

## MINUTES OF COUNCIL MEETING

**File Reference:** ECM8058961

**Meeting Date:** Tuesday, 2 July 2019 at 3.30pm

**Venue:** Civic Centre, Liardet Street, New Plymouth

**Members Present:** Mayor Neil Holdom, Councillors Shaun Biesiek, Gordon Brown, Murray Chong, Harry Duynhoven, Richard Handley, Stacey Hitchcock, Colin Johnston, Richard Jordan, John McLeod, Alan Melody, Mike Merrick (from 3.49pm), Marie Pearce, Roy Weaver, and John Williams

### Non Members Present:

Community Board Chairperson: Doug Hislop (Kaitake Community Board)

### Staff in Attendance:

Craig Stevenson, Nadia Phillips, Julie Straka, David Langford, Katrina Brunton, Liam Hodgetts, Joy Buckingham, Kelvin Wright, Jacqueline Baker, Rowan Betts, Dion Cowley, Charles Woollin, Ian Baker, Alison Trustum-Rainey, Ben Brown, and Karen Johns

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### Public Forum

- Ms Megan Gundesen and Ms Allie Black (Taranaki Equestrian Network) – *Creating public trails with horses*
- Mr Brett Power – *The effects of 1080 on the district's water supply*
- Mr Ethan Griffiths and Ms Fiona Glennie (School Strike 4 Climate) – *Climate Change; Council Youth Advisory Panel.*

*Cr Merrick arrived at 3.49pm, part-way through the Public Forum.*

### Deputations

*Request for Right of Way Easement for Access and Purchase of Council-owned Land – Central Carpark, Powderham Street, New Plymouth*

- Mr Paul Carrington

*Revised Risk Management Framework Review*

- Ms Ruth Pfister (On behalf of Climate Crisis Action)
- Ms Amanda Clinton-Gohdes

### Minutes

Council Resolution:

Cr Biesiek )

Cr Pearce )

That the minutes of the following meeting of the Council, and the proceedings of the said meeting, as circulated, be taken as read and confirmed as a true and correct record:

21 May 2019

20 June 2019 (Extraordinary)

Carried

*At the Council meeting Cr McLeod abstained from voting on the preceding motion.*

## Committee Minutes

### Council Resolution:

Cr Jordan )

Cr Johnston )

That the minutes of the following meetings, as circulated, be received and:

- a) Decisions made under delegated authority by the committees be incorporated in the minutes of this meeting of the Council.
- b) Recommendations made by committees be included in the business to be considered at this meeting of the Council.

Audit and Risk Committee 12 June 2019

Planning Committee 18 June 2019

Performance Committee 19 June 2019

Carried

## Decisions from the Audit and Risk Committee

File Reference: ECM8045562

Meeting Date: Wednesday, 12 June 2019 at 2pm

Venue: Council Chamber

Members Present: Councillor Richard Jordan (Chairperson), Mayor Neil Holdom, Councillors Roy Weaver and John Williams; Ms Adrienne Young-Cooper

Apologies: Councillor Richard Handley

Non-members Present: Councillors Alan Melody, Colin Johnston, Stacey Hitchcock, and John Mcleod

Staff in Attendance: Nadia Phillips, Liam Hodgetts, Joy Buckingham, Katrina Brunton, Rowan Betts, Ben Ingram, Craig Campbell-Smart and Alison Trustrum-Rainey

## Apologies

### Audit and Risk Resolution:

Mayor Holdom )

Cr Williams )

That the apology for absence from Councillor Richard Handley be received.

Carried

## Minutes

### Audit and Risk Resolution:

Cr Weaver )

Cr Williams )

That the minutes of the Audit and Risk Committee meeting (13 March 2019), and the proceedings of the said meeting, as previously circulated, be taken as read and confirmed as a true and accurate record.

Carried

**1. Internal Audit Charter**

ECM8002118

This report seeks approval of the revised Internal Audit Charter (attached as Appendix 1). The Charter outlines the role and responsibilities of internal audit and how the Executive Leadership Team can support its activities.

*Audit and Risk Committee Resolution:*

Ms Young-Cooper )

Mayor Holdom )

That, having considered all matters raised in the report, the draft Internal Audit Charter be approved.

