

MINUTES OF COUNCIL MEETING

File Reference: ECM 7300568
Meeting Date: Tuesday 13 December 2016 at 4.30pm
Venue: Civic Centre, Liardet Street, New Plymouth.
Members Present: Mayor Neil Holdom, Councillors Craig McFarlane, 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 Member Jonathan Marshall (Waitara)

Mark Butcher – PIF Guardians

Staff in Attendance:

Barbara McKerrow, Liam Hodgetts, Alan Bird, Sue Davidson, Gaye Batty, Jacqueline Baxter, Andrea Smith, Jan Holdt, Julie Straka, Lisa Lowe, Jayne Beer, David Langford, Ralph Broad, Andrew Barron, Carl Whittleston, Katrina Brunton, Peter Handcock, Jo Eagar, Phil Armstrong, Mitchell Dyer, Teresa Turner and Delwyn Masters

Mayor Holdom opened the meeting.

Public Forum

- Mr John McCullough re New Plymouth area
- Mr Matua Hamilton re Car Sales on Coronation Avenue

Committee Advisers note

Council officers are to report back to the Performance Committee on how the Council may be able to address the concerns raised by Mr Hamilton.

Deputation

- Sport Taranaki – quarterly update by Howie Tamati and Rob Haveswood
- North Taranaki Sport & Recreation Incorporated – update by Howie Tamati and Deb Tawa

Committee Advisers note

Council officers are to report back to the Chief Executive regarding the assistance requested by North Taranaki Sport and Recreation Incorporated.

Minutes

Council Resolution:

Cr McLeod)

Cr Hitchcock)

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:

25 October 2016

Carried

Committee Minutes

Council Resolution:

Cr McLeod)

Cr Duynhoven)

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 29 November 2016

Performance Committee 1 December 2016

Yarrow Stadium Joint Committee 6 December 2016

Carried

Decisions from the Planning Committee

Meeting Date: Tuesday 29 November 2016

Members Present: Councillor Roy Weaver (Chairperson); Mayor Neil Holdom, Councillors Stacey Hitchcock, Shaun Biesiek, Murray Chong, Alan Melody, Mike Merrick

Apologies: Councillor Richard Handley

Non-Members Present: Councillors Richard Jordan, Marie Pearce, Gordon Brown, Colin Johnston, Craig McFarlane, Harry Duynhoven, John McLeod

DECLARATIONS OF INTEREST:

- Councillor Weaver declared an interest in the item re Transfer of Specific Resource Management Act Responsibilities Relating to Landfarms to the Taranaki Regional Council.
- Councillor Melody declared an interest in the item Easter Sunday Shop Trading Policy Options

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

1 Impact of Recent Reduction in Community Funding

File Reference: ECM 7247962

The matter for consideration by the Council is the impact of the recent reduction in community funding, which is to be monitored, and a report on the options presented to Council, prior to the development of the draft Annual Plan 2017/18.

Planning Committee Resolution:

Cr Biesiek)

Cr Hitchcock)

That having considered all matters raised in the report, the Council consider increasing the funding budget as a per annum increase through the 2018-2028 Long Term Plan.

Carried

Crs Chong and Merrick requested that their votes against the motion be recorded.

Decisions from the Performance Committee

Meeting Date: Thursday 1 December 2016

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 Murray Chong, Roy Weaver, Stacey Hitchcock and Shaun Biesiek

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

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

1. Venture Taranaki Quarter One 2016/17 Report

FILE REFERENCE: ECM7268684

The purpose of this report is to present the Venture Taranaki Trust (VTT) Quarter One Report for the period 1 July to 30 September 2016 to the Council.

Performance Committee Resolution:

Cr McLeod)

Cr Johnston)

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

Carried

2. Performance Report for Period 1 July to 30 September 2016

File Reference: ECM 7267649

The purpose of this report is to advise of the Council's performance for the first quarter (1 July to 30 September 2016) of the 2016/17 financial year.

