



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

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AGENDA

KAITAKE COMMUNITY BOARD

**Monday, 29 September 2014
at 4.30pm**

Oakura Surf Life Saving Club

Chairperson:	Mr	Doug	Hislop
Members:	Mr	Paul	Coxhead
	Mr	Mike	Pillette
	Mr	Keith	Plummer
	Cr	Richard	Jordan

KAITAKE COMMUNITY BOARD
MONDAY 29 SEPTEMBER 2014

Community Boards

Role of community boards (s52 Local Government Act 2002)

- a) represent, and act as an advocate for, the interests of its community; and
- b) consider and report on matters referred by the council and other matters of interest
- c) maintain an overview of services provided by the council within the community; and
- d) prepare an annual submission to the council for expenditure within the community;
- e) communicate with community organisations and special interest groups within the community; and
- f) undertake any other responsibilities that are delegated to it by the territorial authority.

Addressing the community board

Members of the public have an opportunity to address a community board during the public forum section or as a deputation.

A public forum section of up to 30 minutes precedes all community board meetings. Each speaker during the public forum section of a meeting may speak for up to 10 minutes. In the case of a group a maximum of 20 minutes will be allowed.

A request to make a *deputation* should be made to the secretariat within two working days before the meeting. The chairperson will decide whether your deputation is accepted. The chairperson may approve a shorter notice period. No more than four members of a deputation may address a meeting. A limit of 10 minutes is placed on a speaker making a presentation. In the case of a group a maximum of 20 minutes will be allowed.

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:

- 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;
- 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.

APOLOGIES

None advised

PUBLIC FORUM

None advised.

DEPUTATIONS

None advised.

A ITEM FOR DECISION BY KAITAKE COMMUNITY BOARD

A1 MINUTES OF PREVIOUS MEETING OF KAITAKE COMMUNITY BOARD

Recommendation:

That the minutes of the Kaitake Community Board meeting held on 18 August 2014 be confirmed as a true and accurate record.

A2 MEMBERS ACTIVITY REPORT

This report advises of the community board activities of Doug Hislop in the period to 16 September 2014.

B ITEMS FOR RECOMMENDATION TO COUNCIL

B1 NEW PLYMOUTH OLD BOYS' SWIMMING AND SURF CLUB – PROPOSED NEW LEASE INCLUDING ROAD STOPPING

The matter for consideration by the Council is a new lease with new lease area and clauses allowing commercial activity for the New Plymouth Old Boys' Swimming and Surf Club at Oakura Beach, involving stopping of road and the acquisition of land for road.

B2 NEW PLYMOUTH DISTRICT PLAN: PLAN CHANGES PLC13/00040 AND PLC14/00043 REGARDING WAAHI TAONGA/SITES OF SIGNIFICANCE TO MĀORI AND ARCHAEOLOGICAL SITES

The matter for consideration by the Council is the approval of proposed Plan Changes PLC13/00040 and PLC14/00043 to the New Plymouth District Plan (District Plan) for public notification in accordance with the Resource Management Act 1991 (RMA).

**KAITAKE COMMUNITY BOARD
MONDAY 29 SEPTEMBER 2014**

MINUTES PREVIOUS MEETING OF KAITAKE COMMUNITY BOARD

FILE REFERENCE: DP-14-02 DM1585435
MEETING DATE: Monday 18 August 2014 at 7pm.
VENUE: Hempton Hall, Okato
MEMBERS PRESENT: Mr Doug Hislop (Chair), Mr Keith Plummer,
 Mr Mike Pillette, Cr Richard Jordan

APOLOGIES: Mr Paul Coxhead

STAFF IN ATTENDANCE: Mrs Jayne Beer, Mrs Anna Crawford and
 Mr Liam Hodgetts

NON-MEMBERS PRESENT: Crs John McLeod and Grant Coward

DEPUTATIONS

Fay Mulligan and Dennis Ngawhare on behalf of Nga Mahanga, re: Item B4.

They spoke in support of establishing a Maori ward for the next two triennial general elections.

PART A**MATTERS FINALLY DETERMINED BY THE KAITAKE COMMUNITY BOARD UNDER DELEGATED AUTHORITY AND REFERRED TO THE COUNCIL FOR INFORMATION AND RECORD**1. **Confirmation of Minutes***Resolved:*

That the minutes of the Kaitake Community Board meeting held on 23 June 2014 were confirmed as a true and accurate record.

2. **Members Activity Report for Doug Hislop**

File Reference: DP-14-03, 1584795

This report advises of the Community Board activities of Doug Hislop in the period to 11 August, 2014.

Recommendation:

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

PART B**ITEMS FOR FINAL DETERMINATION BY THE COUNCIL**3. **Variation to Oakura Boardriders Lease - Commercial Activity**

File Reference: CM 08 20; DM 1569921

The Oakura Boardriders Club Incorporated has requested that the Council consider a variation to its ground lease to allow a change of use for part of the premises involving subletting space to a commercial operator.

In June 2013, the club accepted the transfer of ownership of its clubrooms from the Council and a new ground lease was granted for a term of 10 years with rights of renewal for two further terms of 10 years.

The current purpose of the club's ground lease is for clubrooms and the rental is on a concessional basis due to the club's non-profit status. However, due to the commercial nature of the proposed commercial use (not currently authorised in the club's lease), a variation of the lease is required to allow for the activity and the fixing of a commercial rental in accord with the Council's Commercial Trading in Public Places Policy.

Mr Doug Hislop and Mr Keith Plummer declared a conflict of interest and took no part in the debate or vote.

No recommendation was agreed due to no seconder for the motion.

