



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

COUNCIL MEETING AGENDA

**Tuesday 06 September 2022
at 1pm**

**COUNCIL CHAMBER
LIARDET STREET, NEW PLYMOUTH**

Chairperson:

Members:

Mayor	Neil	Holdom
Cr	Tony	Bedford
Cr	Sam	Bennett
Cr	Gordon	Brown
Cr	David	Bublitz
Cr	Anneka	Carlson
Cr	Murray	Chong
Cr	Amanda	Clinton-Gohdes
Cr	Harry	Duynhoven
Cr	Richard	Handley
Cr	Stacey	Hitchcock
Cr	Colin	Johnston
Cr	Richard	Jordan
Cr	Dinnie	Moeahu
Cr	Marie	Pearce

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 the Council, or transfer the ownership or control of a strategic asset to or from the Council.

END

OPENING KARAKIA

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



Health and Safety Message

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

Please exit through the main entrance.

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

Staff will guide you to an alternative route if necessary.

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

Please remain where you are until further instruction is given.

APOLOGIES

None advised

Elected Members Declaration of Interests (ECM8481389)

as at 29 August 2022

(please advise the Governance Team of any amendments)

Mayor and Councillors

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Tony Bedford	Taranaki Electricity Trust Waitara Services and Citizens Club Hurricanes Schools Council Residential Property Owner Family Trust Taranaki Electricity Trust Hurricanes Alumni Taranaki Elite Athletes Foundation	Trustee Member Life Member Trustee Council appointee
Sam Bennett	Speaking Made Easy Full Circle Bespoke Life Events Heart of Brooklands New Plymouth Operatic Society Celebrants Association of New Zealand Residential Property Owner APJ and DM Bennett and PJ Bennett Star Gym	Ownership of company and contract with NPDC Sponsorship Manager Family Trust Council representative

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Gordon Brown	Taranaki Chamber of Commerce New Plymouth Bowls Club Writing Services Ltd Sport Taranaki (Chair) Friends of Pukekura Park	Contracting work Member Director Council appointee Council appointee
David Bublitz	New Plymouth Boys' High School New Plymouth Golf Club Residential Property owner Bublitz Family Trust YMCA Taranaki Taranaki Elite Athletes Foundation Yarrow Stadium Joint Committee	Employee Member Board member Council appointee Council appointee
Anneka Carlson	Pride Taranaki Residential property owner Taranaki Elite Athletes Foundation	Chairperson Council appointee
Murray Chong	Not advised	
Amanda Clinton-Gohdes	Institute of Directors Residential Property Owner Family trust beneficiary District Licensing Committee Taranaki Biodiversity Trust (Wild for Taranaki)	Member Deputy Chairperson Board member

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Harry Duynhoven	NZ Civil Aviation Authority Taranaki Habitat for Humanity 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	Member Board member President Member Member Trustee and beneficiary Secretary of Board Independent trustee of two private trusts for impaired individuals Council appointee
Richard Handley	Residential Property Owner Tainui Rest Home Handley Tarawera Ltd Taranaki Retreat YMCA Taranaki Taranaki RSA Vestry of St Mary's Cathedral TRC Solid Waste Working Party YMCA National Board St Mary's Parish Finance Committee Institute of Directors Taranaki Chamber of Commerce	Director Sole shareholder and director Board member Member Council appointee Member Member Chartered Member

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Stacey Hitchcock	Department of Conservation New Plymouth Mountain Bike Club Taranaki Alpine Club Residential Property Owner Christmas at the Bowl Taranaki Trails Trust Tim Hitchcock Residential Ltd Jobhop Limited L.A. Alexander Trust TRC Policy and Planning Committee Len Lye Committee Len Lye Foundation WOMAD New Zealand Board	Employee Member Member Trustee Trustee Shareholder Shareholder Contractor Council appointee Council appointee Council appointee Council appointee
Neil Holdom	New Plymouth Mountain Bike Club Lifestyle Block Owner (Smallholding) TRC Civil Defence Emergency Management Committee	Member Council appointee
Colin Johnston	The Vintage Car Club of NZ Taranaki Branch Waitara Town and Country Club Waitara Town and Country Club Residential Property Owner Puke Ariki Trust Johnston Collections Friends of Pukekura Park Heritage Taranaki	Current Chairman / 50 year badge holder Life Member / Past President Debenture holder Member Private Museum owner Council appointee Council appointee

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Richard Jordan	Fun Ho! Toys Inglewood Development Trust Inglewood Club TRI Residential Property Owner Commercial Property Owner Rural Property Interests	Director Manager / Trustee Member Member
Dinnie Moeahu	Institute of Directors Little Fighters Trust Change is Coming Coaching Ngā Manu Reo Toastmasters TDHB Consumer Council Te Kotahitanga o Te Atiawa Te Korowai o Ngaruahine Te Kahui o Taranaki Puketapu Ngāti te Whiti Ngati Moeahu Ngati Manuhiakai	Member Ambassador Managing Director Member Affiliate Affiliate Affiliate Affiliate Affiliate Affiliate Affiliate
Marie Pearce	Rural Property Owner Wakefield Family Trust Inglewood First Trust Inglewood Mini Golf Trust Inglewood District Health Trust Taranaki Arts Festival Trust	Council appointee

Community Boards

as at 29 August 2022

(please advise the Governance Team of any amendments)

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Jono Burrows	Nil	
Graham Chard	New Plymouth and Districts Returned & Services Association NPRSA Support Trust NPRSA Poppy Trust North Taranaki Kings Empire Veterans Association Okato Community Trust Chardz Holdingz Ltd Chardz Investmentz Ltd Taranaki Iwi Trust	President Chairman, Trustee Chairman, Trustee Treasurer Vice Chairman, Trustee Managing Director Director Affiliate
Mel Cook	Nil	
Paul Coxhead	Ōākura Bowling and Social Club Ōākura Indoor Bowling Club Private Property Owner Central District Zephyr Club	Vice President Member Member
Trevor Dodunski	Not advised	
Christine Fabish	Dudley District Hall Committee Hudson Essex Terraplane Club	Member Member
Neville Hagenson	Not advised	

Name of Member	Interest Being Declared	Nature of Interest/Transaction (includes positional or transactional interests eg funding agreements, proposals and other relationships)
Renee Hohaia	Residential Property owner R & Co Skin and Beauty – Ōākura	Owner
Andrew Larsen	Not advised	
Jonathan Marshall	New Zealand Antique Arms Association The New Zealand Black Powder Shooters Federation Inc Residential Property Owner	
Tyla Nickson	Not advised	
Warren Petersen	Not advised	
Joe Rauner	Not advised	
Graeme Sykes	St Andrews Anglican Church, Inglewood Paraninihi Anglican Archdeconry QM Services Ltd Inglewood Golf Club Egmont Village Community House Taranaki Alpine Club	Vestry Secretary, Synod Rep Treasurer Director Member Committee member Member
Murray Seamark	Nil	
Paul Verić	Taranaki District Health Board Independent Management Consultant Ōākura School Board of Trustees Residential Property Owner BTE Consulting Ltd PASS Ltd Veric Family Trust iPromise Ltd	Member Director Director

CONFLICTS OF INTEREST

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

ADDRESSING THE MEETING

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

PUBLIC FORUM

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

- Michael Carr (Sport Taranaki) (regular update)
- Hon Mahara Okeroa (Te Kāhui o Taranaki Iwi) – Rahui Journey

DEPUTATIONS

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

- Saxton Road residents - Kim Robson, Halina Sarten and Sierra-Jane (Safer Speeds Report (Tab 9))
- Murray Seamark
 - Revocation of Speed Limits By-Law (Tab 8), and
 - Standing Order being applied to the PIF Bill
- Pip Abernethy (Directive to Fluoridate New Plymouth Water Supply (Tab 14))

PREVIOUS COUNCIL MINUTES

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:

Emergency Council	23 June 2022
Emergency Council	08 July 2022
Council	26 July 2022
Extraordinary Council (Hearings)	26 July 2022

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	02 August 2022
Clifton Community Board	11 August 2022
Waitara Community Board	12 August 2022
Kaitake Community Board	15 August 2022
Inglewood Community Board	16 August 2022
Te Huinga Taumata	23 August 2022
Waitara Community Board Extraordinary	26 August 2022
Finance Audit and Risk Committee	30 August 2022

END

REPORTS

- 1 Planting Our Place update
- 2 Purchase of Land and Buildings at 52 Wynyard Street Bell Block (Supplementary Report)
- 3 Grant of an Airspace Lease to Ryder Group Limited – Robe Street, New Plymouth
- 4 Grant of an Airspace Lease to WR Phillips Ltd – Devon Street West, New Plymouth
- 5 Application to Grant an Easement – over part Manukorihi Reserve Recreation Reserve (Administrating Body) (Step 1)
- 6 Application to Grant an Easement – over part Manukorihi Reserve Recreation Reserve (Delegated Authority) (Step 2)
- 7 Revocation of Traffic Treatment Strategy
- 8 Revoking NPDC Bylaw 2010 Part 5 Speed Limits
- 9 Safer Speeds Review – New Plymouth District
- 10 Revocation of Manaaki Urupā Grants Policy
- 11 Internal Audit Plan 2022/23
- 12 Health, Safety and Wellbeing Quarterly Report (to June 2022)
- 13 Mountain Bike Toilet Installation
- 14 Directive to Fluoridate New Plymouth Water Supply
- 15 Exclusion of the Public from the Remainder of the Meeting

PLANTING OUR PLACE UPDATE

PURPOSE

1. This report provides an update to Council on the Planting Our Place programme. Progress over the past year is outlined, as well as the planned programme of work for the programme.

RECOMMENDATION

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

STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the officer's recommendation.

COMMUNITY BOARD RECOMMENDATION

3. The Clifton, Kaitake, and Inglewood Community Boards endorsed the officer's recommendation
4. The Waitara Community Board recommends that Council
 - a) Notes the report.
 - b) Request that council officer's report back to the Waitara Community Board with an updated plan including planting in the Waitara area.

TE HUINGA TAUMATUA RECOMMENDATION

5. Te Huinga Taumatua endorsed the officer's recommendation

SIGNIFICANCE AND ENGAGEMENT

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

Climate Action Framework

7. The Climate Action Framework was adopted in December 2019, with Council recognising climate action required an urgent response. The Framework has an internal programme of work to embed climate change into the organisation, as well as an external focus which centres on community engagement to develop a District-wide Emission Reduction Plan and a District-wide Adaptation Plan.
8. The draft District-wide Emission Reduction Plan is currently out for consultation and will be finalised at the end of the year. The draft District-wide Adaptation Plan will be released for consultation in 2023.
9. The Planting our Place programme is a core component of the Climate Action Framework.

Planting our Place

10. The overall vision of the Planting our Place project is to *"Improve biodiversity, carbon sequestration and allow for community participation in NPDC's response to climate change by delivering revegetation to council-owned reserves through tree planting."*
11. The Planting our Place project will contribute towards the target of meeting 10% indigenous vegetation cover in the city. New Plymouth currently has the highest of any city in New Zealand at 8.9 per cent. Planting our Place incorporates the planting of 34 hectares of urban reserve land.

Long-Term Plan

12. The Council resolved through the Long-Term Plan (LTP) 2021-2031 to resource the Planting Our Place programme of community tree planting and carbon emissions mitigation.
 13. The first 10 years of a 20 year programme to increase our indigenous urban vegetation by 34 hectares to reach 10% cover, has had funding committed in the current LTP at \$200,000 per year.
 14. It is noted in the LTP that New Plymouth City is the most biodiverse city in New Zealand, currently with 8.9 per cent of its urban area in indigenous forest, wetlands and coastal habitat, and so is well placed to meet evolving national targets of 10+ per cent indigenous habitat cover.
 15. The programme will be delivered in partnership with hapū and iwi and the community of the district. It is planned that opportunities for community engagement in planting and care of habitat areas will be enhanced by the programme.
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Planting our Place Background

16. Our proximity and connection to nature is a fundamental building block of our Strategic Vision to a Sustainable Lifestyle Capital. Taranaki is leading in areas of conservation and biodiversity, particularly with collaborative landscape scale projects such as Taranaki Mounga, Restore Taranaki, and Towards a Predator Free Taranaki.
17. The Trees That Count website says that "Planting native trees is one of the most powerful actions we can take to combat climate change, protect our beautiful landscapes, waterways and forests for future generations".
18. The overall vision for the Planting Our Place programme is to sequester carbon, improve biodiversity and allow for community participation in NPDC's response to climate change by delivering native revegetation to Council-owned reserves through tree planting."
19. The objectives of the wider programme are to:
 - a) Deliver a community tree planting initiative as part of the Climate Action Framework;
 - b) Develop the initiative in a way that enables community (including Tangata Whenua) participation in NPDC's response to climate change; and
 - c) Provide a methodological framework to ensure opportunities are captured for the improved effective and efficient development of further planting initiatives.

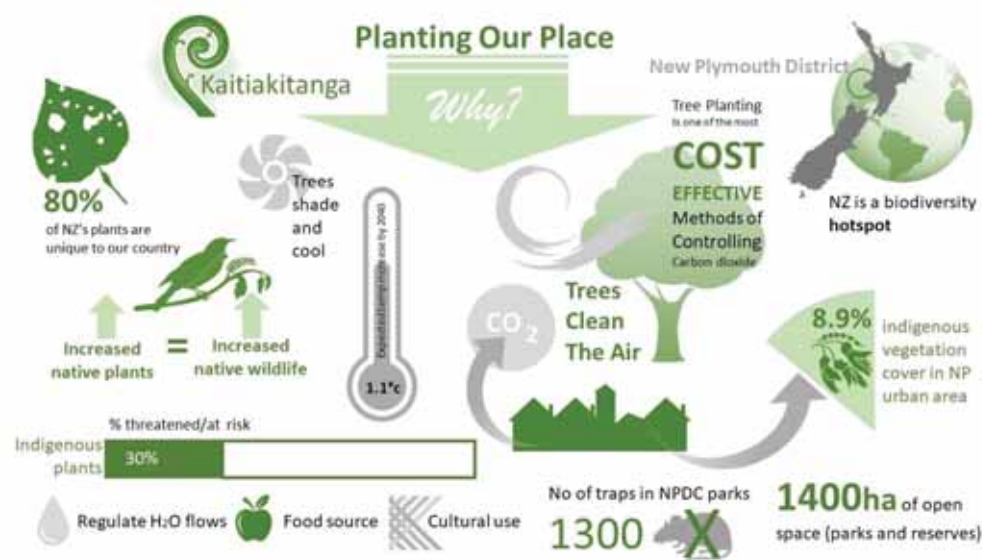


Figure 1 – Diagram providing overview of why Planting our Place will make a difference.

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20. The programme will ultimately see planting and restoration of at least 34 hectares of urban or peri-urban reserve land, over 20 years. This equates to +/- 1.7 hectares being planted per annum, typically across a small range of sites and catchments each year.
 21. While Planting Our Place will initially focus on moving New Plymouth City to >10% indigenous habitat cover, the ambition is to help increase urban habitat in or around as many of the districts urban centres as possible.
 22. For this purpose a structure for the programme has been developed that focuses on Stream and River Catchment Communities. For example, projects will be identified for community participation in the Waiwhakaiho Catchment, as well as other urban Catchment Community areas such as the Tangaroa and Waiari catchments in Waitara, and the Kurapete and Waiongana catchments in Inglewood and Lepperton.
 23. The Catchment Communities approach is intended to localise the programme to our communities. This recognises that climate action starts close to home, while ensuring accessibility and reducing transport requirements to attend community planting events and to participate in pest control and local reserve volunteer care groups.
 24. At the outset of the programme, it was anticipated that there would be a range of contributions to the overall outcomes for the programme. Some of these would be from partnerships with external funding (e.g. Trees that Count and Kaimahi for Nature) and other Council projects. These contributions are proving to be of benefit to a likely accelerated delivery of the 20 year programme.

Planting Progress to date

25. Several planting projects amounting to near 4.85 hectares have already been progressed during the first operational year of the programme, which has encompassed two winter planting seasons and exceeded the estimated yearly target of 1.7 hectares.
26. This planting activity has seen Council forge partnerships with hapū and community groups. It has also provided all parties the opportunity to test approaches and methodologies.

Partner led planting projects

27. Ngāti Tawhirikura have been successful in attaining their own resourcing for a planting project focused on revitalizing and restoring natural habitats of taonga species and mahinga kai locations in the Waiwhakaiho Catchment.
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28. The project is titled '*Ka Whakaaraara Te Tangata, Ka Whakaora Te Wai, Ka Whakahoki Te Taonga*'. Funding was secured and an organisation then established, and staff recruited to support the implementation of the Restoration Planting Plan. This is being coordinated out of the headquarters at Te Rewa Rewa reserve.
 29. This project is entirely led by hapū, and Council's involvement has been supportive and facilitative, providing access to sites on reserve land to plant, provision of site preparation support and alignment with the Planting Our Place programme.



Figure 2 – Photograph showing Ngāti Tawhirikura Kaimahi for Nature worker Harris Goldsmith planting native trees at Te Rewa Rewa reserve south.

30. This work is already delivering on-the-ground results at two planting sites, totalling two hectares at Te Rewa Rewa Reserve and at the Mangapouri Cemetery.
 31. Another notable planting project is one led by a collective of Rotary branches from around Taranaki, coming together to work with the Council and Ngāti Tawhirikura.
 32. This has resulted in another one + hectare of planting in the Waiwhakaiho Catchment, and is complementing the above existing planting projects. The project includes a 50 metre wide riparian planting on the banks of the Waiwhakaiho river and also
 33. Rotary has successfully engaged with multiple schools and used active participation in planting projects as a real life learning opportunity.
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Figure 3 – Photograph showing Rotary members, school children and teachers planting at the Mangapouri site.

Council enabled planting initiatives

34. Council has led two Planting our Place projects in the last year. This includes planting on the Waiwhakaiho River at Glen Avon and support for the community-led food garden at Marfell.
35. The project at Glen Avon involves 0.5 hectares of riparian planting, on the right bank of the Waiwhakaiho River, opposite the Rimu Street business area. Contractors have been engaged to undertake site preparation and planting at the site. Council has also worked with private landowners to plant their esplanade strips to enhance the riparian restoration in the area.
36. Council continues to support a community-led food garden in Marfell, which aims to promote food security in a changing climate and providing a space where the community can come together to learn to grow food and distribute the bounty of that garden space to the local community.
37. Immediately alongside the garden, the group has undertaken a small riparian planting project. The whole project to date taking in approximately 0.25 hectares. The Council will in the next year or two facilitate an approximately one hectare native revegetation project as a Stage Two of this local initiative, which is located along the Mangaotuku Stream in the Huatoki Catchment Community area.
38. This ongoing work in the area will provide opportunity for the local community to actively engage in climate change response and biodiversity enhancement, and Council will augment volunteer effort with contracted planting and pest plant control works.

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39. The above projects have not only provided early project outcomes but have provided an opportunity to step back and review the processes and systems required to roll out Planting Our Place over the immediate 10 years and set up good process to extend further as needed.

Te Korowai o Tāne

40. As part of the programme of work with Planting our Place, the [Te Korowai o Tāne grant](#) was launched in May this year. The name has been established to reflect the demesne (domain) of Tāne, his forests that will cover once again his parent Papatūānuku like a cloak - Te Korowai o Tāne (the cloak of Tāne).
41. The grant is a practical way to support not-for-profit and community to contribute to the Districts achievement of the 10 per cent urban vegetation cover by providing assistance for revegetation. It provides for a non-regulatory approach to encouraging support of the Climate Action Framework and biodiversity outcomes.
42. The grant is funded with \$30,000 available each year for community/not-for-profit groups to apply for up to \$5,000 worth of plants to plant on their land.
43. The grant requires ongoing processing of approvals, support with project management, review of projects to ensure funding is utilised in keeping with fund requirements and promotion of subsequent rounds of funding.
44. Applications for the 2021 funding round closed on 17 July. There were four applications and these are currently being assessed.

Wild for Taranaki Action Hub

45. Tracking carbon sequestration achieved through Planting Our Place is an important part of accountability of the programme.
 46. Officers have been working closely with Wild for Taranaki (W4T) around the development of a new regional platform to profile and promote new conservation initiatives in the region (including promoting volunteering opportunities), as well as tracking sequestration of carbon within project areas. The new [action hub](#) site is live on the W4T website.
 47. Officers are confident that the platform will be fit for purpose, and we are working with W4T staff to ensure the platform has functional reporting capabilities.
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48. Officers will continue to refine and increase Council's ability to facilitate opportunities for volunteering in Planting Our Place. This will include supporting existing groups and initiatives, providing opportunities around Council-led planting and pest control projects, and actively encouraging the formation of new care groups.
49. Care groups may be oriented towards new planting areas, specific walkways and reserves with high natural values, and areas of privately owned biodiversity habitat on private land, such as Significant Natural Areas identified in the Proposed District Plan and that are typically in multiple ownership.

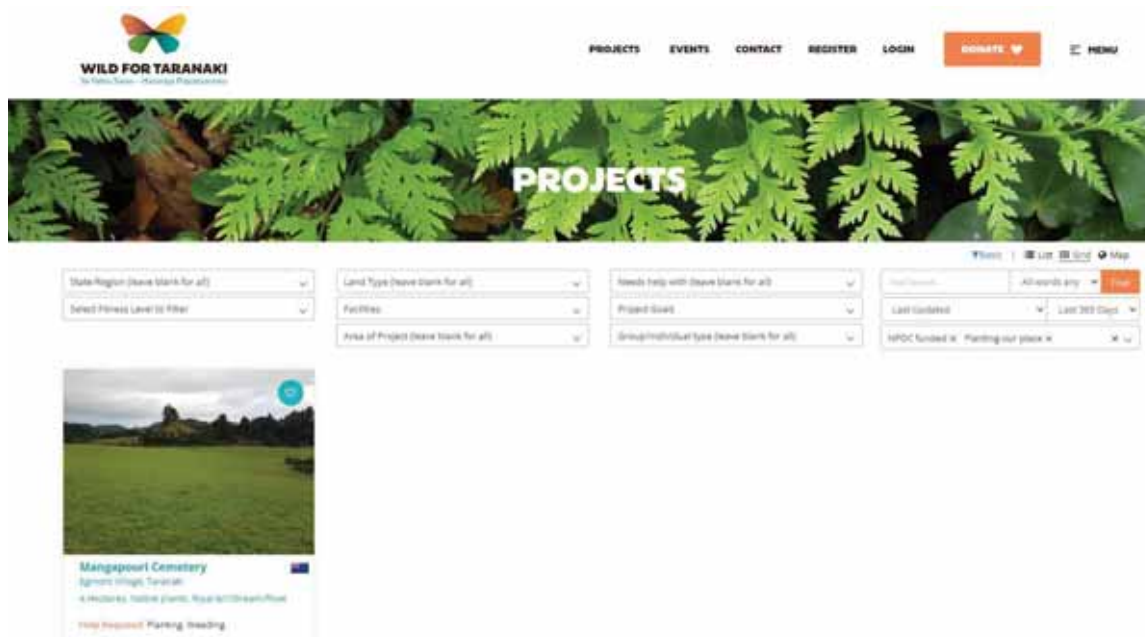


Figure 4 – Screen shot showing example of the projects listed under Planting our Place to date on the Wild For Taranaki Action Hub.

Planting our Place Panel Contract

50. In order to support the delivery of the Planting our Place programme, a restoration plant supply and services (RPSS) supplier panel contract has been established.
51. The RPSS provides one simplified process to provide a consistent and cohesive system for procuring plants and planting services for Planting Our Place and other Council native planting projects. The RPSS will deliver better value for money through greater consistency of plant and planting services procurement, as well as create efficiency for both council and the suppliers.

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52. Another benefit of the RPSS is that it will also contribute to a more collaborative base for working together on specific projects between Council and the community. It will ensure the planting sourcing and supply system is sustainable in the long term and importantly it will also ensure the preferred suppliers have the opportunity to also supply plants and planting services for any other ecological restoration and planting projects that council is involved in (that fits with their selected criteria).
 53. This also offers opportunity to embed community and hapū-based supply and contracting work into Council planting projects. Suppliers will benefit from a ten year programme of work in the pipeline through Planting Our Place projects as well as additional planting project opportunities from Council. This will give them some ability to plan ahead and provide some security for forecasting and planning future plant demand and resources needed.
 54. Categories for supplier selection included supply plants or supply services (including maintenance) with the following sub-categories:
 - a) Supply Plants only (eco-sourced a high priority).
 - b) Supply Plants and Planting Services.
 - c) Planting Services (with no plant supply).
 55. These categories make up the group of suppliers who will comprise the RPSS panel of approved contractors. A standard contract has been developed for each of these categories and a clear system of selecting suppliers and the type of procurement needed to obtain these works/supplies will be established.
 56. In a first round of applications, Council confirmed eleven suppliers for the RPSS. There are some areas of services where additional suppliers are likely to be required and as such a second round of registration of interest will be undertaken in the 2022/23 financial year.
 57. In addition to the above the past year has seen officers developing a range of guiding documents and tools to help programme implementation. These include:
 - a) Preparation of an operational Implementation Plan;
 - b) Preliminary identification of 60+ hectares of potential planting sites;
 - c) Preparation of Planting Project Plan template;
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- d) Development of a framework for planning and managing multiple concurrent planting projects and budgets, over five year timescales to achieve self-sustaining canopy closure; and
 - e) Initiation of a system of 'ecological typologies' to inform detailed planting plans, that are well considered and appropriate for local ecosystems.

Programme Plan

- 58. Initial emphasis to date has been on the Waiwhakaiho river corridor, and working alongside mana whenua and existing community groups. Officers have identified up to 34 hectares for possible planting in that catchment alone.
- 59. Three flagship projects within three diverse Catchment Communities have been identified to date, each providing opportunity for up to five hectares of planting. The flagship projects are as follows:

Waiwhakaiho Catchment Peringa Park, adjacent Lake Rotomanu;

Kurapete Catchment on land recently purchased by Council near the southern boundary of Inglewood (site of proposed wildlife recovery centre) in the Kurapete Catchment; and

Herekawe Catchment Centennial Park.

- 60. Further to the above, another 36 hectares have tentatively been identified in the Te Henui, and Huatoki catchments in New Plymouth City and per-urban margins, providing opportunity to involve various urban Catchment Communities.
 - 61. A list of initial potential planting project sites is provided in Appendix 1. Further work will be done on these to determine if they are appropriate for subject to detailed analysis and consultation.
 - 62. Progressing each site requires a notable amount of work, including the following:
 - a) Site survey, review of statutory Reserve Management Plans to ensure planting is in keeping with management objectives;
 - b) Consultation with mana whenua, Community boards and local community groups to identify project partners;
 - c) Drafting of a detailed five year Planting/Maintenance Project Plan;
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- d) Forward ordering of specific plant ensembles; and
 - e) Site preparation works.

Communication and Collaboration in the Programme

- 63. A range of information has and will be produced and provided to the public via various platforms. Media opportunities exist to promote forthcoming community planting events, to celebrate the achievements of planting projects and care group activity, and to promote Te Korowai o Tāne Grant and climate action opportunities. Various information sheets and web page information are already available on Council's website around Te Korowai o Tāne. An update of Council's Planting our Place website content is in progress and will provide links to the Wild for Taranaki Action Hub page.
- 64. Further information will be developed around Catchment Communities and ecological restoration, to support and encourage participation in initiatives in Council reserves and mahi that can be carried out by landowners on their own land.
- 65. The Council has already forged a good relationship with the University of Waikato around a national research programme called 'People, Cities and Nature'. This programme, which is led by ex-pat Taranaki academic Professor Bruce Clarkson, has a strong emphasis on research that will inform and support local action to increase urban biodiversity cover to at least 10 per cent in urban areas. Contact is ongoing with the university and the research programme to provide input that will enhance and support the outcome of the programme delivery.
- 66. Another area of the programme to watch going forward is advances in our geo-spatial information. While academic studies comparing various New Zealand cities have identified that New Plymouth has around 8.9 per cent indigenous forest cover; officers intend to work with People, Cities and Nature to review and refine this information and GIS processes leading to it. It is of long-term benefit for Council to have a very high standard of spatial habitat information for the districts urban areas, which may stratify various classes of intact habitat, mixed native/exotic vegetation and exotic vegetation providing biodiversity habitat cover.

External Funding Opportunities

- 67. While Council has committed funding to Planting Our Place through the LTP, officers will also continue to explore external funding opportunities to augment Council funding.
 - 68. Jobs for Nature funding has already seen crown investment in conservation oriented initiatives in the District, including revegetation and catchment management initiatives.
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- 69. Going forward, Council officers will support community groups and entities with their applications for funding to other agencies, where applications are aligned with Planting Our Place objectives. Officers will also identify opportunities to apply for Crown funding directly, or to act as partner administrator to help distribute Crown funding at local scales.

Ongoing Management

- 70. It is important to note that, while the physical planting of each area may take just a week or two and the programme funding provides for five years of maintenance to ensure successful establishment of the planted areas, the compounding increase of area planted produces a legacy for the future.
- 71. While the new plantings will continue to sequester carbon and provide increasing habitat for indigenous biodiversity, so too the areas will harbour pest plants and animals.
- 72. Council has existing pest control programmes aimed at managing pest species, through Parks field staff, contractors, partnerships with others (for example TRC through Towards Predator Free Taranaki) and through facilitation of volunteer effort.
- 73. Officers are mindful of the marginal increase and ongoing pest control required in the newly planted areas, and so will continue to build on current work and will report to Council on progress in the future.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

- 74. Planting our Place is a mitigation action to reduce Council's operational emissions and therefore, reduce the impact on climate change.
 - 75. Planting our Place is a core component of the Climate Action Framework, which Council adopted in December 2019, recognising that climate action requires an urgent response.
 - 76. The Council administers over 1400 hectares of parks and reserves across the New Plymouth District. Our reserves and open spaces contribute to the vibrancy and liveability of the city, surrounding towns and the wider district.
 - 77. Given the challenges faced by the district from climate change and biodiversity loss, planting of reserve land is considered a tangible action that can be taken to empower the community to mitigate impacts of climate change, provide habitat for biodiversity, and provide a stronger mandate resourcing and strategic approach to the implementation of reserve management plan planting proposals.
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78. Realising the benefits from tree planting are long term. The benefits from sequestration normally come around 20 years after planting (as young trees do not sequester much carbon). Rough calculation from the new Trees That Count Carbon calculator shows that 34 hectares of planting (70 per cent trees and 30 per cent shrubs) @ one tree per m² would remove 26,445 tonnes of CO₂ from atmosphere each year from year 20 on and increases exponentially beyond this.

NEXT STEPS

79. Considering the first year of the programme being the 21/22 financial year, a large proportion of the work undertaken has focused on establishing the mechanisms to support successful implementation of the programme. This includes:
- a) Planting our Place panel contract;
 - b) Te Korowai o Tāne grant set up, advertised and assessed;
 - c) Long list of planting project sites identified;
 - d) Short list of five years of project sites identified; and
 - e) Contribution (funding, design input/testing and project uploads) to the Wild for Taranaki Action Hub website as source of project data and community engagement in projects.
80. Progress to date against what has been planned has been positive, with this year exceeding our anticipated 1.7 hectares of planting with delivery of 4.85 hectares of native planting. It should be noted that this is in large part due to our partnerships. In addition, Te Korowai o Tāne has been established.
81. As this report has laid out, the Planting Our Place program is a reasonably broad and multi-layered programme. As such, a systematic approach has been taken to administer the whole programme in a holistic way. Officers will continue to test and refine aspects of the programme over the coming year, to ensure an efficient and effective delivery of the initiative.
82. Key next steps are as follows:
- a) Detailed planning for upcoming planting sites and associated procurement of eco-sourced plant supply;
 - b) Support and monitoring for 2021/22 Te Korowai o Tāne grantees;
 - c) Continued upload of project sites into the Wild for Taranaki Action Hub;
 - d) Update of Council's website information in relation to Planting our Place;
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- e) Procurement of site preparation work for 22/23 year sites;
 - f) Ongoing work with relevant hapū, iwi and community for planting sites;
 - g) Further refinement of future planting sites; and
 - h) Set up of monitoring and research frameworks for the programme in partnership with Cities, People and Nature (Waikato University).

FINANCIAL AND RESOURCING IMPLICATIONS

- 83. The LTP 2021-2031 has provided for a 10 year programme of tree planting through Planting our Place. This equates to \$200,000 per year over the 10 years. Thirty thousand dollars per year of this is allocated to the Te Korowai o Tāne grant.
- 84. The 10 year programme of work is being managed through Council's P3M Project Management framework and supported by both Council's Planning and Design team in terms of strategic direction and subject matter expertise and a project manager to deliver the programme.
- 85. Council's Parks Operations Team and a number of our community partners including hapū and iwi are all integrated through various aspects of the programme.
- 86. As outlined in this report, depending on the level of partnership input into the programme and contractor costs through the Planting our Place panel contract for implementation of planting, it is looking likely that we will be able to achieve more of the 34 hectares within the 10 years than previously anticipated.

IMPLICATIONS ASSESSMENT

- 87. 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:
 - a) Council staff have delegated authority for any decisions made;
 - b) 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;
 - c) 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.
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- d) Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan;
 - e) Any decisions made are consistent with the Council's plans and policies; and
 - f) No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or would transfer the ownership or control of a strategic asset to or from the Council.

APPENDICES

Appendix 1 Recent and projected planting sites (ECM 8800601)

Report Details

Prepared By:	Quin Amoores (Open Spaces Planner)
Team:	Planning and Design
Approved By:	Renee Davies (Planning and Design Lead)
Ward/Community:	District-wide
Date:	12 July 2022
File Reference:	ECM 8800602

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

Appendix 1: Recent and projected planting sites

Financial Year	Site	Ha	Catchment Community	Group	Status
Partnerships (Council land and external funding in partnership with others)					
21/22	Te Rewa Rewa riparian	1.2	Waiwhakaiho	Ngāti Tawhirikura	Planting completed Maintenance in progress
21/22	Waiwhakaiho Netball riparian	0.6	Waiwhakaiho	Ngāti Tawhirikura	Planting completed Maintenance in progress
21/22	Rimu Street riparian	0.6	Waiwhakaiho	Ngāti Tawhirikura	Planting completed Maintenance in progress
21/22	Mangapouri Cemetery A	1.2	Waiwhakaiho	Ngāti Tawhirikura	Planting completed Maintenance in progress
21/22	Mangapouri Cemetery B	1.2	Waiwhakaiho	Combined Rotary of Taranaki	Planting in progress
21/22	Centennial Park	tbc	Herekawe	Ngāti te Whiti and Ngāti Tairi	First phase planting completed Maintenance in progress
Planting our Place Funded					
21/22	Gordon Street riparian	.6ha	Waiwhakaiho		Planting completed Maintenance in progress
Other NPDC Projects on Council/Reserve Land					
21/22	Trimble Park Walkway	.05ha	Kurapete		Planting completed Maintenance in progress
21/22	Sub-total	5.45			
Partnerships (Council land and external funding in partnership with others)					
22/23	Mangapouri Cemetery C	1	Waiwhakaiho	Ngāti Tawhirikura	Planning in progress
22/23	Waiwhakaiho rivermouth Islet A	1	Waiwhakaiho	Ngāti Tawhirikura	Planning in progress
22/23	Meeting of the Waters	0.5	Waiwhakaiho	Topec/Ngati Tawhirikura	Planning in progress
Planting our Place Funded					
22/23	Peringa Park wetlands	1.3	Waiwhakaiho	Ngāti Tawhirikura, Ngāti te Whiti, Tuparikino hapū and local community	Planning in progress
22/23	Inglewood Wildlife Res A	1.1	Kurapete / Waitara	Pukerangiora hapū and ETET	Planning in progress
Other NPDC Projects on Council/Reserve Land					
22/23	Tangaroa			Otaraua and Manukorihi hapū	Planning in progress
Others to be confirmed					
22/23	Sub-total	4.9			

Partnerships (Council land and external funding in partnership with others)					
23/24	Waiwhakaiho coastal forest	1	Waiwhakaiho		Planning in progress
23/24	L. Rotomanu riparian	0.5	Waiwhakaiho	Ngāti Tawhirikura	Planning in progress
23/24	Audrey Gale riparian	0.5	Waiwhakaiho	Ngāti Tawhirikura	Planning in progress
Planting our Place Funded					
23/24	Mangaotuku Stream Esp Res	1	Huatoki		Planning in progress
23/24	Egmont Village Right bank	1	Waiwhakaiho		Planning in progress
23/24	Hongihongi SNA margins	0.25	Hongihongi	SNA / heritage funding	Planning in progress
Other NPDC Projects on Council/Reserve Land					
23/24	Tangaroa	tbc		Otaraua and Manukorihi hapū	Planning in progress
23/24	Kāwaroa	.2		Ngāti te Whiti	Planning in progress
Others to be confirmed					
23/24	Sub-total	4.45			
Planting our Place Funded					
24/25	Herekawe Riparian	0.5	Herekawe	Ngāti te Whiti and Ngāti Tairi	
24/25	Balsom Park	1.6	Waiwhakaiho		
24/25	Inglewood Wildlife Res B	2	Kurapete / Waitara	Pukerangiora hapū and ETET	
Other NPDC Projects on Council/Reserve Land					
24/25	Tangaroa	tbc		Otaraua and Manukorihi hapū	Planning in progress
Others to be confirmed					
24/25	Sub-total	4.1			
Planting our Place Funded					
25/26	Te Henui Cemetery	0.2	Te Henui		
25/26	Centennial Park	4	Herekawe	Ngāti te Whiti and Ngāti Tairi	
25/26	Inglewood Wildlife Res C (wetlands and balance)	2	Kurapete/Waitara	Pukerangiora hapū and ETET	
25/26	Upper Mangati Indust. Area	0.7	BellBlock		
Other NPDC Projects on Council/Reserve Land					
To be confirmed					
25/26	Sub-total	6.9			
Total		25.8			

SUPPLEMENTARY REPORT – PURCHASE OF LAND AND BUILDINGS AT 52 WYNYARD STREET, BELL BLOCK

MATTER

1. The matter for consideration by the Council is supplementary information and a decision on the purchase of land and buildings at 52 Wynyard Street, Bell Block currently leased by New Plymouth District Council from the Roman Catholic Bishop of the Diocese of Palmerston North (The Diocese).

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report Council:

- a) **Uplifts the matter of the purchase of land at 52 Wynyard Street, Bell Block, (ECM8698662) from the table**
- b) **Notes that following additional discussion between Council Officers and representatives of the Roman Catholic Bishop of the Diocese of Palmerston North, no practical alternative options have been identified to those already recommended in the previous report (ECM8698662).**
- c) **Approves the purchase of 3,585 square metres more or less being the property at 52 Wynyard Street (Lot 29 DP 14642) for \$1,950,000 (incl. GST if any) funded from reserves.**
- d) **Authorises the Property Manager to conclude negotiations.**
- e) **Notes that the preferred option put forward by the Church was the exchange of 105 Powderham Street for 52 Wynyard Street.**
- f) **Notes that any agreement still requires the approval of the Catholic Church.**

COMPLIANCE	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Uplift the previous report from the table for decision.

COMPLIANCE	
Affected persons	The persons who are affected by or interested in this matter are residents of New Plymouth District, residents of the Housing for the Elderly Units located at 52 Wynyard Street, The Roman Catholic Bishop of the Diocese of Palmerston North and his Parishioners.
Recommendation	This report recommends Option One for addressing the matter.
Long-Term Plan / Annual Plan Implications	Yes
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY

2. This supplementary report summarises additional negotiation between the Property Manager and representatives of The Palmerston North Diocese (the Diocese) following the Council meeting of 8 March 2022.
3. It is recommended that Council uplifts the report laid on the table at the Council meeting on 8 March 2022 and approves the purchase of the land and buildings at 52 Wynyard Street, in order to retain the nine Housing for the Elderly units in Bell Block for long term Council use.
4. Council currently owns the improvements but leases the land from the Diocese. When the lease expires on 31 October 2024, under the terms of the lease, ownership of the improvements will revert to the Diocese. Purchase of the property ensures the future control of these Housing for the Elderly units and caters for a vulnerable sector of our community.

BACKGROUND

Previous report presented to The Council on 8 March 2022

5. At the Council meeting on 8 March 2022, considered a report (ECM8698662) recommending that Council purchase the land at 52 Wynyard Street from the Diocese for \$1,950,000 (including GST if any) and funded from reserves. The purchase price had been determined by independent market valuation dated 11 August 2021. The original report is attached as Appendix One.

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6. The Strategy and Operations Committee and Te Huinga Taumatua endorsed the report but following ongoing discussion between the parties, Council resolved to lay the report on the table and asked the Property Manager to undertake further discussion and negotiation with the Diocese. The Council clearly indicated that the preference of the Diocese, being a land swap of 52 Wynyard Street for the Powderham Street Carpark, would not be considered.
 7. Officers understood that the Council desired the Property Manager to negotiate either;
 - the possibility and terms of a new lease to be entered into on expiry of the current lease in October 2024 (Option 4 considered previously – NPDC and Church agree to a new lease) or;
 - a reduction in the purchase price noting that both parties have invested in the current arrangement and that until the end of the lease in October 2024, the Council still retains (diminishing) ownership of the Housing for the Elderly Units (Option 2 considered previously – Purchase 52 Wynyard Street outright).
 8. Officers also took the opportunity to discuss in more detail how the Diocese might manage the units if ownership reverts to them when the lease ends.

Terms of Reference for discussion between NPDC and the Diocese

9. Both parties desire an outcome that will protect the tenants of the Wynyard Street Housing for the Elderly Units and agree that nothing will be gained by dwelling on the existing agreement. The joint focus should be on identifying a solution.
 10. Both parties acknowledge that they have contributed to the development of the units either by contributing land (the Diocese) or building and maintaining the units (the Council).
 11. NPDC remains committed to providing Housing for the Elderly throughout the district. It recognises there is an aging population and the current waiting list for Housing for the Elderly units shows proven demand for this type of accommodation.
 12. NPDC Housing for the Elderly tenants benefit not only from below market rents, but also the security of tenure that Council offers as landlord. In addition there is pastoral support from the Housing Officer who visits on a regular basis (approximately every six weeks) and organises events such as the garden competition. The three longest term residents of Wynyard Street have lived there since 2002, 2003 and 2006. The most recent residents moved into their units in 2018.
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13. The Diocese supports social housing for the elderly, however, the Diocese does not have the capacity or capability to provide that service. It recognises that NPDC is in a better position to undertake that role.

Consideration of a new lease on expiry of the current lease in 2024 (Option 4 – NPDC and Church agree to a new lease)

14. The report currently laying on the table, identified entering into a new lease as Option 4, but noted that it had not been discussed in great detail. Following the resolution to lay the report on the table, the Deputy Mayor asked Property Officers to discuss this option with the Diocese.
15. Property Officers met with representatives of the Diocese to discuss the possibility of entering in to a new lease at the end of the current lease. The following points were noted;
- The lease has no right of renewal. The Council must negotiate a new lease with the Diocese.
 - The Diocese expects that at the end of the current lease, the improvements will transfer to the lessor (as stipulated by the current lease) and that NPDC will pay a market rental for a new lease of the land and improvements.
16. The Housing for the Elderly Policy states that the Housing for the Elderly Portfolio shall be self funding, however there is an expectation from Councillors that rents will be set at a below market rental (80 per cent of market is always mentioned although not stated in the policy). A below market rent recognises the low fixed income of the elderly tenants and the Council's desire to support social housing for these members of our community.
17. Officers calculated that if the Diocese expected a five per cent rental return on the value of the land and units, annual rent to be paid would be in the order of \$100,000. Considering that the market rent identified in the Telfer Young valuation is in the order of \$103,000, after adding rates, maintenance and management of the units, the total expenses would exceed the income generated.
18. For this reason, the option of a lease has been deemed not practicable by both parties.

Discussion regarding renegotiating the purchase price (Option 2 of the previous report – Purchase 52 Wynyard Street outright)

19. Officers and the Diocese had open and frank discussions regarding the valuation and proposed purchase price of \$1,950,000 which was presented to Council in February 2002.
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20. It was acknowledged that the market valuation obtained, was based on a yield of six per cent and market rents estimated at \$103,000 per annum. Officers asked if the Diocese would consider an offer based on the same yield but the current rental. This would be in the order of \$1,550,000.
 21. Feedback received from the Diocese was that while they appreciate that the Council is not receiving market rents, the Diocese should not be financing the Councils housing for the elderly at its expense. Their opinion is that the Council should consider the difference between the two values (\$1.55m and \$1.95m) as the cost of being in the business of providing Housing for the Elderly.
 22. The Diocese representatives stated their obligation to act under Canon Law. *"Amongst other things, canon law recognises the hard work of those who have gone before us and seeks to protect their legacy for future generations. In this respect, this makes selling assets at a discounted value difficult".*
 23. *"If the Diocese were to consider making what is in effect a donation of a considerable amount, this would be based on diocesan-wide approach which would take into account organisations of communities beyond New Zealand. The Bishop would take a "common good" approach, which would take into account organisations more impoverished than that of the NPDC, and may include consideration of communities beyond New Zealand.*
 24. Officers are mindful that there is currently a "healthy homes upgrade project" underway, which involves installing heat pumps and ventilation in all of the Housing for the Elderly units before the end of this year. The law requires that from 1 July 2024 (or within 90 days of any new tenancy) all residential tenancies are required to fully comply with the healthy home standards.
 25. Because the current lease ends on 31 October 2024, four months after the 1 July 2024 date for compliance under the Residential Tenancies Act, the Council has no choice but to upgrade the units. Including overhead costs incurred for procurement and project management, the estimated cost to upgrade the Wynyard Street units is in the order of \$75,000.
 26. On that basis, Officers asked the Diocese to consider discounting the \$1,950,000 valuation and suggested meeting in the middle at \$1,750,000. The Diocese advised that this would not be possible for the same reasons listed in paragraphs 19 and 20.
 27. Telfer Young who undertook the original valuations have advised; *"Our last report for the property was as at 11 August 2021 with a value of \$1,950,000 inc GST. During the remainder of 2021 the market for residential investment properties saw improvement, but sales activity has slowed in 2022. It is likely that the removal of interest deductibility for residential properties, and the increases in mortgage interest rates, has slowed and softened the market in 2022. **Overall, we consider that value for this property will be unchanged from August 2021.**"*
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Consideration of letting the lease run its course and the Council transferring the assets to the Diocese under the terms of the lease

28. The final option, not fully discussed in the previous report was to let the lease run its course.
29. When asked what its plans might be, the Diocese indicated that if they took ownership of the buildings, they would look to obtain market returns from their investment. Additionally, it advised that whilst it has not sought any formal proposals from other parties, it is anticipated there would likely be other housing providers who could be interested in purchasing the land and improvements, especially due to the additional land available for development. This is something that the Diocese would consider.
30. The General Manager of the Diocese of Palmerston North has stated that the Diocese would prefer to deal with NPDC, although there will come a time at when they will need to start considering their other options and will need to start talking to other parties as the 2024 date gets closer.

Housing for the Elderly Masterplan

31. In 2019, Ardern Peters Architects were commissioned to review the NPDC Housing for the Elderly Assets, to identify opportunities for refurbishment of the existing properties to make them fit for purpose and intensification to increase the number of units available for rent.
 32. The resulting report identified that Wynyard Street, with a large area of vacant land would be key to any masterplan. It has the space for new units to be built, into which tenants could be relocated whilst their own units are refurbished or replaced. As it stands, an additional 12 units could be built on the site. If the Council was prepared to "borrow" land from the rear of the Fred Tucker Hall, there would be space for another 6 units. Given the proven demand for Housing for the Elderly Units, Officers do not wish to lose the opportunity that this additional land provides.
 33. Without certainty of ownership of the Wynyard Street land, it will be difficult to progress a staging plan and detailed financial planning for the masterplan.
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OPTIONS

Option 1 Uplift the previous report from the table for decision

Financial and Resourcing Implications

37. No new financial or resourcing implications have been identified if the previous report is uplifted from the table for decision.

Risk Analysis

38. The longer it takes the Council to reach a decision, the higher the risk that the purchase price will increase and that the Diocese will begin to investigate other partners which could lead to a bidding war. This in turn creates a risk for the Council's ability to continue to provide Housing for the Elderly Units at Bell Block.

Promotion or Achievement of Community Outcomes

39. Uplifting and reconsidering the previous report, will support the community outcomes by confirming the Council's desire to provide Housing for the Elderly units in Bell Block.

Statutory Responsibilities

40. There are no statutory responsibilities directly related to this option.

Consistency with Policies and Plans

41. Uplifting and considering the previous report will ensure consistency with the Housing for the Elderly Policy and the LTP which contemplated purchase of the units.

Participation by Māori

42. No additional consultation has been undertaken in relation to this update report as the options under consideration have not changed from the first report.

Community Views and Preferences

43. It is assumed that the community, and in particular the residents of 52 Wynyard Street, will support the uplifting of the report and a final outcome being determined. They desire continuity in their tenancies.
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Advantages and Disadvantages

44. The advantage of uplifting the report for consideration is that it can be considered by the current elected members, and provide certainty for all parties.

Recommended Option

This report recommends option one – uplift the previous report from the table for addressing the matter.

APPENDICES

- Appendix 1 Report recommending purchase of Wynyard Street presented to the Council meeting on 8 March 2022 (ECM 8698662)

Report Details

Prepared By:	Charlotte Dunning (Property Management Lead)
Team:	Property
Approved By:	Laura Keenan (Property Manager)
Ward/Community:	New Plymouth
Date:	11 July 2022
File Reference:	ECM 8800064

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

PURCHASE OF LAND AT 52 WYNYARD STREET, BELL BLOCK

MATTER

1. The matter for consideration by Council is the purchase of land at 52 Wynyard Street, Bell Block. The land is currently leased by New Plymouth District Council (NPDC) and is the site of nine pensioner housing units owned by NPDC.

RECOMMENDATION FOR CONSIDERATION

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

- a) **Approves the purchase of 3,585 square metres more or less being the property at 52 Wynyard Street (Lot 29 DP 14642) for \$1,950,000 (incl. GST if any) funded from reserves.**
- b) **Authorises the Property Manager to conclude negotiations.**
- c) **Notes that the preferred option put forward by the Church was the exchange of 105 Powderham Street for 52 Wynyard Street.**
- d) **Notes that any agreement still requires the approval of the Catholic Church.**

STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the officer's recommendation.

TE HUINGA TAUMATUA RECOMMENDATION

3. Te Huinga Taumatua endorsed the Strategy and Operations Committee recommendation.

COMPLIANCE	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Exchange of 105 Powderham Street for 52 Wynyard Street. 2. Purchase 52 Wynyard Street outright. 3. Let the existing lease run its course. 4. NPDC and Church agree to a new lease.
Affected persons	The persons who are affected by or interested in this matter are Constituents of New Plymouth District, Property and Business Owners located in the Central Business District, the Roman Catholic Bishop of the Diocese of Palmerston North and his Parishioners.
Recommendation	This report recommends Option 2 for addressing the matter.
Long-Term Plan / Annual Plan Implications	Yes
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY

4. It is recommended that Council approves the purchase of the property at 52 Wynyard Street, in order to maintain the nine Housing for the Elderly units in Bell Block. Council currently owns the improvements but leases the land from the Catholic Church. When the lease expires on 31 October 2024, under the terms of the lease, ownership of the improvements will revert to the Catholic Church.
5. The property has been independently valued at \$1,950,000.
6. Purchase of the land ensures the future control of these Housing for the Elderly units and caters for a vulnerable sector of our community. The next step is to authorise the Property Manager to conclude negotiations at market valuation.

