

PERFORMANCE COMMITTEE

File Reference: ECM 7508781
Meeting Date: Thursday 24 August 2017 at 3.30pm
Venue: Council Chamber
Members Present: Councillor Richard Jordan (Chairperson); Mayor Neil Holdom, Councillors Marie Pearce, Gordon Brown, Harry Duynhoven, Colin Johnston, John McLeod

Non-members Present:

Councillors Alan Melody, Murray Chong, Stacey Hitchcock, Shaun Biesiek, Mike Merrick, Richard Handley and Roy Weaver

Community Board Chairpersons Kevin Rowan (Inglewood), Ken Bedford (Clifton) and Community Board Member Jonathan Marshall (Waitara)

Venture Taranaki Stuart Trundle
PIF Guardians – Mark Butcher and Kirsty Campbell

Staff in Attendance:

Alan Bird, Wayne Leach, Liam Hodgetts, Kelvin Wright, Andrea Smith, Jan Holdt, Teresa Turner, Katrina Brunton, Carl Whittleston, Mitchell Dyer, Peter Handcock, Charlotte Dunning, Ian McGrath, John MacDonald, David Brown, Kate Keegan, Catherine Croot and Jeremy Wichman

Public Forum

- Mr Rex Ward re speed limits on Carrington Road

Deputations

- Mr Warren Sutton re Variation to Uruti Hall Society Ground Lease

Minutes

Performance Committee Resolution

Cr Johnston)

Cr Pearce)

That the minutes of the Performance Committee meeting (13 July 2017) be 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

1. Venture Taranaki Trust Quarter Four 2016/17 Report

ECM 7504064

The purpose of this report is to present the Venture Taranaki Trust (VTT) Quarter Four Report for the period 1 April to 30 June 2017 to the Council.

Performance Committee Resolution:

Cr Pearce)

Cr Duynhoven)

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

Carried

2. **Perpetual Investment Fund Performance Report June 2017**

ECM7508449

The purpose of this report is to present the performance of the Perpetual Investment Fund (PIF) for the quarter ended 30 June 2017.

Performance Committee Resolution:

Cr Brown)

Cr Pearce)

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

Carried

3. **Variation to Uruti Hall Society Inc Ground Lease – Commercial Activity**

ECM7474397

The matter for consideration by the Council is a variation of the ground lease for Uruti Hall Society Inc to allow the Hall Society to enter into a sublease agreement for commercial activity.

Performance Committee Resolution:

Cr Brown)

Cr Pearce)

That having considered all matters raised in the report:

- a) approval be given for a variation to the Uruti Hall Society ground lease to enable the Hall Society to sublease part of its premises (carpark and amenities) to appropriate operators for the purposes of commercial activity and to foster hospitality, recreation and tourism for the Uruti community consistent with the Clifton Community Board Plan 2016-2019, subject to:
 - i. The Council receiving a fixed rental fee for the commercial part of the lease.
 - ii. The Uruti Hall Society submitting the final sublease agreement to the Property Manager for approval and subject to NZTA approval.

- iii. The operator shall be required to apply for any necessary building or resource consents and shall comply with all by-laws regarding signage or any other matter.
 - iv. The operator shall be required to comply with any conditions imposed by the NZTA associated with operation of a business adjacent to the State Highway.
- b) The Property Manager is authorised to approve the final sublease terms and conditions.

Carried

4. **Temporary Road Closure – Haven Holdings Limited Frederic’s Event**

ECM7454347

The matter for consideration by the Council is to recommend the temporary closure of Egmont Street between Ariki and King streets, allowing Haven Holdings Limited to use the closed road as a venue for an event at Frederic’s, supporting the All Blacks v Argentina rugby match.

Performance Committee Resolution:

Cr Pearce)

Cr Duynhoven)

That having considered all matters raised in the report the following temporary road closure be approved:

Haven Holdings Limited Frederic’s Event

Date and period of closure: from 7am on Saturday 9 September to 9am on Sunday 10 September.