4. Relationship Agreement Between New Plymouth Positive Ageing and New Plymouth District Council

File Reference: DM 1559905

The Relationship Agreement, between the New Plymouth Positive Ageing Trust and New Plymouth District Council, outlines how the two parties will work together to meet the common goal of "all community members being active participants in improving their quality of life and experience and enjoy positive ageing". The agreement was first entered into in 2008. The revised agreement has been negotiated with the New Plymouth Positive Ageing Trust and is presented for Council's agreement. The agreement formalises how the two parties work together to contribute to positive ageing within the district, confirming the underlying intention to engage with a significant and growing proportion of our district population.

Recommendation:

That having considered all matters raised in the report, the Council agree to enter into the Relationship Agreement with the New Plymouth Positive Ageing Trust.

5. Update On Three Public Toilets

File Reference: PR 12 21 01, ID 13812 & 6180, DM 1515947

This report presents updates and options related to three Council owned public toilets, which the Council by resolution has asked to be investigated.

An investigation into the sale of the Gover Street toilet site identified that the sale is compromised by the existence of a Powerco transformer located in the building as well as Council owned electrical installations.

Six site options were investigated for a new public toilet location in the Oakura shopping area and are detailed in the report.

Investigation into the Okato Domain toilet has concluded the building is Council owned, closed to the public but used by the Okato Pony Club. The recommendation is

to formalise the pony club's use of the building by transferring the building to them and approve a ground only lease for the area they occupy at Okato Domain.

Recommendation:

That having considered all matters raised in the report:

Gover Street Toilet

- a) The property containing the public toilet facility at 28 Gover Street – legal description of Part Section 922 Town of New Plymouth is to be retained.

Oakura shopping area

- b) The Kaitake Community Board recommends that the Oakura toilet be sited on the road reserve on SH45 (between the supermarket and the service station) and the toilet be included in the Long Term Plan 2015-2025 and scheduled to be commenced, as a priority, in 2015/16.

Okato Domain Toilet

- c) It is agreed that the Council no longer wishes to own the toilet building adjacent to the Okato Pony Club facility.
- d) The sale of the toilet block identified in Appendix One at the Okato Domain to the Okato Pony Club be approved subject to:
- i) The sale price being established as one dollar (\$1).
 - ii) The Okato Pony Club is responsible for all repairs and maintenance costs and keeping the building in good repair.
 - iii) Okato Pony Club is responsible for any applicable rates and taxes including Taranaki Regional Council rates.
 - iv) Okato Pony Club is required to have indemnity insurance cover on the building.
 - v) If at a future date the Okato Pony Club vacates the building or goes into recess, the Council has the option to purchase the building at the same price as sold, or if it does not wish to exercise this option, the Okato Pony Club would be responsible for relocating or demolishing the building at no cost to the Council.
- e) A ground only lease for approximately 9,300m² of Okato Domain be approved for equestrian activities including approximately 60m² for the area occupied by the former toilet building utilised by the Okato Pony Club. The legal description for the land is Lot 1 DP 9334, the lease being for a term of 10 years with a subsequent 10 year right of renewal, at a rental of \$36 (plus GST) per annum, which will be subject to either CPI or Annual Plan adjustments.

6. Establishment of a Māori Ward

This report outlines the process for establishing a Māori ward in the New Plymouth District. If the Council wish to consider establishing a Māori ward for the 2016 triennial election, it must either resolve (by 23 November 2014) to establish a ward or resolve (by 28 February 2015) to hold a poll of electors.

Recommendation:

That having considered all matters raised in the report, a Māori ward be established noting that the decision will take effect for the next two triennial general elections.

Cr Jordan abstained from voting on this matter.

7. Governance Structure Review 2014

File Reference: DM 1566586

The matter for consideration by the Council is determination of a governance structure for 2015/16.

Recommendation:

That having considered all matters raised in the report the Council adopt the following governance structure for the remainder of 2015/2016, the Kaitake Community Board have no preferred option in terms of the is matter. Determination of a governance structure is a matter for the Council to determine.

8. Streetlight Led Conversion

File Reference: RT 12 14 04; DM 1574252

The proposal is to fully replace all existing streetlights within the NPDC network over a planned project term of five years. The overall investment required is projected to be \$5.5m. It is likely that this project will be co-funded by the NZ Transport Agency at a (interim) FAR of 52%. It is proposed that the Council's 48% share be funded 50% through borrowing and 50% through the existing streetlight renewal reserves.

The conversion to a LED streetlight network represents an invest to save proposal which will result in a 10 year payback period. The remaining 10 years of the assumed 20 year network life offers savings totalling \$9.9m.

Recommendation:

That having considered all matters raised in the report:

- a) The "LED Streetlight Business Case Report" be approved.
- b) Consideration be given to appropriate budget provisions in Draft LTP 2015-2025 for streetlight LED conversions based on a 5 year programme of conversion commencing 2015/16.

The meeting closed at 8.04pm.

MEMBERS ACTIVITY REPORT

PREPARED BY: Doug Hislop
WARD/COMMUNITY: Kaitake Community Board
DATE: 22 September 2014
FILE REFERENCE: DP-14-03, DM1598812

SUMMARY/OBJECTIVE

This report advises of the community board activities of Doug Hislop in the period to 16 September 2014.