BACKGROUND

7. The Council owns nine residential units situated on leased land at 52 Wynyard Street, Bell Block. These are used for Housing for the Elderly and managed as part of that portfolio.
 8. Prior to constructing these units, the Taranaki County Council (TCC) (one of a number of small local councils amalgamated to become NPDC under the Local Government Reorganisation Order 1989) entered into agreement with the Roman Catholic Bishop of the Diocese of Palmerston North (the Church) to lease an area of land at Bell Block (52 Wynyard Street). The purpose of the lease was to establish a site upon which to construct nine pensioner housing units.
 9. The land in question is an estate in fee simple measuring 3,585 square metres more or less and described as Lot 29 Deposited Plan 14642, record of title TNG3/476.
 10. Under the terms of the lease, the Church being the land owner (the lessor), agreed to lease the land to TCC (the lessee) for a term of 40 years commencing 1 November 1984 at an annual rental of \$1. In return, TCC would bear the entire costs of constructing the housing units including site development and services.
 11. The lease sets out that at expiry (31 October 2024), the land would return to the Church along with full ownership of the buildings and site improvements. That is TCC (now NPDC) would no longer have any ownership/interest in the property. Up until the expiry of the lease, NPDC owns a small but diminishing share of the improvements. A Copy of lease attached as Appendix 2.
 12. With the lease approaching expiry, Council Officers approached Church representatives to ascertain what the Church intended doing with the property once it regained full control. Options that were discussed include:
 - NPDC and the Church agree to a property exchange involving the Church property at 52 Wynyard Street, Bell Block NPDC and the Council carpark at 105 Powderham Street, New Plymouth.
 - NPDC purchases the land and buildings from the Church at valuation.
 - The lease runs its course and the Church simply takes back ownership and management of the housing units.
 - A new lease is entered into whereby NPDC leases both land and improvements from the Church and manages the units as part of Pensioner Housing portfolio.
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13. During discussions the Church's representatives indicated that they did not see the Church having a future role in their 52 Wynyard Street property and noting the pressure on social housing in the District, advised they would be pleased to see NPDC continue to operate these units; through Council ownership.

Brief Housing for the Elderly Portfolio Description

14. NPDC currently has 145 housing units on 24 separate sites located in New Plymouth (93), Bell Block (9), Waitara (18) and Inglewood (25).
15. These range in age with the oldest constructed in 1957 (67 years) and the most recent constructed in 1985 (37 years). Their quality varies; usually reflecting age; with many of the older units being bedsit configuration and often have separate laundry facilities (located in small sheds) and the more modern provided with separate bedrooms with laundry facilities included within the bathrooms.
16. There are nine units located at 52 Wynyard Street, these being the only housing units that NPDC manages in the Bell Block locality. They are single bedroom units and having been constructed in 1985 are some of the most modern of the Council portfolio; noting that no units have been constructed since 1987. The site is generous in size and there is surplus land for additional units if required.





Figure 1 The units from ground level and an aerial of 52 Wynyard Street showing existing units and spare land.

Existing Housing for the Elderly Policy

17. A copy of the existing Housing for the Elderly policy is attached as Appendix 1. Under the heading policy purpose is the statement "*the Council recognises that the number of elderly in the district is increasing and is committed to continuing to provide affordable housing for elderly who meet eligibility requirements*".
18. Other extracts from the current policy that are pertinent to this report are:
 - The Council will maintain the current level of investment allowing for further investment based on the self-funding model.
 - Opportunities to invest in new or existing housing will be considered within the self-funding model.
19. Note this policy is due for review. Acknowledging that the stated purpose for the policy hasn't changed – if anything affordability is a greater concern and demand for the service has increased. The Property Team is of the view that the current policy is still largely fit for purpose.
20. In line with current policy, rents are set annually and are targeted at around 80 per cent of market; with variances attributed to location and the age and quality of the accommodation involved. Rents were last reviewed in March 2021 (but implemented in July 2021). Demand is high with occupancy close to 100 per cent and 50 people on the waiting list.

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21. It is also noted that NPDC has not constructed any new units since 1987 and that the average age of each of the housing units in the portfolio is 49 years. The levels of service provided by these units in terms of quality and amenity value is falling.
 22. In terms of the current policy of looking to maintain levels of service or opportunities to invest in new stock. The Property team has started to look at current stocks and provide details on potential for sale, upgrade or intensification.
 23. Several sites have been identified that could accommodate additional housing units (including the Wynyard Street site if purchased). Also that the physical attributes of a number of the older units no longer meet best practice design or maximise site layout (or both) and consideration might be given to the sale of these units, or alternatively their removal and the use of the site for new replacements.
 24. Further work is required to look at alternatives and the methods of funding and it is intended to provide a second report to Council that reviews options.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

25. This proposal involves purchasing existing housing units that are currently operated as part of NPDC's Housing for the Elderly portfolio. No new or additional carbon emissions are expected.
26. The property is distanced from the coast, reasonably elevated above sea level and not adjacent to any waterways that might be subject to flooding. It is therefore unlikely to be impacted by climate change.

NEXT STEPS

27. The next steps will be for the Property Manager to conclude negotiations with the Church to purchase the property at 52 Wynyard Street, Bell Block at valuation.

SIGNIFICANCE AND ENGAGEMENT

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

Option 1

Exchange of 105 Powderham Street for 52 Wynyard Street

29. When first approached regarding the future of the Wynyard Street site, representatives of the Church responded that they did not see a role for the Church in administering these housing units in the future and preferred instead to see NPDC continue to manage them.
30. As discussions progressed, representatives of the Church expressed a preference for a property swap whereby the housing units at 52 Wynyard Street would be exchanged for the Council's carpark at 105 Powderham Street, with an additional payment of \$250,000 by the Church to NPDC to achieve an equality of exchange.
31. Both properties have been independently valued; the housing units at 52 Wynyard Street at \$1,950,000 and the carpark at 105 Powderham Street at \$2,200,000.
32. The Church's interest in the carpark stems from its close proximity to St Joseph's Church; located opposite the carpark in Powderham Street. The Church has indicated that if it acquires the carpark, it would continue to make the carpark available to the public during week days; but saw benefit in having parking spaces available for the Church's parishioners over public holidays and weekends.



Figure 2 St Joseph's Church highlighted in Green, NPDC Powderham Street carpark highlighted in Red.

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33. The Powderham Street carpark is located within easy walking distance of the City Centre and is also within close proximity to community services such as the Police Station, the Courthouse, social and health services and religious venues. This carpark provides a total of 62 carpark spaces of which 46 are leased permanently and 16 on a metered basis. There are currently 43 potential applicants on the waiting list for a leased carpark should any become vacant. Parking income collected from the site over the last financial year grossed \$81,600.
 34. It may be possible to negotiate an arrangement whereby future use of the site remains as public car parking for a set period or set hours (or both), however this is not recommended. The land has been valued based on highest and best use which is likely to be re-development rather than car parking. Imposing restrictions on the future of this site's use is likely to have a detrimental impact on value.
 35. Discussions to date have been on a church representative to Council Officer level. Both parties have made it clear if agreement can be reached on terms, then formal approval would still be required from the Board of the Church and elected members. Other terms include:
 - A period of 30 days for the Church to carry out due diligence on the overall viability of the property and also being satisfied that the property is fit for its intended use.
 - That if the Church's purchase of NPDC's carpark proceeds, so too does the purchase by NPDC of the Church's property at 52 Wynyard Street.

Financial and Resourcing Implications

36. If Council adopts this option and the properties and agreements pass due diligence, then the exchange of these properties is cost positive for NPDC with the difference in value amounting to \$250,000 in the Council's favour.
 37. There is also the sum of \$1.3 million in the Long-Term Plan (LTP) for the 2022/23 year for the purchase of the 52 Wynyard Street property. If payment is to be by way of a property exchange, this financial allocation will no longer be required.
 38. If the Powderham Street carpark is sold, the budgets that record income from the parking facilities will need to be adjusted for the reduction in income. Last year this carpark grossed \$81,600.
 39. In terms of a resource, NPDC would lose 62 carpark spaces that are currently available to the public. These may still be available but sourced privately.
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Risk Analysis

- 40. The carpark is on the fringe of the Central Business District and services a mix of community, religious and business interests; of note are the Salvation Army, St Joseph's church, the Court House and Police Station. Any prior talk of removing or changing on-street car parking in the locality has resulted in deputations to Council. Any suggestion of sale of this carpark is likely to spark interest and objection.
- 41. Although the Church has indicated that it intends continuing the use of the property at 105 Powderham Street as a carpark, this is not guaranteed. It may be possible to covenant the land for ongoing use as a carpark, but the land has been valued on the basis of highest and best use – effectively redevelopment and restriction on its use is likely to have a detrimental impact on the value.
- 42. The terms of purchase of NPDC's carpark by the Church includes a period to carry out due diligence investigations (30 working days) on the overall viability of the property. It is to the Church's sole discretion of being satisfied that the property will be fit for intended use. Even if the Council decided that the land exchange was the preferred option, the Church may yet decide not to proceed.
- 43. The nine Housing for the Elderly units are the only such facilities that the Council owns and/or administers in the Bell Block locality. If Council does not take the opportunity to acquire these units, then the closest units are in Fitzroy. Bell Block is arguably the fastest growing residential area in New Plymouth and residents may feel aggrieved if they thought Council was not looking after their interests.

Promotion or Achievement of Community Outcomes

- 44. Providing affordable well located accommodation for the elderly assists a vulnerable sector of the community.
 - 45. NPDC has not altered its stock of pensioner housing since 1987. In the interim, the population has grown and average age increased and on that basis it could be argued that the level of service has diminished over time. If Council was to relinquish the lease and return the housing units to the Church, service levels would fall further. Purchasing the property at 52 Wynyard Street, maintains existing levels and could also provide an opportunity to develop additional units on the land in the future if required.
 - 46. Providing carparks on the fringe of the business district provides a resource that is in demand from the public and well utilised. The location also matches the proposals outlined in the [Ngāmotu New Plymouth City Centre Strategy](#) where the long term goal is to remove cars from the town centre to a number of parking hubs at the corners of the City.
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Statutory Responsibilities

47. The disposal of the public carpark at 105 Powderham Street will trigger an investigation of the offer back requirements under Section 40 of the Public Works Act. If the exchange is the preferred option, then any agreement may need to be conditional upon either obtaining a clearance or determining that Section 40 does not apply.

Consistency with Policies and Plans

48. The purchase of the housing units at 52 Wynyard Street is consistent with the LTP with funds allocated in the 2022/23 year anticipating the purchase.
49. The possible sale of the council carpark located at 105 Powderham Street is inconsistent with the proposed City Centre Strategy. The Strategy suggests purchasing (not disposal) of areas for carparks on the central fringe as a method of encouraging removing vehicles from the city centre and helping it become more pedestrian friendly.

Participation by Māori

50. The two properties fall within different hapū rohe; with the Powderham Street referred to Ngati Te Whiti and Wynyard Street to Puketapu. Letters outlining the proposed land purchase or land swap, along with the historic land titles for each property were sent to each hapū asking for feedback prior to the agenda closing date. There was some email discussion and clarification between NPDC, Te Atiawa and Ngati Te Whiti, but no formal response has been received from either hapū at this time.

Community Views and Preferences

51. From recent delegations to the Council on the issues of car parking, the business community has signalled that they would like to maintain public parking in the vicinity of 105 Powderham Street to at least current levels.
52. Access to the Council's Housing for the Elderly, is tested on age and assets. As such it provides a service that caters to a vulnerable part of our society that might otherwise struggle to find suitable accommodation. The size of the waiting list reflects the need.

Advantages and Disadvantages

53. One advantage in Option 1 is that the purchase of the housing units at 52 Wynyard Street can be achieved without initial capital outlay. It secures the long term future of this property for Housing for the Elderly under Council control.
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- 54. Purchase of 52 Wynyard Street in its current format also acquires additional vacant land that could be developed for further housing units; used for some joint venture development or sub-divided and disposed of to recoup capital.
 - 55. The Church has indicated that it intends to continue using 105 Powderham Street as a public carpark, but at times for the sole benefit of its Parishioners. The provision of private parking would enhance the facilities available, but only if this was in addition to public car parking already available. To achieve this, and to complete part of the City Centre Strategy, NPDC would need to acquire additional land for car parking and meet the cost of forming the same.
 - 56. The sale of the carpark takes away an existing public amenity which is contrary to the proposed parking policy outlined within the City Centre Strategy and the action is liable to incur public criticism. It is for these reasons that the exchange of land is not the preferred option within this report.

Option 2

Purchase 52 Wynyard Street Outright

- 57. This option recommends that the Council authorise the Property Manager to negotiate and complete the purchase of the property at 52 Wynyard Street at valuation.
- 58. The deal that has been discussed with the representatives of the Church has been an exchange of properties. While the Church representatives have a preference for this option, they have also advised that if NPDC is unwilling to sell the Council carpark, then they would consider an option for NPDC to simply acquire the Wynyard Street property as a standalone transaction.

Financial and Resourcing Implications

- 59. The property has a valuation (dated August 2021) of \$1,950,000. The Church has accepted this figure for the purposes of the exchange.
 - 60. The LTP has the sum of \$1.3 million set in the 2022/23 year to cover the purchase. The Housing for the Elderly reserves currently sit at \$2.25 million.
 - 61. The Housing for the Elderly budget regularly produces a surplus that varies from year to year depending on the level of capital work planned. For the year ending June 2021 the surplus was \$253,000.
-

Risk Analysis

62. The nine Housing for the Elderly units are the only such facilities that the Council owns and/or administers in the Bell Block locality. If Council does not take the opportunity to acquire these units, then the closest units are in Fitzroy. Bell Block is arguably the fastest growing residential area in New Plymouth and residents may feel aggrieved if they thought Council was not looking after their interests.

Promotion or Achievement of Community Outcomes

63. See Option One.

Consistency with Policies and Plans

64. The purchase of the Housing units at 52 Wynyard Street is consistent with the LTP with funds allocated in the 2022/23 year to cover the purchase.

Participation by Māori

65. See Option One.

Advantages and Disadvantages

66. The purchase of 52 Wynyard Street in its current format acquires a 3,585 square metres piece of land with potential to build additional units on the undeveloped portion of the land. Other future opportunities could include a joint venture development or sub-division and disposal to recoup capital.
67. It secures the long term future of this property for Housing for the Elderly and retains Council control.

Option 3**Let Lease Run its Course**

68. Under this option NPDC simply lets the lease on 52 Wynyard Street run its course. At the expiry of the lease term (31 October 2024), the land would return to the Church along with full ownership of the buildings and site improvements.
69. The leases and tenants would also transfer to the Church; however subject to the requirements of the Residential Tenancy Act, the Church would be free to administer these units as they saw fit. There is no guarantee that the Church would continue to rent the units to elderly tenants in the future.
-

Financial and Resourcing Implications

- 70. The LTP has the sum of \$1.3 million set in the 2022/23 year to cover the purchase. If the Council decides not to purchase and simply lets the lease run its course, the funding will not be required and will stay in the Housing for the Elderly Reserve. The Housing for the Elderly reserves currently sit at \$2.25 million
- 71. With a reduction of nine units from the total portfolio, there will be some adjustments to both the income and expenses within the Housing for the Elderly general budget.

Risk Analysis

- 72. The nine Housing for the Elderly units are the only such facilities that Council owns and/or administers in the Bell Block locality. If Council does not take the opportunity to acquire these units, then the closest units are in Fitzroy. Bell Block is arguably the fastest growing residential area in New Plymouth and residents may feel aggrieved if they thought Council was not looking after their interests.

Promotion or Achievement of Community Outcomes

- 73. Release of these units would mean that the Housing for the Elderly portfolio would reduce by nine units (from 145 to 136) and NPDC would no longer provide this service in the Bell Block locality.

Participation by Māori

- 74. See Option One.

Community Views and Preferences

- 75. See Option One.

Advantages and Disadvantages

- 76. Letting the lease run its course and returning the housing units to the Church takes away the opportunity to secure an existing housing facility along with additional land to expand. NPDC would no longer have a housing presence in Bell Block.
 - 77. Under this option, NPDC would save capital funds that could be directed towards constructing additional new housing units at other locations.
-

Option 4 NPDC and Church Agree to a New Lease

- 78. At the expiry of the current lease, the Church would become the owner of not just the land but also all of the improvements located at 52 Wynyard Street. If a new lease was entered into, NPDC would effectively take on the role of managing these units; paying a rental to the Church and on charging the tenants for the rent and other overheads.
- 79. While this concept has been included in meetings to date, it has not been discussed in any detail. Further it was not the preferred option of either party; both recognising the complexities of negotiations necessary to finalise a deal that both could work with. Issues such as responsibility for maintenance, below market rents and ensuring tenant welfare raised the risk of either one or both parties achieving either a nominal or possibly negative return from their investment/inputs.
- 80. The Church's representatives have also indicated that should this option be the one finally adopted, then the Church would most likely opt to subdivide and retain the vacant land at the rear of the Wynyard Street property.

Financial and Resourcing Implications

- 81. This has not been analysed at this point in time and will depend upon the terms of lease negotiated. Ideally the balance of costs should be in favour of NPDC as the risks associated with variable items such as vacancy levels, escalating costs and future changes to the Residential Tenancy Act are likely to lie with the Council.

Risk Analysis

- 82. The risk would largely hinge around the terms of lease. In discussions, the Church representatives commented that they didn't see rental housing as their core business. They currently have a saleable asset and under normal prudent management could be expected to look for a fair return.
 - 83. The demographics of the tenants (elderly) and Council's policy on affordable rents, places pressure on total income achieved from the property and this could lead to conflicting outcomes when negotiating the head lease between the Church and NPDC. With uncertainty over costs of operations and regulatory requirements moving forward, either or both could end up subsidising the end user.
 - 84. The Church has indicated that if it was to enter into a new lease, it would likely sub-divide off the surplus land on site. This would mean that NPDC would no longer have control of the area. It could also mean a use of the surplus land that might not be compatible with elderly housing tenants.
-

Promotion or Achievement of Community Outcomes

85. See Option One.

Participation by Māori

86. See Option One.

Community Views and Preferences

87. See Option One.

Advantages and Disadvantages

88. Under this option, NPDC would save capital funds that could be directed towards constructing additional new housing units at other locations.

89. Any new development on surplus adjoining land may not be compatible with use of housing units as accommodation for the elderly.

90. Lease terms are unknown therefore NPDC may end up subsidising this facility because of costs. The current policy is a self-funding model.

Recommended Option

This report recommends Option 2 for addressing the matter – purchase 52 Wynyard Street outright.

APPENDICES

Appendix 1 Housing for Elderly Policy (ECM7245408)

Appendix 2 Copy of Lease (ECM1501659)

Report Details

Prepared By:	Charlotte Dunning (Property Management Lead)
Team:	Property
Approved By:	Laura Keenan (Property Manager)
Ward/Community:	New Plymouth
Date:	11 January 2022
File Reference:	ECM8698662

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

GRANT OF AN AIRSPACE LEASE TO RYDER GROUP LIMITED – ROBE STREET, NEW PLYMOUTH

MATTER

1. The matter for consideration by the Council is the grant of an airspace lease to Ryder Group Limited to authorise the company's encroachment of the airspace, above the legal road comprising part of Robe Street, New Plymouth.

RECOMMENDATION FOR CONSIDERATION

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

- a) **Notes that the New Plymouth District Council Bylaw 2008, (as amended and re-adopted in 2014) under Part 5 'Public Places', Paragraph 10 'Encroachments on Public Places' number 2(a) and (b), provides that no person may encroach on a public place unless that person has obtained, in this case, an airspace lease and paid applicable fees, and further notes that Section 341 of the Local Government Act 1974 authorises the grant of air space leases.**
 - b) **Resolves to grant an airspace lease for a term of 50 years, pursuant to Section 341(1) (a) of the Local Government Act 1974, to Ryder Group Limited (the Applicant) over approximately 16.8m² "more or less" of airspace, over part Robe Street. The airspace encroachment of the proposed buildings are the eaves and window screenings. Final lease terms will be subject to;**
 - **Final survey on completion of the build.**
 - **The lease being registered against the adjoining land titles (currently TNF4/1358 & TNC1/1223) secured by way of a Memorandum of Encumbrance.**
 - **The applicant meeting all legal costs and paying an annual market rental calculated and reviewed in accordance with the approved current fees and charges, and**
 - **All Council consents being granted.**
 - c) **Notes a separate lease will be prepared by Waka Kotahi (NZTA) for the approximate 20.6m² "more or less" airspace over Powderham Street (SH45) under authority of Waka Kotahi (NZTA).**
 - d) **Delegates authority to the Property Manager to finalise the terms and conditions of the airspace lease.**
-

STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the officer's recommendation.

TE HUINGA TAUMATUA RECOMMENDATION

3. Te Huinga Taumatua endorsed the officer's recommendation

COMPLIANCE	
Significance	This matter is assessed as being of some importance
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Recommended: Approve the grant of an airspace lease to Ryder Group Limited consistent with the requirements of Public Places Bylaw. 2. Not Recommended: Decline the grant of an airspace lease to Ryder Group Limited.
Affected persons	The persons who are affected by or interested in this matter are the owners of the property. The proposal does not impede public road use or access so the wider community is not affected by the proposal.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	There are no cost implications on either the LTP or Annual Plan.
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY

4. This report recommends that the Council grant an airspace lease of 16.8m² more or less of airspace above the surface of legal road reserve comprising part Robe Street to Ryder Group Limited (the Applicant) to authorise the occupation of the company's buildings eaves and aluminium window screenings. The annual rental for an airspace lease is set out in the NPDC Fees and Charges and shall be reviewed at three yearly intervals following rateable revaluations.
5. An Encroachment Licence application has also been lodged by the applicant with Waka Kotahi for the overhanging eaves and window screenings along the Powderham Street (SH45) portion of the development.

BACKGROUND

6. The Applicant owns the land on which the proposed building is to be constructed on the corner of Powderham and Robe Streets (19-23 Robe Street). The existing building on the site, a large villa, will be removed to allow development.



Figure 6: Location Map

7. The applicant proposes to construct two new buildings on the site. One that will run along the Powderham and Robe Streets corner (north building) and one that will sit at the rear of the site (south building). The north building will be three storeys and have six commercial units at the ground level with six residential units above.



Figure 1: Artists Impression of Development – Powderham / Robe Streets Corner. Commercial at Ground Floor level with Apartments above

8. The building to the rear will be two storeys high and consist of five attached residential dwellings. It is slightly set back from the boundary so will have no encroachments. A vehicle entrance is shown entering the site on the western boundary off Robe Street leading to an 8- bay carpark in the centre of the site.



Figure 2: Residential Apartments at the rear of the site – viewed from the interior carpark

9. The current design includes the construction of eaves and 3 x aluminium window screens on the north building that will occupy airspace above Robe Street. The eaves encroachments extend a maximum of 550mm into Robe Street a total of approximately 13m² "more or less" (subject to final survey). Refer to Figures 3 and 5.



Figure 3: First and Second Floor Encroachment of window screens (highlighted) on the North Building

10. The window screens extend a maximum of 500mm a total of approximately 3.8m² "more or less", (subject to final survey). Refer Figures 4 and 5.

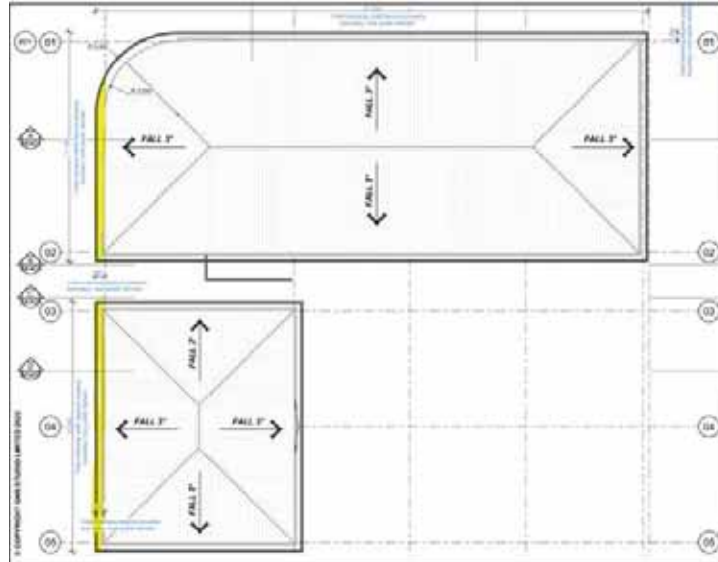


Figure 4: Eaves Encroachment (highlighted) on the North Building



Figure 5: Robe Street Elevation of the North Building showing Eaves and Screen encroachments

11. Robe Street is local road vested in the ownership and control of the New Plymouth District Council (NPDC) as defined in Section 316(1) of the Local Government Act 1974.
12. The NPDC Transportation Team has reviewed the application and are supportive of the airspace encroachments, the overhanging eaves are not extensive and do not obstruct public use access or raise any safety concerns.

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13. Applications for airspace leases are considered under the Local Government Act 1974 and are a requirement in terms of the 2008 Public Places Bylaw on Road Encroachments (as amended in 2014). The annual rent for all private encroachments over Council land or road airspace are calculated under the Annual Plan fees and Charges. It will be set as the higher of the following;
- a) Minimum rental \$250 per annum; or
 - b) Market rental valuation: or
 - c) Rental using rating land value calculated on the following basis;
 - i) Establishing a dollar rate per square metre using rating land value of applicant's adjoining property (dividing the land value by the area of the section).
 - ii) Calculating the floor area of a structure to be occupied and apply to the dollar rate.
 - iii) Calculating the floor area.
 - iv) Calculating value of (c) by 6.5 per cent for the annual ground rental plus GST.
14. The Applicant applied for a resource consent for land use and subdivision on 6 May 2022. This is still in the early stages of processing. At the time of writing this report a building consent has yet to be applied for. Granting an airspace lease will be subject to those consents being approved.
15. There will also be encroachments onto the airspace on Powderham Street (eaves 15m² "more or less" and window screens 5.6m² "more or less", being a total of 20.6m² final measurements subject to final survey), however Powderham Street is State Highway and under the control of Waka Kotahi. The applicants have made an application to Waka Kotahi for an encroachment.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

16. The proposal has little or no effect on climate change beyond the carbon effects of the construction. The activities on the land are consistent with surrounding area commercial and residential activities and would not impact on climate change.
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NEXT STEPS

17. The Applicant will meet all legal costs involved with the drafting and execution of the lease, and pay an annual rental. The annual rental will be calculated in accordance with the Council's current Fees and Charges Schedule, this will be determined once the final survey plan is completed by the applicants surveyor and will be subject to a rent review every three years. The Applicant will also be responsible for any charges imposed separately by Waka Kotahi.
18. Subject to Council approval and the additional conditions being met, Officers will instruct a lawyer to draft an airspace lease for execution. The lease will then be registered as an annexure to a Memorandum of Encumbrance Instrument against the Applicant's Record of Land Titles (currently TNF4/1358 & TNC1/1223).
19. The Memorandum of Encumbrance registered against the title of the property secures the obligations of the lessee pursuant to the Deed of Lease. The Memorandum of Encumbrance will bind successors in title if the property transfers in ownership in the future.

SIGNIFICANCE AND ENGAGEMENT

20. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because the issue of an airspace lease is consistent with past air space lease approvals granted under Section 341 of the Local Government Act 1974. In this particular case the overhanging eaves and canopies above the road are not extensive and do not obstruct public use or access of Robe Street.

OPTIONS

Option 1

Approve the grant of an airspace lease to Ryder Group Limited consistent with the requirements of Public Places Bylaw

Financial and Resourcing Implications

21. The Applicant will meet all legal costs for the preparation and execution of the airspace lease, and Encumbrance Instrument registration, and pay the calculated annual rental.

Risk Analysis

22. There are no known risks related to this option. The Licence will not be entered into if building and resource consents are not granted.
-

Promotion or Achievement of Community Outcomes

23. This option meets the Community outcome of Prosperity by providing the Applicant certainty of legal occupation and exclusive use of the airspace. It appears to be an attractive development and is expected to create vibrancy within the CBD and provide additional residences within the CBD.

Statutory Responsibilities

24. Robe Street is local legal road vested and under control of the New Plymouth District Council as defined in Section 316(1) of the Local Government Act 1974.
25. The Council is empowered under the statutory provisions of Section 341 of the Local Government Act 1974 to grant an air space Lease over legal road and to exercise its obligations in terms of the requirements of the Bylaw on Public Places.

Consistency with Policies and Plans

26. This option is consistent with the Blueprint Key Directions of Growth – Direct a cohesive growth strategy that strengthens the city and township. It also aligns with and promotes the moves within the Ngamotu City Centre Strategy.

Participation by Māori

27. Officers advised Ngāti te Whiti Hapū and Te Atiawa Iwi of the application on 11 May and sought their consideration of the proposal for airspace encroachment request. The purpose of engagement was to check that there was nothing relating to the land that Officers were not aware of.
28. After a reminder from Council Officers (30 May), Te Atiawa sought clarification on whether a resource consent was required for the proposal and sought a copy of any consent. The applicant had lodged a resource consent and Council officers forwarded a copy to Ngāti Te Whiti Hapū and Te Atiawa Iwi on 6 June 2022.
29. At the request of Ngāti te Whiti Hapū and Te Atiawa Iwi, Council officers sought explanation from the applicant why the eaves and aluminium screening needed to be located over the boundary. The applicant advised that that moving the buildings would result in tighter car parking area which may not work. Council officers provided this response to the Ngāti te Whiti and Te Atiawa.
30. Council officers sent a further reminder to Ngāti te Whiti and Te Atiawa on 22 June. No response has been received to date.

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31. The private building development does not obstruct public use, access or recorded waahi tapu. The overhanging eaves and screening are of low significance. The issue of an airspace lease is in accordance and consistent with past approvals and set policy. The application will be subject to all required consents (resource and building) being granted.

Community Views and Preferences

32. The public rights are not affected by the grant of an airspace lease consultation is not required ahead of any decision. Overhanging eaves and canopies above the road are of low significance, these are common place within the CBD and do not present any issues.

Advantages and Disadvantages

33. Advantages
- Provides the Applicant with certainty of legal occupation and exclusive use of the airspace
 - Provides revenue to Council in the form of ongoing rental.
 - Meets the Legal requirements under legislation and is consistent with past Council approvals to grant air space leases and the Bylaw on Public Places for Road Encroachments.
34. Disadvantages
- No disadvantages have been identified with this option.

Option 2

Decline the grant of an airspace lease to Ryder Group Limited

Financial and Resourcing Implications

35. There are no financial or resourcing implications

Risk Analysis

36. There is a risk if this application is declined that the eaves and window screens will need to be removed and the overall finish and design of the building compromised.
-

Promotion or Achievement of Community Outcomes

37. Declining the application does not promote or achieve any community outcomes nor provide for the exercise of statutory powers provided to Council to grant an airspace lease.

Statutory Responsibilities

38. The Council has an obligation to exercise its statutory powers in a way that meets the current and future need of communities through the performance of regulatory functions in a way that is most cost effective for households and businesses.

Consistency with Policies and Plans

39. To decline the application is not consistent with the Blueprint objective of promoting growth and industry or the Ngamotu City Centre Strategy to promote and facilitate city living.

Advantages and Disadvantages

40. There are no advantages to this option.
41. Disadvantages
- The Applicant would be deprived of the right to hold leasehold security over the airspace surface above legal road occupied by the eaves and window screens of their building.
 - Eliminates a revenue stream to NPDC in the form of rental.
 - Would not be consistent with past grants by the Council of airspace leases.
 - Would not be in keeping with Council's statutory powers and Council obligations under the Public Places Bylaw

Recommended Option

This report recommends option 1 for addressing the matter

Report Details

Prepared By: Janice Caldwell (Property Lease Officer)
 Team: Property
 Approved By: Laura Keenan (Property Manager)
 Ward/Community: New Plymouth
 Date: 28 June 2022
 File Reference: ECM 8767735

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

GRANT OF AN AIRSPACE LEASE TO W.R. PHILLIPS LIMITED – DEVON STREET WEST, NEW PLYMOUTH

MATTER

1. The matter for consideration by the Council is a recommendation that an airspace lease be granted to W.R. Phillips Limited to authorise the company's encroachment of the airspace, above the legal road comprising part of Devon Street West, New Plymouth.

RECOMMENDATION FOR CONSIDERATION

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

- a) **Notes that the New Plymouth District Council Bylaw 2008, (as amended and re-adopted in 2014) under Part 5 'Public Places', Paragraph 10 'Encroachments on Public Places' number 2(a) and (b), provides that no person may encroach on a public place unless that person has obtained, in this case, an airspace lease and paid applicable fees, and further notes that Section 341 of the Local Government Act 1974 authorises the grant of air space leases.**
- b) **Resolves to grant an Airspace Lease for a term of 50 years, pursuant to Section 341(1) (a) of the Local Government Act 1974, to W.R. Phillips Limited over 11.5m² of airspace, over part Devon Street West that is occupied by the company's canopies.**
- c) **Resolves to approve the reciprocal agreement between W.R. Phillips and New Plymouth District Council which acknowledges NPDC will grant an airspace lease to W.R. Phillips for an annual rental of \$1 if demanded for a term of 50 years while NPDC's flashings encroach over W.R. Phillips property.**
- d) **Delegates authority to the Property Manager to finalise the terms and conditions of the airspace lease and agreement.**

STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the officer's recommendation.

TE HUINGA TAUMATUA RECOMMENDATION

3. Te Huinga Taumatua endorsed the officer's recommendation

COMPLIANCE	
Significance	This matter is assessed as being of some importance
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: Recommended: Approve the grant of an airspace lease to W.R. Phillips Limited consistent with the requirements of Public Places Bylaw. Not Recommended: Decline the grant of an airspace lease to W.R. Phillips Limited.
Affected persons	The persons who are affected by or interested in this matter are the owners of the property. The proposal does not impede public road use or access so the wider community is not affected by the proposal.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	There are no cost implications on either the LTP or Annual Plan.
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY

- This report recommends that the Council grant an airspace lease for 11.5m² above the legal road reserve comprising part Devon Street West to W.R. Phillips Limited (the Applicant) to authorise the occupation of the company's building canopies at an annual rental of \$1 (if demanded) in a reciprocal agreement that allows New Plymouth District Council (NPDC) to retain building flashings between the Govett-Brewster Art Gallery/Len Lye Centre and W.R. Phillips Subaru showroom.

BACKGROUND

- Devon Street West is local road vested in the ownership and control of the NPDC as defined in Section 316(1) of the Local Government Act 1974.
- Applications for airspace leases are considered under the Local Government Act 1974 (consistent with past approvals) and are a requirement in terms of the 2008 Public Places Bylaw on Road Encroachments (as amended in 2014). The annual rent for all private encroachments over Council land or road airspace are calculated under the Annual Plan fees and charges.

7. The applicant owns the property at 158 Devon Street West, New Plymouth (Lot 4 & 5 DP 4784). NPDC owns the Govett-Brewster Art Gallery/Len Lye Centre (GBAG/LLC) at 136 Devon Street West which adjoins the applicants property.
8. NPDC has a flashing between the GBAG/LLC and a showroom/workshop owned by the applicant (shown in figure three). The flashing covers an area that is difficult to access for maintenance and it protects both buildings from water and debris. There is no formal agreement between the parties for the flashing.
9. On 6 July 2009 NPDC and the applicant entered into a Street Encroachment Licence for Airspace of canopies at 158 Devon Street West (shown in figures one and two). The encroachment is for an area of 11.5m² with an annual fee of \$390 plus GST. The licence has no defined term, rather it can be terminated by either party and can be withdrawn immediately if the encroachment is no longer considered acceptable. This licence is still current.



Figure one.



Figure two. The five canopies



Figure three. The flashings between Len Lye and the showroom

Background for Flashing

10. During the construction of the Len Lye Centre (around 2012), a flashing was installed over a gap between the western side fire wall across the property boundary over a small showroom on W.R. Phillips land. NPDC has been unable to locate any correspondence relating to an agreement to install the flashing across the boundary.
11. In 2019 the applicant applied for a building consent (BC19/125697) for an expansion and vertical extension to their existing Subaru showroom/workshop. This Subaru showroom/workshop is directly next door to the GBAG/LLC.
12. The existing flashing (installed around 2012) between the two buildings was removed to construct a higher roof for the new Subaru showroom/workshop, leaving a narrow gap, which is difficult to access for maintenance and open to water and debris to collect.
13. At this point the applicant became aware that the Council building had previously been flashed across the boundary onto their property and as they could not recall granting permission for the flashing; they did not believe that they were responsible for debris or water ingress in the gap.
14. At a meeting between NPDC and the applicant on 18 November 2019 it was agreed that NPDC would install an apron flashing over the gap between the two buildings at NPDC's cost and that ongoing maintenance would be the responsibility of NPDC. At this point, discussions occurred on the possibility of waiving the annual street encroachment fee in consideration for the encroachment of the flashing.

Background for Street Encroachment Licence for Airspace

15. During negotiations it was established that a 5 year lease was not acceptable as they wanted a lease with a longer term that aligned with the reciprocal rights being granted to Council
 16. In consideration of the fee waiver, NPDC sought to have a Memorandum of Encumbrance registered on the applicants Freehold Record of Title giving NPDC permanent rights to encroach on their land (and binding successors in title to that land).
 17. The applicant preferred not to have their title encumbered permanently without being given the same rights for their airspace lease.
 18. The 2009 street encroachment has no end date and can be cancelled at any time. Because the airspace encroachment is over road reserve it can be granted a lease for an extended period but cannot be given a lease in perpetuity.
-

Conclusion and Recommendations

19. The flashing is an important protection for the GBAG/LLC over an area that is difficult to access for maintenance and repairs if needed. NPDC is currently encroaching on private property without any formal agreement with the owners.
20. The applicant has signed the agreement, which provides that the fee for the airspace lease be reduced to \$1 if demanded and gives similar rights as NPDC. The agreement is subject to Council approval.
21. The Memorandum of Agreement is on the basis:
 - That while the flashings are encroaching on the applicants' land that the fee for the airspace lease will be \$1 annually if demanded.
 - That if either structure is no longer required, both parties undertake to negotiate in good faith to find a solution to suit the other party for the remaining structure.
22. The Memorandum of Agreement includes a provision that if the Subaru showroom/workshop is removed that the applicant or their successors will allow NPDC sufficient time to undertake works on the GBAG/LLC building to ensure the building is well maintained so that flashings may no longer be required. NPDC will undertake to have this work completed as soon as practicable and without delay.
23. Should the flashings no longer be required by Council, the parties have agreed that the annual rental payable under the airspace lease will be reviewed to market rent with a right to renew the rental as per NPDC's policy.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

24. There are no known climate change implications for this airspace lease, there is no change to the current status of the flashings and canopies.

NEXT STEPS

25. Subject to Council approval, officers will fulfil the statutory responsibilities and complete the transaction. The current Airspace Lease will then be terminated.

SIGNIFICANCE AND ENGAGEMENT

26. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because the issue of an airspace lease is consistent with past air space lease approvals granted under Section 341 of the Local Government Act 1974. In this particular case the overhanging canopies above the road are not extensive and do not obstruct public use or access of Devon Street West.

OPTIONS

Option 1

Recommended: Approve the grant of an airspace lease to W.R. Phillips Limited consistent with the requirements of Public Places Bylaw

Financial and Resourcing Implications

27. Through existing budgets NPDC will cover the legal fees for this transaction. This is because if it weren't for the flashings on the GBAG/LLC building the status quo would remain and a new lease would not be required.
28. Legal fees will include the drafting of the agreement and the registration of the encumbrance. We will also cover the reasonable legal fees for the applicant to have the agreement reviewed by their lawyer.
29. The annual rental of \$390 will be waived in consideration for NPDC's encroachment on the applicants land.

Risk Analysis

30. There are no known risks related to this option.

Promotion or Achievement of Community Outcomes

31. This option meets the Community outcome of Prosperity by providing the Applicant certainty of legal occupation and exclusive use of the airspace.

Statutory Responsibilities

32. Devon Street West is local legal road vested and under control of the New Plymouth District Council as defined in Section 316(1) of the Local Government Act 1974.

-
33. The Council is empowered under the statutory provisions of Section 341 of the Local Government Act 1974 to grant an air space Lease over legal road and to exercise its obligations in terms of the requirements of the Bylaw on Public Places.

Consistency with Policies and Plans

34. This option is consistent with the Ngāmotu New Plymouth City Centre Strategy – With land and people together, our city centre thrives for all. Whakaora, living in our city.
35. This lease legalises NPDC's flashing over the Len Lye Centre which covers an area that is difficult to access for maintenance and it protects the building from water and debris.

Participation by Māori

36. Officers advised Ngāti Te Whiti Hapū of the application and provided all relevant information. The purpose of engagement was to check that there was nothing unknown relating to the land that Officers were not aware of.
37. A letter was sent to Ngāti te Whiti Hapū via email 31 May 2022, Hapū were invited to comments if they had any. A response from Ngāti te Whiti was received 22 June 2022, they advised they have no issues with the proposal as they feel there are no negative affects to the area.

Community Views and Preferences

38. Public rights are not affected by the grant of an airspace lease, consultation is not required ahead of any decision. Overhanging eaves and canopies above the road are of low significance, these are common place within the CBD and do not present any issues. The proposed long term lease is replacing an existing licence, with no changes to the encroachment or the encroachment area.

Advantages and Disadvantages

39. **Advantages**

- Provides the Applicant with certainty of legal occupation and exclusive use of the airspace
- Provides for the Len Lye Centre to be waterproofed
- Meets the Legal requirements under legislation and is consistent with past Council approvals to grant air space leases and the Bylaw on Public Places for Road Encroachments.

40. **Disadvantages**

- No disadvantages have been identified with this option.

Option 2

Not Recommended: Decline the grant of an airspace lease To W.R. Phillips Limited

Financial and Resourcing Implications

41. There are no financial or resourcing implications

Risk Analysis

42. There is a risk if this application is declined that the applicant may require NPDC to remove the flashings we have over private land.

Promotion or Achievement of Community Outcomes

43. Declining the application does not promote or achieve any community outcomes nor provide for the exercise of statutory powers provided to Council to grant an airspace lease

Statutory Responsibilities

44. Council has an obligation to exercise its statutory powers in a way that meets the current and future need of communities through the performance of regulatory functions in a way that is most cost effective for households and businesses.

Consistency with Policies and Plans

45. To decline the application is not consistent with the Blueprint objective of promoting growth and industry

Advantages and Disadvantages

46. **Advantages**

- No Advantages.

47. **Disadvantages**

- The Applicant would be deprived of the right to hold leasehold security over the airspace surface above legal road occupied by the canopies of their building.
-

- The flashing is an important protection for the GBAG/LLC, if the airspace and reciprocal agreement is not approved, the applicant could insist on the removal of the encroaching flashing over their property.
- Would not be consistent with past grants by the Council of airspace leases.
- Would not be in keeping with Council's statutory powers and Council obligations under the Public Places Bylaw

Recommended Option

This report recommends option 1 for addressing the matter.

APPENDICES

Appendix 1 Current Street Encroachment Licence for Airspace Lease (ECM 834646)

Report Details

Prepared By:	Dee Jury (Property Team)
Approved By:	Laura Keenan (Property Manager)
Ward/Community:	City
Date:	1 June 2022
File Reference:	ECM 8778689

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

ID 014955
Deed 2009/101

DATED

6th July 2009

BETWEEN

COPY

NEW PLYMOUTH DISTRICT COUNCIL

"the Council"

AND

WR PHILLIPS LTD

"the Licensee"

**STREET ENCROACHMENT
LICENCE**

THIS LICENCE made the 6th day of July 2009

BETWEEN THE NEW PLYMOUTH DISTRICT COUNCIL a body corporate pursuant to the Local Government Act 1974 (hereinafter called "the Council") of the one part

AND the party described in the Schedule hereto as the Licensee (hereinafter called "the Licensee") of the other part

WHEREAS the Licensee occupies the land described in the Schedule hereto (hereinafter called "the property")

AND WHEREAS the land located adjacent to the property is vested in the Council as street reserve (hereinafter referred to as "the street reserve")

AND WHEREAS the Licensee wishes to occupy part of the street reserve

NOW THEREFORE THIS DEED WITNESSETH:

The Council so far as it may legally do DOTH HEREBY PERMIT AND ALLOW the Licensee, subject to the agreements, covenants, conditions and stipulations hereinafter appearing, to use, occupy and enjoy that portion of the street reserve as outlined and shaded on the plan annexed hereto PROVIDED ALWAYS AND IT IS HEREBY COVENANTED AND AGREED AND DECLARED by and between the parties hereto as follows:

1. THIS licence shall commence on the commencement date provided in the Schedule hereto and shall continue in force until determined under any of the provisions hereunder.
2. PRIOR to commencement of the licence, the Licensee shall confer with and obtain the Council's approval to the planned use of and layout of the licence area. There shall be no interference to the features, fixtures and furniture of the street.
3. THE Licensee may use the street reserve for the permitted use as provided in the Schedule hereto and shall not call upon the Council to contribute in any way towards any construction or maintenance costs relating to such purpose or otherwise.

4. THE Licensee shall give due consideration to the protection of any existing or future services on or under the street reserve and shall be responsible to make good any damage caused to such services during the term of this licence where such damage is occasioned by the Licensee's occupation of the street reserve.

5. THE Licensee shall use the street reserve entirely at the Licensee's own risk in every respect and the Council shall have no liability for any damage or loss suffered in respect of the street reserve or any improvements thereon to the Licensee or any other person.

6. THE Licensee shall indemnify the Council against all damage to the Council's property or loss of any kind sustained by the Council or, any third party by the Licensee's use, occupancy and enjoyment of the street reserve and the Licensee shall observe and comply with all by-laws of the Council from time to time affecting the street reserve and the improvements thereon.

7. THE Licensee shall be responsible for all maintenance of the street reserve described within this licence and all improvements made thereto and shall do all such works in connection therewith as shall be required from time to time by the Council to the satisfaction of the Council and shall keep the street reserve clear of all noxious weeds.

8. THAT except as herein expressly provided in the Schedule hereto the Licensee will not erect, or cause to be erected, on or upon the street reserve any building, erection, excavation, fence or any obstruction of whatever nature.

9. IN consideration of the Council granting this licence the Licensee shall pay the licence fee provided in the Schedule hereto being payable annually in advance on demand by the Council commencing with a first payment on the commencement date of this licence. Notwithstanding the foregoing the Council may at any time, upon giving to the Licensee not less than one (1) month's notice in writing, increase the licence fee and such increase shall apply as from the effective date nominated in such notice being a date not earlier than twelve (12) months from the commencement of this licence.



10. IF at any time the Licensee disposes or attempts to dispose in any way of its interest in the property the Licensee shall:

- a) Immediately notify the Council in writing of such disposition;
- b) Include in the agreement, deed or document evidencing such disposition a suitable drafted clause whereby the proposed disposee:
 - i) Acknowledges receipt of a copy of this Licence;
- c) Subject to the Council agreeing to grant a licence to any proposed disposee as aforesaid, the Licensee shall remain liable for payment of all monies and for the performance of all obligations owed pursuant to this Licence until such time as such disposee has executed and delivered the said replacement Licence to the Council (but without prejudice to any other rights or remedies of the Council against the Licensee for any antecedent breach of the terms of this Licence).

11. IF at any time:

- a) The licence fee is not paid within 7 days of the due date; or
- b) The Licensee breaches any provision in this Licence; or
- c) The Licensee shall be declared bankrupt (if an individual) or the Licensee shall have a receiver appointed or go into liquidation (if a company); or
- d) The Licensee disposes of its interest in the property; or
- e) The Council gives the Licensee one (1) month's notice in writing of its intention to determine this licence for any reason it thinks fit,

then the Council may immediately determine this licence without further notice, and without prejudice to any other rights or remedies of the Council, and the Licensee shall yield and deliver up to the Council free and unrestricted possession of the street reserve.



12. SUBJECT to meeting all the conditions of this licence the Licensee can terminate this licence without the payment of compensation upon giving the Council one month's notice in writing of its intention to do so; PROVIDED HOWEVER that this clause does not absolve the Licensee from any of its responsibilities contained within this licence (including clauses 13 and 14 below).

13. IN the event that either party should exercise its option to cancel this Licence the Council may consider reimbursing part of the licence fee (for the unused period); PROVIDED HOWEVER that the licence fee retained is sufficient to pay any costs, charges and expenses (including goods and services tax) incurred by the Council in relation to the preparation, execution and stamping of this Licence.

14. UPON the Licensee yielding up and delivering such possession to the Council, the Licensee will if required by the Council remove all the Licensee's fixtures and fittings made by it on or upon the street reserve and make good at the Licensee's own expense all resulting damage.

15. SHOULD the Licensee fail to yield and deliver up possession of the street reserve in the manner provided herein the Council may at any time thereafter enter upon the street reserve and resume possession thereof without being liable in any way whatsoever to the Licensee for the payment of compensation, damages, consideration or other allowances to the Licensee AND the Licensee shall immediately upon demand pay to the Council any expenses incurred by it in carrying out the powers conferred upon the Council by this clause.

16. NOTHING in these presents shall operate as a demise of the street reserve or give or be construed to give the Licensee any interest in the street reserve or any part thereof.

17. NOTHING in these presents shall operate to allow the Licensee to use the street reserve to gain access to or from any Limited Access Road unless such access is gained at a registered crossing place designated and approved by the Council from time to time.

18. NOTHING in these presents shall be construed to prejudice the rights of the Council, the Crown or any other authority having jurisdiction to enter upon the street reserve for the



purposes of installing, maintaining, repairing, removing or otherwise dealing with any existing or future facilities or service over, upon or under the street reserve or for any other lawful purpose whatsoever.

19. ANY notices to be served upon the parties shall be served at the relevant address for service as provided in the Schedule hereto.

20. THE licensee shall maintain the shop facade at their own risk and shall indemnify and save harmless and keep indemnified the Lessor from and against all costs, claims, expenses, damages, actions and proceedings whatsoever in connection with the misuse or abuse of the airspace within the Road Reserve.

21. BECAUSE this licence would approve the location of the shop façade this agreement is for the existing Lessee of the property. Upon sale of the property, the Lessee is required to advise the Council of the new Lessee's name and date of occupation. Upon application the Council will reissue the new Lessee with a new encroachment licence in accordance with the **attached** Plans.

22. THE licensee shall check with all service providers that no utility is within the encroachment area. If a utility is within this area, the licensee shall obtain a signed letter of approval from that utility confirming that the proposed structure will not conflict with that utility's operation, maintenance or upgrading. Other than roading infrastructure, service and utilities have priority for accommodation on the road reserve. Should future works or maintenance be required, no claim for compensation will be considered.

23. IN consideration of the council granting the licence, the licensee shall obtain all necessary building and resource consent if required.

24. THE licensee shall be responsible for making good any damage during and after construction of the existing footpath on arising from any works, and the licensee will pay on demand to the council any expenses incurred in rectifying the damage.

25. IN consideration of New Plymouth District Council granting the licence evidenced by these present, the licensee agrees to pay annually to New Plymouth District Council prior to



the issue of a licence and on or before each annual anniversary date thereafter the sum of three hundred & ninety Dollars plus GST (\$390.00) plus GST, provided New Plymouth District Council shall have the power to review the amount of such payment. If at any time the activity proves to be inappropriate, approval will be immediately withdrawn for the street encroachment.

IN WITNESS WHEREOF these presents were executed the day and year first hereinbefore written.