Performance Committee Resolution:

Cr McLeod)

Cr Pearce)

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

Carried

3. Capital Expenditure Report for Significant Activities to 30 September 2016

File Reference: ECM 7270520

The purpose of this report is to monitor the capital expenditure for the 2016/17 financial year for significant activities and highlight any predicted carry forwards.

Performance Committee Resolution:

Cr Brown)

Cr McLeod)

That, having considered all matters raised in the report, the report be received, noting:

- a) That the actual capital expenditure for significant activities for the 16/17 financial year to 30 September 2016 was \$4,562k compared to a forecast of \$3,623k.
- b) That the carry forwards from 2015/16 budgets which have been approved by the Council have now been included in the forecast spend profile.
- c) That the net-carry forward for significant activities within Council control stands at \$4,340k and represents 11.9% of the budget in relation to these items.
- d) That the Key Performance Indicator is to limit carry forwards for significant activities within Council control for 2016/17 to 18% of the budget in relation to these items.
- e) That for significant activities the current predicted total carry forward stands at \$8,935k.
- f) That \$4,595k of the predicted carry forward for significant activities is related to either growth projects or projects for which third party easements are required and as such the Council has reduced control in relation to the timing of these projects.

Carried

4. **Temporary Road Closure – Taranaki Car Club Waitara Street Sprints**

File Reference: ECM 7244678

The matter for consideration by New Plymouth District Council is to recommend the temporary closure of roads in Waitara to enable the Taranaki Car Club to hold the Waitara Street Sprint motorsport event.

Performance Committee Resolution:

Cr McFarlane)

Cr Johnston)

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

Taranaki Car Club Waitara Street Sprint

Date and period of closure: from 7am to 5.30pm on Saturday 18 February 2017.

Roads to be closed:

- Memorial Place.
- Whitaker Street from Blake to Browne streets.

- Browne Street from McLean Street to High Street West.
- Stafford Street from Browne to Grey streets.
- Cameron Street from Grey to Blake streets.
- Broadway from Cameron to Pratt streets.
- High Street West from Cracroft to Browne streets.
- Cracroft Street from High Street West to McLean Street.
- Stafford Street from Cracroft to Blake streets.

The above road closure is subject to the conditions outlined in a letter sent to the Taranaki Car Club dated 8 September 2016.

Carried

5. **Temporary Road Closure – Taranaki Vehicle Events Trust Americana New Plymouth 2017**

File Reference: ECM 7251326

The matter for consideration by New Plymouth District Council is to recommend the temporary closure of roads in New Plymouth on two consecutive days to create a venue for Taranaki Vehicle Events Trust to hold Americana events.

Performance Committee Resolution:

Cr Brown)

Mayor Holdom)

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

a) Americana 2017 Friday Night Cruising

Date and period of closure: from 4pm to 9.30pm on Friday 24 February 2017:

Roads to be closed:

- Devon Street from Eliot to Robe streets.
- Gover Street from Courtenay (SH 45) to Gill streets.
- Liardet Street from Courtenay to Gill streets.
- Currie Street from Powderham (SH 45) to the intersection of Gill and Ariki streets.
- Brougham Street from Powderham to Ariki streets.
- Egmont Street from Devon Street West to Ariki streets.
- King Street from Brougham to Queen streets.
- Queen Street from Devon Street West to St Aubyn (SH 44) streets, with one lane open from King to St Aubyn streets for north bound traffic only.
- All service lanes within the closed off area.

Affected roads:

- Robe Street, open for left turning traffic only onto Devon Street West.
- Queen Street, open one side only from King to St Aubyn streets for left turning traffic from King and Young streets.
- Devon Street West, open to east bound traffic turning right onto Robe Street.

- Ariki Street, right turn only onto Egmont Street.

b) Americarnival Street Show and Shine and Carnival

Date and period of closure: from 7am to 4pm on Saturday 25 February 2017:

Roads to be closed:

- Devon Street from Eliot to Robe streets.
- Egmont Street from Devon to King streets.
- King Street from Egmont to Brougham streets.
- Brougham Street from Powderham to Ariki streets.
- Currie Street from Powderham to Gill streets.
- Liardet Street from Courtenay to Gill streets.
- Gover Street from Courtenay to Gill streets
- All service lanes within the closed off area.