RECOMMENDATION

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

ACTIVITIES

- 12 August Delivering Mayor's Conversation posters - Okato
Attended full Council meeting - Council
- 14 August Meeting with Council Officers re: Oakura CBD issues - Council
Informal meeting of KCB - Oakura
- 15 August Meeting with Okato Community Trust Chair - Oakura
- 18 August Attended Kaitake Community Board meeting - Okato
- 20 August Dealing with Okato Neighbourhood Park issues - Okato
- 21 August Attended New Year Day Carnival meeting - Oakura
- 22 August Attended Shearer Reserve Skate Park meeting - Oakura
- 25 August Dealing with public toilet in Oakura CBD issues
Residents objecting to Messenger Tce road reserve vegetation clearing -
Oakura
Issues with public beach accessway on Messenger Terrace - Oakura
Discussions with Oakura Foreshore Precinct Project Committee member -
Oakura
- 26 August Officer's meeting re: Kaitake Ward issues - Council
Attended Mayor's Community Conversation - Oakura
- 27 August Meeting with Taranaki Iwi CEO and Ngati Tairi Marae Committee secretary -
NP
Skate Park, primary school buildings, Hwy 45 roundabout issues - Okato
Attended Oakura School Jubilee Committee meeting
- 28 August Attended New Year Day Carnival meeting - Oakura
- 29 August Meeting with concerned local re: speeding vehicles on AhuAhu Road - Oakura
Dealing with water leak at NPOB Surf Club - Oakura
Attended Oakura Boardriders' AGM - Oakura

ITEM A2**ITEM FOR DECISION**

- 30 August Checking on water leak repairs at NPOB Surf Club - Oakura
- 1 September Dealing with local resident whose dog was attacked by a pitbull - Oakura
Meeting with residents re: Oakura Jubilee involvement - Oakura
Meeting with stakeholders Hwy 45 roundabout issues - Okato
- 2 September Attended Monitoring Committee meeting - Council
Attended Oakura Structure Plan Focus Group meeting - Oakura
- 3 September Meeting with Mayor re: workshop attendance
- 4 September On-site meeting AhuAhu Road with roading team and local resident - Oakura
On-site meeting Okato roundabout with roading team and stakeholders - Okato
Meeting with acting police officer - Okato
- 5 September Meeting with AhuAhu Road adjoining property owner - Oakura
- 8 September Attended Community Conversations meeting - Council
- 9 September Attended Policy Committee meeting - Council
- 11 September Various Officers meetings re: Kaitake Ward issues - Council
Attended Regulatory Committee meeting - Council
- 12 September Attended Shearer Reserve Skate Park meeting - Oakura
On-site meeting with council officers re: public beach accessway - Oakura
- 14 September Provided KCB column for the Oakura Messenger
- 16 September Attended council workshop on Recreation/Open Space Strategy - Council

NEW PLYMOUTH OLD BOYS' SWIMMING AND SURF CLUB – PROPOSED NEW LEASE INCLUDING ROAD STOPPING

PREPARED BY: Anna Crawford (Senior Recreation Planner) and Steve Corlett (Property & Insurance Officer)
 TEAM: Parks/Property
 APPROVED BY: Mark Bruhn (Manager Parks)
 WARD/COMMUNITY: Kaitake
 DATE: 18 September 2014
 FILE REFERENCE: CM 08 20; DM 1589917

MATTER

The matter for consideration by the Council is a new lease with new lease area and clauses allowing commercial activity for the New Plymouth Old Boys' Swimming and Surf Club at Oakura Beach, involving stopping of road and the acquisition of land for road.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report:

- a) The stopping of road and amalgamation with the adjoining reserve and acquisition of land for road under Section 114 (1), 116 (1) and 117 (3) of the Public Works Act 1981, identified in the plan attached as Appendix One be approved.

SCHEDULE ROAD TO BE STOPPED

Shown	Adjoining	Adjoining Title Reference	Area
Section 1	Lot 2 DP 448749 & Pt Section 3 Oakura Town Belt	CFR 583806	2100m ²
Section 2	Lot 2 DP 448749	CFR 583807	240m ²

LAND TO BE ACQUIRED FOR ROAD

Shown	Description	Title Reference	Area
Section 3	Lot 3 DP 448749	CFR 503806	25m ²

- b) Subject to Section 54(1)(c) of the Reserves Act 1977, approval be given for a new lease to the New Plymouth Old Boys' Swimming and Surf Club for a term of 11 years with two 11 year right of renewals for approximately 560m², being part Corbett Park Domain (Oakura Beach) shown in Appendix Four, including an extension to the lease footprint and enable the club to sub-let part of its premises to appropriate operators for the purposes of commercial activity subject to:

ITEM B1**ITEM FOR RECOMMENDATION**

- i) **The Council receiving a rental for that commercial part of the lease based on 4% of the gross turnover of the commercial operations being payable annually to the Council by the club, and**
- ii) **The club submitting individual subletting/commercial operation proposals for assessment against the Council's Commercial Activity Policy and approval by the Manager Parks.**
- iii) **The New Plymouth Old Boys' Swimming and Surf Club paying a portion of the road stopping and legal costs to prepare the lease documentation.**
- iv) **The final terms and conditions of the lease being consistent with the existing lease and approved by the Manager Parks.**
- c) **The concessional rental payable for the non-commercial aspect of the lease being \$210 per annum (plus GST) noting that the concessional rental will be reviewed once the Council adopts a concessional rental policy.**

COMPLIANCE	
Significance	This matter is of low significance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> 1. Stop part of Tasman Parade road and grant a new lease that includes an additional lease area and allows commercial activity to be undertaken within the surf club building, without public notification. 2. Stop part of Tasman Parade road and grant a new lease that includes an additional lease area and allows commercial activity to be undertaken within the surf club building, subject to public notification. 3. Stop part of Tasman Parade road and grant a lease variation. 4. Decline the application for road stopping and lease variation/new lease.
Affected persons	The persons who are affected by or interested in this matter are the public who use the Oakura Beach area, the club and local tangata whenua. Consultation about the proposal has occurred with a representative of Nga Mahanga A Tairi Iwi who has no concerns.
Recommendation	This report recommends option 1 for addressing the matter.

COMPLIANCE	
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	The proposal is consistent with the Coastal Reserves Management Plan. The proposal is also consistent with the Oakura Structure Plan which contemplates small-scale commercial activity near the beach (south of Messenger Terrace). Following consideration of the lease by the Council, the club will be required to make an application for resource consent under the District Plan as the proposed deck is located within a Coastal Hazard area.