Peter Handcock
Manager Property Assets
New Plymouth District Council

MANAGER PROPERTY ASSETS

SIGNED by the Licensor
in the presence of

S J CORLETT
PROPERTY OFFICER
NEW PLYMOUTH DISTRICT COUNCIL
NEW PLYMOUTH

SIGNED by the Licensee
in the presence of

W. T. Hine

New Plymouth

PAUL PHILLIPS

Paul Phillips

SCHEDULE

Licensee: WR PHILLIPS LTD

Licensee's Property: 158 Devon Street West
NEW PLYMOUTH 4601

Legal Description: LOT 4 DP 4784

Property ID No: 14955

Commencement Date: 22/06/2009

Permitted Use: Air space lease for shop facade

Licence Fee: \$390.00 plus GST
(See attached sheet for details of calculation)

Licence Area: See plan attached

Address for Service:

a) **For the Licensor** At its offices at Liardet Street, New Plymouth.

b) **For the Licensee:** PO Box 161
NEW PLYMOUTH 4615



STREET ENCROACHMENT LICENCE

CALCULATION OF ANNUAL CHARGES FOR WR PHILLIPS LTD
NO ASSOCIATIONS OF TRADING NAME ARE LINKED TO THIS APPLICATION

Valuation Land Value (revision date <<AttDate1>>)		\$2,070,000
Legal Description : LOT 4 DP 4784		
Area of Land within Roll Valuation Assessment		6111m ²
Zoning		commercial
Value of Land Adjacent to Road Reserve \$ per m ²	$\frac{\$2,070,000}{6111m^2} =$	\$339/m ²
Proposed Area of Encroachment	=	11.5m ²
Encroachment Charges Based on Commercial and Industrial Policy		
11.5m ² x \$339.00	=	\$3900
@ 10% per annum	=	\$390.00
TOTAL FEE		<u>\$390.00 (plus GST)</u>





APPLICATION TO GRANT AN EASEMENT (IN GROSS) IN FAVOUR OF WAKA KOTAHI – NZ TRANSPORT AGENCY (CROWN) UNDER THE RESERVES ACT 1977 - OVER PART MANUKORIHI RESERVE RECREATION RESERVE (AS ADMINISTERING BODY)

MATTER

1. The matter for consideration by the Council is an application for stormwater easements (in gross) over part Manukorihi Park recreation reserve. The decision is to be made in two parts:
 - a) A decision by the Strategy and Operations Committee acting in its capacity as the administering body under Section 48 of the Reserves Act 1977 to recommend the grant a registered easement (in gross) in favour of the Crown (Waka Kotahi –NZ Transport Agency) over the parcels of recreation reserve comprising the of the locations below.

1. Reference	2. Title
A	Section 1 SO 12409
B	Part Lot 13 DP 1409
C	Part Section 96 Waitara East DIST
D	Part Section 18 Waitara East DIST
E	Part Section 96 Waitara East DIST



Figure 1

- b) A subsequent decision by the Council to approve the granting of the easement (in gross) acting under the authority that has been delegated to the Council pursuant to a blanket "Instrument of Delegation for Territorial Authorities signed by the then Minister, Hon Dr Nick Smith MP on 12 June 2013". This decision is the subject of a separate report (ECM 8800455).

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report Council:

- a) **Notes that Waka Kotahi - NZ Transport Agency seeks the granting of an easement (in gross) over public recreation reserve to allow construction and maintenance of a new stormwater swale and construction of the Interceptor stormwater pipe to the Waitara River. The swale (locations A – D) is required for the conveyance and treatment of surface stormwater from the proposed Princess St State highway Roundabout project. The interceptor pipe conveys flood flows from the Upper Waitara Catchment and discharges adjacent to the SH3 Waitara Bridge (location E). The cost of construction is covered in an existing agreement with Waka Kotahi, with the ongoing maintenance costs met by Waka Kotahi.**
- b) **Notes that the Reserves Act 1977 in a two-step statutory process provides that the administering body of a reserve may grant easements in the case of reserves vested in the administering body with the consent of the Minister of Conservation on such terms as the Minister thinks fit. The Minister has delegated decision-making powers to territorial local authorities and that delegation cannot be sub-delegated.**
- c) **Notes that Waka Kotahi – NZ Transport Agency currently discharges surface stormwater from SH3 into an existing drainage channel along the edge of the sports field. To meet increased capacity and provide surface water treatment, Waka Kotahi – NZ Transport Agency proposes to install a new treatment swale (Location A – D), adjacent to the existing drain, explicitly for dealing with the Princess St Roundabout stormwater.**
- d) **Note that the Interceptor pipe construction outlet (location E) is for conveyance of Flood flow from the Upper Waiari Catchment.**
- e) **Notes that an easement can be granted without the requirement to publicly notify under Section 48(3) where the granting of an easement will not materially alter or permanently damage the reserve, and the rights of the public using the Recreation Reserve will not be permanently affected as in this particular case.**

- f) **Acting in its capacity as the administering body under Section 48(1) (f) of the Reserves Act 1977 approve the recommendation to grant registered stormwater easements in favour of the Crown (Waka Kotahi – NZ Transport Agency) over recreation reserve comprising the Manukorihi Park (Record of Titles 841968, 846586, TNH3/970, 841966), shown in areas A, B, C, D & E of Bloxam Burnett & Oliver easement plan – 147000-00B-0725, subject to:**
- i) **Exemption to publicly notify under Section 48(3) as grant meets statutory criteria.**
 - ii) **Easement in perpetuity (with sunset clause if no longer required in the future).**
 - iii) **That the Property Manager be delegated to approve the location, terms and conditions of the easement instrument.**
 - iv) **That all costs in association with formalising the easement are to be paid for by Waka Kotahi, - NZ Transport Agency including (but not limited to) legal fees and survey fees.**
 - v) **That a consideration for the easement (one off easement fee) be assessed at market value.**
- g) **Notes that the recommendation of the administering authority to grant an easement is subject to the approval by the Minister under section 48(1) (f) of the Reserves Act 1977, which has been delegated to the Council pursuant to "Instrument of Delegation for Territorial Authorities signed by the then Minister, Hon Dr Nick Smith MP on 12 June 2013". This approval will be considered in a subsequent report.**

STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the officer's recommendation.

WAITARA COMMUNITY BOARD RECOMMENDATION

3. The Waitara Community Board endorsed the officer's recommendation.

TE HUINGA TAUMATUA RECOMMENDATION

4. Te Huinga Taumatua endorsed the officer's recommendation

COMPLIANCE	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 5. Recommended: The Council acting in its capacity as the administering body to recommend the grant a registered easement (in gross) in favour of the Crown (Waka Kotahi – NZ Transport Agency (Waka Kotahi)) under the Reserves Act 1977 over part of the Manukorihi Reserve. 6. Not Recommended: The Council acting in its capacity as the administering body declines to recommend the granting of an easement in favour of the Crown (Waka Kotahi) under the Reserves Act 1977 over part of the Manukorihi Reserve.
Affected persons	The persons who are affected by or interested in this matter are Local Hapu & Iwi, Manukorihi Park users, Waitara Soccer Club, Te Kōwhatu Tū Moana Trust, St Highway 3 users and Waka Kotahi. It is not envisaged that the public or users of the reserve will be disrupted by either the installation of the stormwater pipe or construction of or existence of the permanent swale resulting from granting the consequential easement rights.
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

- Waka Kotahi and Council are currently undertaking roading and stormwater works in the vicinity of the Princess Street and SH 3 intersection at Waitara. For efficiency, Waka Kotahi has accelerated the construction of the interceptor pipeline (ahead of construction of the roundabout).

-
6. Waka Kotahi has applied to Council for the grant of an easement through part of Manukorihi Park Reserve, Waitara, for the treatment and conveyance of stormwater from:
 - a) The new State Highway Princess St roundabout.
 - b) Flood flows from the upper Waiari Catchment via an Interceptor Pipe
 - c) While there is a minor existing stormwater drainage through Manukorihi Reserve, Council officers recommend the granting of the easement to formalise the increased drainage capacity.

BACKGROUND

7. Waka Kotahi have accelerated construction of the interceptor pipe, which forms part of the new roundabout at Princess St and SH3, on the outer edge of the Waiari catchment area and need to provide stormwater drainage for the roundabout. To resolve flooding issues Waka Kotahi are proposing to install a combined stormwater diversion pipeline from Rahiri St, along SH3 to the Waitara River. Refer Figure 2. Tender documents for construction of the roundabout will be released in the next few months with construction expected to start in early 2023.
8. The combined diversion pipeline would intercept flood flows from the NPDC residential catchment, as well as conveying stormwater from the roundabout and discharge it to the Waitara River. The pipe would be sized to carry the flood flows and climate change events. Once installed, the diversion pipeline would also provide a discharge point for future NPDC stormwater projects.
9. Construction of one pipeline only, rather than one for each entity (the roundabout and Upper Waiari) offers cost saving benefits and limits disruption to the community. As part of the combined associated stormwater network improvements, it is proposed to jointly construct a stormwater interceptor pipe underneath State Highway 3 heading south towards the Waitara River. Once the State Highway pipe daylights adjacent to Manukorihi Park, it is proposed to direct water flows (normal operating level) through a pipe to a newly constructed stormwater treatment swale, located in the north eastern corner of the park (locations A – D Figure 1).

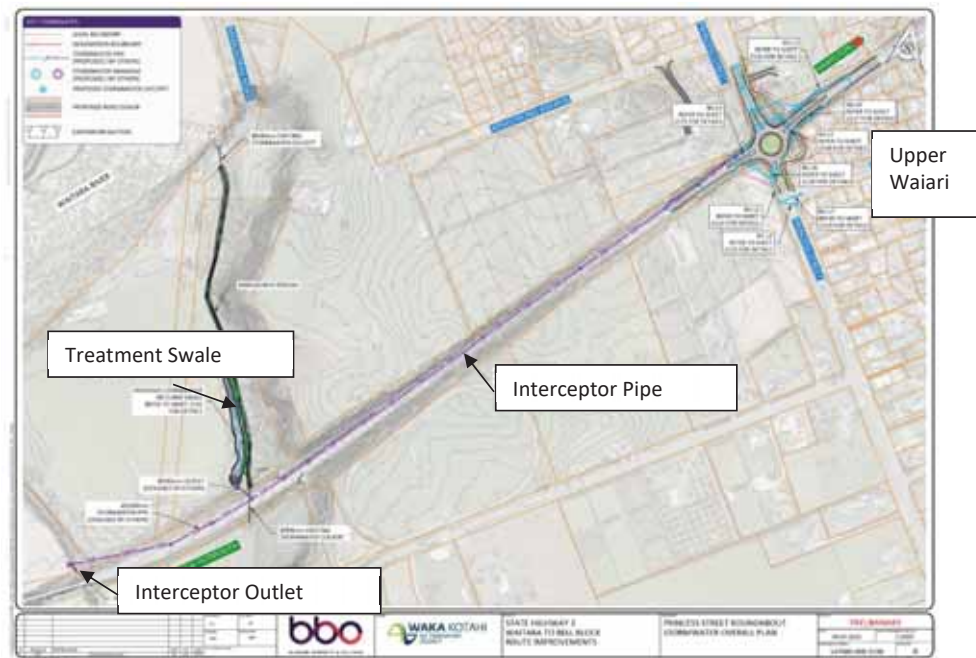


Figure 2

10. The new stormwater treatment swale (sketch below Figure 3) will be located in an area of the reserve currently occupied by a series of existing buried field drains. These will be incorporated into the new swale.

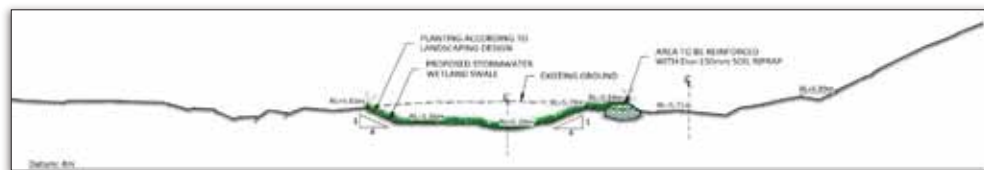


Figure 3

11. The proposed stormwater improvements will not encroach onto the operational area (soccer fields) of the park.
12. The accompanying interceptor stormwater outfall will be located next to the State Highway 3 Waitara River Bridge (location E). It will ensure that stormwater from Upper Waiari Catchment can be appropriately disposed of in a safe and effective manner and resolve the flooding and lack of stormwater treatment that currently exists in the locality.

Manukorihi Reserve

13. Manukorihi Reserve comprises the following land parcels, held in four separate Freehold Record of Titles. The Council is the registered owner.

Legal Description	Record of title	Status	Waitara Lands Act
Part Section 96 Waitara East District	841968	Vested in Council and held as reserve for recreation purposes.	Council option property
Part Lot 13 DP 14009	846586		
Section 1 SO 12409	TNH3/970		
Part Section 18 Waitara East District	841966	Vested from the Crown and held in trust as reserve for recreation purpose	Crown purchase property

14. Manukorihi Recreation Reserve is subject to the New Plymouth District Council (Waitara Lands) Act 2018 (the Act). Te Kōwhatu Tū Moana (TKTM) have notified the Council of its interest in accepting transfer of Title ownership of the three Council options titles.
15. The Act (section 11) provides for the transfer of the land to TKTM as registered owner, subject to the Council remaining as the administering body of the land as recreation reserve by way of vesting subject to the Reserves Act 1977.
16. Section 11(4) of the Act provides for the protection of any existing infrastructure (whether or not owned by the Council), including protection by registrable interest. The easement would be registered prior to any transfer of the recreation reserve to enable the Council to act as both Grantor and Grantee.
17. Council is considering the grant of an easement (in gross) under the Reserves Act 1977. Waka Kotahi could alternatively seek to acquire the legal interest of an easement (in gross) under the Public Works Act 1981 as the work to be undertaken is a Crown public work.
18. Manukorihi Park Recreation Reserve is subject to the Approved 2012 Sports Park Management Plan ([Section 22](#)). The Management Plan is operative until supplanted by a new Joint Management Plan under the Act 2018. The current proposal is not contrary to the management plan objective that the reserve be managed as open space as a sports park for public use and enjoyment.
19. Waka Kotahi is established as a Crown Entity under the Crown Entities Act 2004, and is constituted under the Land Transport Management Act 2003, administering state highway road in accord with the Government Powers Roading Act 1989.

No Impact on Existing Reserve Uses

20. The treatment swale is located approximately 30 metres from the nearest football field to avoid any conflict with the utilisation of the field or sporting activities or movement of the spectators, consistent with open recreation reserve the use is not affected.

Existing Services Within the Reserve

21. NPDC owns an existing watermain within the reserve, supplying a fire hydrant and potable water supply to the soccer clubrooms.
22. Waka Kotahi discharge existing SH3 surface water to the existing drainage channel on the northern side of the field. Use of the reserve to dispose of stormwater from SH3 is historic (since bypass formed mid 1980's) and is not formalised by way of an easement.

The benefit of the easement

23. An easement formalises the use of the reserve by Waka Kotahi and sets out the rights and obligations associated with the use.
24. The new treatment swale will "clean" surface stormwater from the roundabout, dealing with contaminants before discharge into the existing drainage channel, then into the Waitara River. The location of easement A-D cover this area (refer Figure 1).
25. The easement also authorises location of a pipe to convey flood flow via the interceptor pipe, from the Upper Waiari catchment to discharge adjacent to the SH3 Waitara Bridge, reducing the amount of regular flooding events in the catchment area and allowing NPDC to meet Levels of Service and Protection for houses. The location of easement E covers this area (refer diagram page 1 of this report).

Costs Associated with and purchase of the Easement Rights

26. The total Waka Kotahi project value for the stormwater works only is capped at eight million dollars. NPDC's agreement with Waka Kotahi is to fund 50% of that (circa four million maximum), which is to be allocated via the LTP Waitara Stormwater 10 year programme.
27. Waka Kotahi is required to pay all costs associated with the formalising of the easement. These include, but are not limited to, the easement application fee, valuation fees, easement compensation and legal and survey fees.

Terms of Registered Easement

28. While the easement would be granted in perpetuity, there will be a sunset clause enabling the Council to terminate the easement if it is no longer required for the purpose granted.
29. Council officers recommend that the Property Manager be delegated authority to approve other conditions, including Waka Kotahi's access (width of easement corridor) to the easement area for maintenance.

Statutory Provisions

30. The land is subject to the Reserves Act 1977 and granting services easements is consistent with the provisions of Section 48 of that Act.
31. Council Officers do not have authority to grant an easement over reserve land, therefore this report seeks Council's approval to create an easement in favour of the applicant. However, because the Council is acting in both the capacity as the administering body considering and recommending the grant of an easement and in a ministerial capacity to approve the grant of an easement there needs to be a transparent separation in the roles.
32. This report provides a recommendation for the Council acting as Adminstrating Authority. Final decision making will be carried by resolution of Council acting under the Instrument of Delegation noted earlier in this report.
33. Waka Kotahi have lodged resource consent for stormwater discharge with Taranaki Regional Council.

Public Notice Exemption

34. Section 48(3) of the Reserves Act 1977, provides that public notice shall not apply in case where:
 - a) The reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and
 - b) The rights of the public in respect of the reserve are not likely to be permanently affected.
35. Council officers believe that the effects on the reserve, based on the location of the easement, will be negligible and will not affect the public use of the reserve. Therefore public notice is not required.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

36. Climate change has the potential to increase the frequency and intensity of storm events over time. The proposed stormwater system is designed to accommodate potentially more frequently occurring flood events; with normal weather events moving through the treatment Swale.

NEXT STEPS

37. If approved, Council officers will advise Waka Kotahi that the works can be undertaken. A survey will be undertaken for Land Transfer Easement Plan and the easement will be finalised and registered.

SIGNIFICANCE AND ENGAGEMENT

38. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because there is little impact on the wider district. The easement enables drainage for a Waka Kotahi safety improvement project, the Princess St Roundabout, and provides NPDC drainage to alleviate flood flows noted and allowed for in the LTP (Waitara Stormwater Project).
39. The proposal does not impact on the Council's statutory purpose or obligations but will enable the Council to meet levels of protection and service requirements at several locations in the Upper Waiari Catchment.
40. The applicant has consulted with Te Ātiawa Iwi and Manukorihi and Otaraua hapū. , Consultation details are discussed further in the report.

OPTIONS

41. There are two reasonably practicable options:

- | | |
|----------|---|
| Option 1 | (Recommended) The Council acting in its capacity as the administering body grant a registered easement (in gross) in favour of the Crown (Waka Kotahi – NZ Transport Agency) under Section 48(1) (f) of the Reserves Act 1977 over part of the Manukorihi Park Reserve. |
| Option 2 | (Not Recommended) The Council acting in its capacity as the administering body declines the grant of an easement (in gross) in favour of Waka Kotahi – NZ Transport Agency under Section 48(1) (f) of the Reserves Act 1977 over part of the Manukorihi Park Reserve. |

The two options have been assessed together below (or earlier in this report).

Financial and Resourcing Implications

- 42. There are minor resourcing implications for Council in granting the easement. Waka Kotahi will cover all costs involved with registering the easement and pay a one off fee based on a market valuation.
- 43. Waka Kotahi will be responsible for ongoing maintenance costs.
- 44. Not granting the easement will cause significant cost implications for the wider project as an alternative discharge option would need to be determined. Construction of the interceptor mains is already underway. Costs incurred to date for the current alignment of the pipework, design, construction, consenting and resourcing will be lost. The total cost of scheme is approximately 8 million dollars, of which approximately 50 per cent has been spent. Re-design would require additional funding from both Waka Kotahi and Council (50/50 split).

Risk Analysis

- 45. Approval of the stormwater easements by the Council ensures that the correct statutory process is followed and creates no risk to the Council.
- 46. Without approval from the Council, Waka Kotahi (NZT Agency) and Council cannot discharge stormwater to the park or the Waitara River, rendering current designs and construction redundant. An alternative scheme would need to be identified. Any alternatives would require some easements.
- 47. Any delays expose the Upper Waiari community to further flooding whilst another option is sought.

Promotion or Achievement of Community Outcomes

- 48. The proposed easement allows for infrastructure works that contribute to the Community outcomes of Delivery, Community, Partnerships and Sustainability. The works will:
 - a) Allow safe and treated conveyance of surface water from Princess St Roundabout.
 - b) Assist in alleviating flooding in the Upper Waiari Catchment.
 - c) Visually enhance a portion of Manukorihi Park.

Consistency with Policies and Plans

49. The General Policies for Council Administered Reserves adopted in 2006, sets the conditions for granting of easements through such reserves which have been considered in the preparation of this report. The easement is required for projects approved in the Long-Term Plan.

Participation by Māori

50. Waka Kotahi have been proactively engaging with the Kaitiaki Forum. This forum was established for the Waitara to Bell Block roading program and consists of a group of Hapū with mana whenua along the Waitara to Bell Block corridor and who are organised under the umbrella of Te Kotahitanga o Te Atiawa. Waka Kotahi, New Plymouth District Council and the Kaitiaki Forum meet monthly and have been doing so since late 2020.
51. The Kaitiaki Forum considered the stormwater disposal options, and determined a preferred option, on 22 February 2022. A copy of the meeting notes are attached Appendix 1. Council officers tabled a concept design for the stormwater outfall a subsequent meeting on 19 April 2022. The Forum expressed general support for the design. Waka Kotahi continue to engage with the Kaitiaki Forum on a monthly basis and will be fully involving its members in the project over the months and years ahead.
52. Council officers met with Te Kōwhatu Tū Moana on 21 July 2022. The response to that consultation is detailed in Appendix 2 – Te Kōwhatu Tūmoana decision paper.

Community Views and Preferences

53. The community has not been consulted on the granting of the easement. The size and location of the stormwater swale aligns with the feedback from Council reserves staff that this location would avoid any conflicts with the existing sports fields.
54. In addition, there has been community support for the construction of the roundabout and the Waitara Stormwater upgrade programme.

Advantages

55. The proposed easement will facilitate infrastructure which will:
- a) Provide treatment for stormwater from the roundabout project.
 - b) Provide flood flow diversion to the Waitara River.
 - c) Provide for replanting of vegetation and creation of ecological habitat for native species around the new swale.
-

- d) Prevent a requirement for expensive fish passage structures.
- e) Completion of part of the LTP requirements to provide stormwater reticulation upgrades within Waitara, increasing the level of service in the Rahiri St area.

Disadvantages

- 56. Declining the application for an easement will result in increased costs for stormwater re-design, delays to the Waka Kotahi and Council's programmes as construction of the interceptor main pipe is underway.
- 57. There may not be enough capacity in the current pipe to sustain such a major design change.
- 58. The proposed Waka Kotahi roundabout project is delayed, whilst a revised stormwater solution is designed. This lengthens the time the community are exposed to a dangerous intersection that has previously claimed lives.

Recommended Option

This report recommends **Option 1 - Grant a registered easement (in gross) in favour of the Crown (Waka Kotahi) as the only practicable option** for addressing the matter.

APPENDICES

Appendix 1 Kaitiaki Forum meeting notes 22 February 2022 (ECM 8991103)

Appendix 2 Te Kōwhatu Tūmoana – Decision paper (ECM 8807187)

Report Details

Prepared By:	Scott Ryan (Senior Infrastructure Project Manager)
Team:	Planning & Infrastructure Projects
Approved By:	Andrew Barron
Ward/Community:	North Ward, Waitara Community
Date:	5 July 2022
File Reference:	ECM 8798193; PID 1010; 1015; 2944

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

Minutes

Waitara to Bell Block

147000

Kaitiaki Forum #009

22 February 2022

5.00pm

Online - Teams



5

Invitees	Organisation	Attendance
Donna Eriwata (DE)	Otaraua Hapū	Present
Rawinia Ngohe	Otaraua Hapū	Present
Anaru White (AW)	Pukerangiora Hapū	Present
Kura Niwa	Pukerangiora Hapū	Present
Geoff White (GW)	Manukorihi Hapū	Present
Mawhaturia White (MW)	Manukorihi Hapū	Present
Kris Marsh (KM)	Ngāti Rahiri Hapū	Present
Gina Blackburn (GB)	Te Kotahitanga o Te Atiawa Trust	Present
Sarah Mako (SM)	Te Kotahitanga o Te Atiawa Trust	Present
Lynette Hunt	Tihei	Present
Rangi Kipa	Tihei	Present
Kris March	Ngāti Rahiri Hapū	Present
Sarah Trinder	Puketapu Hapu	Present
Theresa Patu	Puketapu Hapu	Present
Vallance Wrathall	Puketapu Hapu	Present
Chris Dawson (CD)	BBO	Present
Maclean Hastie (MH)	BBO	Present
Paras Monga (PM)	BBO	Present
Chris Nally (CN)	Waka Kotahi	Present
Mahara Okeroa	Waka Kotahi	Present
Mark James	NPDC	Present
Tracey Mitchell	NPDC	Present
Scott Ryan (SR)	Mt Messenger Alliance	Present

The meeting was opened with a Karakia by Anaru White.



Item	Discussion	Action	Date
1	Apologies		
1.1	Jeremy Gibbons, Constantionos Fokianos – BBO Sean Zieltjes – Consultant to Atiawa Chantelle Myer – Leading Taranaki Recruitment Sarah Giles – Waka Kotahi Ben Melvin – NPDC Anaru Wilkie - Puketapu Hapu Gina Blackburn - Te Kotahitanga o Te Atiawa Trust Fern Brand		
2	Alliance Stormwater Interceptor (Chris Nally, Scott Ryan)		
2.1	- Site progress is good, just installed manhole #4, have laid 130 m of SW pipe and 3 manholes, weather delays have had a small impact. Dewatering and sediment controls are working well. - Detour route is working well, feedback is being taken on board, flows on detour is working well. Operating well with schools returning recently. - Comms in person by Calvin is functioning well and keeping in regular contact with local businesses and people.		
3	Cultural Impact Assessment & Cultural Design Framework (Sarah Mako & Rangi Kipa)		
3.1	- Sarah advised that CIA has been finalised and signed off and will be forwarded to Waka Kotahi shortly. - Lynette Hunt (Tihei) explain the Cultural Design Framework and a programme for the project. Shared the project approach document. - Rangi advised that the focus has been on Princess St with no focus on the other 3 sites. Whare Matangi – darts along the route from Motunui to Waitara River. Action: Rangi to circulate cultural design discussion document to Kaitiaki Forum. - Discussion was held about understanding when a concept is confirmed and how an appropriate budget for each site is calculated. The cultural symbolism budget is \$1 million out of the entire project budget. To apportion the budget effectively, an understanding of the complete concept of the project is required. Ideally, concept and approach need to be confirmed first, and then focus can shift to the design. Donna Eriwata believes there are 5 sites not 4, and has requested that Waka Kotahi reviews the budget to reflect this.	SM RK	TBA 8 March

Item	Discussion	Action	Date
	Actions: - o Waka Kotahi to review and confirm the budget allocated to cultural design. - o Rangi and Lynette to schedule a workshop with the Kaitiaki Forum to discuss options. - o Tihei to confirm the budget for the design element and separate it from the implementation/construction budget. • Discussed was held about timing - underpass units will be driven by construction programme, (Bayly Street). Designs into formwork can be relatively easily worked into the concrete process. Action: Maclean and Paras to review programme and provide the Kaitiaki Forum with dates for the underpass designs, (Bayly Street).	Waka Kotahi RK/LH RK/LH MH/PM	TBA 22 March 8 March 22 March
4	Archaeological Report		
4.1	Meeting has been held between Puketapu Hapu and Dan McCurdy to discuss the final archaeological report and there are still some final adjustments to make. Amended report will be presented to the next Kaitiaki Forum for approval.	GB	22 March
5	Stormwater		
5.1	• Stormwater options - Chris Nally outlined the stormwater options that have come out of the constructability workshop. Other stormwater outfall options were tabled and discussed. - o Option 1 – treatment in stormwater swale, high flood flows into stream with erosion protection works, fish passage and enlarged culvert. - o Option 2 – pipe underneath park, outfall directly into the river. Safer construction and more cost effective. - o Option 3 – pipe underneath State Highway, avoids drop structure, avoids works in the park. Low flows are treated through stormwater swale, while high flow, large events will go down the pipe are along the State Highway and in the river next to the SH bridge. Donna is in favour of option 3 and feels that option 1 (fish passage) is more for aesthetics and doesn't warrant the extra effort and cost. Donna also noted that ecology needs to be assessed and worked out, and requested that we look at options for saving the Kauri trees if possible. BBO to look at this as part of the connection between Option 3 and the Stormwater swale. Mawhaturia is also in favour of option 3 as it avoids more disturbance in the reserve.	BBO	



Item	Discussion	Action	Date
	General design update - mid March detailed design set of plans for Road Safety Audit and general feedback. Plant species - lists were provided to Otaraui and Manukorihi. Geoff White had no issues.		
6	Landscaping		
6.1	- Adrian commented on his landscaping plans associated with the reduced scale of the stormwater swale. Planting would likely take place from April to September 2023. Waka Kotahi would like to source local suppliers with links to the area along with opportunities for upskilling. - New roundabout landscape planting was tabled and discussed.		
7	Draft AEE		
7.1	Chris Dawson advised we are now looking at lodging the draft AEE once the stormwater issues have been resolved with NPDC. How looking at a late April lodgement due to the revised ecology report.		
8	Project Renaming		
8.1	The new project name has been adopted by Hapu. Action: Anaru White to send through the new project name and the background.	AW	
9	Comms and Engagement		
9.1	Chris Dawson advised that a static information display is to be set up downtown Waitara so local people will have easy access to project information.	SG	End of March
10	New Projects		
10.1	Waitara Road and Airport Drive/De Havilland Drive.	Note	
11	Any other business		
11.1	Trial embankment – looking to start very soon, potentially early April for a construction start. No consents required from NPDC and one consent required from TRC, which has now been applied for.	Note	
12	Next Meeting		
12.1	The meeting closed at 6.50pm with a karakia from Anaru White. The next meeting is scheduled for 22nd March 2022.	All	22/3/2022



TE KŌWHATU TŪMOANA – DECISION PAPER

DECISION PAPER

DATE	20 July 2022
TO	Te Kōwhatu Tū Moana Trustees
PREPARED BY	John Doorbar, Pou Arahi
SUBJECT	MANUKORIHI RESERVE STORMWATER EASEMENT

PURPOSE

1. This paper seeks the Board's approval for Council to provide an easement to Waka Kotahi and to install stormwater infrastructure within Manukorihi Reserve.

BACKGROUND

2. Waka Kotahi are undertaking major stormwater works on SH3 between Princess St and the Waitara River and through Manukorihi Reserve. This work will increase storm water capacity, provide new storm water discharge points and take overflow from the Waiari catchment in flood events.
3. Planning has been underway for at least two years and construction is currently underway. Manukorihi and Otaraua hapū representatives have been involved in both planning and monitoring of this work.
4. The current, and proposed storm water network improvements are outlined in this map.



TE KŌWHATU TŪMOANA – DECISION PAPER

PROPOSAL

5. The work currently underway will direct normal operating water flows from the State Highway pipe to the newly constructed storm water treatment swale, located in the north eastern corner of the park (locations A – D). The storm water swale is located in an area of the reserve once occupied by a series of French drains which are being incorporated into the new swale. This work has been planned, approved and monitored by the two hapū.
6. Waka Kotahi are seeking approval to install a new piece of stormwater infrastructure though the south west corner of the reserve (location E) to take overflow from the Waiari in flood events. It will ensure that storm water from the Upper Waiari Catchment is appropriately disposed of in a safe and effective manner, and resolve the flooding issues that currently exists in the area. Without this work, flood events in the Waiari catchment will overflow onto the reserve and playing fields.
7. Waka Kotahi require permission from NPDC and Te Kōwhatu Tū Moana to place this infrastructure in the reserve. This work is over and above the original plans and has been discussed and worked through with Manukorihi and Otaraua representatives.
8. If the work is approved, an easement will be placed on the title for the reserve to ensure that it can accessed for future maintenance and repairs and is not interfered with.
9. New Plymouth District Council require your formal approval asap so they can also approve the works before the local body elections in September. Any decisions left until post-election will be held up while Council committees are formed.

ASSESSMENT

10. The Waiari catchment currently floods in high rainfall events and this will likely worsen with increased housing in the catchment area and with the effects of climate change. The works proposed by Waka Kotahi will increase drainage of the Waiari catchment and ensure that flood water from the upper Waiari catchment is appropriately disposed of in a safe and effective manner.
11. The proposed works will have minimal effect on the Reserve, they are adjacent to SH3 and the just below the Waitara River Bridge. The pipes will be below ground and this area is not suitable for housing. The pipe will only discharge during very heavy rain events so is unlikely to interfere with traditional or recreational fishing.
12. The proposed works have been discussed with the hapū representatives who support the work.

RECOMMENDATIONS

It is recommended that the Board:

- **Note** that major work is currently underway to improve stormwater infrastructure under SH3 and into the Manukorihi Reserve and that this work has been planned and constructed with the support of Manukorihi and Otaraua hapū.

TE KŌWHATU TŪMOANA – DECISION PAPER

- **Note** that Waka Kotahi are seeking approval to install a new piece of stormwater infrastructure though the south west corner of the reserve (location E) to take overflow from the upper Waiari catchment in flood events. It will ensure that storm water from the Upper Waiari Catchment is appropriately disposed of in a safe and effective manner, and resolve the flooding issues that currently exists in the area.
- Note that the proposed works will have minimal effect on the Reserve. The pipes will be below ground and this area is not suitable for housing. The pipe will only discharge during very heavy rain events so is unlikely to interfere with traditional or recreational fishing.
- **Agree** to approve the works proposed by Waka Kotahi to install a new piece of stormwater infrastructure though the south west corner of the reserve (location E) to take overflow from the upper Waiari catchment in flood events and to endorse Council providing an easement for that infrastructure to Waka Kotahi

Move/second

Waka Kotahi are seeking approval to install a new piece of stormwater infrastructure though the south west corner of the reserve (location E) to take overflow from the Waiari in flood events. It will ensure that storm water from the Upper Waiari Catchment is appropriately disposed of in a safe and effective manner, and resolve the flooding issues that currently exists in the area. Without this work, flood events in the Waiari catchment will overflow onto the reserve and playing fields

John Doorbar
Pou Arahi

APPLICATION TO GRANT AN EASEMENT (IN GROSS) IN FAVOUR OF WAKA KOTAHI – NZ TRANSPORT AGENCY (CROWN) UNDER THE RESERVES ACT 1977 - OVER PART MANUKORIHI PARK RECREATION RESERVE (ACTING UNDER DELEGATED AUTHORITY THROUGH AN INSTRUMENT OF DELEGATION FOR TERRITORIAL AUTHORITIES 2013)

PURPOSE

1. The matter for consideration is the grant of an easement under Section 48 of the Reserves Act 1977, over part of Manukorihi Park Recreation Reserve under the authority that has been delegated to the Council as the administering body of the reserve pursuant to "Instrument of Delegation for Territorial Authorities signed by the then Minister, Hon Dr Nick Smith MP on 12 June 2013".

RECOMMENDATION FOR CONSIDERATION

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

- a) **Acting under delegated authority through an instrument of delegation for Territorial Authorities 2013 approves the grant of storm water easements in favour of the Crown (Waka Kotahi – NZ Transport Agency) over recreation reserve comprising the Manukorihi Park (Record of Titles 841968, 846586, TNH3/970, 841966), shown in areas A, B, C, D & E of Bloxam Burnett & Oliver easement plan – 147000-00B-0725, subject to:**
 - i) **Exemption to publicly notify under Section 48(3) as grant meets statutory criteria.**
 - ii) **Easement in perpetuity (with sunset clause if no longer required in the future).**
 - iii) **That the Property Manager be delegated to approve the location, terms and conditions of the easement instrument.**
 - iv) **That all costs in association with formalising the easement are to be paid for by Waka Kotahi, - NZ Transport Agency including (but not limited to) legal fees and survey fees.**
 - v) **That a consideration for the easement (one off easement fee) be assessed at market value.**

COMPLIANCE	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Recommended: The Council acting under delegated authority through an instrument of delegation for Territorial Authorities 2013, approves the grant a registered easement (in gross) in favour of the Crown (Waka Kotahi –NZ Transport Agency) under the Reserves Act 1977 over part of Manukorihi Park reserve. 2. Not Recommended: The Council under delegated authority through an instrument of delegation for Territorial Authorities 2013, declines to recommend the granting of an easement in favour of the Crown (Waka Kotahi – NZ Transport Agency) under the Reserves Act 1977 over part of the Manukorihi Park reserve.
Affected persons	The persons who are affected by or interested in this matter are Local Hapu & Iwi, Manukorihi Park users, Waitara Soccer Club, Te Kōwhatu Tū Moana Trust, St Highway 3 users and Waka Kotahi – NZ Transport Agency It is not envisaged that the public or users of the reserve will be disrupted by either the installation of the storm water pipe or construction of or existence of the permanent swale resulting from granting the consequential easement rights.
Recommendation	This report recommends Option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

BACKGROUND

2. The Council, (acting in its capacity as the administering body under Section 48 of the Reserves Act 1977), has approved the grant of registered storm water easements in favour of the Crown (Waka Kotahi – NZ Transport Agency) over recreation reserve comprising the Manukorihi Park (Record of Titles 841968, 846586, TNH3/970, 841966).

3. Once approved by the administering authority the Council must formally approve the application acting under authority that has been delegated to the Council pursuant to "Instrument of Delegation for Territorial Authorities signed by the then Minister, Hon Dr Nick Smith MP on 12 June 2013". These two processes must be undertaken as discrete resolutions.
4. This report recommends the Council (acting under the authority delegated to it), now grants approval to the application.

NEXT STEPS

5. The Council has approved the easement (as administering authority), the Council will now consider:
 - a) Approving the lease easement under authority that has been delegated to the Council pursuant to "Instrument of Delegation for Territorial Authorities signed by the then Minister, Hon Dr Nick Smith MP on 12 June 2013.
6. If approved by the Council, Waka Kotahi – NZ Transport Agency will be advised, works undertaken, a survey will be undertaken for Land Transfer Easement Plan, the easement will be finalised and registered.

SIGNIFICANCE AND ENGAGEMENT

7. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because there is little impact on the wider district. It provides drainage for a Waka Kotahi – NZ Transport Agency safety improvement project, the Princess St Roundabout and provides drainage to alleviate flood flows noted and allowed for in the LTP.
8. The proposal does not impact on the Council's statutory purpose or obligations but will enable the Council to meet levels of protection and service requirements at several locations in the Upper Waiari Catchment.
9. The applicant has consulted with Te Ātiawa iwi, Manukorihi and Otaraua hapū's, this is discussed further in the previous report.
10. Previous flooding issues in the Upper Waiari catchment will soon have a pipe capable of conveying flood flows. This completes part of the LTP requirements to provide storm water reticulation upgrades within Waitara, increasing the level of service in the Rahiri St area.

IMPLICATIONS ASSESSMENT

11. A full options assessment is included in the report considered earlier at this meeting (ECM8798193).
-

Report Details

Prepared By:	Scott Ryan (Designation)
Team:	3 Waters Infrastructure
Approved By:	Mark Hall
Ward/Community:	Waitara
Date:	5 July 2022
File Reference:	ECM 8800455; PID 1010; 1015; 2944

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

REVOCATION OF TRAFFIC TREATMENT STRATEGY 1999

MATTER

1. The matter for consideration by the Council is the revocation of the Traffic Treatment Strategy 1999 (S99-001).

RECOMMENDATION FOR CONSIDERATION

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

- a) **Notes that the Traffic Treatments Strategy adopted in 1999 initiated the modification of streetscapes to improve traffic safety and included a criteria for prioritisation of safety initiatives.**
- b) **Notes that the actions within the Traffic Treatment Strategy 1999 have been either completed or are now managed through alternative methods, meaning the Strategy is out of date and no longer relevant.**
- c) **Notes that the consideration of new, and/or significant street or road upgrades are now considered every three years as a part of the Long-Term Plan process. In addition, the design and management of traffic treatments are subject to national guidelines (e.g. NZ / Austroad Guide to Road Design), local standards (e.g. Land Development and Subdivision Infrastructure Standard), Council's Network Operating Plan and Council's Asset Management Plan. The plans, guidelines and standards reflect current central and local government policies and legislation on managing the road and street network including safe systems, multi-modal provision, context sensitive design and network management.**
- d) **Notes that LTP 2021 includes a number of projects that involve consideration of traffic treatments under the funding categories of Waka Kotahi's Road to Zero, Walking and Cycling and Local Road street improvements. Examples of the projects in the LTP include the Devon Street East/Strandon placemaking project, Mangorei Road NPGHS improvements, Liardet Street Central School traffic calming, Tukapa Street corridor improvements and SH3 Inglewood pedestrian crossing signals.**
- e) **Revokes the Traffic Treatment Strategy 1999 (S99-031).**

STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the officer's recommendation.
-

COMPLIANCE	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Revoke the Traffic Treatments Strategy 1999. 2. Instruct Officers to review the Traffic Treatments Strategy 1999 and bring it back to Council for decision.
Affected persons	The persons who are affected by or interested in this matter are residents of the New Plymouth District and visitors to the district.
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

3. Officers recommend that Council revokes the Traffic Treatments Strategy 1999 (the Strategy) in order to recognise that the Strategy is out of date and no longer relevant. Taking this approach would remove the outdated and redundant strategy from the Council's Strategy Register.
4. There is little risk in the recommendation option as the Strategy is essentially out of date. Traffic treatments are now developed and managed through a variety of national and local guidelines and standards that reflect changes in central and local government legislation. Since the strategy was written in 1999, changes to the central government policy include Waka Kotahi's register of network standards and guidelines 2020, the Ministry of Transport Road to Zero: New Zealand's Road Safety Strategy 2020-2030. New and/or significant projects involving traffic treatments for safety, walking and cycling and local road improvements are considered every three years as a part of the LTP process. Further guidance and priority is provided through the Council's Asset Management Plan, network plans and ongoing corridor investigations.
5. With Council approval the next steps would be to remove the Strategy from the Council Strategy Register.

BACKGROUND

Traffic Treatments Strategy 1999

6. In September 1999 Council approved the Traffic Treatments Strategy 1999 (the Strategy). The Strategy considered the implementation of traffic treatments on urban streets.
7. The Strategy contained:
 - A points system for prioritising street locations for traffic treatments;
 - Instructed the Engineer Manager to report back with a five year annual programme of traffic treatments High priority parks and reserves (district and regional visitor destinations); and
 - Require the Engineer Manager to review the success of traffic treatments following implementation

Strategy implementation

8. The Strategy contained a list of street and roads prioritised for traffic treatments based primarily on crash rate, vehicle speed and traffic volumes. Examples of streets identified in the Strategy that have received traffic treatments under this approach include Lismore Street, Oriental Street and Paynters Ave. Typical treatments included raised platforms, central islands, flush medians and kerb build-outs.
9. The strategy reflected the traditional approach at the time, based on treating isolated points on the network, with little consideration of multi-modal provision, wider network impacts, potential for place-making (e.g. near local shops) and ensuring safe systems (e.g. where no death or serious injury is acceptable).
10. Traffic treatments in the New Plymouth District are now managed in a more integrated manner to ensure they achieve the range of outcomes set by local and national government. These include safe systems, encouraging more walking, cycling and public transport use, consideration of network effects, encouraging lower emissions and making streets more liveable. The projects are identified by the Long Term Plan (LTP) and delivered to service levels determined in the Asset Management Plan. Context-specific designs are developed subject to national and local guidelines and standards, network plans and/or corridor investigations.

Summary

11. The Strategy was essentially a plan of action that was put in place before LTPs were introduced (in the Local Government Act 2002), and was therefore relevant for the time.
12. In practise, Traffic Treatments are now managed in accordance with Council's Asset Management Plan, applicable road and street design guidelines, applicable network plans and the Land Development and Subdivision Infrastructure standards (amongst other things). Consideration of new and/or significant upgrades to roads and street are considered every three years as a part of the LTP process.
13. It is therefore recommended that the Strategy is revoked.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

14. Revoking the Strategy does not have any impact on climate change adaptation and mitigation.

NEXT STEPS

15. If Council determines to revoke the Strategy, then the Strategy will simply be removed from the Council's strategy register and website.

SIGNIFICANCE AND ENGAGEMENT

16. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance. The Strategy is out of date with all actions either completed, no longer relevant or included in subsequent strategies. The proposed revocation of the Strategy will not impact on the ongoing management, maintenance or planning of traffic treatment strategies.

OPTIONS

Statutory Responsibilities

17. There are no statutory responsibilities for any of the options.

Option 1 Revoke the Traffic Treatments Strategy 1999

Financial and Resourcing Implications

18. There are no financial implications for this option.
-

Risk Analysis

19. There is no perceived risk for this option as the actions within the Strategy have either been completed or are managed through the three yearly LTP process and Asset Management Plans.

Promotion or Achievement of Community Outcomes

20. The provision of traffic treatments is considered to primarily support the Community Outcome of Delivery. The proposed revocation of the Strategy will not affect the promotion of the Community Outcome as traffic treatments will continue.

Consistency with Policies and Plans

21. Option 1 is consistent with Council's LTP.

Participation by Māori

22. There has been no participation by Māori in relation to the proposed revocation of the Strategy.

Community Views and Preferences

23. The provision of traffic treatment in our district affects a wide spectrum of the community, and visitors to the district. Community feedback on is sought through a yearly satisfaction survey on roads, cycle ways and footpaths which helps inform service provision. In addition, the community have the opportunity to have their say on the LTP every three years.

Advantages and Disadvantages

24. The advantage of Option 1 is that an outdated strategy is removed from the Council's Strategy Register. There are no perceived disadvantages of option one.

Option 2

Instruct officers to review the Traffic Treatments Strategy 1999 and bring it back to Council for decision

25. Given that the Strategy is essentially out of date, the alternative option to revocation would be to review the Strategy and consider the adoption of a revised and updated or new Strategy. This would require alignment with the other methods currently being used to consider and manage traffic treatments such as Waka Kotahi's register of network standards and guidelines 2020 and the Ministry of Transport Road to Zero: New Zealand's Road Safety Strategy 2020-2030.

Financial and Resourcing Implications

26. Option 2 would require staff resource to review the Strategy including the consideration of required adjustments to the existing work programme.

Risk Analysis

27. The key risk of this option is that it duplicates work and considerations already provided through Transportation planning and LTP considerations.

Promotion or Achievement of Community Outcomes

28. Option 2 would also promote the Community Outcome of Delivery, along with Sustainability.

Consistency with Policies and Plans

29. Option 2 is consistent with existing policies and plans. Any requirements for traffic treatments need to be considered within subsequent LTPs, asset management plans and the Integrated Transport Strategy.

Participation by Māori

30. Review of the Strategy would provide the opportunity for participation by Māori.

Community Views and Preferences

31. Review of the Strategy would provide the opportunity for the consideration of community views and preferences.

Advantages and Disadvantages

32. The advantage of Option 2 is that a review of the Strategy would allow for the further consideration of traffic treatments within the district.
33. The disadvantage of Option 2 is that this would be a duplication of effort as traffic treatments are currently managed through other plans, guidelines and standards that align with current legislation. Accordingly this is not the recommended option.

Recommended Option

This report recommends **Option 1:** Revoke the Traffic Treatment Strategy 1999 for addressing the matter.

APPENDICES

Appendix 1 Traffic Treatment Strategy 1999 S99-001 (ECM1253412)

Report Details

Prepared By:	Felicity Gallacher (Policy Adviser) and Stuart Knarston (Network Planning Engineer)
Team:	Corporate Planning and Policy and Transportation teams
Reviewed By:	Mitchell Dyer (Corporate Planning and Policy Lead) and Rui Leitao (Manager Transport)
Approved By:	Joy Buckingham (Group Manager Corporate Services)
Ward/Community:	District Wide
Date:	08/07/2022
File Reference:	ECM8799084

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

S99-031 Traffic Treatments Strategy

13 September 1999

GMCA - Roading Assets

That having considered the Engineer Manager's report on implementing a strategy for traffic treatments on urban streets in the District and as recommended the Council adopts a strategy for implementing traffic treatments on urban streets, and to do so:

- a) Adopts the street candidate list (Appendix A in the report) and (in principle) the points system for prioritising street locations for traffic treatments (Appendix C in the report);
- b) Instructs the Engineer Manager to report back with a detailed five year annual programme of traffic treatments that shows the street locations for treatments; and
- c) Require the Engineer Manager to review the success of traffic treatments following implementation.

NOTES

Also P00-020 (Removed 30 April 2010)

REVOCATION OF SPEED LIMITS BYLAW

MATTER

1. The matter for consideration by the Council is to revoke the New Plymouth District Council Bylaw 2010 Part 5: Speed Limits in light of new legal processes for setting speed limits.

RECOMMENDATION FOR CONSIDERATION

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

- a) **Notes that Council is no longer able to manage speed limits through a bylaw as a result of recent law changes (the Land Transport (NZTA) Legislation Amendment Act 2020, the Land Transport (Register of Land Transport Records—Speed Limits) Regulations 2022, and the Land Transport Rule: Setting of Speed Limits 2022).**
- b) **Revokes the *New Plymouth District Council Bylaw 2010 Part 5: Speed Limits* effective from 7 September 2022.**
- c) **Notes that all existing speed limits will continue in force as they are recorded in the National Speed Limits Register.**
- d) **Notes that later on this agenda is the consideration of an Interim Speed Management Plan for the first phase of changes following the District-wide speed limit review process (ECM 8799550).**

STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the officer's recommendation.

COMMUNITY BOARD RECOMMENDATIONS

3. The Clifton and Waitara Community Boards endorsed a), b) and c) of the recommendation and request that Council,
 - Establish a process to hear concerns regarding speed limits in the District, from the community.
4. The Kaitake, and Inglewood Community Boards endorsed the officer's recommendation.

COMPLIANCE	
Significance	This matter is assessed as being of some importance
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Revoke the Speed Limits Bylaw 2. Do not revoke the Speed Limits Bylaw
Affected persons	The persons who are affected by or interested in this matter are residents and visitors utilising local roads within the District.
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

5. This report recommends Council revokes the New Plymouth District Council Bylaw 2010 Part 5: Speed Limits (the Speed Limits Bylaw). This is because recent legal changes mean Council is no longer required or able to manage speed limits through a bylaw. All current speed limits will remain in force across the District if Council revokes the Speed Limits Bylaw.

BACKGROUND

6. Council, as a road controlling authority, has previously been legally required to have a bylaw in order to set speed limits. Council's Speed Limits Bylaw was adopted in 2010 and records speed limits through a mixture of areas and specific decisions on roads. Changes have been made by way of Council resolution.

The law no longer requires speed limit bylaws

7. Through an array of recent legislative changes,¹ Council is no longer required or able to manage speed limits through a bylaw. Instead, all speed limits are contained within a single [National Speed Limit Register](#), maintained by Waka Kotahi NZTA.

¹ The Land Transport (NZTA) Legislation Amendment Act 2020, the Land Transport (Register of Land Transport Records—Speed Limits) Regulations 2022, and the Land Transport Rule: Setting of Speed Limits 2022

8. The legislative changes do not automatically revoke speed limit bylaws. Instead, Council “may, at the first available opportunity, revoke a part of a bylaw setting a speed limit” (cl 13, Land Transport (Register of Land Transport Records—Speed Limits) Regulations 2022). The advantage of revoking a speed limit bylaw is that it ensures that there is only one document purporting to be an authoritative source of law on speed limits.
9. The changes also mean that Council does not have to consult with the community before revoking a speed limits bylaw (s168AAA(2) Land Transport Act 1998). There is little advantage in consulting given that the bylaw is now redundant.

There is a new process to set speed limits

10. The legislative changes have created a new process for setting speed limits.
11. Speed limits are now managed through regional speed management plans to ensure coordination of speed limits within each region. The Taranaki Regional Transport Committee will coordinate a regional speed management plan, although Council still has considerable input and control of speed limits in that process.
12. Once the speed management plan is adopted Council may set speed limits as set out in that plan. This is done through notifying Waka Kotahi NZTA of the speed limit change. Waka Kotahi NZTA then update the National Speed Limit Register.
13. There are provisions in the Rule for Waka Kotahi NZTA to override Council decisions and require specific speed limits be set.
14. All existing speed limits set by Council will continue in force. All existing speed limits have already been included in the National Speed Limit Register.