The above road closures are subject to the conditions outlined in a letter sent to the Taranaki Vehicle Events Trust dated 15 September 2016.

Carried

6. **Temporary Road Closure – Waitara Alive Americarna Waitara 2017**

File Reference: ECM 7260978

The matter for consideration by New Plymouth District Council is to recommend the temporary closure of roads in Waitara to create a venue for Waitara Alive to hold an Americarna event.

Performance Committee Resolution:

Cr Johnston)

Cr McLeod)

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

Americarna Waitara 2017

Date and period of closure: from 10am to 5pm on Thursday 23 February 2017.

Roads to be closed:

- McLean Street from Cracroft Street to West Quay.
- Warre Street from McLean to Parris streets.
- Queen Street from Wrights Lane to Parris Street.
- Dowding Place.
- Bank Street.
- Watson Lane.
- Domett Street from Ogle to Parris streets.
- Grey Street from Ogle to Parris streets.
- Browne Street from McLean to Parris streets.
- Memorial Place.

The above road closure is subject to the conditions outlined in a letter sent to Waitara Alive dated 26 September 2016.

Carried

7. **Temporary Road Closure – Inglewood First Americarna Inglewood 2017**

File Reference: ECM 7240246

The matter for consideration by New Plymouth District Council is to recommend the temporary closure of roads in Inglewood to create a venue for Inglewood First to hold an Americarna event.

Performance Committee Resolution:

Cr Pearce)

Cr Johnston)

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

Americarna Inglewood 2017

Date and period of closure: from 2pm to 9pm on Thursday 23 February 2017.

Roads to be closed:

- Matai Street (SH 3) from Brookes Street to Rata Street (SH 3)
- Rata Street (SH 3) from Rimu Street (SH 3a) to Brown Street
- Cutfield Street from Rata to Brookes streets
- Kelly Street from Brown to Matai streets

Affected roads:

- Brookes Street
- Brown Street

The above road closure is subject to the conditions outlined in a letter sent to Inglewood First dated 20 September 2016.

Carried

8. **Temporary Road Closure – Inglewood Lions Club International Lions Centennial Parade**

File Reference: ECM 7270844

The matter for consideration by New Plymouth District Council is to recommend the temporary closure of roads in Inglewood to enable Inglewood Lions Club to use the roads as a venue to hold a parade commemorating the International Lions Centenary.

Performance Committee Resolution:

Cr Johnston)

Cr Pearce)

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

Inglewood Lions Club International Lions Centennial Parade

Roads to be closed:

- Matai Street (SH 3) from Brookes Street to Rata Street (SH 3).
- Rata Street (SH 3) from Rimu Street (SH 3a) to Brown Street.
- Cutfield Street from Rata to Brookes streets.
- Kelly Street from Matai to Brown streets.

Affected roads:

- Brookes Street.
- Brown Street.

Date and period of closure: from 1.30pm to 3.30pm on Saturday 4 March 2017.

The above road closure is subject to the conditions outlined in a letter sent to Inglewood Lions Club dated 17 October 2016.

Carried

9. **Temporary Road Closure - New Plymouth District Council Integrated Transportation Team Velo Deus 20 Bicycle Race**

File Reference: ECM 7260609

The matter for consideration by New Plymouth District Council is to recommend the temporary closure of roads in central New Plymouth to enable New Plymouth District Council Integrated Transportation Team to hold the Velo Deus 20 Bicycle Race.

Performance Committee Resolution:

Cr Duynhoven)

Cr Pearce)

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

Velo Deus 20 Bicycle Race

Date and period of closure: from 5pm to 8pm on Friday 3 February 2017.

Roads to be closed:

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

Affected road with no vehicular access: Brougham Street from Ariki Street to Devon Street West.

The above road closure is subject to the conditions outlined in a letter sent to New Plymouth District Council Integrated Transportation Team dated 20 October 2016. Appendix 1.