Carried

**2. Report to the Council on the Interim Audit for the Year Ending 30 June 2019**

ECM8010394

The matter for consideration is to note the Report to the Council on the interim audit prepared by Audit New Zealand as part of the annual audit of the 2019 Annual Report.

*Audit and Risk Committee Resolution:*

Mayor Holdom )

Cr Williams )

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

Carried

**3. Risk Management Update June 2019**

ECM8010956

This report provides an update of risk management activities for monitoring and review purposes.

*Audit and Risk Committee Resolution:*

Cr Weaver )

Cr Jordan )

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

Carried

**4. Legal Compliance Summary June 2019**

ECM8002113

This report provides a summary of the process used to demonstrate legal compliance by Council staff and what actions are being taken to address the non-compliances identified.

*Audit and Risk Resolution*

Cr Weaver )

Cr Williams )

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

Carried

## 5. Insurance Arrangements

ECM8008574

This report provides an update of work underway for the renewal of the Council's insurance arrangements for 2019/20.

### Audit and Risk Resolution

Ms Young-Cooper )

Mayor Holdom )

That, having considered all matters raised in the report, work underway for the renewal of the Council's insurance arrangements for 2019/20 is noted.

Carried

## 6. Proposed Approach to the Self-evaluation of the Audit and Risk Committee

ECM8013224

This report outlines a proposed approach to a self-evaluation of the Audit and Risk Committee, which is a scheduled task in the work programme.

### Audit and Risk Committee Resolution

Cr Jordan )

Mayor Holdom )

That, having considered all matters raised in the report, the proposed approach to the self-evaluation be approved.

Carried

## Decisions from the Planning Committee

- File Reference: ECM8045651
- Meeting Date: Tuesday, 18 June 2019 at 3.30pm
- Venue: Council Chamber
- Members Present: Councillor Roy Weaver (Chairperson); Mayor Neil Holdom, Councillors Richard Handley, Stacey Hitchcock, Shaun Biesiek (from 3.35pm), Murray Chong, Alan Melody, and Mike Merrick
- Non-members Present: Councillors Colin Johnston, Gordon Brown, John Williams, John McLeod, and Richard Jordan
- Staff in Attendance: Nadia Phillips, Craig Stevenson, Charles Woollin, Liam Hodgetts, Julie Straka, Kelvin Wright, Greg Stephens, Mitchell Dyer, Joy Buckingham, and Kimberley Hope

## Minutes

### Planning Committee Resolution:

Cr Melody )

Cr Hitchcock )

That the minutes of the Planning Committee meeting (7 May 2019) and the proceedings of the said meeting, as previously circulated, be taken as read and confirmed as a true and accurate record.

Carried

**1. Solid Waste Management and Minimisation Bylaw: Adoption of Statement of Proposal for Consultation**

ECM8000910

The matter for consideration by the Council is to adopt a Statement of Proposal for community consultation on the draft Solid Waste Management and Minimisation Bylaw as a significant early step towards achieving the Council's Zero Waste vision.

*Planning Committee Resolution:*

Cr Hitchcock )

Mayor Holdom )

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

- a) Note that the current Solid Waste Bylaw has been reviewed in line with the Long-Term Plan 2018-28 service changes and the Waste Management and Minimisation Plan 2017 to achieve the Council's Zero Waste vision, and a new Solid Waste Management and Minimisation Bylaw has been drafted
- b) Determines that the bylaw as proposed is the most appropriate form of bylaw in light on the requirements of the Local Government Act 2002 and Waste Minimisation Act 2008
- c) Determines that the bylaw as proposed does not give rise to any implications under the New Zealand Bill of Rights Act 1990
- d) Adopt the Statement of Proposal to consult the community for the draft Solid Waste Management and Minimisation Bylaw

Carried

*Councillor Biesiek arrived at 3.35pm, part-way through the Officer's introduction of the preceding item.*

