource consent approving the transfer of land to owner of 41-51 Brougham Street and easements in favour of Council for public access over 41-51 Brougham Street and 27 Devon Street West. Report back to Council on conclusion of the public consultation.</li> <li>3. Do not approve to lodge an application for a boundary adjustment subdivision, pedestrian easements and air space lease between Council land (33 Devon Street) and KDH land (41-51 Brougham Street) with amendments.</li> </ol>
Affected persons	The persons who are affected by or interested in this matter are Ngāti Te Whiti hapū, Te Kotahitanga o Te Atiawa, City Centre retailers and landowners, and the community.
Recommendation	This report recommends option one for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

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## **EXECUTIVE SUMMARY / WHAKARĀPOPOTOTANGA MATUA**

2. A project to open up the Huatoki Stream area where the Metro Plaza is, has been developed in conjunction with the neighbouring landowner and Ngāti te Whiti hapū. This is the Huatoki daylighting project, approved through the LTP24.
3. A private/partnership opportunity has enabled the outcomes for the Huatoki daylighting project to be expedited. Working in partnership will result in efficiencies in the development (long planned by council), enhance public access and improved urban design outcomes through retail and business activated public space in the heart of the city. Ngāti te Whiti are partners working alongside council and the landowner/developer and all are supportive of the project and its outcomes as are Te Kotahitanga o Te Atiawa.
4. It is recommended that Council approve proceeding with a boundary adjustment subdivision between Council land (33 Devon Street West) and KD Holdings Limited (KDH) land (41-51 Brougham Street) to best achieve the shared aims of the Huatoki daylighting project (the project).
5. The proposed boundary adjustment allows mutually beneficial outcomes for all parties and will provide for improved public access, including easements over private land, leases for Air Space minor encroachments and extended areas of publicly accessible space adjacent to the Huatoki stream, allowing for enjoyment of the public spaces proposed as part of the project.
6. The respective valuations for the land areas proposed as part of the boundary adjustment indicate that the costs are relatively equitable for both Council and KDH Ltd and can proceed as an agreed exchange.
7. Next steps if approved would be to progress with respective resource consent applications to both New Plymouth District Council (council) and Taranaki Regional Council (TRC).
8. Failure to progress the boundary adjustment would create uncertainty for KDH development at 41-51 Brougham Street. The main risk of the pedestrian right of way not been progressed is that it would undermine the key outcome of the project to provide for connection and activation.
9. On approval of resource consents, progression of the demolition of the Metro Plaza and associated adjacent buildings would proceed and agreements formalised for the transfer of land to KDH and granting of easements in favour of Council.

BACKGROUND / WHAKAPAPA

10. The Huatoki daylighting project is part of the programme of works included in the Ngāmotu New Plymouth City Centre Strategy (the Strategy) that was consulted on and approved by Council on 21 December 2021. This strategy includes a key move for restoring the Huatoki, which has a sub-component for the Huatoki daylighting. Contingent to this is the demolition of the Metro Plaza building.
11. The project has the potential to not only enable the creation of an important public green space within the city centre for public enjoyment, but also to strengthen relationships with private developers and hapū by working together in an agile and collaborative way, which will lay the groundwork for increased confidence for future long-term investments.