EXECUTIVE SUMMARY

The New Plymouth Old Boys' Swimming and Surf Club is proposing to redevelop its clubrooms building with the objectives of:

1. Encouraging greater community use of the facility.
2. Refresh the building and increase building code compliance.
3. Attract and retain new membership.
4. Enable the club to generate some revenue from its facility to fund club lifesaving activities.

The redevelopment includes a proposed building extension that requires an amendment to the lease footprint. Part of the proposed lease footprint is onto what is currently legal road. Before this area can be included in the lease the road must be stopped and its status changed to recreation reserve.

A variation to the permitted use of the building under the lease is also required to allow commercial activity.

The club's current lease expires in 2019 and due to the changes requested and short duration of lease term remaining it is appropriate the Council considers issuing a new lease.

This report recommends part of the Tasman Parade road reserve be stopped and amalgamated into the adjoining recreation reserve and a new lease be granted which includes an extension to the lease footprint and enables commercial activity in the building.

BACKGROUND

The New Plymouth Old Boys' Swimming and Surf Club (the club) has been in its current location at Oakura Beach for over 50 years. The club's existing lease area over the reserve land which its buildings are located on is shown in Appendix One. This lease area covers the main club building and deck, together with a storage shed on the opposite side of Tasman Parade. The lease is due to expire in 2019.

ITEM B1**ITEM FOR RECOMMENDATION**

The club is proposing to redevelop its club building in two stages, stage one involves internal modification as set out on page one of the application attached as Appendix Two. The club has approval to progress with stage one in accordance with its existing lease as it involves internal modifications only.

Stage two of the club's proposal involves extension of the building to create a new enclosed entry with accessible ramp on the Tasman Parade side, along with a new deck on the seaward frontage.

The new entry is proposed to extend into an area of land that is currently legal road and therefore road stopping is required and amalgamation of the land into the adjoining recreation reserve as leases cannot be issued over legal road. A lease variation or new lease is required to allow for the new extensions to be included in a lease footprint.

In addition the club is proposing to have future commercial activity in part of its building to generate some revenue to fund club surf lifesaving activities. This also requires change to the lease as the current lease does not permit commercial activity. The two processes are explained below.

Road stopping

To allow for the proposed extended lease area, part of Tasman Parade (unformed) will need to be stopped as a lease cannot be issued over legal road. A significant area of road adjoining the beach is part of the foreshore and is formed as a barrier between the road and the beach as well as being used for parking by the general public. A large area of the legal road is also beach and on occasions is under water at high tide. The road, when stopped, will be amalgamated with the adjoining foreshore reserve (Lot 2 DP 448749) and will allow for the issue of a lease of part of that area to the surf club once the stopping is approved. There will be no disadvantage to the general public as the reserve is for public use at all times.

It is also proposed to stop an area of road (unformed) on the corner of Wairau Road and Tasman Parade currently formed as part of the adjoining reserve (Lot 3 DP 448749). A small area of reserve formed as road on the seaward side of Tasman Parade adjoining the Wairau Stream Bridge is also to be legalised as road to formalise its current use. The stopping of the surplus road will not cause any property owner or member of the public to lose access to any private or public land and therefore the stopping can be carried out subject to the terms and condition of the Public Works Act 1981. The declaration of the road as stopped and the declaring of the land as reserve will be done contemporaneously by a notice in the New Zealand Gazette.

New Lease - Extension to building footprint and enabling commercial activity

The request from the club is to vary its lease to extend the building footprint and allow commercial activity in half of the main part of the building. The club does not yet have firm proposals for a specific commercial activity or who will operate in this space. Therefore this report recommends that the Council grant a new lease with a new lease footprint and clauses that will allow commercial activity subject to assessment of individual proposals against the Commercial Trading in Public Places Policy by the Manager Parks.

This approach is consistent with the application of the policy in other parts of the district, for example the Council has previously approved locations on the Coastal Walkway that are appropriate for commercial activity and the assessment and approval of individual proposals for these locations is delegated to officers.

The club has indicated that it wishes to see a food and beverage type operation. The policy lists food and beverage as an eligible activity however every individual proposal must be assessed against the overarching principle of - *“the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve”* and the specific policy criteria.

The club has discussed its proposal with the adjacent Oakura Boardriders Club (who have also recently received approval to undertake commercial activity).

Commercial Rental

The Commercial Trading in Public Places Policy sets out that a commercial rental must be paid for commercial leases and licences issued by the Council. The level of the commercial rental is set out in the Annual Plan and is currently 4% of gross annual turnover.

The rental for the concessional aspect of the lease is recommended to remain at the level currently paid by the club of \$210 per annum.

Coastal Reserves Management Plan – Oakura Beach (Part of Corbett Park Domain)

The Coastal Reserves Management Plan provides under Chapter 5.7.4 Policy (e) that *“The existing surf club building is permitted to remain on this site and upgraded as necessary, while preserving the level of public access to the reserve. Any application to extend or develop the building will be considered in accordance with all relevant planning and building consent processes”*.

Further policy (b) states that *“commercial activities are permitted in this reserve to the extent that they contribute to the use of the areas as a day use facility for outdoor recreation”*.

The current proposal is consistent with the Coastal Reserves Management Plan and officers consider that these policy statements contemplate the development and commercial use proposed. Where activities are contemplated in a reserve management plan the Council is not required to publically notify lease proposals.

The extensions to the lease area will not alter the level of public access with the public continuing to be able to walk in front of the surf club building, around or under the proposed deck.

Further, the proposal is consistent with the Oakura Structure Plan which contemplates small-scale commercial activity near the beach (south of Messenger Terrace).

ITEM B1

ITEM FOR RECOMMENDATION

SIGNIFICANCE

In accordance with the Council's Significance Policy, this matter has been assessed as low significance because there will be no inconvenience to the local land owners or the general public.

