



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

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MEETING AGENDA

CLIFTON COMMUNITY BOARD

**Wednesday 15 April 2015
at 2.00pm**

Urenui Community Centre

Chairperson:	Mr	Ken	Bedford
Members:	Mr	John	Hill
	Mrs	Judith	Ransom
	Mrs	Elaine	Selby
	Cr	Craig	McFarlane

CLIFTON COMMUNITY BOARD
WEDNESDAY 15 APRIL 2015

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

Ken Bedford, Elaine Selby

PUBLIC FORUM

None advised.

DEPUTATIONS

None advised.

A ITEMS FOR DECISION BY CLIFTON COMMUNITY BOARD

MINUTES OF PREVIOUS MEETING

Recommendation:

That the minutes of the Clifton Community Board dated 21 January 2015, and the proceedings of the said meeting, as previously circulated, be taken as read and confirmed as a true and correct record.

A1 CHANGE TO NOTICE OF MEETING FOR 2015 MEETING SCHEDULE

The matter for consideration by the Clifton Community Board is the change of notice of ordinary meetings for the remainder of 2015, effective from week beginning 25 May 2015, being week 1 of the Council meeting cycle.

A2 MEMBERS ACTIVITY REPORT

This report advises of the community board activities of Ken Bedford in the period to 15 April 2015.

B ITEMS FOR RECOMMENDATION TO COUNCIL

B1 PIKO ROAD LEGALISATION

The matter for consideration by the Council concerns the legalisation of a road alignment of a section of Piko Road, Okoki involving the acquisition and vesting of land for road, and the stopping and disposal of surplus unformed legal road containing a private residence thereon.



**CLIFTON COMMUNITY BOARD
WEDNESDAY 15 APRIL 2015**



CHANGE TO NOTICE OF MEETING FOR 2015 MEETING SCHEDULE

PREPARED BY: Jayne Beer (Community Relations Officer)
 TEAM: Democratic Services
 APPROVED BY: Julie Straka (Manager Democratic Services)
 WARD/COMMUNITY: District Wide
 DATE: 7 April 2015
 FILE REFERENCE: DM6332031

MATTER

The matter for consideration by the Clifton Community Board is the change of notice of ordinary meetings for the remainder of 2015, effective from week beginning 25 May 2015, being week 1 of the Council meeting cycle.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report, for the remainder of this triennium, all future meetings of the Clifton Community Board be changed to 10am on Thursdays in Week 1 of the Council meeting cycle.

COMPLIANCE	
Significance	This matter is of low significance.
Options	This report identifies and assesses the following reasonably practicable options for addressing the matter: <ol style="list-style-type: none"> 1. Adopt the recommended meeting time and day. 2. Adopt alternative time and/or day.
Affected persons	The persons who are affected by or interested in this matter are the members of the Clifton Community Board.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No
Significant Policy and Plan Inconsistencies	No

BACKGROUND

Clifton Community Board member, Elaine Selby, is unable to attend future meetings to be held on Wednesdays in the current meeting cycle which has been approved by Council. This report proposes to change the meeting dates to Thursdays of the same week in the current meeting cycle at a time suitable to all members of the Clifton Community Board.

The Council has recently resolved to retain the current six weekly meeting cycle for the remainder of the triennium. This report proposes meeting dates for 2015 based on that cycle.

SIGNIFICANCE

In accordance with the Council's Significance Policy, this matter has been assessed as low significance because it is an administrative matter and there are no financial or levels of service implications.

OPTIONS

- Option 1** Adopt the amended meeting time and day of week 1.
This option is based on the Council's adopted six-weekly meeting cycle. There is no adjustment to avoid standing committee and Council meetings in school holidays.
- Option 2** Adopt alternative dates
The Clifton Community Board could choose to adopt an alternative time and/or day.

Recommended Option

This report recommends option 1 – adopting the recommended meeting schedule for addressing the matter.

MEMBERS ACTIVITY REPORT

PREPARED BY: Ken Bedford, Chair
WARD/COMMUNITY: Clifton Community Board
DATE: 20 February 2015
FILE REFERENCE: DP-14-03, DM6332032

SUMMARY/OBJECTIVE

This report advises of the community board activities of Ken Bedford in the period to 15 April 2015.

