

MINUTES OF COUNCIL MEETING

File Reference: ECM 7356626
Meeting Date: Tuesday 28 February 2017 at 4.30pm
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, Marie Pearce and Roy Weaver

Non Members Present:

Community Board Chairpersons Doug Hislop (Kaitake), Ken Bedford (Clifton), Kevin Rowan (Inglewood), Andrew Larsen (Waitara), Community Board Members Jonathan Marshall and Trevor Dodunski (Waitara)

Staff in Attendance:

Barbara McKerrow, Liam Hodgetts, Alan Bird, Sue Davidson, Gaye Batty, Jacqueline Baxter, Andrea Smith, Jan Holdt, Julie Straka, David Langford, Katrina Brunton, Peter Handcock, Phil Armstrong, Mitchell Dyer, Delwyn Masters, Craig Campbell-Smart, Chris Rudd, Greg Stephens, Aroha Chamberlain, Kevin Hill, Simon Rees, Kimberley Hope, Ron Murray and Charlotte Dunning

Apologies

Council Resolution:

Cr McLeod)

Cr Pearce)

That the apologies for absence from Cr Craig McFarlane be received.

Carried

Mayor Holdom noted Cr McFarlane's illness and extended the aroha of the Council to Cr McFarlane and his family.

Conflicts of Interest

Cr Melody declared a conflict of interest re Schedule of Fees and Charges and the Saturday Free Parking

Public Forum

- Sport Taranaki update – Rob Haveswood and Therese Campbell
- Frank Kerslake, TSE Taranaki – re Onaero Foreshore Protection Society Incorporated

Deputation

- Michelle Brennan, BARA re CBD Parking
- Alma Clague re Resource Recovery Facility and Extending Saturday Free Parking
- Mark Butcher, Chairperson and members of the PIF Guardians

Minutes

Council Resolution:

Cr Pearce)

Cr McLeod)

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:

13 December 2016

Carried

Committee Minutes

Council Resolution:

Cr Biesiek)

Cr Hitchcock)

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.

Extraordinary Performance Committee 19 December 2016

Planning Committee 14 February 2017

Performance Committee 16 February 2017

Audit and Risk Committee 16 February 2017

Carried

Decisions from the Performance Committee

Meeting Date: Thursday 16 February 2017 @ 4.30pm
Members Present: Councillor Roy Weaver (Chairperson); Mayor Neil Holdom, Councillors Stacey Hitchcock, Shaun Biesiek, Murray Chong, Richard Handley, Alan Melody, Mike Merrick
Apologies: Councillors Cr Harry Duynhoven (Cr Duynhoven joined the meeting at 5.25pm).
Non-Members Present: Councillors Mike Merrick, Roy Weaver, Richard Handley, Alan Melody, Stacey Hitchcock and Shaun Biesiek
Community Board Chairpersons Ken Bedford (Clifton), Kevin Rowan (Inglewood), Andrew Larsen (Waitara), Community Board members Jonathan Marshall and Trevor Dodunski (Waitara)

Venture Taranaki - Stuart Trundle

Minutes

Performance Committee Resolution

Cr Pearce)
Cr McFarlane)

That the minutes of the Performance Committee (1 December 2016) and the Extraordinary Performance Committee (19 December 2016), and the proceedings of the said meetings, as previously circulated, be taken as read and confirmed as a true and correct record.

Carried

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

1. Venture Taranaki Trust Quarterly Report

ECM7324543

The purpose of this report is to present the Venture Taranaki Trust (VTT) Quarter Two Report for the period 1 October to 31 December 2016 to the Council.

Performance Committee Resolution:

Cr Brown)
Cr Pearce)

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

Carried

2. Delegated Authority Contracts

ECM7308322

To inform the Council of contracts with a value in excess of \$250,000 awarded in the period 1 November 2016 to 31 December 2016.

Performance Committee Resolution:

Cr McLeod)
Cr Johnston)

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

Carried

3. **Amendments to Speed Limits – Variable Speed Limit**

ECM7316593

The matter for consideration by the Council is amendments to speed limits in 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 2010 Part 5: Speed Limits, the following parking controls in the New Plymouth District be imposed:

NEW PLYMOUTH

Tukapa Street

1. Create a 40km/h variable speed limit zone on Tukapa Street from 130m west of Julian Place measured in a westerly direction from the prolongation of the western kerb of Julian Place; to Omata Road.
2. Create a 40km/h variable speed limit zone on Tukapa Street from 52m north of Wallath Road measured in a northerly direction from the prolongation of the north kerb of Wallath Road; to Omata Road.

Omata Road

3. Create a 40km/h variable speed limit zone on Omata Road from 33m south of Walsh Road measured in a southerly direction from the prolongation of the south kerb of Walsh Road; to Tukapa Street.

The 40 km/h variable speed limit will be in force on all school days:

- a) At the start for the day between 8.25am and 9.00am
- b) At the end of the day between 3.00pm and 3.20pm.
- c) At other times, not exceeding 10 minutes, when no less than 50 students need to cross the road.