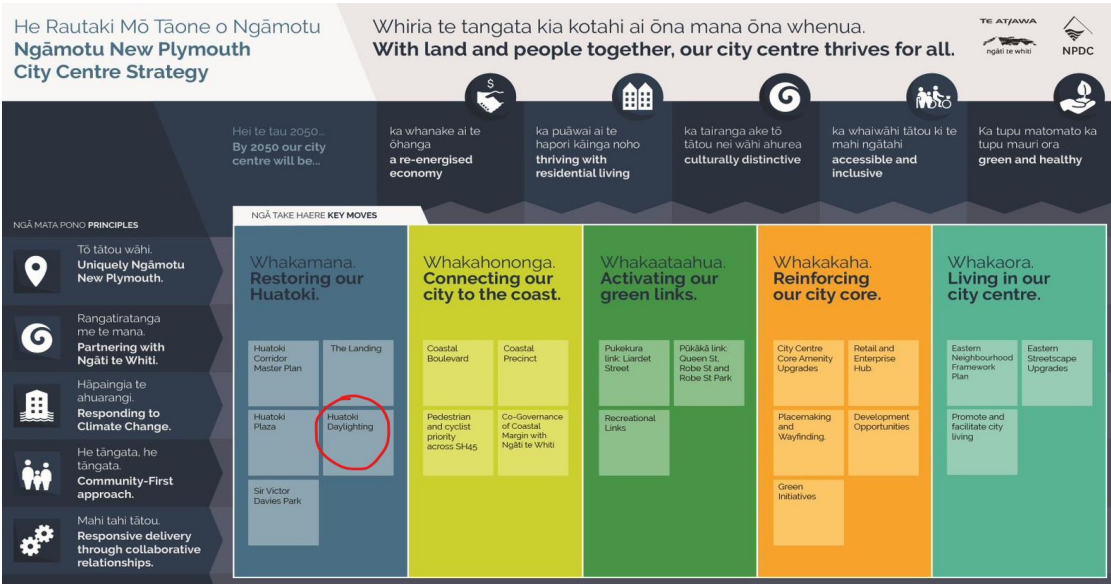


Figure 1 – Diagram of Strategy Key Moves

12. The Metro Plaza building was purchased by NPDC in September 2019 with the intention that the building be demolished to open the Huatoki Stream and adjacent banks for amenity and public access and to support adjacent development potential.

13. The Metro Plaza is classified as earthquake prone following an Initial Seismic Assessment rating of 22%NBS and must be demolished or seismically strengthened by January 2050. A review of occupancy risk in 2023 using the BRANZ decision framework, and in accordance with advice in the MBIE 2022 Seismic Risk Guidance, concluded that continue use and occupancy of the building for a period of up to six years prior to demolition is considered appropriate. The six-year period of exposure reflected the budget demand in the draft LTP and the impact closure of the building would have on the café and other services and businesses that provide support to a wide-cross-section of the community.

#### *Huatoki Masterplan Work*

14. The first phase of delivery of the Huatoki daylighting key move was the preparation of a masterplan for the Huatoki corridor within the city centre. This work was undertaken in 2024. The masterplan was prepared in collaboration with Ngāti Te Whiti hapū and stakeholders from the city centre (retailers and landowners).
15. The vision sees the Huatoki stream as a central feature in the identity and experience of the city centre where the ecological health of the Huatoki Stream is thriving, reflective of earlier years as an abundant habitat where mahinga kai (food gathering place) was practised with the ability to safely touch and interact with the water and banks. By embracing this natural asset and leveraging off spaces adjacent to it, the path of the Huatoki can act as a catalyst for activation in the heart of Ngāmotu New Plymouth. The Huatoki corridor will provide for high quality and diverse experiences through the city centre, with a continuous sequence of public spaces from the coast to Vivian Street, extending further south with the Huatoki Walkway.
16. The masterplan highlighted five key moves for the Devon-Powderham section of the corridor where the Metro Plaza is located. Refer to Figures 2 and 3.



*Figure 2 – Cross sections of the vision to regenerate, celebrate and engage with the Huatoki stream*



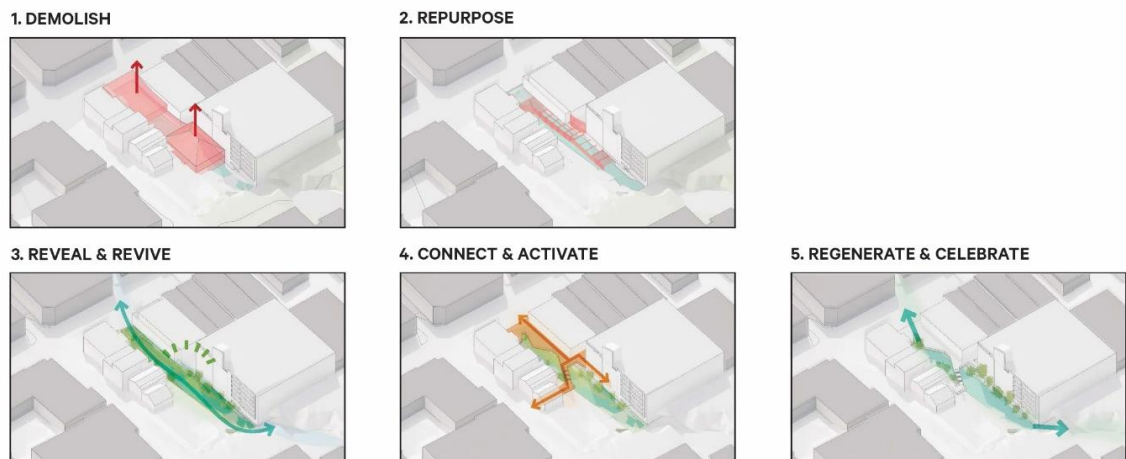


Figure 3 – Diagrams of the five key moves for the Devon-Powderham section

17. An opportunity has now arisen to progress with the Devon-Powderham section and to progress the key moves identified above, working in a Public Private Partnership (PPP) with KDH (a local private property development company), Council and Ngāti Te Whiti. The first stage will involve the demolition of the Metro Plaza Building and the adjacent buildings owned by KDH at 27 Devon Street West and partial demolition and refurbishment of buildings at 41-51 Brougham Street. This will reveal the stream beneath the Metro Plaza, so it is visible and holds a strong presence from Devon Street West to Sir Victor Davies Park. Daylighting the Huatoki stream with an access point alongside it will ensure the stream is a focal point of the city centre.
18. Both KDH and Ngāti te Whiti hapū are represented on the steering group for the project and are fully support the proposed boundary adjustment subdivision, land exchange and pedestrian easements. A memorandum of understanding (MOU) has been entered into by KDH and council to ensure project objectives and respective responsibilities and shared resourcing are clearly identified and agreed.