Carried

10. **Temporary Road Closure – WOMAD NZ Charitable Trust WOMAD 2017**

File Reference: ECM 7265057

The matter for consideration by New Plymouth District Council is to recommend the temporary closure of roads in New Plymouth to enable WOMAD NZ Charitable Trust to

safely manage traffic and pedestrians while WOMAD 2017 takes place at the Bowl of Brooklands.

Performance Committee Resolution:

Cr Johnston)

Cr Duynhoven)

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

WOMAD 2017

Dates and period of closure: from 6am on Friday 17 March to 11.45pm on Sunday 19 March 2017.

Roads to be closed:

- Kaimata Street from Brooklands Road to Somerset Street.
- Somerset Street from Kaimata Street to Cornwall Street.

The above road closure is subject to the conditions outlined in a letter sent to WOMAD NZ Charitable Trust dated 27 October 2016.

Carried

11. **Temporary Road Closure – Yarrow Stadium Events February 2017**

File Reference: ECM 7273895

The matter for consideration by New Plymouth District Council is to recommend the temporary closure of Maratahu Street and temporary traffic controls to enable Yarrow Stadium Operations staff to safely manage crowds during events at Yarrow Stadium during February 2017.

Performance Committee Resolution:

Cr Brown)

Cr Duynhoven)

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

- a) A-League Football Wellington Phoenix v Western Sydney Wanderers

Road to be closed: Maratahu Street from Tukapa Street to 3m west of Yarrow Stadium's main vehicle entrance (adjacent to the Maara Tahu Centre).

Date and period of closure: from 3pm to 10pm on Saturday 4 February 2017.

Temporary traffic controls to be in place during the above road closure:

- P2 drop-off parking zone on the south side of Tukapa Street from 31 Tukapa Street east to Maratahu Street.
- Bus parking only around the perimeter of Sanders Park on Wallace Place and Cutfield and Gladstone roads.

- b) Nitro Circus Live

Road to be closed: Maratahu Street from Tukapa Street to 3m west of Yarrow Stadium's main vehicle entrance (adjacent to the Maara Tahu Centre).

Date and period of closure: from 2pm to 9.30pm on Sunday 12 February 2017.

If the road closure does not take place on Sunday 12 February due to weather conditions the following postponement date is also requested:

Date and period of closure: from 2pm to 9.30pm on Monday 13 February 2017.

Temporary traffic controls to be in place during the above road closure:

- P2 drop-off parking zone on the south side of Tukapa Street from 31 Tukapa Street east to Maratahu Street.
- Bus parking only around the perimeter of Sanders Park on Wallace Place and Cutfield and Gladstone roads.

The above road closures are subject to the conditions outlined in letters sent to Yarrow Stadium Operations staff dated 29 October. A copy of the letter for the Phoenix Football road closure application is attached as Appendix 1. The same conditions and requirements apply to the Nitro Circus event.

Carried

12. **Amendments to Parking Controls**

File Reference: ECM 7267670

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

Performance Committee Resolution:

Cr Duynhoven)

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 in the New Plymouth District be imposed:

NEW PLYMOUTH

Cook Street

1. Revoke a bus stop on the east side of Cook Street from 16.2m – 27.6m (11.6m) measured in a northerly direction from the prolongation of the of the north kerb of Omata Road.
2. Revoke parking prohibitions on the east side of Cook Street from 0.0m – 16.0m (16.0m) measured in a northerly direction from the prolongation of the north kerb of Omata Road.
3. Revoke parking prohibitions on the west side of Cook Street from 0.0m – 16.0m (16.0m) measured in a northerly direction from the prolongation of the of the north kerb of Omata Road.