Council is reviewing speed limits

15. The legislation includes a transitional arrangement before the regional speed management plan is developed. Councils can issue interim speed management plans to change speed limits.
16. The proposed adoption of an Interim Speed Management Plan is included later in this agenda. This will implement the first phase of changes following the district-wide speed limit review.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

17. Revoking the Speed Limits Bylaw is an administrative matter and does not impact on the mitigation and adaptation to climate change. However, speed does impact on the greenhouse gas emissions of a vehicle.

NEXT STEPS

18. Once Council formally revokes the Bylaw it will be removed from Council's register. Officers will issue a public notice of this revocation.
19. As noted above, the adoption of an Interim Speed Management Plan is also on this agenda.

SIGNIFICANCE AND ENGAGEMENT

20. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because it is an administrative matter with no impact on the interests of the district or community.
21. Section 168AAA(2) of the Land Transport Act 1998 removes the requirement to consult the community before revoking the Speed Limits Bylaw. Officers see no advantages in consulting given the legal obligations and administrative nature of this matter.

OPTIONS

22. The options are assessed together.

Option 1 Revoke the Speed Limits Bylaw

Option 2 Do not revoke the Speed Limits Bylaw

Financial and Resourcing Implications

23. There are no financial or resourcing costs in this decision.

Risk Analysis

24. There is no risk revoking the Bylaw.
25. There are risks in not revoking the Bylaw. In particular, there are risks in Council retaining a list of speed limits that purports to be the authoritative source which is not. Over time, the National Speed Limit Register will contain changes to speed limits which the redundant Bylaw's Schedule will not contain. This will create risk to anyone who relies on the Bylaw's Schedule instead of the National Speed Limit Register.

Promotion or Achievement of Community Outcomes

26. There are no impacts on community outcomes.
-

Statutory Responsibilities

27. The [Land Transport Act 1998](#) (particularly the provisions introduced by the [Land Transport \(NZTA\) Legislation Amendment Act 2020](#)), the [Land Transport \(Register of Land Transport Records—Speed Limits\) Regulations 2022](#), and the [Land Transport Rule: Setting of Speed Limits 2022](#) apply.
28. The impact of these statutes is that a bylaw is no longer required or able to set speed limits. Instead, speed limits are set by a national register.

Consistency with Policies and Plans

29. There are no relevant policies or plans. Council is developing an Integrated Traffic Plan and an Interim Speed Management Plan.

Participation by Māori

30. There has been no participation by Māori in this issue.

Community Views and Preferences

31. There are no known community views and preferences on this issue, although there are known views and preferences about speed limits.

Advantages and Disadvantages

32. The Speed Limits Bylaw is now redundant. Continuing its existence without formally revoking it may create risks for Council and the public.

Recommended Option

This report recommends option 1 Revoke the Speed Limits Bylaw for addressing the matter.

APPENDICES

- Appendix 1 New Plymouth District Council Bylaw 2010 Part 5: Speed Limits for revocation (ECM924234)

Report Details

Prepared By: Greg Stephens (Senior Policy Adviser)
Team: Corporate Planning and Policy Team and Transportation
Reviewed By: Mitchell Dyer (Corporate Planning and Policy Lead) and Rui Leitao (Transportation Manager)
Approved By: Joy Buckingham (Group Manager Corporate Services)
Ward/Community: District-wide
Date: 22 June 2022
File Reference: ECM 8781408

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



Speed Limits

The purpose of this part of the bylaw is to allow the Council to set speed limits by resolution on all roads under its ownership or control and in certain designated locations specified in the bylaw.

(ECM 924234)



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

1. Authority

1.1 This part is made under:

- a) Section 22AB of the Land Transport Act 1998; and
- b) Land Transport Rule: Setting of Speed Limits 2017.

2. Purpose

- 2.1 The purpose of this part of the bylaw is to allow the Council to set speed limits by resolution on all roads under its ownership or control and in certain designated locations specified in the bylaw.

3. Application of this part

- 3.1 This part applies to all roads for which the New Plymouth District Council is the road controlling authority and includes all roads under the ownership or control of the Council.

4. Interpretation

- 4.1 This part shall be in addition to the provisions of Part 1 Introductory of the New Plymouth District Bylaw 2008 and if this part is inconsistent with Part 1 Introductory then the provisions of this part shall prevail.

- 4.2 In this part unless the context otherwise requires:

Definitions

Bylaw speed limit means a speed limit for vehicle traffic saved or set by or under this bylaw.

Road has the same meaning as in Part 2 of the Rule, but does not include any State Highways within the district.

Road Controlling Authority has the same meaning as in Part 2 of the Rule.

Rule means the Land Transport Rule: Setting of Speed Limits 2017.

Speed limit has the same meaning as in Part 2 of the Rule.

Vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

5. Bylaw speed limits

- 5.1 The Council may, by resolution, set speed limits and designate urban traffic areas for any roads under the Council's jurisdiction.

- 5.2 The Council may, by resolution, set speed limits for any roads under the Council's jurisdiction in any of the following designated locations:

- a) Car park.
- b) Educational or scientific facility.
- c) Commercial or industrial facility.
- d) Health facility.
- e) Residential facility.

- f) Marae land.
- g) Camping ground.
- h) Sports facility or other recreation area.
- i) Botanical garden.
- j) Cultural reserve.
- k) Port or wharf area.
- l) Airport.
- m) Beach
- n) Cemetery.
- o) Facility operated by the New Zealand Defence Forces.
- p) Facility operated by the Department of Corrections.
- q) Any other location approved by the New Zealand Transport Agency by notice in the *Gazette*.

5.3 The Council may, by resolution, amend or revoke a resolution made under clauses 5.1 or 5.2 of this bylaw.

6. Consultation

6.1 If the Council chooses to create, amend or alter any bylaw speed limit by way of resolution under clauses 5.1 or 5.2 of this bylaw, the consultation process in sections 2.5, 2.6 and 8.1(3) of the Rule, as the case may be, must be followed.

7. Offences

7.1 Every person commits an offence against this bylaw who operates a vehicle in excess of the bylaw speed limits set by this bylaw.

Offences, penalties and fees relating to infringement of speed limits are provided for in the relevant provisions of the Land Transport Act 1998. These do not change as a result of this bylaw.

8. Register of speed limits and savings

8.1 The Council shall maintain a Register of Speed Limits, which will include all designated urban traffic areas and speed limits as set by Council resolution.

8.2 Nothing in this bylaw affects any speed limit already set, or any urban traffic area already designated, or any speed limit previously saved, and those speed limits and urban traffic areas continue to apply unless the Council alters or revokes the speed limit or urban traffic areas in accordance with this bylaw and the Rule.

8.3 The revocation of Part 21 of the New Plymouth District Consolidated Bylaw 2000 does not prevent any legal proceedings being taken in relation to any speed limits set under that Part and such proceedings continue to be dealt with and completed as if that Part had not been revoked.

8.4 To avoid any doubt, nothing in this bylaw limits the application of the Rule.



All roads under the New Plymouth District Council's jurisdiction have enforceable speed limits in accordance with Part 5 (Speed Limits) of the New Plymouth District Council Bylaw 2010.

This register records these speed limits.

The bylaw allows the New Plymouth District Council to set or change the enforceable speed limits on roads under its jurisdiction.

It does not however allow the Council to set or change the enforceable speed limits on New Zealand Transport Agency (State Highways) roads or other privately owned roads within the Council's boundary.

Designated Urban Traffic Areas

The Council can formally resolve built up areas as Designated Urban Traffic Areas.

The Council can formally resolve that built up areas are to be Designated Urban Traffic Areas. The default speed limit on the roads within these Designated Urban Traffic Areas is 50 km/h. Designated Urban Traffic Areas are listed in Schedule 5 of the Register.

Roads within the Urban Traffic Areas can have a speed limit other than 50 km/h and these limits are set by Council resolution. A speed limit sign is then installed, and the road is recorded in this register and maps.

Speed limits on roads outside the Designated Urban Traffic Areas are automatically 100 km/h, unless the Council has set a different speed limit by Council resolution.

These different speed limits are made known by installing speed limit signs, and are then recorded in this register and maps.

SCHEDULE 1

Roads that have a speed limit of 10 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a speed limit of 10 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit is set

SCHEDULE 2

Roads that have a speed limit of 20 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a speed limit of 20 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set

SCHEDULE 3

Roads that have a speed limit of 30 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a speed limit of 30 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
	New Plymouth CBD catchment The following north/south streets: - Queen Street, entire length - Egmont Street, entire length - Robe Street, from Powderham Street to Devon Street West - Brougham Street, from Powderham Street to Ariki Street - Currie Street, entire length - Liardet Street, from St Aubyn Street/Molesworth Street to Courtenay Street - Gover Street, from Molesworth Street to Courtenay Street and the following east/west streets: - Devon Street West, from Currie Street to Queen Street - Devon Street East, from Currie Street to Gover Street - King Street, from Queen Street to Brougham Street - Ariki Street, entire length - Gill Street, from Currie Street to Gover Street St Aubyn Street, Molesworth Street (State Highway 44) and Powderham Street/Courtenay Street (State Highway 45) are excluded from the speed reduction zone and form the boundaries of the zone	1 July 2012	Council Resolution 24 April 2012			Land Transport Rule Setting of Speed Limits 2003
	Holloway Road, Omata – from South Road (SH45), extending west for a distance of 190m and terminating at Waireka Road East	8 December 2020	Council Resolution 27 October 2020			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)

SCHEDULE 4

Roads that have a speed limit of 40 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a speed limit of 40 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
	Waireka Road East, Omata – from South Road (SH 45), extending south for a distance of 560m and terminating at the end of Waireka Road East	8 December 2020	Council Resolution 27 October 2020			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)

SCHEDULE 5

Urban traffic areas - roads that have a speed limit of 50 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to be urban traffic areas that have a speed limit of 50 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S4/01	New Plymouth City (including Bell Block) - All New Plymouth District Council roads within the area marked on the map entitled "Speed Restrictions New Plymouth City (incl. Bell Block)," number LTO332/ 1B and LT0332/ 2B and identified in the legend as an urban traffic area having a speed limit of 50km/h, except for those roads or areas that are marked on the said maps and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.	dd/mm/yy	New Plymouth District Council Speed Limits Bylaw 2005	New Zealand Gazette 27/11/2003 No.161 p.4481 Notice no.7703	LT0332/ 1B and LT0332/ 2B	Land Transport Rule Setting of Speed Limits 2003
S4/02	Okato - All New Plymouth District Council roads within the area marked on the map entitled "Speed Restrictions Okato," number LT9732/ 3 of 8 and identified in the legend as an urban traffic area having a speed limit of 50km/h, except for those roads or areas that are marked on the said maps and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 23/11/2000 No.157 p.4056 Notice no.8705	LT9732/ 3 of 8	Land Transport Rule Setting of Speed Limits 2003
S4/03	Oakura - All New Plymouth District Council roads within the area marked on the map entitled "Speed Restrictions Oakura," numbers LT9732/ 4A and identified in the legend as an urban traffic area having a speed limit of 50km/h, except for those roads or areas that are marked on the said maps and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 23/11/2000 No.157 p.4056 Notice no.8705	LT9732/ 4A	Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S4/04	Inglewood - All New Plymouth District Council roads within the area marked on the map entitled "Speed Restrictions Inglewood," number LT9732/ 5 of 8 and identified in the legend as an urban traffic area having a speed limit of 50km/h, except for those roads or areas that are marked on the said maps and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 23/11/2000 No.157 p.4056 Notice no.8705	LT9732/ 5 of 8	Land Transport Rule Setting of Speed Limits 2003
S4/05	Waitara - All New Plymouth District Council roads within the area marked on the map entitled "Speed Restrictions Waitara," number LT9732/ 6 of 8 and identified in the legend as an urban traffic area having a speed limit of 50km/h, except for those roads or areas that are marked on the said maps and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 18/9/2003 No.132 p.3579 Notice no.6095	LT9732/ 6 of 8	Land Transport Rule Setting of Speed Limits 2003
S4/06	Urenui - All New Plymouth District Council roads within the area marked on the map entitled "Speed Restrictions Urenui," number LT9732/ 7 of 8 and identified in the legend as an urban traffic area having a speed limit of 50km/h, except for those roads or areas that are marked on the said maps and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 23/11/2000 No.157 p.4056 Notice no.8705	LT9732/ 7 of 8	Land Transport Rule Setting of Speed Limits 2003
S4/07	Egmont Village, Lepperton & Tongaporutu - All New Plymouth District Council roads within the area marked on the map entitled "Speed Restrictions Egmont Village, Lepperton & Tongaporutu," number LT9732/ 8 of 8 and identified in the legend as an urban traffic area having a speed limit of 50km/h, except for those roads or areas that are marked on the said maps and identified in the legend as having a different speed limit, as referenced in the appropriate schedule of this bylaw.	04/04/2012	New Plymouth District Council Speed Limit Bylaw 2005 13/03/2012	New Zealand Gazette 23/11/2000 No.157 p.4056 Notice no.8705	LT9732/ 8 of 8	Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S4/08	New Plymouth (Bell Block) – Wills Rd for a distance of 700m northbound from State Highway 3 as shown on plan LTO 332/1B and 2B in diagram 18.	1 November 2007	Council resolution 13 September 2005		LTO 332/1B and 2B in Diagram 18	Land Transport Rule Setting of Speed Limits 2003
S4/09	Onaero Beach Road - from a point 315m north of SH3 for a distance of 350m	1 March 2007	Council resolution 20 February 2007			Land Transport Rule Setting of Speed Limits 2003
S4/10	Motukari Place	1 March 2007	Council resolution 20 February 2007			Land Transport Rule Setting of Speed Limits 2003
S4/11	Sutton Road	1 March 2007	Council resolution 20 February 2007			Land Transport Rule Setting of Speed Limits 2003
S4/12	Holloway Road	1 January 2010	Council resolution 15 December 2009			Land Transport Rule Setting of Speed Limits 2003
S4/13	Waireka Road East 225m long from its junction with SH45 and retain the existing 80km speed limit for the remaining 376m of road	1 January 2010	Council resolution 15 December 2009			Land Transport Rule Setting of Speed Limits 2003
S4/14	Sisson Terrace, Lepperton	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/15	Smith Street, Lepperton	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/16	Manutahi Road from the western bridge abutment at a point 5,036m from Henwood Road intersection to 85m before the Richmond Road intersection	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/17	Hurlstone Drive from Katere to Egmont Roads, Bell Block	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/18	Cody Place, Bell Block	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S4/19	Gregory Place, Bell Block	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/20	Dean Place, Bell Block	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/21	Craig Place, Bell Block	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/22	Wendy Avenue, Bell Block	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/23	Create a new 50km/h speed limit on Wills Road, Bell Block over a section from 700m from the State Highway 3 intersection to 1,600m	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/24	Jules Crescent, Bell Block	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/25	Amy Way, Bell Block	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/26	Keene Drive, Bell Block	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/27	Wairau Road from State Highway 45 to the intersection of Surrey Hill Road, Oakura	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S4/28	Tui Grove, Oakura	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S4/29	Tarata Road in an easterly direction from its intersection with Rata Street at the Kurapete Stream bridge to the junction of Dudley and Tarata roads	20 December 2010	Council resolution 14 December 2010			Land Transport Rule Setting of Speed Limits 2003
S4/30	Airport Gates - for a distance of 76m, measured in a northerly direction from a point 67m south of the New Plymouth Airport gates.	1 June 2010	Council resolution 1 May 2010			Land Transport Rule Setting of Speed Limits 2003
S4/31	Barrett Road - from 38.6 - 538.6m measured in a southerly direction from the prolongation of the south kerb of Pararewa Drive	1 July 2014	Council resolution 29 May 2014			Land Transport Rule Setting of Speed Limits 2003
S4/32	Smart Road - from 0 - 372m measured in a southerly direction from the prolongation of the south kerb of Colson Road	15 December 2014	Council resolution 4 November 2014			Land Transport Rule Setting of Speed Limits 2003
S4/33	Richmond Road – from 430m-1,230m measured in a northerly direction from the north side of Wortley Road	1 November 2016	Council resolution 4 November 2014			Land Transport Rule Setting of Speed Limits 2003
S4/34	Cross Street – from 0m-200m measured in a westerly direction from the west side of Richmond Road	1 November 2016	Council resolution 27 September 2016			Land Transport Rule Setting of Speed Limits 2003
S4/35	Egmont Road – from 65m-565m measured in a northerly direction from the north side of Junction Road (SH3)	1 November 2016	Council resolution 27 September 2016			Land Transport Rule Setting of Speed Limits 2003
S4/36	Katere Road – from 0.0-1.35km measured in a westerly direction from the west side of Egmont Road	1 November 2016	Council resolution 27 September 2016			Land Transport Rule Setting of Speed Limits 2003
S4/37	Princess Street , Waitara – from 99.5m south of Iwa Iti Street measured in a southerly direction from the prolongation of the south kerb of Iwa Iti Street; for a distance of 220.1m		Council resolution 16 May 2017			Land Transport Rule Setting of Speed Limits 2003
S4/38	Carrington Road - from 406.5m south of Huatoki Street measured in a southerly direction from the prolongation of the southern kerb of Huatoki Street; for a distance of 638.3m		Council resolution 16 May 2017			Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S4/39	Tukapa Street, Hurdon – from 475m south of the intersection of Cowling Road; extending for a distance of 625m, and terminating 195m south of the intersection of Patterson Road		Council resolution 15 May 2018			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)
S4/40	Patterson Road, Hurworth – from the intersection of Tukapa Street; extending for a distance of 280m, and terminating at the end of Patterson Road		Council resolution 15 May 2018			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)

SCHEDULE 6

Roads that have a speed limit of 60 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a speed limit of 60 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set

SCHEDULE 7

Roads that have a speed limit of 70 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a speed limit of 70 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S6/01	New Plymouth (including Bell Block) – All New Plymouth District Council roads within the area marked on the map entitled “Speed Restrictions New Plymouth City (incl. Bell Block),” number LTO332/ 1B and LT0332/ 2B and identified in the legend as having a speed limit of 70km/h.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 27/11/2003 No.161 p.4481 Notice no.7703	LTO332/ 1B and LT0332/ 2B	Land Transport Rule Setting of Speed Limits 2003
S6/02	Oakura – All New Plymouth District Council roads within the area marked on the map entitled “Speed Restrictions Oakura,” number LT9732/ 4A and identified in the legend as an urban traffic area having a speed limit of 70km/h.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 23/11/2000 No.157 p.4056 Notice no.8705	LT9732/ 4A	Land Transport Rule Setting of Speed Limits 2003
S6/03	Inglewood - All New Plymouth District Council roads within the area marked on the map entitled “Speed Restrictions Inglewood,” number LT9732/ 5 of 8 and identified in the legend as an urban traffic area having a speed limit of 70km/h.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 23/11/2000 No.157 p.4056 Notice no.8705	LT9732/ 5 of 8	Land Transport Rule Setting of Speed Limits 2003
S6/04	Waitara - All New Plymouth District Council roads within the area marked on the map entitled “Speed Restrictions Waitara,” number LT9732/ 6 of 8 and identified in the legend as an urban traffic area having a speed limit of 70km/h.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 18/9/2003 No.132 p.3579 Notice no.6095	LT9732/ 6 of 8	Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S6/05	Egmont Village, Lepperton & Tongaporutu - All New Plymouth District Council roads within the area marked on the map entitled "Speed Restrictions Egmont Village, Lepperton & Tongaporutu," number LT9732/ 8 of 8 and identified in the legend as an urban traffic area having a speed limit of 70km/h.	dd/mm/yy	New Plymouth District Council Speed Limit Bylaw 2005	New Zealand Gazette 23/11/2000 No.157 p.4056 Notice no.8705	LT9732/ 8 of 8	Land Transport Rule Setting of Speed Limits 2003
S6/06	New Plymouth – Smart Rd for a distance of 1,524m southbound from Colson Rd on shown on plan LTO 332/1B and 2B in diagram 9.	01/11/05	Council resolution 13 September 2005		LTO 332/1B and 2B in diagram 9.	Land Transport Rule Setting of Speed Limits 2003
S6/07	Oakura – Wairau and Surrey Hill roads 330m south of State Highway 45 for a further 400m southbound (including 30m into start of Surrey Hill Rd) marked on plan LT 9732/4A.	01/11/05	Council resolution 13 September 2005		LT 9732/4A	Land Transport Rule Setting of Speed Limits 2003
S6/08	New Plymouth – Tukapa St for a distance of 530m commencing from a point 586m south of Cowling Rd in a southbound direction as shown on plan LTO 332/1B and 2B in diagram 17.	01/11/05	Council resolution 13 September 2005		LTO 332/1B and 2B in diagram 17.	Land Transport Rule Setting of Speed Limits 2003
S6/09	New Plymouth – Veale and Eva Rds and McGiven, Freeth, Hadley and Ridgewood drives commencing at a point on Veale Rd 40m south of Shelter Grove as shown on plan LTO 332/1B and 2B in diagram 3.	01/11/05	Council resolution 13 September 2005		LTO 332/1B and 2B in diagram 3.	Land Transport Rule Setting of Speed Limits 2003
S6/10	Onaero Beach Road for a distance of 315m from its junction with SH3	1 March 2007	Council resolution 1 March 2007			Land Transport Rule Setting of Speed Limits 2003
S6/11	Patterson Road, New Plymouth	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003
S6/12	Surrey Hill Road, Oakura	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S6/13	Kaitake Road, Oakura	1 March 2010	Council resolution 9 February 2010			Land Transport Rule Setting of Speed Limits 2003

SCHEDULE 8

Roads that have a speed limit of 80 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a speed limit of 80 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S7/01	Raleigh Street, Waitara - 1,400m long in a north easterly direction from the junction of SH3 to the existing 50km urban boundary	1 July 2006	Council Resolution 16 May 2006			Land Transport Rule Setting of Speed Limits 2003
S7/02	Tate Road, Waitara - 140m long in a south easterly direction from its junction with Raleigh Street	1 July 2006	Council Resolution 16 May 2006			Land Transport Rule Setting of Speed Limits 2003
S7/03	Johnston Street - Approx 496m long in a north westerly direction from its junction with Raleigh Street	1 July 2006	Council Resolution 16 May 2006			Land Transport Rule Setting of Speed Limits 2003
S7/04	Borthwick Street - Approx 290m long in a south easterly direction from its junction with Raleigh Street	1 July 2006	Council Resolution 16 May 2006			Land Transport Rule Setting of Speed Limits 2003
S7/05	Airport Drive - 1,902m of Airport Drive, Bell Block, from its intersection with State Highway 3 to 67m south the New Plymouth Airport gates	1 June 2010	Council Resolution 11 May 2010			Land Transport Rule Setting of Speed Limits 2003
S7/06	Henwood Drive – create a new 80km/h speed limit for Henwood Road from RP50 to RP2980 in a southerly direction from the existing 50/100km/h speed limit location on the urban/rural boundary of Bell Block to its intersection with Manutahi Road.	1 March 2012	Council Resolution 7 February 2012			Land Transport Rule Setting of Speed Limits 2003
S7/07	Corbett Road - from 0 – 3.3km measured in a northerly direction from the prolongation of the north side of Manutahi Road.	1 October 2014	Council Resolution 11 September 2014			Land Transport Rule Setting of Speed Limits 2003
S7/08	Otaraoa Road - for the section of Otaraoa Road Upper between Inland North Road (RP4.46) and the McKee production station (RP13.33), is reduced to 80km/h	1 December 2014	Council Resolution 23 October 2014			Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S7/09	Egmont Road - from 148m - 3420m measured in a southerly direction from the prolongation of the south side of Katere Road	15 December 2014	Council Resolution 4 November 2014			Land Transport Rule Setting of Speed Limits 2003
S7/10	Ahu Ahu Road - from 0.0–3,3km measured in a northerly direction from the north side of South Road (SH 45)	1 November 2016	Council resolution 27 September 2016			Land Transport Rule Setting of Speed Limits 2003
S7/11	Henwood Road - from Manutahi Road to Egmont Road		Council resolution 16 May 2017			Land Transport Rule Setting of Speed Limits 2003
S7/12	Carrington Road, Hurworth – from 700m south of the intersection of Saxton Road, extending for a distance of 3,490m, and terminating 200m south of the intersection of Baker Road		Council resolution 15 May 2018			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)
S7/13	Mangorei Road, Hurworth – from 200m south of the intersection of Junction Road (SH3), extending for a distance of 4,480m, and terminating 200m south of the intersection of Baker Road		Council resolution 15 May 2018			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)
S7/14	Baker Road, Hurworth – from the intersection of Carrington Road, extending for a distance of 1,580m, and terminating at the intersection of Mangorei Road		Council resolution 15 May 2018			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)
S7/15	Atkinson Road, Hurworth – from the intersection of Carrington Road, extending for a distance of 580m, and terminating at the end of Atkinson Road		Council resolution 15 May 2018			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)
	Beach Road, Omata – from 150m west of the intersection of South Road (SH 45), extending west for a distance of 890m and terminating at Centennial Drive	8 December 2020	Council Resolution 27 October 2020			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)
	Centennial Drive, Omata – from Beach Road, extending north for a distance of 570m and terminating at the existing 50km/h speed limit change on Centennial Drive	8 December 2020	Council Resolution 27 October 2020			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)
	Sealy Road, Omata - from 100m east of the intersection of South Road (SH45), extending east for a distance of 2,260m and terminating at the end of Sealy Road	8 December 2020	Council Resolution 27 October 2020			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)
	Te Ngahoro Road, Omata – from Beach Road, extending north for a distance of 830m and terminating at the end of Te Ngahoro Road	8 December 2020	Council Resolution 27 October 2020			Land Transport Rule Setting of Speed Limits 2017 (reliant upon s22(2) Interpretation Act 1999)

SCHEDULE 9

Roads that have a speed limit of 90 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a speed limit of 90 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set

SCHEDULE 10

Rural areas - roads that have a speed limit of 100 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to be rural areas that have a speed limit of 100 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set

All New Plymouth District roads outside the urban traffic areas linked in Schedule 5, have a speed limit of 100 km/h except for roads or areas:

- a) Described as having a different speed limit in the appropriate schedule or bylaw; or
- b) Shown on a plan as having a different speed limit, as referenced in the appropriate schedule of this register.

SCHEDULE 11

Rural areas - roads that have a speed limit of 110 km/h

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to be rural areas that have a speed limit of 110 km/h.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set

SCHEDULE 12

Roads that have a holiday speed limit

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a holiday speed limit as set out in the schedule and/or plan.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set

SCHEDULE 13

Roads that have a variable speed limit

The roads or areas described in this schedule or as shown on a plan referenced in this schedule are declared to have a variable speed limit as set out in the schedule and/or plan.

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S3/01	Woodleigh School - Brois Street from 24m to 268m in a westerly direction from the prolongation of the west kerb of Govett Avenue (south leg) 40km speed limit on any school day: Between 8.15am and 9am, and 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school, and 10 minutes at any other time when at least 50 children are crossing the road, or entering, or leaving vehicles at the roadside	16/9/2009	Council Resolution 16 September 2009			Land Transport Rule Setting of Speed Limits 2003
S3/02	Coronation Avenue – Highlands School, from 100.0m to 390.0m measured in a southerly direction from the prolongation of the south kerb of Coronation Avenue/Junction Road (SH3) On any school day: a) A period between 8.15am - 9.00am. b) A period of 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school, and c) Ten minutes at any other time when at least 50 children cross the road or enter, or leave vehicles at the roadside. d) When the 40km/hr signs are illuminated.	1/10/2010	Council Resolution 17 August 2010			Land Transport Rule Setting of Speed Limits 2003
S3/03	Huatoki Street – Vogeltown School, from Huatoki Street from 50.0m to 280.0m measured in a westerly direction from the prolongation of the west kerb of Carrington Street. Times 40km/hr variable speed limits are in force on any school day for: a) A period between 8.15am - 9.00am. b) A period of 20 minutes at the end of school, beginning no earlier than five minutes before the end of school, and c) Ten minutes at any other time when at least 50 children cross the road, or enter, or leave vehicles at the roadside. d) When the 40km/hr signs are illuminated.	31/01/2012	Council Resolution 15 November 2011			Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S3/04	Princess Street, Waitara - from 30.0m to 375.0m measured in a northerly direction from the prolongation of the north kerb of Bayly Street. Times 40km/hr variable speed limits are in force on any school day for: a) A period between 8.15am - 9.00am. b) A period of 30 minutes from the end of the Manukorihi Intermediate School day (3.00pm to 3.30pm), beginning no earlier than five minutes before the end of school, and c) Ten minutes at any other time when at least 50 children cross the road, or enter, or leave vehicles at the roadside. d) When the 40km/hr signs are illuminated.	13/08/2012	Council Resolution 07 August 2012			Land Transport Rule Setting of Speed Limits 2003
S3/05	Mangorei Road - outside Mangorei School: Mangorei Road, from 0.0m to 275m measured in a northerly direction from the prolongation of the north kerb of Oakwood Drive. Outside New Plymouth Girls' High School: Mangorei Road, from 26m to 369m measured in a northerly direction from the prolongation of the north kerb of Rimu Street. Times 40km/hr variable speed limits are in force on any school day: a) A period between 8.15am - 9.00am. b) A period of 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school, and c) Ten minutes at any other time when at least 50 children cross the road or enter, or leave vehicles at the roadside. d) When the 40km/h signs are illuminated.	01/07/2013	Council Resolution 21 May 2013			Land Transport Rule Setting of Speed Limits 2003
S3/06	Brooklands Road - from 80 – 337m measured in a southerly direction from the prolongation of the south kerb of Kaimata Street. Times 40km/hr variable speed limits are in force on any school day: a) A period between 8.15am - 9.00am. b) A period of 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school, and c) Ten minutes at any other time when at least 50 children cross the road or enter, or leave vehicles at the roadside. d) When the 40km/h signs are illuminated.	05/05/2014	Council Resolution 1 April 2014			Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S3/07	Tukapa Street - from 0 – 150m measured in a northerly direction from the prolongation of the No. 359 / No. 361 property boundary. Times 40km/hr variable speed limits are in force on any school day: a) A period between 8.15am - 9.00am. b) A period of 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school, and c) Ten minutes at any other time when at least 50 children cross the road or enter, or leave vehicles at the roadside. d) When the 40km/h signs are illuminated.	05/05/2014	Monitoring Committee Resolution 1 April 2014 (Council Meeting 6 May 2014)			Land Transport Rule Setting of Speed Limits 2003
S3/08	Kelly Street, Inglewood - from 30 – 150.7m measured in a westerly direction from the prolongation of the west kerb of Miro Street. Times 40km/hr variable speed limits are in force on any school day: a) A period between 8.15am - 9.00am. b) A period of 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school, and c) Ten minutes at any other time when at least 50 children cross the road or enter, or leave vehicles at the roadside. d) When the 40km/h signs are illuminated.	05/05/2014	Monitoring Committee Resolution 1 April 2014 (Council Meeting 6 May 2014)			Land Transport Rule Setting of Speed Limits 2003
S3/09	Cumberland Street - from 20 – 290m measured in an easterly direction from the prolongation of the eastern kerb of Coronation Avenue (State Highway 3). Times 40km/h variable speed limits are in force on any school day: a) A period between 8.15am - 9.00am. b) A period of 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school, and c) Ten minutes at any other time when at least 50 children cross the road or enter, or leave vehicles at the roadside. d) When the 40km/h signs are illuminated.		Council Resolution 15 December 2015			Land Transport Rule Setting of Speed Limits 2003

Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set
S3/10	Arawa Street - from 0 – 64m measured in a southerly direction from the prolongation of the southern kerb of Cumberland Street and from 0 – 27m measured in a northerly direction from the prolongation of the northern kerb of Cumberland Street. Times 40km/h variable speed limits are in force on any school day: a) A period between 8.15am - 9.00am. b) A period of 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school, and c) Ten minutes at any other time when at least 50 children cross the road or enter, or leave vehicles at the roadside. d) When the 40km/h signs are illuminated.		Council Resolution 15 December 2015			Land Transport Rule Setting of Speed Limits 2003
S10/11	Tukapa Street From 130m west of Julian Place measured in a westerly direction from the prolongation of the western kerb of Julian Place to Omata Road From 52m north of Wallath Road measured in a northerly direction from the prolongation of the north kerb of Wallath Road to Omata Road Times 40km/h variable speed limits are in force on all school days: a) At the start of the day between 8.25am and 9.00am. b) At the end of the day between 3.00pm and 3.20pm. c) At other times, not exceeding 10 minutes, when no less than 50 students need to cross the road.		Council Resolution 28 February 2017			Land Transport Rule Setting of Speed Limits 2003
S10/12	Omata Road from 33m south of Walsh Road measured in a southerly direction from the prolongation of the south kerb of Walsh Road to Tukapa Street Times 40km/h variable speed limits are in force on all school days: a) At the start of the day between 8.25am and 9.00am. b) At the end of the day between 3.00pm and 3.20pm. c) At other times, not exceeding 10 minutes, when no less than 50 students need to cross the road.		Council Resolution 28 February 2017			Land Transport Rule Setting of Speed Limits 2003

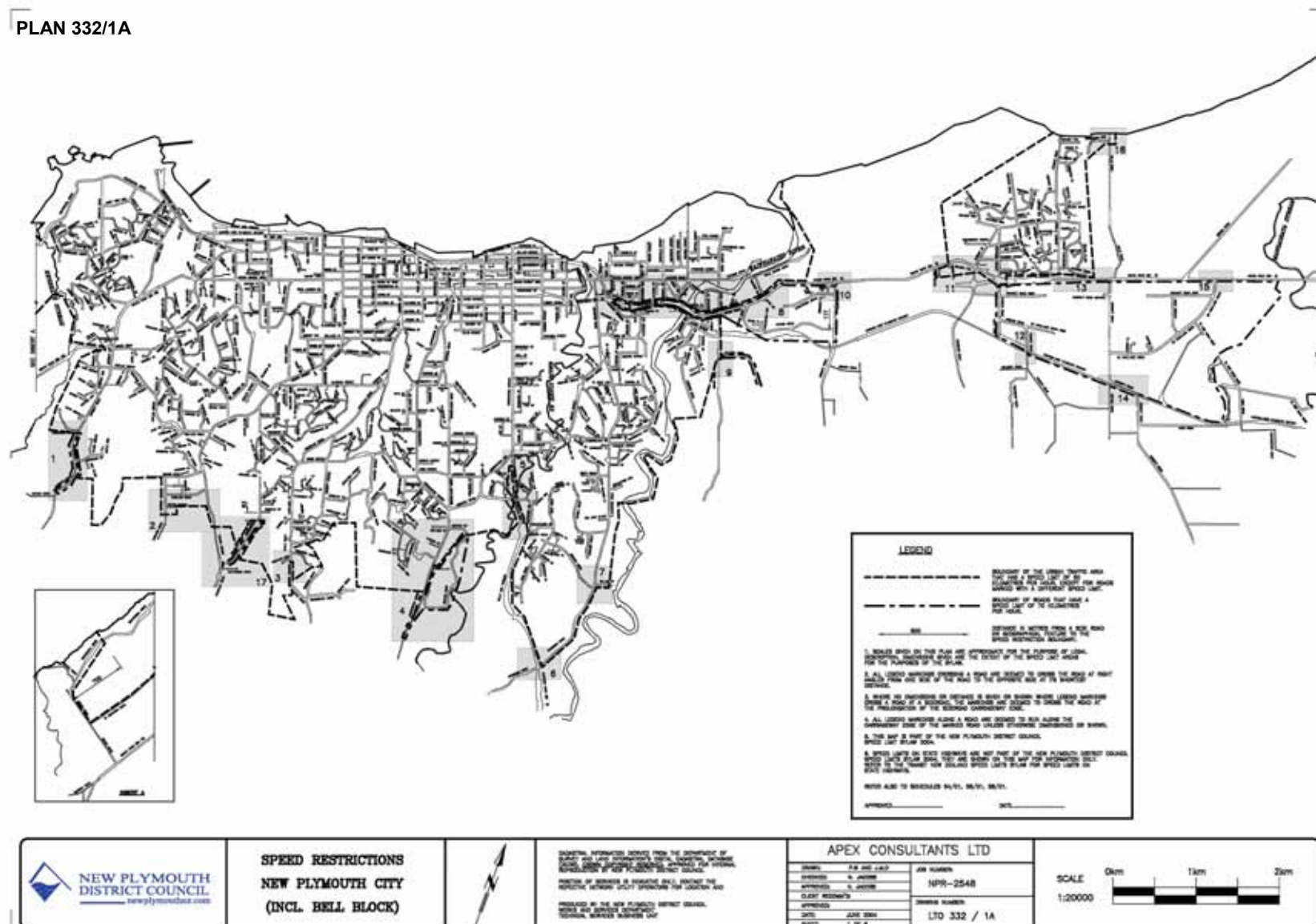
SCHEDULE 14

Roads that have an emergency speed limit

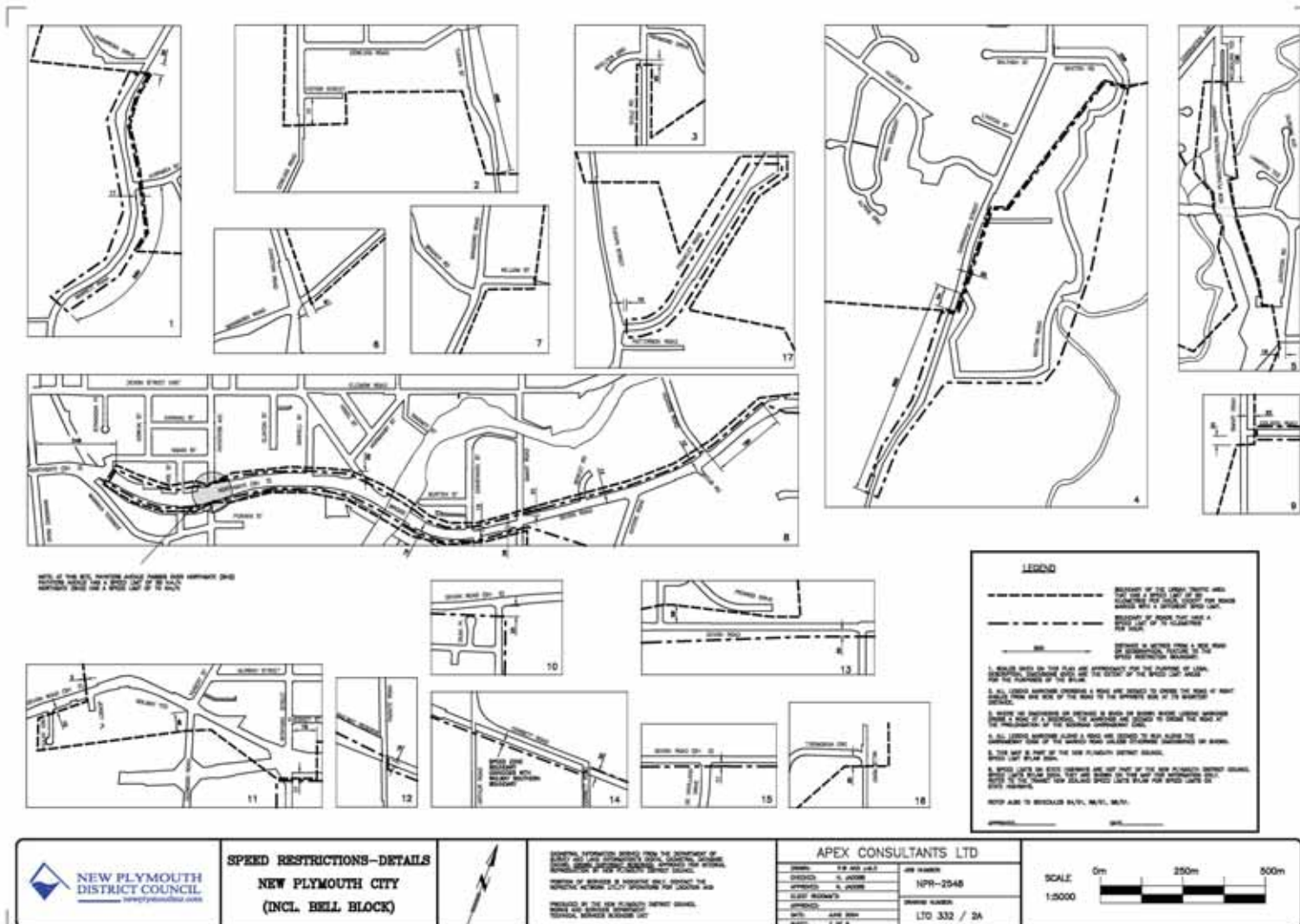
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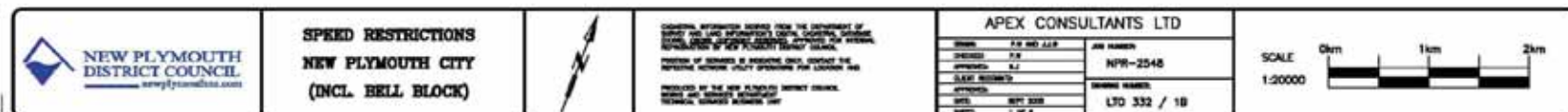
Ref. No.	Description of Speed Limit	Date of Speed Limit	Legal Instrument	Previous Legal Instrument	Map Number	Enactment under which Speed Limit was set

PLAN 332/1A



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PLAN 332/2A

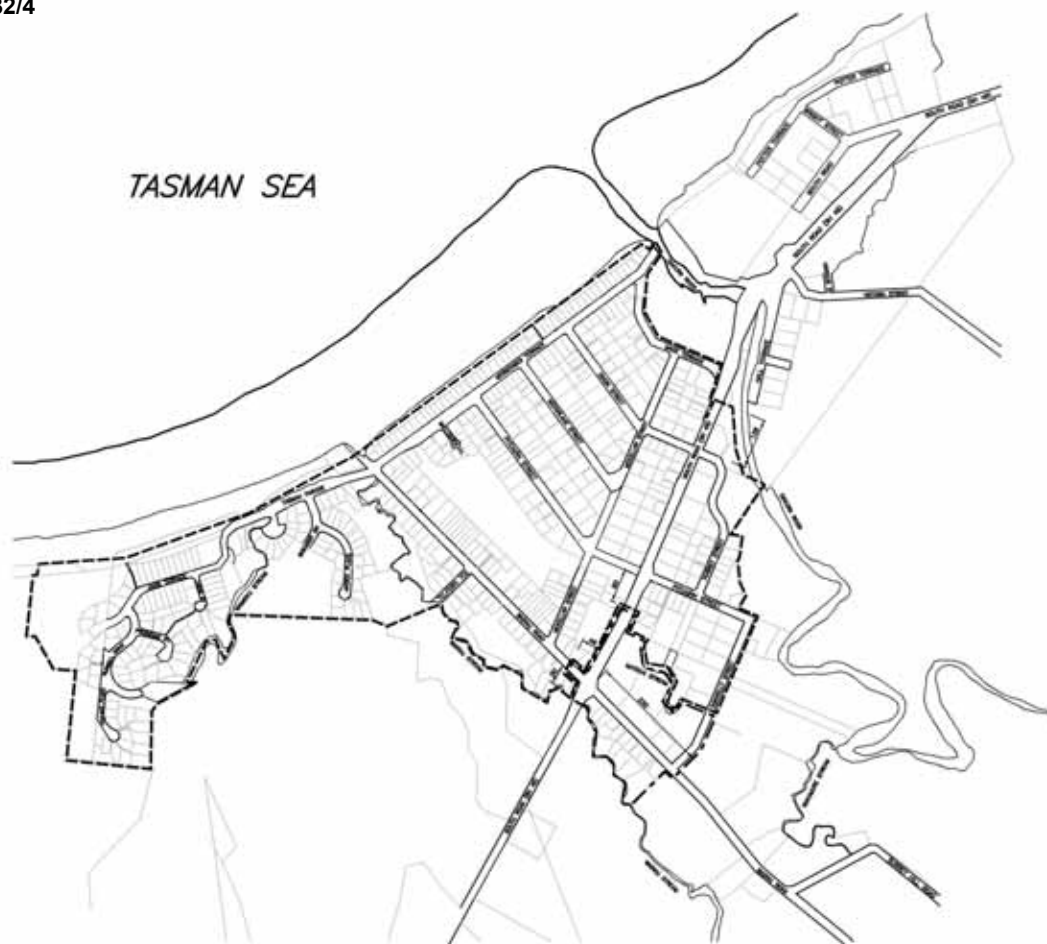
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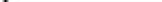
PLAN 9732/4



NEW PLYMOUTH DISTRICT COUNCIL www.plymouth.govt.nz	SPEED RESTRICTIONS OAKURA		GENERAL INFORMATION DERIVED FROM THE COMPARISON OF EXISTING AND PROPOSED SPEED LIMITS, BASED ON THE LOCAL ROAD NETWORK, AND THE LOCALITY OF THE ROAD. PROVISION OF SPEED LIMITS IS SUBJECT TO THE DISCRETION OF THE NEW PLYMOUTH DISTRICT COUNCIL. PREPARED BY THE NEW PLYMOUTH DISTRICT COUNCIL, WORKS AND SERVICES DEPARTMENT TECHNICAL SERVICES BUSINESS UNIT	APEX CONSULTANTS LTD		SCALE 0m 250m 500m 1:5000
				DESIGNER: P. W. AND C. D. DRAWN: N. J. AND C. D. APPROVED: N. J. AND C. D. CHECK: N. J. AND C. D. DATE: JUNE 2024 SHEET 4 OF 8	JOB NUMBER: NPH-2548 DRAWING NUMBER: LT9732 / 4 OF 8	

A detailed map of the Port of Hobart, Tasmania. The map shows the city of Hobart, the Derwent River, and the Tasman Sea. A dashed line indicates the port boundary. The map includes a grid of streets and a dashed line indicating the port boundary.

