

## MINUTES OF COUNCIL MEETING

**File Reference:** ECM7947620

**Meeting Date:** 26 February 2019 at 3.30pm

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

**Members Present:** Councillor Richard Jordan (Chairperson), Councillors Shaun Biesiek, Murray Chong, Richard Handley, Stacey Hitchcock, Colin Johnston, John McLeod, Alan Melody, Mike Merrick, Marie Pearce, Roy Weaver and John Williams

### **Apologies:**

Mayor Neil Holdom, Councillors Gordon Brown and Harry Duynhoven

### **Non Members Present:**

Community Board Chairpersons: Ken Bedford (Clifton), Doug Hislop (Kaitake)

### **Staff in Attendance:**

Craig Stevenson, Nadia Phillips, Julie Straka, Alison Trustrum-Rainey, Katrina Brunton, Ron Murray Cheryl McGrath, David Langford, Callum Williamson, Dion Cowley, Mitchell Dyer, Kelvin Wright, Liam Hodgetts, Jacqueline Baker, Juliet Johnson, Charles Woollin, Peter Wilson; Ian Baker

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### **Apologies**

#### Council Resolution:

Cr Pearce )

Cr Johnston )

That the apologies for absence from Mayor Neil Holdom and Councillors Gordon Brown and Harry Duynhoven be received.

Carried

### **Public Forum**

- Terry Parkes (Don Driver Mural)
- Peter Barker (Don Driver Mural)
- Warren Seastrand (Don Driver Mural)
- Colin Bell (Climate Change)
- Sue Jameson (Central Business District Revitalisation)
- Katherine Britten-Wood (Request for the reinstatement of the Back Beach Steps)
- Hilary Blackstock (Active in Age New Plymouth) and Lance Girling-Butcher (Request for elderly discount rates at TSB Stadium)

### **Minutes**

#### Council Resolution:

Cr Handley )

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:

11 December 2018

Carried

## Committee Minutes

### Council Resolution:

Cr Weaver )

Cr Biesiek )

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.

Planning Committee 12 February 2019  
Performance Committee 13 February 2019

Carried

### **Decisions from the Planning Committee**

File Reference: ECM7940900

Meeting Date: Wednesday 12 February 2019 at 3.30pm

Venue: Council Chamber

Members Present: Councillor Roy Weaver (Chairperson); Mayor Neil Holdom, Councillors Stacey Hitchcock, Shaun Biesiek, Richard Handley, Alan Melody, Mike Merrick (until 4.08pm)

Apologies: Councillor Murray Chong

Non-members Present: Councillors John Williams, Gordon Brown, Harry Duynhoven, Richard Jordan, Marie Pearce, John McLeod and Colin Johnston  
Community Board Chairpersons: Ken Bedford (Clifton), Andrew Larsen (Waitara)

Staff in Attendance: Nadia Phillips, Craig Stevenson, Liam Hodgetts, Alison Trustrum-Rainey, Sarah Edwards, Katrina Brunton, Mitchell Dyer, Dion Cowley, David Langford, Julie Straka, Juliet Johnson, Charles Woollin, Catherine Croot

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### **Apologies**

#### Planning Committee Resolution

Cr Weaver )

Cr Melody )

That the apology for absence from Cr Murray Chong be received.

Carried

## Minutes

### Planning Committee Resolution

Cr Biesiek )

Cr Handley )

That the minutes of the Planning Committee meeting (24 October 2018) and the proceedings of the said meeting, as previously circulated, be taken as read and confirmed as a true and accurate record.

Carried

## 1. District Plan Review Update Report

ECM7912747

The purpose of this report is to provide an update on the progress of the District Plan Review. The next stage in the process is to move into the final stages of targeted engagement, final evaluations and Plan drafting, in preparation for the public notification of the Proposed District Plan.

### Planning Committee Resolution:

Mayor Holdom )

Cr Biesiek )

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

Carried

## 2. Cemeteries and Crematoria and Solid Waste Bylaws – Initiation of Review

ECM7906416

The matter for consideration by the Council is whether or not to approve the initiation of a review of the Cemeteries and Crematoria (Part 3 and 3a) and Solid Waste (Part 9) parts of the New Plymouth District Bylaw 2008, and determine that a bylaw is the most appropriate way of addressing the nuisance or problem relevant to each part of the bylaw as per the Local Government Act 2002.

### Planning Committee Resolution:

Cr Hitchcock )

Cr Biesiek )

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

- a) Determine that a bylaw continues to be the most appropriate way of addressing the perceived problems that arise in relation to cemeteries and crematoria and solid waste, in accordance with section 155(1) of the Local Government Act 2002, and
- b) Approve the initiation of a review of the New Plymouth District Bylaw 2008 Parts 3 and 3a, Cemeteries and Crematoria and Part 9 Solid Waste, in accordance with section 158 of the Local Government Act.
- c) Note the reviews will consider the option to create a standalone Cemeteries and Crematoria Bylaw and a standalone Solid Waste Bylaw as an alternative to their continued incorporation within the existing consolidated New Plymouth District Bylaw 2008.