4. Prohibit parking on the east side of Cook Street from 0.0m – 20.0m (20.0m) measured in a northerly direction from the prolongation of the north kerb of Omata Road.
5. Prohibit parking on the west side of Cook Street from 0.0m – 20.0m (20.0m) measured in a northerly direction from the prolongation of the north kerb of Omata Road.
6. Prohibit parking on the east side of Cook Street from 0.00m – 21.0m (21.0m) measured in a southerly direction from the prolongation of the south kerb of Adventure Street.
7. Prohibit parking on the east side of Cook Street from 0.00m – 8.0m (8.0m) measured in a northerly direction from the prolongation of the north kerb of Adventure Street.
8. Prohibit parking on the west side of Cook Street from 0.00m – 13.0m (13.0m) measured in a northerly direction from the prolongation of the north kerb of Adventure Street.
9. Prohibit parking on the west side of Cook Street from 0.00m – 38.0m (38.0m) measured in a southerly direction from the prolongation of the north kerb of Adventure Street.

Omata Road

10. Revoke parking prohibitions on the north side of Omata Road from 0.0m – 10.0m (10.0m) measured in an easterly direction from the prolongation of the east kerb of Cook Street.
11. Revoke parking prohibitions on the north side of Omata Road from 0.0m – 20.0m (20.0m) measured in a westerly direction from the prolongation of the west kerb of Cook Street.
12. Prohibit parking on the north side of Omata Road from 0.00m – 15.0m (15.0m) measured in an easterly direction from the prolongation of the east kerb of Cook Street.
13. Prohibit parking on the north side of Omata Road from 0.00m – 15.0m (15.0m) measured in a westerly direction from the prolongation of the west kerb of Cook Street.

Adventure Street

14. Prohibit parking on the south side of Adventure Street from 0.0m – 18.0m (18.0m) measured in an easterly direction from the prolongation of the east kerb of Cook Street.
15. Prohibit parking on the north side of Adventure Street from 0.0m – 18.0m (18.0m) measured in an easterly direction from the prolongation of the east kerb of Cook Street.

Fernbrook Drive

16. Prohibit parking on the east side of Fernbrook Drive from 15.0m – 21.0m (6.0m) measured in a southerly direction from the prolongation of the south kerb of Aderman Place.

Devon Street West

17. Revoke a metered parking space on the north side of the Devon Street West from 104.4m – 110.7m (6.3m) measured in an easterly direction from the prolongation of the east kerb of Dawson Street.
18. Prohibit parking on the north side of Devon Street West from 104.4m – 110.7m (6.3m) measured in an easterly direction from the prolongation of the east kerb of Dawson Street.

Paynters Avenue

19. Prohibit parking on the east side of Paynters Avenue from 35.6m – 42.0m (6.4m) measured in a southerly direction from the prolongation of the south kerb of Ngaio Street.
20. Prohibit parking on the east side of Paynters Avenue from 52.3m – 56.8m (4.5m) measured in a southerly direction from the prolongation of the south kerb of Ngaio Street.
21. Prohibit parking on the west side of Paynters Avenue from 37.8m – 41.6m (3.8m) measured in a southerly direction from the prolongation of the south kerb of Ngaio Street.
22. Prohibit parking on the west side of Paynters Avenue from 51.8m – 56.0m (4.2m) measured in a southerly direction from the prolongation of the south kerb of Ngaio Street.

INGLEWOOD

Rata Street

23. Prohibit parking on the south side of Rata Street from 214.4m – 219.4m (5.0m) measured in an easterly direction from the prolongation of the east kerb of James Street.

Carried

13. **District Petroleum Activity Update**

File Reference: ECM 7267756

An update on petroleum activity matters within or affecting this district and its communities.

Performance Committee Resolution:

Cr Pearce)

Cr Duynhoven)

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

Carried

14. **Delegated Authority Contracts**

File Reference: ECM 7254724

To inform the Council of contracts with a value in excess of \$250,000 awarded in the period 6 July to 1 November 2016.

Performance Committee Resolution:

Cr Pearce)

Cr McLeod)

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

Carried

PLANNING COMMITTEE RECOMMENDATIONS

2. Easter Sunday Shop Trading Policy Options

File Reference: ECM 7261076

This supplementary report notes there is potential for a regional conversation on adopting an Easter Sunday Shop Trading Policy and seeks deferral of the issue for further advice.