*Figure 4 – Illustrative draft plan of the daylighted Huatoki stream vision.*

19. The project aims to achieve the following outcomes for the benefit of the project partners and community:
- a) Environmental benefits through the restoration of the stream;
  - b) Economic benefits through the activation of the city centre;
  - c) Cultural benefits through the creation of a vibrant public space;
  - d) Regeneration and development of adjacent buildings including heritage buildings;
  - e) Social benefits through the providing for visibility of the rich cultural history of Ngāti te Whiti, and enhanced pedestrian access and movement; and
  - f) Public safety benefits through demolishing or renovating buildings with low seismic rating.

20. KDH will provide pedestrian access easements at the ground floor levels of the new buildings at 27 Devon Street West and 49 Brougham Street. These will be connected by boardwalks and create new access to the Downtown Car Park, Currie Lane and the fully refurbished 41 Brougham Street heritage building. New landscaping and in-stream works will take place in the newly opened up area to restore cultural and ecological values. In return for the pedestrian access easements, it is proposed to change the western boundary to facilitate the KDH development of 41 and 49 Brougham Street. Refer Diagram 8. In addition, the new buildings being designed have minor encroachments within council's air space for decorative shading fins for the new buildings at 27 Devon Street West and 49 Brougham Street. These encroachments will have no impact on use of the public space and will provide enhanced amenity to the buildings facades facing the public space areas.



*Figure 5 – Preliminary artists impression looking from Devon Street along the daylighted area (currently where the Metro Plaza building is located) with the KDH building development on the left*



*Figure 6 – Preliminary artists impression of viewing the daylighted awa from Powderham Street (downtown carpark building on right hand side and KDH building development on the left)*

21. Council approved adjustment of the Metro Plaza demolition budget timing at its 13 May 2025 meeting for the demolition component of the project to align with demolition of the adjacent buildings owned by KDH. By working collaboratively for the demolition component of the project, there is expected to be significant cost efficiencies, as demolition of the Metro Plaza building requires a staging area adjacent, which can be accommodated once the KDH building on Devon Street West is demolished.

#### *Proposed Boundary Adjustment*

22. To achieve the shared aims of the project as outlined above, the partners will require a range of permissions from TRC and NPDC including a boundary adjustment subdivision between Council land (33 Devon Street West) and KDH land (41-51 Brougham Street).
23. The proposed boundary adjustment allows mutually beneficial outcomes including:
  - a) Proposed KDH buildings and decking areas being entirely located with privately owned lands (a minimum requirement of the Building Act); and
  - b) The remaining section of the daylighted stream corridor to be vested with the Council as an esplanade reserve.

24. The adjustment would also be considered alongside the creation of two new pedestrian rights of way (in perpetuity) over KDH lands providing for enhanced connections between Devon Street West, Brougham Street and Currie Lane including the Downtown Car Park. In addition, there would be the granting of an Air Space lease for a proposed period of 30 years, with a sunset clause if the encroachment is no longer required in the future. This would be in place to facilitate the minor encroachments that provide for decorative shading fins on two of the buildings and be subject to a nominal fee through either a negotiated one-off payment or 5-year rent review.

*Valuation*

25. A valuation report by CBRE Ltd was commissioned to identify the respective values of the associated easements and land sales that form part of the proposed boundary adjustment.
26. This report by CBRE Ltd has highlighted that the boundary adjustment results in equitable values of exchange (with the predominant value being in favour of Council – being 150m2 of land benefit as opposed to 135m2 of land benefit to KDH Ltd and an associated \$41,250 value benefit to Council) as outlined below:

PROPERTY DETAILS		VALUATION – EQUITABLE VALUE
Type	Retail/Office	Pedestrian Access Easement – 100m <sup>2</sup> at 27 Devon Street West
Current Zoning	Business A	<b>\$120,000</b> plus GST (if any)
Proposed Zoning	City Centre Zone	Pedestrian Access Easement – 50m <sup>2</sup> at 51 Brougham Street
Land area	Various	<b>\$56,250</b> plus GST (if any)
		Land to be transferred from NPDC to KDH – 135m <sup>2</sup> at 33 Devon Street West
		<b>\$135,000</b> plus GST (if any)

27. Given the above valuation information, Council officers believe that the proposed boundary adjustment provides sufficient benefits that it should be taken forward as part of the wider proposal.