Carried

4. **Amendments to Parking Controls**

ECM7316429

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

Performance Committee Resolution:

Cr Brown)

Cr Pearce)

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

Arawa Street

1. Prohibit parking on the east side of Arawa Street from 15.0m – 20.2m (4.4m) measured in a southerly direction from the prolongation of the south kerb of Cumberland Street.
2. Revoke a mobility parking space on the east side of Arawa Street from 52.9m – 56.0m (3.1m) measured in a southerly direction from the prolongation of the south kerb of Cumberland Street.
3. Revoke parking prohibition on the east side of Arawa Street from 56.0m – 57.1m (1.1m) measured in a southerly direction from the prolongation of the south kerb of Cumberland Street.
4. Create a mobility parking space on the east side of the Arawa Street from 52.9m – 57.1m (4.2m) measured in a southerly direction from the prolongation of the south kerb of Cumberland Street.

David Street

5. Create a time restricted parking space (P60) on the west side of David Street from 72.6m – 77.6m (5.0m) measured in a northerly direction from the prolongation of the north kerb of Tukapa Street.
6. Prohibit parking on the west side of David Street from 438.9m – 460.9m (22.0m) measured in a northerly direction from the prolongation of the north kerb of Tukapa Street.

St Aubyn Street

7. Prohibit parking on the south side of St Aubyn Street from 63.2m – 74.5m (11.3m) measured in an easterly direction from the prolongation of the east kerb of Rainsford Street.

Dawson Street

8. Prohibit parking on the east side of Dawson Street from 0.0m – 10.5m (10.5m) measured in a northerly direction from the prolongation of the north kerb of Bulteel Street.
9. Prohibit parking on the west side of Dawson Street from 24.9m – 49.2m (24.3m) measured in a northerly direction from the prolongation of the north kerb of Downe Street.

Bulteel Street

10. Prohibit parking on the north side of Bulteel Street from 0.0m – 11.6m (11.6m) measured in an easterly direction from the prolongation of the east kerb of Dawson Street.
11. Create a time restricted parking space (P30) on the north side of Bulteel Street from 11.6m – 22.2m (10.6m) measured in an easterly direction from the prolongation of the east kerb of Dawson Street.

Standish Street

12. Prohibit parking on the west side of Standish Street from 32.4m – 47.7m (15.3m) measured in a northerly direction from the prolongation of the north kerb of Stoke Street.

13. Prohibit parking on the east side of Standish Street from 17.40.0m – 46.0m (28.6m) measured in a northerly direction from the prolongation of the north kerb of Stoke Street.

Frankley Road

14. Prohibit parking on the west side of Frankley Road from 23.3m – 37.1m (13.8m) measured in a northerly direction from the prolongation of the north kerb of Downe Street.
15. Prohibit parking on the east side of Frankley Road from 24.8m – 49.3m (24.5m) measured in a northerly direction from the prolongation of the north kerb of Downe Street.

Mangorei Road

16. Prohibit parking on the west side of Mangorei Road from 24.6m – 35.4m (10.8m) measured in a southerly direction from the prolongation of the south kerb of Te Mete Terrace.

WAITARA

McLean Street

17. Create three time restricted parking spaces (P120) on the south side of McLean Street from 9.7m - 26.6 (16.9m) measured in a easterly direction from the prolongation of the east kerb of Browne Street.

Carried

5. **New Plymouth Aero Club Concessional Ground Lease at Water Treatment Plant for the Purpose of a Model Aircraft Flying Site**

ECM7311898

The matter for consideration by the Council is granting a new concessional ground lease to the New Plymouth Model Aero Club Inc for the continued operation of the Club.

Performance Committee Resolution:

Cr McLeod)

Cr McFarlane)

That having considered all matters raised in the report, the Council approves granting a new concessional ground lease to New Plymouth Model Aero Club Inc (the Club) of 7,500 square metres more or less, over part of the land at the Water Treatment Plant, Junction Road (SH3) highlighted blue in Appendix One, on the same terms and conditions as the previous lease but subject to the following additional terms and conditions:

- a) The term of the lease will be 10 years commencing 1 January 2017, with one 10 year right of renewal.
- b) The new rental to be \$1 per annum plus GST.
- c) The lessee may "self-insure" their improvements on site, by way of maintaining a bank account with \$2,000 to cover removal of the Club's improvements if necessary.

- d) 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.
- e) The Property Manager is authorised to approve the final lease terms and any minor adjustment to the ground lease area.

Carried

6. **Easement through Sutherland Park Recreation Reserve**

ECM7301632

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

1. The grant of a registered easement to drain stormwater over part of Sutherland Park Recreation Reserve in favour of 33 Fernleigh Street, New Plymouth.
2. The purchase of the easement right at a one off market consideration sum of \$3,000 plus GST, including all associated easement costs and authorising the Property Manager to finalise terms and conditions of the grant.