Planning Committee Procedural Motion

Cr Weaver)

Cr Hitchcock)

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

- a) Notes that, since development of the report on the Easter Sunday Shop Trading Policy, Council officers have been approached by South Taranaki District Council officers about a potential option for regional collaboration (with Stratford District Council as well).
- b) Defer the matter to the 13 December 2016 Council meeting to enable Council officers to provide further advice about the potential option for regional collaboration, including a draft statement of proposal.

Carried

At the Planning Committee meeting Cr Chong requested that his vote against the motion be recorded.

Cr Melody having declared an interest, withdrew from the table at the Planning Committee meeting and took no part in the discussion or voting on the preceding matter.

Council Resolution

Cr Biesiek)

Cr McLeod)

That the Planning Committee recommendation in relation to Easter Sunday Shop Trading Policy Options be adopted by the Council and form part of the proceedings of and be entered in the minutes of this council meeting.

Carried

Cr Melody having declared an interest, withdrew from the table at the Council meeting and took no part in the discussion or voting on the preceding matter.

3. **Transfer of Specific Resource Management Act Responsibilities Relating to Landfarms to the Taranaki Regional Council**

File Reference: ECM7210723

The matter for consideration by the Council is approval to seek transfer of specific landfarm related consenting, monitoring and enforcement functions of the Resource Management National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES CS), to the Taranaki Regional Council as part of a regionally co-ordinated approach to manage landfarms.

Planning Committee Recommendation:

Cr Biesiek)

Mayor Holdom)

That having considered all matters raised in the report:

- a) Pursuant to section 33 of the Resource Management Act 1991, New Plymouth District Council agrees in principle to the draft transfer agreement for the transfer of NES CS functions, powers and duties that relate to the activities of landfarming, mixed bury cover, surface application and similar contaminant remediation where such activities require discharge consent from Taranaki Regional Council under section 15 of the RMA, as the transfer is desirable on all of the following grounds:
 - i) the Taranaki Regional Council represents the appropriate community of interest relating to the exercise or performance of the function, power, or duty:
 - ii) efficiency: and
 - iii) technical or special capability or expertise.
- b) That following the process prescribed in section 33(4)(b) of the RMA, notice of the proposed transfer be served on the Minister for the Environment.
- c) That as required by section 33(4)(a) of the RMA, approval be given to commence the Special Consultative Procedure of section 83 of the Local Government Act 2002 for the proposed Transfer of Powers in early 2017 using the Statement of Proposal appended to the report.

Carried

Cr Weaver having declared an interest, withdrew from the table at the Planning Committee meeting and took no part in the discussion or voting on the preceding matter. Cr Hitchcock took the chair for this period.

Council Resolution

Cr McFarlane)

Cr Pearce)

That the Planning Committee recommendation in relation to Transfer of Specific Resource Management Act Responsibilities Relating to Landfarms to the Taranaki Regional Council be adopted by the Council and form part of the proceedings of and be entered in the minutes of this council meeting.

Carried

Crs Shaun Biesiek and Murray Chong requested their votes against the motion be recorded.

Cr Weaver having declared an interest, withdrew from the table at the Council meeting and took no part in the discussion or voting on the preceding matter.

4. **Rangimarie Maori Arts and Crafts Society – Proposal to Relocate To Marfell Park**

File Reference: ECM6657195

The matter for consideration by the Council is the opportunity to provide a site at Marfell Park where the Rangimarie Maori Arts and Crafts Society can re-establish to enable the centre to provide training for the local community.

Planning Committee Recommendation:

Cr Melody)

Cr Hitchcock)

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

- a) Approves a public notice proposing to amend the Marfell Park Management Plan and to grant a ground lease over part of Marfell Park (part of Lot 1 DP 9485) as identified in Appendix One to Rangimarie Maori Arts and Crafts Society, for a period of 30 years. The management plan amendment if the lease proceeds will identify that 'An area has been set aside in the park for the occupation by Rangimarie Maori Arts and Crafts Society to facilitate the organisations recreation, education and training activities'.
- b) Agrees officers will report back to Council the results of the public notice 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) Notes that the cost of the solicitor's fee for preparing the lease document (estimated to be \$850 exclusive of GST) will be invoiced to Rangimarie.
- d) Agrees that Rangimarie 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.
- e) The Property Manager is authorised to approve the final lease terms and any adjustment to the ground lease area.