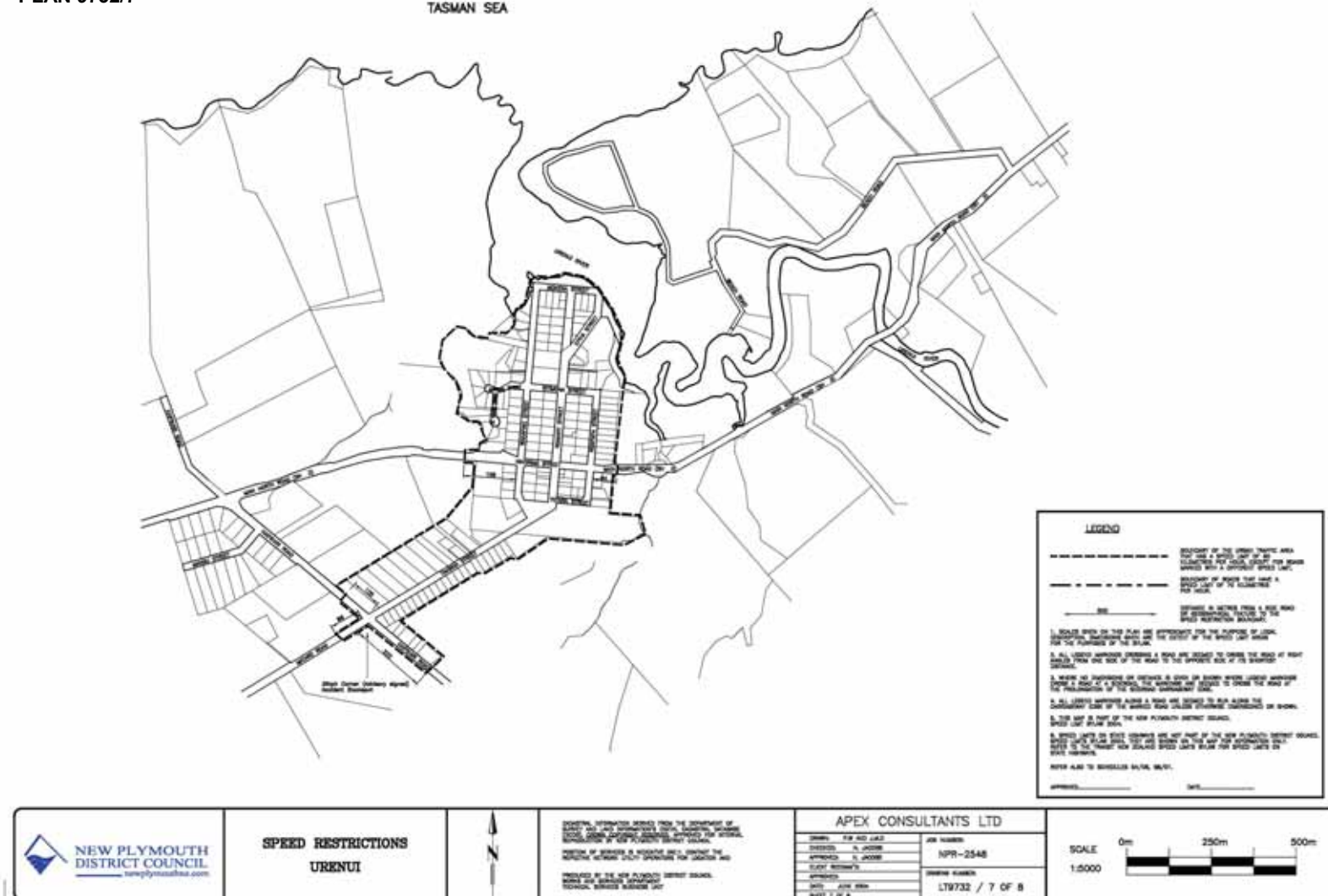


 NEW PLYMOUTH DISTRICT COUNCIL newplymouth.govt.nz	SPEED RESTRICTIONS OAKURA		CAUTION: INFORMATION DERIVED FROM THE DEPARTMENT OF TRANSPORT AND LAND INFORMATION'S DATA, INCLUDING, BUT NOT LIMITED TO, THE NEW ZEALAND ROAD NETWORK, IS PROVIDED FOR INFORMATION ONLY. THE USER ACCEPTS THE ACCURACY OF THE INFORMATION AND THE USER'S RESPONSIBILITY FOR THE USE OF THE INFORMATION. THE USER OF THIS INFORMATION SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE OR LOSS OF PROFITS OR REVENUE, OR FOR ANY OTHER LOSS, ARISING FROM THE USE OF THE INFORMATION. THE USER OF THIS INFORMATION SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE OR LOSS OF PROFITS OR REVENUE, OR FOR ANY OTHER LOSS, ARISING FROM THE USE OF THE INFORMATION.	APEX CONSULTANTS LTD <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; font-size: x-small;"> DRAWN: T.W. AND L.W. CHECKED: T.W. APPROVED: T.W. DATE: 10/10/2018 SCALE: 1:5000 </td> <td style="width: 50%; font-size: x-small;"> JOB NUMBER: NP18-2546 DRAWING NUMBER: L79732 / 4A </td> </tr> </table>	DRAWN: T.W. AND L.W. CHECKED: T.W. APPROVED: T.W. DATE: 10/10/2018 SCALE: 1:5000	JOB NUMBER: NP18-2546 DRAWING NUMBER: L79732 / 4A	SCALE 0m 250m 500m 1:5000 
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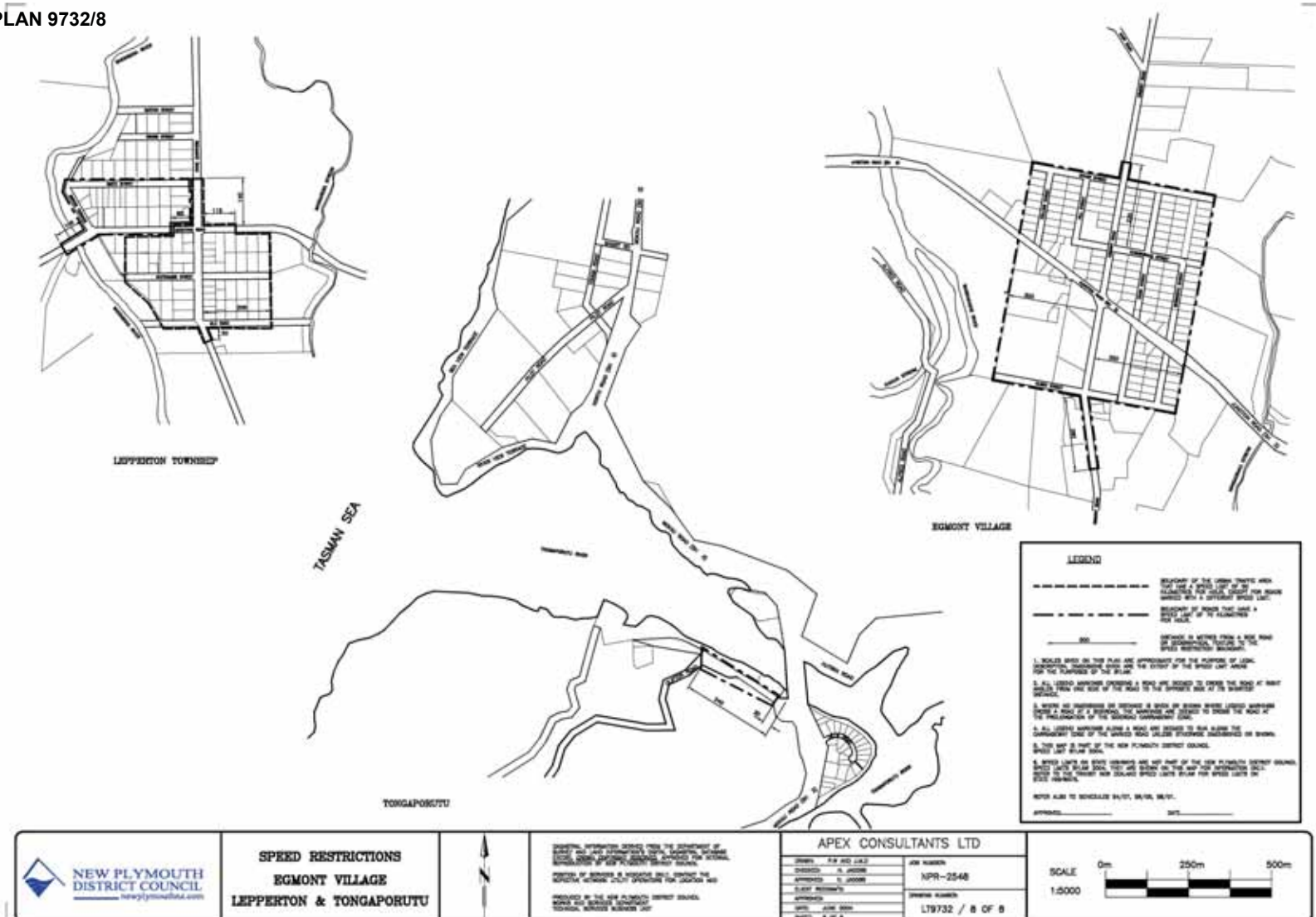
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TASMAN SEA



PLAN 9732/8



SAFER SPEEDS REVIEW - NEW PLYMOUTH DISTRICT

MATTER

1. The matter for consideration by the Council is the proposed safer speeds for New Plymouth District.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report Council approve the proposed safer speeds.

a) 30 km/h permanent

1.	Bell Block Court	Bell Block School
2.	Murray Street	Bell Block School
3.	Wynyard Street	Bell Block School
4.	Chesney Street	Bell Block School
5.	Tahana Lane	Bell Block School
6.	Gover Street	Central School
7.	Lemon Street	Central School
8.	Pendarves Street	Central School
9.	Carthew Street	Coastal Taranaki School
10.	Egmont Road	Egmont Village School
11.	Barriball Street	Fitzroy School
12.	Clemow Road	Fitzroy School
13.	Francis Douglas Drive	Francis Douglas Memorial College
14.	Bayley Street	Huirangi School
15.	Kelly Street	Inglewood High School
16.	Kelly Street	Inglewood School
17.	Whitcombe Street	Lepperton School
18.	Manukorihi Road	Manukorihi Intermediate
19.	Endeavour Street	Marfell School
20.	Karaka Street (New Plymouth)	Merrilands School
21.	Kauri Street (New Plymouth)	Merrilands School
22.	Harbour Street	Motorua School
23.	Pioneer Road	Motorua School
24.	Weston Street	Motorua School
25.	Hendrie Street	New Plymouth Boys High School
26.	Hobson Street	New Plymouth Boys High School
27.	Niger Terrace	New Plymouth Boys High School
28.	Wakefield Street	New Plymouth Boys High School

29.	Norfolk Road (Lower)	Norfolk School
30.	Donnelly Street	Oakura School
31.	Hussey Street	Oakura School
32.	Desmond Place	Puketapu School
33.	Dillon Drive	Puketapu School
34.	Chilman Street	Sacred Heart Girls' College (New Plymouth)
35.	Paynters Avenue	Sacred Heart Girls' College (New Plymouth)
36.	Pukaka Street	Sacred Heart Girls' College (New Plymouth)
37.	Clinton Street	St John Bosco School
38.	Darnell Street	St John Bosco School
39.	Annandale Street	St Joseph's School (New Plymouth)
40.	Calvert Road	St Joseph's School (New Plymouth)
41.	Moulton Street East	St Joseph's School (New Plymouth)
42.	Nelson Street	St Joseph's School (Waitara)
43.	James Street	St Patrick's School (Inglewood)
44.	Standish Street (Inglewood)	St Patrick's School (Inglewood)
45.	Brooklands Road	St Pius X School
46.	Clovelly Street	St Pius X School
47.	Ngatimaru Road	Tikorangi School
48.	Takiroa Street	Urenui School
49.	Cracroft Street (Waitara)	Waitara Central School
50.	Airedale Place	Waitara East School
51.	Richmond Street (East)(Waitara)	Waitara East School
52.	Arawa Street	Welbourne School
53.	Belt Road	West End School
54.	Bonithon Avenue	West End School
55.	Davies Lane	West End School
56.	Sanders Avenue	Westown School
57.	Bell Street	WITT
58.	Cracroft Street (New Plymouth)	WITT
59.	Beach Road	From To Pukearuhe Road to END
60.	Tasman Parade	Wairau Road to Shearer Drive

b) 30 km/h variable

1.	Omata Road	Francis Douglas Memorial College
2.	Tukapa Street	Francis Douglas Memorial College
3.	Tukapa Street	Frankley School
4.	Coronation Avenue	Highlands Intermediate
5.	Richmond Road	Lepperton School
6.	Mangorei Road	Mangorei School
7.	Mangorei Road	New Plymouth Girls High School
8.	McLean Street (Waitara)	St Joseph's School (Waitara)
9.	Nelson Street	St Joseph's School (Waitara)
10.	Huatoki Street	Vogeltown School
11.	Princess Street (North)	Waitara High School
12.	Cumberland Street	Welbourn School
13.	Brois Street	Woodleigh School

c) 60km/h permanent

1.	Kaimata Road (North)	Kaimata School
2.	Kaimata Road (South)	Kaimata School
3.	Lincoln Road	Waitoriki School
4.	Pukearuhe Road	Mimi School
5.	Ratapiko Road	Ratapiko School
6.	Richmond Road	Waitoriki School
7.	Tarata Road	Kaimata School
8.	Uruti Road	Uriti School

d) 10km/h permanent

		From	To
1.	Jeffery Lane (Service Lane)	Nugent Street	END

e) 40 km/h permanent

		From	To
1.	Blackmore Street	Doone Street	END
2.	Carver Place	Doone Street	END
3.	David Street	Lorna Street	Tukapa Street
4.	Doone Street	Devon Street West (SH45)	Lyn Street

5.	Lorna Street	Devon Street West (SH45)	Lyn Street
6.	Lyn Street	Doone Street	END
7.	Ridd Street	Doone Street	END
8.	Saxton Road	Carrington Street	Carrington Street
9.	Taunton Place	Lorna Street	END
10.	Truro Place	David Street	END
f)	50 km/h permanent		
1.	Colson Road	From Smart Road	To END
g)	60 km/h permanent		
1.	Albion Road	From Upper Pitone Road	To END
2.	Amo Street	Tarata Road	Mungu Street
3.	Autawa Road	Tarata Road	END
4.	Bishop Road	Egmont Road	END
5.	Burgess Hill Road	Junction Road (SH3)	END
6.	Carrington Road	Plymouth Road	Saunders Road
7.	Clarke Road	Everett Road	Lincoln Road
8.	Cowling Road	Existing 50 km/h change	END
9.	Cross Road	Waitara Road	Richmond Road
10.	Croydon Road	South Road (SH45)	END
11.	Davis Road	Mountain Road (SH3a)	END
12.	Davis Road (Extension)	Davis Road	END
13.	Derby Road	Stratford DC boundary	END
14.	Derby Road (North)	Norfolk Road Upper	END
15.	Dorset Road	Smart Road	Egmont Road
16.	Dover Road	South Road (SH45)	Carrington Road
17.	Egmont Road	Egmont National Park boundary	END
18.	Ekuarangi Place	Pahakahaka Drive	END
19.	Elsham Road	Richmond Road	END
20.	Foreman Road	Otaraoa Road	END
21.	Gardner Road	Waireka Road West	END
22.	Hickman Road	Mataro Road	END
23.	Hurford Road	South Road (SH45)	END

24.	Hydro Road	Junction Road (SH3)	END
25.	Johnson Road	Pukearuhe Road	END
26.	Kaipakopako Road	Ninia Road	END
27.	Kaipikari Road (Upper)	Wilson Road	END
28.	Kaitake Road	Surrey Hill Road	END
29.	Kelly Road	Manutahi Road	END
30.	King Road	Junction Road (SH3)	END
31.	Kirihau Road	Plymouth Road	END
32.	Kohete Road	Tariki Road (North)	END
33.	Kupara Road	Ratapiko Road	END
34.	Lincoln Road	Clarke Road	END
35.	Lincoln Road East	Lincoln Road	END
36.	Makara Road	Clarke Road	END
37.	Mana Road	Ratapiko Road	END
38.	Mangahewa Road	Otaraoa Road (Upper)	END
39.	Mangamaio Road	Mokau Road (SH3)	END
40.	Mangaone Road	Bristol Road	Tarata Road
41.	Mangaotea Road	Tariki Road (South)	END
42.	Mangawara Road	Alfred Road	END
43.	Matapo Road	Kaipikari Road (Upper)	END
44.	Mataro Road	Hickman Road	END
45.	Maude Road	Hill Road	END
46.	Mimi Road	Pukearuhe Road	Mokau Road (SH3)
47.	Motukawa Road	Tarata Road	END
48.	Mungu Street	Amo Street	Tarata Road
49.	Ngatoto Road (South)	Tarata Road	END
50.	Nopera Road	Pukearuhe Road	END
51.	Oapui Road	Tarata Road	END
52.	Old Mountain Road	Mountain Road (SH3)	END
53.	Onaero River Road	Main North Road (SH3)	Mataro Road
54.	Otaraoa Road (Upper)	Tikorangi Road (East)	Tarata Road
55.	Oxford Road	Saunders Road	Carrington Road
56.	Pahakahaka Drive	Wairau Road (upper)	END
57.	Parrs Road	Frankley Road	END
58.	Pheney Road	Hurford Road	Barrett Road
59.	Pitt Road	Dorset Road	END
60.	Plymouth Road	Koru Road	South Road (SH45)
61.	Pukeho Road	Tarata Road	END

62.	Pukemahoe Road	Tarata Road	END
63.	Ratapihipihi Road	Cowling Road	END
64.	Rimutauteka Road	Bristol Road	END
65.	Rowe Road	Wai-Iti Road	END
66.	Saunders Road	Wiremu Road	END
67.	Sealy Road	South Road (SH45)	END
68.	Smart Road	Existing 50 km/h change	END
69.	Stockman Road	Tikorangi Road (East)	END
70.	Surrey Hill Road	Wairau Road (upper)	END
71.	Surrey Road	Derby Road	END
72.	Sutton Road (New Plymouth)	Waireka Road West	END
73.	Tapuae Road	Barrett Road	END
74.	Taramoukou Road	Otaraoa Road (Upper)	END
75.	Tarata Road	Tariki Road (North)	END
76.	Tariki Road (North)	Tariki Road (South)	Tarata Road
77.	Te Arei Road West	Ninia Road	END
78.	Thomason Road	Alfred Road	END
79.	Tikorangi Road (West)	Ngatimaru Road	END
80.	Timaru Road Upper	South Road (SH45)	END
81.	Toetoe Road	Tarata Road	END
82.	Toro Road	Tarata Road	END
83.	Umutekai Road	Dorset Road	END
84.	Upper Pitone Road	South Road (SH45)	Carrington Road
85.	Wairau Road (Upper)	Surrey Hill Road	END
86.	Wai-Iti Road	Pukearuhe Road	END
87.	Waikaramarama Road	Pukearuhe Road	END
88.	Waireka Road West	South Road (SH45)	Gardner Road
89.	Waiwakaiho Road (West)	Junction Road (SH3)	END
90.	Wharekauri Road	Mokau Road (SH3)	END
91.	Wilson Road	Kaipikari Road (Upper)	END
92.	York Road	Waitara Road	END

h) 80 km/h permanent

		From	To
1.	Ackworth Road	Kelly Road	Richmond Road
2.	Albert Road	Thomason Road	END
3.	Alfred Road	Thomason Road	END
4.	Barrett Road	Existing 50 km/h change	Frankley Road
5.	Barry Road	Lincoln Road	END
6.	Bedford Road (North)	Lepper Road (Upper)	Durham Road (Upper)
7.	Bedford Road (South)	Norfolk Road (Upper)	Surrey Road
8.	Bertrand Road East	Waitara Road	Ngatimaru Road
9.	Bridgeman Road	Egmont Road	END
10.	Bristol Road	Everett Road	END
11.	Brown Road	Existing 50 km/h change	END
12.	Carrington Road	Existing 80 km/h change	Plymouth Road
13.	Dudley Road (Upper)	Mountain Road (SH3)	END
14.	Durham Road (Lower)	Mountain Road (SH3)	Tarata Road
15.	Durham Road (Upper)	Bedford Road (North)	END
16.	Egmont Road	Bishop Road	Existing 50 km/h change
17.	Egmont Road	Existing 50 km/h change	Egmont National Park boundary
18.	Epiha Road (Upper)	Main North Road (SH3)	Otaraoa Road (Upper)
19.	Everett Road	Waitara Road	Bristol Road
20.	Faull Road	Ngatimaru Road	END
21.	Ferguson Road	Waiau Road	END
22.	Frankley Road	Existing 80 km/h change	Carrington Road
23.	Gilbert Road	Pukearuhe Road	END
24.	Herbert Road	Korito Road	END
25.	Hill Road	Albert Road	END
26.	Hurworth Road	Frankley Road	Carrington Road
27.	Inland North Road	Existing 50 km/h change	Ohanga Road
28.	Johns Road	Mountain Road (SH3)	END
29.	Kaihihi Road (Upper)	South Road (SH45)	END

30.	Kaimata Road (South)	Tarata Road	Tariki Road
31.	Kaipi Road	Egmont Road	END
32.	Kaipikari Road (Upper)	Wilson Road	END
33.	Kairau Road (East)	Waitara Road	END
34.	Karaka Road	Faull Road	END
35.	Kelly Road	Te Arei Road East	Manutahi Road
36.	Kent Road	Junction Road (SH3)	Maude Road
37.	Korito Road	Kent Road	END
38.	Koru Road	South Road (SH45)	Plymouth Road
39.	Lepper Road Lower	Junction Road (SH3)	END
40.	Lepper Road Upper	Junction Road (SH3)	Egmont Road
41.	Lincoln Road	Existing 50 km/h change	Waitoriki School
42.	Lincoln Road	Waitoriki School	Clarke Road
43.	Manganui Road	Everett Road	END
44.	Mangatete Road	Saunders Road	END
45.	Mangorei Road	Junction Road (SH3)	END
46.	Manutahi Road	Existing 50 km/h change	Kelly Road
47.	Matarikoriko Road	Waitara Road	END
48.	Mataro Road	Kaipikari Road (Upper)	Hickman Road
49.	Maunga Heights	Carrington Road	END
50.	Ngaro Road	Ross Road	END
51.	Ngatimaru Road	Existing 50 km/h change	Existing 50 km/h change
52.	Ngatimaru Road	Existing 50 km/h change	Tikorangi Road (West)
53.	Ninia Road	Corbett Road	Te Arei Road West
54.	Norfolk Road (Lower)	Norfolk School	Suffolk Road
55.	Norfolk Road (Upper)	Mountain Road (SH3)	END
56.	Ohanga Road	Main North Road (SH3)	Waiau Road
57.	Otaraoa Road (Upper)	Main North Road (SH3)	Tikorangi Road (East)
58.	Oxford Road	Existing 50 km/h change	Saunders Road
59.	Peters Road	Alfred Road	Egmont Road
60.	Plantation Road	Junction Road (SH3)	END
61.	Plymouth Road	Koru Road	Carrington Road
62.	Pukearuhe Road	Mimi School	END

63.	Richmond Road	Main North Road (SH3)	Existing 50 km/h change
64.	Richmond Road	Existing 50 km/h change	Waitoriki School
65.	Ross Road	Tariki Road	END
66.	Rugby Road	Mountain Road (SH3)	END
67.	Saunders Road	Oxford Road	Wiremu Road
68.	Scout Road	Kent Road	END
69.	Snell Road	Inland North Road	END
70.	Spargo Road	Waitara Road	END
71.	Suffolk Road (North)	Tarata Road	END
72.	Suffolk Road (South)	Tarata Road	END
73.	Surrey Road	Mountain Road (SH3)	Derby Road
74.	Tape Road	Union Road	END
75.	Tarata Road	Existing 50 km/h change	Kaimata School
76.	Tarata Road	Kaimata School	Tariki Road
77.	Tariki Road (South)	Mountain Road (SH3)	Ratapiko Road
78.	Tate Road	Brown Road	Main North Road (SH3)
79.	Te Arei Road East	Richmond Road	Waitara Road
80.	Te Arei Road West	Ninia Road	Richmond Road
81.	Thomason Road	Junction Road (SH3)	Alfred Road
82.	Tikorangi Road (East)	Ngatimaru Road	Inland North Road
83.	Turangi Road (Upper)	Main North Road (SH3)	Inland North Road
84.	Union Road	Egmont Road	END
85.	Upland Road	Junction Road (SH3)	Lepper Road Upper
86.	Waiau Road	Main North Road (SH3)	Ohanga Road
87.	Waipapa Road	Ngatimaru Road	END
88.	Waitara Road	Pennington Road	Everett Road
89.	Waiwakaiho Road	Egmont Road	END
90.	Windsor Road	Existing 50 km/h change	Dudley Road (Upper)
91.	Wortley Road	Richmond Road	Lincoln Road

COMPLIANCE	
Significance	This matter is assessed as being of some importance
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Approve the proposed safer speeds with or without amendment. 2. Do not endorse the proposed safer speeds at this time.
Affected persons	The persons who are affected by or interested in this matter are the residents of New Plymouth District.
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

2. This report recommends Council endorse the proposed safer speeds. Safer speeds are part of our commitment to the national road safety strategy Road to Zero.
3. In the New Plymouth District, the number of death and serious injury (DSI) crashes on our roads has continued to climb over the last 10 years (Source: Waka Kotahi Crash Analysis System (CAS)). Of the 861 deaths or injury crashes on New Plymouth local roads, 671 were contributed to driver error (for example distraction and inattention). A reduced speed would have mitigated or lowered the impact of these crashes.
4. In May of 2018 Council signed off on the 'Speed Management guiding principles for New Plymouth District' (Appendix 1), and instructed officers to commence a comprehensive, district-wide speed limit review. The proposed safer speeds is the culmination of this work.
5. Safer speeds are just one aspect of Council's commitment to reduce DSI crashes across the district. In addition to the proposed speed reductions, Council is investing \$64.4 million on road safety improvements, targeting high-risk roads over the next ten years. Council has also increased funding to Roadsafes Taranaki for more targeted New Plymouth based road safety education.

6. Speed management is a role of the local Road Controlling Authority (RCA), as they have best knowledge of the local roading network and are better placed to engage with the local community. Managing the network in this way also reduces the risk of a blanket approach and speed limits that are inconsistent and do not make sense.
7. As a road controlling authority NPDC is required to work towards a reduction in DSI crashes of 40% by 2030 (Source: Te Ara ki te Ora, Road to Zero; Ministry of Transport). These proposed safer speeds are estimated to provide an approximate reduction in our DSI crashes of 33% across the full delivery of the safer speeds programme.
8. Officers have consulted with the wider community on the proposed safer speeds. 1,252 responses were received on the proposed plan. 89% of the responses are in support of the safer speeds around schools, 78% are in support of safer speeds around Taranaki Base Hospital and 52% are in support of safer speeds on rural roads.
9. It is estimated that the proposed safer speeds will see a saving of 70 DSI crashes over a 10-year period. Source: Waka Kotahi Megamaps
10. Once approved by Council, officers will send the 'interim speed management plan' to Waka Kotahi (New Zealand Transport Agency) for approval. Council officers expect implementation would begin in late 2022 early 2023.

BACKGROUND

11. In late 2016 Waka Kotahi published the Speed Management Guide (the Guide) which modernises the approach to speed management on New Zealand roads. The Guide's primary focus is to reduce risk to all road users by setting speed limits that are consistent across the whole transportation network.
12. To create a consistent approach to safer speeds nationally and to reduce the severity of a crash should it occur. The guide has identified for rural roads that are primarily straight, have good visibility, wide shoulders, and a centre line and physical separation between both lanes of traffic; the appropriate speed is 100 km/h. For roads that have all of the above excluding physical separation, 80km/h is appropriate. For roads that are narrow, windy have poor visibility, 60km/h is appropriate. Urban roads would be a mixture of 50, 40 and 30km/h. This approach was approved by Council through the 'Speed Management guiding principles for New Plymouth District'. The images below show what this looks like in practice.



Image 1.1 Devon Road, New Plymouth



Image 1.2 Egmont Road, New Plymouth



Image 1.3 Carrington Road, New Plymouth



Image 1.4 David Street, New Plymouth



Image 1.5 Pendarves Street, New Plymouth



13. Between 2019 and 2021 council officers ran a district wide road safety, rural speed limit and urban speed limit review. A summary of the results can be found in the table below.

	Response		Column header
2019 District Wide Road Safety Review	1093	31% requested a speed reduction	38% identified issues on roads such as narrowness or tight bends where a speed reduction would support.
2020 Rural speed review	678	54% support of speed reductions	59% in support of speed reductions around schools.

Table 1.1 Community response to District Wide road safety review and rural speed engagement

	Response	Speed reduction around schools	Speed reduction on local roads	Speed reduction in retail centres
2021 Urban speed review	1350	57% yes 10% other 33% no	32% yes 4% other 64% no	40% yes 6% other 54% no

Table 1.2 Community response to urban speed engagements

What is being proposed?

14. On 19 May 2022 new legislative changes came into effect, Land Transport Rule: Setting of Speed Limits 2022, creating a new process for setting speed limits.
15. Speed limits are now managed through regional speed management plans, and are planned to be delivered every three years to align with the Long-Term Plan and Waka Kotahi NLTP process. Road Controlling Authorities (such as NPDC) are also able to deliver speed limit changes through an Interim Speed Management Plan, while a regional speed management plan is developed.
16. Council officers have been working alongside consultant Beca to develop our Interim Speed Management Plan. The roads prioritised for safer speeds have been identified through a robust prioritisation process:
 - What is the current crash history and infrastructure risk rating of the road? (This information is sourced from Waka Kotahi Megamaps)
 - What is the reduction in DSI crashes that can be made by reducing the speed limit on this road? (This information is sourced from Waka Kotahi Megamaps)
 - What is the current average traffic speed on this road? Priority is given to roads where the average traffic speed is very near to the proposed speed. (This information is sourced from Waka Kotahi Megamaps, and sense checked with NPDC data)

-
- What has our community told us are their priorities? Based on earlier engagement, the community's priorities are roads by schools and our rural roads.
 - What do we have planned in our current build programme that supports a speed limit change?
17. Council is proposing to implement safer speeds on roads outside all of our schools both urban and rural (67 roads). Implementing safer speeds on approximately 50% of our rural road network (236 roads), and trialling a safer speed area on residential streets near Taranaki Base Hospital (10 roads). Here is a [link](#) to view the map of proposed safer speeds.

Why are we proposing safer speeds?

18. Councils across New Zealand are delivering interim speed management plans as part of Waka Kotahi's and Ministry of Transport's Road to Zero strategy, and its vision of zero deaths and serious injury on New Zealand's roads by 2050.
19. In New Plymouth District, the number of death and injury crashes on our roads has continued to climb over the last 10 years (both on State Highways and Local Roads) (Source: CAS). Of the 861 deaths or injury crashes on New Plymouth local roads, 671 (78%) were contributed to driver error factors (e.g. distraction, inattention, etc). where a reduced speed limit would have reduced the harm associated with these crashes.
20. The table below shows the split of where the DSI crashes on New Plymouth local roads are happening.

Death and Serious Injury crashes	Total number
Urban NP local road	128
Rural NP local road	62

Table 1.3 Split of DSI crashes on New Plymouth roads

21. Speed is the key factor in DSI crashes, no matter what the cause of a crash it is speed that determines whether people walk away from it. Figure 1.1 identifies the relationship between collision speed and probability of fatality.
-

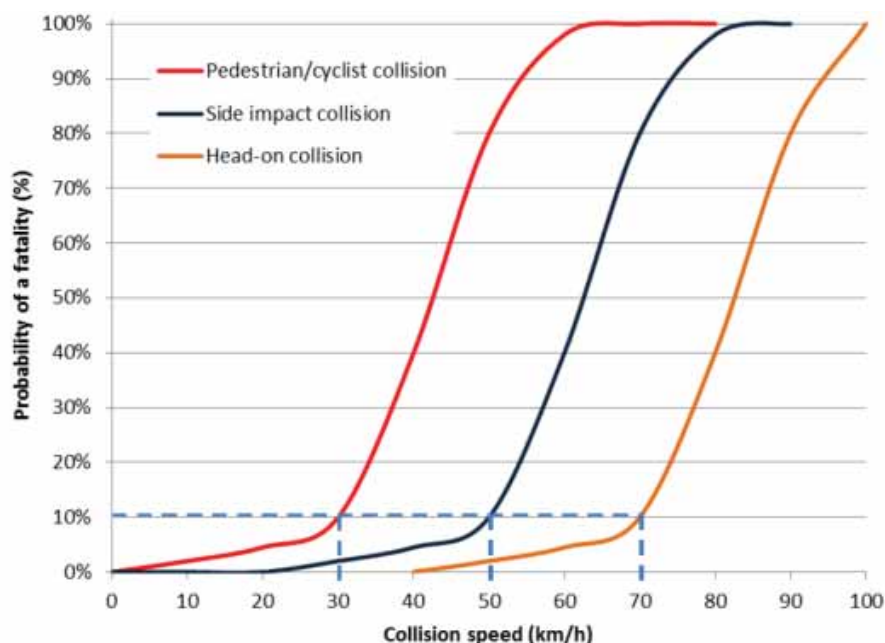


Figure 1.1.1. Relationship between collision speed and probability of a fatality for different crash configurations
Source: Jurewicz, Sobhani et al. (2015) and based on Wramborg (2005)

22. There is both international and national evidence that supports the reduction in severity of crashes with safer speed limits.

'Rural roads where speeds were changed on 30 June 2020 have seen a 71 per cent reduction in deaths and more than a 25 per cent reduction in serious injuries' (Annual figures for the period 30 June 2020 to 31 December 2021, when compared to the prior five-year comparison period.)

Source: <https://at.govt.nz/about-us/news-events/evidence-shows-safe-speeds-are-saving-lives/>

'Within a one-year timeframe, crashes on New Zealand roads that currently don't have safe and appropriate speeds resulted in over 100 fatalities. Crashes occur both within and above current limits. International evidence shows that lowering speed limits lowers mean speeds, which lowers both the chance of crashes occurring and the severity of injuries should a crash occur.'

Source: <https://www.nzta.govt.nz/assets/safety/docs/speed-management-resources/speed-management-planning-faqs.pdf>

'To reduce road trauma, i.e. fatalities and injuries, governments need to take actions to reduce the speed on our roads and also to reduce differences in speed. As individuals, the risk for a severe crash might seem small, but from a societal point of view, there are substantial safety gains when the mean speeds and speed differences on the roads are reduced'

Source: Speed and Crash Risk OECD/ITF 2018 ([speed-crash-risk.pdf \(itf-oecd.org\)](https://www.oecd.org/transport/speed-crash-risk/))

23. By bringing in safer speeds, our biggest-ever investment in road safety improvements (\$64.4m over the next 10 years), and increasing our investment to Roadsafe Taranaki to allow more New Plymouth based road safety education, we are creating a road system that's more forgiving of mistakes.
24. The proposed safer speeds will see a reduction in DSI crashes of 70 (over a ten year period). How this is split between our local roads can be seen in table 1.4
Source: Waka Kotahi Megamaps.

	DSI Saving (over 10 years)
Local School Roads	13.1% or 9 DSI crashes
Local Urban Roads	.4 %
Local Rural Roads	86.5% or 61 DSI crashes

Table 1.4 DSI reduction with proposed safer speeds

25. The anticipated social costs that will be saved with the proposed safer speeds and the reduction in severity of crashes is approx. \$107 million. Social cost estimates include all costs incurred as a result of a crash/injury: cost of loss of life and life quality, loss of output, medical cost, property damage costs and legal and court costs. Along with all ongoing costs.

Results of community engagement and consultation

26. Council officers began work on the speed review with a key stakeholder group back in 2019. This group consists of:
- New Plymouth Police
 - Taranaki Automobile Association
 - Taranaki District Health Board
 - Taranaki Equestrian Network
 - Heavy Haulage and Road Transport Association
 - North Taranaki Cycling Advocates

This group has helped to inform the steps taken, provided guidance and feedback.

27. The consultation period for phase one of the safer speeds review (interim speed management plan) began on 7 June 2022 and ran for three weeks. All properties that are on a road with a proposed speed limit change should have received a letter. Key stakeholder groups promoted the review to their members, Council ran both an online and print media campaign to encourage our community to have their say. Overall, we have received 1,252 responses to the proposed safer speeds from both organisations and individuals. A full break down of their responses can be found at Appendix 2.
28. Responses were provided via a feedback form online, email, or phone. Online respondents were offered the opportunity to indicate their response via a Likert Scale and to provide comments (free text).
29. The findings show of the 1,252 responses 95% provided a response to the proposed safer speeds around schools; 98% provided a response to the proposed safer speeds in our rural network; 93% provided a response to the proposed safer speeds near Taranaki Base Hospital. See the table 1.5 and table 1.6 below for a summary of findings.
- a) Excluding the neutral responses to the proposed safer speeds around schools (#170 responses) a total of 89% (#909 responses) either support or strongly support, 11% (#116 responses) either oppose or strongly oppose.
 - b) Excluding the neutral responses to the proposed safer speeds around Taranaki Base Hospital (#271 responses) a total of 78% (#700 responses) either support or strongly support, 22% (#199 responses) either oppose or strongly oppose.
 - c) Excluding the neutral responses to the proposed safer speeds in our rural network (#94 responses) a total of 52% (#583 responses) either support or strongly support, 48% (#547 responses) either oppose or strongly oppose.

	In support	Support in part	Not in support
Proposed safer speeds around schools	28	2	3
Proposed safer speeds around Taranaki Base Hospital	10	0	2
Proposed safer speeds on rural roads	31	17	13

Table 1.5 Written and verbal community feedback to safer speeds review

	Strongly Oppose	Oppose	Neutral	Support	Strongly Support
Proposed safer speeds around schools	48	65	170	408	471
Proposed safer speeds around Taranaki Base Hospital	83	114	271	340	350
Proposed safer speeds on rural roads	337	197	94	189	346

Table 1.6: Online community feedback to safer speeds review

General themes of feedback

30. There has been a lot of feedback received in support of the proposed safer speeds. General themes include:
- Make the roads safer for people who run, walk, bike and ride horses
 - Make the roads safer for families with children
 - The road is narrow and winding, and vision is limited we need a lower speed limit
 - The road needs lower speeds due to the increase in tankers, stock trucks, logging trucks and school traffic.
 - People need to slow down, it makes life safer and more relaxed. And it reduces fuel consumption and lowers emissions.
31. There has also been a number of responses opposed to the safer speeds proposed. General themes include:
- It's driver education that is the problem
 - Lack of crashes on a specific road to warrant the speed limit change
 - Concern that lowering speed limits would therefore result in a reduction in spend on rural road maintenance
 - Reducing speed limits will reduce productivity due to increase in travel time

Officers response to feedback

32. The proposed safer speeds have been prioritised to improve safety for all users. It is evidenced (see above) that significant safety benefits can be achieved through safer speeds.

-
33. Officers have acknowledged that speed is just one part of the approach to reducing DSI crashes. The other components are:
- Safer roadsides: Council has its biggest investment ever over the next ten years into road safety improvements, with a budget of \$64.6 million. In addition we will continue to maintain Council roads to current levels of service and we have a budget to match that ongoing maintenance. Specifically looking at rural roads in the past 10 years we spent \$42m on maintenance and in the next 10 years we have programmed \$48.7m. Capital expenditure and renewals in the past 10 years we spent \$62m and in the next 10 years we have programmed \$82.9m.
 - Driver education: Roadsafes Taranaki deliver localised road safety education across Taranaki. Council has increase funding to allow more New Plymouth based road safety delivery with particular emphasis on young drivers, intersections, inappropriate/unsafe speed, unlicensed drivers, motorcycling, distracted driving and recidivist drink driving.
 - Safer vehicles: this is outside of Council's control, although our own vehicle policy is to ensure a minimum of a 5 star safety rated passenger vehicle and minimum 4 star for commercial vehicles in Council fleet.
 - Enforcement: this is currently outside of Council's control. With the change in the Setting of Speed Limits Rule, safety cameras have now come under the authority of Waka Kotahi. It is anticipated that Council will be able to purchase safety cameras in the LTP period 2024-2027 to support the proposed safer speeds.
34. Crash history is one of the factors used to prioritise safer speeds on roads but it is not the only factor. The safer speeds that have been proposed are there to reduce the severity of a crash when it occurs. Officers are proposing safer speeds consistent with the national guidelines from Waka Kotahi.
35. It is expected that for many of the roads where a safer speed has been proposed there will be no impact on travel time given the infrastructure of the road. However there will be a minor impact on some roads, which may extend some travel times. Officers have looked at operating speeds on these roads (Source: Waka Kotahi Megamaps) and sense checked this with local speed data. Officers anticipate that increases to travel times will on most occasions be a matter of seconds, to a few minutes. Please see below a table showing a selection of New Plymouth roads, the current speed limit, the proposed speed limit and the average travel speed on the road.
-

Road	Current speed limit	Proposed speed limit	Average current travel speed (according to megamaps data)	Average current travel speed (according to NPDC data)	Google map travel speed for the corridor
Tarata Road (East of Tarihi Road)	100 km/h	60 km/h	50.89 km/h	51.0 km/h	46 km/h
Egmont Road (between SH3 and SH3)	100 and 80 km/h	80 km/h	78.54 km/h	84.6 km/h	70 km/h
David Street	50 km/h	40 km/h	42.2 km/h	38.8 km/h	26 km/h
Barriball Street (between Sackville and Record Street)	40 km/h	30 km/h	33 km/h	38.7 km/h	17 km/h

Table 1.7: Comparison of existing speed limits against proposed speed limits and average travel speed

36. Egmont Road between Egmont Village and Waiwhakaiho is considered by council officers to be the most significant rural road in our network for economic productivity. The length of this corridor is 12.8 km, when using google which tracks travel time from a variety of data sources (GPS, live and historical traffic data, posted speed limit) it indicated that travel time for this length is 11 minutes, equating to a speed of 70 km/h. The proposed speed limit for this length of Egmont Road is 80km/h, this safer speed will remove the peaks and reduce the amount of heavy braking required for corners. Not only improving safety, but reducing emissions also.
37. Reducing speed limits on roads where the average travel speed is already considered safe will help to reinforce the safe speed which will slow down many of those who currently travel in excess of this safe speed. It aligns the speed with the road environment.

Changes to the plan

38. Based on feedback received from the community, council officers are proposing the following changes to the proposed safer speeds:
- a) Increase the speed on a section of Mataro and Kaipikari Roads to 80km/h.
 - b) Reduce a section of Plymouth Road to 60km/h.
 - c) Reduce the speed limit on Beach Road (Pukearuhe) to 30km/h.

- d) Reduce the speed outside Norfolk School to 30km/h.
- e) Reduce the speed on Wynyard Street outside Bell Block School to 30km/h.

39. A letter has been sent to all residents on these roads, and their feedback has been summarised below. Appendix 3 has the breakdown of all responses.

Road name	In support	Opposed
Mataro and Kaipikari Roads	10	3 (one would like it lower)
Plymouth Road	1	
Beach Road		
Norfolk Road (Lower)	1	
Wynyard Street		2

Table 1.8 Community response to second round of speed consultation

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

40. The proposed changes will see a per annum reduction of 348.07 tonnes of CO₂ (Source: Waka Kotahi Megamaps). To put this in context the average petrol/diesel car produces approximately 4.6 tonnes of CO₂ per annum so would be the equivalent to taking 75 cars off the road.

NEXT STEPS

- 41. Should Council approve the proposed safer speeds, the 'interim speed management plan' will be submitted to Waka Kotahi for approval.
- 42. Once approval is received, the implementation of speed limit changes will begin in summer 2023.
- 43. A number of the speed limits proposed outside schools will also coincide with infrastructure improvements to support the lower speed. It is anticipated that these projects will be designed and consulted on in the 2022/23 year and built in 2023/24.

SIGNIFICANCE AND ENGAGEMENT

- 44. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because the proposed changes can be funded from current transportation budgets.
- 45. There are interested and affected parties regarding the matters raised in this report. Consultation has already been undertaken with these parties to obtain their views and preferences on the matters proposed in this report. Their views have been covered above.

OPTIONS

46. There are two reasonably practical options:

Option 1 Approve the proposed safer speeds with or without amendment

Option 2 Do not approve the proposed safer speeds at this point in time

The options have been assessed together below.

Financial and Resourcing Implications

- 47. The costs for the delivery of safer speeds including signage, road-marking, some of the construction of traffic calming and the associated administration costs are covered within existing capex budgets. The 2021 – 2024 Long-Term Plan has allocated \$1,858,000 towards the delivery of this programme.
- 48. Should the safer speed limits be approved ongoing monitoring and evaluation will occur. Additional infrastructure may be needed to support safer speed limits outside some schools, if this is the case budget will be requested through the next Long-Term Plan.
- 49. There are no short term costs associated with these items should the Council choose not to approve the proposed safer speeds at this time. However an approximate cost to upgrade the rural network to be considered safe in today's standards at 100km/h is \$10 billion. This would equate to a 667% increase in rates over the next 25 years.

Risk Analysis

- 50. The proposed safer speeds are to improve safety for all people by reducing the severity of crashes should they occur. By not approving the safer speeds there is a risk that Council could fail to meet its KPI's on reducing DSI crashes on our network.
- 51. It has been identified that there is an existing risk on our roads due to unsafe speeds. Council has a duty of care to act on this.

Promotion or Achievement of Community Outcomes

- 52. The proposed amendments promote both the 'community' and 'sustainability' outcomes by improving safety on our road network, reducing the severity of crashes and reducing the amount of CO2 into the atmosphere.
- 53. We want to put people first, human life and safety come above all else. That may mean that sometimes our journeys will take a little longer. However, most of the time, the increase in travel will only be a matter of seconds.

Statutory Responsibilities

54. The proposed safer speeds comply with the Land Transport Rule: Setting of Speed Limits 2022. As part of this rule all road controlling authorities are required to reduce speed limits around all schools by 31 December 2027.

Consistency with Policies and Plans

55. The proposed safer speeds are consistent with the Long Term Plan 2021-2031. One of the key performance indicators for the transport network is reducing the number of fatal and serious crashes in the district.
56. Alignment with the draft Emissions Reduction Plan to enable the community to consider mode shift to low carbon transport options like walking and cycling.

Participation by Māori

57. A letter and/or email was sent out to all Iwi and Hapū in the district asking them for their input on the proposed safer speeds. As feedback online was anonymous, officers can't track the number of responses.
58. As mentioned above there has been a change to the speed management rule, one key change is the ability to provide variable speed limits at marae and urupa (a variable speed sign would allow for a lower speed limit during significant events). Unfortunately these changes were not advised in time for us to coordinate into phase one of our speed review. Officers have invited Iwi and Hapū to engage with officers at a later date to discuss road safety concerns and/or potential improvements which could be included in our long-term planning for the 2024-2027 funding round.

Community Views and Preferences

59. A summary of the community views and preferences can be found above, with a full breakdown of responses in Appendix 2.

Advantages and Disadvantages

60. The advantages of endorsing safer speeds will support us to achieve the national vision of an Aotearoa where everyone can get where they're going safely. Where it's safe to drive to work and home again, to go on a summer holiday roadie or visit whānau. Where it's safe to ride bikes and let tamariki walk to school. Where transport improves our health and wellbeing, creating liveable places for our communities.
61. It will support Council to achieve KPIs for reducing DSI crashes on our transportation network.
-

Recommended Option

This report recommends option 1 Approve the proposed safer speeds for addressing the matter with or without amendments.

APPENDICES

Appendix 1 Speed Management Guiding Principles for New Plymouth 2018
(ECM 7700650)

Appendix 2 Summary of community feedback (ECM 8794991)

Appendix 3 Summary of community feedback on the second round of consultation
(ECM 8818505)

Report Details

Prepared By:	Liz Beck (Let's Go Advisor)
Team:	Transportation
Approved By:	Kevin Strongman (Group Manager Planning and Infrastructure)
Ward/Community:	New Plymouth District
Date:	12 July 2022
File Reference:	ECM 8799550

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



New Speed Management Guiding principles for New Plymouth District

- Managing speeds on roads plays a key role in developing communities, a sense of place, improving neighbourhood amenity and the safety of all road users.
- Travel speeds should be able to provide both road safety and efficiency (economic productivity).
- Speed limits will become intuitive and reflect the use and function of roads.
- NPDC recognises the importance of and will undertake community engagement prior to changing any speed limits or introducing new infrastructure.
- Speed management does not happen in isolation, and other measures including infrastructure upgrades will continue to be considered when addressing safety issues on the transport network.

Our approach

Desired speed limits (km/h)	Locations
	<u>Urban speed limit guidance:</u>
10	Shared zones
20	Parks, cemeteries
30	Shopping precincts and school zones on residential streets, variable speed school zones on arterials and collectors
40	Local residential streets
	<u>Other speed limit guidance:</u>
50	Urban Arterial and Collector Roads
60	Urban arterials with an infrastructure and development appropriate to 60km/h or rural roads with significant development
80	Rural roads without additional engineering.
100	Rural roads with additional engineering to allow the safe travel at this speed



- The selection of urban speed reduction (40km/hr or less) will be prioritised according to community concern and the highest benefit (safety and efficiency).
- The selection of rural speed reduction (80km/h or less) will be prioritised according to community concern and the highest benefit (safety and efficiency).
- In the urban areas, speed reductions will be based on natural groupings of local residential streets which are bounded by roads of higher classification in the road hierarchy.
- A variety of mechanisms will be used to achieve lower travelling speeds ranging from communication and education to signage and physical engineering works.

Community engagement will underpin all interventions for speed management in the District.

Feedback received on Safer Speed Review, phase one June 2022



13 June 2022

Liz Beck
Liz.Beck@npdc.govt.nz

RE: Feedback on Safer Speed Review and Interim Speed Management plan for New Plymouth

Dear Liz

I refer to your correspondence of 18 May 2022 and 7 June 2022 to me in relation to the safer speed review and the interim speed management plan for New Plymouth.

I have consulted the region's Road Policing Manager, Inspector Ashley Gurney for his operational knowledge of the stretches of road in question.

The Government's road safety strategy, Road to Zero, identifies that in the event of a crash, there are physical limits to the amount of force the human body can be subjected to and our chances of survival or avoiding serious injury decrease rapidly above critical impact speeds. For a pedestrian or cyclist hit by a car, it's around 30-40 km/h. In a side impact collision involving two cars, it's around 50 km/h. And in a head-on crash involving two cars, it's around 70-80 km/h.

One of New Zealand Police's goals is Safe Roads – preventing death and injury with our partners. Police supports the setting of speed limits in alignment with safe system principles and the need for our transport system to be forgiving in the event that a mistake is made, and a crash should occur.

With these principles in mind, Police fully supports the speed limits proposed to be enacted.

You have also asked for someone from Police to speak to the report that will go to Council for endorsement in August/September. Please feel free to contact Inspector Gurney on Ashley.Gurney@police.govt.nz mobile 021 191 4614 about this.

Yours sincerely

Superintendent Steve Grealley
Director: National Road Policing Centre
Police National Headquarters

Police National Headquarters
180 Molesworth Street, PO Box 3017, Wellington 6140, New Zealand.
Telephone: 04 474 9499, Fax: 04 498 7400. www.police.govt.nz





Safer Speeds Review
New Plymouth District Council

Email: speed@npdc.govt.nz

28 June 2022

TO WHOM IT MAY CONCERN

SUBMISSION: NPDC Safer Speeds Review

We do not wish to speak in support of our Submission.

The Public Health Unit (PHU) of the Taranaki District Health Board welcomes the opportunity to submit on the **New Plymouth District Council Safer Speeds Review**.

Taranaki PHU is one of 12 public health units providing public health services across Aotearoa/New Zealand. We provide a range of services with a focus on promoting health equity and protecting communities against public health hazards, including through a Wellbeing in All Policies approach (WiAP).

Taranaki PHU is committed to creating a fairer society where everyone has the opportunity for good health, and where our societal systems consider the needs and aspirations of Māori as tangata whenua and work in partnership with Māori through the application of Te Tiriti o Waitangi articles and principles.

WiAP is a cross-sectoral approach to policy that considers the health and wellbeing implications of policy decisions, to improve population health and equity. Many of the determinants of health lie beyond the control or influence of the health sector and the individual and form a complex system of factors that determine health outcomes (Figure 1). The decisions of local government play a direct role in the determinants of health in communities.

The Taranaki PHU strongly supports the proposed road speed limit reductions for the New Plymouth District, including the prioritisation of schools in Phase One and the increased investment in infrastructure to support reduced road speeds.

In addition to the summary and recommendations below please also find attached Appendix One – a background paper prepared by the Taranaki PHU on the benefits of speed limit reductions.

Summary of evidence supporting Safer Speeds:

Taranaki District Health Board
Private Bag 2036
New Plymouth 4342
New Zealand
Telephone 06 753 6339
Email: public.health@tdhb.org.nz
www.tdhb.org.nz

Taranaki Base Hospital
Private Bag 2036
New Plymouth 4342
New Zealand
Phone: 06 753 6138

Hawera Hospital
Post Office Box 98
Hawera
New Zealand
Phone: 06 753 6138

Stratford Health Centre
Phone: 06 765 7189

Opunaki Medical Centre
(CoastalCare)
Phone: 06 761 7324

Pātea Health Centre
Phone: 06 273 6456

Waitara Health Centre
Phone: 06 754 8138

Mākuu Health Centre
Phone: 06 752 9723



Figure 1 The Determinants of Health and Wellbeing in Communities (Whitehead & Dahlgren, 2006)



- Reducing road speed improves safety, as well as decreases the number and severity of crashes.¹
- Road traffic risk and harm is inequitably distributed, impacting Māori at greater rates than non-Māori and those living in the most socioeconomically deprived areas when compared to the least deprived areas.²
- Road traffic risk in New Zealand is highest among Māori and contributes to inequitable outcomes in health and wellbeing.³
- Children are particularly vulnerable road users and strategies to reduce speed have been shown to positively impact rates of childhood injuries.^{4 5}
- Speed reductions have a positive impact on the wider community increasing amenity use and walkability.⁶
- Reducing road speeds is associated with increased uptake of active transport modes, which have many positive impacts on physical and mental health.⁷
- Other benefits associated with reduced speeds include improved air quality, reduced traffic noise, and reductions in greenhouse gas emissions.⁸
- Changes to the physical road environment are necessary to both support speed limit reductions and to make areas where speeds change safer, such as outside rural schools.⁹

To reduce the inequalities associated with road speed, the Taranaki PHU recommends that, during the safer speeds phased rollout and when considering investment in infrastructure, **NPDC prioritises areas that are known to experience higher levels of social deprivation, alongside those with higher crash rates and high traffic density.**

We support speed limit reductions and infrastructure improvements to increase safety for all road users. We encourage the council to consider a 'whole of trip' approach when planning infrastructure upgrades to promote an integrated transport environment that encourages and supports people to choose active transport options. We also encourage the council to utilise ongoing community engagement and co-design opportunities when planning the design elements of any infrastructure upgrades.

Nāku noa, nā

Acting Service Manager, Taranaki PHU

¹ International Transport Forum. (2019). *Road Safety Annual Report: New Zealand*. OECD Retrieved from: [new-zealand-road-safety.pdf](https://www.oecd.org/transport/road-safety-annual-report-new-zealand/) (itf-oecd.org)

² Hosking, J., Ameratunga, S., Exeter, D., Stewart, J., & Bell, A. (2013). "Ethnic, socioeconomic and geographical inequalities in road traffic injury rates in the Auckland region." *Australian and New Zealand Journal of Public Health* 37, no. 2, 162-7

³ Waka Kotahi NZ. (2021). HE PŪRONGO WHAKAHAUMARU HUARAHĪ MŌ NGĀ IWI

MĀORI. *Māori road safety outcomes*. <https://www.nzta.govt.nz/assets/resources/maori-road-safety-outcomes-report/maori-road-safety-outcomes-full-report.pdf>

⁴ Safekids Aotearoa. (2015). *Child Unintentional Deaths and Injuries in New Zealand, and Prevention Strategies*. Auckland, NZ: Safekids Aotearoa.

⁵ Grundy, C., Steinbach, R., Edwards, P., Green, J., Armstrong, B., & Wilkinson, P. (2009). Effect of 20 mph traffic speed zones on road injuries in London, 1986-2006: controlled interrupted time series analysis. *Bmj*, 339, b4469.

⁶ Auckland Transport. (2017). *Roads & Streets Framework*. Roads and Streets Framework at.govt.nz

⁷ New Zealand College of Public Health Medicine. (2014). *Physical Activity and Health*.

https://www.nzcpmh.org.nz/media/137773/2014_11_28_physical_activity_and_health_policy_statement.pdf

⁸ Ministry for the Environment. (2018b). *New Zealand's Greenhouse Gas Inventory*. <http://www.mfe.govt.nz/climate-change/state-of-our-atmosphere-and-climate/new-zealands-greenhouse-gas-inventory>.

⁹ Charlton, S. G., & Baas, P. H. (2006). *Speed change management for New Zealand roads* (No. 300). Wellington: Land Transport New Zealand.