*Land History*

28. The following provides an overview of some of the history of the site that has been able to be determined from Council’s records.
29. Ngāti te Whiti hapū are mana whenua of the Ngāmotu (New Plymouth) area. Mana whenua are Māori with ancestral claims and tribal authority over a particular area. Ngā Motu was one of the first areas inhabited by Ngāti Te Whiti hapū, and the islands and reefs were all named by Ngāti Te Whiti.

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30. The Ngāti Te Whiti hapū rohe (tribal area) extends from the Herekawe Stream to the Waiwhakaiho River, up to the headwaters of the Waiwhakaiho River on Taranaki Mouna, and back to the Herekawe Stream. The rohe has sustained the people of Ngāti Te Whiti hapū for generations. Ngāmotu is regarded as the tūrangawaewae of Ngāti Te Whiti – their paepae, their footstool, the land alone on which they might stand.
  31. In 1863, the Crown Settlement Act provided for the confiscation of Māori land. In Ngāmotu New Plymouth this included land within the rohe of Ngāti te Whiti.
  32. The Huatoki stream holds significant cultural and historical importance for Te Atiawa and Ngāti Te Whiti. They have a deep historical and spiritual connection to the waterway. The awa serves not only as a natural corridor supporting biodiversity but also as a cultural and recreational asset that enhances the quality of life for the residents of New Plymouth and the wider Taranaki region. The city centre area around the Huatoki is rich in history, including notable sites like Puke Ariki and Pūkākā, which were central to early Māori settlements. Puke Ariki, now a museum and cultural centre, was once a strategic pā site, offering commanding views of the area.
  33. Boulders along the Huatoki stream served as physical markers symbolizing territorial divisions and agreements. Located at various points along the awa, these wāhi tapu boulders - Paiare and Paetawa/Paitawa - continue to hold spiritual and cultural significance for Iwi and Hapū today.
  34. Colonial development covering and damaging the boulders speaks to the level of modification the Huatoki stream has faced, and its impact on Mana Whenua. The entire stretch of the Huatoki stream within the city limits, as well as its immediate landscape has been highly modified as the city has developed, often at the detriment of overall stream health.
  35. Historical maps dating back to 1899 show the rail lines cutting through the centre of the city linking with the Taranaki Port. The alignment of the tracks bisect the city lots before arching back towards the harbour mouth and ocean when they hit the Huatoki Stream. From 1919 onwards the new rail line runs along the harbour edge. Stone wall remnants of the old rail corridor are still present along the Huatoki.
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*Figure 7 - The train is crossing Devon Street before running down to the seaside station. The old Devon Street Bridge across the Huatoki is seen on the left. Right foreground is the small railway bridge over the Mangaotuku stream that is now under the Kings building.*

36. The Metro Plaza was built at 33 Devon Street West in 1936 and spans the Huatoki stream to house McGruer's Drapery store but has been significantly altered over the years.



*Figure 8 – Current view from Devon Street to Metro Plaza building.*

37. The Metro Plaza building was purchased by NPDC in September 2019 with the intention that the building be demolished to open the Huatoki Stream and adjacent banks for amenity and public access and to support adjacent development potential.

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## **CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

38. The proposed boundary adjustment subdivision itself does not provide for any specific climate change impacts/considerations, however the Huatoki daylighting project is anticipated to provide the following benefits in relation to climate change:
- a) Emission reduction through the use of sharing building construction tools (eg. Cranes) in the demolition process which will reduce the number and amount of time required for use of these tools;
  - b) Improved resilience to flooding with improved stormwater outcomes with the daylighting of the stream and associated work to support natural flooding within the stream;
  - c) There is opportunity to recycle native timber materials within the Metro Plaza building on demolition, ensuring reduced landfill materials; and
  - d) Improved health of the Huatoki stream leading to more resilience for climate change impacts in relation to weeds, increased temperatures (impacting water temperatures).

## **NEXT STEPS / HĪKOI I MURI MAI**

39. If the proposed boundary adjustment subdivision is approved, then the next steps will be to progress with resource consents. The first phase of the project will involve the demolition of the respective buildings, a shared demolition project between Council and KDH. Following demolition, KDH and Council would progress respective projects, being restored stream corridor and public walkway and facilities (council) alongside new and refurbished buildings (KDH). Preliminary project timelines, as outlined below (subject to consents), show demolition occurring summer 2026.
40. The project will also be presented to the Age and Accessibility Committee for input on the draft concept prior to progression to developed design.