Carried

## Decisions from the Performance Committee

File Reference: ECM7945183  
Meeting Date: Wednesday, 13 February 2019 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, John Williams  
  
Non-members Present: Councillors Roy Weaver, Shaun Biesiek, Richard Handley, Stacey Hitchcock  
Community Board Chairperson: Ken Bedford (Clifton)  
Papa Rererangi I Puketapu Representatives: Wayne Wootton, Gaye Batty, Philip Cory-Wright  
Venture Taranaki Trust Representatives: Stuart Trundle, Kevin Murphy, Anne Probert  
  
Staff in Attendance: Nadia Phillips, Craig Stevenson, Julie Straka, Charles Woollin, Cheryl McGrath, Kate Keegan, Alison Trustrum-Rainey, Liam Hodgetts, Kelvin Wright, David Langford, Teresa Turner, Liz Beck, Katrina Brunton, Kimberley Hope, Mitchell Dyer

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## Minutes

### Performance Committee Resolution

Cr Johnston )

Cr Brown )

That the minutes of the Performance Committee meeting (28 November 2018) and the proceedings of the said meeting, as previously circulated, be taken as read and confirmed as a true and accurate record.

Carried

### **1. Temporary Road Closures – Ride Summertime Rolls Events, New Plymouth District Council**

ECM7901829

The matter for consideration by the Council are applications from the Council's Transportation group for temporary road closures in central New Plymouth. The purpose of each road closure is to create a venue for two bicycle events on the Ride Summertime Rolls calendar, The Friday Dash and Velo Deus 20.

#### Performance Committee Resolution:

Mayor Holdom )

Cr Pearce )

That, having considered all matters raised in the report the road closure for the following events be approved:

- a) Event - The Friday Dash

Date and period of closure: from 5pm to 8pm on Friday 15 February 2019

Roads to be closed:

- Ariki Street from Currie to Egmont streets
- Egmont Street from Ariki to Devon Street West
- King Street from Queen to Brougham streets

- Brougham Street from Ariki Street to Devon Street West
- James Lane from Ariki Street to Huatoki Lane

b) Event - Velo Deus 20

Date and period of closure: from 5pm to 8pm on Friday 1 March 2019

Roads to be closed:

- King Street from Queen Street to Brougham Street
- Egmont Street from Ariki Street to Devon Street West
- Brougham Street from Ariki Street to Devon Street West

The above road closures are subject to the conditions outlined in correspondence to New Plymouth District Council (Transportation) dated 26 November 2018. Refer Appendix 1, for correspondence regarding The Friday Dash. The same conditions apply to the Velo Deus 20 application.

Carried

**2. Devon Street East and Mangorei Road Intersection**

ECM7911397

This report updates Council on the Transportation Teams response following the petition received from the community, raising both safety and efficiency concerns with the Devon Street East/Mangorei Road intersection.

Performance Committee Resolution:

Cr Pearce )

Cr Brown )

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

Carried

**3. Dockless E-Scooter Trial in New Plymouth**

ECM7911375

This report is to advise Council that Officers have approved a three-month trial of dockless e-scooters in New Plymouth including the New Plymouth CBD.

Performance Committee Resolution:

Cr Duynhoven )

Cr Williams )

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

Carried

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

**4. Purchase of Bins for New Kerbside Collection Service in October 2019**

ECM7916726

The matter for consideration by the Council is the mode of funding for the bins for the new rubbish and food waste collection service beginning on 1 October 2019.

Performance Committee Resolution:Cr Pearce )

Cr Brown )

That, having considered all matters raised in the report, the bins for the new rubbish and food collection services starting on 1 October 2019 be purchased at the start of the services using surplus funds from the Solid Waste Development Fund.

Carried

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

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

ECM7913136

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

Performance Committee Recommendation:

Mayor Holdom )

Cr Johnston )

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) Procurement of Construction Services

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

**Recommendations from the Planning Committee**

File Reference: ECM7940900

Meeting Date: Wednesday 12 February 2019 at 3.30pm

Venue: Council Chamber

Members Present: Councillor Roy Weaver (Chairperson); Mayor Neil Holdom, Councillors Stacey Hitchcock, Shaun Biesiek, Richard Handley, Alan Melody, Mike Merrick (until 4.08pm)

Apologies: Councillor Murray Chong

Non-members Present: Councillors John Williams, Gordon Brown, Harry Duynhoven, Richard Jordan, Marie Pearce, John McLeod and Colin Johnston  
Community Board Chairpersons: Ken Bedford (Clifton), Andrew Larsen (Waitara)

Staff in Attendance: Nadia Phillips, Craig Stevenson, Liam Hodgetts, Alison Trustrum-Rainey, Sarah Edwards, Katrina Brunton, Mitchell Dyer, Dion Cowley, David Langford, Julie Straka, Juliet Johnson, Charles Woollin, Catherine Croot

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### 3. **Fitzroy Golf Club – Lease Process**

The matter for consideration by the Council is the process and options for making a decision regarding a new lease for the Fitzroy Golf Club (Club).