Evidence Summary: Speed Limit Reductions

The cost of speed:

Speed is a well-documented factor that increases the probability of road crashes and serious injury (Frith & Patterson, 2001). A large body of research indicates a strong, exponential relationship between increasing speed and crash risk, as well as between increasing speed and serious injury or death. The higher speed a vehicle is travelling, the greater risk of, and more severe, road crashes become. Additionally, a greater level of injury and death ensues (International Traffic Safety Data and Analysis Group, 2018). As vehicle speeds increase, fatality risk also increases.

Between 2013 and 2016 the rate of road fatalities in New Zealand increased by more than 2% every year. By 2018 there were 376 fatalities (a 49% increase on 2013). Crash injuries have also followed a pattern of year-on-year increase from 2013 (Weijermars et al., 2018). From 2013 to 2017 1,500 people were killed, 224 under 19, and nearly 40% of those killed were either cycling, walking or a vehicle passenger (Ministry of Transport, 2019; Walton, 2020). Hospitalisations from road crash injury also increased between 2014 and 2018. In 2018 there were 4,363 hospitalisations for injury, with higher rates seen in Māori and Pacific populations and more deprived areas seeing higher rates of injury hospitalisation (Environmental Health Indicators, 2020).

Taranaki has one of the highest rates of traffic injury hospitalisation (119.1 per 100,000 population), the third highest in 2018 (Environmental Health Indicators, 2020). In the Midland region (Bay of Plenty, Lakes, Hauora Tairāwhiti, Taranaki and Waikato), road traffic crashes are over-represented in major trauma statistics and are the second greatest contributor to causes of injury, closely followed by motorcycle crashes and cycle crashes (Midland Trauma System, 2019). The Ministry of Transport estimates the social cost for crashes to be NZD\$4.9 million per fatal crash, NZD\$923,000 per serious crash and NZD\$104,000 per minor crash (in 2017 NZD\$). This excludes taxes, insurance premiums and administration, collateral damage and traffic delays due to road crashes (International Traffic Safety Data and Analysis Group, 2018).

Reducing speed improves safety and reduces serious injury and death:

Road systems should be safe for everyone, whether young or old, walking, cycling, driving or on public transport. In areas where there is a mix of road users, reduction of speed limits will give greater protection to road users such as children and the elderly. As there is typically a high volume of pedestrians walking and cycling in neighbourhoods and town centres, speed limits should be survivable in case of collision (Auckland Transport, 2017). In traffic collisions,

the severity of the outcome is related to vehicle speed, there is a positive relationship between increasing vehicle speed and level of injury (Walton, 2020). Pedestrians hit by a car at 50km/h suffer injuries equivalent to falling from a three-storey building and are five times as likely to be killed as if hit at 30km/h for most unprotected road users, a collision at 30km/h is survivable (Kröyer, 2014; New Zealand Transport Agency, n.d; Rosén & Sander, 2009).

Speed limit reductions in New Zealand have been shown to be effective at reducing injuries and fatalities caused by crashes. In 1973, the open road speed limit in New Zealand was reduced to 80km/h for fuel conservation and increased to 100km/h in 1985. During this time period of reduced speed limits, traffic deaths and injuries fell, and subsequently increased when speed limits increased (Scuffham & Langley, 2002).

Research estimates that for every 1km/h reduction in mean open road speed, there is a 12% reduction in crashes in New Zealand (Povey, Frith & Keall, 2003). The introduction of 30km/h speed zones in Christchurch city CBD resulted in a reduction of injury-causing crashes by 25%, compared to a 13.5% increase in the rest of the central city (Koorey, 2018). A European review found that lower speed zones across Europe reduced injury accidents by an average of 27% (Elvik, 2009).

Speed can make the difference between a correctable and a fatal mistake. A large body of international research underscores that the reduction of vehicle speeds directly reduces injuries and deaths. Research estimates that for every 5km/h reduction in speed, fatal crashes reduce by 28% and serious crashes by 26%. The risk of an injury causing crash doubles from 80km/h to 100km/h (International Traffic Safety Data and Analysis Group, 2018). The speed of a motor vehicle affects reaction times and ability to avoid a collision. When a pedestrian steps in front of a car and the driver takes one second to react; driving at 50km/h requires 27m to stop, and driving at 60km/h requires at least 36m to stop (Scuffham, & Langley, 2002). Thus, a relatively slight increase in speed increases the probability that a collision will occur.

Research from multiple countries indicates that safe and reasonable speed limits should be set to: 30km/h in residential areas, and where there is a mix of motor vehicles and vulnerable road users, 50km/h in areas with intersections, and 70km/h on rural roads without a median barrier (International Traffic Safety Data and Analysis Group, 2018). Research has also shown that the impacts of this on travel times is minimal, and despite the maximum speed being 50km/h in many residential areas, the average speed for most journeys is already much lower, between 26 km/h and 33 km/h (Scuffham, & Langley, 2002).

Road speeds in urban environments:

The design of urban environments impacts on the health and wellbeing of communities. Effective urban design incorporates access to open public spaces, opportunities for physical

activity and active transport, infrastructure quality, safety and minimising hazard exposure (Auckland Regional Public Health Service, 2017). Roads are public spaces and should cater to all users, not only drivers of motor vehicles but pedestrians and cyclists and must be safe and appropriate for all users. Safer walking and cycling environments improve the health and wellbeing of communities and promote the use of active transport and public transport. The nature of the road system contributes to communities and open spaces. Auckland Transport notes that “how we use and design our roads and streets directly influences place identity, accessibility, public health, social equity, inclusivity and local and regional economies” (Auckland Transport, 2017).

The World Health Organisation recommends that community space be designed to promote walking and cycling, particularly along routes to schools and playgrounds, with 30km/h the norm in residential areas and around schools (World Health Organization, 2017). Lowering speed limits and traffic calming strategies promote uptake of active transport options, increasing the likelihood that people are regularly active and improving community wellbeing (New Zealand College of Public Health Medicine, 2014). Evidence suggests a relationship between physical activity behaviours and the built environment, therefore actions to improve the built environment, such as through speed reduction to improve neighbourhood walkability, active transport infrastructure is likely to have positive impacts (Smith et al., 2017). Both global and New Zealand based research indicate that speed change situations, such as entrances to urban areas, rural schools and arterial roads pose increased risks to motorists, cyclists and pedestrians (Charlton & Baas, 2006). Therefore, safety measure such as speed limit reduction, physical barriers and enforcement should be used to improve the safety of all road users.

Speed limit reductions should be used alongside other traffic calming strategies and enforcement. Research shows that in places where the speed limit is reduced by 10km/h and no other strategies employed, the actual traffic speed generally only changes by around 2.5km/h (Elvik, Christensen & Amundsen, 2004). Therefore, other strategies alongside speed limit reduction should also be considered (Mao & Koorey, 2010; Sayed & Sacchi, 2016). Reducing speeds on roads is also considered a key counter measure for improving the safety of cyclists alongside reducing traffic volumes and changing road layouts (Turner, Binder & Roozenburg, 2009).

Road Speeds in Rural Environments

Many rural New Zealand roads are two-lanes and of varying standard, due to low population density and a relatively difficult terrain. Many of these roads were originally pioneer trails, not properly designed for modern vehicles, thus they have inappropriately designed curves and a lack of safe places for passing (Koorey, 2009). Speed change situations such as rural schools are also high-risk locations for motor vehicle incidents, with danger to both motor vehicle occupants and pedestrians a risk (Elvik, Christensen & Amundsen, 2004). Analysis of fatalities

by road type indicates that the rural network in New Zealand is the deadliest. 65% of road deaths in 2018 occurred on rural roads, followed by 36% on urban roads and 2% on motorways (International Transport Forum, 2019). In an urban environment, drivers are more likely to be constrained by other road users or speed limits however on rural roads, this is less likely to be the case. This distinction is clear in crash statistics that show a greater proportion of single vehicle crashes on rural roads (International Transport Forum, 2019). Research indicates that speed is a factor in rural crash rates and severity. Inappropriate speed (travelling too fast for the conditions) has been identified as a factor in approximately 20% of rural crashes (Ministry of Transport, 2006). This highlights the importance of speed management in improving safety on rural roads. In many cases, inappropriate speed is caused by flawed driver perception of risk on rural roads (Nicholson & Gibbons, 2000). Koorey (2009), notes that it is costly and not always feasible to substantially re engineer rural roads to improve safety and it may be more effective to modify driver behaviour, such as through speed limit changes to address this risk (Dijkema et al., 2008).

Impacts of speed on traffic and air pollution;

Emissions from vehicles are a major contributor to greenhouse gas emissions. The Ministry for the Environment estimated that transport emissions were one of the biggest contributors to New Zealand's increased greenhouse gas emissions between 1990 and 2016 (Ministry for the Environment, 2018b).

Reducing open road speeds improves air quality and reduces greenhouse gas emissions, as well as improving noise pollution and use of fossil fuel use (Kröyer, 2014). On urban roads, reducing speed limits may not directly result in air quality improvement, but can promote a shift towards the use of active transport and public transport modes which can indirectly lead to reduced pollution from motor vehicles (Bellefleur, 2012).

European research showed that speed limit reductions in Amsterdam resulted in a decrease of some particulate air pollution (Dijkema et al., 2008). New Zealand research has estimated that deaths attributable to the effects of noise and air pollution to be similar to road crash deaths (Briggs et al., 2016).

The impacts of road injuries and fatalities disproportionately impact different groups:

Some groups are disproportionately impacted by road crash deaths and injuries. Traffic injuries and fatalities should be viewed through a systemic lens, whereby individual social, economic and environmental factors shape the risks that different communities are exposed to. Global research indicates a relationship between traffic injuries, death and socioeconomic status (Christie, 2018). In the Auckland region, children living in the most socio economically deprived areas have a traffic injury rate three times higher than that of children in the least deprived

areas (Hosking et al., 2013). This research also found that injuries from traffic incidents are a leading cause of premature death in New Zealand, and contribute to socioeconomic, and ethnic inequalities in health (Hosking et al., 2013). Similar observations have been noted in other countries, with disproportionately high traffic injury rates reported amongst some ethnic minorities and indigenous populations (Clapham et al., 2008). As many road management decisions are made at local government level, this can play a vital role in both causing and reducing these inequities.

Road traffic risk in New Zealand is highest among Māori and contributes to inequitable outcomes in health and wellbeing. Traffic injury risk is consistently highest among Māori for all age groups, and for Māori children, the risk is 65% higher than for New Zealand European children (Waka Kotahi NZ, 2021). Māori have a mortality rate 2.4 times higher than non-Māori (10.9 vs 4.5 per 100,000 people) for vehicle occupant and 2.3 times higher (1.4 vs 0.66 per 100,000 people) for pedestrian injury (Waka Kotahi NZ, 2021). The results of this research could be extrapolated to the Taranaki region, where similar demographic and socioeconomic conditions mean that inequities between ethnic groups and different levels of deprivation are likely to mirror the Auckland region.

Road crashes are a leading cause of hospitalisation, injury and mortality among Māori, particularly young Māori (Waka Kotahi NZ, 2021). Between 1980 and 1994 there were 9,288 Māori casualties in car crashes with 1,240 (13%) of them fatal (Sargent et al., 2004). Young age is an important risk factor in determining crash risk, two thirds of Māori casualties during this time period were aged between 15 -24 and 70% were male - 44% of the non-fatal and 40% of the fatal casualties had a deprivation score of 9 or 10 (Sargent et al., 2004). Given that this age group represented 21% of the Māori population during this time period, this demonstrates the significant burden on the health and wellbeing of Māori created by motor vehicle crashes. This is consistent with wider international research (Engstrom, Diderichsen & Laflamme, 2002; Hasselberg, Laflamme & Weitoft, 2001). As well as fatalities, injuries can result in long term disability, which not only impacts the individual but on whānau and carers. Additionally, injury to young Māori results in a loss of the benefits that flow from healthy, skilled family members (Durie, 2001).

Motor vehicle crashes are a leading cause of death in young people and males (Dijkema et al., 2008). The overrepresentation of males in crash statistics is consistent with other research (Tavris, Kuhn & Layde, 2001). Research indicates that males and youth (15-24 years) face elevated risk of road crash death and injury and between 2007-2016 males had significantly higher death rates than females for all modes of transport (Walton, 2020). As well as speed, other factors associated with this higher risk include seatbelt use, inexperience, reckless driving and alcohol use, additionally the presence of female and male passengers dramatically increases the probability of serious injuries. Rural highways and roads also play a part, while

the trend of crashes has been reducing, young people remain overrepresented in crash statistics (Weiss, Kaplan & Prato, 2014).

Traffic crashes are a leading cause of injury and death in New Zealand children with motor vehicle incidents causing 27% of injuries and deaths to children between 2006 and 2010 (Safekids Aotearoa, 2015). Children are particularly vulnerable road users, both as pedestrians and vehicle passengers, research has shown that lowered speed zones result in reduced rates of injury, particularly for children. An analysis of data on the impact of lowered speed zones in London found that they halved serious injuries and deaths in children and resulted in a 40% reduction in casualties and collisions (Grundy, 2009).

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17 June 2022

Rui Leitaio
NPDC Manager Transport

Dear Rui,

Thank you for your correspondence regarding SAFER SPEEDS ON OUR ROADS on June 2 and the opportunity for us to respond to the proposed speed limits.

Our School Board have reviewed the proposal and its effect on Norfolk School and would like to request that our road frontage on Norfolk Road Lower be reduced to 30km/h rather than the proposed 60km/h.

Our reasoning behind this request are as follows:

1. We are 50m from a railway crossing on the intersection of Norfolk and Mountain Road (SH3). It is not reasonable or safe for vehicles to reach anything like 60km/h in this distance, neither is it safe for vehicles to travel at 60km/h when approaching this intersection from Norfolk Road. Road signage should reflect this.
2. Our road frontage is extremely busy at drop off and pick up times each day. We are grateful that there will be some significant safety improvements happening to our road frontage in the coming weeks. A 30km/h speed limit will be the most appropriate speed for passing vehicles.
3. Our school has access to a sports field directly across the road from the main school gates. Our senior children are taught to safely cross this road to access the field. The new crossing zone which will be installed shortly will also help this. 60km/h is not a safe speed for vehicles to be traveling while passing the school, particularly when there is a possibility that children may be crossing the road during school hours.
4. There are currently no footpaths along the roadside and the road is very narrow. It is logical that the speed limit outside the school is reduced to 30km/h to provide the safest possible environment for our children and community.
5. In the summertime, our school pool is extremely well used by our wider community. Because of this there is a lot of traffic coming and going from the school frontage. A 30km/h speed limit will promote the safest possible environment during these times.

Overall, we understand the rationale behind the proposed 60km/h speed limit consistently applied outside rural schools. We feel that our road frontage has some additional factors that mean a 60km/h limit is inappropriate and therefore we should have the same limit as schools town limits.

Thank you for your work across our community roading network. We appreciate the opportunity to respond to the proposed speed limit changes.

Ngā mini nui

Andrew Georgeson
Principal
Responding on behalf of the Norfolk School Board

Safer Speeds Review - Submission of North Taranaki Cycling Advocates

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

We appreciate the opportunity to submit our thoughts on the proposed changes to speeds on our district's roads. **We have contributed at all phases of this consultation, and are happy to support the proposed speed limit changes**, while also encouraging the council to be more ambitious in matters of road safety. Some changes may not be unanimously popular, but **we encourage this council not to leave safety up to a popularity contest, but to do what is best and safest for all road users.**

We support this plan because we know that **safe traffic speeds are one of the most effective interventions for improving safety for all road users; especially for active transport users who are acutely sensitive to both real and perceived road danger.** New Zealand crash data analysis¹ suggests motorists are usually at fault when they have an accident with a cyclist (possibly as much as 5:1), and that reducing speed reduces severity of crashes. Reducing speed limits is an effective way to reduce cyclist injuries and deaths and to increase the number of people who choose to cycle.

In this proposal, **we are particularly pleased to see:**

- Reduced speeds around schools in the district. **Encouraging kids to use active and independent travel to schools is a great way to begin a journey towards the mode-shift required by the national Emissions Reduction Plan² and can also help to reduce congestion** at busy times (which also contributes to road safety for all users). Safer speeds make our roads safer for our tamariki, and **we are pleased to see that all schools in the district are included in this plan.**
- Speed limits that better reflect the safe speeds many drivers already use on our rural roads. **People riding bikes are particularly vulnerable on roads where vehicle speeds are higher**, which is the case in much of the rural roading network, and **we support changes that reduce speeds** particularly on some of our narrower rural roads.
- Testing lower speed limits on some residential roads. **Even a small reduction in speed has huge safety benefits.** A 5% reduction in average speed delivers reductions of 25% in deaths, 15% in serious injuries and 8% in minor injuries. We believe that these changes will make our roads safer for all users.

Some improvements we would suggest, whether included in this project or considered as these changes are integrated into wider transport plans, include:

- Taking a **broader consideration of the routes children take to get to school, and ensuring that there is safe infrastructure and safer speeds across common routes, not just immediately around schools.** This is particularly important at the primary level, where younger children are gaining independence in school travel. For these children and their families, any tricky areas (or areas that are perceived as less safe by parents) can be a factor in delaying that independence.

¹ Safety Issues for People Who Cycle. Waka Kotahi/NZTA
<https://www.nzta.govt.nz/walking-cycling-and-public-transport/cycling/cycling-standards-and-guidance/cycling-network-guidance/cycle-network-and-route-planning-guide/principles/safety-issues-for-people-who-cycle/>

² Emissions reduction plan 2022, Ministry for the Environment.
<https://environment.govt.nz/what-government-is-doing/areas-of-work/climate-change/emissions-reduction-plan/>

- Ensuring that **speeds are monitored and traffic calming measures are used on streets where people are frequently exceeding the new speed limits**. For speed limits to be credible to motorists, the roading environment may require changes; these changes could be a wonderful opportunity to beautify and enhance our district through low-cost treatments; such as street furniture, planting, road markings, etc.
- **Expanding the number of residential streets with reduced speed limits**. This is an area that we believe could be expanded to many more roads in the district, and that these changes would help to support cycling and active transport.
- Including a **focus on speeds at roundabouts, which are the infrastructure with the highest risk per cyclist**. Roundabouts are widely used in the New Plymouth District, because they are safe and effective for people in cars. However the speeds at roundabouts are “typically too high for pedestrians, cyclists and motorcyclists under safe system principles, so a high proportion of injuries at roundabouts involve cyclists”³
- **Reducing speeds at shopping centres**. These are areas where people are frequently in and out of cars, crossing roads, etc. and as such can be a risky area for people walking or riding bikes. Where people are stopping for short times (which is usually the case at suburban shopping areas) there are many movements of people out of cars (presenting the risk of cyclists being “doored”) and movements of cars out of parking spaces (presenting the risk of drivers failing to notice cyclists when moving out of parking spaces).
- Creating an explicitly **cycling- and walking-focused plan where all urban roads have either reduced speed limits or best practice cycling infrastructure** (or in some cases, both!) An excellent recent example is the Walking and Cycling Strategy adopted by the Tasman District Council in May 2022⁴.

Thank you for the opportunity to share our feedback on this consultation. We are happy to clarify or discuss any points raised, and **if possible, we would like to speak to our submission at a council meeting.**

Kind regards,

Jenn O’Connell on behalf of North Taranaki Cycling Advocates.
ntca@can.org.nz

³ Safety Issues for People Who Cycle. Waka Kotahi/NZTA
<https://www.nzta.govt.nz/walking-cycling-and-public-transport/cycling/cycling-standards-and-guidance/cycling-network-guidance/cycle-network-and-route-planning-guide/principles/safety-issues-for-people-who-cycle/>

⁴ Walking and Cycling Strategy, Tasman District Council
<https://www.tasman.govt.nz/my-council/key-documents/more/draft-walking-and-cycling-strategy>



29 June 2022
Document: 3082262

New Plymouth District Council
Private Bag 2025
New Plymouth 4342

via email to speed@npdc.govt.nz

Attention: Liz Beck

Dear Liz

Interim Speed Management Plan

The Taranaki Regional Council (the Council) thanks the New Plymouth District Council (NPDC) for the opportunity to comment on its Interim Speed Management Plan.

The Council commends NPDC on its proactive approach to managing speed within your district.

The Council notes that while it has a role in regional coordination of transport matters, particularly through coordinating the Taranaki Regional Transport Committee and developing the *Regional Land Transport Plan for Taranaki*, it is definitely not a Road Controlling Authority (RCA). However, the Council also notes that the recently passed *Land Transport Rule: Setting of Speed Limits 2022* has assigned regional authorities a role in speed setting, which is an entirely new space for the Council. While the details of roles, responsibilities and processes are unclear at this stage, regional councils have been given responsibility for coordinating development of Regional Speed Management Plans (RSMP).

The Council notes that NPDC are in advance of these new regional speed management plan processes, which are currently being framed up nationally. We look forward to working with NPDC and the other RCAs to prepare a Regional Speed Management Plan for Taranaki noting that we are therefore not yet in a position to be commenting on the specifics of your proposals however, as regional conversations are yet to be held.

The Council does not believe that there is social licence yet for a widespread reduction in speed limits, and believes that this is more appropriately a national conversation. The Council is concerned that these challenging conversations have been pushed from Government to councils due to it being too politically unpopular. While the Council strongly supports reduced speed limits in high risk areas as part of targeted interventions to improve road safety for all users, it remains unconvinced of the benefit of wholesale speed reductions.

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Please quote our document number in your reply.

Working with people | caring for Taranaki

The Council encourages NPDC to seek broad feedback throughout your community and substantial stakeholders, and wishes you well as you continue your speed management conversations and implement agreed changes. The Council is watching with great interest.

Yours faithfully
S J Ruru
Chief Executive

A handwritten signature in blue ink, appearing to be 'S J Ruru', written over a faint horizontal line.

per: M J Nield
Director - Corporate Services

SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ



To: **NEW PLYMOUTH DISTRICT COUNCIL**
Private Bag 2025
NEW PLYMOUTH

Submission on: Speed Management Review - Interim Speed Management Plan

Date: 28 June 2022

Contact: **MARK HOOPER**
PROVINCIAL PRESIDENT TARANAKI
Federated Farmers of New Zealand

ADRIENNE COOK
REGIONAL POLICY ADVISOR (primary contact)
Federated Farmers of New Zealand
m: 027 425 3303 | e: acook@fedfarm.org.nz

1. The Taranaki Province of Federated Farmers (Federated Farmers) welcomes the chance to submit on the Speed Management Review – Interim Speed Management Plan. We acknowledge any submissions made by individual members of Federated Farmers.
2. We would like to be heard in support of our submission.

SUBMISSION

3. Federated Farmers has a keen interest in the roading network as it provides access for the farming sectors goods and services, and improvements made to the network contribute to economic resilience and sustainability of rural communities. The roading network is also a crucial social and health and safety lifeline, because for the vast majority of the rural community, there is no other viable alternative mode of transport.
4. Federated Farmers is conscious that there may be a perception of 'consultation fatigue' following the LTP consultation process and 18 months' worth of significant central government proposals.

Page 1 of 6

5. Our members do not want their busy silence to be misconstrued as disinterest in speed management. New Zealand finds itself in a challenging regulatory and economic environment, and we acknowledge that this may result in a low response rate to the consultation process.
6. We highlight that the primary sector contributes heavily to the district's economy through exports, and local economy and employment. Rural businesses rely heavily on the roading system to provide a safe and reliable means to transport goods and services within and out of the district. If local roads are not maintained to a fit-for-purpose standard, it will become increasingly costly and unsafe for primary producers to transport supplies to farms, and equally transporting products (milk, livestock, crops, timber) to processing or export points.
7. We wish to remind the Council that the costs associated with the delivery of roading infrastructure represents a significant cost for primary producers and rural residents through fuel tax, road user charges, and rates. These costs are not decreasing. However there seems to be a knee jerk reaction from the Council to apply speed limit changes to rural roads as the first and only measure to address safety concerns, rather than a holistic approach to improve rural road infrastructure.
8. Our submission covers the following points:
 - School zones
 - Consultation documents
 - Allocation of \$64.4 million budget
 - Impacts
 - Review
9. Federated Farmers are concerned that speed reductions are being used in a way to reduce spending on sealing and roading improvements. We have concerns that roading authorities are not appropriately considering efficiency and reduced drivetimes as a positive, but rather placing speed as a negative. Increased safety, and reduced drivetime, emissions, and road wear are all reasons why infrastructure improvements need to be considered in a holistic district wide speed management approach.

Key Issues

School zones

10. Federated Farmers **supports** the councils' objective to reduce speed around schools and kura. We would like to highlight that the proposal does not provide consistency in the way school zones are speed limited. Schools in Oakura, Oakato, Bell Block, Inglewood, and rural schools have posted speed limit changes to 30 km 24 hours 7 days a week, yet schools in New Plymouth and Waitara are a mix of speed limited to 30/km only during school hours and permanent speed reductions to 30 kms 24 hours 7 days a week. One school on Saxton Road in New Plymouth is located quite a distance back from the road (up a long driveway) and the entire length of the

road, well past the school, is proposed to change to 40 kms. We would like to understand why a consistent approach to speed around schools, and outside of school hours has not been proposed?

11. We would like to understand if the reason for this approach is because of the costs associated with the installation of electronic signage at outlying townships and rural school sites? Or if the Council's approach is to direct funding more towards the urban area, with fixed road signage used for rural and township areas?

- **Federated Farmers supports the reduction of speed around schools, but would like to understand why a consistent approach is not taken throughout the district.**

Consultation documents

12. Federated Farmers is **concerned** that the consultation page has not provided any background information for an individual to be able to assess and further understand how the Council has reached its conclusions for the application of the proposed speed limit changes:

- a) **Crash data and statistics:** We are unable to see a clear picture of what the two categories of deaths vs serious injuries are for the district, as the information provided online as part of the consultation is grouped together as a total in the one graph. There is no commentary to give us any idea on where the crash hot spots are in the district, which further adds to our confusion. We are unable to understand how the priorities the Council has listed (crash history, infrastructure risk, estimated reductions, a breakdown of the community feedback, and the current build programme – any indications on how the budget will be spent and what the priority sites in the district are) align with the proposed changes to the posted speed limits?
- b) **Mapping:** the mapping system does not indicate where the hot spots for high crash rates are located. Additionally, the mapping on the consultation page only shows the proposed speed restrictions. There is no functionality provided to a submitter to overlay the crash-sites (CAS data), current speed limits (to identify continuity of speed limits from the bylaw), and what Megamaps has listed as the “average speed limit” for the road.
- c) **Assessment or rating:** we know what the priorities of the Council is, based on the information provided on the consultation page; however, we are not given any further information on any assessment or rating that the Council has undertaken when assigning the proposed speed limits.
- d) **Infrastructure upgrades:** we do not know what areas of the district the Council have identified as part of the \$64.4 million infrastructure upgrades.
- e) **Pre-engagement:** we do not know if the rural area has been identified through pre-engagement by those who reside in the rural area, or if the issue of speed in rural areas has been identified by those who reside in the urban area?

13. Overall, we have found the consultation page and documents lacking. We **encourage** the Council to be more transparent in how they have come to these conclusions when proposing new speed limits. If we have found the consultation page lacking in the information that we would need to get a better understanding of the proposal, we suggest this would be the case for other members of the public and submitters.
14. The application of these speed limits in the rural area seems to be arbitrary, and additionally appears to be regulatory over-reach as the changes are not supported by substantial evidence. We are concerned that the Council has only focused on Megamaps to guide and determine the proposed speed limits for rural areas, because of a lack of assessments and mapping provided as part of this consultation.
15. We would like to **highlight** that the use of Megamaps needs to be tempered with other assessments, as the information is generated through onboard GIS equipment (such as NAVMAN), is based off average speed limits, and comes with biases. The data is well known to include information from trucks and heavy vehicles, most of which are speed limited to 90 km/hr. We also point out that average speed limits will always be under 100 km for any stretch of road, because the posted speed limit is 100km on the open road. We are unable to know if the proposed speed limits align fully with Megamaps, as we do not have the information available to us through the consultation page or documents.
 - **Federated Farmers seeks clarification on how the Council has assessed speed limits to come to the conclusion of the reduction of speed in the rural areas.**

Allocation of the \$64 million budget

16. Federated Farmers would like to understand how the "\$64.4 million in infrastructure improvements and \$4 million on education up to 2031 (shared costs between NPDC and Waka Kotahi)" will be allocated. Will this be urban-centric? Will this be fairly distributed between the rural and urban areas? Will this follow the projected timeline that rural speed is the primary focus of the Council, with 85% of urban speed limits being reviewed in 7 years' time? Should the rural area expect 7 years' worth of roading improvements taking priority over urban road improvements?
17. We worry that the easiest approach that the Council will take is to apply speed reductions in the rural area, with no intention to improve the road infrastructure.
 - **Federated Farmers seeks clarification to understand where the infrastructure budget will be spent.**

Impacts

18. Federated Farmers **highlights** that a reduction of speed limits will also have negative effects for the district:

- a) **Cost of signage:** we **highlight** that it is not just the cost of the signage itself – it is the installation costs, site assessments, health and safety requirements including but not limited to Traffic Management Plans, and the ongoing maintenance of the signage into the future. Is a portion of the \$64.4 million budget for infrastructure improvements including signage installation and on-going maintenance, or will this be funded now and into the future by the rate payer?
- b) **Cost to the economy:** a reduction of speed limits will result in a cost to businesses, due to the impact of the reduction of transit times. We **highlight** that 39 roads would experience increases in travel time of more than 1 minute (assuming travel at the speed limit on an uncongested road), with higher travel times and more roads likely to be affected where there are incidents and traffic congestion.
- c) **Travel times:** We have calculated that if a rural delivery driver or contractor who had to drive around all the roads in the Rural Production Zone and the rural lifestyle zone in a single day, it could take up to 2 and ¾ hours longer to do your job than you normally would, and that this has to be sensibly weighed against gains to be made in traffic safety.
- d) **Environmental:** with an increase in speed limit changes throughout the district, there will be an increase in sign pollution. We question why the Council has not looked holistically across the rural area to provide some consistency in the speed limits to reduce the environmental impact. Examples are when a road changes from 80 km, to 60km, and back to 80kms.
- e) **Emergency response times:** reducing speed limits will also have an impact on emergency response teams (who attend a wide range of health emergencies) to be able to transit through the district. They will be unable to attend within the current response times. This will be keenly felt in the rural sector.

Review

- 19. Federated Farmers **supports** the Councils objective to reduce harm on roads. However, we **suggest** that the Council includes a review (of any tangible reduction of serious crashes and fatalities) of any proposed speed limits, after the first year of adoption. This would enable the Council to understand if the speed reduction has improved the safety of the road, or if further improvements are required to be made to the infrastructure of the roading network for those areas.
 - Federated Farmers suggests that the Council reviews new speed limits to ascertain if tangible reductions in fatal and serious crashes occurs, or if further improvements to the roading infrastructure is required.

Regional speed management plan

20. We would like to understand how the interim speed management plan for the New Plymouth District will align with the new requirements for a regional approach to speed management, through Regional Speed Management Plans? We are concerned that the modification of speed limits in the New Plymouth District now, are pre-empting any regional approaches that may be applied in the very near future, as a result of the new Land Transport Rule: Setting of Speed Limits 2022.

About

Federated Farmers is a not-for-profit primary sector advocacy organisation that represents farmers, and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand's farmers.

The Federation aims to add value to its members' businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their businesses in a fair and flexible commercial environment.
- Our members' families and their staff have access to services essential to the needs of the rural community.
- Our members adopt responsible management and environmental practices.

This submission is representative of member views and reflect the fact that local government rating and spending policies impact on our member's daily lives as farmers and members of local communities.

Federated Farmers thanks the New Plymouth District Council for considering our submission on the Speed Management review.

NPDC
Safe Speed Proposal
Your ref. ECM 8775882
File Ref: ID 107020

28 June 2022
Keith Cochius
47 Mataro Road
Urenui

e-mail: keith.cochius@gmail.com

Submission 1 of Keith Cochius

Given the poor communication and engagement by NPDC with the Urenui stakeholders, I suggest NPDC:

1. NPDC cease any plans for reducing the speed in our area until we have been formally consulted.
2. They consult via mail with each ratepayer, stakeholder and specific address affected.

Reasoning

1. Many stakeholders seem to not have been contacted or made aware of this initiative, including all residents of Kaipikari Road who have been consulted by this author. Why can you address mail to us as ratepayers yet not at least contact affected ratepayers by mail addressed to us individually? When and where were the previous consultations with Urenui stakeholders held that none of us are aware of these?
2. Despite requests for NPDC's supporting information, as at 27 June 2022, some information is outstanding (i.e. crash data for Kaipikari Road). It also took 3 requests and 4 business days to receive similar information on Mataro Road.
3. The team leading this initiative claim to have NOT travelled the roads in question. How can they be making recommendations on roads they have never even seen, let alone travelled?
4. What engagement has there been with those servicing these addresses e.g. Fonterra, Sandfords Livestock, FirstGas et al?

To be blunt, the information you are using in this proposed change is seriously flawed and seemingly baseless. For example,

- a) the operating speeds being tabled were calculated during the Covid lockdown,
- b) the infrastructure risks ratings are the same across totally different infrastructure,
- c) you are seeking to reduce the deaths on a road where there have thus far been none.

To have this initiative succeed, you need the residents' co-operation. You have definitely not made a good start.

Regards



Keith Cochius

NPDC
Safe Speed Proposal
Your ref. ECM 8775882
File Ref: ID 107020

28 June 2022
Keith Cochius
47 Mataro Road
Urenui

e-mail: keith.cochius@gmail.com

Submission 2 of Keith Cochius

The roads in question in Urenui mentioned below are outside the currently 50 km/h demarcated Urenui village. They are rural roads in a rural area and your proposed changes are trying to impose suburban speed behaviour on our working community. Not only is it economically punitive, but it seems the evidence you are producing does not justify your actions from a safety perspective.

I am making this proposal around 3 roads, 2 of which are the busiest local rural roads. The roads being addressed here are:

- A. Onaero River Road
- B. Mataro Road
- C. Upper Kaipikari Road

Onaero River Road

Proposed speed limit: 60 km/h
Current speed limit (according to this project): 100 km/h
Suggested speed limit: 30 km/h

In some parts of this road the speed limit is 30 km/h. The NPDC team would know this if they took the effort to actually research the roads on which they are proposing changes. The proposed speed is therefore an increase in some areas of this short (1.1 km), dangerous road. There are blind corners, regular slips and single vehicle access and a Right of Way within this 1.1 km. The road forms an extremely dangerous intersection with SH3. There are numerous ways in which this road could be made safer e.g. by prohibiting a right turn at the start of the overtaking lane on SH3 - the first north of New Plymouth boundaries and in a 100 km/h speed area of SH3. It could even be made a one way in the northerly direction. Your proposal of a speed change alone does not meet the criteria to satisfy safety requirements here.

Mataro Road

Proposed speed limit: 60 km/h
Current speed limit: 100 km/h
Suggested speed limit: 80 km/h

1. Your own statistics and the local residents' experiences contradict your assertion that you are striving for SAFER speeds on our roads. For example, the statistics provided by your own team reflect 12 motor vehicle accidents over FORTY-TWO years on Mataro Road. Only 2 were deemed severe in that period and the most recent severe accident, according to your own statistics, was SIX years ago. They were both single vehicle accidents with alcohol involved. What has given rise to this road requiring "safer" speed limits?

2. Your representatives confirmed that those leading this project have not driven all the roads that they are proposing changes to. We live along them, drive, walk and cycle on them on a daily basis. How can you overrule our assertions without scientific proof? Furthermore, how can you expect co-operation when you put proposals forth from this position of little or no local experience. We can name the pedestrians and the cyclists who use Mataro Road. We can also tell you that only one pedestrian regularly ventures along Mataro Road south of the Onaero River Road junction. We can tell you that New Plymouth sports cyclists don't venture there either. We can also tell you that the pedestrian numbers and cyclists are supplemented during the summer season and over long week-ends by holidaymakers in Urenui and Onaero River. We take these changes into account in the same way we give consideration to the current regular users and drive to the prevailing conditions. Your statistics endorse this by not including a single statistic for cyclists, pedestrians or stock in 42 years. We currently maintain a safe road without any reduction in the speed limits. As reflected by your statistics, we currently drive safely along these roads. And for the most part, 100 km/h is unattainable.
3. Kaipikari and Mataro Roads are both cul-de-sacs, used predominantly by residents, their visitors and service people. These service people include milk tankers and stock trucks. Besides, the local farmers use agricultural equipment, utility vehicles and often tow trailers. Have you considered the economic impact of the proposed 60 km/h speed on their economic livelihoods? All of the aforementioned drive on rural roads daily for their economic survival, so know better than most how to drive safely here.

Upper Kaipikari Road

Proposed speed limit: 80 km/h – 50 km/h - 60 km/h

Current speed limit: 100 km/h – 50 km/h – 100 km/h

Suggested: 50 km/h – 50 km/h – 80 km/h

1. I need to highlight the fact that there is a feeling amongst residents I have spoken to in Kaipikari and Mataro Road that this proposed change has been extremely poorly communicated. Out of approx. 20 neighbours consulted, only 2 confirmed receipt of the communication ECM8775882. Why was a communication not addressed to each ratepayer being affected? One neighbour, who prior to me raising it, had not heard of the proposal raised. They have requested information from the team leading this and, despite commitments made, have not received any information to date. The whole initiative is coming across as being done by subterfuge. I can also report that many in the Urenui community on the streets in questions had not heard about the initiative prior to a post on the Urenui Community Facebook page. The day before submissions are due, I have not yet received the crash statistics of Kaipikari as personally requested.
2. You are proposing a speed reduction from 100 km/h to 80 km/h in the 300m northernmost section of Upper Kaipikari. There is a dairy herd often crossing that section of road twice a day and primary aged children and toddlers living along that 300m section of road. This section of road leads into the Urenui village's demarcated 50 km/h section of Upper Kaipikari Road. Local residents seldom do 80 km/h let alone 100 km/h along there. I believe your proposed changes are **not** based on factual and current evidence. Why not make the speed on this 300m section of Upper Kaipikari 50 km/h in line with the rest of village area of that road?
3. What makes the northernmost 300m of Upper Kaipikari Road LOW risk? How is Kaipikari Road different from Mataro Road that Kaipikari is HIGH risk for its entire length south of the village restriction and Mataro from Onaero River Road southwards is MEDIUM HIGH? There are serious questions being raised on how you have derived your infrastructure risk ratings.

General

The fact that the local traffic police struggle to fulfil the current road policing requirements, makes it seem in some quarters as this initiative is a lever for a revenue-gathering exercise. Definitely not a safety driven initiative. The 50 km/h speed limit on SH3 through our village is not adhered to, nor is it policed.

Where will the funding come from to implement this proposed change and how is that funding being justified when there are already zero deaths on the roads in question above?

Questions are also being raised as to the how the team involved gathered the mean operating speed for these roads. These do not seem consistent with any observations by residents, especially on Mataro north of Onaero River Road?

It would really help engender support if you could reflect credible scientific justification for the proposed changes. Until you can produce supportive scientific research, it may be prudent to not make what are being considered unjustifiable changes along Mataro and Upper Kaipikari Roads.

I have penned this response as an individual but I speak on behalf of numerous affected residents in Kaipikari and Mataro who have only through me become aware of this in the past few days. We have only received data from the team involved at NPDC after business hours on the eve of this long weekend, two business days prior to submissions closing. If NPDC wishes wish to progress this proposal in our streets, we expect to see visible public consultation with the affected stakeholders. I look forward to receiving a written acknowledgement and response.

Come out to Urenui and verify our factual information.

Regards



Keith Cochius

██████ Mataro Road
RD 45
Urenui 4375

28 June 2022

ECM 8775882
ID 107733

I hereby make submission to the Speed Management Plan.

Mataro Road, Urenui
Current Speed Limit: 100km/h
Proposed Speed Limit: 60km/h

I request the proposed speed limit, especially for the first section of Mataro Road, from Kaipikari Road Upper to Hickman Road, be amended to **80km/h**

My submission addresses;

1. Communication and Consultation about the Review and Proposed Plan
2. Current Average Traffic Speed of Mataro Road
3. Infrastructure Risk Rating of Mataro Road
4. Crash History of Mataro Road
5. Comparisons with Mataro Road
6. Mataro Road

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████████████████

1. Communication & Consultation

First and foremost, the communication and consultation about this Speed Review has been extremely ineffective. You state that over the past 2 years, you have conducted in-depth consultation with local residents. Yet the local residents I have spoken to, and myself, didn't know anything about the proposed speed limit reviews, let alone been included and involved in the consultation process. I understand that getting the invitation out to the community to participate can be difficult. Yet you had no difficulty, and spared no expense, in doing a letter drop to residents to inform us, **after** you had made decisions and written the Interim Speed Management Plan. I have recently found out that not all residents received this letter. Yet you have no difficulty in accurately sending us our rates bill. This letter, dated 2 June 2022, was not received until 9 June 2022, due to the Rural Delivery system, which gives us only 17 days (13 working days) to research, request information, consider and make a submission. A very tight timeframe for local residents (who have jobs to work and lives to live), considering the council has had 2 years to do the same, as paid employees. Also of concern, is that your website states that only 'substantial issues raised' (from submissions) will be considered, as you have already done 'in-depth consultation' and the proposal is set.

2. Current Average Traffic Speed

I challenge your statement that "the average traffic speed is very near to the speed we are proposing". This is a gross misrepresentation of the traffic on our road.

- The Speed Management Framework Report (received from NPDC by request) is dated 2020. If speed data was collected during 2020, this is not a true representation of traffic movements on our road, as during 2020, we had several lockdowns, followed by restricted movement, due to Covid 19. So a large number of our residents were not travelling the road, either at all, or in our usual way. The majority of traffic during those periods would have been rural farm vehicles, as essential workers.
- I was informed by the NPDC that the speed data was collected using GPS (from peoples phones). This is also not a true representation of the traffic movement on our road, as it does not factor in the types of vehicles using our road. As a rural community, our road is used by rural vehicles - tractors, trucks, trailers, quad bikes and a school bus. These all travel at much slower speeds than cars. So your 'average traffic speed' is false, as these slower moving rural vehicles have reduced the calculated average speed. From a mathematical perspective, your 'average speed' is totally inaccurate, and you have used it to mis lead the community. I know one of our residents cycles our road daily, with her phone. Is her cycling speed included in the GPS generated average traffic speed? And the residents riding horses?

As a local resident, who drives Mataro Road almost daily, I can tell you that the 'average speed' along the straight for cars/personal vehicles, is much higher than the 60-64km/h your report states. I myself drive the straight anywhere between 70 and 90km/h (depending on the conditions). Most of the other local residents I have spoken to agree. We also all agree that from Hickman Road to the end of Mataro Road, we all drive a lot slower - in parts down to 30km/h, and in other parts up to a maximum speed of around 70km/h, depending on the section of road and the conditions.

3. Infrastructure

Our Road is a Country Road. The 'infrastructure' of our road was probably never planned, it is a road that evolved over time, so the infrastructure risk has been, and always will be, high. No council or government agency will ever be able to afford to address the infrastructure risk of our entire road, due to the geographical typography of our area. As local residents, we understand that. As local residents, we know the infrastructure of our road, and drive to the conditions. As local residents, we share this information as a warning to visitors - Driver Education - drive to the conditions.

The Infrastructure Risk Rating of Mataro Road (as received from NPDC by request) declares Mataro Road has been given 3 Ratings;

'Medium' from Kaipikari Road Upper to Onaero River Road

'Medium-High' from Onaero River Road to Hickman Road

and 'High' from Hickman Road to the end.

The Infrastructure Risk Rating for 'the straight' section (just past Onaero River Road to Hickman Road), has the same rating as many parts of State Highway 3 in the same map. And this straight section of Mataro Road has been given a higher Risk Rating than that of Hickman Road (which is much narrower), and the section between Onaero River Road and Kaipikari Road Upper, where there is no camber on the hill section. 'The Straight' was recently upgraded (sorry, cant find the date nor who paid for it, but was roughly 10 years ago). This 'upgrade' required a lot of work, and a lot of money, to complete. Yet it has only been 'upgraded' to a 'Medium-High' rating? Not a good recommendation for the work and spend of rate payer/tax payer money, nor confidence in any further proposed infrastructure improvements in the district!?!

As local residents, we appreciate this 'upgrade', as it has made that section of our road much safer and easier to travel. It has 2 clearly defined lanes, with good clearance either side, reasonable long range vision and clear road markings. Reducing the speed limit to 60 km/h on this section of road is ridiculously excessive. We request this section of Mataro Road be reduced to 80km/h.

And a genuine concern for residents is; if the speed limit is reduced to 60km/h, does that mean you will also 'reduce' the amount of maintenance and up keep of our road? Based on an assumption that lower travelling speeds will mean less damage done to the infrastructure? We hope not.

4. Crash History

From the Crash History Report (received by NPDC by request), there have been 12 crashes in 42 years on Mataro Road.

0 out of 12 recorded Fatalities; so 'death' cannot be reduced, it is already zero.

2 out of 12 recorded as 'Severe'; both of these involved alcohol, were in hours of darkness, and did not involve another vehicle. These 2 crashes occurred in 2017 and 1980. A lower speed limit would not have prevented these 2 'serious injuries', as these drivers had complete disregard for any road rules and laws, by driving under the influence of alcohol. Based on your crash history statistics, I suggest we need greater investment in addressing the sickening drink/drug driving issue we have in Aotearoa New Zealand.

3 out of 12 recorded as 'Minor'; x1 of these involved alcohol, was in hours of darkness and heavy rain. Prevention of injury for this - same reasons as above. The other x2 had a factor recorded as 'bright sun' - which is sun strike. One of these had speed recorded as a factor. And as the Road to Zero campaign message says: we all make mistakes, but lets be able to walk away from them. This driver was able to 'walk away' with a 'minor' injury.

As the timeframe for making a submission is so short, I have not been able to do more research, or request more information. But it would be informative to know more about the types of roads where our death or serious injury crashes are occurring. From what I see and hear reported by media, these are mostly on our State Highways and main routes - not on our smaller, non destination country roads, like the road I live on. But I won't make assumptions about that. But I do expect that you, as a government agency tasked with making decisions for the well being of our people, to have sourced this information, with accuracy, and critiqued it for purpose, and use it to inform practical decision making. If the majority of our death and serious injuries are occurring on our Highways and main routes, use speed reviews, infrastructure and driver education strategies to address these areas.

5. Comparisons

I see from the Map on your website, Pukearuhe Road has a proposed speed limit reduction to 80km/h. I am very familiar with this road, and cannot understand how you propose a higher speed limit for this road, compared to Mataro Road. Pukearuhe Road is very similar to Mataro Road - straighter and wider stretches at the beginning, but it also reduces to narrow and winding along the latter parts, with very similar road conditions/infrastructure. Again, due to the short timeframe to make submissions, I am unable to request infrastructure and crash history information for Pukearuhe Road, to make informed comparisons. However, one difference is, that unlike Mataro Road, Pukearuhe Road is a 'destination' road. It has a cafe, beaches, accommodation, a hall and Whitecliffs, all visited by people from outside the area - not just 'locals' who 'know' the road. So how have you decided Pukearuhe Road can have a proposed speed limit higher than Mataro Road? Your map also has Beach Road (off Pukearuhe Road) as a proposed speed limit of 80km/h. Beach Road is narrow, has speed humps, and a warning sign that states 15km/h. Why have a speed limit of 80km/h on this road? Have these irregularities for proposed speed limits been set simply by someone looking at a google map, without having any knowledge or experience of driving our roads? If Pukearuhe Road can be 80km/h why can't Mataro Road be 80km/h?

On a side note, the reduced speed limit outside Mimi School on Pukearuhe Road is great news - I know the school and community have been asking for this for 10 plus years, yet it had always been declined. So nice to know this will finally happen.

Another comparison to note is Avenue Road. It has been given a 'low-medium' infrastructure risk rating, compared to the 'medium-high' rating of 'the straight' on Mataro Road. Avenue Road is a single lane road with no road markings! Again, how have you decided this? And how can you justify that the Infrastructure Risk Rating of the straight on Mataro Road is greater than Avenue Road?

Mt Messenger has a speed limit of 100km/h, yet it cannot be driven at that speed. We drive to the conditions.

Awakino Gorge has a speed limit of 100km/h, yet it cannot be driven at that speed in most parts. We drive to the conditions.

And Onaero River Road has a speed limit of 100km/h, yet it cannot be driven at this speed. We drive to the conditions. Onaero River Road also has a section with a temporary speed limit of 30km/h - are you proposing to increase this? Double the speed limit in this section? When the temporary section speed limit was put in place, a 100km/h speed sign was erected at the end of the section, for the remainder of the road - what idiot decided that this was a safe speed for Onaero River Road - with it's blind corners and narrow width?

There doesn't appear to be any consistency, nor logic, applied to the proposed speed limit reductions. Roads with similar infrastructure and typography have different speed limit proposals. Roads, and sections of roads, with very different infrastructure and typography, have the same speed limit proposals. Why is it, that I can legally drive at 100km/h over Mt Messenger, yet you propose I can drive at only 60km/h along the straight section of Mataro Road? Why is it, that I will be able to drive at 80km/h along the narrow and winding sections of Pukearuhe Road, yet you propose I can drive at only 60km/h along the straight section of Mataro Road? A section of Mataro Road that you upgraded the infrastructure of?

The narrow scope of data collection, and ineffective consultation of this speed review, has resulted in uninformed and inconsistent decisions being made, and plans set, without the knowledge and actual experience of what it means to drive on our roads.

6. Mataro Road

Our road is a country road. It always has been. And for the imminent future, will continue to be. It is not a main route. It is not a through road, or even an alternative road, as our country road is a dead end. Nor is our road a destination road. We do not have any public venues or spaces, no cafes, beaches, camp grounds or tourist attractions. Our road doesn't go anywhere, but to residents homes.

Our road is a country road, and is treated as such. When we first moved here in August 2008, there was an 'Open Road' sign at the beginning of the road. Meaning the maximum speed limit was 100km/h, but necessitates driving to the conditions of the road - often at much slower speeds to safely travel round blind corners, sharp bends, narrow sections, variable weather conditions, and the potential of random hazards such as roaming stock, to name a few. At some stage in the past few years, some idiot decided to remove this Open Road sign, and replace it with a 100km/h sign. So now, anyone new to driving our road, thinks it is safe to drive it at 100km/h instead of registering the information and warnings that an Open Road Sign conveys. This is a driver education issue - drive to the conditions, not a target. And remove the 'target' speed sign of 100km/h, and return it to an 'Open Road' sign that conveys the need to drive to the conditions.

Nobody is denying we have a serious problem with driving in Aotearoa New Zealand. And we all want zero fatalities on our roads. Yes, speed is a high risk factor in our statistics. And it can determine whether we walk away from a crash, or not. But what is the speed that will achieve Road to Zero? Will our entire roading network be reduced to 30km/h, so everyone 'walks away'? Or will we actually address the real issues - like driver education and drink/drug driving. Is anyone prepared to make real changes to our driver licensing and education processes, to improve the driving habits and skills of all drivers? Reducing speed limits only impacts law abiding citizens. Idiot drivers are idiot drivers - regardless of the speed limit. And drink/drug driving continues to be a serious issue, and that is illegal. Drink/drug drivers have no regard for the speed limit, regardless of what the speed limit is.

Bring back Traffic Cops. Create a whole new extra force, whose sole purpose is to monitor and educate the driving on our roads.

And support us, as law abiding citizens who drive to the conditions of our road based on knowledge and experience, to have the speed limit amended to 80km/h on Mataro Road.