Performance Committee Resolution:

Cr McLeod)

Cr Johnston)

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

- a) Notes that as the administering body of Sutherland Park Recreation Reserve, an easement can be granted under Section 48(1) of the Reserves Act 1977, under the blanket instrument of delegation from the Minister of Conservation to local authorities dated 12 June 2013.
- b) Notes that an Easement can be granted under Section 48(3) without the requirement to publicly notify, on the basis that the reserve is vested in the Council. The granting of an easement will not materially alter or permanently damage the reserve, and the rights of the public using the Recreation Reserve will not be permanently affected.
- c) Acting under an instrument of delegation from the Minister of Conservation, approves the grant of a registered easement (in perpetuity subject to a sunset clause) at a consideration of \$3,000 plus GST in favour of the property at 33 Fernleigh Street for a 600mm pipeline and ancillary manhole to drain stormwater over that part of the subject land in Sutherland Park Recreation Reserve pursuant to Section 48(1) (f) of the Reserves Act 1977 and authorises the Property Manager to finalise the terms and conditions of the easement in terms of the Land Transfer Regulations 2002.

Carried

7. **Temporary Road Closure Vietnam War Commemorations**

ECM7307827

The matter for consideration by the Council is the temporary closure of a section of Queen Street to allow Veterans of the Vietnam War to hold a commemorative service at the New Plymouth Cenotaph.

Performance Committee Resolution:

Cr McFarlane)

Cr McLeod)

That having considered all matters raised in the report the road closure for the Commemorations for Veterans of the Vietnam War event be approved.

- Date and period of closure: from 9am to noon on Sunday 26 February 2017.
 - Road to be closed: Queen Street from St Aubyn Street (SH 44) to Young Street.
- Carried

8. **Temporary Road Closure Multi Ethnic Extravaganza**

ECM7309730

The matter for consideration by the Council is the temporary closure of a section of Devon Street East and Devon Street West to allow the Taranaki Multi Ethnic Council to use the closed roads as a venue for the Multi Ethnic Extravaganza Street Parade.

Performance Committee Resolution:

Cr Johnston)

Cr Brown)

That having considered all matters raised in the report the road closure for the Taranaki Multi Ethnic Extravaganza Street Parade event be approved.

- Date and period of closure: from 10am to noon on Saturday 4 March 2017.
- Road to be closed: Devon Streets from Dawson to Gover streets.
- Affected adjoining roads: James and Boon lanes, and Dawson, Queen, Robe, Egmont, Brougham, Currie and Liardet streets.

Carried

9. **Naming of Rights of Way**

ECM7321790

The matter for consideration by the Council is the naming of roads and rights of way as a result of subdivision development.

Performance Committee Resolution:

Cr Pearce)

Cr McLeod)

That having considered all matters raised in the report the following names be approved and the Chief Operating Officer allocate street numbers where appropriate to the properties fronting these rights of way:

- a) Bright Way
- b) Market Lane
- c) The Terrace

Carried

10. **Quarterly Performance Report to 31 December 2016**

ECM7320304

The purpose of this report is to advise of the Council's performance for the first half (1 July to 31 December 2016) of the 2016/17 financial year.

Performance Committee Resolution:

Cr Pearce)

Cr McLeod)

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

Carried

Cr Duynhoven joined the meeting during discussion on the preceding matter.

Cr Johnston left the Chamber during discussion on the preceding matter and was not present during voting.

11. **New Plymouth Airport Condensed Financial Statements to 31 December 2016**

ECM7326850

The matter for consideration by the Council is to note the condensed interim financial statements for the period ending 31 December 2016, for New Plymouth Airport Joint Venture.

Performance Committee Resolution:

Cr McLeod)

Mayor Holdom)

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

Carried

12. **Forestry JV Condensed Financial Statements to 31 December 2016**

ECM7326852

The matter for consideration by the Council is the Condensed Interim Financial Statements of each of the three joint ventures for the six months ending 31 December 2016.

Performance Committee Resolution:

Cr McLeod)

Cr Duynhoven)

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

Carried

13. **TIML Condensed Financial Statements to 31 December 2016**

ECM7338194

The matter for consideration by the Council is to note the condensed interim financial statements for the period ending 31 December 2016, for Taranaki Investment Management Limited (TIML).

Performance Committee Resolution:

Cr Pearce)

Cr Johnston)

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

Carried

14. **Perpetual Investment Fund Performance Report September 2016**

ECM7319531

The purpose of this report is to present the performance of the Perpetual Investment Fund (PIF) for the three months ended 30 September 2016.

Performance Committee Resolution:

Cr McLeod)

Cr Duynhoven)

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

Carried

Decisions from the Audit and Risk Committee

Meeting Date: Thursday 16 February 2016 at 10am
Members Present: Councillor Richard Jordan (Chairperson); Mayor Neil Holdom, Councillors Marie Pearce, Gordon Brown, Harry Duynhoven, Colin Johnston, Craig McFarlane, John McLeod
Non-members Present: Councillors Colin Johnston, Alan Melody, Stacey Hitchcock, John McLeod and Mike Merrick.

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

1. Proposed Audit and Risk Committee Work Programme for 2017

ECM7339641

This report provides the Audit and Risk Committee with a draft work programme that will enable the Committee to fulfil its responsibilities as delegated by the full Council.

Audit and Risk Committee Resolution:

Mayor Holdom)

Cr Weaver)

That, having considered all matters raised in the report, the draft work programme for the Audit and Risk Committee for 2017 be approved and reviewed annually.