**Decisions from the Performance Committee**

File Reference: ECM8045652

Meeting Date: Wednesday, 19 June 2019 at 3.30pm

Venue: Council Chamber

Members Present: Councillor Richard Jordan (Chairperson); Mayor Neil Holdom, Councillors Marie Pearce, Gordon Brown, Colin Johnston, John McLeod; John Williams

Non-members Present: Councillors Alan Melody, Richard Handley; Stacey Hitchcock

Community Board Chairperson Doug Hislop (Kaitake Community Board)

Tracey Jones (Director, New Plymouth PIF Limited)

Kirsty Campbell (Director, New Plymouth PIF Limited)

Philip Houghton-Brown (Chief Investment Officer, Mercer)  
Rhys Weyburne (NZ head of Business Development and Key Account  
Manager, Mercer)  
Robert Kavanagh (Portfolio Manager, Mercer)

Staff in Attendance: Nadia Phillips, Craig Stevenson, Ian Baker, Jacqueline Baker, Liam Hodgetts, Kelvin Wright, Kimberley Hope, Dion Cowley, Liz Beck, Julie Straka, Rui Leitao; Katrina Brunton

## **Apologies**

### Performance Committee Resolution

Cr Pearce )

Cr Johnston )

That the apology for absence from Cr Harry Duynhoven be received.

Carried

## **Minutes**

### Performance Committee Resolution:

Cr Brown )

Cr Johnston )

That the minutes of the Performance Committee meeting (8 May 2019) and the proceedings of the said meeting, as previously circulated, be taken as read and confirmed as a true and accurate record.

Carried

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

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### **1. Perpetual Investment Fund Performance Report – March 2019**

ECM8034254

The purpose of this report is to present the performance of the Perpetual Investment Fund (PIF) for the quarter ended 31 March 2019.

#### Performance Committee Resolution:

Cr Jordan )

Mayor Holdom )

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

Carried

### **2. New Plymouth District Council's 2018 CDP Scorecard (Emissions Disclosure)**

ECM7960016

The purpose of this report is to provide an update on the Council's progress under the international CDP emissions disclosure programme and to also provide an update on other energy/emissions related matters.

Performance Committee Resolution:

Mayor Holdom )

Cr Williams )

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

Carried

*At the Performance Committee meeting Cr McLeod requested his vote against the motion be recorded.*

**3. New Zealand Community Boards Conference 2019**

ECM8001548

The purpose of this report is to provide feedback and views on the NZ Community Boards Conference held in New Plymouth from 11-13 April 2019.

Performance Committee Resolution:

Cr Pearce )

Cr Johnston )

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

Carried

**4. Amendments to Parking Controls**

ECM8001403

The matter for consideration by the Council is amendments to parking controls at various locations across the New Plymouth District.

Performance Committee Resolution:

Cr Pearce )

Mayor Holdom )

That, having considered all matters raised in the report and pursuant to the New Plymouth District Council Consolidated Bylaws 2008 Part 13: Traffic, the following parking controls in the New Plymouth District be imposed:

1. *Brooklands Road, New Plymouth (Brooklands Zoo)*

- Prohibit parking on the west side of Brooklands Road from 2.4m to 5.4m (3.0m) measured in a southerly direction from the prolongation of the south kerb of Victoria Road.
- Prohibit parking on the west side of Brooklands Road from 69.8m to 97.3m (27.5m) measured in a southerly direction from the prolongation of the south kerb of Victoria Road.
- Prohibit parking on the west side of Brooklands Road from 0.0m to 32.8m (32.8m) measured in a northerly direction from the prolongation of the north kerb of Azalea Place.
- Prohibit parking on the north side of Azalea Place from 0.0m to 7.8m (7.8m) measured in a westerly direction from the prolongation of the west kerb of Brooklands Road.
- Prohibit parking on the south side of Azalea Place from 0.0m to 10.1m (10.1m) measured in a westerly direction from the prolongation of the west kerb of Brooklands Road.

- Prohibit parking on the west side of Brooklands Road from 0.0m to 55.3m (55.3m) measured in a southerly direction from the prolongation of the south kerb of Azalea Place.
- Prohibit parking on the west side of Brooklands Road from 61.2m to 66.1m (4.9m) measured in a southerly direction from the prolongation of the south kerb of Azalea Place.
- Prohibit parking on the east side of Brooklands Road from 8.2m to 25.0m (16.8m) measured in a southerly direction from the prolongation of the south kerb of Brooklands Park Drive.