RECOMMENDATION

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

ACTIVITIES**Onaero Erosion Committee**

On 17 February I attended the General Meeting of the Onaero Erosion Committee which had over 70 people present. This was the largest attendance of any local meeting held. Council, Community Board and Taranaki Regional Council were not present to hear the residents concerns.

An alternative design has been submitted by the committee to retard the erosion at a cost of \$100,000, unlike the original quote for a rock wall of \$1.2 million dollars.

The Council is proceeding with the resource consent for the wall and can see no objections being raised to the work being contemplated. Formal discussions are still to be held with Ngati Mutunga, DOC and the Archaeological Trust.

It was moved from the floor of the meeting that a formal invitation be extended to Councillors, Community Board members and Taranaki Regional Council to visit the site to see the extent of the erosion.

Following the presentation and discussion, a motion was passed to formalise the incorporation of the Foreshore Erosion Committee.

Beach Rd Corner/SH3.

Recently LTNZ constructed two stopping areas, one for northbound and one for southbound school buses to drop off and pick up pupils. The buses can now pull right off the road and do not hold up any traffic. At the same time a turning bay was established for south travelling, right turning traffic to pull into to leave SH3 and travel down Beach Rd. This has made turning much safer for the south traffic.

ITEM A2

ITEM FOR DECISION

However, to achieve this yellow no passing markings had to be shifted over cutting down the North lane of SH3 into a very narrow one lane. If a car travelling along SH3 slows to left turn into Beach Road the following traffic has nowhere to go apart from crossing a double yellow line and facing oncoming traffic.

NPDC Roading has been advised of the situation and has contacted LTNZ for their comments.

To date we are still awaiting a reply.



Tongaporutu Ski Lane:-

Following comments from residents in the area, when we visited Tongaporutu for consultation on the Reserve Management Plan, we have had discussions with both Parks and the Marine Department.

It would appear that a ski lane was approved by the Clifton County Council and signs were erected before the lane was gazetted by the Marine Department. The Marine Department now have no records of the original application, nor has the lane been formally gazetted.

The Marine Department are working to rectify this error. Unfortunately, they have had to consult with DOC whose land adjoins the proposed lane, and also with Taranaki Regional Council. I understand that DOC is asking for further information as they are not happy with ski lanes adjoining their land. It is hoped that we can work through the objections and proceed with the signage.

A similar situation has arisen at Urenui where it has been discovered that the lane on the Urenui River has also never been gazetted.

Ken Bedford

PIKO ROAD LEGALISATION

PREPARED BY: Steve Corlett (Property & Insurance Officer)
 TEAM: Property Assets
 APPROVED BY: Peter Handcock (Manager Property Assets)
 WARD/COMMUNITY: Clifton
 DATE: 30 March 2015
 FILE REFERENCE: RT 12 Piko PID 94762, ECM 6328306

MATTER

The matter for consideration by the Council concerns the legalisation of a road alignment of a section of Piko Road, Okoki involving the acquisition and vesting of land for road, and the stopping and disposal of surplus unformed legal road containing a private residence thereon.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report seek approval to:

- a) Undertake, and complete a negotiated agreement with the affected owner to acquire and legalise three areas of private land parcels required for road, to accommodate the realignment of three corners on Piko Road, Okoki to bring that area of existing formed road situated on private land within confines of the new road alignment road corridor (as more particularly shown described in the Schedule and delineated on the attached SO Plan 483197 in Appendix A).
- b) To stop and vest and amalgamate into adjoining land owners title, that parcel of unformed surplus legal road, (more particularly shown in the Schedule and delineated on the attached SO Plan 483197 in Appendix A) effected by way of an exchange for the land required for road in (a) to remedy the encroachment of the adjoining owners private residence that is in part situated on the unformed legal road. The current encroachment situation arose with the relocation of a residence onto the land following the issue of a building consent in 2006.
- c) Approves that the exchange of land in (a) and (b) be undertaken at nil consideration as full and final settlement with no equality of exchange payment.
- d) Seek the Minister of Land Information's consent to undertake the required legalisation declaration actions set out in the schedule hereunder to the acquisition, vesting of legal road in the Council, the stopping of unformed legal road and vesting of the freehold in the affected adjoining owner, pursuant to the provisions of Sections 114 (1) 116 and 117 and 120 of the Public Works Act 1981.