Carried

2. Risk Management Update February 2017

ECM7323209

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

Audit and Risk Committee Resolution:

Cr Jordan)

Cr Weaver)

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

Carried

Recommendations from the Planning Committee

1. **Support for Waitara Leaseholders for Annual Plan 2017/18**

File Reference: ECM 7294565

The matter for consideration by the Council is the inclusion of additional funding for Annual Plan 2017/18 to support Waitara leaseholders if the New Plymouth District Council (Waitara Lands) Bill passes. The funding will help leaseholders who exercise the new right to freehold their leasehold properties. This is part of a wider package to support Waitara leaseholders.

Planning Committee Recommendation:

Cr Merrick)

Cr Handley)

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

- a) Agrees that the draft Annual Plan 2017/18 provide an additional \$50,000 to the Community Partnerships operational budget for the 2017/18 financial year to provide, via a tender process, funding for organisations to provide financial and budgeting advice to residential Waitara leaseholders (who are owner-occupiers of their house) considering freeholding their property
- b) Note that the uplifting of this funding is contingent on the passage of the New Plymouth District Council (Waitara Lands) Bill, and that further advice on this issue may be required if the Bill is amended
- c) Note that consideration on whether to consult with the community on this proposal will be taken as part of the Annual Plan 2017/18 process.

Carried

A motion was moved at the Council meeting:

Cr McLeod)

Cr Chong)

That having considered all matters raised in the report the Council do not provide financial advice support.

The motion was lost

Crs McLeod and Chong requested their votes for the amendment were recorded.

Moved:

Cr Pearce)

Cr Johnston)

That the Planning Committee recommendation in relation to Support for Waitara Leaseholders for Annual Plan 2017/18 be adopted.

A procedural motion was moved:

Cr Brown)

Cr Handley)

That the motion be put.

The procedural motion was put and Carried

The original motion was put and Carried

2. **2016-2019 Triennial Agreement**

File Reference: ECM7301622

The purpose of this report is to adopt the 2016-2019 Triennial Agreement.

Planning Committee Recommendation:

Mayor Holdom)

Cr Biesiek)

That, having considered all matters raised in the report, the 2016-2019 Triennial Agreement be adopted.

Carried

Council Resolution:

Cr Biesiek)

Cr Handley)

That the Planning Committee recommendation in relation to the 2016-2019 Triennial Agreement be adopted.

Carried

3. **Resource Recovery Facility – Public Good Area Development**

File Reference: ECM7312715

The matter for consideration by the Council is whether to approve the additional funding of \$1.2 million for the development of the Public Good Area.

Planning Committee Recommendation:

Mayor Holdom)

Cr Weaver)

That having considered all matters raised in the report, the Council make provision in the draft Annual Plan 2017/2018 for a maximum of an additional \$1.2m to proceed with construction of the Public Good Area based on the Baseline Proposal for Master Plan (Option 2, Appendix 2) to be funded from the Solid Waste Development Fund noting:

1. The 2015 LTP included a budget of \$1m for the construction of the PGA to be funded from the Solid Waste Development Fund (SWDF) and not rates.
2. The additional \$1.2m funding can be made up from the SWDF, thereby not impacting on rates and minimising any financial costs on the community.
3. An application to Central Governments Waste Minimisation Fund will be made once detailed design is completed to offset the additional \$1.2m required to complete Option 2.
4. Option 2 represents the initial stage in the development of the site towards a future vision the Master Plan.
5. Council has a unique opportunity to develop the PGA on a Greenfield site, which is a first in New Zealand.
6. The Public Good Area will provide a significant contribution to the objectives of the Council's Waste Management and Minimisation Plan (2011) and will enable a high level of community engagement.

Carried

At the Planning Committee meeting Cr Handley abstained from voting on the preceding motion.

Council Resolution:

Cr Weaver)

Cr Hitchcock)

That the Planning Committee recommendation in relation to the Resource Recovery Facility – Public Good Area Development be adopted.

Carried

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

4. Schedule of Fees and Charges for 2017-18

File Reference: ECM 7311801

The matter for consideration by the Council is the adoption of the part Schedule of Fees and Charges for the 2017-18 financial year and the adoption of a statement of proposal for special consultative procedure on the remaining fees and charges relating to the proposed changes to trade waste and solid waste fees and charges.

Planning Committee Resolution:

Cr Biesiek)

Cr Hitchcock)

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

- a) Adopt the part schedule of fees and charges for the 2017/18 financial year.
- b) Adopt the Statement of Proposal for Special Consultative Procedure on the proposed trade waste and solid waste fees and charges.
- c) Note that the submissions received on the Special Consultative Procedure will be assessed and reported to Council at a later date with a recommendation for the adoption of the fees and charges for trade waste and solid waste to complete the schedule of fees and charges for the 2017/18 financial year.

Carried

At the Planning Committee meeting Cr Melody, having declared an interest, took no part in the discussion or voting on the preceding matter.

Council Resolution:

Cr Biesiek)

Cr Duynhoven)

That the Planning Committee recommendation in relation to Schedule of Fees and Charges for 2017-18 be adopted.

Carried

At the Council meeting Cr Melody, having declared an interest, took no part in the discussion or voting on the preceding matter.