Planning Committee Recommendation:

Mayor Holdom )

Cr Melody )

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

- a) Enter into a Memorandum of Understanding (MOU) with the Fitzroy Golf Club that outlines the Concept Development Plan process.
- b) Delegate authority to the Chief Executive Officer to sign the proposed MOU with Fitzroy Golf Club.

Carried

*At the Planning Committee meeting, Cr Merrick requested that his vote against the motion be recorded.*

Council Resolution:

Cr Biesiek )

Cr Handley )

That the Planning Committee recommendation, relating to Fitzroy Golf Club – Lease Process be adopted.

Carried

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

### 4. **Local Amendments to NZS4404:2010 Land Development and Subdivision Infrastructure**

ECM7901578

The matter for consideration is that the proposed local amendments to NZS4404:2010 Land Development and Subdivision Infrastructure are required to be made available to the public for comment prior to the notification of the full Proposed District Plan.

Planning Committee Recommendation:

Cr Hitchcock )

Cr Melody )

That having considered all matters raised in the report the proposed local amendments to NZS4404:2010 Land Development and Subdivision Infrastructure are made available for public comment.

Carried

Council Resolution

Cr Weaver )

Cr Hitchcock )

That the Planning Committee recommendation, relating to Local Amendments to NZS4404: 2010 Land Development and Subdivision Infrastructure, be adopted.

Carried

**5. Update to Council's Delegations Register Following Passage of New Plymouth District Council (Waitara Lands) Act 2018**

ECM7911830

The matter for consideration by the Council is updating the Council's Delegation Register to ensure that the delegations contained therein are current and delegated to the appropriate level. These new delegations relate to the passage of New Plymouth District Council (Waitara Lands) Act 2018.

The report recommends that the Council delegates its powers and duties to specified Council officers, as set out in the attached Schedule, to ensure that the Council officers have the necessary authority to undertake the functions, powers, or duties on behalf of the Council.

Planning Committee Recommendation:

Cr Hitchcock )

Cr Biesiek )

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

- a) delegates the updated powers and duties, as set out in the attached Schedule, to the specified Council officers;
- b) directs that the Council's Delegations Register be updated accordingly.

Carried

*Cr Merrick left the meeting at 4.08pm, part-way through the debate on the above item.*

Council Resolution

Cr Handley )

Cr Pearce )

That the Planning Committee recommendation, relating to Update to Council's Delegations Register Following Passage of New Plymouth District Council (Waitara Lands) Act 2018, be adopted.

Carried

**Recommendations from the Performance Committee**

File Reference: ECM7945183

Meeting Date: Wednesday, 13 February 2019 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, John Williams

Non-members Present: Councillors Roy Weaver, Shaun Biesiek, Richard Handley, Stacey Hitchcock  
Community Board Chairperson: Ken Bedford (Clifton)  
Papa Rererangi I Puketapu Representatives: Wayne Wootton, Gaye Batty, Philip Cory-Wright  
Venture Tourism Taranaki Representatives: Stuart Trundle, Kevin Murphy, Anne Probert

Staff in Attendance: Nadia Phillips, Craig Stevenson, Julie Straka, Charles Woollin, Cheryl McGrath, Kate Keegan, Alison Trustrum-Rainey, Liam Hodgetts, Kelvin Wright, David Langford, Teresa Turner, Liz Beck, Katrina Brunton, Kimberley Hope, Mitchell Dyer



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**6. Papa Rererangi I Puketapu Ltd – Quarterly Report to 31 December 2018**

ECM7929188

The purpose of this report is to present the Papa Rererangi i Puketapu Ltd quarterly report for the quarter ended 31 December 2018.

Performance Committee Recommendation

Cr Pearce )

Cr Williams )

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

Carried

Council Resolution

Cr Pearce )

Cr Williams )

That the Performance Committee recommendation, relating to Papa Rererangi I Puketapu Ltd – Quarterly Report to 31 December 2018, be adopted.

Carried

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

**7. Venture Taranaki Trust Quarter Two 2018/2019 Report**

ECM7917328

The purpose of this report is to present the Venture Taranaki Trust (VTT) Quarter Two Report, for the period 1 October to 31 December 2018, to the Council.