OPTIONS

Option One - Stop part of Tasman Parade road and grant a new lease that includes an additional lease area and allow commercial activity to be undertaken within the surf club building, without public notification.

Under this option the Council can approve the stopping of part of Tasman Parade and amalgamation of the land into the adjoining recreation reserve. The option also proposes that a new 33 year lease be approved with the inclusion of additional lease area and allow commercial activity to be undertaken within a defined part of the building as shown in Appendix Four.

As part of a new lease specific clauses will be included that allows subleasing to an appropriate operator (should the surf club not wish to run the commercial activity themselves) and require specific proposals be submitted to the Manager Parks for consideration against the Commercial Trading in Public Places Policy. In addition a rental of 4% of turnover will be applied to the commercial activity as per the Council's fees and charges. The current rental paid by the club of \$210 per annum is recommended to continue for the concessional aspect of the lease.

This option proposes that the road stopping and new lease be undertaken without public notification as the upgrade and development of the building, together with commercial activity is contemplated in the Coastal Reserve Management Plan.

Further there is no requirement under the Public Works Act 1981 to publicly notify road stopping applications where the ownership and public access to the land is not changing.

The costs involve LINZ process fees, survey costs and legal fees (estimated to be \$7,000) of which approximately \$1,850 will be paid by the club and the remainder funded from operational budgets.

This option is the most cost effective option and still achieves the outcome sought by the club which will contribute to the secure and healthy and together community outcomes with an upgraded building that is accessible to the community.

The Council could consider variations to this option of a different lease term or rental.

Option Two - Stop part of Tasman Parade road and grant a new lease including additional lease area and allow commercial activity to be undertaken within the surf club building, subject to public notification

Under this option the Council could choose to approve the road stopping and new lease subject to public notification. Public notification of the proposal would involve a notice in the Seven Days insert of the Midweek, a sign on the outside of the building and letters sent to owners and occupiers of surrounding properties.

If any submissions are received then a report would be prepared for the Council to consider those submissions and make a final decision. If no submissions are received then the necessary paperwork to stop the road and vary the lease would be prepared by Council officers.

It is estimated that the additional cost of publicly notifying the proposal would be \$3,500 which includes the notification itself plus officer's time for preparing a further report if submissions are received. If no submissions are received the cost would be \$800.

Option Three – Stop part of Tasman Parade road and grant a lease variation

Under this option the Council could stop part of Tasman Parade and grant approval for a lease variation to include the additional lease area and enable commercial activity. The term of the existing lease would remain and expire in 2019.

As there are less than five years remaining on the current lease and changes requested involve both the lease area and the terms of the lease, it is considered that this option is not the most cost effective.

Option Four - Decline the application for road stopping and lease variation/new lease

Under this option the Council could decline the application for the road stopping and lease variation/new lease. This would mean that the club could only proceed with the internal renovations and would not be permitted to carry out any commercial activity in the building.

Recommended Option

This report recommends Option One - Stop part of Tasman Parade road and grant a new lease including additional lease area and allow commercial activity to be undertaken within the surf club building, without public consultation.

The club support this recommendation and has acknowledged that it will pay a portion of the costs associated with preparing a new lease and costs associated with the road stopping.