Council Resolution:

Mayor Holdom)
Cr Duynhoven)

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

Carried

Recommendations from the Performance Committee

15. **Acquisition and Legalisation of a Formed Corner Splay for Vesting as Legal Road - Ngapapa Street, Urenui**

ECM7297645

The matter for consideration by the Council is the purchase of a 7m² corner splay of formed road on the corner of Ngapapa and Ritimona Streets, Urenui. The land would be declared and vested as legal road pursuant to the Public Works Act 1981 once all approvals and consents have been obtained.

The Council has entered into a conditional purchase Agreement with the owners of 29 Ngapapa Street, Urenui, subject to the payment of \$860 (inclusive of GST if any) as agreed compensation.

Performance Committee Recommendation:

Cr Duynhoven)
Cr Johnston)

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

- d) Acquire and legalise a small triangular splay developed for road purposes via a constructed footpath, based on a conditional Agreement with the landowner and payment of compensation. The acquisition of this land is supported by the Transportation Team and is not subject to a designation in the District Plan.
- e) Approves the declaration and vesting as legal road, 7m² of privately owned land held in Computer Freehold Register TN134/146, defined as Section 2 SO Plan 465204, described in the Schedule below pursuant to Section 114(1) of the Public Works Act 1981, and to the payment of agreed compensation of \$860 (inclusive of GST if any) to the owners.
- f) Instruct the Chief Executive to seek the consent of the Minister for Land Information's delegate to the declaration and vesting of the land as legal road and a publication of the required gazettal declaration notice under the Public Works Act 1981.

Carried

16. **Sale of Surplus Land to Adjoining Landowners - Uruti Road, Uruti**

ECM821971

The matter for consideration by Council is to seek approval to the conditional "off market" sale offer of 4760m² of surplus limited value Council freehold land in one title, to the two adjoining land owners who have sought to purchase the land based on an agreed subdivision split.

The Council has entered into conditional Agreements with the two adjoining owners based on an independently assessed market valuation to an aggregate sum of \$5,950 plus GST (if any).

Performance Committee Recommendation:

Cr McLeod)

Cr Johnston)

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

- a) Approves that Section 35 Block II Upper Waitara Survey District has no further Council work requirement and that the land be formally declared surplus for the purpose of disposal.
- b) Approves an "off market" sale to the two adjoining land owners in accordance with Policy P05 -019 *Approval of Properties for Sale and Method of Sale Policy*, subject to:
 - i) The granting of a land subdivision resource consent to split the land into two allotments to facilitate the sale and the amalgamation of the parcels into the adjoining owners current titles, and subject to the adjoining land owners meeting the cost associated with resource consent, survey and own legal conveyance costs.
 - ii) The land being offered for sale at market value of \$5,950 plus GST (if any) as determined by a registered valuer, based on a pro rata split in value for the two owners as shown in the Schedule below.
 - iii) That should either landowner after three months (or such other reasonable extension as agreed) from the date of the letter of offer, not accept the offer or conditional terms of that offer to purchase their delineated road frontage area (as agreed by the owners), then all of Section 35 be offered for sale to the other owner.
 - iv) That the Property Manager be authorised to enter into conditional Agreements for Sale and Purchase and finalise terms.

SCHEDULE

Disposal Area subject to Subdivision	Adjoining Land Description	Adjoining Landowner	Computer Freehold Register	Proposed Valuation Split
Area "A" 1,600m ² Subject to survey	Section 16 Block II Upper Waitara Survey District comprising .1337 hectares	Stephen Robert Black, Fiona Black and Canna Ma Hoosie Trustees Limited	TNB2/1251 Part- Cancelled	\$2,000 plus GST (if any)

Area "B" 3,160m ² Subject to survey	Lot 1 DP 327101 comprising 18.9570 hectares more or less	Andrew Paul Weston and Maxine Alison Beales	110075	\$3,950 plus GST (if any)
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Carried

17. **Lions Club of Inglewood – Ground Lease at Jubilee Park Inglewood for the Purpose of Creating and Operating a Mini Putt Course**

ECM7313108

The matter for consideration by the Council is the issue of a Concessional Ground Lease to Lions Club of Inglewood Incorporated to allow them to develop and operate a mini putt course at Jubilee Park, Inglewood.

Performance Committee Recommendation:

Cr Duynhoven)

Cr Pearce)

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

- a) Approves a public notice proposing to amend the Carnival/Jubilee Park Sports Park Management Plan and to grant a ground lease of approximately 500 square metres more or less, over part of Jubilee Park (part of Section 230 and 231 Town of Inglewood) highlighted blue in Appendix One, to Lions Club of Inglewood, for a period of 33 years commencing 1 April 2017.
- b) Agrees officers will report the results of the public notice to the Council unless there are no objections received in which instance, officers will proceed with the lease and the amendment to the management plan on the basis that Council has approved these matters.
- c) Agrees that if the lease proceeds, the Management Plan amendment will identify that "In 2017 the Lions Club of Inglewood were granted a concessional ground lease for the purpose of recreation and to benefit the community. The lease is for a period of 33 years, expiring 2050, with no right of renewal". Any signage at the mini putt facility is to be approved by the Manager Parks and Open Spaces as per policy P06-001 Advertising Signs on Reserves.
- d) Notes that the cost of the solicitor's fee for preparing the lease document (estimated to be \$900 exclusive of GST) will be invoiced to the Lions Club of Inglewood Incorporated.
- e) Agrees that the Lions Club of Inglewood Incorporated meet the criteria for a Community Concessional Lease under the Council's Community Funding Investment Policy and therefore a lease rental of \$1 per annum is approved.
- f) Authorises the Property Manager to approve the final lease terms and any minor adjustment to the ground lease area.