2. *Brooklands Road, New Plymouth (St Pius X School)*

- Revoke a section of bus stop on the west side of Brooklands Road from 31.0m to 49.9m (8.9m) measured in a southerly direction from the prolongation of the south kerb of Exeter Street.
- Prohibit parking on the west side of Brooklands Road from 0.0m to 4.9m (4.9m) measured in a southerly direction from the prolongation of the south kerb of Exeter Street.
- Prohibit parking on the west side of Brooklands Road from 31.0m to 49.9m (8.9m) measured in a southerly direction from the prolongation of the south kerb of Exeter Street.

3. *Rata, Rimu, and Matai Streets; Inglewood*

- Revoke a restricted (P60) parking space on the south side of Rata Street (SH3) from 46.9m to 53.0m (6.1m) measured in an easterly direction from the prolongation of the east kerb of Cutfield Street.
- Prohibit parking on the south side of Rata Street (SH3) from 46.9m to 53.0m (6.1m) measured in an easterly direction from the prolongation of the east kerb of Cutfield Street.
- Revoke a section of restricted (P60) parking on the east side of Rimu Street (SH3a) from 24.4m to 26.4m (2.0m) measured in a northerly direction from the prolongation of the north kerb of Rata Street.
- Prohibit parking on the east side of Rimu Street (SH3a) from 4.9m to 26.4m (21.5m) measured in a northerly direction from the prolongation of the north kerb of Rata Street.
- Revoke a restricted (P60) parking space on the west side of Matai Street (SH3) from 22.5m to 28.1m (5.6m) measured in a southerly direction from the prolongation of the south kerb of Rata Street.
- Prohibit parking on the west side of Matai Street (SH3) from 22.5m to 28.1m (5.6m) measured in a southerly direction from the prolongation of the south kerb of Rata Street.



4. *Breakwater Road (SH44), New Plymouth*

- Prohibit parking on the north side of Breakwater Road (SH44) from 118.9m to 262.7m (143.8m) measured in an easterly direction from the prolongation of the of the east kerb of Pioneer Road.
- Prohibit parking on the south side of Breakwater Road (SH44) from 114.4m to 124.8m (10.4m) measured in an easterly direction from the prolongation of the of the east kerb of Pioneer Road.
- Prohibit parking on the south side of Breakwater Road (SH44) from 139.2m to 153.6m (14.4m) measured in an easterly direction from the prolongation of the of the east kerb of Pioneer Road.
- Prohibit parking on the south side of Breakwater Road (SH44) from 188.4m to 191.4m (3.0m) measured in an easterly direction from the prolongation of the of the east kerb of Pioneer Road.
- Prohibit parking on the south side of Breakwater Road (SH44) from 206.6m to 209.6m (3.0m) measured in an easterly direction from the prolongation of the of the east kerb of Pioneer Road.

Carried

5. **Quarterly Progress Update on Waste Minimisation and Minimisation Plan Implementation**

ECM8003719

The programme for the implementation of actions in the Waste Management and Minimisation Plan for the next three years is provided with an update on progress towards the Zero Waste vision.

Performance Committee Resolution:

Mayor Holdom        )  
Cr Pearce             )

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

Carried

*At the Performance Committee meeting Cr McLeod requested his vote against the motion be recorded.*

6. **Exclusion of the Public for the Remainder of the Meeting**

This report details items that are recommended should be considered with the public excluded, and the reason for excluding the public.

Performance Committee Resolution:

Mayor Holdom        )  
Cr Jordan             )

That having considered all matters raised in the report, the Council hereby resolves that, pursuant to the Local Government Official Information and Meetings Act 1987, the public be excluded from the following parts of the proceedings of this meeting:

a) Transportation Services Contract

The withholding of the information is to enable the Council to carry out negotiations of a commercial nature. This particular interest being protected by section 7(2)(i) of the Act.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987.