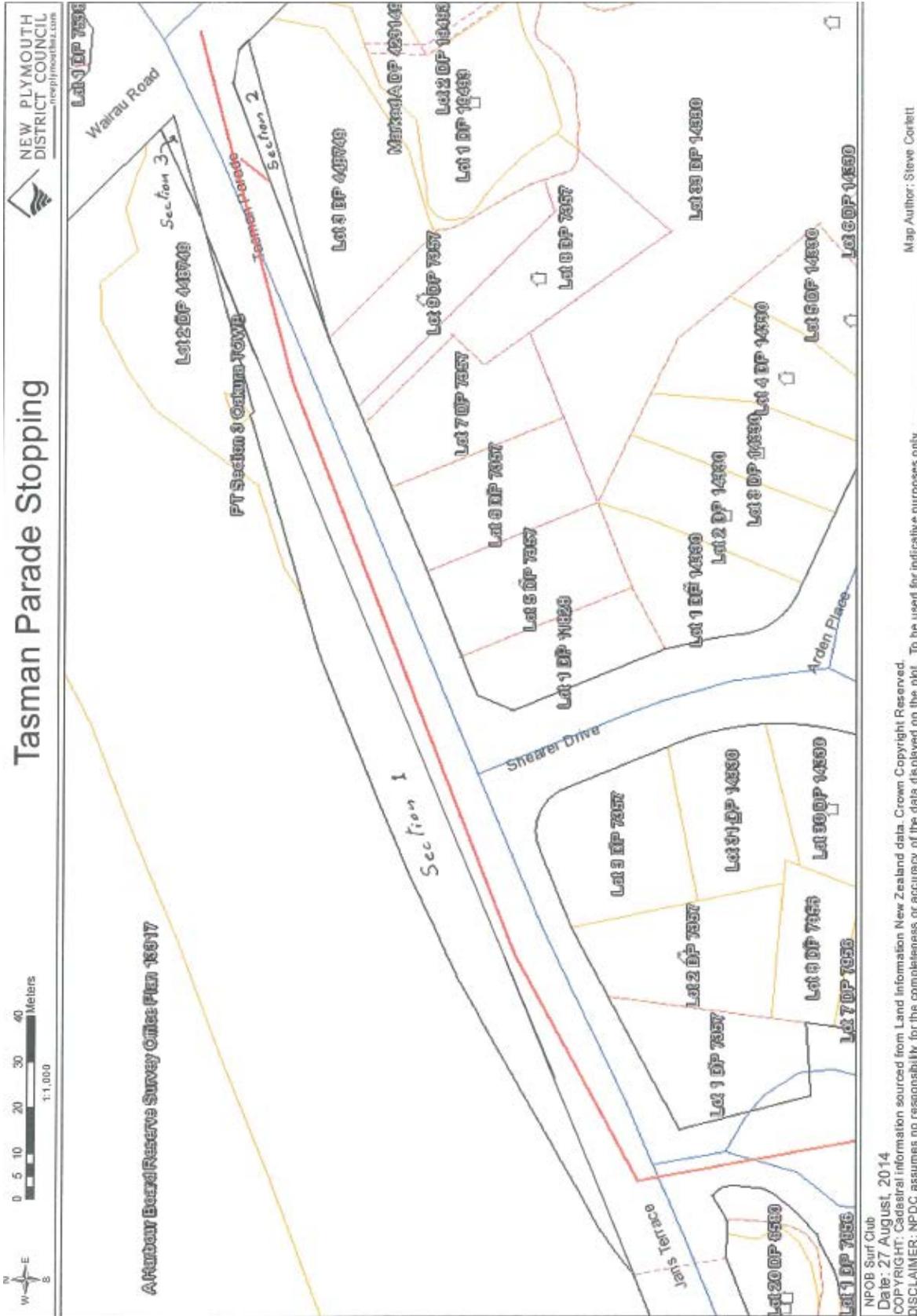
APPENDICES

Appendix One	Road stopping plan.
Appendix Two	Road stopping plan over aerial photo.
Appendix Three	Existing lease area.
Appendix Four	Proposed new lease area and extent of commercial activity.
Appendix Five	NPOB SLC full application (DM1593456 – reference only).

ITEM B1

ITEM FOR RECOMMENDATION

Appendix One – Road stopping plan



Appendix Two – Road stopping plan over aerial photo



Appendix Three – Existing lease area



Appendix Four – Proposed lease area (red dotted line) and proposed extent of commercial activity (blue dotted line on second plan)



Site Description
 LOT 2
 DP 448749
 Tasman Parade, Oukura
 Wind Zone = Very High
 Earthquake Zone = 17
 Exposure Zone = 17

Site Coverage
 New Deck Extension = 50m² approx
 New Entry Extension = 35m² approx
 Gear Shed Extension = 115m² approx
 Total proposed additional building floor area 200m²

Line to perimeter of site indicates construction demarcation line. Construction confined to within this area.

Site Finishes Key

	Existing Building. Internal floor included. Refer to proposed plans for details
	New Additions outside existing building envelope
	New 100mm Thick concrete slab (25 MPa) with 668 mesh centrally placed over compacted sand bed.
	New 40mm Asphalt hot mix seal over 150mm min compacted base course.
	Reinstated topsoil, grass seed and selected planting as required.
	Build up natural ground level as noted on the drawing. Reinstated topsoil, grass seed as required.
	New Lease area, nominally 1m setback from all building structures

ISSUED FOR:
DRAFT FOR REVIEW

BOON GOLDSMITH BHASKAR BREBNER
teamarchitects
 Boon Goldsmith Bhaskar Brebner Team Architects Ltd
 131 Courtenay Street, New Plymouth 4310
 t 06 752 3300 e office@tbgbc.co.nz
 www.tbgbc.co.nz