Activity	2025												2026					
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Preliminary Designs																		
Developed Designs																		
Land Boundary Changes and Easements																		
Detailed Designs																		
Resource Consents (NPDC & TRC)																		
Building Consent Exemption (Demolition)																		
Building Consents (New Build)																		
Demolition and In-Stream Works																		
Construction Commencement																		

SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA

41. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of moderate importance.
42. Due to Council’s purpose for acquiring the Metro Plaza, under the Local Government Act 2002 (LGA02), the Metro Plaza qualifies as a “park,” which triggers a statutory obligation under section 138(1) to consult the public before disposing of any part of it. It should be noted that although section 138 requires consultation, it does not necessarily mean full public consultation.
43. While the LGA02 mandates consultation, it does not prescribe the form it must take. The Council must therefore determine the appropriate level of consultation based on its Significance and Engagement Policy.
44. Importantly, the Council has already undertaken consultation with hapū, iwi and the public through the broader Strategy (funded through the LTP21) and the Restoring the Huatoki Masterplan (funded through the LTP24). Given this prior engagement and further consultation with directly adjoining landowners, Ngāti Te Whiti and Te Kotahitanga o Te Atiawa through the concept development for the project, the moderate level of significance, Council may reasonably determine that further consultation is not required.

OPTIONS / KŌWHIRINGA

45. There are three options being put forward for consideration as below:
46. Option 1 - Approve lodging an application for a boundary adjustment subdivision, Pedestrian easements and Air Space lease between Council land (33 Devon Street West) and KDH land (41-51 Brougham Street). Subject to the grant of the resource consent approving the transfer of land to owner of 41-51 Brougham Street and easements in favour of Council for public access over 41-51 Brougham Street and 27 Devon Street West.

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47. Option 2 - Undertake a two-week public consultation period on the proposal to approve lodging an application for a boundary adjustment subdivision, pedestrian easements and air space lease between Council land (33 Devon Street) and KDH land (41-51 Brougham Street. Subject to the grant of the resource consent approving the transfer of land to owner of 41-51 Brougham Street and easements in favour of Council for public access over 41-51 Brougham Street and 27 Devon Street West. Report back to Council on conclusion of the public consultation.
48. Do not approve to lodge an application for a boundary adjustment subdivision, pedestrian easements and air space lease between Council land (33 Devon Street) and KDH land (41-51 Brougham Street) with amendments.
49. The following areas of consideration for the options are assessed together:

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

50. Options 1 and 2 respond to the Council's Sustainable Lifestyle vision and in some way contributes to all four community goals as outlined below:
- a) **Trusted:** through strengthening Te Tiriti partnerships by providing co-design and governance partnerships with Ngāti te Whiti through the development of the project. In addition, by actively engaging in a public/private partnership the project is contributing to the strengthening relationships with businesses in the city centre.
  - b) **Thriving Communities:** through improved connectivity within the city centre and improved public green spaces and recreation opportunities.
  - c) **Environmental Excellence:** by undertaking a significant daylighting project and restoring biodiversity outcomes for the Huatoki stream.
  - d) **Prosperity:** with a private/public development that is investing significantly to the amenity, activation and business opportunity within the city centre, there is potential to provide a catalyst to enhanced business vibrancy for the city centre.
51. Option 3 does not contribute to any enhancement of Council's Sustainable Lifestyle vision.

*Statutory Responsibilities / Ngā Haepapa ā-ture*

52. Under the LGA02 Council is required to undertake appropriate consultation with the community on projects and associated land related matters. Officers recommendation is that this requirement has been met through previous consultation.
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*Consistency with Policies and Plans / Te Paria i ngā Kaupapa Here me ngā Mahere*

- 53. Options 1 and 2 are consistent with the approved Strategy and the purpose that the Metro Plaza was purchased for.
- 54. Project budgets are provided for both the Metro Plaza demolition and the Huatoki daylighting as part of Council's Long Term Plan 2024-34 (LTP 2024) and the Annual Plan 2025/26.
- 55. Option 3 would potentially delay the project significantly, and this would not be consistent with delivery of the project on time and within budget and therefore not be aligned well with the LTP 2024 or Annual Plan 2025/26.

*Participation by Māori / Te Urunga o Ngāi Māori*

- 56. Ngāti Te Whiti hapū and Te Kotahitanga o Te Atiawa have partnered with Council on the development of the Ngāmotu New Plymouth City Centre Strategy and were part of the co-design process in the development of the Huatoki masterplan.
- 57. Ngāti Te Whiti are represented on the steering group for the Huatoki daylighting project and are a part of the co-design process for the project.
- 58. The proposed boundary adjustment subdivision was presented to the Ngāti Te Whiti Trust Board at their meeting on 10 June 2025. Formal confirmation of the Trust Board's support for the proposal has since been received.
- 59. Te Kotahitanga o Te Atiawa were provided with the Ngāti Te Whiti hapū support of the proposed boundary adjustment subdivision and have confirmed their support in writing to council.