Carried

*At the Performance Committee meeting Cr McLeod requested his vote against the motion be recorded.*

Council Motion:

Cr Jordan )  
Mayor Holdom )

That the following recommendations of the Audit and Risk Committee be adopted by the Council and form part of the proceedings of, and be entered in, the minutes of this Council meeting.

A procedural motion was moved at the Council meeting:

Cr Brown )  
Cr Merrick )

That the recommendations of the Audit and Risk Committee be left to lay on the table.

The procedural motion was put and Lost

*A division was called (ECM8056074):*

*Those voting for the motion were Crs Brown, Duynhoven, and Merrick*

*Those voting against the motion were Crs Biesiek, Chong, Handley, Hitchcock, Johnston, Jordan, McLeod, Melody, Pearce, Weaver, Williams, and Mayor Holdom*

*Committee Adviser's note: The Audit and Risk Committee recommendations were considered in parts.*

**Recommendations from the Audit and Risk Committee**

File Reference: ECM8045562  
Meeting Date: Wednesday, 12 June 2019 at 2pm  
Venue: Council Chamber  
Members Present: Councillor Richard Jordan (Chairperson), Mayor Neil Holdom, Councillors Roy Weaver and John Williams; Ms Adrienne Young-Cooper  
  
Apologies: Councillor Richard Handley  
  
Non-members Present: Councillors Alan Melody, Colin Johnston, Stacey Hitchcock; John McLeod  
  
Staff in Attendance: Nadia Phillips, Liam Hodgetts, Joy Buckingham, Katrina Brunton, Rowan Betts, Ben Ingram, Craig Campbell-Smart and Alison Trustrum-Rainey

**ITEMS FOR FINAL DETERMINATION BY THE COUNCIL**

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**7. Asset Accounting Policy**

ECM8008127

The matter for consideration by the Council is the approval of the Asset Accounting Policy.

Audit and Risk Committee Recommendation

Mayor Holdom )  
Cr Williams )

That, having considered all matters raised in the report, the Asset Accounting Policy be approved for adoption.

Carried

Council Resolution:

Cr Jordan )  
Mayor Holdom )

That the Audit and Risk Committee recommendation, relating to Asset Accounting Policy, be adopted.

Carried

**8. Risk Management Framework Review**

ECM8011828

This report provides a draft revision of the Risk Management Framework for adoption.

Audit and Risk Committee Recommendation:

Cr Weaver )  
Mayor Holdom )

That, having considered all matters raised in the report, the revised Risk Management Framework be adopted.

Carried

A Procedural motion was moved at the Council meeting:

Cr Duynhoven )  
Cr Brown )

That the revised Risk Management Framework Review be left to lay on the table.

The procedural motion was put and Lost

*A division was called (ECM8056077):*

*Those voting for the motion were Crs Biesiek, Brown, Chong, Duynhoven, Merrick, Weaver, and Williams*

*Those voting against the motion were Crs Handley, Hitchcock, Johnston, Jordan, McLeod, Melody, Pearce, and Mayor Holdom*

Council Resolution:

Mayor Holdom )  
Cr Jordan )

That the Audit and Risk Committee recommendation, relating to the revised Risk Management Framework, be adopted.

Carried

*A division was called (ECM8056086)*

*Those voting for the motion were Crs Biesiek, Handley, Hitchcock, Johnston, Jordan, McLeod, Melody, Pearce, Weaver, Williams, and Mayor Holdom*

*Those voting against the motion were Crs Brown, Chong, Duynhoven, and Merrick*

## Recommendations from the Performance Committee

File Reference: ECM8045652

Meeting Date: Wednesday, 19 June 2019 at 3.30pm

Venue: Council Chamber

Members Present: Councillor Richard Jordan (Chairperson); Mayor Neil Holdom, Councillors Marie Pearce, Gordon Brown, Colin Johnston, John McLeod, and John Williams

Non-members Present: Councillors Alan Melody, Richard Handley; Stacey Hitchcock

Community Board Chairperson Doug Hislop (Kaitake Community Board)

Tracey Jones (Director, New Plymouth PIF Limited)  
Kirsty Campbell (Director, New Plymouth PIF Limited)

