



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

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## MEETING AGENDA

# POLICY COMMITTEE

**Tuesday 15 March 2011  
at 4.30 PM**

## COUNCIL CHAMBER

<b>Chairperson:</b>	Cr Heather	Dodunski
<b>Members:</b>	Cr Andrew	Judd (Deputy Chairperson)
	Cr Maurice	Betts
	Cr Shaun	Biesiek
	Cr Lynn	Bublitz
	Cr Sherril	George
	Cr Lance	Girling-Butcher
	Mayor Harry	Duynhoven

**POLICY COMMITTEE**  
**TUESDAY 15 MARCH 2011**

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## **POLICY COMMITTEE**

### **Objectives**

To develop strategies, policies and plans for the council to promote the district's community outcomes and priorities and to consider matters not the function of another committee.

### **Addressing the committee**

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

*A public forum section* of up to 30 minutes precedes all committee 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.

### **Definitions in reports**

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. For the purpose of clarity, the following definitions apply:

*Significance assessment* refers to the degree of importance in terms of its likely impact on the current and future well-being of the district, as articulated by the seven Community Outcomes (Connected, Prosperous, Secure and Healthy, Skilled, Sustainable, Together and Vibrant), the persons likely to be affected by, or interested in, the matter, and the extent to which strength of feeling exists or is known to exist on the issue; changes or potential changes to the levels of services currently offered to the community and therefore the current and future capacity of the council to perform its roles, and the financial and other costs of doing so)

*Views of those affected* refers to those persons, including tangata whenua, who are likely to be affected by, or have an interest in, the issue. A description of the affected parties, a description of the processes, methods and levels of consultation used to identify their views, along with a summary of those views will provide a means of presenting the community viewpoint on the issue. Where the views of those affected have not yet been sought, the future means of seeking those views will be set out)

*Tangata whenua considerations* refers to those matters that the local authority must assess in relation to its undertaking of decisions. Where an option for the achievement of the objective of a decision involves a significant matter in relation to land or bodies of water, the local authority must take into account the relationship of Maori, and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga.

**APOLOGIES**

None advised.

**PUBLIC FORUM**

None advised.

**DEPUTATIONS**

None advised.

**A ITEMS FOR DECISION BY COMMITTEE**

**A1 MINUTES**

Recommendation:

That the minutes of the Policy Committee meeting held on Tuesday 1 February 2011 at 4.30pm be confirmed as a true and accurate record.

**A2 DRAFT LAKE MANGAMAHOE MANAGEMENT PLAN - PROPOSED PUBLIC CONSULTATION**

The purpose of this report is to present the Draft Lake Mangamahoe Management Plan to the Council and seek the Council's approval to publicly notify this draft plan for public comment.

**A3 DRAFT CEMETERIES MANAGEMENT PLAN - PROPOSED CONSULTATION**

The purpose of this report is to present to the Council the Draft Cemeteries Management Plan and seek the Council's approval to publicly notify this draft plan for public consultation.

**B ITEMS FOR RECOMMENDATION TO COUNCIL**

**B1 DECLARATION AND CLASSIFICATION OF CEMETERY RESERVES**

This report presents a number of land parcels to be declared and classified as local purpose cemetery reserve under the Reserves Act 1977. Three submissions have been received relating to the declaration and classification process which are presented and responded to in this report.



**B2 STREET RACING: PROPOSED EXTENSION TO PROHIBITED TIMES ON ROAD FOR NON LEGITIMATE BUSINESS (PART 13 TRAFFIC BYLAW 2008)**

The purpose of this report is to provide an update on the effectiveness of the amendment to the New Plymouth District Council Traffic Bylaw 2008 Part 13 in regards to street racers. The report also provides information on the situation of street racing in areas adjacent to the area currently prohibited by the bylaw and proposes a further extension to the prohibited areas.

**B3 CONSULTATION POLICY – REVISION 2011**

The purpose of this report is to present a revised Council Consultation Policy for consideration by the Policy Committee.

**B4 FLUORIDATION CONSULTATION**

The purpose of this report is to present an overview of the consultation process it is recommended be undertaken regarding fluoridation of the drinking water supply in the district.

**B5 ELECTED MEMBERS REMUNERATION – REVISED ALLOWANCES AND EXPENSES POLICY**

The purpose of this report is to advise that the Remuneration Authority has not approved the Expense Rules recommended by the Council and to recommend that revised rules be forwarded to the authority for their consideration.

**POLICY COMMITTEE**

- FILE REFERENCE:** DP-14-01 DM1116720
- MEETING DATE:** Tuesday 1 February 2011 at 4.30pm.
- VENUE:** Council Chamber
- MEMBERS PRESENT:** Councillor Heather Dodunski (Chairperson); Mayor Harry Duynhoven, Councillors Andrew Judd, Maurice Betts, Shaun Biesiek, Lynn Bublitz, Sherril George and Lance Girling-Butcher.
- NON-MEMBERS PRESENT:** Councillors Alex Matheson, Craig McFarlane, Marie Pearce, Phil Quinney and John McLeod.
- Community Board chairpersons Judy Ransom (Clifton), Jean Pierce (Inglewood), Colin Johnston (Waitara) and Doug Hislop (Kaitake); and Clifton Community Board member John Hill.
- STAFF IN ATTENDANCE:** Barbara McKerrow, Frank Versteeg, Cathy Thurston, Anthony Wilson, Steve Taylor, Nick Maybury, Bill Macnaught, Delwyn Masters, Mary-Anne Priest, Simon Pickford, Jayne Beer, Anna Crawford, Colin Comber, Kate Macnaught, Mark Bruhn, Mitchell Dwyer, Lloyd Crow, Mike Baker, Brent Manning, Aroha Chamberlain and Julie Straka.

**ACKNOWLEDGEMENT**

On behalf of the Council, Cr Dodunski acknowledged that Kaumatua Lindsay MacLeod had been unwell and extended best wishes to Mr MacLeod and his family.

**PART A****MATTERS FINALLY DETERMINED BY THE COMMITTEE UNDER DELEGATED AUTHORITY AND REFERRED TO THE COUNCIL FOR INFORMATION AND RECORD**

1. **Minutes**  
Resolved:  
That the minutes of the Policy Committee meeting held on Tuesday 16 November 2010 at 4.30pm be confirmed as a true and accurate record.
2. **New Zealand Coastal Policy Statement 2010**  
File Reference: PP-15-16.v01, DM 1093990  
The purpose of this report is to introduce the New Zealand Coastal Policy Statement 2010 (NZCPS) which came into effect on 3 December 2010. This report provides an interim outline of the implications of the NZCPS on the Council's policies and plans, and in particular the District Plan.  
  
Resolved:  
That having considered all matters raised in the report that this report be received, and that a review of the relevant provisions of the District Plan be undertaken as soon as practicable with a view to giving effect to the provisions of the New Zealand Coastal Policy Statement 2010.

**3. Local Government Act 2002 Amendment Act 2010**

File Reference: DM 1094597

The purpose of this report is to inform the Council of the reforms and changes to the Local Government Act 2002 (LGA 2002). These changes are now included in the Local Government Act 2002 Amendment Act 2010, which was given assent on 27 November 2010.

Resolved:

That having considered all matters raised in the report, the report be received by the Council for information.

**4. Alcohol Reform Bill 2010 - Submission**

File Reference: PP-09-01-01, DM 1096471

The purpose of this report is to provide the Council with an overview of the Alcohol Reform Bill 2010, to highlight the potential implications for the Council and its operations, and to present the draft Local Government New Zealand submission for information.

Note: An addendum (DM104091) was tabled at the meeting.

Resolved:

That having considered all matters raised in the report:

- a) The report be received.
- b) The Council support the overall intent of the Local Government New Zealand (LGNZ) draft submission.
- c) The Council's comments on the LGNZ's draft submission (as set out in section B ii) of the agenda report) are forwarded to Local Government New Zealand for consideration in preparing their final submission to government.
- d) The additional matters set out in the Addendum report be included in a separate Council submission and forwarded to the Parliamentary Select Committee.

**5. 2012-2022 Long-Term Plan – Development Process and Timetable**

File Reference: PP-14-02-01.2012-2022, DM 1095831

The purpose of this report is to set out, the development process and timetable for the 2012-2022 Long-Term Plan (LTP).

Resolved:

That having considered all matters raised in the report, the LTP development process be endorsed.

6. **Framework for Growth: Additional Area for Assessment**

File Reference: PP-11-02-02-06, DM 1099379

The purpose of this report is to propose that the planning for the realignment of the southern portion of Airport Drive (as provided for in the Memorandum of Understanding between the Council and the NZ Transport Agency), be integrated with the current planning for the rezoning of Area Q at Bell Block as part of the implementation of the Framework for Growth 2008.

Resolved:

That having considered all matters raised in the report that:

- a) The area of land from the SH3/Airport Drive intersection northward along Airport Drive for the approximately 950 metres and bordered to the east by the Mangaoraka Stream, an area of approximately 40 ha, be assessed (and including land owner consultation) for future urban expansion as part of the consideration of the realignment of Airport Drive; and
- b) That this work be integrated with the present planning work being undertaken in respect of the adjacent future urban growth area (Area Q); and
- c) That this additional area be referred to as 'Area R'.

**PART B**

**ITEMS FOR FINAL DETERMINATION BY THE COUNCIL**

7. **Refuse Collection in the Tikorangi Area**

File Reference: WW-06-07-07.v01, DM 1101060

The purpose of this report is to advise the Council of the results of consultation arising from resolution 26 of the Council meeting of 28 June 2010: 'Solid Waste – Collection and Recycling'. In that resolution the Council instructed officers to undertake consultation with identified properties in the Tikorangi area with a view to commencing an increased collection area by 1 October 2010.

Resolved:

That having considered the report relating to an extension of the refuse collection area:

- a) The existing rural refuse collection point at the Otaraoa / Inland North roads intersection, be closed from 1 July 2011.
- b) The Council formally consult as part of the 2011/12 Annual Plan on the option to extend the refuse collection area to include that area as defined in Appendix 1 to this report with effect 1 July 2011.

8. **Closed Okato School – Proposed Acquisition of Part for Neighbourhood Open Space and Site of War Memorial**

File Reference: PR-02-06, DM 1084802

The purpose of this report is to present to the Council a draft concept plan for the proposed neighbourhood open space (including the Okato War Memorial) at the closed Okato School, the community's feedback regarding this concept plan; and options in relation to the acquisition and development of this open space.

Resolved:

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

- a) Confirms an intention to acquire approximately 4000m<sup>2</sup> of the closed Okato School land comprised in CFR 366161 (Section 63 and 63 Town of Okato) as shown on the plan in Appendix One for the purpose of a neighbourhood open space and site for war memorial, and that the land be vested as Recreation Reserve pursuant to the Reserves Act 1977.
- b) Authorises the Chief Executive to enter negotiations with the Ministry of Education and any other relevant agencies/persons to acquire the land described above subject to an agreement being negotiated that is supported by a registered valuation.
- c) Approves the acquisition of the land and clearing of the site being funded from the Parks Subdivision Land Purchase Budget.
- d) Recommends the development and cost of ongoing maintenance of the neighbourhood open space being considered as part of the 2012/2022 Long Term Plan.
- e) Notes that the Maori Protection Mechanism process must be completed before the Council is able to acquire the surplus land, which includes an opportunity for tangata whenua to respond to the Ministry of Education on the Council's proposal.

9. **Policy Register Management: Policies to be Revoked**

File Reference: PP 09-25, DM 944787

The purpose of this report is to seek Council approval to revoke existing Council policies for various reasons as detailed in the report.

Resolved:

That having considered all matters raised in the report the following policies be revoked:

- a) P86-001 City flag
- b) P86-002 Councillor-staff contact
- c) P90-019 Insurance services- NZ Local Government Insurance Company
- d) P91-019 Election advertising

- e) P91-034 Elections and polls shall be conducted by postal vote
- f) P94-028 Berm Mowing
- g) P97-008 Community Boards- function of
- h) P97-013 Assent schedule- meeting agendas
- i) P97-014 Deputations and public comment sessions
- j) P98-004 Hire policy- Govett-Brewster Art Gallery
- k) P98-012 Salaries and Allowances- Elected Members
- l) P98-014 Attendance at Meetings by Non Members
- m) P99-001 Venue hire charges- Govett-Brewster Art Gallery
- n) P99-004 Fees and Charges- Community Services Department
- o) P00-007 Councillors conference expenses
- p) P00-008 Mayor's conference expenses
- q) P00-010 Guidelines on Charges
- r) P00-018 Professional Assistance for hapu
- s) P01-015 Barrier free district policy
- t) P02-004 Appointment of Tangata Whenua representatives on sub-committees
- u) P03-008 Positive Ageing
- v) P04-010 Fees and Charges
- w) P05-006 Third Party Contracts

10. **Noel Yarrow Puke Ariki Trust**

File Reference: DM 1098168

The purpose of this report is to seek approval to accept, as trustee, a bequest of \$1 million from the late Noel Yarrow CBE and to establish the Noel Yarrow Puke Ariki Trust ("Trust") to hold and manage the bequest.

Resolved:

That having considered all matters raised in the report, the Council acknowledges the generosity of, and expresses its appreciation to, the late Noel Yarrow CBE and resolves that:

- a) The bequest of \$1 million from the late Noel Yarrow CBE be accepted, on trust;
- b) A trust called the "Noel Yarrow Puke Ariki Trust" be established in accordance with the will of the late Noel Yarrow CBE, on the terms of the draft Trust Deed;
- c) The Chief Executive is authorised to settle the Trust and execute the Trust Deed as "Settlor";
- d) The Trust Deed be executed by the Council (by the Mayor and one elected member);

- e) That upon execution of the Trust Deed, the Council's powers as Trustee be delegated to the Chief Executive of the Council as provided for by the draft Trust Deed; and
- f) An annual report on the Noel Yarrow Puke Ariki Trust shall be prepared by the Chief Executive and presented to the Monitoring Committee.

11. **Transfer of the Power to Administer and Enforce Rule 34 of the Regional Air Quality Plan for Taranaki: Residential Waste Disposal by Combustion**

File Reference: RG 06 06 10, DM 1093556

The purpose of this report is to seek the Council's approval to assume responsibility to administer and enforce Rule 34 of the Regional Air Quality Plan for Taranaki. The transfer also requires a change to Part 4 of the Bylaws: Fire Prevention and Smoke Nuisance.

Resolved:

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

- a) Agree to the transfer of responsibility to administer and enforce Rule 34 of the Regional Air Quality Plan for Taranaki (Residential waste disposal by combustion) from the Taranaki Regional Council.
- b) Repeal the New Plymouth District Council Bylaw "Fire Prevention and Smoke Nuisance" Part 4 (2008) previously adopted.
- c) Adopt the amended Part 4 bylaw: Fire Prevention and Smoke Nuisance.

The meeting closed at 5.17pm.

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**DRAFT LAKE MANGAMAHOE MANAGEMENT PLAN - PROPOSED PUBLIC CONSULTATION**

**PREPARED BY:** Warren Dalglish (Reserves Planner)  
**TEAM:** Parks  
**APPROVED BY:** Mark Bruhn (Manager Parks)  
**WARD/COMMUNITY:** District wide  
**DATE:** 16 February 2011  
**FILE REFERENCE:** PP-17-18-02, DM 834648

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**PURPOSE**

The purpose of this report is to present the Draft Lake Mangamahoe Management Plan to the Council and seek the Council's approval to publicly notify this draft plan for public comment.

**EXECUTIVE SUMMARY**

A draft management plan has been developed for Lake Mangamahoe which sets out management objectives and policies that guide the day-to-day management and future development of the area.

Although Lake Mangamahoe is not classified as a reserve under the Reserves Act 1977, it is proposed that a similar process for preparing this management plan be followed.

This report summarises the twenty one comment forms received as part of the public notification in preparing the draft plan and identifies items raised during the process for the Council's consideration.

The report also presents the draft management plan and seeks approval to release the draft plan for public consultation during the period 20 April to 30 June 2011.

**RECOMMENDATION**

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

- a) **Approves the draft plan contained in Appendix Three for public release and instructs Council officers to undertake public consultation on this draft for the period 20 April to 30 June 2011.**
- b) **Instructs officers to seek consent from the Minister for Land Information New Zealand, to declare a secondary purpose of recreation for all land held by the Council at Lake Mangamahoe, pursuant to section 191 of the Public Works Act 1981.**
- c) **Notes that there are inconsistencies with the draft Lake Mangamahoe Management Plan and the Council's Forestry Policy, attached as Appendix Two. This policy should be reviewed to clarify instances where land has been acquired for the purpose of forestry and is the ongoing primary purpose.**

**BACKGROUND**

In 1920, the Council purchased land now known as Lake Mangamahoe for the construction of a dam and lake. The lake's purpose was to facilitate the generation of electricity and to act as a water catchment area for the borough of New Plymouth; the lake was created in 1931 by forming a dam across the valley and submerging 79 acres. Water from both the Mangamahoe Stream and the nearby Waiwhakaiho River feeds the lake, the latter through a 548 metre long tunnel.

To prevent erosion on the hillsides surrounding the new lake, 160 hectares of the land was planted in *Pinus radiata*. In the 1970s, further land was acquired near Plantation and Hydro roads for the purpose of afforestation and this was also planted in *Pinus radiata*.