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

- 60. Community views on the Huatoki daylighting project were provided through the development of the Strategy and through specific stakeholder engagement throughout the progression of the project.

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

- 61. The proposed boundary adjustment and easements have no financial implications, as current valuations support a direct exchange without any monetary cost. The costs related to the proposed boundary adjustment would be incorporated into the broader resource consent process for the project. It should be noted that an MOU and cost share arrangement exists between KDH and the Council, covering shared project components such as resource consenting and demolition. Therefore, Options 1 is expected to save money overall.

62. Option 2 would delay project timing and this may have an impact on the costs for the project with work occurring outside the summer construction period.
63. Option 3 would significantly delay the project timing and outcomes and as such may require re-design resulting in increased cost implications. In addition this may result in the loss of ability to progress the PPP and associated cost efficiencies associated with that arrangement.

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

64. Risks associated with Options 1 and 2 are predominantly related to the potential of the private development not progressing post consenting however the easements would still be in place and as such public access would still be provided.
65. Risks associated with Option 3 are predominantly around the reputational risk of impacting negatively on business confidence in the city centre with the aspirations of the project not being able to be achieved as currently anticipated and worked through with stakeholders and partners.

*Advantages and Disadvantages / Ngā Huanga me Ngā Taumahatanga.*

66. The advantages and disadvantages of each option are summarised below:

Option	Advantages	Disadvantages
1. Approve lodging an application for a boundary adjustment subdivision, Pedestrian easements and Air Space lease between Council land (33 Devon Street West) and KDH land (41-51 Brougham Street). Subject to the grant of the resource consent approving the transfer of land to owner of 41-51 Brougham Street and easements in favour of Council for public access over 41-51 Brougham Street and 27 Devon Street West.	<ul style="list-style-type: none"><li>• Improved public access from Devon Street West and connections through to Brougham Street.</li><li>• Improved access from Devon Street West through to the Downtown carpark.</li><li>• Wider and covered public access at Devon Street West entry.</li><li>• Equivalent values and land areas.</li></ul>	<ul style="list-style-type: none"><li>• Exchange of land for public access easements might be viewed by some as needing consultation.</li></ul>

<p>2. Undertake a two-week public consultation period on the proposal to approve lodging an application for a boundary adjustment subdivision, pedestrian easements and air space lease between Council land (33 Devon Street) and KDH land (41-51 Brougham Street). Subject to the grant of the resource consent approving the transfer of land to owner of 41-51 Brougham Street and easements in favour of Council for public access over 41-51 Brougham Street and 27 Devon Street West. Report back to Council on conclusion of the public consultation.</p>	<ul style="list-style-type: none"> <li>• Improved public access from Devon Street West and connections through to Brougham Street.</li> <li>• Improved access from Devon Street through to the Downtown carpark.</li> <li>• Wider and covered public access at Devon Street entry.</li> <li>• Equivalent values and land areas.</li> <li>• Opportunity to engage with wider audience</li> </ul>	<ul style="list-style-type: none"> <li>• Delay in progressing resource consent applications.</li> <li>• Delay in ability to undertake demolition over summer (best timing for such work over a stream).</li> </ul>
<p>3. Do not approve to lodge an application for a boundary adjustment subdivision, pedestrian easements and air space lease between Council land (33 Devon Street) and KDH land (41-51 Brougham Street) with amendments..</p>	<ul style="list-style-type: none"> <li>• Would not require a boundary adjustment and any associated perceived inequity from exchange of land.</li> </ul>	<ul style="list-style-type: none"> <li>• Limitation to public access to Downtown Carpark from Devon Street West.</li> <li>• Reduction in area provided for public at Devon Street West and associated enjoyment of public space and the Huatoki Stream.</li> <li>• Significant additional cost to project to provide public access along stream corridor to Powderham Street.</li> <li>• Delay in project in order to explore alternatives.</li> <li>• Reputational risk on relationships from project partners.</li> </ul>

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**Recommended Option**

This report recommends Option 1 for addressing the matter.

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**Report Details**

Prepared By:	Renee Davies (Manager Strategic Planning)
Team:	Strategic Planning
Approved By:	Helena Williamson (General Manager Strategy and Planning)
Ward/Community:	District Wide
Date:	9 June 2025
File Reference:	ECM 9515677

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

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## APPOINTMENT OF DISTRICT LICENCING COMMISSIONERS

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### MATTER / TE WHĀINGA

1. The matter for consideration by the Council is commencement of a recruitment process for District Licensing Commissioners.