Carried

Council Resolution

Cr McLeod)

Cr Johnston)

That the Planning Committee recommendation in relation to Rangimarie Maori Arts and Crafts Society – Proposal to Relocate to Marfell Park be adopted by the Council and form part of the proceedings of and be entered in the minutes of this council meeting.

Carried

PERFORMANCE COMMITTEE RECOMMENDATIONS

15. **Central Landfill Memorandum of Understanding**

File Reference: ECM 7271199

The matter for consideration by the Council is the delegation of authority to sign the memorandum of understanding (MoU) for the shared development, management and operation of the proposed Central Landfill between New Plymouth, Stratford and South Taranaki District Councils.

Performance Committee Recommendation:

Cr Pearce)

Cr Duynhoven)

That having considered all matters raised in the report, Authority is delegated to the CEO to Sign the Memorandum of Understanding and the subsequently developed Joint Committee Agreement provided that it is in line with the Memorandum of Understanding.

Carried

Council Resolution

Cr Duynhoven)

Cr Biesiek)

That the Performance Committee recommendation in relation to the Central Landfill Memorandum of Understanding be adopted by the Council and form part of the proceedings of and be entered in the minutes of this council meeting.

Carried

16. **Road Legalisation Exchange – Stopping and Disposal and Vesting of Land as Road – 98 & 100 Hine Street, New Plymouth**

File Reference: ECM 7234765

The matter for consideration by the Council is to seek approval to:

1. Stop a section of unformed legal road reserve, comprising 37m² secure freehold title and vest the land with the title of adjoining property Frankel Building Limited, by way of an amalgamation condition; and
2. Acquire in exchange an equivalent area of 37m² of the freehold land owned by the company to be declared road and vested in Council.
3. Effect the exchange of the equivalent areas between the parties, on the condition that the land swap is full and final as to compensation consideration as to "equality of exchange", but subject all costs associated with giving effect to the land rationalisation being met by the company.

Performance Committee Recommendation:

Cr McLeod)

Cr Brown)

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

- a) Notes that Frankel Building Limited wish to effect a mutual exchange of 37m² of its freehold land for an equivalent area of 37m² of road subject to stopping to provide a uniform straight lined parallel road boundary for better private development and additional road width utility. The proposed land rationalisation is supported by the Transportation Team.
- b) Approves the stopping of that area of road adjoining Allotment 12 Deeds Plan 43 described in the Schedule of Land below as Section 2 SO 490196 (37m²) and the vesting of the estate in fee simple by way of amalgamation into the adjoining owners land title, Computer Freehold Register TN123/228 pursuant to Sections 116(1) and 117(1) and (3) (a) and Section 120(3) of the Public Works Act 1981.
- c) Approves as full and final equality of exchange for compensation purposes, the declaration and vesting of the owners land held in Computer Freehold Register TN123/228 being Section 1 SO 490196 (37m²) as legal road described in the Schedule below pursuant to Section 114(1) of the Public Works Act 1981.
- d) Approves that the statutory or other costs associated with the legalisation be met by the applicant land owner.
- e) Approves that the consent of the Minister for Land Information's delegate be sought to the stopping of the area of road, subsequent vesting of the estate in fee simple by way of amalgamated title and to the vesting of land as road and publication of a gazettal declaration notice under the Public Works Act 1981.

Schedule of land (see Appendix A – SO Plan 490196)

Road to be Stopped and Vested			
Shown Marked	Legal Description	CFR	Area (m²)
Section 2	Road Reserve (Adjoining Lot 12 Deeds Plan 43)	N/A	37m ²

Land to be acquired for Road			
Shown Marked	Legal Description	CFR	Area (m²)
Section 1	Part of Allotment 11 Deeds Plan 43	TN123/23 3 Limited as to parcels	37m ²

Carried

Council Resolution

Cr McFarlane)

Cr Melody)

That the Performance Committee recommendation in relation to Road Legalisation Exchange – Stopping and Disposal and Vesting of Land as Road – 98 & 100 Hine Street, New Plymouth

be adopted by the Council and form part of the proceedings of and be entered in the minutes of this council meeting.