The land containing the lake is now owned by TrustPower Ltd who administers this from the Mangorei Power Station. The land was sold to TrustPower with the introduction of the Energy Companies Act 1992, which ceased local authority involvement in power generation, transferring this role to private companies. There are numerous easements across Council owned land surrounding the lake, in favour of TrustPower to facilitate its operation.

Public entry to the forest was once restricted, however with the increasing demand for recreational use within the forest this restriction was lifted in 1990. Since then community recreation interest has increased considerably and Lake Mangamahoe and its forest now attract many individual and organised group activities. The round-the-lake circuit walk was used by 6,822 people over a five month period December 2009 to April 2010, averaging 1,364 people per month.

**Lake Mangamahoe's land status**

The majority of the land comprising Lake Mangamahoe was acquired in 1920 through use of the Public Works Act 1908, for the purpose of hydro power generation. In 2001, with the transfer of the parcel containing the lake to TrustPower, the purpose of the parcels owned by the Council was changed to that of water catchment. There are two other parcels acquired in the 1970s, at the northern and southern end of the complex, which are held for the purpose of forestry and a number of small parcels acquired through severances and road stoppages with the realignment of SH3.

The majority of the land at Lake Mangamahoe is freehold and held as a local authority public work, with water catchment being the purpose for the majority of the land and forestry for a smaller portion. The land continues to be used for the purpose of a public work.

Investigation into any offer back provisions that may apply to land acquired through use of the Public Works Act has been investigated and the Council's obligation to offer back any of the parcels of land is considered low by the Council's solicitors.

Recreational activities, although important at Lake Mangamahoe, are a secondary use to the above public work purposes.

As Lake Mangamahoe is not a reserve subject to the Reserves Act 1977, the management plan is not a statutory document but it does reflect best practice and provide policy guidance for day-to-day management of the park.

Accordingly, the process for producing a management plan as specified in the Reserves Act 1977 has been used for the preparation of this management plan.

### **District Cemetery to occupy a portion of Lake Mangamahoe**

A decision was made at the Council Meeting on 1 June 2010, that the district's new cemetery will be adjacent to Lake Mangamahoe forest and will include a portion of the existing Mangamahoe forest. The portion of Lake Mangamahoe land taken is approximately 13.4 hectares and comprises of Section 1 Survey Office Plan 438936. This land will therefore not be included as part of this management plan and is part of the draft Cemeteries Management Plan which includes the new district cemetery, a management plan which is also a matter on this agenda.

Section 1 involves tracks that have been developed by the Mountain Bike Club. The development plan for the new district cemetery will integrate recreational activities in the cemetery reserve, including the retention of some biking tracks, but those tracks in the vicinity of the burial areas will be lost as the cemetery is developed.

### **Planning context**

The current planning document for recreation at Lake Mangamahoe is the Forest Leisure Plan 2000, where Lake Mangamahoe is included with Colson and Busing forests. The Forest Leisure Plan 2000 outlines how the Council manages Lake Mangamahoe to meet leisure requirements and provides a strategy to meet the needs of community leisure within a commercial forest environment.

The new management plan takes into consideration the Forest Leisure Plan 2000 and upon the Council's approval of the final plan, the Lake Mangamahoe section of the Forest Leisure Plan 2000 will be revoked.

Ownership details for all of the parcels and their status have been researched as part of this plan and are presented in the first section of the draft plan.

The purpose of a management plan is to identify appropriate uses and activities to assist with day-to-day management and decision making. Objectives and policies in the draft plan have been prepared and evaluated against consultation undertaken to date, as well as existing management, and relative legislation including the Conservation Act 1987, Local Government Act 2002, and Resource Management Act 1991.

**DISCUSSION****Reserves Act considerations**

Consideration has been given to declaring the Council land at Lake Mangamahoe as reserve, under the Reserves Act 1977. A suitable classification could be Local purpose (water supply and forestry) and recreation reserve<sup>1</sup>.

The primary purpose that the Council has declared under the Public Works Act and holds the land at Lake Mangamahoe, is for water catchment or forestry. These purposes are not directly aligned with the Reserves Act's general principles, which include:

- The provision of land for the benefit and enjoyment of the public; for recreation or special features such as natural or historic values.
- Ensuring as far as possible, access for the public to the lakeshores and riverbanks.
- Ensuring the survival of indigenous flora and fauna.

The water catchment and forestry purposes can involve exclusion of the public for operational reasons, the survival of indigenous flora and fauna, although managed this way in places, is not a focus of activities at Lake Mangamahoe. The lake is not accessible for recreation apart from fly fishing.

In declaring any land under the Reserves Act 1977, there are additional restrictions that would apply including a formal consultation and ministerial revocation process for any part of the reserve that the Council wishes to transfer. A recent example is the approved subdivision of a piece of Mangamahoe containing a transformer shed, which was transferred to TrustPower.

The management of activities undertaken by the Water Treatment Plant and TrustPower on Council land, would require investigation to any changes that may be required if the land were to be declared reserve.

Recreation does have an important function at Lake Mangamahoe however and to recognise this, the Council could declare Lake Mangamahoe as having a secondary purpose of recreation under the Public Works Act. This is discussed below.

**Public Works Act considerations**

In view of the increasing recreation use of Lake Mangamahoe, it is recommended that the Council declare by gazette notice, all the land at Lake Mangamahoe as having a secondary purpose of recreation, pursuant to section 191 of the Public Works Act 1981. This would signal the Council's intention to continue for the long term, in the development and use of the land for recreation purposes, while holding the land for the primary purpose declared under the Public Works Act, of water catchment or forestry.

<sup>1</sup> Forestry is considered to be a holding option for local purpose and recreation reserves until the land is required for the classified use (section 75(1)), or for a recreation reserve, the administering body has decided that it is desirable to afforest as part of the development.

To achieve this, an accredited agent with Land Information New Zealand would be engaged to make the application with the Ministry.

### **Forestry Policy Considerations**

The 2004 Forestry Policy (Appendix Two) identifies forestry activity as a secondary purpose for land owned by the Council and states that no land was acquired for the purpose of forestry. This is inconsistent with two Lake Mangamahoe land parcels (Lot 2 DP 13069 and Part of Part Sections 53, 55 & 161 Hua & Waiwhakaiho Hundred) comprising of 50 hectares that were acquired in the 1970s for the purpose of forestry and is held for that purpose.

It is recommended that the policy be reviewed, considering the other two forestry areas of Colson Road and Busing forests.

### **Draft Management Plan**

#### **1. Introduction**

The consultation process involves two consultation periods; the first being an informal gathering of information and issues as part of preparing the draft and the second more formal consultation whereby feedback will be sought on the draft management plan itself. This report recommends that the second stage be commenced.

Following the Council's approval on 31 August 2010, a public notice in the Midweek insert Seven Days on 8 September 2010, advised of the Council's intention to prepare a draft Lake Mangamahoe Management Plan. Comments were sought as a means of gathering information for the draft plan.

Twenty comments were received and following their consideration, Council officers have prepared a draft management plan (including development concepts) for Lake Mangamahoe. This is discussed below and further summarised in Appendix One.

#### **2. Summary of the First Round of Public Consultation – October 2010**

##### **Summary of the first consultation to date**

As part of the preparation of the Draft Lake Mangamahoe Management Plan, informal consultation has been undertaken. Letters were sent to relevant user groups inviting comment and in February/March meetings were held with stakeholders and user-groups to outline the process and understand the current issues.

A variety of issues and opportunities were raised through the consultation including general track maintenance, roading maintenance, additional facilities, signage, need for agreements between clubs and the Council, and the potential for an arboretum on all or a section of Lake Mangamahoe. These issues have been addressed in the development concept and management objectives and policies.

Information was sought regarding the recreational management of Lake Mangamahoe including appropriate uses and activities, natural values and character, buildings and structures, and access.

Among the 21 comments received: 15 were from users of the bridle trail, one from a neighbour, one from TrustPower, one from the Mountain Bikers' Incorporated and one from the Ford 8 & 10 Club who lease part of the western area of Lake Mangamahoe. Some of the key themes which came through in the comments were:

- The bridle trail needs to be longer and more opportunity for exercising horses provided.
- Horses scare, therefore other activities in the vicinity of horse riding need to be contained.
- More control of gorse and blackberry.
- Support for a mainland island for part of the Mangamahoe area.

### **Equestrians**

Comments received from equestrians included reference to diminishing public open space available to exercise horses as pony club facilities are for club members, public roads are not suitable for exercising horses, verges are frequently used by farmers for grazing, beaches are subject to tides and horses are not permitted to use many beaches. Also there are no Agricultural and Pastoral Association (A&P) equestrian facilities in the district.

The bridle trail is used by a number of different club members and individual riders. There is no one organisation that the Council can refer to when considering development or policy on the trail. The equestrian group includes eventing, trekking club (70 to 80 riders per event), endurance riders, Taranaki hunt (60 to 70 horses per hunt meet), dressage groups, adult riding clubs, pony clubs (Inglewood, New Plymouth, Okato, Oakura, and Waitara) and recreational riders.

### **Mountain Bikers**

Matters raised by the New Plymouth Mountain Bikers' Incorporated (MTB) for inclusion to the draft plan were received in a letter dated 27 October 2009.

The mountain bike track facilities have been developed by MTB, through voluntary effort and they welcome all comers to use the trails they have developed. They also intend to have open days to encourage growth in the sport.

In comparison, the bridle trail was constructed through Council funding and consideration is needed of the way the Council supports the activities of these two groups. Walking tracks are supplied and maintained by the Council; these are a mainstay of the Council's provision in recreation areas. The facilitation of venues for exercise is of interest to the Council in the betterment of the community in general.

Both the MTB and the bridle trail users cite better facilities in other parts of the country, as an impetus for the Council to give more support to their development.

#### **Other Users**

Use agreements exist with the New Plymouth Horticultural Society, the Ford 8 & 10 Club, and the New Plymouth Model Aero Club.

The Forest Leisure Plan 2000 noted conflict between users at Lake Mangamahoe. This conflict includes both recreational use and the commercial power generation and municipal use as a civic water supply. Power generation and water supply take precedence over recreational activities.

A summary of the comments received and officer's response is contained in Appendix One.

### **3. What is covered in the draft Lake Mangamahoe Management Plan?**

The draft New Plymouth District Lake Mangamahoe Management Plan provides information on the appropriate use, activity and development within Lake Mangamahoe, to be used to guide day-to-day management and decision making.

The plan describes Lake Mangamahoe's history, land status, specific management objectives and policies.

The draft management plan presented in this report includes a development concept which provides a vision for the future development of Lake Mangamahoe. Key components of this development concept include:

- Identification of recreation zones.
- Development actions including the upgrading of paths/tracks, an arboretum, and improvements to facilities.
- Vegetation management plan.

An additional component of the management plan is a development concept. The development concept illustrates a vision for the future development. These plans have been prepared in accordance with:

- Public comment (community expectation).
- General policies and level of service.
- Industry best practice and safety standards.

It is important to note that the cost of implementing the development concepts will be determined through funding decisions made by the Council during future Long Term Council Community Plans (LTCCPs) and will be reported separately to the Council at that time.

#### **4. Second Round of Public Consultation**

##### **Public consultation on the draft management plan**

The purpose of the consultation proposed in this report is to seek community feedback on the draft plan and invite formal submissions, which includes the opportunity to be heard in support of a submission. It is important to note that the plan is only in draft form and where necessary, amendments will be recommended following the consultation period and consideration of all submissions.

Following the guidelines of the Reserves Act 1977 process, this consultation will be a minimum of two months. It is proposed that for Lake Mangamahoe the consultation is undertaken from 9 March with submissions closing on 9 May 2011.

The views of those affected by the preparation of a New Plymouth Lake Mangamahoe Management Plan will be considered in accordance with the requirements of s.41(6) of the Reserves Act 1977, whereby:

- Public notice is given that the draft plan is available for inspection and inviting interested persons and organisations to lodge any written objections to or suggestions on the proposed plan within the time specified in the notice. All those persons or organisations that provided input during the first round of consultation, as well as other stakeholders, will be notified that the draft plan has been prepared and invited to provide comment on the draft.
- All those making submissions will be provided an opportunity to speak in support of their objections or comments before the Council's Policy Committee.

As well as the public notice in the 'Seven Days' insert of the 'Midweek' newspaper it is intended that signs advertising the consultation be placed at Lake Mangamahoe. Copies of the draft management plans will be available at all the district libraries, the Civic Centre and online.

Letters will also be sent to identified stakeholders, individuals and groups who submitted comments during round one consultation, as well as landowners adjoining the park.

The purpose of the second round of consultation is to seek community feedback on the draft management plan and invite formal submissions, which includes the opportunity to be heard in support of a submission. It is important to note that the plan is only in draft form, and where necessary, amendments will be recommended following the consultation period and consideration of all submissions.

Table One below sets out key milestones in the preparation and review of these management plans. The hearing of submissions and final adoption of the plan by the full Council is planned for mid-2011. Final timing will depend on the number of submissions received and issues raised and the time needed to fully address the issues.

Milestone/Task	How/When	Status
History of Lake Mangamahoe documented and researched	September - December 2009	Completed
Informal consultation with user groups and key stakeholders	September - December 2009	Completed
Consultation Meetings with user groups and key stakeholders	February/March 2010	Completed
Draft Lake Mangamahoe Management Plan prepared	March-December 2010	Completed
Policy Committee and Council consider report seeking approval to undertake public notification of draft plan	4 March & 12 April 2011	
Public notification of draft plan (2 months as per section 41 Reserves Act)	20 April - 30 June 2011	
Analyse submissions	July/August 2011	
Amendments to plan	July/August 2011	
Hearing of submissions	November 2011	
Council consider adoption of final plan	November 2011	

## OPTIONS

This report contains the following matters for the Council to decide on; options relating to each matter are outlined below:

### Draft Management Plan

The Council has the following options:

1. Approve for consultation, the public release of the draft management and development concept in Appendix Three.
2. Not approve for consultation, public release of the draft management and development concept in Appendix Three.

The production of a management plan has community involvement as consultation is undertaken on how Lake Mangamahoe should be managed into the future. When management plans are approved, they give clarity to the community and Council officers



regarding the range of activities permissible. The draft management plan when finalised, will be reference point of information on Lake Mangamahoe.

It was noted in the Long Term Council Community Plan that ‘the need for expanding or improving assets managed by the Parks Team are primarily driven by customer demand and are normally determined by completing a strategy, policy or management plan, all of which are fully consultative processes’. The LTCCP proposes development of a Lake Mangamahoe Management Plan as one of the plans to be developed over the next three years.

Under the Local Government Act Section 82, consultation that a local authority undertakes in relation to any decision or other matter must be undertaken and this is subject to subsections (3) to (5), in accordance with the principles discussed in section 82. Therefore, not carrying out consultation would be contradictory with the purpose and principles of the Act.

#### *Recommendation*

Option one is recommended. Although Lake Mangamahoe is not required to have a management plan under any New Zealand statute, the intention is to produce a plan for Lake Mangamahoe as a matter of best practice and to consult with the public in its development.

#### **Declare a secondary purpose of recreation for all of Lake Mangamahoe pursuant to the Public Works Act**

The Council has the following options:

1. Approve officers to seek consent from the Minister for Land Information New Zealand, to declare a secondary purpose of recreation for all land held by the Council at Lake Mangamahoe, pursuant to section 191 of the Public Works Act 1981.
2. Status quo, officers not to seek declaration of a secondary purpose of land at Lake Mangamahoe.

#### *Recommendation*

Option One is recommended. The land at Lake Mangamahoe is declared as a local body public work for the purpose of water supply or forestry. With the growing demand for recreational activities on this land, it is considered appropriate to declare this secondary purpose in the land, pursuant to section 191 of the Public Works Act 1981, and therefore formalising the Council’s intention to develop and use the land in this way.

### **IMPLICATIONS ASSESSMENT**

#### **Decision Making**

In terms of the Council’s Significance Policy this matter is of:

Low significance       Medium significance       High significance

Recreational areas are of high importance to the community, including Lake Mangamahoe. However the matters contained in this report are of low significance and do not affect the Council’s ability to achieve the community outcomes. The preparation of a plan will be carried out within existing budgets.

**Well-Being**

This matter will promote the following well-beings:

Social       Economic       Environmental       Cultural

The principal aspects of a management plan are to promote the conservation of environmental and cultural values of an area, as well as ensuring public accessibility.

**Community Outcomes**

This matter contributes to the following community outcomes:

Connected       Skilled       Prosperous       Secure and Healthy

Together       Vibrant       Sustainable

The provision of recreational areas in the New Plymouth District contributes to the community outcomes of Secure and Healthy, Sustainable, Vibrant and Together.

**LTCCP/Annual Plan**

Yes       No

Is this matter currently budgeted for?

The costs associated with the preparation of the Lake Mangamahoe Management Plan are provided for within existing budgets.

Costs of activities and improvements identified in the management plans and more specifically in the implementation plan will need to be evaluated for funding as part of the 2012/22 LTCCP and future asset management plans.

**Consistency with Policy and Plans**

The preparation of the Lake Mangamahoe Management Plan is in accordance with the Council's adopted 'Principles for Reserve Management' as outlined in the Council General Policies for Council Administered Reserves. Where policies are developed within the management plan steps will be taken to ensure these are consistent with the general reserve policies, bylaws, district plan and other Council documents.