Road to be closed: Egmont Street between Ariki and King streets.

Carried

5. **Temporary Road Closure – Bannockburn Holdings Limited Peggy Gordon’s Event**

ECM7454258

The matter for consideration by the Council is to recommend the temporary closure of Egmont Street between King Street and Devon Street West allowing Bannockburn Holdings Limited to use the closed road as a venue for an event at Peggy Gordon’s, supporting the All Blacks v Argentina rugby match.

Performance Committee Resolution:

Cr Pearce)

Cr Johnston)

That having considered all matters raised in the report the following temporary road closure be approved:

Bannockburn Holdings Limited Peggy Gordon's Event

Date and period of closure: from 7am on Saturday 9 September to 9am on Sunday 10 September.

Road to be closed: Egmont Street from King Street to Devon Street West.

Carried

6. Temporary Road Closure – New Plymouth District Council Public Transport Operation for All Blacks V Argentina Rugby Match

ECM7454154

The matter for consideration by the Council is to recommend the temporary closure of Ariki Street to create a safe environment for road users during a public transport operation for spectators attending the All Blacks v Argentina rugby match at Yarrow Stadium.

Performance Committee Resolution:

Cr Pearce)

Mayor Holdom)

That having considered all matters raised in the report the following temporary road closure be approved:

Public Transport Operation for All Blacks v Argentina Rugby match

Date and period of closure: from 3pm to 11pm on Saturday 9 September.

Road to be closed: Ariki Street from Currie to Egmont streets.

Carried

7. Temporary Road Closure – Club Targa Inc. 2017 Targa Rally

ECM7457696

The matter for consideration by the Council is to recommend the temporary closure of roads in the New Plymouth district to enable Club Targa Inc. to hold a stage of the 2017 Targa Rally.

Performance Committee Resolution:

Mayor Holdom)

Cr Johnston)

That having considered all matters raised in the report the following temporary road closures be approved:

Club Targa Inc. 2017 Targa Rally Kaimata Road Stage

Date and period of closures: from 8.05am to 12.35pm on Friday 27 October 2017.

Roads to be closed:

- Kaimata Road South from the intersection with Tarata Road to the intersection with Tariki Road South.
- Tariki Road South from the intersection with Kaimata Road South to the intersection with Salisbury Road.
- Mangaotea Road.
- Salisbury Road from the intersection with Tariki Road South to the intersection with Croydon Road. Event then continues in the Stratford district.

Carried

8. **Temporary Road Closure – New Plymouth City Band Inc**

ECM7454379

The matter for consideration by the Council is to recommend the temporary closure of roads in central New Plymouth to allow the New Plymouth City Band Incorporated to use the closed roads as a venue for the Central Districts Brass Band Contest.

Performance Committee Resolution:

Cr Johnston)
Mayor Holdom)

That having considered all matters raised in the report the following temporary road closure be approved:

Date and period of closure: from 11.45am to 2pm on Sunday 27 August.

Roads to be closed:

- Dawson Street from Devon Street West to Young Street
- King Street from Dawson Street to Egmont Street
- Queen Street from Devon Street West to Young Street

Carried

9. **Amendment to Parking Controls**

ECM7472707

The matter for consideration by the Council is amendments to parking prohibitions, restrictions and traffic controls at various locations within the New Plymouth District.

A motion was moved at the Performance Committee meeting:

Cr McLeod)
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 within the New Plymouth District be imposed:

NEW PLYMOUTH

Mangorei Road

1. Prohibit parking on the west side of Mangorei Road from 0.0m – 36.0m (36.0m) measured in a southerly direction from the prolongation of the south kerb of Rimu Street.

Doone Street

2. Prohibit parking on the south side of Doone Street from 0.0m – 9.5m (9.5m) measured in a westerly direction from the prolongation of the west kerb of Lyn Street.

