

MINUTES OF COUNCIL MEETING

File Reference: ECM7897441
Meeting Date: Friday 7 December 2018 at 2pm
Venue: Civic Centre, Liardet Street, New Plymouth.
Members Present: Mayor Neil Holdom, Councillors Shaun Biesiek, Gordon Brown, Murray Chong, Stacey Hitchcock, Colin Johnston, Richard Jordan, Alan Melody, Marie Pearce and John Williams

Non Members Present:

Community Board Members: Andrew Larsen (Waitara Community Board Chairperson), Ken Bedford (Clifton Community Board Chairperson), Joe Rauner (Waitara Community Board Deputy Chairperson), Jonathan Marshall (Waitara Community Board);

Staff in Attendance:

Alan Bird, Nadia Phillips, Julie Straka, Catherine Croot, Alison Trustrum-Rainey, Jacqueline Baker, Greg Stephens, Dee Jury, Charlotte Dunning, Delwyn Masters, Aroha Chamberlain, Ian Baker, Liam Hodgetts.

Apologies

Council Resolution:

Cr Pearce)

Cr Brown)

That the apologies for absence from Crs Harry Duynhoven, Richard Handley, Mike Merrick, Roy Weaver and John McLeod be received.

Carried

Acknowledgements

The Council acknowledged former Member of Parliament and former New Plymouth City Councillor, John Armstrong, who passed away on Wednesday, 5 December 2018. All present stood in silence as a mark of respect.

Deputations

- Graham Porter (individual)
- Trent Hall (individual)
- Jonathan Marshall (individual)
- Jeanie Boon(individual)
- Jo Moore (individual)
- Natarsha Giddy (individual)
- Brian Buckham (Individual)
- Mike Townes (Individual)
- Bill Simpson (individual)
- Grant Knuckey (individual)

WAITARA LANDS BILL

ECM 7840828

The matter for consideration by the Council is the adoption of a Supplementary Order Paper for the New Plymouth District Council (Waitara Lands) Bill that will make the final changes to the Bill and thereby enable its enactment by Parliament.

Council Resolution:

Cr Johnston)

Cr Williams)

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

- a) Notes that the Council has been considering the competing interests in the Waitara endowment lands since the Council was formed in 1989, with the New Plymouth District Council (Waitara Lands) Bill being the third process to attempt to provide a resolution
- b) Acknowledges that:
 - i) Waitara was confiscated from Manukorihi and Otaraua hapū by the Crown in 1865, and that part of Waitara was then transferred by the Crown to the Council's predecessors as endowment land
 - ii) the Council's possession of the Waitara endowment lands has caused significant pain and grievance for Manukorihi and Otaraua hapū as the original owners of the land
 - iii) The Council is limited by its financial and legal obligations to all 82,000 residents from being able to return the land to Manukorihi and Otaraua hapū
- c) Acknowledges that leaseholders have had issues with the leasehold nature of their properties, particularly the rising rental charge and inability to freehold despite indications that they would be able to do so
- d) Acknowledges that the New Plymouth District Council (Waitara Lands) Bill provides a way forward which is satisfactory for Manukorihi and Otaraua hapū, whilst still benefiting leaseholders and the wider Waitara community, but the Bill is not perfect for any party
- e) Note that the New Plymouth District Council (Waitara Lands) Bill is currently awaiting consideration by the Committee of the Whole House, the final parliamentary stage at which changes can be made, and that making such changes at this stage is common practice and done by way of a Supplementary Order Paper
- f) Note on 2 October 2018 the Council agreed in principle (in public excluded) to a range of changes to the New Plymouth District Council (Waitara Lands) Bill and that these are largely the same as below albeit subject to further refinement, technical drafting and legal advice
- g) Approves the following changes to the New Plymouth District Council (Waitara Lands) Bill:

- i) Finalise the transfer of all land in the Bill that would have gone under the Bill to Te Kotahitanga o Te Ātiawa Trust to Te Kōwhatu Tū Moana (a new entity to represent the hapū) instead
- ii) Extend the land transferred to Te Kōwhatu Tū Moana as co-governance reserve land to include all Council-owned reserves in Waitara (West Quay, Kinkade Park, Victoria Park, Tangaroa Reserve, Barclay Park, Pennington Park, East Quay, Memorial Park, and Manukorihi Local Purpose Reserve)
- iii) Provides for the transfer of underlying title and shared administration of the Crown-owned Pukekohe Domain between Te Kōwhatu Tū Moana and the Council
- iv) Enable Te Kōwhatu Tū Moana to purchase the other 5 Crown reserves (part of Ranfurly Park, James Nuku Reserve, Te Puna Park, Joll Street Reserve, Manukorihi Park) in Waitara in the future, to then be administered as co-governance reserve with the Council
- v) Grant to Te Kōwhatu Tū Moana a right of first refusal to purchase any leasehold land that the Council intends to sell to someone other than the leaseholder (noting this does not affect leaseholders' rights)
- vi) that Te Kōwhatu Tū Moana can trigger the transfer of Ranfurly Park and Waitara Golf Club without further Council agreement rather than as a right of first refusal
- vii) Enables the Council to transfer land Te Kōwhatu Tū Moana and be reimbursed in the future from the Hapū Land Fund
- viii) remove the Hapū Land Fund Committee and instead provide Te Kōwhatu Tū Moana to directly administer the Hapū Land Fund
- ix) Manukorihi and Otaraua hapū's costs in considering the Bill be considered as a historic cost
- x) a rewritten preamble that reflects Manukorihi and Otaraua hapū's history in Waitara
- xi) make the process easier for leaseholders who are freeholding through going straight to valuation rather than the Council setting a price before it being independently valued
- xii) Provides changes to the provisions relating to Taranaki Regional Council's share of funds and ongoing operation so as to:
 - Require consideration of the long-term use of funds
 - Clarify that building the environmental capacity and capability of mana whenua is an appropriate use of funds
 - Enable further iwi authorities to become party to the co-governance arrangements if appropriate

- xiii) Technical changes to ensure the Bill operates as intended
- h) Adopts the Supplementary Order Paper and promote it to Jonathan Young, Member of Parliament for New Plymouth.
- i) Notes the “Agreement relating to matters concerning the New Plymouth District Council (Waitara Land) Act 2018” is a side agreement to bind both the Council and Te Kōwhatu Tū Moana in relation to a wide range of related matters, including:
 - i) An identified list of land likely to be subject to Council requirements (with none of it being reserve land) that, following appropriate processes including further Council resolutions, can be transferred to Te Kōwhatu Tū Moana (noting that 2 North Street has already been declared surplus by Council resolution)
 - ii) Provide additional restrictions preventing the revocation of reserve status through requiring both parties to act jointly before either could seek reserve status revocation and requiring Manukorihi and Otaraua hapū to pay current market value at the time of reserve status being revoked (or may pay current market value at an earlier date)
 - iii) A commitment to consider any application in good faith to either name, or rename, roads and Council assets in Waitara, or to seek a waiver or remission of Council rates or fees (noting relevant statutory requirements and Council policies must still be applied)
- j) Approves “Agreement relating to matters concerning the New Plymouth District Council (Waitara Land) Act 2018” and agrees to affix the Common Seal to it
- k) Delegate to the Mayor and Chief Executive to approve any drafting changes that do not affect the principles of the Bill and agreement (as outlined in this resolution) before the Supplementary Order Paper is promoted to Jonathan Young MP or “Agreement relating to matters concerning the New Plymouth District Council (Waitara Land) Act 2018” is signed and the Common Seal is affixed to it

Carried

At the conclusion of the meeting, Mayor Holdom acknowledged departing Chief Financial Officer, Alan Bird, as being a pillar of strength throughout this process, and noted that Mr Bird's legacy in this community will be seen for many years to come.

Mayor Holdom closed the meeting at 4.18pm.

The Council rose

Read and confirmed

MAYOR