Carried

18. **Stopping and Sale of Unformed Legal Road Frontage, Messenger Tce, Oakura**
ECM7305433

The matter for consideration by the Council is a decision on the stopping and sale at a combined market value purchase price of \$92,500 (including GST if any) of surplus unformed legal road frontage, to the two property owners situated at 73 and 77-79 Messenger Terrace, Oakura Township.

Performance Committee Recommendation:

Cr Pearce)

Cr McLeod)

That having considered all matters raised in the report:

- a) It is noted that the two land owner(s) at 73 and 77-79 Messenger Terrace, (latter two separate titled allotments) have entered into a conditional Memorandum of Agreement to purchase the freehold of road frontage to their properties subject to stopping, issue of title, reservation of necessary ROW and required utility easements, approvals and consents.
- b) The sale price of the land has been independently assessed as to market value at \$44,000 (inclusive of GST if any) for 73 Messenger and \$48,500 (inclusive of GST if any) for 77 -79 Messenger, (two separate allotments) a combined total \$92,500 (inclusive of GST if any).
- c) As background it is noted that:
 - 47 property owners were originally given the opportunity based on a 2008 resolution to purchase their road frontage along the seaward side of Messenger Terrace based on a market valuation price conveyed to those owners; and
 - 34 property owners responded and indicated that they wished to proceed with voluntary purchase at the market price conveyed, conditional upon road stopping being successfully achieved.
 - The blanket road stopping process was subsequently instigated under Sections 319(h) and 342 and the 10th schedule to the Local Government Act 1974, that included public notice and calling for any objection to stopping.
 - The one objection received to the road stopping sought to have the height of trees limited to no higher than 1 metre over road level was referred to the Environment Court and was dismissed by the Court as being a matter not relevant to the stopping of the road parcels; and
 - 29 owners of the 34 owners subsequently took up the purchase offer and entered into binding Agreements for Sale and Purchase. Those sales have since been completed netting combined aggregate sale price income of \$714,000 (including GST if any); and

- The remaining 18 owners on seaward Messenger Terrace are still able at any time to make application to purchase their unformed road frontage; and
 - Notes a plan change was implemented as part of the stopping and sale process to provide that road land parcel additions became subject to the coastal policy area and view shaft extensions in the District Plan.
- d) It is noted that because the stopping and sale of 34 land parcels has been well tested for community objection through the public process under the Local Government Act 1974, and extensive consultation under the Local Government Act 2002, that the current stopping now proposed be facilitated under the Public Works Act 1981 as the most efficient cost effective mechanism rather than repeating the process under the Local Government Act 1974.
- e) Approves pursuant to the Public Works Act 1981, the stopping those parcels of surplus unformed legal road frontage to the properties situated at 73 and 77-79 Messenger Terrace, described in the Schedule hereunder, and to the sale of the estate in fee simple of those land parcels for the price of \$44,000 (inclusive of GST if any) and \$48,500 (inclusive of GST if any) respectively by standard transfer conveyance, subject to an amalgamation condition, reservation of ROW and required utility easements.
- f) Approve that the Minister for Land Information's delegate be requested to undertake the necessary gazettal declaration to stop the road parcels described in the schedule hereunder to secure estate in fee simple title pursuant to Sections 116 (1) and 117 (1) of the Public Works Act 1981, to enable sale of the land by way of standard conveyance.
- g) Approve the sales revenue being applied toward Loan Debt reduction.

SCHEDULE

Unformed legal Road proposed to be stopped for sale purposes

Property	Adjoining	Description	CFR	Area
73 Messenger Terrace	Lot 37 DP 7538	Section 29 SO 451564 and ROW F	TNC3/530	74m ²
77-79 Messenger Terrace (two allotments)	Lot 39 and 40 DP 7538	Road Parcels to be defined by survey	TNC3/531 and TNC3/532	238m ² (combined area)

Carried

19. **Adoption of Local Governance Statement 2016-2019**

ECM7293516

The purpose of this report is to present the Local Governance Statement 2016-2019 for adoption.

Performance Committee Recommendation:

Cr Pearce)

Cr McLeod)

That, having considered all matters raised in the report the Local Governance Statement 2016-2019 be adopted and released.