The current planning document for recreation at Lake Mangamahoe is the Forest Leisure Plan 2000, where Lake Mangamahoe is included with Colson and Busing forests. The Forest Leisure Plan 2000 outlines how the Council manages Lake Mangamahoe to meet leisure requirements. Some of the policy and planning objectives in this document are now out of date and a management plan is needed to cover all activities at Lake Mangamahoe.

The new management plan takes into consideration the Forest Leisure Plan 2000 and upon the Council's approval of the final plan, the Lake Mangamahoe section of the Forest Leisure Plan 2000 will be revoked to avoid confusion around which planning document takes priority where inconsistencies may exist.

**Legal**

Research to confirm the Council's ownership of the land parcels contained in the report has been conducted. Much of the land at Lake Mangamahoe has been acquired through the Public Works Act and therefore it is important that the Council hold the land for a purpose of a

public work as considered suitable for a local authority, defined in this Act. Many of the parcels have had a change of purpose in their public work purpose to water supply purposes, verified through a gazette notice dated March 2001, when the land was subdivided through a requirement to transfer land to TrustPower.

### **Tangata Whenua Maori**

Consultation with tangata whenua will be undertaken as part of the public notification process for the draft management plan. To date representatives have received an information pack that included information on the land status and the current challenges facing the park, along with a comment form give the opportunity to present views and information for the draft management plan.

A copy of the draft management plan will be sent to all affected iwi and hapu with copies of the submission form. There will also be an opportunity to meet with council officers.

### **Person likely to be affected**

The views on the draft New Plymouth District Lake Mangamahoe Management Plan will be considered in a fashion that mimics the process undertaken with management plans for reserves subject to the Reserves Act 1977, whereby:

- Public notice is given that the draft plan is available for inspection and inviting interested persons and organisations to lodge any written objections or suggestions on the proposed plan within the time specified in the notice. All those persons or organisations that provided input during the first round of consultation, as well as other stakeholders, will be notified that the draft plan has been prepared and invited to provide comment on the draft.
- All those making submissions will be given an opportunity to speak in support of their objections or comments before the full Council.

There are a number of parties involved in activities at Lake Mangamahoe and include civil and commercial interests of the water supply to most residents in the district, to power generation (TrustPower), production forestry and recreational activities such as equestrian and mountain biking. Added to this list are the hikers and passive users of the area along with those neighbouring.

The draft plan will be forwarded to representatives of the various groups mentioned above.

### **Risk Analysis**

The risks associated with not proceeding with the proposed management plan include less robust management and development of Lake Mangamahoe and lack of understanding of the communities view and designs for the future of this area. Risks associated with any offer back provisions under the Public Works Act are considered low, as the purposes that the land has been declared for under the Act, remain viable.

**APPENDICES**

Appendix One	Summary of comments received from preliminary information gathering to prepare a draft Lake Mangamahoe Management Plans.
Appendix Two	Forestry Policy – P04-008.
Appendix Three	Draft New Plymouth District Lake Mangamahoe Management Plan (available as separate document).



## APPENDIX ONE

**Summary of comments received from preliminary information gathering to prepare a draft Lake Mangamahoe Management Plans.**

Comment number 8 includes 29 signatories.

Number	Comment	Officer response
<b>Development</b>		
1, 2, 3, 9, 10, 20	<ul style="list-style-type: none"> <li>TrustPower indicated that it wants to be included in any development proposals to ensure that their assets are protected.</li> <li>Would like road to be fully sealed to keep dust down</li> <li>Road upgrade with judder bars</li> <li>Turning bay from SH3 into Lake Mangamahoe – travelling from Egmont Village to New Plymouth</li> <li>Concern from the Ford 8 &amp; 10 Club that development of walking and cycle tracks near their area might jeopardise security of their assets.</li> <li>Suggest area near state highway south of crematorium car park and north of the entrance gates to Lake Mangamahoe, used to set up a dog recreation area. Need for a designated off-leash dog area in New Plymouth.</li> <li>More toilets, rubbish bins – especially car parking area near bridle trail.</li> </ul>	<p>Include TrustPower in development proposals that involve areas that include their assets.</p> <p>Development concept proposes sealing the length of the road.</p> <p>Equestrian comments indicated that judder bars problematic for horse floats. Judder bars are not anticipated for the road at Lake Mangamahoe.</p> <p>New Zealand Transport Authority has advised that they have no plans to install a turning lane. The area has less priority than others (e.g. Mangorei Road) due to crash statistics. A study of traffic turning off would be required is required, Council could fund if desired. Given measures used to prioritise safety developments, this area is not urgent.</p> <p>Development proposals for this area are extension of bridle trails. Their activity may increase the security of the area as opposed to reducing it.</p> <p>Existing dog training area at Glen Avon Park. Dogs are permitted at Lake Mangamahoe under control apart from the 200m exclusion zone around the lake.</p> <p>Development concept proposes the existing toilet be relocated/replaced to a more accessible area at the first car park.</p> <p>Entrance gates are locked in the</p>

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	<ul style="list-style-type: none"> <li>• Security: number of drift cars at weekend, people dropping cats and poultry at Lake Mangamahoe - notice needed.</li> <li>• Buildings to be sympathetic to natural environment.</li> </ul>	<p>evening, levels of service would need to be increased to monitor and reduce this activity.</p> <p>Agreed. Only building planned is a replacement toilet.</p>
<b>Character</b>		
1, 6, 8, 9, 17	<ul style="list-style-type: none"> <li>• Would like to see native vegetation dominate but accept a mixture of vegetation in some areas is appropriate.</li> <li>• Retain the forest, e.g. redwood forest.</li> <li>• Natural character retained as a mixture landscape.</li> <li>• Keep natural look.</li> <li>• Character should be a mixture of natural and cultivated.</li> <li>• Rhododendrons are magnificent in the spring.</li> <li>• Mixed landscape – felling of trees doesn't make for the nicest landscape.</li> </ul>	All the comments on the character of Lake Mangamahoe are noted.
<b>Signage</b>		
1, 8, 12, 20	<p>Better Signage - large sign at end of road looks very grubby.</p> <p>Signage is old, small and dirty; people are unaware of the treasure hidden away at Mangamahoe, not knowing that it is a public area.</p> <p>There needs to be a sign on the main road saying 'bridle trail'. It is not clear where the horses can go.</p> <p>Better signage on bridle path – who gives way: horse rider, cyclist, walker (Auckland Regional Council for example).</p>	<p>Signage at Lake Mangamahoe is programmed for replacement in the Parks renewal programme for 2012/13.</p> <p>The development concept identifies where any additional signage is required.</p>
<b>Mainland Island</b>		
1, 2, 4, 5	<p>Support for mainland island concept, as proposed by Mr Nicholls. Birdlife diminishing in New Plymouth. A mainland island would give surety for future</p>	<p>The mainland island concept involves installing a predator proof fence around Lake Mangamahoe and exterminating introduced species that habituate the area and are detrimental to native fauna.</p>



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	generations.	<p>The Council considered this matter on the 8 June 2009 and resolved that the inclusion of a feasibility study for the proposal for a mainland island at Lake Mangamahoe in the 2009-2019 Community Plan be declined.</p> <p>There is a native vegetation buffer planting proposed in the development plan</p>
<b>Vegetation</b>	<b>- Native vegetation</b>	
1, 4	Retain, enhance and increase native vegetation where appropriate.	Development concept proposes a native plant buffer area along the Waiwhakaiho River and around the northern lake margin and southern lake ridge line.
<b>Vegetation</b>	<b>- General</b>	
1, 3, 6, 9, 10	<p>Generally well maintained suggest constant monitoring of weed species &amp; plants that may become invasive &amp; change character of the area. Problems should be dealt with at an early stage, e.g. spread of willows on lake margin, wilding pines.</p> <p>Clear vegetation near us: tree, gorse and weeds. We pay for spray and repair to our roof (licensee). Control of gorse, pampas and tutu (poisonous to horses if eaten). Gorse &amp; blackberry a continuing problem.</p> <p>Ensure that the Council <b>work with neighbours</b>. Gorse, blackberry, grass bordering neighbours not being cut.</p>	<p>Monitoring and control of noxious plants is undertaken.</p> <p>The matters raised in the comments have been passed on to the Council's Parks Operations Team and forestry contractor for their action.</p>
<b>Fauna</b>		
4	Suggest reduction in the goose population	There is an ongoing programme to control the goose population.
<b>Equestrian</b>	<b>- motor vehicles</b>	
1, 6, 10, 13, 16, 18, 19	<p>Motorised activities, including off road motorcycles and 4Wdrive recreational vehicles should not to be included at Lake Mangamahoe. Potential damage, noise and track damage.</p> <p>Vehicles are able to access bridle</p>	<p>Motorised vehicles with the exception of those vehicles engaged in Council or TrustPower business, are only permitted on roads other than the entrance road at Lake Mangamahoe.</p> <p>A check of fences is to be undertaken.</p>

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	trail and rest of forest due to gate fences missing. Horses get scared by the noise.	
<b>Equestrian</b>	<b>– access</b>	
7, 8, 12, 13, 17, 19	<p>A number of comments received highlighted difficulties with accessing the bridle trail, including:</p> <ul style="list-style-type: none"> <li>• Suggest a more stable surface and road on less of a incline</li> <li>• The seal of the enclosed pack up area could be smoother to allow for unshod horses, as some of the tracks are too stony.</li> <li>• Size of rock metal in the car park is too large – difficult for horses to walk on. A layer of pit metal or sand over them would be more horse user friendly.</li> <li>• Currently light vehicles with horse floats are unable to negotiate the track with horses on, meaning that horses have to be loaded and unloaded at the top of the track where they are not contained.</li> <li>• No provision is currently made for riders to access Lake Mangamahoe on horseback. Due to the cattle stops all riders must transport their horses into Lake Mangamahoe before being able to ride them.</li> <li>• Wider gateway to suit horse trucks.</li> </ul>	<p>These suggestions are noted and considered for development of the bridle trail.</p> <p>Access to the bridle trail is restricted to car park area; the intention is not for horses to be ridden through along the access road form the entrance to the bridle trails.</p>
<b>Equestrian</b>	<b>– more trails</b>	
7, 8, 9, 11, 12 13, 14, 16, 18, 20	<p>A number of bridle trail users have expressed a need for more riding trails: more routes, longer trail, further afield, to facilitate is inadequate for any fitness work, maintain a separation from bikers. Trails could include possible log jumps using old trees laid down</p>	<p>The development concept has identified areas for possible development, these need to be considered by the Council as part of the implementation of the plan.</p>



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	<p>with option of going around. Possible sponsored jumps through the trail area. Sections of the trail dedicated to faster work (cantering, trotting). We need good parking areas and the yards provided for the horses need to be upgraded <b>in consultation with equestrian expertise</b>. Any metal used where horses will walk must have rounded stones (not angular, which cause stone-bruising to horses' soles).</p>	
<b>Equestrian</b>	<b>– additional facilities</b>	
6, 8, 12, 13, 14, 16, 17, 18, 19, 20	<p>A number of requests for additional equestrian activities were received, including:</p> <ul style="list-style-type: none"> <li>• Water troughs.</li> <li>• Pens.</li> <li>• Water for washing horses down.</li> <li>• Manure bins.</li> <li>• Dressage or fenced warm up area.</li> <li>• Undercover shelter to tether horses.</li> </ul> <p>Users also have requested an indoor arena or sand area be considered at Lake Mangamahoe</p>	<p>Development of these additional facilities could be undertaken with approval by the Council. The equestrian trails at Lake Mangamahoe have been designed for use as a discrete visitor activity. Water trough included in development concept, however the need versus nice to have for other facilities are not currently known. Further reassessment will be undertaken as part of the draft plan consultation. Sport Taranaki is currently facilitating a process with equestrian groups in Taranaki to identify facility needs. An indoor arena has been discussed, however the outcome of the process has not yet completed therefore it is recommended the Council defer decisions until that time. The nearest covered arena is in Hawera.</p>
<b>Equestrian</b>	<b>- dogs</b>	
6, 11	<p>Would like clarification on dogs within Lake Mangamahoe. Pedestrian awareness on trail – not surprising horses, dogs on a lead.</p>	<p>Dogs to be under control as in the Council Bylaws and are prohibited from a 200 metre zone around the lake – there is an issue of dogs being exercised being a potential hazard to other Lake Mangamahoe users.</p>
<b>Equestrian</b>	<b>- general</b>	
8, 11, 12, 14, 16, 17, 18,	<p>A number of comments received on the maintenance of the bridle</p>	<p>Maintenance of trails to be undertaken by equestrian groups, this is something</p>

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19, 20	<p>trails included:</p> <ul style="list-style-type: none"> <li>• Poor drainage in parts.</li> <li>• Overhanging vegetation.</li> <li>• Rutted and slippery surfaces, particularly in winter.</li> <li>• Equestrian activities should be isolated from other activities.</li> <li>• Replace the large stones in the car park with finer grade.</li> <li>• Don't allow vehicles on the trails.</li> <li>• Signage - Suitable signage on trails.</li> <li>• Concern re thefts from unattended vehicles.</li> <li>• There is an access from the main road to the bridle area that has a chain &amp; lock. We have often found this gate unlocked and fully open.</li> </ul>	<p>that does not appear to be appreciated by many who commented and the Code of Practice to be prepared for users of Lake Mangamahoe, will give clarity to this.</p> <p>The area is also open to pedestrians and dogs that are under control. Noted: added to development proposals. Forestry activities involve the closure of trails.</p> <p>Vehicles need to be secured; resourcing doesn't permit the Council to actively monitor car park sites. Access to the bridle trail is currently restricted to commencement at the Bridle Trail car park. This access should not be used.</p>
<b>Special events</b>		
<b>For</b> 7, 8, 9, 10, 16, 18, 19, 20	<p><b>For</b> The following comments in support of special events include:</p> <ul style="list-style-type: none"> <li>• Signage advertising this on Junction Road (SH3).</li> <li>• Easily accessible notification on NPDC website whether riding would be available on these special event days.</li> <li>• As long as natural beauty is maintained.</li> <li>• Winter series dressage competitions, indoor showjumping and equestrian course.</li> <li>• If not interfering with other activities.</li> <li>• Within reason and with appropriate notice giving.</li> <li>• Lake Mangamahoe needs to be appreciated by as many people as possible. However, there needs to be a balance. We see</li> </ul>	<p>The responses on special events were generally favourable with a proviso of respecting other activities occurring in Lake Mangamahoe. The policies in the draft plan support To provide opportunities and/or allow for commercial and non commercial activities and events at Lake Mangamahoe.</p>



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<p><b>Against</b> 4, 6, 12, 13, 16</p>	<p>Lake Mangamahoe being used more as a day-to-day activity venue rather than a big event venue. Is important that facilities elsewhere are not duplicated here.</p> <p><b>Against</b> Those commenting against special events mentioned:</p> <ul style="list-style-type: none"> <li>• Insufficient parking at bridle path area.</li> <li>• Not enough parking &amp; toilets.</li> <li>• Other more suitable venues available.</li> </ul>	
<p><b>Commercial activity</b></p>		
<p><b>For</b> 8, 9, 16, 20</p> <p><b>Against</b> 4, 6, 10, 12, 13, 18, 19</p>	<p><b>For</b> Responses included casual activity such as a coffee cart, ice cream vendor.</p> <p><b>Against</b> No commercial other than forestry with comments including would most likely restrict use i.e. days, times available to the regular users.</p>	<p>Commercial activity during special events or for one-off or seasonal times may be viable. Intention is not for permanent structures or fixtures associated with commercial activity.</p> <p>The policies in the draft plan support To provide opportunities and/or allow for commercial and non commercial activities and events at Lake Mangamahoe.</p>
<p><b>Mountain Bikers</b></p>		
<p>These matters were raised in a letter dated 27 October 2009</p>	<ol style="list-style-type: none"> <li>1. Recognition that Mangamahoe has been the main destination for mountain biking in Taranaki for the last 19 years.</li> <li>2. A memorandum of understanding (MOU) to be developed between mountain bikers and the Council and other stakeholder groups to formalise the creation, maintenance and development of mountain biking tracks. Negotiations with the Council's Parks Team have been ongoing since July 2005 in an effort to</li> </ol>	<p>The use of the eastern part of Lake Mangamahoe for mountain biking has been acknowledged.</p> <p>The Council anticipates attaining a formal agreement with the Mountain Bikers Club for its activities at Lake Mangamahoe.</p>

	<p>formalise an MOU. The plan is a good way of focussing on achieving an MOU.</p> <ol style="list-style-type: none"> <li>3. Development of an access track from the end of Hydro Road to the mountain bike area, leading to an eventual cycle track to New Plymouth via the Waiwhakaiho River valley.</li> <li>4. The addition of facilities such as vehicle parking, toilets, wash down and storage of club gear at Mangamahoe.</li> <li>5. Information signage and sign boards. Tracks at Mangamahoe are available on the web, but improved signage at the car park and on tracks is advocated.</li> <li>6. The addition of an area for a jump park and other structures for skill cycling.</li> <li>7. Should the forest continue as a production forest or focus more on being a recreation landscape? Logging disrupts the mountain bike activities. The maintenance of facilities and infrastructure, along with undergrowth can be an issue for bikers.</li> <li>8. Concessions to operators could be developed which would generate an income for the Council. Concessionaire activity could include hiring bikes, guiding and refreshment vendors.</li> <li>9. The Health and Safety obligations of user groups and volunteers, either during development, general use or during events, need to be outlined.</li> </ol>	<p>A proposed access only track from the end of Hydro Road has been acknowledged in the draft plan.</p> <p>The draft plan contemplates that the Mountain Bikers Club will be able to place a container or storage shed to house track maintenance equipment. Further development will be considered by the Council, such as a wash down area and toilet.</p> <p>The Council will work with the Mountain Bikers Club to ensure a consistent signage standard is developed to promote the available tracks. Signage will be considered where it enhances the safety and use of trails.</p> <p>To be part of the aforementioned agreement.</p> <p>Production forestry is anticipated to continue at Lake Mangamahoe. Where necessary, due to forestry operations and/or other forestry management practices, existing tracks may be closed or rerouted at the request of the Council.</p> <p>Commercial activities have been anticipated in the draft plan, and will be considered on a case by case basis.</p> <p>To be included in the agreement between the Council and the Mountain Bikers Club.</p>
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**ITEM A2****ITEM FOR DECISION**

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	10. Regular use forums between mountain bikers and the Council.	To be included in the agreement between the Council and the Mountain Bikers Club.
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## APPENDIX TWO

## Forestry Policy – P04-008.

**P04-008 Forestry**

11 May 2004

Parks

1. Forestry investment is considered to be a secondary objective for the Council to the extent that it was not the dominant purpose for acquiring the current land in the first place and will not in future be the dominant reason for acquiring further land or land rights;
2. Given the range of infrastructural and recreational objectives associated with the Council-owned land holdings that currently have forestry plantations on them, forestry use be recognised as a complementary use of the land and that any investment decision be taken with that in mind;
3. In respect of its own land holdings the Council adopt a hold strategy for forestry investment that entails the replanting of existing forestry or, where viable, new forestry, but that no land be purchased or otherwise secured expressly for the purpose of forestry development;
4. The future of each joint venture forestry investment be reviewed at the time of maturity as a pure investment decision;
5. As part of the development or review of any Management Plans for the affected existing or future land holdings, the following hierarchy be established that sets the primary, secondary and other uses of each land holding and seeks win/win outcomes for best land use/s over time:

Primary use – the key Council activity or purpose for holding the land.