Performance Committee Recommendation:

Mayor Holdom )

Cr Duynhoven )

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

Carried

Council Resolution

Cr Hitchcock )

Cr Biesiek )

That the Performance Committee recommendation, relating to Venture Taranaki Trust Quarter Two 2018/2019 Report, be adopted.

Carried

**8. Performance Report for Period 1 July to 31 December 2018**

ECM7906381

The purpose of this report is to advise of the Council's performance for the period 1 July to 31 December 2018 of the 2018/19 financial year.

Performance Committee Recommendation:

Mayor Holdom )

Cr Pearce )

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

Carried

Council Resolution

Cr Handley )

Cr Weaver )

That the Performance Committee recommendation, relating to Performance Report for Period 1 July to 31 December 2018, be adopted.

Carried

**9. Stopping of Part of a Service Land and Re-vesting Land Acquired in Error Back to Adjoining Land Owner – Part Knox Service Lane, Inglewood**

ECM7898375

The matter for consideration by the Council is a recommendation that approval be given to the stopping of a small area of 23m<sup>2</sup> comprising part Knox Service Lane, Inglewood and to re-vest ownership of the freehold at nominal consideration back with the adjoining land owner by way of amalgamation of title pursuant to the Public Works Act 1981.

The proposal is to give effect to rectify the erroneous acquisition of the land inadvertently acquired in 1996 due to an oversight based on an obligation to rectify given to both the original and current adjoining owner. The proposal does not affect the utility or functioning of Knox Service Lane.

Performance Committee Recommendation:

Cr Duynhoven )

Cr Pearce )

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

- a) Notes that in 1996, the land currently comprising the Knox Service Lane in Inglewood was acquired and vested as service lane, under the Public Works Act 1981 by Agreement from four private land owners. During that process an area comprising 23m<sup>2</sup> was inadvertently acquired from one of the then adjoining owners, but no compensation was paid for the land as it was not intended the land be so acquired.
- b) Notes that subsequent to the oversight being detected in 2003, the Solicitors acting for the former current owner requested that matter be corrected by re-vesting of the 23m<sup>2</sup> back into the title ownership of the affected adjoining land owner based on a nominal consideration of \$1.00 if demanded (plus GST if any).
- c) Notes while the required survey was undertaken in 2003 as a prerequisite to undertake the necessary statutory process to re-vest the land back into the ownership with the former registered proprietor, that action was not taken. The current owner has now requested that the land be re-vested back into their ownership noting that part of the owners buildings are situated on the land preventing through access.
- d) Notes that while the Public Works Act 1981, provides a mechanism for correcting declaration notices, technical advice is because of the time lag and change in land ownership that a stopping and vesting process needs to be undertaken.
- e) Notes that a conditional Memorandum of Agreement has been entered into (subject to approval) with the affected current land owner to stop and re-vest the estate in fee simple (freehold) back with the owner for a nominal \$1 consideration (plus GST if any). A Compensation Certificate has been registered to protect that agreement.

- f) Notes that the proposal does not affect the utility and functioning of the remainder of the Knox Service Lane.
- g) Approves the stopping of that area of service lane (road) described as Section 1 Survey Office Plan 323386 (23m<sup>2</sup>) and the vesting of the estate in fee simple (freehold) for a nominal \$1 consideration if demanded (plus GST if any) and amalgamation with the adjoining owners land title Computer Freehold Register Title TN111/26 pursuant to Sections 116, 117 and 120(3) of the Public Works Act 1981.
- h) Approves the Chief Executive seeking the consent of the Minister for Land Information to the proposed stopping, amalgamated title re-vesting in the affected land owner and to the publication of the necessary Declaration Notice under the Public Works Act 1981.
- i) Approves that the designation for a public work over Knox Lane recorded as item L121 in Appendix 4 of the Operative District Plan be uplifted pursuant to an application under Section 182(1) of the Resource Management Act 1991.

Carried

Council Resolution

Cr Biesiek )

Cr Pearce )

That the Performance Committee recommendation, relating to Stopping of Part of a Service Land and Re-vesting Land Acquired in Error Back to Adjoining Land Owner – Part Knox Service Lane, Inglewood, be adopted.

Carried

**GREEN SPACES MANAGEMENT PLAN**

ECM7912123

The matter for consideration by the Council is approval of the Green Spaces Management Plan. The attached final Green Spaces Management Plan includes amendments made following 51 comments received to the draft Green Spaces Management Plan.

Council Resolution:

Cr Johnston )

Cr Melody )

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

- a) Approves the Green Spaces Management Plan 2019 as contained in Appendix 1
- b) Notes comments received (Appendix 2) on the draft Green Spaces Management Plan

Carried

The meeting closed at 4.49pm.

The Council rose

Read and confirmed

MAYOR