### RECOMMENDATION FOR CONSIDERATION / NGĀ WHAIKUPU

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

- a) **Commence a recruitment process for the appointment of District Licensing Commissioners.**
- b) **Delegate authority to the Strategy and Operations Committee Chairperson (or their nominee), Manager Governance and the Community Health & Animal Services Lead or their nominees to shortlist, interview and recommend appointees.**

COMPLIANCE / TŪTOHU	
Significance	This matter is assessed as being of some importance.
Options	<p>This report identifies two reasonable practicable options:</p> <p>1. Commence a recruitment process for District Licensing Commissioners.</p> <p>2. Reappoint the current Commissioners.</p>
Affected persons	The persons who are affected by or interested in this matter are the Community as a whole.
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 / WHAKARĀPOPOTOTANGA MATUA

2. Council Officers recommend Council initiate a recruitment process for the appointment of District Licensing Commissioners (Commissioners), as the current Commissioners' terms of office are nearing completion.

3. The Sale and Supply of Alcohol Act 2012 (the Act) requires the appointment of qualified individuals who can fairly and effectively oversee alcohol licensing decisions.
4. There is a risk of not identifying suitable candidates before the current Commissioners' terms expire. However, both incumbents have expressed willingness to be reappointed.
5. Once confirmed, Council Officers will commence the recruitment process and make recommendation to Council for final approval.

### **BACKGROUND / WHAKAPAPA**

6. The (the Act) aims to ensure that alcohol is sold, supplied, and consumed safely and responsibly. It tries to reduce the harm caused by excessive or inappropriate alcohol use.
7. The Act mandates the establishment of District Licensing Committees (DLCs) with:
  - a) Determining applications for new on-licences, off-licences, club and special licences, as well as renewals of these licences.
  - b) Granting and renewing managers' certificates.
  - c) Considering temporary authority applications for on/off-licences.
  - d) Varying, suspending, or cancelling special licences.
8. The chairperson of a DLC can be either an elected member of Council or a Commissioner (ie not an elected member) appointed by the Chief Executive, on the recommendation of the territorial authority.

DLC members hold a semi-judicial role and must make fair and legally correct decisions. They must not be influenced by concerns that a decision may be unpopular.

9. Since the Act was introduced in 2012, New Plymouth District Council has chosen to appoint Commissioners rather than appoint elected members due to the role's quasi-judicial nature, eligibility criteria, recruitment goals, and workload. to the role.



*Commissioners have a maximum term of office*

10. Council can only appoint Commissioners for a maximum five year period.
11. Council appointed Mr Neil Volzke and Mr Malcolm Greig as Commissioners in November 2020. Mr Greig was also appointed as a DLC list member at the same meeting. The Commissioners' term of office is therefore reaching its end.

*Eligibility Criteria*

12. Commissioners must demonstrate:
  - a) A thorough understanding of the Act.
  - b) Experience in legal, regulatory, or administrative roles.
  - c) Strong ethical standards and an impartial approach to decision-making.
  - d) Excellent communication and interpersonal skills.

*Recruitment Objectives*

13. The primary objectives of the proposed recruitment campaign are to:
  - a) Identify qualified candidates with relevant legal, regulatory, or administrative experience.
  - b) Ensure diverse representation within the DLCs, reflecting the communities they serve.
  - c) Appoint Commissioners who are committed to upholding the principles of the Act.

*Recruitment Process*

14. The proposed recruitment process would follow these steps:
  - a) Advertisement of the position through media channels and direct approaches.
  - b) Shortlisting and interviewing of candidates based on eligibility criteria and experience.
  - c) Final selection and appointment of successful candidates by Council resolution.

15. Council Officers recommend that steps b) and c) be undertaken by the Chairperson of the Strategy and Operations Committee, Manager Governance and the Community Health & Animal Services Lead or their nominees. This mirrors the recruitment process undertaken in 2020.

*Proposed Timeline*

16. The timeline for the recruitment process is as follows:

	<b>If decision going to 24 June</b>
Advertisement	Beginning 28 June
Applications close	Friday 18 July
Shortlisting	Week of 21 July
Interviews	Week of 28 July
Appointment	12 August

**CLIMATE CHANGE IMPACT AND CONSIDERATIONS / HURINGA ĀHUARANGI**

17. There are no climate change impacts in relation to the appointment of DLC Commissioners.

**NEXT STEPS / HĪKOI I MURI MAI**

18. Council Officers will commence the recruitment process.

**SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

19. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being administrative.

**OPTIONS / KŌWHIRINGA**

20. There are two reasonably practicable options:
- a) Commence a recruitment process for District Licensing Commissioners.
  - b) Reappoint the current Commissioners.

Both options have been assessed together below.

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

21. A recruitment process would be undertaken within existing budgets.
22. There would be no recruitment costs should the current Commissioners be appointed (without a recruitment process being undertaken).

*Risk Analysis / Tātaritanga o Ngā Mōrearea*

23. There is a risk that no suitable candidates will be identified prior to the end of term for the current Commissioners. However as both of the current Commissioners have indicated a willingness to be reappointed for a subsequent term this risk is minimal.