Lyn Street

3. Prohibit parking on the west side of Lyn Street from 0.0m – 56.5m (56.5m) measured in a southerly direction from the prolongation of the south kerb of Doone Street.
4. Prohibit parking on the east side of Lyn Street from 0.0m – 9.0m (9.0m) measured in a southerly direction from the prolongation of the south kerb of Lorna Street.

Lorna Street

5. Prohibit parking on the south side of Lorna Street from 0.0m – 9.0m (9.0m) measured in an easterly direction from the prolongation of the east kerb of Lyn Street.

Darnell Street

6. Prohibit parking on the west side of Darnell Street from 7.2m – 20.5m (13.3m) measured in a southerly direction from the prolongation of the boundary between No. 8 and No. 10 Darnell Street.

Welbourn Terrace

7. Prohibit parking on the west side of Welbourn Terrace from 0.0m – 60.0m (60.0m) measured in a southerly direction from the prolongation of the west kerb of Coronation Ave (SH3) (south leg).
8. Revoke parking prohibitions on the east side of Welbourn Terrace from 42.5m – 67.5m (25.0m) measured in a southerly direction from the prolongation of the west kerb of Coronation Ave (SH3) (north leg).

Upjohn Street

9. Prohibit parking on the south side of Upjohn Street from 48.9m – 54.9m (6.0m) measured in a westerly direction from the prolongation of the west kerb of Tarahua Road.

Dawson Street

10. Prohibit parking on the east side of Dawson Street from 28.2m – 43.9m (15.7m) measured in a northerly direction from the prolongation of the north kerb of Bulteel Street.

Young Street

11. Revoke two time restricted parking spaces (P30) on the south side of Young Street from 46.6m – 59.6m (13.0m) measured in a westerly direction from the prolongation of west kerb of Queen Street.
12. Revoke three time restricted parking spaces (P30) on the south side of Young Street from 35.7m – 55.9m (20.2m) measured in an easterly direction from the prolongation of east kerb of Dawson Street.
13. Create two time restricted parking spaces (P60) on the south side of Young Street from 46.6m – 59.6m (13.0m) measured in a westerly direction from the prolongation of west kerb of Queen Street.
14. Create three time restricted parking spaces (P60) on the south side of Young Street from 35.7m – 55.9m (20.2m) measured in an easterly direction from the prolongation of east kerb of Dawson Street.

Gill Street

15. Revoke three time restricted parking spaces (P30) on the north side of Gill Street from 34.0m – 50.0m (16.0m) measured in a westerly direction from the prolongation of west kerb of Davidson Street.
16. Create three time restricted parking spaces (P60) on the north side of Gill Street from 34.0m – 50.0m (16.0m) measured in a westerly direction from the prolongation of west kerb of Davidson Street.

LEPPERTON

Richmond Road

17. Create time restricted parking (P10) on the west side of Richmond Road from 10.0m – 22.0m (12.0m) measured in a northerly direction from the prolongation of the north kerb of Whitcombe Street.

The motion was lost

Performance Committee Resolution:

Cr Pearce)

Cr Johnston)

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 within the New Plymouth District be imposed:

NEW PLYMOUTH

Mangorei Road

1. Prohibit parking on the west side of Mangorei Road from 0.0m – 36.0m (36.0m) measured in a southerly direction from the prolongation of the south kerb of Rimu Street.

Tukapa Street

2. Prohibit parking on the north side of Tukapa Street from 0.0m – 34.5m (34.5m) measured in a westerly direction from the prolongation of the west kerb of Price Street.

Price Street

3. Prohibit parking on the west side of Price Street from 0.0m – 6.0m (6.0m) measured in a northerly direction from the prolongation of the north kerb of Tukapa Street.

Doone Street

4. Prohibit parking on the south side of Doone Street from 0.0m – 9.5m (9.5m) measured in a westerly direction from the prolongation of the west kerb of Lyn Street.