Secondary use – forestry where economic.

Other use/s – controlled recreational use compatible with the primary and secondary uses e.g. no fixed recreational infrastructure.





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## DRAFT CEMETERIES MANAGEMENT PLAN - PROPOSED CONSULTATION

**PREPARED BY:** Warren Dalglish (Reserves Planner)  
**TEAM:** Parks  
**APPROVED BY:** Mark Bruhn (Manager Parks)  
**WARD/COMMUNITY:** District wide  
**DATE:** 24 February 2011  
**FILE REFERENCE:** PP-17-02-02, DM 1046125

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### PURPOSE

The purpose of this report is to present to the Council the Draft Cemeteries Management Plan and seek the Council's approval to publicly notify this draft plan for public consultation.

### EXECUTIVE SUMMARY

On 31 August 2010, the Council resolved to publicly notify the 'intention to prepare' a New Plymouth District Cemeteries Management Plan and to declare and classify some cemetery land as reserve under the Reserves Act 1977.

This report summarises the seven comment forms received as part of the public notification and identifies items raised during the process for the Council's consideration. A further consideration is the matter of seeking the Council's approval for officers to make a request to the Department of Conservation to vest their cemetery reserves at Huirangi and Lepperton in the Council.

The report also presents the draft management plan and seeks approval to release the draft plan for public consultation during the period 20 April to 30 June 2011.

### RECOMMENDATION

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

- a) **Approves the draft management plan in Appendix Two for public release and instructs Council officers to undertake public consultation in accordance with s41(6) of the Reserves Act 1977, during the period 20 April to 30 June 2011.**
- b) **Instructs officers to make a request to the Department of Conservation to vest in the Council as local purpose (cemetery) reserve, the land at Huirangi and Lepperton Cemeteries, noting the administration of these cemeteries remains with the respective, autonomous cemetery boards of which the Council has delegated powers to appoint and remove trustees.**



**BACKGROUND**

On 8 September 2010, a public notice advised the Council's intention to prepare a draft Cemeteries Management Plan for the 13 Council and four Cemetery Board administered cemeteries as per section 41 of the Reserves Act 1977.

Comments were sought as preliminary information gathering for the draft management plan.

**DISCUSSION****Draft Management Plan****1. Introduction**

The Council publicly notified its intention to prepare a plan seeking comment on each reserve. Seven comments were received and following their consideration, Council officers prepared a draft management plan for the 13 cemetery reserves managed by the Council and the four cemetery reserves administered by autonomous cemetery boards. Management plans for reserves are mandatory under the Reserves Act 1977 with the exception of local purpose reserves. Although this management plan consists solely of local purpose reserves, it is considered a matter of best practice and good management to develop management plans for these cemeteries.

**2. Classification of Reserves in the Management Plan**

A requirement of the Reserves Act 1977 is the classifying of reserves. The purpose of reserve classification is to ensure that the control, management, development, use and preservation of a reserve is appropriate to its primary purpose, or class, as defined in the Act. The classification of the cemetery reserves included in the draft management plan is outlined in the associated report to the Council: Declaration and Classification of Cemetery Reserves –DM 1049373.

**3. What is covered in the draft Cemeteries Management Plan?**

The draft New Plymouth District Cemeteries Management Plan provides information on the appropriate use, activity and development within cemetery reserves, which is used to guide day- to-day management and decision making.

The plan describes each reserve, its history, land status, specific management objectives and policies. It also provides a set of general goals, objectives and policies which apply to all cemetery reserves.

**Management Plan preparation – where we are at**

Section 41 of the Reserves Act 1977 prescribes the process for developing and adopting reserve management plans. The public can provide input at two stages of the plan preparation:

- (a) Public notification of the intention to prepare a draft plan; and
- (b) Submission to the draft plan once it is prepared.

Stage (a) has been completed and this report seeks authority to embark on the second round of consultation, whereby feedback will be sought on the draft management plan itself.

Table one below sets out key milestones in the preparation and review of these management plans. The process is currently at Stage 3.

**Table One – Key Milestones in the Preparation and Review of the Management Plans**

Milestone	Status
1. Undertake public notice of intention to prepare management plans and invite written comments regarding the future management and development of historic parks and reserves.	Completed
2. Draft management plans prepared, in consideration of all comments received.	Completed
3. Present draft management plan to the Council to approve for public release.	Current
4. Publicly notify draft plan, two month minimum consultation period inviting submissions on the draft plan.	20 April to 30 June 2011
5. Council officers summarise objections and comments and prepare recommendations for the Council.	July/August 2011
6. Full Council considers written and verbal submissions via a hearing process, and adopts the management plans with recommended amendments.	November 2011 depending on number of submissions received and issues raised.

#### 4. Summary of the First Round of Public Consultation December 2009

Information was sought regarding the management of the cemetery reserves including appropriate uses and activities, heritage values, natural values and character, buildings and structures, and access.

Some of the key themes which came through in the seven comment forms were:

- Development and naming of the new district cemetery at Plantation Road.
- Extension of the Lepperton Cemetery.
- Development of Awanui Cemetery.
- Support for the proposed local purpose (cemetery) classification of various cemeteries.

Council officers have given full consideration to the comments received during this first round of consultation during the preparation of the draft plans.



A summary of the comments received and responses is contained in Appendix One.

Matters which require the Council's consideration as part of approving the draft plan are discussed below.

### **Naming the New District Cemetery**

Two comments were received regarding the intention to prepare a draft Cemeteries Management Plan suggesting the names Waiwhakaiho Cemetery and Mangamahoe Cemetery be used to name the new district cemetery.

The Council has set out in the 'General Policies for Council Administered Reserves, September 2006', a policy for the naming of reserves. This policy identifies that Maori names will be identified in consultation with mana whenua. Official names will be established after consultation with tangata whenua, reserve users, reserve neighbours and any other identified affected parties.

The two hapu connected with the site have been contacted for their view on the naming of the cemetery and requested to submit any other names they would like to be considered.

The next step is to include in the submission's questionnaire on the draft management plan, a question on proposed naming of the reserve with the two suggested names offered for comment. The submissions received will then be assessed against the Council's policy outlined in General Policies for Council Administered Reserves 2006 and a name selected for further consultation.

### **Naming of Waireka Cemetery**

A New Zealand Gazette Notice of July 1957, named the cemetery managed by the Council on Waireka Road West as the Omata Cemetery. Previous to this, the cemetery was known as the Waireka Road Omata Cemetery. The cemetery is popularly referred to as the Waireka Cemetery, with Council documents filed over the last 60 years also referring to it as such. To avoid confusion, it is recommended that the Council commence the process of renaming the reserve to Waireka Cemetery, in its capacity under the section 16(10) of the Reserves Act.

As with the above example of naming the new district cemetery, the renaming of the cemetery on Waireka Road will follow the process as set out in the 'General Policies for Council Administered Reserves, September 2006', policy for the naming of reserves and be included in the questionnaire going out with the draft Cemeteries Management Plan.

### **Memorialisation options at the new cemetery**

The new district cemetery offers a significant opportunity to develop a cemetery from scratch, including the type of memorials available for installation at the cemetery. Cemeteries have evolved from the memorial style seen in the older area of Te Henui Cemetery, to the limited lawn which dominates the character of Awanui Cemetery.

It is proposed that in the consultation on the draft plan a question be included specifically identifying memorial options for the community to consider for the new district cemetery. Options for the new cemetery could include the separation of the cemetery into differing zones such as:

- An open field with a combined memorial for those buried in the field, at the field's entrance.
- An area where the plot is covered in concrete as with the older memorial style areas at Te Henui Cemetery.
- A limited lawn area as typified as the dominant style at Awanui Cemetery.
- A natural burial area that will be planted out in native trees and shrubs.
- Family plots for multiple ash burials.

#### **Reserving of plots at the new district cemetery**

A comment received in the intention to prepare a draft management plan requested removal of existing restriction on the reserving of plots. The current policy only allows for reserving at the time of bereavement.

The new cemetery offers a considerable amount of open space and overcomes capacity issues for the short and medium term. This gives the impression that space is available for reserving. However the issue of reserved plots not being used after 60 years is still relevant and this issue could be experienced in the new cemetery in the future, as it has at existing cemeteries in the district, if the policy were to be relaxed. There are examples in the district of hundreds of reserved plots that are unused after 60 years, with an estimated 1,200 of these at Te Henui Cemetery. Therefore it is not recommended to relax restrictions on this policy.

#### **Rural Cemetery Boards**

Four public cemeteries in the district are each managed by four respective cemetery boards. These boards are the cemetery trustees, with the responsibility to control and manage each cemetery under the stipulations of the Burial and Cremations Act 1964. The cemeteries are located at Huirangi, Lepperton, Tikorangi and Tongaporutu. The cemeteries are reserves under the Reserves Act 1977, with the land at Tikorangi and Tongaporutu vested in the Council. The cemetery land at Huirangi and Lepperton is owned by the Department of Conservation (DOC).

With all four cemetery boards, the Council has been given delegated powers to appoint and remove the trustees.

For the two situations where the cemetery land (Tikorangi and Tongaporutu) is vested in the Council, the Council is the administering body of the land with the cemetery board appointed to control and manage activities in the cemetery. This creates a degree of uncertainty as to who takes the lead role in certain aspects of administration

of these cemeteries, particularly in the area of development, with the legislation not providing specific guidance. It is an intention of the management plan to clarify these matters with an agreement outlining the roles and responsibilities of each party.

#### **Department of Conservation rural cemeteries to vest in the Council**

It is recommended that the DOC land containing Huirangi and Lepperton cemeteries is vested in the Council as local purpose (cemetery) reserve. Vesting under the Reserves Act 1977, is where the land is held in trust to hold and administer for the purpose for which the land is classified.

The vesting of the land would make the Council administrators of the land under the Reserves Act 1977, however the intention is to continue with the control and management of these two reserves by the Huirangi and Lepperton cemetery boards (the trustees). These boards have been appointed by the Council through its delegated powers, to appoint and remove trustees at these cemeteries.

Officers have discussed the situation with DOC who consider the vesting to be appropriate and this vesting would achieve a consistent management of the district's rural cemeteries. DOC requires the Council to consider this matter and a formal request is to be made.

The cemeteries would continue to be managed by the cemetery boards along with two other cemeteries which already have the cemetery land vested in the Council. As mentioned above, it is proposed an agreement be established with these four boards (Huirangi, Lepperton, Tikorangi and Tongaporutu) to clarify the roles and functions of the trustees and the Council in the administration and management of these cemeteries.

The management plan is seen as being of benefit for both the cemetery boards and the Council in terms of sharing information and identifying responsibilities.

#### **Memorialisation at the natural burial area**

The Council resolved on 31 August 2010 in association with the Amendment to the Cemeteries and Crematoria Bylaw 2008, to consider memorialisation options for the Council's natural burial areas, in the Cemeteries Management Plan.

The installation of a memorial at a grave site located in the natural burial area of the cemetery, is considered contrary to the philosophy of this site, which has as an aim, the establishment of natural bush through revegetation, after burials have occurred. The option exists for individuals to purchase an ash plot and install a plaque commemorating the deceased. Another option would be to install a combined memorial at the entrance to the natural burial area, with the inclusion of names on the memorial; being optional and at the applicant's own cost.

These options are considered further in the Option section of this report.

### 5. Second Round of Public Consultation

The purpose of the second round of consultation is to seek community feedback on the draft management plan and invite formal submissions, which includes the opportunity to be heard in support of a submission. It is important to note that the plans are only in draft form, and where necessary, amendments will be recommended following the consultation period and consideration of all submissions.

The Reserves Act 1977 requires that this round of consultation be a minimum of two months. It is proposed that for these management plans the consultation be undertaken over two months of autumn, with submissions closing on 30 June 2011.

A public notice will be published in the Seven Days insert of the Midweek newspaper.

Letters will also be sent to identified stakeholders, individuals and groups who submitted comments during round one consultation. In addition, officers are investigating the feasibility of undertaking leaflet drops advertising consultation in neighbourhoods where cemeteries exist.

Copies of the draft management plan will be available at all district libraries, the Civic Centre and online on the Council's website.

### OPTIONS

This report contains the following matters for a decision by the Council, options relating to each are discussed below:

- The release of the draft management plan.
- Vesting of Department of Conservation cemeteries in the Council.
- Memorialisation of those buried in the natural burial area.

#### a) Draft Management Plan

The Council has the following options:

Option 1: Approve for consultation, the public release of the draft management plan in Appendix Two.

Option 2: Not approve for consultation, the public release of the draft management plan in Appendix Two.

With the exception of local purpose reserves, management plans for all reserves are required by the Reserves Act 1977. The production of a management plan has community involvement through consultation regarding the way a reserve should be managed into the future. When management plans are approved, they give clarity to

the community and Council officers regarding the range of activities permissible on a reserve. The draft management plans are also a reference point of information on any reserve. Although local purpose reserves are not required to be included in management plans, the intention is to include these reserves as a matter of best practice.

*Recommendation*

Option one is recommended. The preparation of reserve management plans is a useful tool in the day-to-day management of cemetery reserves, not publicly notifying the plan would result in the Council not meeting its statutory obligations under the Act.

**b) Vesting of Department of Conservation cemeteries in the Council.**

The Council has the following options:

Option 1: Approve that officers request that the Department of Conservation vest the land containing the Huirangi and Lepperton cemeteries, in the Council.

Option 2: Not approve the request to the Department of Conservation.

*Recommendation*

Option one is recommended as a way of achieving consistent management of the districts rural cemeteries. DOC require the Council to consider this matter and a formal request be made.

The cemeteries would continue to be controlled and managed by the cemetery boards and there would be no change to the day-to-day management.

The vesting allows the inclusion of these two cemeteries in the Cemeteries Management Plan, and as a result, a consistency of cemetery land being vested in the Council will exist and the plan will be a statutory document for all of the cemeteries contained in it.

**c) Memorialisation of those buried in the natural burial area.**

The Council has the following options:

Option 1: Provide the option for individuals to purchase an ash plot and install a plaque commemorating the deceased who is buried in a natural burial area (status quo).

Option 2: Install a combined memorial at the entrance to the natural burial area, with the inclusion of names on the memorial; being optional and at the applicant's own cost. The cost of this memorial is estimated to be \$10,000 which is not currently budgeted for.

*Recommendation*

Option one is recommended as this will provide the applicant the option to purchase and install a memorial on an ash plot as outlined in the Discussion section. Option two is not recommended due to the estimated cost (\$10,000) to the Council of installing the memorial, with the risk of low uptake of applicants inscribing names on the memorial.

This has been included in the draft management plan policies and no further resolution is required at this time.

**IMPLICATIONS ASSESSMENT****Decision Making**

In terms of the Council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

There is a high level of public interest in reserve management including the preservation of cultural heritage contained on reserves and the opportunity for recreation.

The management plan to be approved for public consultation will be revised subject to those submissions and become the primary document to guide future management of cemetery reserves.

Public concern about the process is likely to be low and the proposed classification, consultation and finalisation of the management plan of Council administered reserves is considered to be of low significance.

**Well-Being**

This matter will promote the following well-beings:

Social       Economic       Environmental       Cultural

A principal aspect of preparing management plans is to promote conservation of the environmental, historical and cultural values of each reserve, as well as ensuring public accessibility and in some cases, recreational activities.