Philip Houghton-Brown (Chief Investment Officer, Mercer)  
Rhys Weyburne (NZ head of Business Development and Key Account Manager, Mercer)  
Robert Kavanagh (Portfolio Manager, Mercer)

Staff in Attendance: Nadia Phillips, Craig Stevenson, Ian Baker, Jacqueline Baker, Liam Hodgetts, Kelvin Wright, Kimberley Hope, Dion Cowley, Liz Beck, Julie Straka, Rui Leitao; Katrina Brunton

## ITEMS FOR FINAL DETERMINATION BY THE COUNCIL

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### 8. Health & Safety Quarterly Report – Period Ended March 2019 – Due Diligence Obligations

ECM7995804

This report presents the Health and Safety Quarterly Report for the period 1 January to 31 March 2019.

#### Performance Committee Recommendation:

Cr Jordan )

Cr Pearce )

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

Carried

*At the Performance Committee meeting Cr McLeod requested his vote against the motion be recorded.*

#### Council Resolution:

Cr Pearce )

Cr Hitchcock )

That the Performance Committee recommendation relating to the Health & Safety Quarterly Report – Period Ended March 2019 – Due Diligence Obligations, be adopted.

Carried

*At the Council meeting, Cr McLeod requested that his vote against the motion be recorded.*

**9. Request for Right of Way Easement for Access and Purchase of Council-Owned Land – Central Carpark, Powderham Street, New Plymouth**

ECM7965052

The matter for consideration by the Council is the sale of part of the land used for the central carpark and the granting of a right of way over the balance of the carpark land.

Performance Committee Recommendation:

Cr Jordan )

Cr Johnston )

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

- e) Approves the Rights of Way A and B shown on the plan attached as Appendix 1 for the market price of \$51,500 plus GST.
- f) Approves, in principle, the sale of approximately 32m<sup>2</sup> to the rear of the property at 74 Powderham Street (Lot 1 DP 5018) at or near market valuation (\$17,600 plus GST), with authority delegated to the Chief Executive to conclude negotiations and finalise a sale.
- g) Declines the acquisition of Lot 3 shown on the plan attached to this report as Appendix 1.

Carried

Council Resolution:

Cr Merrick )

Cr Jordan )

That the Performance Committee recommendation, relating to the Request for Right of Way Easement for Access and Purchase of Council-Owned Land – Central Carpark, Powderham Street, New Plymouth, be adopted.

Carried

**10. Land Purchase to Facilitate the Proposed Realignment and Safety Improvements of Airport Drive, New Plymouth**

ECM7965052

The matter for consideration by the Council is the strategic purchase of 34 and 52 Airport Drive in anticipation of the proposed realignment of Airport Drive.

Performance Committee Recommendation:

Cr Johnston )

Cr Pearce )

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

- a) Approves the purchase of the property at 34 Airport Drive, New Plymouth (Lot 1 DP 5309 Blk III Paritutu SD), for market value as determined by registered valuers.
- b) Approves the purchase of the property at 52 Airport Drive, New Plymouth (Lot 1 DP 366699), for market value as determined by registered valuers.
- c) Agrees to pay additional compensation of up to \$50,000 to each of the current owners as outlined in Section 72A of the Public Works Act 2018.

- d) Notes that agreement has been reached with the landowners conditional on approval by Council.

Carried

Council Resolution:

Cr Johnston )

Cr Duynhoven )

That the Performance Committee recommendation, relating to the Land Purchase to Facilitate the Proposed Realignment and Safety Improvements of Airport Drive, New Plymouth, be adopted.

Carried

**Exclusion of the Public for the Remainder of the Meeting**

ECM8047301

This report details items that are recommended should be considered with the public excluded, and the reason for excluding the public.

Council Resolution:

Mayor Holdom )

Cr Jordan )

That, having considered all matters raised in the report, the Council hereby resolves that, pursuant to the Local Government Official Information and Meetings Act 1987, the public be excluded from the following parts of the proceedings of this meeting:

- a) Consideration of Citizens' Awards Nominations 2019  
The withholding of the information is necessary to protect the privacy of natural persons, including the deceased persons, this particular interest being protected by section 7(2)(a) of the Act.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987.

Carried