Carried

20. **Revocation of the Surplus Local Purpose Reserve - Egmont Road, New Plymouth**

ECM7305607

The matter for consideration by the Council is:

1. A decision on a recommendation to initiate public notice and consideration of any objection to revoke the reservation over a Council owned local purpose (screening and beautification) reserve held subject to the Reserves Act 1977, on the basis that the reserve is *surplus* to core Parks and Open Spaces Team requirements and it is not required for a public work for road widening or other purposes; and
2. Subject to any final Council approval and to the granting of ministerial consent, approve the disposal of the land to the adjoining land owner at an independent assessed market value of \$52,000 plus GST subject to the amalgamation of land title

Performance Committee Recommendation:

Cr McLeod)

Cr Duynhoven)

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

- a) That locally owned and operated Versatile Homes and Buildings New Plymouth are in the process of relocating their business operation and have purchased a vacant section situated at 1 Hurlstone Drive for that purpose, as registered proprietor ownership through Bishell Trustees Limited.
- b) That the land to be acquired by the company adjoins a local purpose (screening and beautification) reserve held subject to the Reserves Act 1977 being Lot 25 DP 15362 comprising 385m² held in Computer Freehold Register 762599.
- c) That the reserve was originally acquired by the Taranaki County 31 years ago in 1985 (with other reserve since declared road) for a consideration of \$16,900 in 1986 by way of vesting on subdivision under the Local Government Act 1974 and is zoned Industrial C.
- d) It is noted that Parks and Open Spaces Team has indicated that the reserve is surplus to requirements and can be disposed of, having not been developed since acquisition in 1985, with no future plans to develop the reserve. Transportation Team indicate there is no need for any of the land to be vested for any road widening purposes. Rules in the District Plan provide for controls on boundary setback for buildings, screen land planting, and consideration of mitigation of visual impacts that may impede traffic safety.

- e) It is noted that the company has indicated that it would like to purchase the reserve, if that land is surplus to requirements, noting that the land can only be sold and amalgamated with the adjoining company owned land.
- f) It is noted that the current market value of the land has been independently assessed at \$52,000 (plus GST if any) and that the company is agreeable to purchasing the land, subject to revocation of the reservation over the reserve and all necessary approvals.
- g) Approves that:
 1. The statutory process be initiated to revoke the reservation over the reserve pursuant to Section 24(1) (b) of the Reserves Act 1977 through consultation with the Department of Conservation and mandatory public notice under subsection (2) (b) of the Act and iwi consultation on the grounds that the reserve is no longer required for reserve purposes.
 2. That subject to no objection to the revocation being received within one month after the date of the first publication of the public notice, that the Chief Executive be authorised to enter into a conditional Agreement for Sale and Purchase with Bishell Trustees Limited and to seek the consent of the Minister of Conservation's delegate to approve and gazette the revocation and subject to ministerial consent being granted, to complete settlement of the sale.
 3. That should any objection be received within the prescribed statutory public notice period, to report back to enable full consideration of all objection(s) for a decision on whether or not to proceed with an application to the Minister's delegate for a decision on revocation.
 4. That should the sale be completed that the proceeds be applied toward loan debt reduction.

Carried

Council Resolution:

Cr Handley)

Cr Pearce)

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.

Carried

Recommendations from the Audit and Risk Committee

4. Final Audit Management Report for the Year Ending 30 June 2016

ECM7322540

The purpose of this report is to note the Final Management Report prepared by Audit New Zealand as part of the annual audit of the 2016 Annual Report.

Audit and Risk Committee Recommendation:

Cr Weaver)

Cr Handley)

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

Carried

5. Audit New Zealand Draft Audit Arrangement Letter and Audit Engagement Letter for the Year Ended 30 June 2017 (2016/17)

ECM7329205

The matters for consideration are the Audit New Zealand Draft audit arrangements letter and audit engagement letter to the Council on the audit of New Plymouth District Council for the year ended 30 June 2017.

Audit and Risk Committee Recommendation:

Mayor Holdom)

Ms Young-Cooper)

That, having considered all matters raised in the report, the draft letters be approved for signing by the Mayor, subject to any minor changes as agreed to by the Mayor and Chief Executive Officer.

Carried

6. Internal Audit Charter

ECM7323210

This report provides the Audit and Risk Committee with background on the establishment of an internal audit function at NPDC and seeks the Committee's approval of the draft Internal Audit Charter (attached as Appendix A). The Charter outlines the role and responsibilities of internal audit and how the Executive Leadership Team can support its activities. This is the first step towards the re-introduction of an internal audit function at NPDC.

Audit and Risk Committee Recommendation:

Cr Jordan)

Cr Weaver)

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

Carried

7. **Adoption of New Delegations Register and Appointment of Officers**

ECM7325818

The primary matter for consideration by the Council is the revocation of the current Delegations Register (**Current Register**) and the adoption of an updated Delegations Register in electronic format (**Proposed Register**). A secondary matter is the appointment of specified council officers as authorised officers for the purpose of the New Plymouth District Council bylaws and in relation to specified statutory positions. Both matters have largely arisen due to the need to update delegations, appointments, and authorisations to reflect new job titles.

Audit and Risk Committee Recommendation:

Cr Jordan)

Mayor Holdom)

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

- g) Revokes all delegations, authorisations and appointments set out in the Delegations Register of 12 April 2011;
- h) Delegates all responsibilities, duties, and powers, subject to specified conditions, as provided for in the new electronic Delegations Register as at 28 February 2017 (being the document available at: <http://delegations.npdc.nz/>);
- i) Appoints the officers holding the positions listed in the first column of the table in Part A of "Appendix D: Authorised Officers under the NPDC Bylaws" as authorised officers for the purposes of any New Plymouth District Council Bylaws that relate to the area of responsibility listed in the second column of Part A that Appendix alongside the relevant officer's title;
- j) Appoints the officers holding the positions listed under the heading 'Officer' in "Appendix E: Authorised Officers, Representatives and Persons" to the corresponding role listed under the heading 'Authorised Role' in that Appendix and authorises them to exercise the statutory responsibilities, powers, and duties of the Council associated with the role concerned;
- k) Clarifies that the appointments made under resolutions c) and d) apply to all individuals who currently hold any of the listed officer titles, and to any individuals who are employed at a future date who hold one of the listed officer titles.