**Community Outcomes**

This matter contributes to the following community outcomes:

Connected       Skilled       Prosperous       Secure and Healthy  
 Together       Vibrant       Sustainable

The provision of reserves in the New Plymouth district contributes to the Community Outcomes of Secure and Healthy, Sustainable, Vibrant and Together.



**ITEM A3****ITEM FOR DECISION****LTCCP/Annual Plan**

Is this matter currently budgeted for?  Yes  No

The cost of consultation and work associated with the preparation of the Cemeteries Management Plan is provided for within existing budgets.

The cost of activities and improvements identified in the management plan and its applied implementation plan, will need to be evaluated for funding as part of the 2012-22 Community Plan and future asset management plans.

**Consistency with Policy and Plans**

New Plymouth District Council's District Plan has been considered in the preparation of this report to ensure that the proposed classifications are compatible with designations. All but two cemeteries are in either open space or rural environment areas. The new district cemetery is located in the rural zone with a volcanic hazard area along the riverside area. Tongaporutu Cemetery is subject to several zonings. Although rural, it is in a coastal hazard zone, a dune protection area, a coastal policy area and a regionally significant landscape.

In addition to the policies set out in the management plans, general policies relating to the management of all reserves are addressed in the Council's *General Policies for Council-Administered Reserves 2006*. The management plan notes this and also that where a matter is addressed in both the reserves management plan and the general policies, the provisions in the management plan will take precedence. Where policies are developed within the management plan, steps will be taken to ensure these are consistent with the general reserve policies, bylaws, district plan and other Council documents.

**Legal**

Preparation of the draft management plan has taken place in accordance with sections 41, 119 and 120 of the Reserves Act 1977. Objectives and policies in the draft plan have been evaluated against the Burial and Cremations Act 1964, Reserves Act 1977, Conservation Act 1987, Local Government Act 2002 and Resource Management Act 1991.

**Tangata Whenua Maori**

Individual iwi and hapu were consulted and invited to comment during round one of the consultation process on the cemetery management plans and the declaration and classification of cemetery reserves. This included information packs being sent to each iwi and hapu.

Tangata whenua have a strong connection to the management of land given the long-standing connection with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga. As a result of this consultation, the plans recognise and acknowledge the long-standing connection of tangata whenua with reserve lands within each rohe.

Chapter three of the draft management plan outlines tangata whenua considerations in relation to reserve management. This chapter has been adapted from the Coastal Reserve Management Plan, which was developed with considerable input from tangata whenua in 2006.

Policies have been included in the plan relating to consultation with tangata whenua and specifically state that mana whenua of a reserve must be consulted regarding any significant developments within reserves that are of cultural or historical significance to them.

This means that as implementation of the development concepts which include significant works are scheduled, mana whenua will be contacted. Depending on decisions made during the 20012/22 LTCCP planning process some reserve development concepts presented in this plan may not be implemented for five or even ten years and therefore it is important that mana whenua also have the opportunity to look at the plans at the time of implementation.

Further consultation with tangata whenua will occur as part of the second round of consultation when there will be an opportunity to look more closely at individual reserves and refine any policies relating to historic reserve management should this be necessary. Initially a copy of the draft management plan will be sent to all affected iwi and hapu together with copies of the submission form. There will be an opportunity to meet with Council officers.

### Persons Likely to be Affected

Views on the draft New Plymouth District Cemeteries Management Plan will be considered in accordance with the requirements of s.41(6) of the Reserves Act 1977, whereby:

- Public notice is given that the draft plan is available for inspection and inviting interested persons and organisations to lodge any written objections or suggestions on the proposed plan within the time specified in the notice. All those persons or organisations that provided input during the first round of consultation, as well as other stakeholders, will be notified that the draft plan has been prepared and invited to provide comment on the draft.
- A copy of the draft plan will be sent to the appropriate designated officer at the Department of Conservation for review.
- All those making submissions will be given an opportunity to speak in support of their objections or comments before the full Council.

### Risk Analysis

The risks associated with not proceeding with the proposed consultation on the draft management plan are a less robust management and development of the cemetery reserves contained in this report, through including community input into the decision making.

### APPENDICES

Appendix One	Comments received during the intention to prepare a draft Cemeteries Management Plan, combined with officers response.
Appendix Two	Draft New Plymouth District Cemeteries Management Plan. (Available as a separate document).

## APPENDIX ONE

**Summary of comments received following notification of the intention to prepare a  
New Plymouth District Cemeteries Management Plan.**

Number	Comment	Notes
1,3	The new District Cemetery better renamed Mangamahoe or Waiwhakaiho Cemetery.	These two names will be included for public comment in the process of naming the new district cemetery.
3	<p><b>New District Cemetery</b> Suggest creation of a park like environment with walkways, cycle tracks. Promote recreational elements of this area as an extension of the lake area.</p> <p>Don't limit the area to merely being a cemetery.</p> <p>Great potential with the area bordering the river – should be developed as an extension to Lake Mangamahoe area with walking tracks.</p> <p>Look of cemetery – differ from other cemeteries by providing a wider range of options for both burials and ashes, with a wider range of memorial options.</p> <p>Additions: 1/ Suggest a chapel complete with catering facilities. 2/ An office open Monday to Friday.</p> <p>3/ Toilet facilities – 7 days. 4/ Shelter(s) for people to use in heavy rain showers.</p> <p>Access roads wide enough to allow cars to easily pass. Road width and or sufficient car parking needed to avoid access/exit road becoming blocked with parked cars.</p>	<p>Development concept for the new cemetery intend to achieve this with an integrated approach.</p> <p>Feedback on options for memorialisation and the look of the cemetery will be sought through the submission process on the draft plan.</p> <ol style="list-style-type: none"> <li>1. Not a primary service of the cemetery, these services are provided elsewhere.</li> <li>2. A facility is proposed to be provided giving information to the public, this may be a kiosk linking to the Councils cemetery search site.</li> <li>3. Included in development concept.</li> <li>4. To be included in cemetery development concept.</li> </ol> <p>Included in cemetery development concept.</p>

7	<p><b>New District Cemetery</b> Use/activities that should not occur: Public cemetery in close proximity to BN Baker / Tegel Foods Limited chicken farm, due to reverse sensitivity issues.</p> <p>Character: A buffer area between part of the cemetery and the chicken farm sheds – refer letter 20 August 2010 below.</p> <p>Look of cemetery: Planted buffer area and boundary, potential earth bunds between part of the cemetery and the chicken farm sheds – refer letter 20 August 2010 below.</p> <p>Classification: Agrees with classifying (declaring land as reserve) only if a ‘no complaints’ covenant is registered over the underlying title.</p> <p>Other issues: All of the issues raised in the letter attached dated 20 August 2010 and for the reasons given to Council in the legal submissions and evidence at hearings, referred to in sub paragraph (a) of attached letter.</p>	<p>Planting has occurred along road boundary of Section 36 Survey Office Plan 323897 and investigation is occurring into earth bunding to offset any reserve sensitivity issues from the chicken farm on the opposite side of the state highway as part of the development concept.</p> <p>The Council has taken further legal advice on this point and it is considered that establishing the proposed cemetery near the chicken farm would not give rise to any reverse sensitivity issues (as the Environment Court has defined that concept). Accordingly, such a covenant (irrespective of its content) is considered to be unnecessary and it is not recommended that the Council enter into a no-complaints covenant with the BN Baker Trust.</p>
4	<p><b>Awanui Cemetery</b> Additional use/activity: Eco burials in the gully area behind Block 14 &amp; 15. This neighbours the bush area of the Te Henui Walkway.</p> <p>Look of cemetery: Ensure trees are replaced when removed.</p>	<p>The gully behind block 14 &amp; 15 is being considered for cremated ash interments which are considered a better use of this area. This will require the installation of some all weather access. An area for natural burials is being developed on the eastern slopes.</p> <p>Tree replacement is considered on a case-by-case basis which decisions involving the utility and overall look of the cemetery. A cherry tree was removed in Block 18 of the cemetery and the area has been developed for</p>



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	<p>Facilities: Ensure toilets easily available to visitors. Provide some seating within the cemetery.</p>	<p>burials.</p> <p>Numerous trees suffered in an arson attack in January 2007. These have not been replaced as the area is sufficiently developed as a forest to not require it.</p> <p>The cemetery as a whole has numerous tree plantings including a forest like area which is a backdrop to the burial area and includes part of the Te Henui Walkway.</p> <p>Signage exists indicating the presence of public toilets. There is limited seating in the cemetery, the road edge offers the best option. These points are recommended for inclusion in the management objectives for Awanui.</p>
3	<p>Cemetery administration: Booking systems need to be more user friendly, with a greater level of cooperation to meet client needs. After hours including weekend bookings and the use of a pager system needs review, with direct communication requested.</p> <p>Policies for cemeteries: More flexible hours for staff to reflect the times that are appropriate for burials and cremations. Trend to have services later in the day. 4.00pm burials requested.</p> <p>Allow pre-purchase of plots.</p> <p>Have NPDC staff on site for (during) all burials, this is customer service.</p>	<p>Level of service request outside of the scope of this plan; forwarded to Parks Programmes Manager for consideration.</p> <p>Level of service request, forwarded to Parks Programmes Manager for consideration.</p> <p>Policy on reserving has been set, and although the new cemetery offers a considerable amount of open space, the issues around the non-use of reserved plots after 60 years remains.</p> <p>Level of service request, forwarded to Parks Programmes Manager for consideration.</p>
2	<p><b>Tikorangi Cemetery</b> Request that Tikorangi Cemetery remains as it is, particularly the trees, especially those at the</p>	<p>This request is within the management responsibility of the Tikorangi Cemetery Board. An</p>

## ITEM FOR DECISION

## ITEM A3

	rear (northern) boundary.	agreement is proposed between the Council and the board, to clarify the roles and responsibilities of the two parties in regard to the administration and management of this cemetery. This item will be added to the management plan.
5	<p><b>Tongaporutu Cemetery</b> Uses that should not occur: No natural burials due to limited space.</p> <p>Character: No planting or building structures to obscure the sea and river views.</p> <p>Access: Improvement of adding metal to entranceway for hearse and vehicular access</p> <p>Other: We desperately need a new cemetery burial and cremation plot plan.</p>	<p>Use and character is a management responsibility of the Tongaporutu Cemetery Board, however the item of obscuring sea and river views will be added to management plan. An agreement is proposed between the Council and the board, to clarify the roles and responsibilities of the two parties in regard to the administration and management of this cemetery. Tongaporutu Cemetery had an area of 2221m<sup>2</sup> added in 2008 which allows scope for a small natural burial area. However at this stage it isn't recommended that a natural burial area is designated at this cemetery as demand in the district is still uncertain. The Cemetery Board can apply to the Council funding through Management and Funding of Rural Cemeteries annual grant to assist with this goal.</p> <p>The board is advised to contact Council's Technical Officer Cemeteries to assist in achieving this.</p>
6	<p><b>Lepperton Cemetery</b> Like the character of cemetery left as it is.</p> <p>Lepperton Cemetery sign would be good.</p>	<p>Use and character is managed by the Tongaporutu Cemetery Board. An agreement is proposed between the Council and the board, to clarify the roles and responsibilities of the two parties in regard to the administration and management of this cemetery.</p> <p>The Cemetery Board can apply to the Council funding through Management and Funding of Rural Cemeteries annual grant to assist</p>



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	<p>Possibly taking the adjacent unformed Barton Street (paper road) into the cemetery reserve.</p>	<p>with this goal.</p> <p>The request from the Lepperton Cemetery Trustees is to increase burial capacity. Advice from Council's Roading and Property Teams is that the paper road could be stopped as it would not isolate any properties, but legal access to the esplanade reserve would be lost.</p> <p>The extension of the cemetery into the unformed Barton Street is not considered appropriate, as this action would remove the existing legal access to the esplanade reserve located at the end of Barton Street. The area to be gained by the cemetery is likely to be 620m<sup>2</sup>.</p>
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**DECLARATION AND CLASSIFICATION OF CEMETERY RESERVES**

**PREPARED BY:** Warren Dalgleish (Reserves Planner)  
**TEAM:** Parks  
**APPROVED BY:** Mark Bruhn (Manager Parks)  
**WARD/COMMUNITY:** District wide  
**DATE:** 15 February 2011  
**FILE REFERENCE:** PP-17-02-02, DM 1049373

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**PURPOSE**

This report presents a number of land parcels to be declared and classified as local purpose cemetery reserve under the Reserves Act 1977. Three submissions have been received relating to the declaration and classification process which are presented and responded to in this report.

**EXECUTIVE SUMMARY**

On 17 August 2010, the Council resolved as part of the management plan process the intention to:

- a) Classify five cemeteries or part cemeteries owned by the Crown and vested in the Council as a local purpose (cemetery) reserve (Appendix One).
- b) Declare as reserve and classify under the Reserves Act 1977, five cemeteries or part cemetery owned by the Council and one part of one cemetery owned by the Crown and vested in the Council (Appendix Two).

Consultation on this intention has been undertaken in accordance with the Reserves Act 1977. This report summarises and comments on the three submissions received and recommends that the declaration and classification of those lands included in this report be approved.

**RECOMMENDATION**

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

- a) **In the exercise of the powers conferred on it by Section 16(2) of the Reserves Act 1977, and acting under an instrument of delegation from the Minister of Conservation, hereby resolves that those parcels of land listed in Appendix One, that are vested in the Council, be classified as local purpose (cemetery) reserve.**
- b) **In the exercise of the powers conferred on it by Section 14 of the Reserves Act 1977, and acting under an instrument of delegation from the Minister of Conservation, the Council hereby resolves that those parcels of land listed in Appendix Two, that are vested in the Council, be declared and classified pursuant to Section 16(2), as local purpose (cemetery) reserve.**

**BACKGROUND****Introduction**

Section 41 of the Reserves Act 1977 requires that, with the exception of local purpose reserves, all reserves held under the Act for which the Council is the administering body must have an approved management plan. Before the plan is submitted to the Council for public consultation and approval, those reserve land parcels to be included in the statutory document should be declared and classified as reserves under the Reserves Act 1977.

**Declaration of Reserves under the Reserves Act 1977**

Section 14 of the Reserves Act 1977 empowers a local authority to declare land vested in it to be a reserve by a resolution of the full Council. However, the Council must first publish a notice of intention to declare the reserve(s) in local newspapers and provide a one month submission period for any objections to be lodged. All objections received within the consultation period must be considered prior to passing the resolution. Upon declaration a classification is given to the reserve to reflect its current or intended purpose.

**Classification of Reserves under the Reserves Act 1977**

Classification of reserves is mandatory under Section 16 of the Reserves Act 1977. The purpose of reserve classification is to ensure that the control, management, development, use and preservation of a reserve is appropriate to its primary purpose, or class, as defined in the Act. It is, therefore, a requisite aspect of reserve management planning.

A local purpose reserve is *“for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve”* section 23. It is normal practice to classify cemeteries as a local purpose (cemetery) reserve.

Once a reserve is classified, its classification and sub-purpose cannot be changed except by further processes defined under the Reserves Act.

The Reserves Act 1977 assigns varying powers to local authorities where reserve land is owned by the Crown but the local authority is the administering body. For the purposes of the classification of the reserve land as recreation reserve or local purpose, NPDC has the delegated authority to classify the land under Section 16(1) of the Act. Public notification of the classification is not required because the purpose of the reserve is not changing<sup>1</sup>.

**DISCUSSION**

Appendix One contains a list of land parcels that are reserves held by the Council for cemetery purpose. Public comment on the classification of these reserves was part of the questionnaire form released with the intention to prepare a cemeteries management plan from 8 September to 8 October 2010. A summary of these comments and an officer’s response is included in the report Draft Cemeteries Management Plan – proposed consultation DM 1046125 which is presented to the Council along with this report.

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<sup>1</sup> As per Section 16(5) of the Reserves Act 1977

On 8 September 2010 a public notice in the Midweek insert Seven Days advised of the Council's intention to declare six cemeteries or part cemeteries as reserve under section 14 of the Reserves Act 1977 (listed in Appendix Two). Submissions responding to the proposed declaration are attached as Appendix Three (see Consultation below).

#### **Consultation - submissions received from public notice**

Three submissions were received regarding the declaration of cemetery land as reserve. There were two submissions in favour of the declaration and one opposed.

One submission supported all six proposed declaration and classifications, one supported the declaration and classification of Tongaporutu Cemetery and one was against the declaration of the new district cemetery as reserve.

The single submission opposing the declaration of the new district cemetery as reserve is based on the concepts that the new cemetery will reduce the amount of land available for mountain biking in the district, following the growth of the Colson Road landfill. The submitter also suggested that it is foolish to have a cemetery upstream of the city water supply.

The New Plymouth Mountain Bikers Inc (MTB) is aware of the proposed cemetery development and through consultation have accepted the loss of some tracks and is continuing to work with the Council to identify opportunities for new tracks at Lake Mangamahoe and is fully participating in the management plan process for both Lake Mangamahoe and Cemeteries. The MTB is the organisation responsible for the development and maintenance of bike tracks at Lake Mangamahoe.

The issue of a cemetery being upstream of New Plymouth's water supply was addressed through the significant geological and groundwater research undertaken before committing to the site's development. The surveying has identified areas suitable for burials in the cemetery reserve.