WORLD
 Road to be a Green Space

Job Title
NPOB Surfclub
 Tasman Parade, Oukura

Architect
 PG Drafted Drawn

Drawing Title
Proposed Site Plan

Scale (A3)
As indicated

Print Date
03/09/14
4:57 pm

Job No.
4792

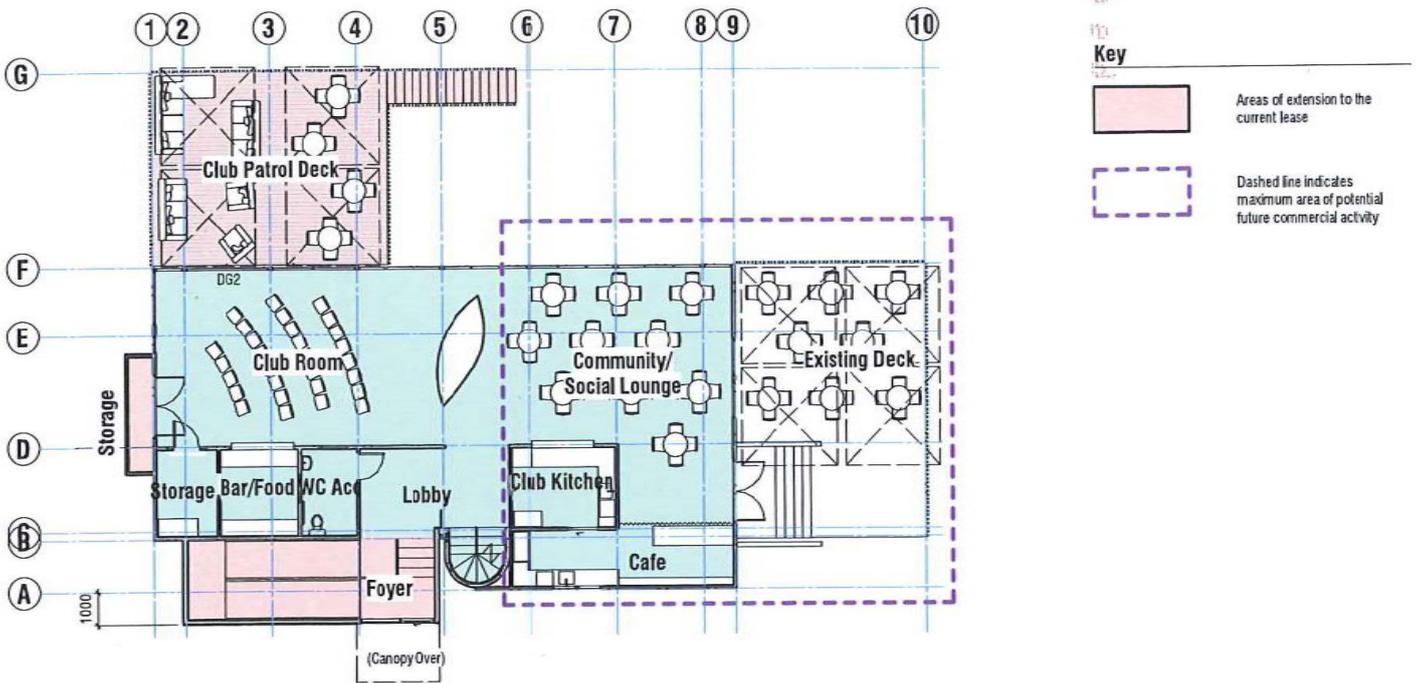
Drawing No.
A1.02

Rev

BY: [Signature] DATE: [Date] FOR: [Name] PROJECT: [Project Name]

ITEM B1

ITEM FOR RECOMMENDATION



NEW PLYMOUTH DISTRICT PLAN: PLAN CHANGES PLC13/00040 AND PLC14/00043 REGARDING WAAHI TAONGA/SITES OF SIGNIFICANCE TO MĀORI AND ARCHAEOLOGICAL SITES

PREPARED BY: Lauren O'Byrne (Senior Policy Adviser)
Sean Zieltjes (Consultant Planner)

TEAM: Environmental Strategy & Policy Team

APPROVED BY: Juliet Johnson (Senior Policy Adviser)

WARD/COMMUNITY: District Wide

DATE: 19 September 2014

FILE REFERENCE: PP-11-02-04.PLC13/00040&43, DM 1493601

MATTER

The matter for consideration by the Council is the approval of proposed Plan Changes PLC13/00040 and PLC14/00043 to the New Plymouth District Plan (District Plan) for public notification in accordance with the Resource Management Act 1991 (RMA).

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report, that pursuant to Schedule 1 of the Resource Management Act 1991 proposed Plan Change PLC13/00040 (Updating Provisions applying to Waahi Taonga/Sites of Significance to Māori and Archaeological Sites) and proposed Plan Change PLC14/00043 (Confirming the location and extent of Waahi Taonga/Sites of Significance to Māori and Archaeological Sites in the Ngāti Rahiri Rohe) and their accompanying Section 32 reports to the New Plymouth District Plan are approved for public notification.

COMPLIANCE	
Significance	This matter is of medium significance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> 1. Do not include the results of the review in the District Plan, i.e. do nothing. 2. Delay including the results of the review until the wider District Plan review is undertaken. 3. Publicly notify the proposed plan changes.
Affected persons	The persons who are affected by or interested in this matter are iwi, hapū, landowners with waahi taonga/sites of significance to Māori and archaeological sites on their properties and external agencies such as Heritage New Zealand Pouhere Taonga and Heritage Taranaki.
Recommendation	This report recommends option 3 for addressing the matter.

ITEM B2**ITEM FOR RECOMMENDATION**

COMPLIANCE	
Long-Term Plan / Annual Plan Implications	There are no Long-Term Plan/Annual Plan implications.
Significant Policy and Plan Inconsistencies	The outcomes of the plan changes will be consistent with the Long-Term Plan, the District Plan and the Mana Whenua Moana Paper (prepared for the New Plymouth Coastal Strategy).

EXECUTIVE SUMMARY

This report recommends that the Council approves the public notification of proposed Plan Changes PLC13/00040 and PLC14/00043 to the District Plan in accordance with the RMA. The plan changes are the culmination of a review that began in 2007 to accurately identify the location of waahi tapu and archaeological sites in the New Plymouth district and to map their extents. The provisions that apply to sites have also been considered. The plan changes will provide certainty amongst District Plan administrators, wider Council officers and members of the public because the information obtained can be confidently used as part of the development process. In addition, there will be less cause for concern, particularly amongst hapū, that sites are being interfered with or destroyed because they will be located correctly on the planning maps and will therefore trigger the RMA consenting process.

BACKGROUND**District Plan Overview**

A waahi tapu site has been identified by hapu as a place that is spiritually and culturally important. An archaeological site contains physical evidence of pre-1900 human activity. Waahi tapu and archaeological sites are listed in the current appendix 26 and their locations are shown on the planning maps as symbols. The symbols show the location of a site but not its extent. The symbols trigger rules in the District Plan. Land use or subdivision resource consent may be required from the Council before carrying out certain activities on, or in close proximity to, sites listed in the District Plan.

A review of sites was initiated in 2007 to confirm the location of symbols on the planning maps and to map extents of sites where possible. Sites not currently identified will also be considered for inclusion in the District Plan. The provisions that apply to sites have also been examined and amendments are proposed as follows:

Plan Change PLC13/00040 – Proposed Amendments (refer to Appendix 1)

- Introduce a definition of waahi taonga/site of significance to Māori in both Te Reo and English to be used as a basis for listing sites. The new definition has been developed with hapu representatives and intends to acknowledge the particular value of sites to Tangata Whenua within the boundaries set by case law. Include a glossary of terms in Appendix 26 to assist with understanding the status/significance of a site.

- Remove references to Schedule A (sites wholly or partially physically evident) and B (sites physically destroyed prior to the District Plan) in Appendix 26 and the overlay rules as it is not appropriate to classify sites on this basis in accordance with Tikanga Māori.
- Remove the requirement for resource consent within 50m, or for maximum height within 100m, of a site located within the Business or Residential Environment Area to acknowledge that the extents of sites have been identified and that these areas are generally more built up than other environment areas.
- Introduce additional assessment criterion to enable wider consideration of effects of activities on sites associated with the erection of structures and earthworks and subdivision to ensure important issues can be addressed.