Carried

Saturday Free Parking Trial in the New Plymouth CBD – Interim Report on Impacts to Date and Decision for Annual Plan 2017/18

ECM 7306314

The matter for consideration by the Council is whether to extend free parking in the New Plymouth CBD on Saturdays for 2017/18 at a cost of \$310,000 in foregone revenue as part of the Annual Plan 2017/18, or to dedicate a similar amount for CBD improvements.

Council Resolution:

Cr Merrick)

Cr Biesiek)

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

- a) Notes that the 2016/17 trial of Saturday free parking in the New Plymouth CBD will finish on 30 June 2017, however, as a decision is required now to assist Annual Plan 2017/18 deliberations, this report provides an interim assessment of the impacts of the trial to date and provides options for the Annual Plan 2017/18, and
- b) Agrees to cease Saturday free parking on 30 June 2017, consider the findings September / October 2017 in preparation for the LTP 2018-2028 and also set aside \$310,000 in the Annual Plan 2017/18 to support the CBD as part of the Shaping Our City Action Plan.

Carried

At the Council meeting Cr Melody, having declared an interest, took no part in the discussion or voting on the preceding matter.

The meeting adjourned at 6.41pm and reconvened at 6.46pm.

Parihaka Relationship Agreement

ECM7322143

The purpose of this report is to outline the background to, and commitments being offered by the Council as part of a relationship agreement between the Crown, local government and Parihaka. The report recommends the Council approve the relationship agreement.

Council Resolution:

Cr McLeod)

Cr Hitchcock)

That, having considered all matters raised in the report, the Council adopt the draft Parihaka relationship agreement and the Chief Executive be authorised to make any minor administrative changes in consultation with parties to the agreement.

Carried

Proposed Draft Annual Plan 2017/18

ECM7348405

The matter for consideration by the Council is the proposed Draft Annual Plan 2017/18 and agreeing to consult or not on the proposed changes to the targeted water rate.

Council Resolution:

Cr Weaver)

Cr Brown)

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

- a) Note that the proposed total rate take for 2017/18 is \$85.4m and is in line with the current Long-Term Plan 2015-2025.
- b) Note that equates to an increase of approximately \$1.40 a week on the average residential rate.
- c) Note that the Proposed Draft Annual Plan 2017/18 now has an approximate rates requirement of 4.5 per cent which is under the amount allocated in the Financial Strategy.
- d) Note that the budget is subject to the final adoption of all fees and charges including those trade waste and solid waste subject to consultation.
- e) Note that with the exception of the proposed changes to striking the targeted water rates, all of the decisions regarding variations to the Proposed Draft Annual Plan 2017/18 to that indicated within the Long-Term Plan 2015-2025 are not considered to be significant or material variations and do not trigger the need for consultation.
- f) Agree to the proposed changes to striking the targeted water rate outlined in Appendix 5 as a significant and/or material variation to the Proposed Draft Annual Plan 2017/18 to that indicated within the Long-Term Plan 2015-2025 requiring Council staff to prepare a Consultation Document for Council approval for consultation at the 4 April 2017 Council meeting.

A Procedural motion was moved at the Council meeting

Cr Jordan)

Cr Pearce)

That Annual Plan items be considered item by item.

The Procedural Motion was Carried

An amendment was moved at the Council meeting

Cr Chong)

Cr McLeod)

That the Govett-Brewster Art Gallery Annual Plan 2017/18 budget be set at \$3,616,000.

The amendment was lost

Crs Chong, McLeod, Biesiek, Brown and Handley requested that their votes for the amendment be recorded.

The meeting adjourned at 8.45pm and reconvened at 8.55pm.

An amendment was moved at the Council meeting

Cr McLeod)

Cr Chong)

That \$100,000 be removed from the Event Venues - Business Development Annual Plan 2017/18 budget.

The amendment was lost

Crs Chong and McLeod requested their votes for the amendment be recorded.

An amendment was moved at the Council meeting

Cr Pearce)
Mayor Holdom)

That Item No. 43 – Removal of the fence at the Joe Gibbs Reserve Inglewood be included in the Annual Plan 2017/18.

The amendment was carried

At the Council meeting Cr McLeod requested that his vote against the amendment be recorded.

An amendment was moved at the Council meeting

Mayor Holdom)
Cr Pearce)

- a) That a total of \$200,000 be allocated in Annual Plan 2017/18 for the Jubilee Park Skatepark project.
- b) That a total of \$200,000 for the Shearer Reserve Skatepark project be allocated in the Annual Plan 2017/18.

The amendment was carried

Crs McLeod and Chong requested that their votes against the amendment be recorded.

The substantive motion was put and carried

Mayor Holdom closed the meeting at 9.24pm.

The Council rose

Read and confirmed

MAYOR