There were also five comments received during the preparation to prepare a Cemeteries Management Plan. These included support for the classification of Awanui, the new district and Tongaporutu Cemeteries as local purpose (cemetery) reserves. One other support for the new district cemetery was received but qualified with the inclusion of a no complaints covenant in favour of the BN Baker Trust's chicken farm. These matters are discussed in more detail in Appendix One of the Draft Lake Mangamahoe Recreation Management Plan – proposed public consultation report (DM 834648), which is being presented to the Council on the same agenda.

#### **OPTIONS**

The options available to the Council in administering the land parcels contained in this report are:

**ITEM B1****ITEM FOR RECOMMENDATION****Classification**

## Option 1

To classify those parcels of land pertaining to existing cemeteries listed in Appendix One, as local purpose (cemetery) reserves, pursuant to Section 16 of the Reserves Act 1977.

## Option 2

Status Quo; land parcels listed in Appendix One, that are subject to the Reserves Act 1977 but not classified.

*Recommendation*

Option one is the recommended option. The classification of reserves under the Reserves Act 1977 is mandatory (s16). Reserves are classified to ensure their control, management, development, use and preservation is for appropriate purposes [s16(1)]. By classifying the reserves listed in Appendix One, and declaring that parcel listed in Appendix Two the Council is embarking on a process to manage these reserves in a way that is compliant with the Act and in accordance with best practice.

**Declaration**

## Option 1

Declare and classify of the land parcels listed in Appendix Two, being land intended for the purpose of cemetery use or land already used for cemetery purposes, pursuant to Section 14 of the Reserves Act 1977.

## Option 2

Status Quo; land parcels listed in Appendix Two, that are proposed for use or already used for cemetery purpose are maintained as freehold land and not subject to the Reserves Act 1977. This includes the new district cemetery site for which an objection has been received.

*Recommendation*

Option one is the recommended option. By declaring the land in Appendix Two pursuant to the Reserves Act 1977, the appropriate protection and management processes will be applied to the land, that are provided by the Act. By declaring those parcels listed in Appendix Two, the Council is embarking on a process to manage these reserves in a way that is compliant with the Act and in accordance with best practice.

Cemeteries that are declared and classified as reserve in the management plan, mean that the management plan once approved by the Council, becomes a statutory document.

**IMPLICATIONS ASSESSMENT****Decision Making**

In terms of the Council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

There is a high level of public interest in reserve management. However, the classification of reserves is primarily a technical process to ensure that the Council has met its statutory requirements under the Reserves Act 1977. Any modification to the original stated purpose

of the reserves has been made to reflect their current use. Therefore, public concern about the process is likely to be low and the proposed declaration and classification of Council-owned reserves is considered to be of low significance.

### Well-Being

This matter will promote the following well-beings:

Social                       Economic                       Environmental                       Cultural

The principal aspects of declaring and classifying the reserves contained in Appendices One and Two is to promote the conservation of environmental and cultural values of each reserve, as well as ensuring public accessibility.

### Community Outcomes

This matter contributes to the following community outcomes:

Connected                       Skilled                       Prosperous                       Secure and Healthy

Together                       Vibrant                       Sustainable

The provision of reserves in the New Plymouth District contributes to the Community Outcomes – Secure and Healthy, Sustainable, Vibrant and Together.

### LTCCP / Annual Plan

Is this matter currently budgeted for?                       Yes                       No

The cost of consultation associated with the declaration and classification of reserves, as well as application to the Department of Internal Affairs for gazette notices for these reserves, is provided for within existing budgets.

### Consistency with Policy and Plans

New Plymouth District Council's District Plan has been considered in the preparation of this report to ensure that the proposed classifications are compatible with designations. All but two cemeteries are in either open space or rural environment areas. The District Cemetery is located in the rural zone with a volcanic hazard area along the riverside area. Tongaporutu Cemetery is subject to several zonings, although rural it is in a coastal hazard zone, a dune protection area, a coastal policy area and a regionally significant landscape.

### Legal

The proposed processes to undertake reserve declaration and classification in accordance with the Reserves Act 1977 are outlined in the Discussion section above.

In preparing this report the legal status of the land parcels has been carefully researched and established as:

1. All of the land parcels are confirmed as being vested in NPDC.
2. All of the land parcels listed for reserve classification in Appendix One of this report are confirmed as having the status of a reserve, subject to the Reserves Act 1977.

**ITEM B1****ITEM FOR RECOMMENDATION****Tangata Whenua Maori**

Tangata whenua have been invited to comment on the declaration and classification of cemetery land during the initial consultation on the Cemeteries Management Plan.

Information about the reserves will be included in the draft management plan that will be sent to all iwi and hapu along with the opportunity to meet with Council officers.

**Persons Likely to be Affected**

Members of the public and tangata whenua have been invited to send the Council submissions on the declaration cemetery land as reserve and comments on the classification of cemeteries held as reserve under the Reserves Act 1977, through public notice in the Seven Days section of the Midweek on 8 September 2010 and letters sent to stakeholder groups including iwi and hapu.

Those who have sent in a submission (Appendix Three) will be informed of the Council's resolution on the matter.

**Risk Analysis**

The risks involved with not classifying the reserves listed in Appendix One are that the Council will not be compliant with the requirements of the Reserves Act 1977 and that the protection and future management of the reserves listed in Appendix One will be not be in accordance with best practice.

Additionally, if the land is not declared as reserve and classified for its purpose, the management plan will not be a statutory document binding the Council and users of the reserve.

**APPENDICES**

Appendix One	Council administered land proposed for classification as reserve land pursuant to Section 16 of the Reserves Act 1977.
Appendix Two	Council administered land proposed for declaration as reserve land pursuant to Section 14 of the Reserves Act 1977.
Appendix Three	Submissions (three) received on the declaration of land as reserve at six cemeteries.

## ITEM FOR RECOMMENDATION

## ITEM B1

## APPENDIX ONE

## Council administered land proposed for classification pursuant to Section 16 of the Reserves Act 1977

Cemetery Reserves						
Reserve Name	Location	Legal Description	Ownership	Purpose when acquired	Current purpose	Recommendation / status
<b>Part of Okato Cemetery</b>	South Road, State Highway 45, Okato	Part Section 2 cemetery reserve (part NZ Gazette, 20 October 1881, No.84, page 1308)	Crown land vested in the Council	Cemetery reserve	Cemetery reserve	<b>Propose to</b> classify as Local purpose (cemetery) reserve
<b>Tarata Cemetery</b>	Wiri Road, Tarata	Section 21 Block III Huiroa District	Crown land vested in the Council	Cemetery reserve	Cemetery reserve	<b>Propose to</b> classify as Local purpose (cemetery) reserve
<b>Tataraimaka Cemetery</b>	Timaru Road, Tataraimaka	Part Section 19, Tataraimaka District	Crown land vested in the Council	Cemetery reserve	Closed cemetery reserve	<b>Propose to</b> classify as a Local purpose (closed cemetery) reserve
<b>Part of Te Henui Cemetery</b>	Watson and Hobson Streets, New Plymouth	Sections 2174-2177, 2184-2192, 2199-2207, 2214-2222, 2228-2237, 2247-2259, 2269-2270, 2270A, 2348 Town of New Plymouth and  Part Sections 2158-2161, 2173  Part Section 2157, 2170-2172, 2183, 2198, 2212-2213, 2227, 2246, 2268 Town of New Plymouth and  Parts of Calmady Terrace (closed) Pendarves Street (closed) Watson Street (closed) Gilbert Street (closed) Gardner Street (closed) and Hendrie Street (closed) Town of New Plymouth	Crown land vested in the Council	Public reserve – cemetery purposes	Cemetery reserve	<b>Propose to</b> classify as Local purpose (cemetery) reserve
<b>Waireka Cemetery</b>	Waireka and Gardner Roads, Omata	Part Section 14 Omata District	Crown land vested in the Council	Cemetery reserve	Cemetery reserve	<b>Propose to</b> classify as Local purpose (cemetery) reserve



# ITEM B1

## ITEM FOR RECOMMENDATION

### APPENDIX TWO

#### Council administered land proposed for declaration as reserve land pursuant to Section 14 of the Reserves Act 1977

Cemetery		Reserves				
Reserve Name	Location	Legal Description	Ownership	Purpose when acquired	Current purpose	Recommendation / status
<b>Awanui Cemetery</b>	Awanui Street	Part Lot 1 DP 5612	NPDC	Cemetery purpose	Cemetery purpose	<b>Propose to</b> declare parcel as subject to the Reserves Act and classify as Local purpose (cemetery) reserve
<b>District Cemetery</b>	Plantation Road, off State Highway 3	Section 36 Survey Office Plan 323897 and Section 1 Survey Office Plan 438936 (comprising of Sections 21-22 SO Plan 323897 and part of Part Section 53 Hua & Waiwhakaiho Hundred)	NPDC	Section 36 Survey Office Plan 323897 for Cemetery Purpose.  Part Section 53, acquired for afforestation purposes.	Section 36 Survey Office Plan 323897 and Section 1 Survey Office Plan 438936, Cemetery purpose	<b>Propose to</b> declare all parcels as subject to the Reserves Act and classify as Local purpose (cemetery) reserve
<b>Part of Okato Cemetery</b>	South Road, State Highway 45, Okato	Part Section 4 Okato Town Belt (TN128/104-105)  Section 2 and 3, Survey Office Plan 404907	NPDC	Cemetery purpose	Cemetery purpose	<b>Propose to</b> declare parcel as subject to the Reserves Act and classify as Local purpose (cemetery) reserve
<b>Part of Te Henui Cemetery</b>	Watson and Hobson Streets, New Plymouth	Part Sections 2158-2161, 2173	Crown land vested in the Council	Land for cemetery purposes	Cemetery reserve	<b>Propose to</b> declare all parcels as subject to the Reserves Act and classify as Local purpose (cemetery) reserve
<b>Inglewood Cemetery</b>	Rata Street, Inglewood	Sections 326, 327 Moa District	NPDC	Cemetery	Cemetery	<b>Propose to</b> declare and then classify as Local purpose (cemetery) reserve, Section 326 & 327.
<b>Part of Tongaporutu Cemetery</b>	Pilot Road, Tongaporutu	Section 1 Survey Office Plan 395892	NPDC	Cemetery purpose	Cemetery purpose	<b>Propose to</b> declare parcel as subject to the Reserves Act and classify as Local purpose (cemetery) reserve

## **STREET RACING: PROPOSED EXTENSION TO PROHIBITED TIMES ON ROAD FOR NON LEGITIMATE BUSINESS (PART 13 TRAFFIC BYLAW 2008)**

**PREPARED BY:** Louise Tester (Senior Policy Advisor)  
**TEAM:** Corporate Strategy and Policy  
**APPROVED BY:** Kate Macnaught (Manager Corporate Strategy and Policy) and Lloyd Crow (Team Leader Enforcement)  
**WARD/COMMUNITY:** New Plymouth  
**DATE:** 11 February 2011  
**FILE REFERENCE:** PP-07-04.2010, DM 1108553

### **PURPOSE**

The purpose of this report is to provide an update on the effectiveness of the amendment to the New Plymouth District Council Traffic Bylaw 2008 Part 13 in regards to street racers. The report also provides information on the situation of street racing in areas adjacent to the area currently prohibited by the bylaw and proposes a further extension to the prohibited areas.

### **EXECUTIVE SUMMARY**

This report outlines the effectiveness of the amended traffic bylaw in controlling street racing activities in industrial areas, and outlines the street racing that is currently taking place in neighbouring industrial areas. The report recommends that the street racing prohibited areas be further extended in response to the current activity that is taking place in the areas of Cygnet Drive / Cody Place and Rifle Range Road.

### **RECOMMENDATION**

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

- a) **As permitted in Part 13 Traffic Bylaw 2008, the street racing prohibited areas be extended to include the following roads:**
- i) Rifle Range Road (from Vickers Road intersection going north)**
  - ii) Cody Place**
  - iii) Cygnet Drive**
  - iv) Katere Road**
  - v) Egmont Road (from Katere Road intersection)**
  - vi) Hurlestone Drive**
  - vii) Craig Place**
  - viii) Hurlestone Drive**
  - ix) Wendy Avenue**
  - x) Dean Place**
  - xi) Gregory Place**
  - xii) Connett Road West**
  - xiii) Albatross Place**
  - xiv) Hercules Place**



**ITEM B2****ITEM FOR RECOMMENDATION**

- xv) **Vampire Drive**
  - xvi) **Swan Road**
  - xvii) **Cygnets Drive**
- (as shown in attached maps)

**BACKGROUND**

In September 2009, the Council resolved to amend its Traffic Bylaw (Part 13) 2008 to restrict certain vehicle movements in a defined location (as shown in Appendix A). This bylaw provision was proposed following a series of incidents and complaints about street racing activity in the Bell Block industrial area. Street racers in the area were a concern to both residents and businesses for many years prior to the amended bylaw being introduced.

The amended bylaw prohibited vehicle movements in the defined area, because of the nuisance that the vehicles were causing to the businesses in the area, along with the plethora of problems which included incidents of fuel spillages, noise, extreme and dangerous driving, littering and damage as well as incidence of arson.

Since the introduction of the amended bylaw illegal street racing activity has almost been eliminated from the area.

However, since October 2010, there has been an increased prevalence of street racing in the industrial areas around Cody Place and Cygnets Drive and more recently this activity has moved to also encompass Rifle Range Road.

The Police Liaison Working Party considered the proposed amendments to the bylaw at their meeting on Thursday 10 February 2011. The working party were supportive of the proposed amendments.

**DISCUSSION**

Under the Land Transport (Enforcement Powers) Amendment Act 2009 No 36, Public Act, enacted in October 2009, councils were given the authority to set bylaws to restrict vehicle movement. Clause 22b, set out below describes this authority.

- “(1) A road controlling authority may make any bylaw that it thinks fit for 1 or more of the following purposes:
- (a) controlling, restricting, or prohibiting cruising, including (but not limited to)-
    - (i) specifying the section of road or roads on which cruising is controlled, restricted, or prohibited:
    - (ii) prescribing the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising:
  - (b) prescribing [instant] fines, not exceeding \$500, for the breach of any bylaw made under this section.

- (2) A bylaw made under subsection (1) may apply-
- (a) to all roads, any specified road, or any part of a specified road under the care, control, or management of the road controlling authority making the bylaw:
  - (b) to all vehicles or traffic or to any specified class or classes of vehicles or traffic using a road under the care, control, or management of the road controlling authority making the bylaw:
  - (c) at any specified time or times.
- (3) A bylaw made under subsection (1) may leave any matter or thing to be regulated, controlled, or prohibited by the road controlling authority by resolution generally, for any specified classes of case, or in a particular case.
- (4) A copy of every bylaw made under this section by a road controlling authority must, within 1 week after being made, be sent by the road controlling authority to the Minister, who may at any time disallow the bylaw or any part of the bylaw under section 22AC.”

The provision in this Act is in addition to the general bylaw making powers contained in the Local Government Act 2002, sections 155 and 156. The decision made in September 2009 amended the body of the bylaw, and undertook a full assessment of the problem, the options available to the Council and others to deal with the matter, the implications of any proposed course of action against the Bill of Rights 1990, as well as a test of the overall reasonableness and fairness of what was proposed. Following a Special Consultative Procedure, the bylaw was amended.

Since the amendment to the Traffic Bylaw in 2009, the issue of street racing has all but disappeared in the De Havilland Drive/Connett Road area. This demonstrates the effectiveness of the current bylaw provision (which does provide exception clauses for persons and vehicles that have legitimate business along the roads concerned). However, as can sometimes be the case with such activities, an element of displacement can occur.

#### The current problem – Cygnet Drive/Cody Place

Since October 2010, the Council has received complaints about street racing in the Cygnet Drive/Cody Place industrial area. Three businesses in the area have complained several times since this date. The complaints, thirteen in total, usually follow weekday nights and weekend driving around the industrial area. The after effects of this driving include broken glass, general litter, vandalism and damage to buildings, and items stolen from outside of the businesses. In mid November one complainant reported that the driving activity had escalated, since the problem was first noticed in October 2010. The Police have also received complaints and have been called out to the location to speak with the affected companies. At least two complainants have officially asked for an amendment to the bylaw, and for the problem area to be included as a restricted area. The Roding Team have also been requested to go out and clean up debris and glass from the roads surrounding the area. The map, attached as Appendix B, shows the roads and areas which are affected by the activity. The number of cars racing and conducting the damage have been reported to be between 10 and 30 cars.

**ITEM B2****ITEM FOR RECOMMENDATION**

With each complaint, not only are the businesses affected in an adverse way, there is additional pressure placed on police resources and a direct cost to the Council, who are called out to clean up the mess, and repair any damage to the public areas.

Rifle Range Road

In addition to the nuisance driving in Cygnet Drive/Cody Place, Council officers have also been alerted to another incidence of nuisance at the northern end of Rifle Range Road. The Animal Control and Roding Teams within the Council and the Police have witnessed large numbers of people congregating for street racing. At the Police Liaison Working Party, Police reported that on a recent occasion there were 100 people gathering, and numbers appear to be steadily rising. The aftermath of the street racing is also evident. A recent inspection of the area by Environmental Health revealed a large area of the road marked by tyres, and damage to road surfacing. This will soon result in remedial works being required on this area of road. There is also litter, alcohol bottles and general physical disruption to the area. The Council recently engaged ChemWash to clean the diesel off the road, and the Roding team has had to re-grit certain portions of the road. The Council's Animal Control officers have raised concerns not only about the road, but also about potential risks to their safety in passing through the area to get to the Dog Pound, and officer from the Waste Water Treatment Plant and Roding Officers have also expressed his concern about street racing in this area. No formal complaints have been received from persons outside of the Police or the Council because the part of the road where the activity takes place is relatively isolated with no residential properties nearby. It has been suggested that this is what makes the 400metre stretch of road so attractive to the street racers.