ITEM B1**ITEM FOR RECOMMENDATION****SCHEDULE OF LAND TO BE ACQUIRED FOR ROAD**

Shown	Description	CFR	Area
Section 1	Part Lot 1 DP 18702	TNK2/254	0.0102Ha
Section 2	Part Lot 1 DP 18702	TNK2/254	0.0192Ha
Section 3	Part Lot 1 DP 18702	TNK2/254	0.0086Ha

SCHEDULE OF ROAD TO BE STOPPED AND VESTED

Shown	Description	CFR	Area
Section 4	Part Lot 1 DP 18702	TNK2/254	0.2077Ha

COMPLIANCE

Significance	This matter is of some importance.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> 1 Recommended: Legalise the formed road alignment situated on private land and dispose of surplus unformed road containing a private residence to the adjoining land owner. 2 Not Recommended: Do nothing.
Affected persons	The persons who are affected by or interested in this matter are the property owner whose land at 97 Piko Road is involved and the users of Piko Road. Ngati Mutunga Iwi have been notified of the proposal but have yet to respond as at the report date. The area of land acquisition has no Waahi Tapu sites recorded on the New Plymouth District Plan.
Recommendation	This report recommends option 1 for addressing the matter.
Long-Term Plan / Annual Plan Implications	No. Sufficient funding has been set aside for attending to road legalisation matters.
Significant Policy and Plan Inconsistencies	The road acquisition/disposal legalisation proposed is consistent with the Council's policy of legalising formed roads and improving the standard and safety of roads within its district. In this instance the legalisation of formed road alignment will both accommodate road improvements but also rectify the encroachment of the residence currently situated on road that arose with the issue of a building consent in 2006.

EXECUTIVE SUMMARY

The formed road corridor on Piko Road, Okoki one kilometre west of the intersection with Okoki Road has at some stage in the past had three corner sections of the road formation constructed on private land that needs to be rectified. In addition the private residence of the same private land owner is situated on legal road that needs to be addressed by stopping and disposing of the freehold of that land to the adjoining owner. This report seeks approval to remedy the current situation by undertaking the appropriate legalisation actions required.

BACKGROUND

1. Residence Relocation Encroachment onto Unformed Legal Road

In June 2006 building consent was issued to relocate a residence on land at 97 Piko Road, Okoki. The plans showed the house to be situated on the south western corner of the property near the road, however the house was located partially on legal road. To further complicate the situation the septic tank, field drains and water supply tank were placed entirely within legal road (Piko Road).

2. Land Owner Exchange Negotiations

To rectify the matter, negotiations with the owner have resulted in the land owner agreeing to the Council's action to acquire land for road and dispose of the legal road with the dwelling to be amalgamated with the adjoining land. That land exchange being on the basis of a nil consideration and no payment equality of exchange, and Council meeting all survey and processing costs as is normal in connection with road legalisations.

The subsequent residence encroachment was not picked up at the time of the building consent application and the Council has a duty of care to prevent this situation occurring. To avoid any possible litigation, it is recommended that approval be given to undertake the exchange now proposed at no cost to the land owner. Because the legalisation involves both acquisition and disposal, it can only be facilitated under the provisions of the Public Works Act 1981.

SIGNIFICANCE

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as of some importance because the adjoining owner is the only affected party. There are no effects on continued public use and access in connection with this section of Piko Road. Ngati Mutunga has been advised of the situation.

OPTIONS

Option 1: Recommended: The general practice in normal circumstances is to legalise the current road alignment and compensate the land owners based on equality of exchange for land acquired or disposed of. In this instance the current negotiated proposal will correct the current situation to rectify the residence encroachment issue at no cost to the owner, nor the need for Council to pay monetary compensation for the land acquired for road over and above the direct land exchange. The exchange will avoid any possible litigation. It should also be noted that this is a remote rural area and land values are at the lower end for the district.

ITEM B1

ITEM FOR RECOMMENDATION

Option 2: Not Recommended: Do nothing. This option is not recommended as the owner could litigate against the Council for the issue of a building consent to allow the dwelling on legal road. This situation has been the case since 2006 and needs to be rectified.

Recommended Option

This report recommends option 1. Legalise the formed road layout and dispose of surplus road to the adjoining land owner for addressing the matter.

APPENDICES

Appendix A A copy of Survey Office Plan 483197

Appendix B A location plan

Appendix B A location plan