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

24. By ensuring that alcohol is sold and supplied responsibly, DLCs help reduce alcohol-related harm in the community. This aligns with NPDC's commitment to promoting thriving communities and culture. The Commissioners' decisions influence how and where alcohol is available, which can impact crime rates, public health, and community safety

*Statutory Responsibilities / Ngā Haepapa ā-ture*

25. All councils must appoint at one or more DLCs. Each DLC comprising a Commissioner appointed by the Chief Executive on the recommendation of the Council.
26. The statutory requirements for Commissioners are set out earlier in this report.

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

27. There are no inconsistencies with Council policies or plans. Council Officers are currently reviewing the [District Licensing Committee Administration Policy](#). The policy provides local guidance for the DLCs on matters not explicitly covered by the Act.

*Participation by Māori / Te Urunga o Ngāi Māori*

28. Commencement of a recruitment process is an administrative matter and no engagement has been undertaken with Māori.
29. Alcohol licensing decisions can significantly impact Māori communities, particularly in relation to public health, social harm, and community wellbeing.
30. Initially, the Act did not include explicit provisions for Māori participation or recognition of Te Tiriti o Waitangi (Treaty of Waitangi) obligations. This led to concerns that Māori voices were underrepresented in decisions about alcohol licensing, despite the disproportionate harm alcohol causes in many Māori communities.
31. The 2024 inclusion of s203A in the Act requires the DLC procedures to allow for tikanga Māori to be incorporated into the procedures for considering applications.

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32. If Council proceed with the proposed recruitment process, Council Officers will advise iwi, hapū and kaupapa Māori organisations of the opportunity for individuals to express an interest in being appointed as a DLC Commissioner.

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

33. Community Views and Preferences have not been sought in the preparation of this report.
34. DLC Commissioners have a key role in decision-making on district licensing matters. The recruitment process will require candidates to highlight the awareness of the diversity of the community and the ability to actively determine, and consider the views of, those who might be affected by or interested in licensing decisions.

**Recommended Option**

This report recommends option commence a recruitment process for District Licensing Commissioners for addressing the matter.

**REFERENCE DOCUMENTS**

[Selecting and appointing District Licensing Committees](https://resources.alcohol.org.nz)  
(<https://resources.alcohol.org.nz>)

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**Report Details**

Prepared By:	Julie Straka (Manager Governance)
Team:	Governance
Approved By:	Bernie O'Donnell (Group Manager Te Tiriti Partnerships)
Ward/Community:	District Wide
Date:	5 June 2025
File Reference:	ECM9513347

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

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## EXCLUSION OF THE PUBLIC FOR THE REMAINDER OF THE MEETING

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### MATTER /TE WHĀINGA

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, 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) **Appeals to Proposed New Plymouth District Plan**  
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.
- b) **Appointments of Directors to Council Controlled Organisations**  
The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons. This particular interest being protected by section 7(2)(a) of the Act.
- c) **Citizens' Awards**  
The withholding of the information is necessary to protect the privacy of natural persons, include that of deceased persons, this particular interest being protected by section 7(2)(a) of the Act.
- d) **CE Performance**  
The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons. This particular interest being protected by section 7(2)(a) 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 / TŪTOHU	
Significance	This matter has been assessed as being of some importance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ul style="list-style-type: none"><li>1. Exclude the public.</li><li>2. Not exclude the public.</li></ul>
Recommendation	This report recommends <b>Option 1</b> for addressing the matter.

COMPLIANCE / TŪTOHU	
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/ WHAKAPAPA**

2. This report details items that are recommended should be considered with the public excluded, and the reason for excluding the public.

**SIGNIFICANCE AND ENGAGEMENT / KAUPAPA WHAKAHIRAHIRA**

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 / KŌWHIRINGA**

**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 / Tātaritanga o Ngā Mōrearea*

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: Carol Allen (Governance Adviser)  
Team: Governance  
Approved By: Julie Straka (Governance Manager)  
Ward/Community: District Wide  
Date: 10 June 2025  
File Reference: ECM 9514097

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

## **CLOSING KARAKIA**

### **TE WHAKAEATANGA**

Te whakaeatanga e,  
Tēnei te kaupapa ka ea,  
Tēnei te wānanga ka ea,  
Te mauri o te kaupapa ka whakamoea,  
Te mauri o te wānanga ka whakamoea,  
Koa ki runga,  
Koa ki raro,  
Haumi e, hui e, tāiki e.

It is completed, it is done,  
We have achieved our purpose,  
Completed our forum,  
Let the purpose of our gathering rest for now,  
Let the vitality of our discussions replenish,  
We depart with fulfilled hearts and minds,  
Bonded in our common goal and unity.

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.

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