Police Enforcement Action

The Police reported to the Police Working Party, that they have increased patrols in the areas where street racing takes place. Police acknowledge the success of the current ban, and suggest that the proposed extension would remove street racing from the areas where new problems are occurring. Extending the area covered by the bylaw would reinforce the community's lack of tolerance to this nuisance.

**OPTIONS**

There are two main options available to the Council:

- 1) Rely on the current legislative powers of the Police to enforce breaches of primary legislation relating to road safety and traffic management. However, it should be noted that primary legislation alone does not support the Police in its ability to respond to this issue.
- 2) Resolve to prohibit street racer movements in the defined problem area (Cygnet Drive/Cody Place and Rifle Range Road), as per clause 26 of the Traffic Bylaw 2008. By having a bylaw in place Police are empowered under the Land Transport (Enforcement Powers) Amendment Act to attach a warning notice to vehicles that breach a road safety bylaw, and to impound that vehicle if a further breach takes place within 90 days of the warning notice being issued. In addition offences may be

summarily convicted in the courts. It should be noted that the provision to restrict the vehicle movements is contained within the bylaw, and that the defined areas are appended to the bylaw, and not a part of the bylaw itself. In practice this means the Council can extend the activity by Council resolution alone.

Following consideration of this matter, and support by the Police Liaison Working Party it is proposed that the prohibited area be extended as per option 2 and as stated in the recommendation of this report.

## IMPLICATIONS ASSESSMENT

### Decision Making

In terms of the council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

### Well-Being

This matter will promote the following well-beings:

Social       Economic       Environmental       Cultural

The nuisance caused to the businesses in the area, and the economic and environmental effects of the damage caused by the anti social driving has a direct cost to the Council, Police and the businesses affected.

### Community Outcomes

This matter contributes to the following community outcomes:

Connected       Skilled       Prosperous       Secure and Healthy  
 Together       Vibrant       Sustainable

### LTCCP / Annual Plan

Is this matter currently budgeted for?       Yes       No

Some additional costs will be incurred for signage within the prohibited areas, however these costs will be minimal compared to the potential additional costs incurred as a consequence of continued street racing and cleaning up the associated damage.

### Consistency with Policy and Plans

The matters addressed in this report are consistent with the provisions contained in the NPDC Traffic Bylaw 2008 (Part 13).

### Legal

The Council has the legal authority to set bylaws and restrict vehicle movements where nuisance is caused, under the Local Government Act 2002 and the Land Transport (Enforcement Powers) Act 2009.



## ITEM B2

## ITEM FOR RECOMMENDATION

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### **Tangata Whenua Maori**

There are no specific matters affecting Maori.

### **Persons Likely to be Affected**

Persons likely to be affected by the proposed course of action are the businesses affected and others adjacent to the industrial area, the Police, the Council Roding and Enforcement Teams and the street racers themselves.

### **Risk Analysis**

The risk in making this decision is that the street racing becomes displaced to another industrial area. The risk in not making the decision is that the problem continues for the businesses, and that Police have limited tools to enforce breaches of the legislation, where no offence can be proven.

### **APPENDICES**

Appendix A: Map of extended street racing prohibited areas

Appendix B: Part 13 NPDC Traffic Bylaw extract

**CONSULTATION POLICY – REVISION 2011**

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<b>PREPARED BY:</b>	Louise Tester (Senior Policy Advisor)
<b>TEAM:</b>	Corporate Strategy and Policy
<b>APPROVED BY:</b>	Kate Macnaught (Manager Corporate Strategy and Policy)
<b>WARD/COMMUNITY:</b>	District Wide
<b>DATE:</b>	18 February 2011
<b>FILE REFERENCE:</b>	PP-03-04-01, DM 1111515

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**PURPOSE**

The purpose of this report is to present a revised Council Consultation Policy for consideration by the Council.

**EXECUTIVE SUMMARY**

The report sets out the reason for the Council to have a Council Consultation Policy and proposes an updated reviewed policy for re-adoption.

**RECOMMENDATION**

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

- a) **Council Consultation Policy P09-01 be revoked;**
- b) **Council Consultation Policy at Appendix A be adopted.**

**BACKGROUND**

The Council regularly engages in a wide range of consultations with the community, interest groups and stakeholders. Whilst there are procedures attached to the undertaking of statutory consultations under the Local Government Act 2002, Resource Management Act 1991 or Reserves Act 1977 and other legislation, much of the Council's consultation does not have a statutory basis. The majority of consultations are undertaken to help inform Council's decision-making processes and gain feedback on proposals and plans.

A consultation policy is a desirable document for the Council. It would help the elected representatives, Council managers, staff and the community to understand when and how the Council will consult.

The first Council Consultation Policy was adopted in March 2009, with a review timeframe of two years, thus an updated policy is presented for re-consideration. Since the adoption of this first policy, there have been amendments to the Local Government Act 2002 which guides much of the policy content, thus it was necessary to update the policy to reflect these legislative changes.

**ITEM B3****ITEM FOR RECOMMENDATION**

Following the implementation of the policy, Council staff also maintain a register of consultations which are regularly presented to the Executive Leadership Team. A copy of this register will now also be presented to the Monitoring Committee on a quarterly basis.

Council staff are supported in their planning and execution of consultations through the provision of guidance documentation and when required, or desired, supported by the Corporate Strategy and Policy Team. This guidance and support ensures consultations are carried out to a high and consistent standard.

**DISCUSSION**

The Draft Council Consultation Policy (Appendix A) does not prescribe a process, but merely sets out a series of principles that the Council should be aware of when planning and undertaking consultations, as well as setting out the key statutory obligations.

The proposed revised policy does not represent substantive change to the one originally adopted, it clarifies and updates the statutory information as a result of legislative change.

**OPTIONS**

The options are to:

- 1) Adopt the amended policy, with the updated legislative references.
- 2) Not adopt the amended policy.

The recommendation is Option 1.

**IMPLICATIONS ASSESSMENT****Decision Making**

In terms of the Council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

**Well-Being**

This matter will promote the following well-beings:

Social       Economic       Environmental       Cultural

Efficient effective engagement is a core requisite for Council operations to ensure that the services, projects and programmes will deliver promotes community wellbeing.

**Community Outcomes**

This matter contributes to the following community outcomes:

- Connected     
  Skilled     
  Prosperous     
  Secure and Healthy  
 Together     
  Vibrant     
  Sustainable

Engagement and consultation can have demonstrable benefits for the seven community outcomes, and the services that sit within their remit.

**LTCCP / Annual Plan**

Is this matter currently budgeted for?       Yes       No

All consultations are budgeted for within operational budgets.

**Consistency with Policy and Plans**

There is no inconsistency with any other Council policy or plan.

**Legal**

The Council's key legal obligations to consult are via the Local Government Act 2002 and the Resource Management Act 1991. All legislative obligations are detailed within the policy.

**Tangata Whenua Maori**

The Local Government Act 2002 sets out the legal requirement for Councils to provide opportunities for Maori to participate in and contribute to decision-making processes. In addition the Council has specific obligations to consult as part of the treaty settlements. These are set out in the Ngati Tama and Ngati Mutunga Settlements Acts respectively.

**Persons Likely to be Affected**

All persons within the district at some time will be affected by or interested in a matter of Council business, thus having a policy in place to safeguard their democratic participation in Council business is an important and useful tool

**Risk Analysis**

The risk in not adopting the amended policy is that its references are not in line with current legislative provisions.

**APPENDICES**

Appendix A – Council Consultation Policy 2011.

## Appendix A



**NEW PLYMOUTH DISTRICT COUNCIL**  
newplymouthnz.com

## Consultation Policy

### ***What is public consultation?***

Public consultation is the process in which an individual (or group) takes part in specific *dialogue or engagement that influences* a decision-making action. It is a coalition of effort and is often used to refer to processes in which persons or groups take an active part in planning and decision-making, implementation, learning and evaluation of a given issue.

### ***Purpose of the policy***

New Plymouth District Council is committed to engaging with its community, partners and staff to support the delivery of its decisions. The Council wants to ensure that those being consulted are clear about what they can reasonably expect to influence as a result of engaging in a process.

This consultation policy sets out:

- How participation and consultation is integrated into decision-making and the long-term planning cycle.
- When, how and who the Council will engage with so as to improve the quality of outcome focussed decision making by the Council.

The purpose of this policy is to:

- Ensure that the Council consults with the community in an appropriate and lawful manner.
- Ensure the Council's consultation methods are effective and efficient.

### ***Principles of consultation***

As stated in the Local Government Act 2002, there are a number of principles of consultation which must be utilised when a local authority embarks on a consultation process, whether voluntarily or under statutory requirement (s82).

The Act also sets out a number of circumstances in which the special consultative procedure must be used. Part 6 sets out the requirements for the special consultative procedure generally (s83 and S83A), and specifically in relation to each use of the special consultative procedure (ss84-88).

The main principles state that:

1. Persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of the person.
2. Persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority.
3. Persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of the views presented.
4. Persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons.
5. The views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making decisions, due consideration:
6. Persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions.

A local authority must ensure that it has in place processes for consulting with māori in accordance with the principles laid out in the Local Government Act 2002.

### ***Why the Council consults***

The Local Government Act 2002 (LGA2002) sets out the duty of councils to give consideration to the views of those affected by, or have an interest in the Council's decision or matter under consideration. Section 10 of the act, encapsulates the purpose of local government:

*' to enable democratic local decision making and action by, and on behalf of communities; and to promote the social, economic, environment and cultural well-being of communities, in the present and for the future'*

In achieving this purpose, the Council will engage with its community in a wide variety of public participation.

Part 6 of the LGA2002 (s78, ss81-83, ss91-93), lays out the specific obligations of local authorities in relation to planning, accountability, decision making and consultation. The core premise of these obligations is that Council decisions must consider the views and preference of persons likely to be affected, by, or have an interest in the matter. As part of this obligation opportunities must be established for māori to participate in and contribute to decision making.

Alongside day-to-day decision making, the Council, as set out in s83 of the LGA2002, has the obligation to adopt the special consultative procedure (SCP) for certain consultations. An SCP must be used for:

- The adoption or amendment of a long-term plan (*LTP*) – s84 (*Appendix 1*).
- The adoption of an annual plan - s85.
- The making, amendment or revocation of bylaws, and fees prescribed by bylaw – s85, 150, 156 and 159.
- A change of mode of delivery of a significant activity- s88.
- The adoption or amendment of the policy on significance - s90.

The adoption of the funding and financial policies - s102 (revenue and financing policy, liability management policy, investment policy, policy on development contributions or financial contribution, ~~policy on partnerships between the local authority and the private sector~~, policy on the remission and postponement of rates on māori freehold land, rates remission policy and rates postponement policy)

- Adoption of assessment of water and sanitary services (unless included in the *LTP*) - s125.
- Transfer of responsibilities, unless included in annual plan or *LTP* - s17.
- A proposal to establish a Council-controlled organisation - s56.

The Council will endeavour to use a single annual plan or *LTP* Special Consultative Procedure where possible and practicable for the adoption or amendment of the above policies.

An SCP can also be used where the Council determines the matter is of enough significance to require the adoption of this consultation procedure.

In addition to the Local Government Act 2002, the Council has statutory responsibilities to consult as part of the following legislation:

- Building Act 1991 – s25.

- Energy Companies Act 1992 – s24.
- Local Government (Rating) Act 2002 – s55, s123.
- Resource Management Act 1991 – ss33, 36.
- Land Transport Management Act 2003 – cl.12-18.
- Reserve Act 1977 – s24 and s24a, s41.
- Ngati Tama Claims Settlement Act 2003.
- Ngati Mutunga Claims Settlement Act 2006.

There are a range of other practical reasons why the Council consults and communicates with the community and these include:

- **Open and transparent government.** As publicly accountable bodies our community have a democratic right to be both engaged and involved in decision making processes.
- **Making good decisions.** Councils are continually faced with decisions for which there is no simple or single option. Good decisions therefore rely on the community's feedback to inform the Council's judgements.
- **Representation.** Those who will be affected by a decision have the right to have their views considered as part of the decision making process.
- **Acknowledging the special relationship with tangata whenua.** The Council consults specifically with tangata whenua to make the district a community where the special relationship with tangata whenua is recognised, strengthened and valued.
- **Facilitation and relationship building.** The exercise of communicating and consulting with the community is an important means of sustaining and maintaining an on-going relationship with the community.
- **Future participation.** By use of a range of methods to encourage the community to become involved in the running of its Council, in a non threatening positive way that nurtures future involvement.
- **Inclusion.** To provide means for the community to have their views heard and for them to become actively involved with the decision making processes of the Council.
- **Empowerment.** Encouraging participation as a means of enabling community members to voice their views on community matters.
- **Stability.** To provide feedback that enables the Council to make informed decisions that will be sustainable over the long term.

- **Providing best value.** Understanding the needs and wants of the community as a fundamental prerequisite to delivering services and improvements at the level needed or wanted by the community.
- **Organisational and service development.** By engaging with our community we are better placed to develop services that align to community wants and needs.
- **Public relations and communication.** Communication and active involvement in decision making processes enables the information to be imparted about the Council and its services.
- **Conflict resolution and mediation.** At times consultation can be used to defuse community anxiety over an issue or potential issue.

### ***When the Council will consult***

Following the principles of consultation outlined in the LGA (s82) the Council will determine when consultation is appropriate by exercising its discretion as stated in LGA (s82) subsection 3.

However, local authorities are also required to adopt a policy on significance. The policy on significance will set out the Council's general approach to issues of significance, and any thresholds, criteria or procedures it will use. Significance is relevant to the standard of compliance required with the decision-making requirements.

### **When significant decisions need to be made**

The Council will consult whenever a 'significant decision' needs to be made and there is time to do so, or when it is a legal requirement to consult (primarily set out under the LGA 2002). A significant strategic decision is one that significantly affects whether or not the community and its Council will achieve its vision and objectives as set out in the Community Plan. If the result of a decision compromises the Community Plan, then it is a departure from what has been formally agreed with the community, and the community will have the opportunity to consider the implications of this.

Decisions can be significant<sup>1</sup> for different reasons. They can be:

- **Financially significant** (the financial, resource and other costs of a decision).
- **Significant to well-being** (the impacts upon the current and future cultural, economic, environmental and social well-being of the district or region).
- **Significant to the community** (or any persons who are likely to be particularly affected by or interested in the issue, proposal, decision or matter).
- **Significant to service delivery** (the achievement of or the ability to achieve the Council's stated levels of service as set out in its community plan).

<sup>1</sup> Extract: New Plymouth District Council's Policy on Significance

- **Significant to the Council** (the affect on the capacity of the local authority to perform its role and carry out its activities now and in the future).

Significance will be the primary consideration guiding a local authority's decision regarding the standard of compliance. If a decision is determined 'significant' then a higher standard of compliance can be expected. However, the Council would not be expected to undertake detailed or extensive decision-making processes for less significant matters.

### ***When not to consult***

Information is always necessary, but there may be times, when it is not necessary to engage the community in an issue or decision.

The Council will have a presumption to consult, as per this policy and its associated Policy on Significance on all issues of strategy, policy, planning and changes in service delivery operations. However, consultation may not be required when:

- The issue is already addressed by the Council's policies or plans, which have previously been consulted upon.
- There is no decision to be made.
- The costs and benefits of the decision are not significant to the community as a whole, or specific groups or individuals (refer to the Council's Policy on Significance).
- Confidentiality is necessary and allowed under the Local Government Official Information and Meetings Act 1987 and is judged by the Council not to be in the wider public interest.
- There are no practicable alternative options to choose from (refer to the Communications Strategy for guidance on informing the community, as the community affected or interested have a right to understand this issue and the rationale for the approach taken).
- In the case of an emergency, where an immediate response is necessary.

### ***The extent and scope of the consultation***

In general, the costs of consultation should not exceed the benefits of it. In terms of cost benefit analysis, in some instances this will not be quantifiable, particularly in areas of amenity benefit or community development. Whether the costs outweigh the benefits will require a degree of professional and political judgement in line with the Council's Policy on Significance.

The level of consultation needs to be tailored to the size and impact of the issue and be guided by the principles outlined in this policy. Consideration will therefore be based upon the following:

- **Significance** (as detailed in the section 'when the Council will consult').

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- **Affected parties.** If the affected party is an identifiable group or locality it might be acceptable to limit the consultation to that group or location.
- **Risk.** This is linked to significance but can also extend to the political risks associated with the issues.
- **Sensitivity of the issue.** It may not be significant, but knowledge of the issue suggests that a strong process is needed to ensure the issue is addressed in the manner, which is appropriate.
- **Likelihood of legal challenge.** This will dictate that a comprehensive process of engagement needs to take place.
- **Ability to influence.** If community engagement cannot influence an outcome, then there is a need to inform the community.
- **Costs.** Staff time, costs of processes and analysis, production of document etc.