Lyn Street

5. Prohibit parking on the west side of Lyn Street from 0.0m – 56.5m (56.5m) measured in a southerly direction from the prolongation of the south kerb of Doone Street.
6. Prohibit parking on the east side of Lyn Street from 0.0m – 9.0m (9.0m) measured in a southerly direction from the prolongation of the south kerb of Lorna Street.

Lorna Street

7. Prohibit parking on the south side of Lorna Street from 0.0m – 9.0m (9.0m) measured in an easterly direction from the prolongation of the east kerb of Lyn Street.

Darnell Street

8. Prohibit parking on the west side of Darnell Street from 7.2m – 20.5m (13.3m) measured in a southerly direction from the

prolongation of the boundary between No. 8 and No. 10 Darnell Street.

Welbourn Terrace

9. Prohibit parking on the west side of Welbourn Terrace from 0.0m – 60.0m (60.0m) measured in a southerly direction from the prolongation of the west kerb of Coronation Ave (SH3) (south leg).
10. Revoke parking prohibitions on the east side of Welbourn Terrace from 42.5m – 67.5m (25.0m) measured in a southerly direction from the prolongation of the west kerb of Coronation Ave (SH3) (north leg).

Upjohn Street

11. Prohibit parking on the south side of Upjohn Street from 48.9m – 54.9m (6.0m) measured in a westerly direction from the prolongation of the west kerb of Tarahua Road.

Dawson Street

12. Prohibit parking on the east side of Dawson Street from 28.2m – 43.9m (15.7m) measured in a northerly direction from the prolongation of the north kerb of Bulteel Street.

Young Street

13. Revoke two time restricted parking spaces (P30) on the south side of Young Street from 46.6m – 59.6m (13.0m) measured in a westerly direction from the prolongation of west kerb of Queen Street.
14. Revoke three time restricted parking spaces (P30) on the south side of Young Street from 35.7m – 55.9m (20.2m) measured in an easterly direction from the prolongation of east kerb of Dawson Street.
15. Create two time restricted parking spaces (P60) on the south side of Young Street from 46.6m – 59.6m (13.0m) measured in a westerly direction from the prolongation of west kerb of Queen Street.
16. Create three time restricted parking spaces (P60) on the south side of Young Street from 35.7m – 55.9m (20.2m) measured in an easterly direction from the prolongation of east kerb of Dawson Street.

Gill Street

17. Revoke three time restricted parking spaces (P30) on the north side of Gill Street from 34.0m – 50.0m (16.0m) measured in a westerly direction from the prolongation of west kerb of Davidson Street.

18. Create three time restricted parking spaces (P60) on the north side of Gill Street from 34.0m – 50.0m (16.0m) measured in a westerly direction from the prolongation of west kerb of Davidson Street.

LEPPERTON

Richmond Road

19. Create time restricted parking (P10) on the west side of Richmond Road from 10.0m – 22.0m (12.0m) measured in a northerly direction from the prolongation of the north kerb of Whitcombe Street.

Carried

10. **Grant of a Subsoil Lease in Road Reserve for Ground Water Monitoring Purposes – Bristol Road, Inglewood**

ECM7452079

The matter for consideration by the Council, as the administering body is:

1. The grant of a subsoil lease in road reserve for the purpose of a ground water monitoring site in favour of Inglewood Metal Limited for a term up to and expiring 1 June 2023.
2. The subsoil lease to be at a market assessed sum of \$4,000 plus GST, including all associated legal and valuation fees and authorising the Property Manager to finalise terms and conditions of the subsoil lease.

Performance Committee Resolution:

Cr Pearce)

Cr McLeod)

That the item lies on the table and not be discussed at this meeting.