Feedback received on second round of consultation

Email and phone correspondence

Responder	Comment	Support (yes/no)
Mataro Road Resident	This is the same I have proposed. Very happy with the result.	Yes
Hickman Road resident	Here is my feed back on your proposed safer speeds on Mataro, Hickman, Kaipikari and Wilson Roads... FABULOUS! AWESOME! ABOUT TIME! PLEASE PLEASE PROCEED WITH YOUR PLANS I live in Hickman Road. I often walk my dogs along Hickman and Mataro Roads. It is like taking your life into your hands - some drivers are more or less courteous but there are a number who are downright dangerous. It doesn't matter if one is walking dogs or whether one is riding a horse - they drive like something demented without a care in the world for the safety of others walking on the road. SO WELL DONE! YOU HAVE MY FULL SUPPORT AND I'M SURE THE SUPPORT OF OTHERS LIVING IN THE ROADS YOU ARE TARGETTING. Can I ask you please to police it by such devices as cameras, speed traps, etc. otherwise the ignorant ones (see above) will take absolutely no notice! I'm over the moon with your proposals. Please don't renege.	Yes
Kaipikari Road resident	Great idea, could not come at a better time as we are getting more and more Lifestyle blocks up and around Kaipikari Rd and the traffic is horrific. I also ride/drive my horses on the road and now take my life in my hands whenever I go out so roll on the new speed limits.	Yes
Wilson Road resident	We refer to your letter regarding changes to speeds on Kaipikari/Mataro/Wilson/Hickman Roads.	Yes

	We believe these changes make sense in this environment and welcome them.	
Mataro/Kaipikari resident	While I support the lower speed for road safety I am really concerned about the lack of maintenance on this road with many areas of severe potholes on the edge of the tar seal. These areas are dangerous, regardless of speed and do significant damage to vehicles that have no choice but to hit these when meeting a car coming in the opposite direction.	Yes
Hickman Road resident	In principal no problem with proposed speed, but has concern about enforcement and it being a waste of ratepayers money as people already drive appropriately.	No
Mataro Road resident	The new proposal is much better and far more realistic. Good to know you have listened to locals who know the road much better than anyone at the council. I support the amendments you have made	Yes
Mataro Road resident	Supports the speed reductions, would like further consideration of a lower speed limit on Onaero River Road	Yes
Wilson Road resident	The speed limits proposed are fine with the possible exception of Wilson Road which could be 50kph as it is quite narrow and really only one lane.	Yes
Plymouth Road resident	In full agreement to have a 60kph speed limit on our road	Yes
Kaipikari Road resident	I am disappointed that it appears that only cars seem to have been taken into consideration and not walking and cycling which I thought that you were promoting. As I am living just on the urban boundary I see an increasing number of people walking up Kaipikari road for a hill walk exercise. In addition to this my neighbours have children who walk or bike to school along this stretch of road. I would like the 60 Km/h limit extended to include the section from the Kaipikari road urban boundary up to Wilson road.	No (would like lower)
Kaipikari Road resident	All looks like great changes, regarding the speed limits on kaipikari road, thankyou. One thing I would really like to add is the fact that all three of the compulsory stop signs, takaroa street/mataro road intersection and onto the state highway at	Yes

	the end of kaipikari road are constantly being driven straight through. I travel this way to New plymouth twice a day and watch the cars going straight through all of them. This is a worrying concern and extremely dangerous. Is anything being done about it? I have never seen a traffic officer on this road in 17 years I have traveled it	
Kaipikari Road resident	Generally, I agree with the speed limit proposals as in the letter but there is one section that to me makes no sense at all, probably because it has never been considered by you learned persons. Consider this: if driving NW down Kaipikari Road, it is suggested that at or about 20 or 22 the speed should increase from 50KPH (normal Built up area limit) to 80 KPH, only to then have to stop at Compulsory Stop at meeting with SH3. That means there will be, just as at present, unnnecessary fuel wasting acceleration and heavy braking for that 200 metre section. Surely, it would be much more sensible, energy saving and easier to understand by all road users if this 200 metre strip was reduced to 50KPH in line with what prevails at the Takiroa street/ Mataro road intersection and on up150 metres orso of Kaipikari Road. Plus I should bring to your attention that a Dairy Herd crosses the road occasionally at about 100 metres from SH3. If what I have suggested makes any sense I then suggest thewhole area could be tidied up by relocating the 50KPH sign for Urenui village on SH3 to about1290 Main Nth Road. This would help motorists to be prepared for turning traffic into Kaipikari Road. This intersection has become very busy in recent years especially as Onaero River Road as a "feeder" to Mataro Road has fallen out of favour. I would also like to suggest that where Wilson Road meets Kaipikari ,Upper, Road should be controlled by a compulsory stop.	Yes

Wynyard Street resident	As a resident of Wynyard Street, Bell Block I disagree with lowering the speed limit. What we and our neighbours of Wynyard Street would like to see is – • Perhaps a speed camera (even if it is for temporary measures) to see how the driver's are behaving, checking speeds and to check what times are the worst times to see if there is a pattern of bad driver's etc... • Police intermittently watching Wynyard Street and Murray Street and the intersection connecting both Streets. My husband and I watch so many drivers come down Murray Street from Nugent Street and go straight through the Murray Street & Wynyard Street intersection without checking if any vehicles are approaching, we Do Not Know how there are not accidents there every day especially at night. Also some cars drive past our place so fast you do not even see the car or know what colour the vehicle is. Late in the day and weekends are the worst. Driver's need to follow the driving rules as they agreed to when applying and getting their licence. We find the young males are the worst on our street and it is only a matter of time before someone is hurt, run over or killed.	No
Kaipikari Road resident	This is bureaucratic meddling by townie council employees and a total waste of rates payer money. No change is required to speed limits	No
Chesney Street resident	Chesney Street proposal: Makes zero difference to me. By the time I've backed my car out of number X Chesney Street driveway and turned around to head to the Wynyard St intersection I'm only doing 25km hr. Bell Block Court / Murray St/ Wynyard St proposal: After retail and school hours it would be more appropriate for the speed limit to be left/retained as 50km hr e.g.	Mixed

	after 11:00pm there are very few people out and about.	
Norfolk Road resident	We're absolutely thrilled that this lower speed limit is proposed and hopefully implemented. The school children are constantly at risk from the careless driving past the school and we really hope that this change happens as soon as possible. The majority of the residents and parents will probably have a similar opinion. Thank you so much for considering at the safety of our children.	Yes

REVOCATION OF MANAAKI URUPĀ GRANT POLICY

MATTER

1. The matter for consideration by the Council is the revocation of the Manaaki Urupā Grant Policy (P20-005) as those matters are now contained in the Community Funding Investment Policy.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report:

- a) **Notes on 26 July 2022 Council adopted a revised Community Funding Investment Policy that includes the Manaaki Urupā Grant Scheme within its policy schedule but did not revoke the Manaaki Urupā Grant Policy (P20-005)**
- b) **Revokes the Manaaki Urupā Grant Policy (P20-005)**

COMPLIANCE	
Significance	This matter is assessed as being of some importance
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Revoke the Manaaki Urupā Grant Policy 2. Do not revoke the Manaaki Urupā Grant Policy
Affected persons	The persons who are affected by or interested in this matter are urupā trustees (although the impact is negligible).
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No. A decision to revoke the Policy will eliminate any potential issues in the future of having two policies on the same subject matter.

EXECUTIVE SUMMARY

2. This report seeks the administrative correction to revoke the Manaaki Urupā Grant Policy (P20-005) which was not done with the adoption of the new Community Funding Investment Policy.

BACKGROUND

3. On 26 July 2022 Council adopted a new Community Funding Investment Policy. This Policy encapsulated a number of schemes created since the previous policy was adopted. This includes the Manaaki Urupā Grant Scheme, which was established by the Manaaki Urupā Grant Policy (P20-005) attached as appendix one.
4. The resolution for adopting the Community Funding Investment Policy on did not revoke the Manaaki Urupā Grant Policy. This means there are now two policies in place for the one scheme. Whilst they are almost identical, it creates administrative risk particularly if Council decides to amend the Scheme in the future.
5. Officers recommend Council formally revoke the Manaaki Urupā Grant Policy to provide greater clarity.
6. This action has no impact on the ability of urupā trustees to apply for funding assistance as this is now administered under the Community Funding Investment Policy.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

7. This is an administrative matter and has no impacts or considerations.

NEXT STEPS

8. Revocation of the Manaaki Urupā Grant Policy will provide a clearer record of Council policies for the Manaaki Urupā Grant Scheme. Urupā trustees are still be able to apply.

SIGNIFICANCE AND ENGAGEMENT

9. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because it is an administrative tidy-up with no impact on the community.

OPTIONS

Option 1

Revoke the Manaaki Urupā Grant Policy

Option 2

Do not revoke the Manaaki Urupā Grant Policy

Financial and Resourcing Implications, Promotion or Achievement of Community Outcomes, Statutory Responsibilities, Consistency with Policies and Plans, Participation by Māori, Community Views and Preferences

10. As an administrative matter, there are no substantive implications for these matters. The recommendation has no financial or resourcing implications, will provide clarity for urupā trustees who apply for this funding and help ensure consistency with policies and plans.

Risk Analysis

11. Not revoking the Manaaki Urupā Grant Policy creates risk through having two policies on Council's policy register on the same matter. This can become a more substantive risk if there are future decisions to amend one of the two policies.

Advantages and Disadvantages

12. There are no advantages in not revoking the Manaaki Urupā Grant Policy.

Recommended Option

This report recommends option 1 Revoke the Manaaki Urupā Grant Policy for addressing the matter.

APPENDICES

Appendix 1 P20-005 Manaaki Urupā Grant Policy (ECM8351822)

Report Details

Prepared By:	Callum Williamson (Community Partnerships Lead)
Team:	Community Partnerships
Approved By:	Kathryn Scown (Acting General Manager Strategic Partnerships)
Date:	23 August 2022
File Reference:	ECM 8822778

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

NEW PLYMOUTH DISTRICT COUNCIL

MANAAKI URUPĀ GRANT POLICY

1. INTRODUCTION

The purpose of this policy is to guide the assessment, approval, administration and review of the *Manaaki Urupā Grant*. Consistent with support Council provides the rural cemeteries at Huirangi, Lepperton, Tikorangi and Tongapōrutu, the grant has been established to support trustees and/or owners in the annual care and maintenance of their urupā.

2. OBJECTIVES

The objectives of this policy are to ensure:

- a) Clear, concise and easy to understand criteria;
- b) Assessments are thorough and consistent;
- c) Final decisions are robust and defensible; and
- d) Council and applicants are clear of their respective responsibilities.

3. DEFINITIONS

Evidence: Tangible, verifiable proof of, for example, estimated costs, support of the application, and completion of proposed urupā grounds maintenance activities.

Urupā: Māori burial ground.

4. RESPONSIBILITY

The New Plymouth District Council is responsible for approving grants under this policy.

5. PURPOSE

- a) The purpose of this contestable grant is to partially cover costs for activities directly related to the care of urupā;
- b) The total annual funding available for distribution under the *Manaaki Urupā Grant* is **\$50,000**; and
- c) Monies left-over from previous funding rounds will be carried over into the following year.

6. ELIGIBILITY

To be eligible to apply for a **Manaaki Urupā Grant**, the urupā must be:

- a) Within the New Plymouth District; and
- b) Located on:
 - i. Land designated a Māori reservation under section 338 of the *Te Ture Whenua Māori Act 1993* for the purposes of an urupā; or
 - ii. Māori freehold land; or
 - iii. General freehold land in Māori ownership.

7. SCOPE

- 7.1 Activities that will be considered for a grant include, but are not limited to the following:
- a) Repair and maintain gateways, fences, etc.;
 - b) Maintain, clean, repair and restore headstones, install berms, etc.;
 - c) Maintain, repair or replace existing ground maintenance equipment;
 - d) Maintain and repair pedestrian and vehicular access and parking; and
 - e) Maintain urupā lawns, hedges, trees, etc., and remove green waste.
- 7.2 Council may also consider urgent protection-related work on a case-by-case basis, including but not limited to:
- a) Erosion-related mitigation;
 - b) New car-parking, and vehicle and pedestrian access ways; and
 - c) Flood-mitigation.
- 7.3 The grant may not be used for:
- a) Establishing a new urupā;
 - b) Multiple-year projects;
 - c) Payment of salaries, wages, commission, or fees;
 - d) Power and water rates, legal fees or leases.

8. APPLICATION PROCESS

8.1 Applying for a grant

- a) Applications must meet all the relevant provisions of this policy;
- a) Applications may only be submitted via the online *Application Form* available on the Council's website;
- b) All sections marked by a * in the form must be completed; and
- c) Only **1** application per urupā will be accepted per annual funding round.

8.2 Timeframes

- a) Council will accept applications from **1 September** to **31 October** each year; and
- b) Invitations to submit applications will be advertised through various media channels, with iwi and hapū notified directly through their respective representative entities.

8.3 Assessment

- a) Council's *Iwi Relationships Team* will be responsible for assessing applications, with support from the *Community Partnerships Team*; and
- b) The process for assessing *Manaaki Urupā Grant* applications is attached to this policy as **APPENDIX 1**.

9. EVIDENCE REQUIREMENTS

Further details regarding the evidence requested in the *Manaaki Urupā Application Form* is attached to this policy as **APPENDIX 2**.

10. POLICY REVIEW

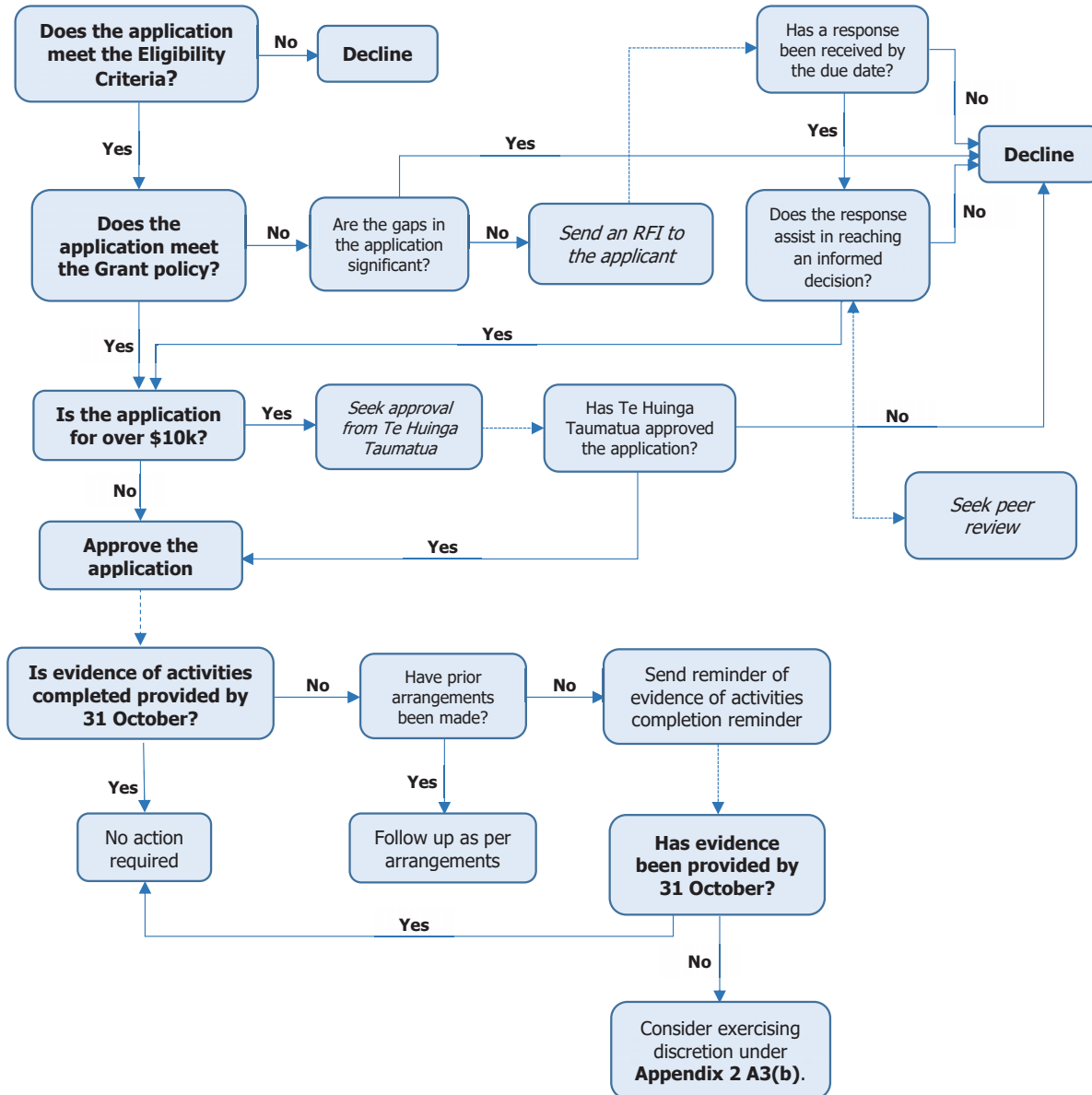
- a) The policy will be reviewed in **2023-24**, guided by the framework attached to this document as **APPENDIX 3**;
- b) To answer the framework questions, the review will consider evidence from numerous sources including, but not limited to:
 - Past applications; and
 - Feedback from: applicants; urupā owners/trustees; application sponsors; contractors; Council officers; and whānau and hapū; and
- c) Where recommended, the *Community Partnerships Team* will report back to *Te Huinga Taumata* to approve proposed changes to this policy.

POLICY HOLDER

The contact for this policy is the *Community Partnerships Team, Strategy Group*.

APPENDIX 1

Manaaki Urupā Grant Application Assessment Process



APPENDIX 2

A. Manaaki Urupā Grant Application: Evidence Requirements

A1	Eligibility	a) Evidence that an urupā meets the eligibility criteria in this policy may include: • Copy of the <i>Certificate of Title</i>; • Screen shot from the Māori Land Court's <i>Māori Land Online</i> website; or • Copy of the notice in the <i>New Zealand Gazette</i> establishing a Māori reservation for the purpose of an urupā; and b) Once the eligibility criteria has been met, evidence for subsequent applications is not required.
A2	Estimated costs of activities	a) The estimated cost for each proposed activity must be verified by a third-party quote; and b) All quotes must be submitted with the application.
A3	Confirmation of works completed	a) Evidence that activities have been completed no later than 31 October following the year the grant was awarded is required, and may include: • Dated before and after photographs; • Before and after site visits by Council officers; or • Receipts, invoices or bills marked as paid; b) Where no evidence is submitted by October 31, Council may, at its discretion, inform an applicant in writing that Council will decline applications for up to a maximum of 2 (two) consecutive years; and c) Section A3(b) above will not apply where Council and an applicant have made prior arrangements before the 31 October deadline.
A4	Letter of support	a) Each year, applicants must provide a signed <i>Letter of Support</i> from an appropriate sponsor able to: • Verify that the urupā interests an applicant represents are genuine; and • Support the proposed activities; b) A "sponsor" may include, but is not limited to: - CEO of an appropriate Iwi Rūnanga; - Chair of a relevant hapū entity; - Chair of a relevant urupā trust; or - Majority of the urupā owners (where majority means over 75% of the total number of owners); and c) 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.

APPENDIX 3Manaaki Urupā Grant Policy Assessment Framework

	Policy section	Rationale	Assessment questions
1.	Section 6: Eligibility	Confirm that the urupā is within the District.	a) How well does the criteria ensure urupā are located within the District? b) Was an urupā excluded under the criteria, and if so, why? c) Is there sufficient evidence to warrant revising the criteria, and if so, why?
2.	Section 7: Scope	Indicate the types of activities, which would be considered for a grant.	a) How well does <i>Section 7</i> of the policy cover the range of activities applied for by Applicants? b) To what extent were applications or activities declined because of not meeting <i>Section 7</i> requirements? c) To what extent were applications seeking a grant for protection- or health and safety-related activities successful? d) What impact did these applications have on distributions generally? e) Is there sufficient evidence to warrant: - Revising this section, and if so, why; and - Increasing the total annual grant available.
3.	Section 8: Application Process	Ensure clarity around the application process, and assessment and decision-making responsibilities.	a) How well does the 2-month September-October application timeframe work for applicants? b) To what extent is the grant effectively meeting the demands of urupā owners/owners? f) Is there sufficient evidence to warrant revising this section, and if so, why.
4.	Section 9: Evidence Requirements	Detail the evidence requirements in the <i>Manaaki Urupā Grant Application Form</i> .	a) How well do Applicants meet the requirements detailed in APPENDIX 2 ? b) Are the details useful, and if not, how could they improved? c) Has the discretionary clause at Section A3(b) been used, and if so what was the outcome? d) Is there sufficient evidence to warrant revising this section, and if so, why.
5.	Section 10: Policy Review	Describe the review process at the end of Year 2 of implementation.	a) How well does <i>Section 10</i> support a thorough assessment of the policy? b) Is there sufficient evidence to warrant revising this section, and if so, why.
6.	APPENDIX 1: Application Assessment Process	Illustrate the process for assessing applications.	a) To what extent does the assessment process support the effective and efficient processing of applications? b) To what extent are decisions reached clear, transparent and defensible? c) How well does the assessment process reflect the actual assessment of applications? d) Is there sufficient evidence to warrant revising the assessment process, and if so, why.

	Policy section	Rationale	Assessment questions
7.	APPENDIX 2: Evidence Requirements	Detail the grant's evidence requirements.	a) How well do applicants meet the requirements? b) Is the information provided useful, and if not, how could they improved? c) Has the discretionary clause at Section A3(b) been used, and if so what was the outcome? a) Is there sufficient evidence to warrant revising this section, and if so, why.
8.	APPENDIX 3: Review Framework	Provide prompts to guide the policy review.	a) How useful are the prompts as a starting point for gathering data and information to inform the policy's review? b) To what extent does the evidence gathered provide a useful basis for improving the policy? b) Is there sufficient evidence to warrant revising the review prompts, and if so, why.

INTERNAL AUDIT PLAN 2022/23

PURPOSE

1. This report attaches the draft Internal Audit Plan 2022/23 for the Finance, Audit and Risk Committee's approval.

RECOMMENDATION

That, having considered all matters raised in the report, the Internal Audit Plan 2022/23 be approved.

FINANCE AUDIT AND RISK COMMITTEE RECOMMENDATION

2. The Committee endorsed the officer's recommendation.

SIGNIFICANCE AND ENGAGEMENT

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

DISCUSSION

Internal Audit Plan 2022/23

4. Following a competitive tender Council first entered into a partnership arrangement with Deloitte in 2017 to provide internal audit services. This arrangement has now been extended to 30 June 2024 to provide some stability in service delivery during a period of reform for local government.
5. The current Internal Audit Plan ended on 30 June 2022. The draft attached covers the current financial year (see Appendix 1), and the following was taken into account when considering review topics:
 - a) Changes to Council's operating environment, and strategic and operational level risks since the last plan was created;
 - b) Existing assurance activities of Quality Assurance/Compliance roles across the organisation;
 - c) Previous work completed by Deloitte at this Council and other clients; and
 - d) Consultation with the Executive Leadership Team and those with Quality Assurance/Compliance roles.

-
6. The most significant changes proposed in the 2022/23 plan relative to the last plan are that the legislative compliance and environmental management topics have been removed. Those topics were not completed during 2021/22 due to delays caused by COVID and a decision not to place additional pressure on the organisation by trying to complete them during 2021/22. Those topics have also been reprioritised relative to those identified in the draft plan given Council's current operating environment and the decision to reduce the internal audit load on teams given sector reforms underway and signalled.
 7. The list of topics proposed in the 2022/23 plan is subject to change during the year. Changes will be approved by the Chief Executive and the Chair of any successor committee to the Finance, Audit and Risk Committee.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

8. The review of environmental management that was planned for 2021/22 has been reprioritised because Council is in the process of undertaking a corporate carbon footprint that will inform the creation of a district-wide Emission Reduction Plan. This will outline a pathway for Council to meet the nationally legislated target of net zero carbon by 2050. The draft Emission Reduction Plan has been provided to the community and the feedback period ended on 29 July. Feedback is being analysed and the Plan will be finalised towards the end of 2022 or early 2023. Progress with this work will be reported in future risk management update reports.

11

FINANCIAL AND RESOURCING IMPLICATIONS

9. Any financial and resourcing implications resulting from internal audit activities that are outside staff delegations will be reported. These require approval from the Council before being incurred. No such implications have been identified.

IMPLICATIONS ASSESSMENT

10. 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;
 - 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.

APPENDIX

Appendix 1 Draft Internal Audit Plan 2022/23 (ECM 8815487)

REPORT DETAILS

Prepared By:	Rowan Betts (Risk, Legal and Assurance Lead)
Team:	Risk, Legal and Assurance
Approved By:	Joy Buckingham (Group Manager Corporate Services)
Ward/Community:	District Wide
Date:	17 August 2022
File Reference:	ECM 8815484

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



New Plymouth District Council Internal Audit Plan 2022/23

August 2022



Contents

1. Executive Summary	3
2. Internal Audit Plan 2022/23	4



1. Executive Summary

1.1. Purpose of this update

This report sets out the progress made in completing the Internal Audit Plan for New Plymouth District Council ("NPDC") for the 2021/22 financial year and a proposed internal audit programme for the 2022/23 financial year. The plan has been prepared after consultation with NPDC's Risk, Legal and Assurance Lead who has leveraged off a critical process assurance map and has sought feedback from senior NPDC staff, particularly those with Quality Assurance functions.

The purpose of the Internal Audit Plan is to provide NPDC's Finance, Audit & Risk Committee ("FARC") with a balanced risk-based approach to gaining assurance over its risk management and internal control environment.

A key principal of the internal audit role is to add value by assisting Council to achieve its objectives. There are a number of ways in which internal audit seeks support in achieving its objectives/goals and outcomes. These include:

- partnering with your Risk, Legal and Assurance Lead to further strengthen the role of internal audit;
- engaging with the business and stakeholders to provide leadership, advice and foster improvements in controls and the control environment;
- providing capacity to deliver prompt reactive assurance engagements (for example, concerning matters of probity, fraud or potential conflicts of interest);
- providing practical and relevant advice for improvement of business processes (rather than merely evaluation); and
- continued engagement with the business after reviews to ensure visibility, accountability and remediation of issues raised in the reports.

As the internal audit function matures, the aim is not to solely focus on stewardship, but also leadership and influencing. Accordingly, we believe that the plan needs to continue to consist of a variety of engagements reflecting the key business processes and risks that Council faces. The plan will also of necessity be flexible to allow adjustments depending on factors including Council's operating environment at the time a particular review is scheduled, or to address any emerging risks that warrant a review of relevant controls.

1.2. Council Context

Some key context in considering Council's internal audit coverage and approach:

- The Council is a relatively large and complex organisation with operating expenditure of \$179m, capital expenditure of \$33m and \$3.14 billion asset base (source, 2020/21 annual report)
- The local government sector is in the middle of significant reforms and the Council is facing challenges in terms of how it will respond to those reforms while continuing to deliver expected services.
- Council is dealing with the unprecedented and significant challenges created by the ongoing COVID-19 pandemic. This is influencing decision-making at all levels of Council.



2. Internal Audit Plan

2.1. Summary of plan 2019/20 – 2022/23

The table below sets out the reviews that have been conducted in the period 2019/20 – 2022/23 as a reference for the FARC. It also outlines the progress that has been made with engagements for 2021/22, as well as recommended areas for 2022/23. We will review the plan with you annually to ensure it remains relevant, and is focussed on your key assurance priorities at that point in time.

To follow up from the assurance map that was developed in 2020, you have indicated that you would like us to subsequently complete a risk maturity assessment and analytics exercises on your accounts payable and payroll functions. It is important that this plan is reviewed in conjunction with any risk identification and prioritisation work that has been undertaken to ensure that it is providing assurance over the right areas.

We understand that your assurance priorities may change as your internal assurance programme matures, and consequently the reviews scheduled for 2022/23 can be reprioritised and replaced with other engagements. Changes to this plan will be submitted to the Chief Executive and the FARC Chair for review and approval.

Assurance Project	FY19	FY20	FY21	FY22	FY23
Fixed Assets	✓				
Capital Expenditure Planning and Monitoring	✓				
Contract Management	✓				
Project Greenfields review	✓				
Fraud awareness training	✓	✓			
Project management methodology benchmarking		✓			
Payroll Controls Review		✓			
Accounts Payable Controls Review		✓			
Procurement during COVID-19 response and recovery phases			✓		
Follow up of previous recommendations			✓		
AP data analytics			✓		
Sensitive expenditure			✓		
Treasury Management					
Project management, incorporating benefits realisation				✓	
Contractor Management				✓	
Environmental Management including sustainability					
Legislative compliance					
Cyber review				✓	
Risk Maturity Assessment					✓
Payroll and Accounts Payable (Data Analytics)					✓
Integrity Framework					✓



2.2. Summary of progress with FY2020 / 21 reviews

We outline below the proposed high-level objectives for the reviews that were scheduled for FY2021.

Review Area / Business Process Description	Comments	Status
Contractor Management	We completed a review to assess the systems and controls in place to ensure that contractors' services are appropriately deployed (e.g. on-boarding process, receipt of appropriate training) and managed by Council.	Complete.
Project Management	We completed a review to assess the design and implementation of its end-to-end Portfolio Management, Governance and Project Delivery Framework (including supporting tools and processes).	Complete.
Legislative Compliance and environmental management (including sustainability)	These engagements were not completed because there were delays in initiating the other scheduled reviews due to COVID and it was decided not to add additional pressure to the organisation by trying to complete the planned programme.	
Cyber Review	We completed a review on the cyber risk analysis focussed on NPDC's ability to deliver safe drinking water. We also completed a review which focussed on NPDC's current capability to detect and respond to major cyber threats.	Fieldwork has been completed. The draft report was being prepared at the time of writing.

2.3. Proposed FY2023 reviews

The topics below have been identified for the 2022/23 work programme. The sequence of the reviews has yet to be determined.

Risk Maturity Assessment

It is important that NPDC perform a risk maturity assessment of its current approach to risk management to understand the maturity level of its risk function. This exercise will assist senior business leaders to prioritise resources to those areas of greatest need to further strengthen risk management across the organisation. NPDC can assess the level of inherent risk in their operating environment to 'right size' risk maturity for their agency so that risk management practices are fit for purpose. We will utilise the AoG Enterprise Risk Maturity Assessment Framework to benchmark NPDC's position. This review will align with a recommended action from the Office of the Auditor-General's report on local government risk management practices from October 2021, and a recommended action from the December 2021 FARC self-evaluation.



Payroll and Accounts Payable (Data Analytics)

We propose performing data analytics procedures over your payroll and accounts payable data. We will then assist with the investigation of outliers/exceptions and will use this work to assess the adequacy of controls in these areas.

Potential payroll tests include:

- Outlier rates of pay, total and one-off allowance values and hours across relevant dimensions e.g. hourly rates by position.
- Potential ghost employees sharing Masterfile information – e.g. the same bank account or IRD numbers.
- Employees with payslips issued for the same or overlapping pay periods.
- Employees with high leave liability – which can also be an indicator of fraudulent activity in other areas.

Potential accounts payable tests include:

- high level trend analysis (e.g. over time, by Vendor, by approver, by cost centre/department etc);
- round dollar invoices;
- invoices entered and/or approved outside of standard working hours;
- identifying invoice amount 'spikes' by Vendor (e.g. amount significantly greater than Vendor average);
- duplicate invoices;
- invoices from 'inactive' or 'terminated' Vendors; and
- identifying invoices within X% of the approver's authorisation limit.

Integrity Framework Review

The Office of the Auditor-General has recently released a new integrity framework (June 2022). This includes six ways of working and nine building blocks to facilitate this. The third element is continuous improvement. The framework states that all components are required and are inter-dependent.

We will use a combination of a survey and a gap analysis to assess the current state of NPDC with regards to the new framework. This will identify what is already in place and highlight gaps and development areas. We will use the results of this to develop an integrity roadmap.

It is crucial that NPDC maintains public trust and confidence as it is accountable for the management and delivery of public services and outcomes.



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HEALTH, SAFETY & WELLBEING QUARTERLY REPORT – PERIOD ENDED JUNE 2022 – DUE DILIGENCE OBLIGATIONS

PURPOSE

1. This report presents the Health, Safety and Wellbeing Quarterly Report for the period 1 April – 30 June 2022.

RECOMMENDATION

That, having considered all matters raised in the report, the report be noted.

FINANCE AUDIT AND RISK COMMITTEE RECOMMENDATION

2. The Committee endorsed the officer's recommendation.

SIGNIFICANCE AND ENGAGEMENT

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 meet their statutory obligations under the Health and Safety at Work Act 2015. The matters discussed in this report do not have implications for the Council's levels of service or the financial costs for the community. Public interest in these matters is unlikely to be high.

EXECUTIVE SUMMARY

4. This report presents the Council's Health, Safety and Wellbeing Data for Quarter Four of the 2022 year.
5. There were no serious harm incidents required to be reported to Worksafe NZ in Quarter Four.
6. The last quarter saw staff return to the office after large numbers worked from home to reduce the spread of Covid-19. 131 cases were reported by staff in quarter four, with numbers rising to those seen in late March. 16 per cent of the workforce tested positive up to the end of the quarter, since the first case was reported in the organisation. Though we had planned for a potential 25- 50 per cent reduction in staff levels in business continuity plans, very high sickness levels due to Covid-19 haven't materialised, having an average of less than 1.5 cases reported a day during the quarter (down from the last quarter of less than three). However, we are expecting increased levels of sickness in the next quarter due to a second wave of Covid-19 and the influenza virus in the winter months.

-
7. Phase Two implementation of our new health and safety system platform (EcoPortal) that underpins NPDC's Pinnacle framework continued smoothly and is expected to meet the planned launch date of the new modules (site inductions, policies and procedures and ISO Gap Analysis) at the end of July.
 8. Proactive reporting for quarter four is up from the previous quarter, audits completed are up 197 per cent, safety conversations 150 per cent and near misses 77 per cent. This is a positive trend we expect to continue, with further training planned to follow the launch of phase two in the next quarter, and all staff required to set a safety goal in July as part of our annual performance cycle.
 9. In April, NPDC underwent the ACC Accredited Employers Program (AEP) Audit which ensures we meet a minimum acceptable benchmark for health, safety, and injury management in the workplace, with an expectation of continuous improvement of workplace health and safety systems, focusing on injury prevention and management. NPDC achieved the acceptable rating of secondary, with the auditor recognising the continuous improvements made since last year's audit. The auditor noted there are no critical issues for NPDC and is satisfied with our HSW processes and policies. Recommendations were put forward on improving the application and knowledge of our Pinnacle framework in some business units and these recommendations were added to pinnacle to track their completion.
 10. NPDC signed up for the Accredited Wellbeing Tick program at NPDC. This is an accreditation programme designed to set the standard for best practice in the workplace by integrating wellbeing into the employee lifecycle. Although a relatively new organisation, it is based on an award-winning and globally researched framework and includes national research to ensure the Wellbeing Tick is specifically designed for kiwi workplaces. It initially entails mapping NPDC's current state against the framework and this will inform a plan to enable NPDC to reach accreditation within three years. Gaining the Wellbeing Tick accreditation will demonstrate our commitment to our people's wellbeing and support our ability to keep our people safe and healthy as well as retain and attract staff.
 11. NPDC has worked to improve its permit to work system (PTW). Staff in the Three Waters team along with contractors who work on these sites are undergoing training in its use. The PTW is a formal means of communication for all parties involved in the authorisation, management, supervision, and completion of specific work activities. The PTW is intended to ensure that authorised and competent people have thought about foreseeable operational risks and that these risks are eliminated or minimised by using suitable control measures.
-

12. Following the election of our health and safety representatives (HSR'S) last quarter, training has been planned for the next quarter. Newly elected HSR's will attend stage one training – introduction to the HSR role and returning HSR's will attend stage two - risk assessment and incident investigation.
13. There were a few changes in the HSW team however function remains sufficiently resourced.
14. The table below shows a rolling twelve (12)-month comparison in reporting.

Key metric	Q4	Q3	Q2	Q1
Total Incidents	117	77	83	64
Recordable Incidents	3	4	3	2
Near Misses	32	18	16	32
Audits Started	131	44	62	100
Safety Conversations	40	16	31	25
Critical Risk Incidents	21	11	10	5

15. Fluctuations in numbers across the quarters can be attributed to a change in H&S management systems and Covid19. Numbers have risen in quarter four due to staff returning to the physical workplace along with promotion of, and training provided to staff in use of the new H&S management system.
16. Appendix 1 will provide a graphical dashboard summarising the lag and lead indicator data from the reporting period, Q4.

DISCUSSION

17. Under the Health and Safety at Work Act 2015, elected members are deemed 'Officers' and must exercise a duty of due diligence in relation to health and safety. In July 2016 the Council adopted a due diligence framework and an officers' charter. Quarterly reports and consideration of Risk Management Updates (by the Finance, Audit and Risk Committee) provide elected members with current information and assist them to carry out their officer role.

Metrics

18. The Council uses Lag and Lead Indicators to measure trends.
19. *Lag Indicators* show incidents that occurred in the quarter and may have required a consequential action. Lagging indicators are an output measurement, for example, the number of accidents on a site is a lagging safety indicator.

-
20. *Lead Indicators* demonstrate the Council's commitment to proactively avoiding future incidents. For example, the Council records near misses. These are unplanned events that have the potential to cause, but do not result in, human injury, environmental or equipment damage. Trends in near miss incidents will help focus the Council on mitigation options in the future.

Total incidents - 117

21. The total number of incidents over the quarter is categorised in several ways, for example, by business unit and incident type. Investigation requirements are determined following the completion of the incident risk rating.
22. Types of Health and Safety events included: Incidents (including injury) 81, Near Miss 32, Ergonomic Pain, and Discomfort 4.
23. Incidents involved: 74 Employees, 9 Contractors and 45 Members of Public.
24. Incidents including 45 members of the public involve high numbers of events out of council control including intoxicated public in venues following events, damage and theft, aquatic Centre rescues and first aid incidents. Member of public events also include high numbers of customer aggression incidents towards NPDC staff.
25. See Appendix 1 for further breakdowns and categorisations.

Recordable incidents - 3

26. A *Recordable Event* is one which requires medical treatment, or results in restricted duties or lost time workdays. Recordable events are managed by NPDC's health and wellbeing advisor, alongside the employee and manager, with a return-to-work program implemented. There were three recordable events recorded in the quarter. These events are described below:
27. Staff member was checking water level for farm animals when a restrained goat sprinted around them, and the chain got caught around their feet and pulled them to the ground. The staff member was left winded and had a painful left ankle. Staff member attended a GP and was given restricted duties for a period of 28 days before being cleared to resume normal duties.
28. Staff member was using a spade to pick up grass removed whilst do edging when they hit their foot with the spade. The staff member attended a GP clinic and was given two days off work, x-rays were performed during that time, with no visible injury reported.

-
29. NPDC was notified that a Contractor working on the thermal Dryer facility enabling works project at the Wastewater Treatment Plant, strained their back while carrying out work with a shovel that involved scooping stones into a wheelbarrow. The return-to-work process was managed by the Contractor company with their employee on restricted duties for 6 days before resuming full duties.

Near Misses - 32

30. Near miss reporting has increased from the previous period.
31. Near misses were reported in the following categories (a near miss can identify more than one potential consequence):
- a) 8 potential asset damage
 - b) 28 potential injuries
 - c) 2 potential security risk
 - d) 1 potential illness
32. Near miss reporting is valuable in an organisation when it is treated in a proactive way, a mature organisation has a culture that tracks near misses, examines how and why the near miss happened, and puts in controls to minimise or eliminate the risks before incident occurs. NPDC is actively encouraging the reporting of near misses which may add to the increase on the previous quarter.

Audits Started - 131

33. The following Audits were completed across the organisation:
- a) 23 better work conversations
 - b) 38 contractor/staff H&S audit
 - c) 6 housekeeping audits
 - d) 25 permit to work audits
 - e) 38 vehicle pre-start check audits
 - f) One hazardous substance in the workplace audit

-
34. Where areas of improvement are identified, actions are assigned to relevant personnel (including contractors) within the online health and safety solution Pinnacle. Assigned actions are completed within a specified time frame and generally require evidence to ensure completion. Of 131 actions required to be completed, 128 have been closed and three remain open.

Safety Conversations - 45

35. The Council has an ongoing focus on logging and sharing safety conversations throughout the wider organisation. These conversations observe both safe and unsafe conditions, actions and reactions of staff which then require us to praise or correct what we see.
36. Having meaningful safety conversations assists in creating a positive safety culture and reporting across the organisation.
37. Safety conversations within the quarter identified:
- a) 14 opportunities for improvement
 - b) 22 safe behaviors
 - c) 6 unsafe behaviors
 - d) 3 unsafe conditions

Critical Risk Events -21

38. NPDC has 4 critical areas of focus in terms of risk, these are:
- a) *Personnel Security* – staff facing aggression from customers
 - b) *Vehicle movements* - use of NPDC Vehicles
 - c) *Contractor Management* - NPDC contractor related incidents
 - d) *Health and Wellbeing* – psychosocial risk
39. Where an incident or near miss occurs due to exposure to these risks, the risk will be associated to the event within the H&S incident report.
40. There were 17 critical risk associated incidents. There were four critical risks associated near misses.
-

41. The table below shows a rolling 12-month comparison in reporting.

Critical Risk Events	Q4	Q3	Q2	Q1
Personnel Security	11	7	6	1
Vehicle Movements	6	5	3	2
Contractor Management	4	0	1	2
<i>Totals</i>	<i>21</i>	<i>11</i>	<i>10</i>	<i>5</i>

42. Critical risk associated incidents included:

- a) Eleven (11) related to personnel security. These events involved NPDC staff facing customer aggression and/or abuse:
 - i) Civic Centre (3)
 - ii) Public Venues (7)
 - iii) During a bin audit (1)
- b) Six (6) incidents/near misses related to vehicle movements.
 - i) Mower left running unattended in Brooklands Zoo by parks team member (near miss).
 - ii) Mower operating on a slope with great angle than machine is rated for (near miss).
 - iii) Child ran in front of resource recovery vehicle on public road and narrowly avoided (near miss)
 - iv) Unreported damage to the forklift at Water Treatment Plant (incident).
 - v) Venues Team van received minor damage when operator did not see small pillar in front of the parking space and attempted to drive forward (incident).
 - vi) Water Treatment Plant team member involved in a collision involving two other members of the public vehicles (incident).
- c) Four related to contractor management related incidents
 - i) Contractor Vehicle backed into materials recycling facility building
 - ii) Contractor vehicle drove through weighbridge barrier arm at materials recycling facility.

-
- iii) Contractor vehicle damaged Brooklands Zoo compound electric gate
 - iv) Contractor suffered a strained back whilst carrying out work with a shovel.
 - 43. The majority of the personnel security incidents took place at the Civic Centre and Puke Ariki Library, and involved abusive members of the public, previously trespassed members of public entering facilities and protestors becoming obstructive at facility entries.
 - 44. Staff continue to undergo training to assist them with dealing with aggression and confrontation, in addition staff are supported with the Employee Assistance Program and team debrief meetings. Physical controls include reviewing emergency response plans to ensure they remain effective, lock down procedures, body camera's, lone worker SOS devices, physical barriers, and CCTV.
 - 45. Critical risk reporting data enables the Council to identify trends and focus on mitigating these risks to as low as reasonably practicable by implementing corrective actions for each incident and/or near miss.

FINANCIAL AND RESOURCING IMPLICATIONS

- 46. 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

- 47. 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;
 - Any decisions made will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost- effective for households and businesses;
 - Unless stated above, any decisions made can be addressed through current funding under the Long Term Plan and Annual Plan;
-

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

APPENDICES

Appendix 1 Health & Safety Due Diligence Report – Quarter 4 (01/04/2022 – 30/06/2022) “Dashboards – LEAD and LAG” ECM8449274

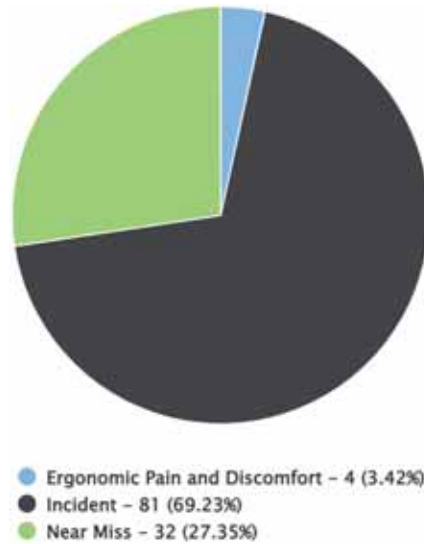
Report Details

Prepared By:	Samantha Sturzaker (Health, Safety & Wellbeing Business Partner)
Team:	People & Wellbeing
Approved By:	Mary Johnson (Group Manager People and Culture)
Ward/Community:	District Wide
Date:	20 July 2022
File Reference:	ECM8721237

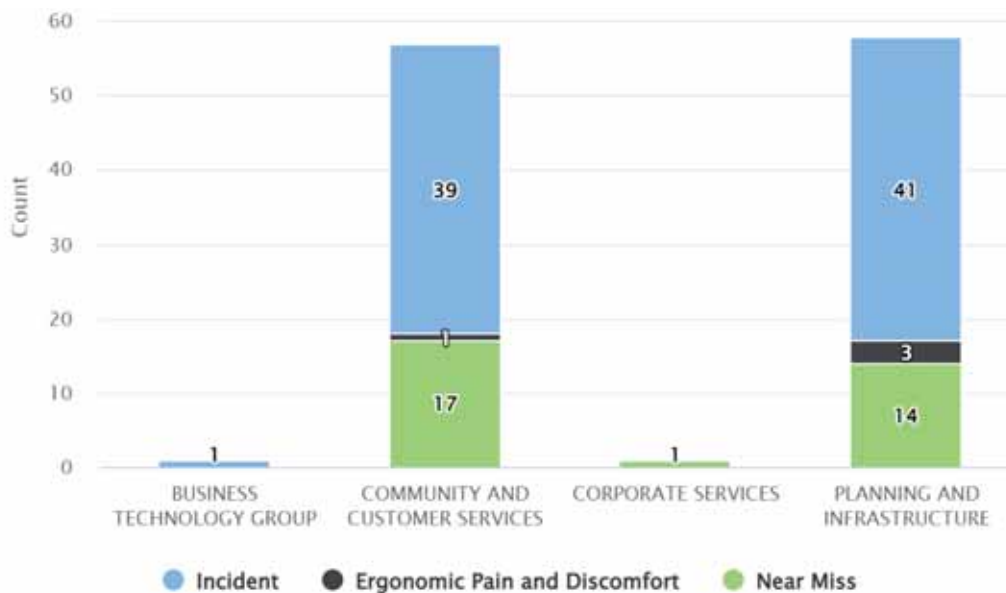
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Health, Safety & Wellbeing Due Diligence Report 1st Apr – 30 Jun 2022

Health & Safety Event Type:



H&S Event Type by Department:

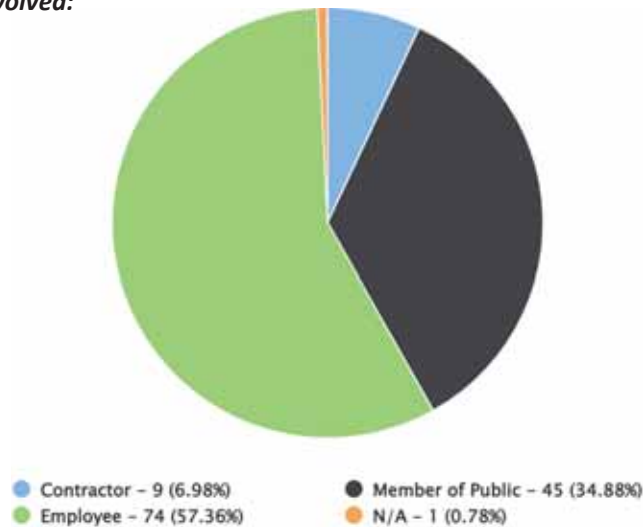


 NPDC

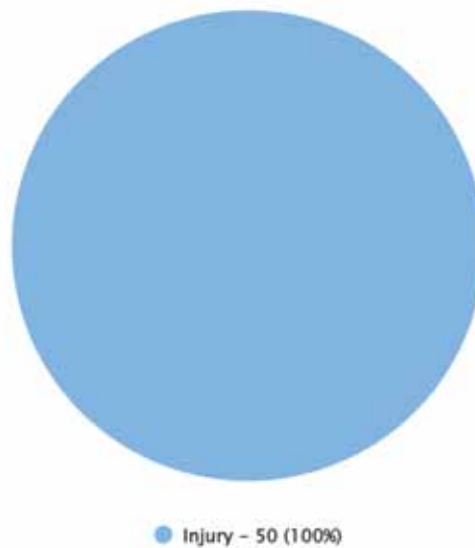
 Pinnacle

Health, Safety & Environment

H&S Event by People Involved:



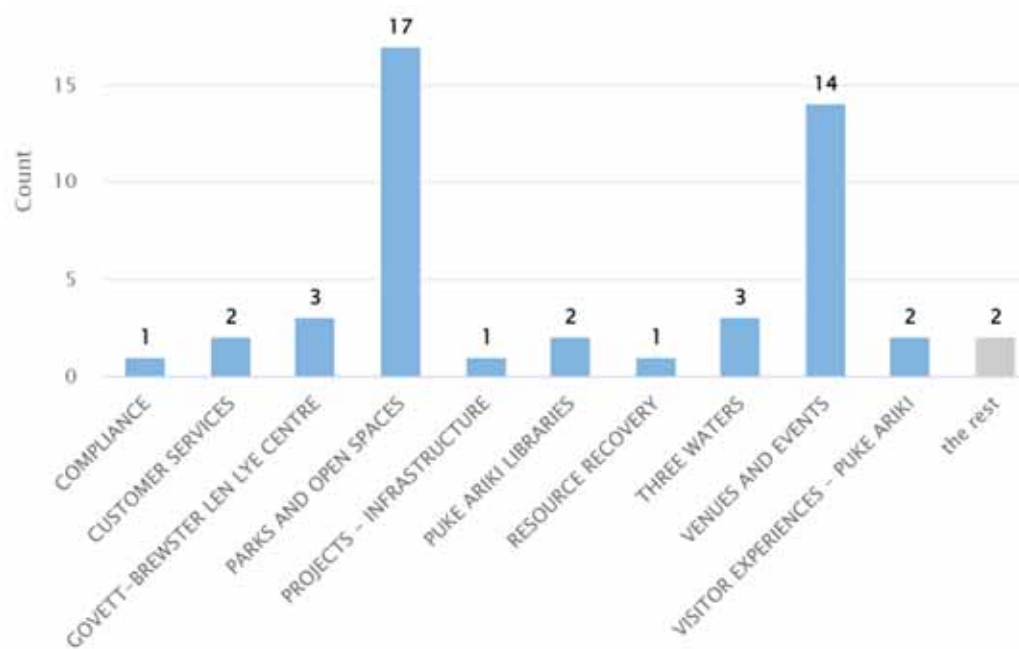
Injury Vs Illness



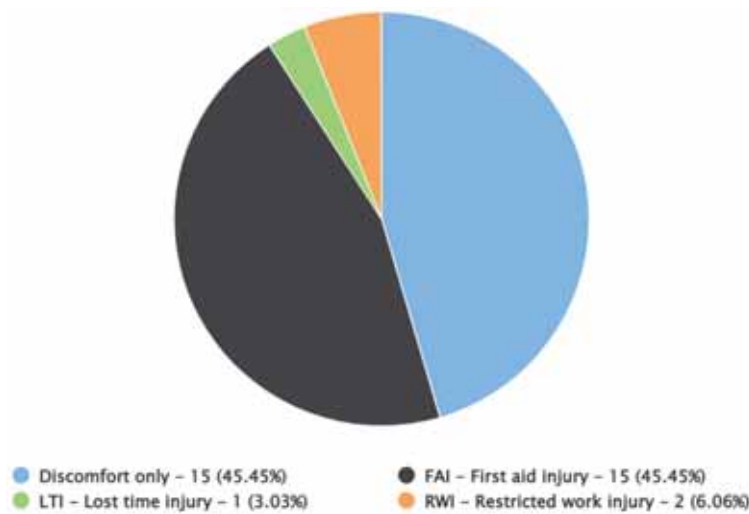
NPDC

Health, Safety & Wellbeing Due Diligence Report 1st Apr – 30 Jun 2022

Injury by Department



Injury Category:

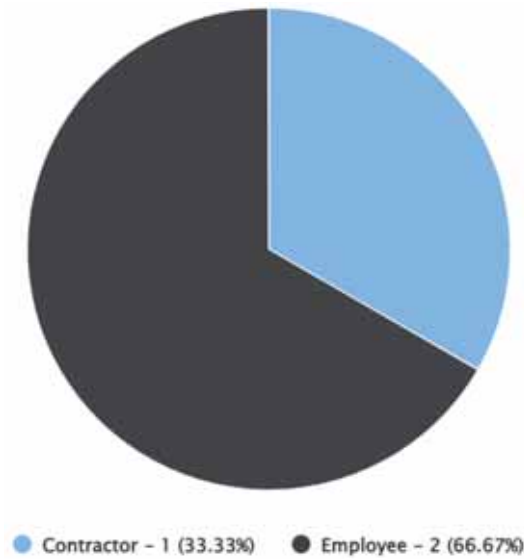


 NPDC

 Pinnacle

Health, Safety & Environment

Recordable Incidents People Involved



Recordable Incidents Departments

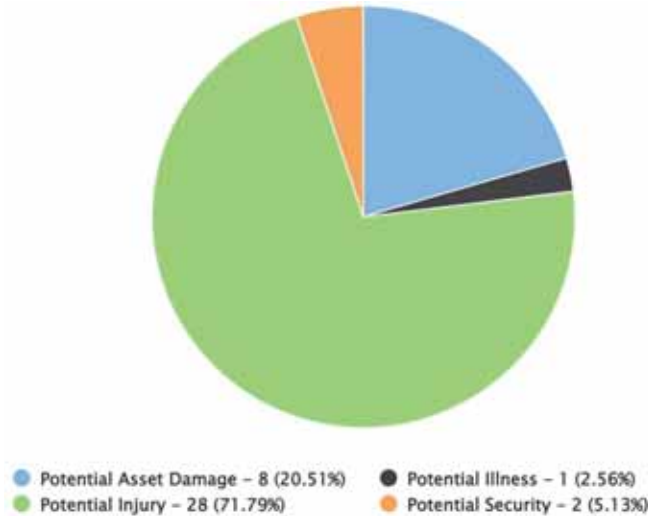


 NPDC

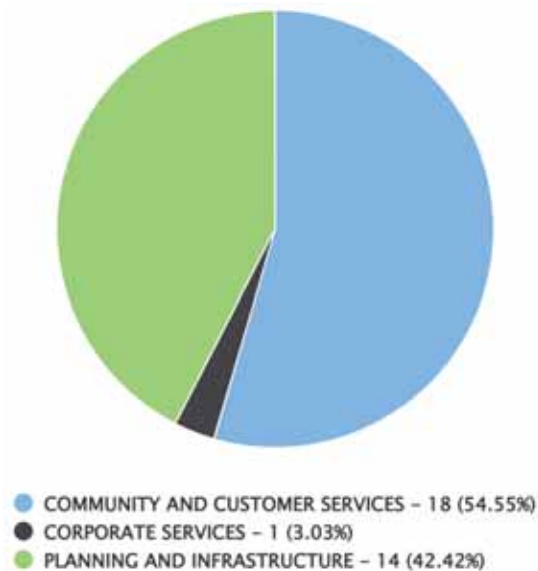
 Pinnacle

Health, Safety & Environment

Near Miss Categories



Near Miss Departments

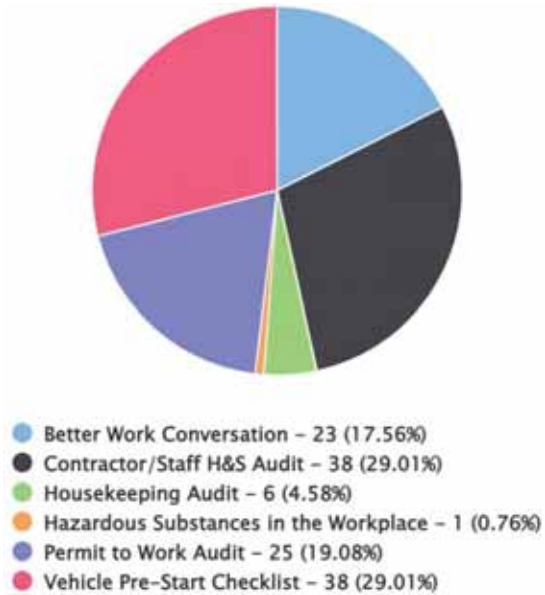


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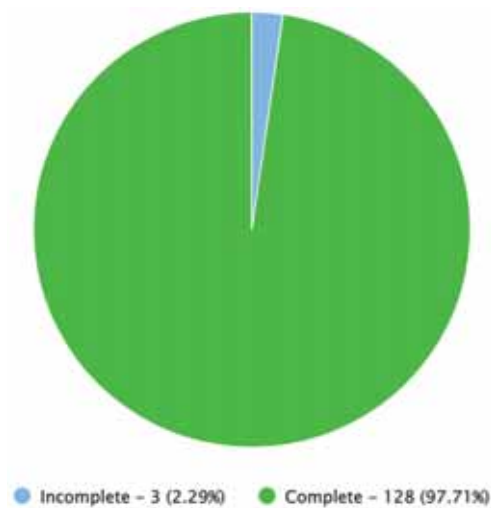
 Pinnacle

Health, Safety & Environment

Audits Started:



Audit Corrective Action Status:

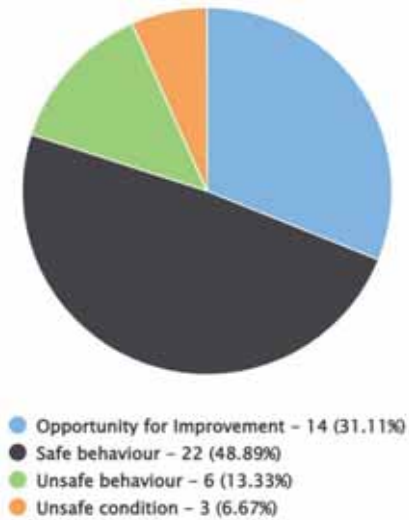


 NPDC

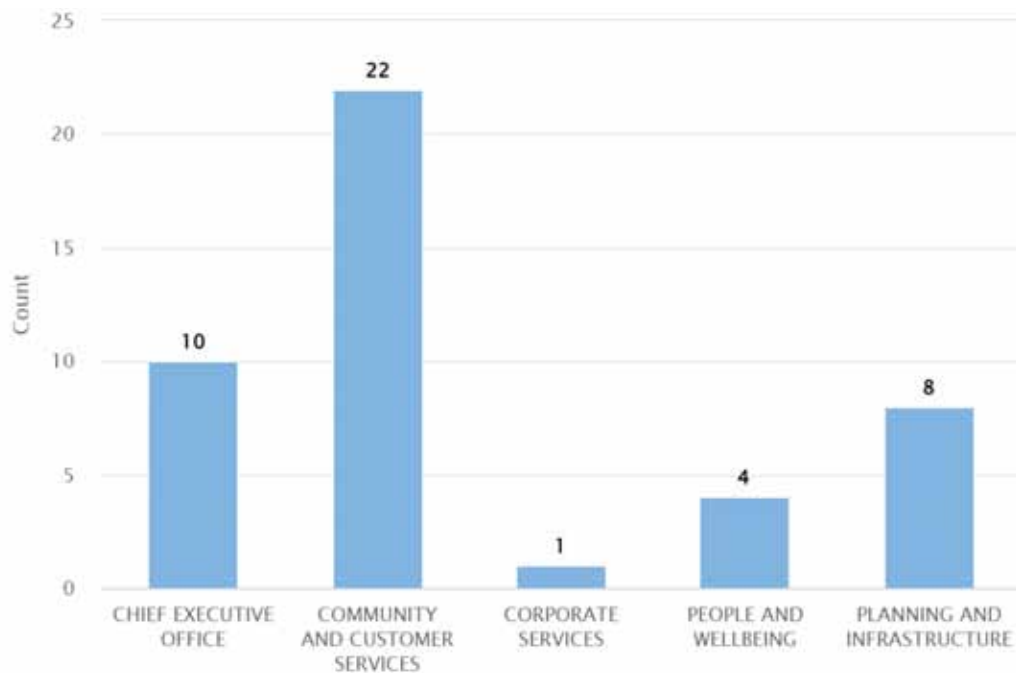
 Pinnacle

Health, Safety & Environment

Safety Conversation Type:



Safety Conversation by Group:

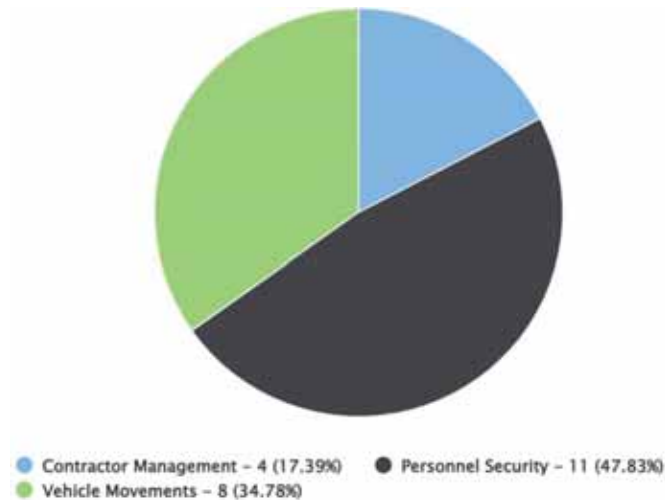


 NPDC

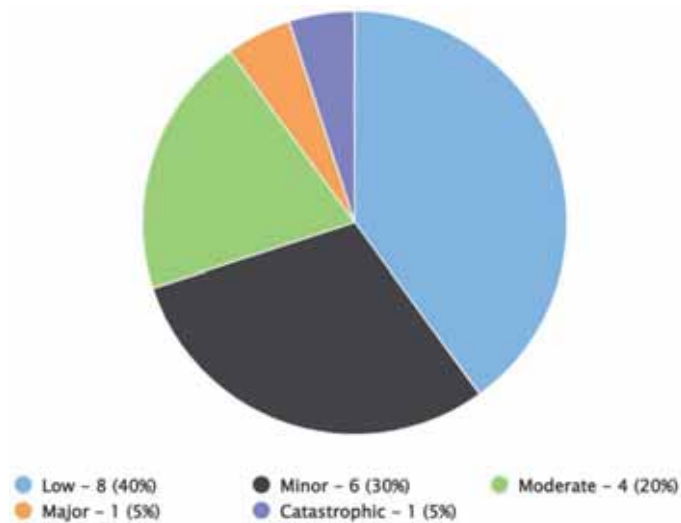
 Pinnacle

Health, Safety & Environment

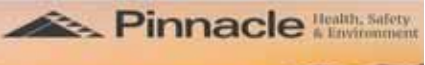
Critical Risk Associated Events:



**Critical Risk Potential Consequence
(worst case scenario):**



 NPDC

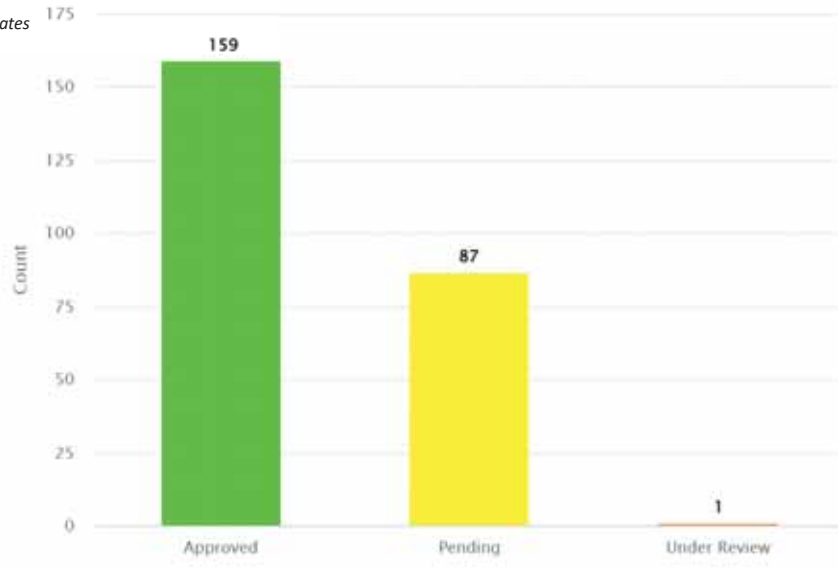


Health, Safety & Wellbeing Due Diligence Report

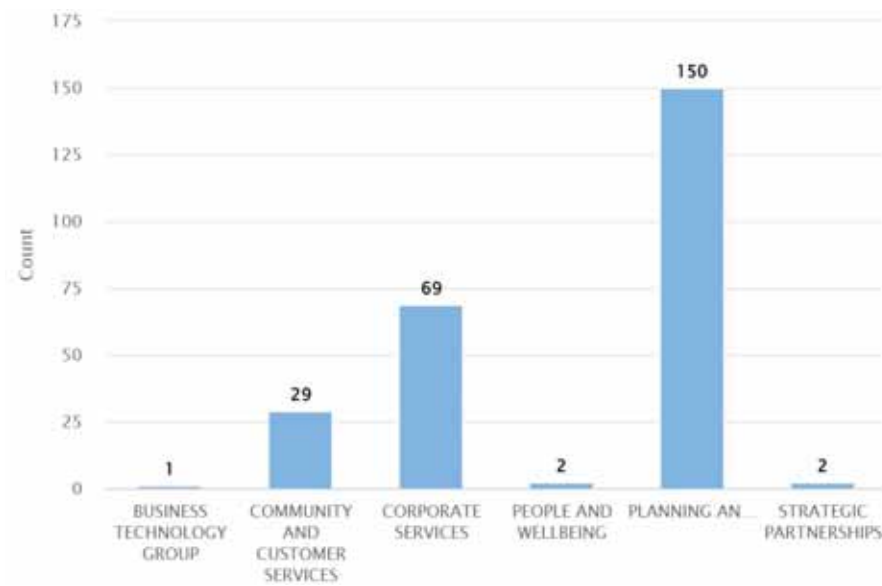
1st Apr – 30 Jun 2022

Contractor Status:

*Pending insurance updates



Contractor Use by Department:



NEW PLYMOUTH MOUNTAIN BIKERS' INCORPORATED – APPROVE INSTALLATION OF A TOILET AT LAKE MANGAMAHOE

MATTER

1. The matter for consideration by the Council is installation of a toilet within the licence area of the New Plymouth Mountain Bikers Inc (the Club). The Club has offered to pay for the installation and maintenance of the toilet (including regular emptying of the tank) but has asked the Council to contribute to the costs of regular cleaning of the toilet as it will be available to members of the public to use.

RECOMMENDATION FOR CONSIDERATION

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

- a) **Agrees to allow the New Plymouth Mountain Bikers Inc (the Club) to install a dry vault toilet at Lake Mangamahoe, on the basis that the Club will be responsible for all installation, repairs, management and maintenance and Council agree to contribute to the cost of cleaning and consumables.**
- b) **Notes that the location of the proposed toilet is within the “common area” defined in the Licence to Occupy for “common use by the Club and any other permitted users of the Land” and that no variation to the Club’s Licence to Occupy is foreseen.**

STRATEGY AND OPERATIONS COMMITTEE RECOMMENDATION

2. The Strategy and Operations Committee endorsed the officer’s recommendation.

INGLEWOOD COMMUNITY BOARD RECOMMENDATION

3. The Inglewood Community Board endorsed the officer’s recommendation

TE HUINGA TAUMATUA RECOMMENDATION

4. Te Huinga Taumatua endorsed the officer’s recommendation

COMPLIANCE	
Significance	This matter is assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Allow the Club to build a toilet at Lake Mangamahoe Forest and agree to contribute to the cleaning and consumable costs. 2. Allow the Club to build a toilet at Lake Mangamahoe Forest on the basis that the club will be responsible for all set up, operational and management costs. 3. Decline to allow the Club to build a toilet at Lake Mangamahoe
Affected persons	The persons who are affected by or interested in this matter are members of the New Plymouth Mountain Bikers' Inc, recreational users of Lake Mangamahoe including trail runners, walkers and non-club mountain bikers (both New Plymouth residents and visitors to the region).
Recommendation	This report recommends option one for addressing the matter.
Long-Term Plan / Annual Plan Implications	Yes
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY

5. The New Plymouth Mountain Bikers Incorporated (the Club) has approached Officers, requesting approval for the Club to build a toilet at Lake Mangamahoe for use by recreational users of the Forest. The Club has proposed to pay for the build of the infrastructure and maintenance of the building and allow access to all recreational users of the forest, 24 hours per day, seven days per week. In return, they have asked that the Council contribute to the costs of cleaning and consumables.

6. Officers are recommending granting approval to build the toilet, on the basis that the Club be responsible for all installation, repairs, maintenance and management and Council will contribute to the costs of cleaning and consumables capped at \$2,500 plus GST per annum in line with comparable costs. This financial cost to the Council has not been budgeted for however it is acknowledged that the facility will enable closer access to toilet facilities for members of the Club and public using the forest. Officers have recommended this option in recognition that the facility will be available for use by the public. The next steps would be drafting a memorandum of understanding to document and clarify the responsibilities of each party.
7. Alternatively, the Council could not contribute to the costs of cleaning and consumables resulting in the club being responsible for all costs associated with installation, maintenance, repairs, management cleaning and consumables taking into account there is no budget, the toilet is not fully accessible and there are two other public toilets available within very close proximity which cost in the region of \$10,000 + GST per annum to maintain and operate.

BACKGROUND

8. In August 2020, the Council approved granting of a new licence to occupy to the New Plymouth Mountain Bikers Incorporated (the Club) at Lake Mangamahoe and Busing Forest.
9. A new licence has been prepared by NPDC and the terms are being finalised (note the current licence does not expire until November 2022). The new licence includes additional land that allowed the Club to develop a pathway to connect Plantation Road to Lake Road. Part of the rationale for the pathway was that it would allow mountain bikers access to the Council's public toilet on Lake Road (marked blue below) without the need to negotiate the State Highway (Figure One).



Figure One – New Pathway developed by the Club to provide access to Lake Road toilet (blue)

10. Nonetheless, the Club desires to build a toilet closer to the mountain bike tracks and has obtained funding and support in kind, to allow it to build a “vault” toilet which stores sewerage in a chamber that is sucked out on a regular basis.
11. This report has been prepared because while the Club will manage and pay for the toilet to be built and maintained to include emptying the storage tank, the Club has asked that the Council to contribute to the servicing of the toilet (e.g. regular cleaning and replacement of toilet paper). This cost, estimated to be in the order of \$2,500 + GST has not been allowed for in the Annual Plan.

Location of the toilet within the forest



Figure Two – Location of Council Public Toilets at Lake Road and Mangapouri Cemetery highlighted in blue and proposed MTB Club toilet highlighted in red

12. The proposed location of the toilet is indicated by the red dot above. It is directly opposite the recently constructed pump track built by the Club but the final location will be discussed with the forestry manager to ensure that it will not interfere with future forestry harvests.

13. There are two Council owned public toilets in close proximity to the Mountain Bike Park. One is located at Lake Road, approx. one kilometre from the location of the proposed Club toilet. It is now accessible without the need to cycle on SH3 following construction of a link track by the Club. A second toilet is at the Mangapouri Cemetery and was built for members of the public visiting the Cemetery. The distance to this toilet is approximately seven hundred metres. The recommended site is a natural gathering location for bike park users, including small children using the pump track. The other toilet sites are not in practicable locations. It could be beneficial to increase signage to make recreational forest users aware of the toilet locations.
14. It is anticipated that having a toilet visible within the forest and easily accessible to trail users, will reduce the number of people urinating or defecating in the forest. This will improve the natural environment for all users and is supported by the Three Waters team, considering the New Plymouth District's water supply is sourced from Lake Mangamahoe.

Design of the toilet

15. The toilet that will be installed will be a "dry chamber" toilet. This design has been used for toilets installed by the Council at both Tongaporutu and the Mangorei Road Carpark in recent years. Dry chamber toilets collect sewerage within a concrete chamber which is in turn pumped out when necessary. The frequency of pumping depends on the amount of use and capacity of the chamber. In this case, the chamber will be approx. four cubic metres.
16. There is no Council sewerage scheme at Lake Mangamahoe so the only other solution would be a traditional septic tank with a drainage bed or a system that pumps thrice treated wastewater into the forest.
17. The toilet structure is an "off the shelf solution" and will consist of a fibreglass surround with one pan that sits above the concrete chamber. There will be a ventilation pipe and access lid in the concrete chamber. The ventilation pipe allows air to circulate in the chamber to help prevent odours and the access lid provides access when the tank needs emptying. Depending on the final location, and its topography, there may need to be a small wooden deck and steps from ground level to the top of the toilet.
18. The dry chamber vault solution means that only human waste and toilet paper can be collected by the toilet. There will be no water in the toilet so no rain water collection or storage is required. An image of the proposed solution follows in Figure Three and Four (note only one toilet chamber is proposed).
19. The proposed toilet does not prima facie meet the criteria for exempt works under the Building Act and is not "accessible". The Club could still apply for Territorial Authority discretionary exemption which may or may not result in an application for a Building Consent to be required.



Figure Three and Four – example of the type of toilet to be installed
Financial Contribution toward the construction and ongoing costs by the Club and the Council

20. The Club has fundraised the cost to purchase and install the toilet. It has received offers of support from club members for items such as excavation and building work which reduces their costs.
21. The Club has asked the Council to contribute to the cleaning and servicing of the proposed toilet. This cost has not been budgeted by the Facilities Management Team. Currently, the Lake toilets are cleaned daily and the Mangapouri toilets are cleaned twice weekly in winter and three times a week in summer.
22. The total costs for management, maintenance, repairs, cleaning and consumable for the two existing toilets is in region of \$10,000 + GST per annum. Using the Mangapouri toilet cleaning schedule and costs as a comparable, the additional cost to the Council would be capped at \$2,500 + GST per annum as its contribution to cleaning and consumables; toilet paper and sanitary bins. Day to day responsibility and management of the toilet would sit with the Club as asset owner. Officers propose that a sign be erected on the toilet notifying people that the toilet is owned by the Club and any queries regarding its maintenance or operation should be directed to the Club or nominated contact of the Club.
23. The Club has received funding from the Council in the past. This has taken the form of an annual licence fee of \$1 including GST (if demanded), \$20,000 in 2019 from the Council's Agility Fund towards sealing the pump track at Lake Mangamahoe and \$10,000 per annum from the Council through a Strategic Council Community Partnership. This partnership is in its final year, and due to changes in the Community Funding Investment Policy, the Club will be ineligible to apply for new funding.

Variation of the Club's Licence to Occupy

24. If the proposed toilet is available for all users of the Forest, no variation to the Club's Licence to Occupy is foreseen as needed by Officers. The location of the proposed toilet is within the "common area" defined in the Licence to Occupy for "common use by the Club and any other permitted users of the Land".
25. If Council declines the recommended option and approves option 2 where the Club are responsible for all costs, the Club may decide to only allow access to the toilet for club members. The Licence to Occupy will then need to be varied to show the toilet as part of the Club's "exclusive use" area. This work can be undertaken in house by the legal team at no cost to the Club.
26. The Club's Licence to Occupy is for a ten year term with two further rights of renewal of ten years each. It includes a clause requiring the Club to remove its "fixtures and equipment and any other of its property situated on the Licensed Area and the Common Areas to the satisfaction of the Council, no later than the Expiry Date or earlier termination for the Licence to the Council's satisfaction". It is unlikely that the Facilities Management Team would want to take over responsibility for this toilet as it is not accessible and is not designed to the same "robust" levels as standard public toilets.
27. A memorandum of understanding, clarifying the roles of responsibilities of the Club and the Council (Facilities Management Team) will need to be prepared and agreed upon. There are concerns that there could be uncertainty from users as to who to call for problems with the toilet. There is also a risk from the public perception being that the Council is responsible to repairs to the structure, or pumping the vault, when that is the responsibility of the Club. To mitigate this risk, it is proposed that a sign be erected on the toilet to notify users of ownership and Club contact details if problems arise with the facility.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

28. No climate change impacts have been identified. There is expected to be improved environmental outcomes for the forest through having a visible and easily accessible toilet for the users and reduced "freedom toileting".

NEXT STEPS

29. The next steps will depend on which option is chosen by the Council as discussed in paragraphs 3 and 4.

SIGNIFICANCE AND ENGAGEMENT

30. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because the Council has already granted the Club a Licence to Occupy. This report asks the Council to approve the cleaning and consumables costs for a toilet owned by a private party.

OPTIONS

Option 1

Allow the Club to build a toilet at Lake Mangamahoe Forest and agree to contribute to the cleaning and consumable costs.

Financial and Resourcing Implications

31. Under this option, the Club would pay for the installation, repairs and maintenance and emptying of the toilet chamber. The Council would contribute costs associated with cleaning and consumables. This unbudgeted cost is estimated and would be capped at \$2,500 + GST per annum in line with comparable costs.
32. A memorandum of agreement will be required in order to clearly outline the responsibilities of the Club and the Council. It is assumed that will be completed in house, but if that is not possible, the Club will be asked to pay the legal fees of an external provider.

Risk Analysis

33. The risk associated with this option is that it sets a precedent for other private asset owners to request the Council to pay for servicing of their assets. There is also a risk that forest users may not understand the responsibilities of the Club and the Council and so the Council could receive complaints about maintenance or issues with the toilet that are not their responsibility to fix. This could create additional workload for Council staff who would have to refer complaints to the Club.

Promotion or Achievement of Community Outcomes

34. This recommendation addresses people and prosperity. The Club has over 1200 members but the users of the tracks extend beyond Club members.

Statutory Responsibilities

35. There are no statutory responsibilities identified with this option although a memorandum of understanding will be required in order to clearly identify roles and responsibilities of each party.

Consistency with Policies and Plans

36. It would be inconsistent with the Annual Plan for the Council to contribute to cleaning and consumables costs for this toilet, as well as being inconsistent to contribute to costs associated with an asset not owned by the Council.

Participation by Māori

37. The Club has undertaken consultation directly with Te Atiawa, Ngati Tawhirikura and Ngati Te Whiti and provided copies of their responses to Officers for the purpose of preparing this report.
38. Te Atiawa have commented that so long as adequate silt and sediment controls are in place during exaction of the vault toilet construction, they have no pressing concerns. The Club will ensure this is managed.
39. Ngati Te Whiti agree that there is a need for a toilet in the area and that the plan looks ok. They are concerned that there may be unknown wahi tapu in the area and asked for cultural monitoring to be provided during excavation. The Club will put this in place.
40. Ngati Tawhirikura had no specific concerns with the development but asked for additional information on the long-term plans of the site. This was provided by the Club as to the best of their knowledge.

Community Views and Preferences

41. It is expected that whilst recreational users of the forest would support the toilet and servicing of it (no matter who pays), there would be a sector of the community who would not agree with their rates being used to pay to clean and provide consumables for an asset not owned by the Council. Even though it would be available for all to use.

Advantages and Disadvantages

42. The main advantages of this option are in relation to the community recreational opportunities that the Mountain Bike tracks provide. There is a high community benefit across a wide range of users, at a very low cost to the Council. The current licence to occupy between the Club and the Council has been a very successful one, with excellent operational working relationships.

Option 2

Allow the Club to build a toilet at Lake Mangamahoe Forest but decline to contribute to the cleaning and consumable costs.

Financial and Resourcing Implications

43. No financial or resourcing implications have been identified with this option. The Club would be responsible for the installation, repairs and maintenance, cleaning and consumable costs associated with the toilets.
44. The toilet could be clearly signed as being a Mountain Bike Club asset and not the responsibility of the Council. There is still the possibility that the Council could receive complaints about the condition of the toilet if users cannot make contact with the Club to log faults.

Risk Analysis

45. The risk identified with this option is that the Club might choose to restrict access to the toilet to members only. Other recreational forest users could become frustrated at not being able to use the toilet, even though there are two Council owned public toilets available within in the vicinity.

Promotion or Achievement of Community Outcomes

46. This option does not particularly promote or achieve the outcome of partnership between the Club and the Council, but it does align with sustainability and prosperity by not using ratepayer money on non-council owned assets.

Statutory Responsibilities

47. No statutory responsibilities have been identified with this option. The Council will amend the Club's Licence to Occupy to formalise their use of the land for "exclusive use".

Consistency with Policies and Plans

48. This is consistent with Council Policy not to pay to maintain assets owned by other parties.
49. This option is consistent with both the General Policies for Council Administered Reserves (Sept 2006) and the Lake Mangamahoe Management Plan (2011). In particular it meets the Objectives of the Management Plan relating to Mountain Biking;
 - "To maintain approval processes and communications between NPDC and the New Plymouth Mountain Bikers Club regarding the development and use of the Lake Mangamahoe forest as a mountain bike club facility".

Participation by Māori

50. There are no additional comments beyond those in the previous option.

Community Views and Preferences

51. The community in relation to this option are Club members and wider members of the public who use the Club's trails for recreational purposes. The forest is also used for events such as the Off Road Half Marathon, Secondary School rogains and mountain biking. Event organisers may be able to negotiate access to the toilet for specific events.
52. Although the community has not been consulted, it is expected that most users of the forest would appreciate the convenience of another toilet closer to the car park / main entrance. It would also be beneficial for families with children using the pump track which is nearby. Forest users could be disappointed and frustrated if the toilet is available only for Mountain Bike Club members. On the other hand, having access to the toilet could be a "carrot" for the Club to promote the benefits of membership of the Club.

Advantages and Disadvantages

53. The main advantage of this option is in relation to the convenience that this new toilet will offer members of the Club.
54. The disadvantage is that the toilet is not accessible so lesser abled people may struggle or not be able to use it.

Option 3 Decline to allow the Club to build a toilet at Lake Mangamahoe

Financial and Resourcing Implications

55. There are no implications with this option.

Risk Analysis

56. There are no new risks associated with this option. It is believed that there are probably forest users who partake in "freedom toileting". This would continue and present an environmental risk to the forest.

Promotion or Achievement of Community Outcomes

57. This option does not promote or achieve any community outcomes.

Statutory Responsibilities

58. No statutory responsibilities have been identified with this option.
-

Consistency with Policies and Plans

59. This could be inconsistent with the General Policies for Council Administered Reserves (Sept 2006) and the Lake Mangamahoe Management Plan (2011). In particular it meets the Objectives of the Management Plan relating to Mountain Biking:
- *"To maintain approval processes and communications between NPDC and the New Plymouth Mountain Bikers Club regarding the development and use of the Lake Mangamahoe forest as a mountain bike club facility".*

Participation by Māori

60. There is no impact for the Tangata Whenua if this option is accepted.

Community Views and Preferences

61. It is assumed, although no consultation had been undertaken, that recreational forest users would appreciate an additional toilet.

Advantages and Disadvantages

62. No advantages have been identified with this option. The disadvantage is that an additional toilet would not be built at Lake Mangamahoe Forest.

Recommended Option

This report recommends option one – allow the New Plymouth Mountain Bikers Inc (the Club) to install a dry vault toilet at Lake Mangamahoe, on the basis that the Club will be responsible for all installation, repairs, management and maintenance and Council agree to contribute to the cost of cleaning and consumables.

Report Details

Prepared By:	Charlotte Dunning (Property Management Lead)
Team:	Property
Approved By:	Laura Keenan (Property Manager)
Ward/Community:	New Plymouth
Date:	11 July 2022
File Reference:	ECM 8800765

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

DIRECTIVE TO FLUORIDATE NEW PLYMOUTH WATER SUPPLY

PURPOSE

1. On 27 July 2022 Manatū Hauora (Ministry of Health) issued a letter directing Council to fluoridate the New Plymouth water supply by 1 July 2023.

RECOMMENDATION

That, having considered all matters raised in the report, the report be noted.

SIGNIFICANCE AND ENGAGEMENT

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

DISCUSSION

3. The New Plymouth water supply (the water supply servicing those connected properties from Omata to Urenui) has been fluoridated in the past. The water supplies for Inglewood, Okato and Oakura have never previously been fluoridated.
4. Fluoridation of the New Plymouth water supply had prompted many submissions to previous Long Term Plans (both in favour and against). On 13 October 2011 Council voted to cease fluoridation of the New Plymouth Water Supply.
5. Since this decision, the Health (Fluoridation of Drinking Water) Amendment Act 2021 has been passed into law. Under Section 116E of the Act the Director General of Health has the authority to direct a local authority to add fluoride to drinking water.
6. On 27 July 2022 the Director General of Health issued a letter directing Council to fluoridate the New Plymouth water supply and ensure that by 31 July 2023 Council maintains a level of 0.7ppm to 1.0ppm (parts per million) of fluoride in the water.
7. Council is legally obliged to comply with this directive and contravening these requirements, or permitting these requirements to be contravened, constitutes an offence under section 116J of the Act. This offence would expose the Council to a fine not exceeding \$200,000 and if the offence is a continuing one it is liable for a further fine not exceeding \$10,000 for every day or part of a day during which the offence continues.

8. Following the decision to cease fluoridation in 2011 the stock of fluoride was depleted, and equipment was cleaned and mothballed.
9. The existing equipment is now obsolete. This is due to both changes to the Health and Safety at Work (Hazardous Substances) Regulations in 2017 requiring separation of certain substances and also due to technological changes and condition (the equipment has been unused for 11 years). Council engaged external experts to undertake a review of chemical storage at the Water Treatment Plant (WTP) in light of the new regulations. Their recommendation with respect to the fluoride chemical was to move it to another location to comply with the regulations.
10. Another issue is uncertainty regarding future upgrade works at the WTP. The main WTP building has been identified as being earthquake prone. Solutions to fix this will involve moving all chemical storage and dosing (including fluoridation).
11. At this stage there is no design or detailed works program for a permanent solution, and it is considered not practical to install only the fluoridation equipment in the new location as there is a very high likelihood of rework.
12. Officers have worked with a supplier of dosing equipment on the options for a temporary solution for fluoridation and a practical solution has been identified.
13. Council would use a chemical called Hydrofluorosilicic acid (HFA) to add fluoride to the water supply. We estimate we will use about 1,000 litres of HFA per week.
14. Manatū Hauora have advised that there is a limited amount of funding available for those councils which commence the installation of equipment this calendar year. They have not advise how much is available or the condition surrounding this funding yet.

CLIMATE CHANGE IMPACT AND CONSIDERATIONS

15. HFA will be delivered to the WTP in 1,000 litre containers once per week. The transportation of HFA will create additional carbon discharge from transportation emissions.

NEXT STEPS

16. Officers will apply for funding (if Council is eligible) when Manatū Hauora release information on how to apply for it.
 17. Officers will progress with a design and procurement of equipment for undertaking fluoridation and ensure that the temporary dosing equipment is operational by 31 July 2023.
-

FINANCIAL AND RESOURCING IMPLICATIONS

18. A permanent solution is difficult to price as it is not designed but is estimated to cost in the order of \$250,000 (this is a class 5 estimate and is likely to change as the solution is confirmed). We have estimated that the cost for installing a temporary solution will be in the order of \$120,000 (this is a class 3 estimate based upon estimates provided from a supplier of dosing equipment).
19. The estimated ongoing management and monitoring costs are \$35,000 to \$40,000 per annum to undertake fluoridation. These costs are not currently included in the operational budget but will be included as an amendment to the next Annual Plan.
20. In the event that New Plymouth District Council is not eligible for funding from Manatū Hauora, or the funding is not sufficient to cover the total cost of installing the temporary dosing equipment, these works will be either partially or fully funded from the Water Plant and Equipment Renewals budget. For the 2022/23 financial year there is a budget of \$774,000. The reallocation of this budget will be done under existing Delegated Authority of the appropriate Officer.
21. There is the need to provide internal staffing resource to manage the design, procurement and installation of the temporary dosing equipment. This will be provided by existing resources. There is negligible impact on staff resourcing to undertaking fluoridation once the temporary dosing equipment is installed.

IMPLICATIONS ASSESSMENT

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

-
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or would transfer the ownership or control of a strategic asset to or from the Council.

APPENDICES

Appendix 1 Letter from Manatū Hauora Directing NPDC to fluoridate the New Plymouth water supply (ECM 8808411)

Report Details

Prepared By:	Mark Hall (Three Waters Manger)
Team:	Three Waters
Approved By:	Kevin Strongman (Group Manager Planning and Infrastructure)
Ward/Community:	New Plymouth
Date:	4 August 2022
File Reference:	ECM 8816641

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



133 Molesworth Street
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27 July 2022

Jacqueline Baker
Acting Chief Executive
New Plymouth District Council
jacqueline.baker@npdc.govt.nz

Tēnā koe Mrs Baker

Decision in relation to fluoridation direction

Thank you for responding to my letter of 3 May 2022. I have considered the information you have provided, alongside further information I am required to consider under section 116E of the Health Act 1956 (the Act). I have also received and considered advice from the Director of Public Health.

Informed by the matters I am required to consider, I have decided to exercise my statutory powers under section 116E of the Act to direct you to fluoridate the New Plymouth drinking water supply in your region.

In accordance with section 116I of the Act, you are required to ensure that by 31 July 2023 you are fluoridating at the optimal levels (between 0.7ppm to 1ppm, parts per million) at the New Plymouth supply. Contravening these requirements, or permitting these requirements to be contravened, constitutes an offence under section 116J of the Act.

Fluoridation of the New Plymouth drinking water supply is an important step in improving the oral health of your communities, and it is my intention that Manatū Hauora (the Ministry of Health) will work constructively with you to implement these important changes.

In reaching my decision to issue this direction to you, I considered the scientific evidence on the effectiveness of adding fluoride to drinking water in reducing the prevalence and severity of dental decay. I am satisfied that community water fluoridation is a safe and effective public health measure that significantly reduces the prevalence and severity of dental decay. In reaching this conclusion, I considered: *Water fluoridation to prevent tooth decay* (Cochrane Collaboration 2015), *Health effects of water fluoridation: A review of the scientific evidence* (PMCSA and Royal Society Te Apārangi 2014) and *Fluoridation: An update on evidence* (PMCSA 2021).

In reaching my decision, I also considered whether the benefits of adding fluoride to the drinking water outweigh the financial costs, taking into account: the state or likely state of the oral health of your communities served by the New Plymouth water supply; the number of people who are reasonably likely to receive drinking water from the supply;

and the likely financial cost and savings of adding fluoride to the drinking water of the supply, including any additional financial costs of ongoing management and monitoring.

I am satisfied that the benefits of introducing community water fluoridation across the New Plymouth drinking water supply outweigh the financial costs of doing so. In reaching this conclusion, I gave weight to the following:

- New Plymouth's communities would receive significant benefit, through improvement to the state of its oral health, because fluoridation of the water supply would significantly reduce the prevalence and severity of dental decay in its community
- approximately 59,072 people are reasonably likely to receive drinking water from the New Plymouth supply
- the likely financial cost and savings of adding fluoride to drinking water for the New Plymouth supply including any additional financial costs of ongoing management and monitoring.

My decision-making process included inviting written comment from New Plymouth District Council and having regard to the comments I received. Below I summarise and respond to the comments I received:

- the estimated capital cost of introducing fluoridation to the New Plymouth supply via a temporary solution is \$120,000
- the estimated capital cost of introducing fluoridation to the New Plymouth supply via a permanent solution is unknown
- the estimated ongoing management and monitoring costs are \$35,000 to \$40,000 per annum when a permanent solution is in place
- the timeframe by which New Plymouth District Council could comply with a direction to fluoridate the New Plymouth drinking water supply is six to nine months from receiving a direction.

As part of considering whether to issue a direction to fluoridate, I considered the cost estimates you provided. I also accept the timeframe you specified by which you could comply with a direction for the New Plymouth drinking water supply. This is reflected in the compliance date stated earlier in this letter.

Appendix 1 presents a more extensive summary of the information that informed my decision-making, including the advice I received and considered from the Director of Public Health.

Funding

Manatū Hauora is making capital works funding available for local authorities that have been issued a direction to fluoridate, and that begin work to fluoridate water supplies by the end of 2022. It will shortly provide detailed information about the application process for this funding to cover fluoridation-related capital costs.

Communicating this 'direction to fluoridate' decision

Manatū Hauora is responsible for communicating this decision at a national level. Please note too, that as required under section 116E(5) of the Act, all direction letters will be published on the Manatū Hauora website in due course.

Next steps

An official from Manatū Hauora will contact your team in the coming weeks to discuss any needs you might have for further clarity or additional information. Manatū Hauora recognises that this is a busy time for local authorities and wishes to work with you to make the process as straightforward as possible for your team.

Nākū noa, nā



Dr Ashley Bloomfield
Te Tumu Whakarae mō te Hauora
Director-General of Health

Appendix 1:

New Plymouth District Council: New Plymouth water supply

Analysis	
Criterion	1. Scientific evidence on the effectiveness of adding fluoride to drinking water in reducing the prevalence and severity of dental decay
Evidence	The Ministry has considered the following information: • Fluoridation: an evidence update Office of the Prime Minister's Chief Science Advisor (June 2021) • Health effects of water fluoridation: A review of the scientific evidence (August 2014) Office of the Prime Minister's Chief Science Advisor and Royal Society of New Zealand Te Apārangi • Water fluoridation to prevent tooth decay Cochrane Collaboration (June 2015) Fluoridation: An update on evidence (PMCSA 2021) examines new evidence on water fluoridation published since the Royal Society Te Apārangi report in 2014. The Cochrane Collaboration's water fluoridation to prevent tooth decay (2015) is a high-quality scientific meta-analysis of a large number of high-quality research studies conducted over a long period worldwide.
Analysis	The sources of evidence referred to above are reviews that examine substantial bodies of research generated over periods of time on the safety of community water fluoridation (CWF) and its effectiveness at reducing dental decay. Considered together, these reports provide an up-to-date and high-quality scientific assessment of the state of the scientific evidence on the health effects of CWF. They find that the provision of CWF at a level of 0.7-1 mg/L is safe and significantly reduces the prevalence and severity of dental decay. The summary analysis of evidence stated above justifies the conclusion that provision of CWF at a level of 0.7-1 mg/L in the New Plymouth water supply would be safe and effective at significantly reducing the prevalence and severity of dental decay in the populations serviced by this water supply.
Director of Public Health advice	Informed by the findings of the reviews noted in 'Criterion 1 Evidence' above on CWF, my assessment is that there is strong evidence that CWF is a safe and effective way to improve oral health outcomes, by reducing and preventing dental decay. I also consider that this strong evidence applies to the communities served by the New Plymouth water supply.
Criterion	2. whether the benefits of adding fluoride to drinking water outweigh the financial costs, taking into account:
Criterion	2a. the state or likely state of the oral health of a population group or community where the local authority supply is situated

Evidence	The Ministry has considered the following information: • data on Age 5 and Year 8 oral health outcomes from the Community Oral Health Service (Ministry of Health) • data from the New Zealand Health Survey: Oral Health (New Zealand Health Survey Ministry of Health NZ) • Oral Health Survey Report (Our Oral Health: Key findings of the 2009 New Zealand Oral Health Survey Ministry of Health NZ) • 2013 New Zealand Index of Deprivation (NZDep) (Socioeconomic deprivation profile ehinz) This is the most relevant up-to-date data available. It should be noted that oral health outcome data can take a long time to change substantially.
Analysis	The New Plymouth water supply is situated within the previous Taranaki District Health Board area. 2020 data for children aged 0-12 in Taranaki District Health Board show: - overall, 36 percent of children had experienced tooth decay at age five - on average, children at age five have 1.09 decayed, missing or filled primary teeth, and at school year 8 have on average 0.60 decayed, missing or filled adult teeth - Māori and Pacific children have significantly worse outcomes than other children within Taranaki District Health Board. For example, 59 percent of Māori children had experienced decay at age five compared to 29 percent for all other (non-Māori and non-Pacific) children. The 2017-2020 New Zealand Health Survey results for New Plymouth District Council show: - 52.1 percent of adults (15+) had one or more teeth removed in their lifetime due to decay, an abscess, infection or gum disease - 9 percent of adults (15+) had one or more teeth removed in the last 12 months due to decay, an abscess, infection or gum disease. From the data summarised above, it is reasonable to conclude that there are significant levels of dental decay in the communities serviced by the New Plymouth water supply. There is strong evidence that CWF reduces dental decay. There are therefore also significant opportunities for oral health improvement for the communities served by the New Plymouth water supply. The evidence indicates that fluoridation of the New Plymouth water supply would make significant improvements to oral health outcomes for the communities it serves. Within the New Plymouth area, there are significant levels of deprivation. In the 10-level score in which decile 1 has the least deprivation, there are areas in New Plymouth that are in decile 8-10. There is a significant body of evidence that levels of tooth decay are highest among the most deprived socioeconomic groups.

Director of Public Health advice	Informed by the evidence and data sources listed above at ‘Criterion 1 Evidence’ and ‘Criterion 2a Evidence’, I have reviewed the state of oral health of the populations served by the New Plymouth water supply. In summary, my assessment is as follows. The New Plymouth population presently have significant levels of preventable dental decay. The evidence that CWF improves oral health outcomes by reducing dental decay is applicable to this population. So too is the evidence that these benefits tend to be greater for populations that experience higher levels of tooth decay, such as Māori and Pacific communities. Fluoridation of the water supply that serve these communities would consequently improve oral health outcomes, and is likely also to reduce health inequities.					
Criterion	2b. the number of people who are reasonably likely to receive drinking water from the local authority supply					
Evidence	The Ministry has considered the following information: the Public Register of Drinking Water Suppliers					
Analysis	<table><tr><th>Water supply</th><th>Population size</th></tr><tr><td>New Plymouth</td><td>59,072</td></tr></table>		Water supply	Population size	New Plymouth	59,072
Water supply	Population size					
New Plymouth	59,072					
Criterion	2c. the likely financial cost and savings of adding fluoride to the drinking water, including any additional financial costs of ongoing management and monitoring					
Evidence	The Ministry has considered the following information: - Review of the Benefits and Costs of Water Fluoridation in New Zealand. Sapere Research Group. May 2015. - Water Fluoridation Engineering Costs. August 2015 - New Plymouth District Council’s estimated costs, including ongoing management and monitoring costs (for more detail on New Plymouth District Council’s comments see table below).					
Analysis	The 2015 Sapere Report estimated that adding fluoride to New Zealand’s water treatment plants classified as medium sized and above (ie, those supplying populations of over 5000) is cost-saving, and for smaller supplies (ie, those supplying populations of over 500) is likely to be cost-saving. The Sapere report also noted: - an estimated total net discounted saving over 20 years for smaller supplies and above to be \$1,401 million, made up of a cost of fluoridation of \$177 million and cost offsets of \$1,578 million from reduced dental decay “We estimate the 20-year discounted net saving of water fluoridation to be \$334 per person, made up of \$42 for the cost of fluoridation and \$376 savings in reduced dental care” The New Plymouth supply fits into the category of supplies servicing over 5000 people (see further detail in Criterion 2b).					

The estimated costs provided by New Plymouth District Council are presented in the table below. These estimates vary from the cost estimates Sapere 2015 used in reaching its conclusion that fluoridation is cost-saving for supplies servicing over 5000 people. For water supplies servicing over 10,000 people, Sapere 2015 estimated \$347,004 for capital costs, and \$8742 per annum for management and monitoring costs; while for the New Plymouth supply servicing 59,072 people, New Plymouth District Council estimated \$120,000 for capital costs for a temporary solution to fluoridate. No costs were provided for management and monitoring costs. The capital costs to permanently fluoridate the New Plymouth supply is unknown, however, \$35,000 to \$40,000 per annum was estimated for management and monitoring costs.				
Water Supply	Population size	New Plymouth District Council estimate of capital cost	New Plymouth District Council estimate of management and monitoring costs (per annum)	Type of solution to fluoridate
New Plymouth	59,072	\$120,000)	n/a	Temporary
		n/a	\$35,000 - \$40,000	Permanent
Total	59,072			

Summary of the information received from New Plymouth District Council

As required by section 116G, New Plymouth District Council was invited to give written comments on the estimated financial costs of adding fluoride to the drinking water, including any additional costs of ongoing management and monitoring; and the date by which each local authority would be able to comply with a direction. New Plymouth District Council responded within the required timeframe. A copy of New Plymouth District Council's formal response is attached to this Report as Appendix One.

For New Plymouth District Council's estimated financial costs of adding fluoride to the drinking water, including any additional costs of ongoing management and monitoring please see Criterion 2c above.

New Plymouth Water Supply

New Plymouth District Council stated that for a temporary fluoridation solution the timeframe by which it would be able to comply with a direction for the New Plymouth supply is 6 – 9 months.

New Plymouth District Council stated that for a permanent fluoridation solution the timeframe by which it would be able to comply with a direction for the New Plymouth supply is July 2026.

EXCLUSION OF THE PUBLIC FOR THE REMAINDER OF THE MEETING

MATTER

1. This report details items that are recommended should be considered with the public excluded, and the reason for excluding the public.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report, the Council hereby resolves that, pursuant to the Local Government Official Information and Meetings Act 1987, the public be excluded from the following parts of the proceedings of this meeting:

- a) **Information Services strategic risk management.**
The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.
- b) **Venture Taranaki Trust Board Appointees**
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	
Significance	This matter has been assessed as being of some importance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: 1. Exclude the public. 2. Not exclude the public.
Recommendation	This report recommends Option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	There are no budget considerations.
Significant Policy and Plan Inconsistencies	This report is consistent with Council's Policy and Plans.

BACKGROUND

2. This report details items that are recommended should be considered with the public excluded, and the reason for excluding the public.

SIGNIFICANCE AND ENGAGEMENT

3. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of some importance because the exclusion of the public is a statutory procedure that will have a little or no impact on the Council's strategic issues.

OPTIONS

Option 1 Pursuant to the Local Government Official Information and Meetings Act 1987, good reason exists to exclude the public for consideration of the items listed.

Option 2 The Council can choose to consider these matters in an open meeting.

Risk Analysis

4. Release of information which meets the statutory tests for withholding (under the Local Government Official Information and Meetings Act 1987) may expose the Council to legal, financial or reputational repercussions.

Recommended Option

This report recommends **Option 1**: Exclusion of the public for addressing the matter.

Report Details

Prepared By:	Carol Allen (Governance Adviser)
Team:	Governance
Approved By:	Julie Straka (Governance Lead)
Ward/Community:	District Wide
Date:	3 August 2022
File Reference:	ECM 8812183

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

CLOSING KARAKIA

Unuhia, unuhia,	Draw on, draw on
Unuhia i te uru tapu-nui	Draw on the supreme sacredness
Kia wātea, kia māmā te ngākau, te tinana	To clear, to free the heart, the body
Te Wairua i te ara takatū	and the spirit of mankind
Koia rā e Rongo whakairihia ake ki runga	Rongo suspended high above us (in heaven)
Kia wātea, kia wātea	To be cleared of obstruction
Ae rā kua wātea	It is cleared
Hau Paimarire	

This karakia is recited to close a hui or event. It takes us from a place of focus and releases us to be clear of all the issues or tensions that may have arisen during the hui. We are now free to get on with other things.