**Guidance to officers**

In conjunction with the adoption of this policy, guidance documentation for officers will support the effective implementation of this policy.

***Duration of policy***

This policy will be subject to review three years after its formal adoption, or before as required by a change of legislation or other significant prompt.

***Date of Adoption***

This policy approved by the New Plymouth District Council Policy Committee on (*insert date*).

*This policy replaces P09-01, March 2011*

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**FLUORIDATION CONSULTATION**

**PREPARED BY:** Louise Tester (Senior Policy Advisor)  
**TEAM:** Corporate Strategy and Policy  
**APPROVED BY:** Anthony Wilson (General Manager Community Assets) & Frank Versteeg (General Manager Strategy and Policy)  
**WARD/COMMUNITY:** District Wide  
**DATE:** 24 February 2011  
**FILE REFERENCE:** WW-04-09-08-13, DM 1114065

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**PURPOSE**

The purpose of this report is to present an overview of the consultation process it is recommended be undertaken regarding fluoridation of the drinking water supply in the district.

**EXECUTIVE SUMMARY**

Since 1970 New Plymouth District Council has fluoridated the New Plymouth (including Waitara and Lepperton since 1990 and Urenui since 1999) water supplies. However over the past ten years, there have been many submissions on this matter calling for fluoridation of the water supply to cease. In 2002 the Council undertook a 'tribunal' decision making process on this matter, after which the Council resolved to continue fluoridation of the existing fluoridated supply. Following recent submissions during the 2010/11 Annual Plan consultation, the Council resolved to consult the community on this matter again.

Fluoridation of the water supply is used to support dental health, and is advocated by the Ministry of Health and World Health Organisation. However, there are claims that fluoridation of the water supply does not improve dental health to the extent claimed; and that excessive accumulation in the body can cause harm. Both arguments are convincing and legitimate, and with this in mind the Council has resolved to engage in a process to allow the community to present their knowledge and information to support the Council making a choice about both the continuation of fluoridation (or not), and its possible extension to other parts of the water supply not currently fluoridated.

**RECOMMENDATION**

**That having considered all matters raised in the report the matter of fluoridation of the water supply be consulted upon between August and October 2011 using the 'tribunal' decision making process.**

**BACKGROUND**

Since 1970 New Plymouth District Council has fluoridated the New Plymouth water supply. The connection of Waitara and Lepperton (in 1990) and Urenui (in 1999) to the New Plymouth supply meant that those communities also now receive a fluoridated supply.

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Currently the water supplies from Inglewood, Okato and Oakura are not fluoridated. In May 1992, following a letter from the Taranaki DHB, the Council agreed to fluoridate the supplies provided that no more than 50% of the registered electors objected. On 10 August 1992 (PP93-015) the Council resolved in the matter of fluoridating the water supply for Okato, Inglewood and Urenui that “the matter of fluoridation of the said water supply be determined as a formal poll of the registered electors in the respective water supply”. The poll results were against the fluoridation of the supplies, so they continue to be un-fluoridated.

Fluoridation has been on the Council agenda for many years. In the past 10 years, there has been some Council debate on the issue. In 2000 the Council resolved that more information be supplied by officers on the matter of fluoridating the water supply following the receipt of 33 submissions as part of the annual planning process. In August 2002, the Council resolved to undertake a consultation process regarding the fluoridation of the New Plymouth water supply. On 2 November 2002 a Council meeting was held in the form of a hearing ‘to enable interested groups and members of the community to present their views and evidence, either for or against the fluoridation of the water supplied from the New Plymouth Water Treatment Plant’. Twenty four people engaged in the hearing, and at the end of the process the Council resolved to continue to fluoridate the New Plymouth central water supply.

In June 2001 a request was made by local dentists seeking the introduction of fluoride to the supplies not yet fluoridated. Whilst the ‘tribunal’ model was supported this lay on the table pending a postal referendum. In April 2002 (without the ballot) the Council resolved to keep those supplies un-fluoridated. Since 2005 up to 2010, in all but one of the Community or Annual Plans, the Council has received submissions from people both supportive and opposed to the fluoridation of water.

In 2010, following a submission by the Fluoride Action Network of New Zealand, the Council resolved the following:

*“That having considered the submission from Fluoride Action Network New Zealand (Inc) (FANNZ) relating to the addition of fluoride to treated water and all matters raised in the report, it be noted that the Council has not consulted on this matter in Budget 2010/11 and that the current practice of fluoridating New Plymouth drinking water within accepted guidelines will be investigated using the special consultative procedure in the next term of the Council.”*

### DISCUSSION

Fluoridation is a hotly contested issue, with polarised views both in support and opposed to the matter. The sources of information available on the pros and cons of fluoridation are many and varied. Whilst scientifically verifiable information will be utilised and referred to in the public consultation, the politics and emotion of fluoridation will also yield impassioned views about the subject. Thus, the management of this process and the verification of information need to be carried out in a structured and formal manner.

The matter of inconsistency of the application of fluoridation to different NPDC water supplies is equally a matter that should be addressed, notwithstanding historical decisions

leading to differing levels of service between NPDC water supplies. The Council must therefore ask itself if the benefits (in terms of well beings) of fluoridation are demonstrable for the New Plymouth supply, then shouldn't the same occur for the Inglewood, Oakura and Okato supplies? (or vice versa).

Whilst the sources of information available on the pros and cons of fluoridation are many, varied and contested, through its responsibility for the well-being of the community as clearly stated in the Local Government Act 2002, the Council is mandated to seek information on the matter of fluoridation and make a decision on behalf of the community relating to a preferred outcome as based on the information received during the consultation.

### Scope of the consultation

It is proposed that the consultation is likely to receive information relating to three options relating to the fluoridation of the water supply:

1. Continue the status quo (fluoridation of the New Plymouth, Waitara and Urenui water).
2. Expansion of the fluoridated areas to include Inglewood, Okato and Oakura.
3. Cease fluoridation of New Plymouth water supply and effectively all NPDC water supplies.

### Consultation approach

Fluoridation has been consulted upon by New Zealand local authorities for many years using a variety of consultation methods. A summary of the main consultation option available to the Council is shown in Appendix A. Each consultation method has costs and benefits, and based on an assessment of these it is proposed that the Council employ the same method used in the 2002 consultation, a 'tribunal' model (a Council hearing in effect).

In September 2002 a report was produced by the Institute of Environmental Science and Research Limited (ESR) which contributed to the Ministry of Health's fluoridation policy. This report identified and assessed the importance of factors impacting upon Council decision-making in relation to fluoridation of public drinking water supplies. The executive summary of the report is attached as Appendix B.

In July 2004 a paper was produced by the ESR called "The not-so-hidden politics of fluoridation". This report is attached as Appendix C. This paper highlights the previous New Plymouth 'tribunal' model as an appropriate process for this type of decision-making as quoted on Page 16 of the report.

*"Given the multiple problems associated with fluoridation issues, and the need for robust participatory processes, this study concludes that the New Plymouth Tribunal provides a good model for local governments when dealing with contentious issues such as fluoridation of public drinking water supplies. The unbiased invitation to participate; adequate time for presentations; incorporating scientific information with local-specific data and anecdotal stories; acceptance of the decision-making mandate by the council along with the absence of*

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*party politics provided a robust process contributing to the ability of the council and the community to respectively make and accept the consequent decision.”*

Using this process, the community will be notified that the Council wishes to consult on the fluoridation of the district’s water supply, and seek submissions on the matter. The Council would not propose policy options; the consultation will be broad and open. Following the receipt of submissions, persons and organisations representing the diverse views put forward would be invited to present their information and thoughts to the Council hearing. A right of reply and additional public comment would be invited. Following the community’s presentation of all of its information and data, the Council would deliberate and make a ruling for the district (or parts of the district) on the fluoridation of the water supply.

**Consultation timing**

It is important for the consultation on this matter to be disentangled from other consultations that the Council is embarking in 2011. It is therefore proposed that the consultation take place between August and October 2011 (after the Annual Plan, after the Long Term Plan consultation and prior to the commencement of formal Long Term Plan consultations).

**OPTIONS**

The options are to:

1. Approve the proposed consultation option of using the ‘tribunal’ model approach to address the question of fluoridation of the water supply.
  - i) Allow the consultees to frame their opinions in the context of a broader theme of fluoridation of the district’s water supply.
  - ii) Define the question(s) to be asked of the consultation.
2. Select an alternative method for consulting on this matter (as per the options set out in Appendix A).
3. Rescind the 2010 resolution to re-examine the matter of fluoridation and maintain the status quo.

It is proposed that the Council use the ‘tribunal’ model (option 1) based on its effectiveness in 2002, the conclusion of the ESR research and a wider assessment of the costs and disadvantages of the alternative options.

It is proposed that the Council allow the consultation results to emerge from a broad theme relating to fluoridation (option 1(i)) as opposed to the presentation of questions or options.

Option 3 is not recommended as the issue of different levels of service in the district water supplies would remain.

**IMPLICATIONS ASSESSMENT****Decision Making**

In terms of the Council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

This matter is of low significance to Council's level of service and financial considerations, but of higher significance to the community, many of whom have strong views on the matter.

**Well-Being**

This matter will promote the following well-beings:

Social       Economic       Environmental       Cultural

Fluoridation of the water supply is suggested to have a strong positive correlation to dental health, thus contributing to social well-being.

**Community Outcomes**

This matter contributes to the following community outcomes:

Connected       Skilled       Prosperous       Secure and Healthy  
 Together       Vibrant       Sustainable

Fluoridation of the water supply is suggested to have a strong positive correlation to dental health thus potentially impacting upon the dental and general health of the community.

**LTCCP / Annual Plan**

Is this matter currently budgeted for?       Yes       No

The cost of fluoridating the water supply is contained within the Water and Waste operational budget.

**Consistency with Policy and Plans**

The current fluoridation practices of the water supply are consistent with previous Council decisions.

**Legal**

The Council does not have a legal obligation to fluoridate the district's water supply. It does however have an obligation to attend to the social, environmental, cultural and economic wellbeing of the community as enshrined in s10 of the Local Government Act 2002.

**Tangata Whenua Maori**

According to Ministry of Health data, Maori have lower standards of oral health, and can thus benefit more from the fluoridation of water (Hauora: Māori Standards of Health IV, 2005).

## ITEM B4

## ITEM FOR RECOMMENDATION

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### Persons Likely to be Affected

Most persons in the district are likely to be interested and or affected by this matter.

### Risk Analysis

The risk with this matter is that any consultation process the Council engages in needs to be robust, transparent, and equitable and open to all interested and affected parties.

### APPENDICES

Appendix A Alternative Consultation Options.

Appendix B Institute of Environmental Science and Research Limited (2002)  
Identification and Assessment of Factors Impacting Upon Council  
Decision Making in Relation to the Fluoridation of Public Drinking Water  
Supplies, Executive Summary.

Appendix C Institute of Environmental Science and Research Limited (2004)  
The Not-so-hidden Politics of Fluoridation.

### Appendix A – Consultation Options

The options available for consultation are:

- **External surveys/polls.** The Council could engage an external research company to poll or survey the community. This is a costly measure, but with structured sampling could be viewed as being statistically rigorous.
- **Focus groups.** This is a small scale low cost means of targeting representative groups and geographical areas of the community and using them as a sounding board. The small group organisation can prove effective in engaging people in a debate beyond a superficial level.
- **Formal consultative procedure (statement of proposal approach).** Produce a set of policy options, accompanied by background data and seek public submissions of a preferred option. Hold a hearing for the Council to consider and deliberate on the matter. Engagement is likely to be limited to a small group of the community who are interested or affected by the matter.
- **In house surveys/polls.** The Council could produce an in-house survey, which could be completed online, in writing and or using the telephone. This is a cost effective measure, and could engage persons who would not otherwise participate in a process. However it is questionable whether the Council's team has the time or statistical skills to ensure the robustness and rigour of this method in terms of both sampling and data analysis.
- **Online engagement.** An interactive tool could be used to demonstrate both sides of the debate, as well as an opportunity for a poll. It allows the community to engage itself in an active conversation about the matter, hearing and listening to a wide range of opinions. It allows the Council to follow the debate as it unfolds, prior to any deliberation on the matter.
- **Public meetings/Hui.** Meetings and hui could be held across the district communities, where information would be tabled, and comments from the community invited. This is a low cost, but time intensive means of engaging in an individual community. It would allow the community itself to debate where it sits, and potentially lead to a community consensus on the matter.
- **'Tribunal' model.** The process of 2002 could be repeated. Submissions would be sought on the matter. Representatives, at a Council hearing could speak and present information in favour or against the fluoridation. The session would be open for supplementary public comment and clarification. This would inform the Council's immediate deliberation and ruling on the matter.
- **Referendum.** A poll of the community seeking a definitive yes or no to the questions posed. This is an expensive tool, is likely to yield the participation of a small proportion of the community, and is easily subject to capture. It also requires the Council to make choices about the quantity and quality of the complex, technical information that the community will require to enable them to answer the questions in an informed way.

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**ELECTED MEMBERS REMUNERATION – REVISED ALLOWANCES AND EXPENSES POLICY**

**PREPARED BY:** Julie Straka (Committee Adviser)  
**TEAM:** Secretariat  
**APPROVED BY:** Frank Versteeg (General Manager Strategy and Policy)  
**WARD/COMMUNITY:** District Wide  
**DATE:** 8 March 2011  
**FILE REFERENCE:** DP-09-06, DM 1116978

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**PURPOSE**

The purpose of this report is to advise that the Remuneration Authority has not approved the Expense Rules recommended by the Council and to recommend that revised rules be forwarded to the authority for their consideration.

**EXECUTIVE SUMMARY**

This report recommends the approval of revised Expense Rules for consideration by the Remuneration Authority.

**RECOMMENDATION**

**That having considered all matters raised in the report the Council recommends for consideration by the Remuneration Authority, the “Expense Rules (Including Reimbursing Allowances) Applicable to Elected Members of New Plymouth District Council For the Period October 2010 to 30 June 2011” as shown in Appendix B.**

**BACKGROUND**

Following the triennial election, the Council considered its remuneration structure and recommended levels of remuneration for elected members; and expense rules for the recovery of expenses which were forwarded to the Remuneration Authority for their consideration. The Remuneration Authority, an independent central government agency, is responsible for allocation of the net remuneration pool and the approval of the expense rules.

**DISCUSSION**

The Remuneration Authority has received and approved the Council’s remuneration recommendation for the balance of the financial year, which has been included in the recently gazetted determination. However, the Authority has not approved the Council’s updated Expense Rules. The Authority has requested that the Council amend their Expense Rules in line with the Authority’s recommended structure for mileage. The requested changes only impacted on the Mayor’s mileage claims. Council officers have been in discussion with the Authority regarding the requested amendments.

In late February, the Authority advised all councils that they had received numerous letters regarding the allowances. Most correspondence related to the 30 kilometres (round trip), the

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imposition of a cap of 5,000 kilometres and arguing for a higher cap or a different rate of reimbursement for distances over that cap. The Authority took the opportunity to set out their rationale and thinking when setting of the rules surrounding allowances. A copy of the letter is attached to this report.

The Authority has now amended the guidelines under which it will approve Vehicle Mileage Allowances and/or Travel time Allowances. The main changes are the removal of a 5,000 kilometre mileage cap, the application of a 'per day' mileage threshold (as opposed to a 'per event' threshold) and the removal of a cap on the number of hours for which travel time may be reimbursed.

The Remuneration Authority has asked that Councils re-submit expense rules complying with the amended guidelines.

A copy of the amended expense rules, to comply with the Remuneration Authority's guidelines, have been appended to this report for the Council's consideration.

**OPTIONS**

The Remuneration Authority has made it very clear that they will not be approving expense rules which are not compliant with their guidelines. The amended expense rules are compliant with those guidelines.

New Plymouth District Council had previously chosen not to provide for a Travel Time Allowance and it has therefore not been included for recommendation within this report.

**IMPLICATIONS ASSESSMENT****Decision Making**

In terms of the council's Significance Policy this matter is of:

Low significance       Medium significance       High significance

The approval of expense rules are an administrative matter which do not impact on the Council's levels of service or community well-beings. The determination of an Expenses Policy is therefore of low significance in terms of the Council's Significance Policy.

**Well-Being**

This matter will promote the following well-beings:

Social       Economic       Environmental       Cultural

The setting of the expense rules is an administrative matter which does not impact on the community well-beings.

**ITEM FOR RECOMMENDATION****ITEM B5****Community Outcomes**

This matter contributes to the following community outcomes:

- Connected       Skilled       Prosperous       Secure and Healthy  
 Together       Vibrant       Sustainable

The setting of the expense rules is an administrative matter which does not impact on the Community Outcomes.

**LTCCP / Annual Plan**

Is this matter currently budgeted for?       Yes       No

Remuneration and expenses reimbursement is provided for in the budget.

**Consistency with Policy and Plans**

There are no relative policies or plans.

**Legal**

The recommendations in this report comply with the requirements of the Local Government Act 2002 and the Remuneration Authority Act 1977.

**Tangata Whenua Maori**

This is an administrative matter which has no Tangata Whenua Maori implications.

**Persons Likely to be Affected**

This is an administrative matter affecting elected members.

**Risk Analysis**

Nil.

**APPENDICES**

- a) Correspondence from the Remuneration Authority (23 February 2011).
- b) Revised Recommended Rules for the Recovery of Expenses