Plan Change PLC14/00043 – Proposed Amendments: (Refer to Appendix 3)

- 96 sites have been assessed in the Ngāti Rahiri Rohe– 60 are currently in the District Plan and 36 will be added through the Plan Change. Of those 60 sites in the current District Plan, symbols will be moved for 30 sites. Extents will be added to the planning maps for all 60 sites. Of those 36 not in the District Plan, symbols and extents will be added to the planning maps for all of them. All 96 sites will be listed in Table 26.2 for the Ngāti Rahiri rohe. Sites in Schedule 26.1 will be removed as they are superseded by the listings in the new table.
- The Ngāti Rahiri rohe boundaries begin at Te Rau o te Huia on the west side of Onaero, moving south to Whiorua, eastward to the Mangaone Stream, then north to Titirangi then back along the coast to the east to meet back at Te Rau o te Huia. A map is appended to the Section 32 Report.

It is anticipated that further plan changes will be proposed in the future on a hapu basis to confirm sites in the remaining areas of the New Plymouth district.

SIGNIFICANCE

In accordance with the Council's Significance Policy, this matter has been assessed as of medium significance due to the fact that it will address an issue of great importance to Māori. Plan Change PLC14/00043 will also provide greater certainty to landowners as there will be information regarding the location and extents of sites.

OPTIONS

Option 1 Do not include the results of the review in the District Plan, i.e. do nothing

Benefits

- Those sites represented by a symbol on the planning maps that have been confirmed as correct will continue to be subject to provisions in the District Plan.
- The results of the review will be recorded on Land Information Memoranda, but will be for information purposes only.

Costs

- Those sites that have been repositioned and that are not identified in the correct position on the planning maps will not be protected. “New” sites will not be afforded protection.

ITEM B2**ITEM FOR RECOMMENDATION**

- Resource consent will still be required for the “old” position of the site and will not be required for the “new” position. This will place an inappropriate burden on landowners who will be required to apply for a resource consent unnecessarily.

Option 2 Delay including the results of the review until the wider District Plan review is undertaken

The benefits and costs will be the same as identified in Option 1 with the exception that it will only be until the public notification of the new District Plan in 2016.

Option 3 Publicly notify the proposed plan changes

Benefits

- It will ensure that the Council is acting on the most accurate information available and will improve certainty for District Plan users.
- Resource consent will be required for the “new” position of the site. These sites will now be protected by the rules in the District Plan.
- Resource consent will not be required for the “old” position. This will remove the unnecessary burden that some landowners currently face when undertaking development and requiring resource consent for a site that is actually located in another location.

Costs

- It may take landowners time to understand and accept the concept of identifying and protecting sites because many sites are not evident in the landscape. However, many landowners were present when sites were surveyed, they have been given the results on a map and they have had opportunities to raise issues informally with Council officers.

It is considered that progressing the Plan Changes at this time is the most appropriate action (Option 3). The following considerations have been made.

Financial and Resourcing Implications

Inaccurate information in the District Plan leads to uncertainty for Council, hapu and landowners and potentially increased costs. There are increased costs of progressing a Plan Change separately to the District Plan review, particularly in respect to public notification. However once notified it can start having legal effect in the resource consent process leading to increased efficiencies in processes.

Risk Analysis

There is a high level of risk if the Council does not act upon the results of the review by amending the District Plan. Sites may be interfered with or destroyed unnecessarily; relationships with hapu, landowners and developers may become stressed due to the Council’s inaction; and the District Plan will be inconsistent with the information included in Land Information Memoranda.

Community Outcomes

Promoting Plan Changes now will achieve the following community outcomes:

- Resources are used sustainably, developed and protected;
- The district's heritage is identified, recognised and protected;
- The place of Māori is recognised and respected; and
- The Treaty of Waitangi is recognised and respected.

Statutory Responsibilities

There are inaccuracies in the District Plan impacting the Council's ability to fully meet its statutory responsibilities under sections 6 (e)(f), 7(a)(b) and 8 of the RMA. Including extents will provide greater certainty about sites in respect to potential development. The proposed plan changes are the most appropriate means of achieving the purpose of the RMA.

Consistency with Policy and Plans

Options 1 and 2 are inconsistent with the Long-Term Plan and the District Plan because sites will continue to be inaccurately identified. Progressing the Plan Changes is consistent with the Long-Term Plan, the District Plan and the Mana Whenua Moana Paper (prepared for the New Plymouth Coastal Strategy).

Implications for Māori

If the Plan Changes are progressed there will be a positive impact on Māori as sites will be correctly identified and trigger the resource consent process. Tangata whenua will be publicly notified in accordance with the RMA and given the opportunity to make formal submissions for or against the proposed plan changes.

Community Views and Preferences

The Waahi Tapu Reference Group have provided input into the review over the years and also into the specific issues identified in the proposed changes. Heritage New Zealand Pouhere Taonga and Heritage Taranaki have also provided feedback.

Ngāti Rahiri hapu have indicated support for the plan change. Over the review process landowners in the hapū rohe have been informed about sites on their property and been provided with the opportunity to discuss issues. Those directly affected by the Plan Change will be publicly notified in accordance with the RMA and given the opportunity to make formal submissions for or against the proposed plan changes.

Recommended Option

This report recommends option 3 (publicly notify the proposed plan changes).

APPENDICES

Attached as separate documents

Appendix 1:	PLC13/00040 Plan Change Report (DM1596341)
Appendix 2:	PLC13/00040 Section 32 Report (DM1493600)
Appendix 3:	PLC14/00043 Plan Change Report (DM1596724)
Appendix 4:	PLC14/00043 Section 32 Report (DM1594137)

Please be advised that the maps pertaining to PLC14/00043 are not included and will be available on Council's website by Friday 26 September 2014 and at local libraries and service centres on Monday 29 September 2014.