Carried

ITEMS FOR FINAL DETERMINATION BY THE COUNCIL

11. **Grant of a Concessional Lease – New Zealand Deerstalkers Association (North Taranaki Branch Inc) – Drake Street Reserve, New Plymouth**

ECM7477057

The matter for consideration by the Council is granting a new concessional ground lease (in lieu of expired lease) to the New Zealand Deerstalkers Association (North Taranaki Branch Inc) to allow the continued operation of the Club, subject to:

1. Undertaking as a prerequisite and subject to statutory provisions, reclassification of the "Drake Street Recreation Reserve" to that of "Local Purpose (recreation and community buildings) Reserve"

in order to better meet the requirements of the Reserves Act 1977.

Performance Committee Recommendation:

Cr Brown)

Cr McLeod)

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

- a) Notes that the ground lease held by the NZ Deerstalkers Association (North Taranaki Branch Inc) (the Club) over two buildings owned by the Club has expired and the Club is seeking a new lease.
- b) Notes that in order to issue a lease under Section 61 of the Reserves Act 1977 it would be prudent to change the reserve classification of the Drake Street Recreation Reserve to Local Purpose (recreation and community buildings). This will provide statutory flexibility to allow leasing, use and development for both recreation and local community building purposes.
- c) Notes that a change of classification can be approved acting under an instrument of delegation from the Minister of Conservation but will involve a public notice process.
- d) Approves pursuant to Section 61 of the Reserves Act 1977, a new concessional ground lease to New Zealand Deerstalkers Association (North Taranaki Branch) (the Club) of 200 square metres more or less, over part of the land comprising the two reserves (Lot 10 DP6903 and Lot 1 DP 8444) highlighted red on the attached plan in Appendix One, with the same terms and conditions as the previous lease but subject to the following additional terms and conditions:
 - i. The term of the lease will be 10 years commencing 1 September 2017, with one 10 year right of renewal.
 - ii. The new rental to be \$1 per annum plus GST if demanded as set by Annual Plan in accordance with the Community Funding Investment Policy.
 - iii. The cost of the solicitor's fee for preparing the lease document (estimated to be \$900 exclusive of GST) will be invoiced to the Club.
 - iv. The Property Manager is authorised to approve the final lease terms and conditions and any minor adjustment to the ground lease area.

- v. Undertaking as a prerequisite in the case of the Drake Street Recreation Reserve pursuant to Section 24(1) (b) of the Reserves Act 1977, a change in classification process/gazettal to that of a dual classification "Local Purpose (recreation and community buildings) Reserve" subject to public notice and consideration of any objection.
- vi. Any objection received to the proposed change in classification to be the subject of a report back for a final decision on the proposal.

Carried

12. **Minor Boundary Adjustment Disposal of Council Owned Land (Leased to YMCA) to Keith Simpson Trustee Limited – 22 Leach Street, New Plymouth**

ECM7477333

The matter for consideration by the Council is a decision on a recommendation:

1. To transfer at a nominal consideration of \$1.00 (if demanded) an area of 190 square metres (subject to survey) of Council owned land leased to the YMCA to the adjoining owner Keith Simpson Trustee Limited situated by way of a boundary rationalisation adjustment; and
2. As consideration of that 190m2 land conveyance of ownership, the company will undertake at its cost the construction of a substantial engineered designed retaining wall between the mutual boundaries of the parties, subject to the company meeting all the costs involved in securing the necessary building consent, subdivision resource consent, undertaking cadastral survey, and meeting all legal costs including the ancillary YMCA lease variation; and
3. Notes that the retaining wall is necessary to urgently stabilise the southern bank between the companies and Council land to prevent land subsidence (that in evidence) and mitigate consequential resulting damage to property, and the health and welfare of people, but will also provide a small additional land platform for the company.

Performance Committee Recommendation:

Cr Duynhoven)

Cr Pearce)

That having considered all matters raised in the report:

- a) It is noted that TSE Taranaki, acting on behalf of Keith Simpson Trustee Limited, have submitted a proposal based on an

engineering design plan to erect a retaining wall along the south boundary between the companies property and the adjoining Council owned site (leased to YMCA) that is urgently required.

- b) It is noted that the proposed retaining wall will feature 8 metre steel piles with H4 rounds infill between piles (see example photo Appendix B) and is considered necessary to prevent land subsidence (that is in evidence) and mitigate consequential resulting damage to property, the health and welfare of people and will also provide a small additional land platform for the company.
- c) It is noted that in order to facilitate construction of the retaining wall, the company are seeking:
 - i. The transfer of ownership at a nominal consideration of \$1 (if demanded) of approximately 190 square metres of the Council owned (YMCA leased) land along the southern boundary to its property at 22 Leach Street being Lot 1 DP 14342 at Nil value;
 - ii. That in exchange as full consideration, the company will construct the retaining wall at its cost, meet all engineering design, building consent, land subdivision resource consents, survey, and legal costs including a variation to the YMCA lease;
 - iii. That access is made available via the YMCA carpark during the construction period, and that Council remove trees and shrubs from the bank;
 - iv. To undertake work over a 2 to 3 week timeframe and will involve adjacent car parks being vacated during construction with some work involving lifting of columns being undertaken during a weekend period. The YMCA is supportive of the proposal and will vacate any carparks effected by the construction.
- d) It is noted that the conditional sale of the 190m² of land, by way of the boundary adjustment, will not affect the use of the YMCA site and in fact will benefit the occupiers and council.
- e) It is noted that in accordance with Council Sales Policy P05-019 that the sale would be an "off market" boundary adjustment sale and title amalgamation.
- f) It will be noted that there is an exemption from any offer back requirement under the Public Works Act 1981.

- g) It is noted that an independent current market valuation of the 190m² of land has been assessed at \$10,000 weighted against the estimate of construction of the retaining wall at \$230,000, with an estimate total cost of approximately \$500,000.
- h) The Council approves:
1. Entering into a conditional Agreement for Sale and Purchase of the 190m² (subject to survey) at a nominal consideration of \$1.00 (if demanded) with Keith Simpson Trustee Limited, based on an "off market" sale boundary adjustment in accord with Land Sale and Method of Sale Policy P05 -019, subject to:
 - The company undertaking the construction of the engineered designed retaining wall at its cost, including building consent, land subdivision resource consent, cadastral survey and legal costs including the cost of varying the YMCA lease.
 - The cost of the subdivision resource consent, Land Transfer Plan survey, legal documentation and registration being met by Simpson Tyres.
 - The requirement to publicly notify the proposed sale of the 190m² as a minimum requirement in accord with Sales Policy P05-019 be waived on the grounds that the nature of a minor boundary disposal does not warrant public submission on whether or not to dispose or retain the land.
 - Consultation has been undertaken with Ngati Te Whiti hapu whom have no objection to the proposal.
 - That no additional consultation in terms of the Local Government Act 2002 or Engagement and Consultation Policy P14-005 be undertaken as the matter is assessed as only being of some importance.

Carried

13. **Health & Safety Quarterly Report – Period Ended 30 June 2017 – Due Diligence Obligations**

ECM7478554

To present the Health and Safety Quarterly Report for the period ended 30 June 2017 as part of the Due Diligence obligations (Officers Charter - Obligation 4).

Performance Committee Recommendation:

Cr Pearce)

Cr McLeod)

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

Carried

14. **Central City Street Trees**

ECM7500640

To provide an update on the street trees, their maintenance, street cleaning and verandah maintenance in the central city.

Performance Committee Recommendation:

Cr Pearce)

Cr Johnston)

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

- continue to implement the recommendations provided in the Street Tree Audit, and
- continue with the current level of service of street cleaning, and
- advise building owners with verandahs requiring maintenance that they will need to undertake such maintenance to ensure they are not posing a structural and health and safety concern, and
- contribute financially towards the costs of installing gutter guards for CBD building owners with trees overhanging verandahs, and
- undertake an audit of the pavers for any trip hazards created by displaced pavers.

Carried

Cr McLeod abstained from voting on the preceding motion.

The Performance Committee meeting closed at 5.40pm.