Carried

17. **Naming of Roads and Rights-of-Way**

File Reference: ECM 7270820

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

Performance Committee Recommendation:

Cr McLeod)

Cr McFarlane)

That having considered all matters raised in the report:

The following names be approved and the Group Manager Business Performance allocate street numbers where appropriate to the properties fronting these roads and rights-of ways:

- a) Roads
 - i) Mahuru Lane

- b) Right-of-way
 - i) Okoare Lane

- c) Private Roads
 - i) Freemason Avenue
 - ii) Ashlar Court
 - iii) Tyler Place
 - iv) Warden Place

- d) Road renaming
 - i) Garrett Drive

Carried

Council Resolution

Cr Biesiek)

Cr Johnston)

That the Performance Committee recommendation in relation to Naming of Roads and Rights-of-Way be adopted by the Council and form part of the proceedings of and be entered in the minutes of this council meeting.

Carried

18. **Supplementary Report – Road Legalisation: Service Lane Cutfield Street, Inglewood**

File Reference: ECM 7288554 and ECM 7262786

This supplementary report sets out further relevant information on the recommended acquisition of land for service lane following the Inglewood Community Board meeting (Tuesday 15 November 2016).

Performance Committee Recommendation:

Cr Pearce)

Cr Johnston)

That having considered all matters raised in the reports (ECM 7288554 and 7262786) the Council:

- a) Notes that the opportunity has arisen to acquire private land from three separate land owners that is designated as L122 in the District Plan for a service lane, off Cutfield Street, Inglewood as is more particularly recorded on Planning Map B51 (Appendix B).
- b) Notes that the acquisition of the land for service lane is recommended by the Transportation Team, and can be funded from existing budgets.
- c) Notes that the right of way easements over parts created by Transfer 40727 (affects part Section 256 and 258) and appurtenant rights of way created by transfer 40727 (affects part of Section 257 Town of Inglewood) together with the right of way over part created by Transfer 8529 (affects part Sections 256 and 258 Town of Inglewood) will be extinguished by operation of law upon vesting of this land as a service lane and owners holding "legal interests", consents obtained.
- d) Approves the six land parcels described as sections 1 to 6 SO 500970 totalling 601m² acquired (as shown in Appendix A) as detailed in the schedule below for the purpose of declaration and vesting service lane pursuant to Section 114(1) of the Public Works Act 1981 and to the payment of independently assessed total compensation of \$53,000 (plus GST if any).
- e) Approves that the consent of the Minister for Land Information be sought to the gazettal declaration and vesting of the land for service lane pursuant to Section 114(1) of the Public Works Act 1981.

**SCHEDULE
LAND TO BE ACQUIRED FOR A SERVICE LANE**

Land to be acquired Shown on SO Plan 500970	Description	CFR	CFR Total Area (m²)	Area to be Acquired (m²)
Section 1	Pt Sec 256 Town of Inglewood, and defined on DP 545	TNA3/1397	1,012	147
Section 2	Pt Sec 256-259 Town of Inglewood and defined on DP 3979	TN98/189	1,047	276
Section 3	Part DP 905	TNE1/318	277	30
Section 4	Pt Sec 257 Town of Inglewood and defined on DP 929	TNE1/319	261	28
Section 5	Lot 2 DP 14170	TNG1/307	583	63
Section 6	Lot 1 DP 14170	TNG1/306	529	57
Total			3,709	601

Carried

Council Resolution

Cr Pearce)

Cr Johnston)

That the Performance Committee recommendation in relation to Supplementary Report – Road Legalisation: Service Lane Cutfield Street, Inglewood be adopted by the Council and form part of the proceedings of and be entered in the minutes of this council meeting.

Carried

19. **Govett Brewster Art Gallery / Len Lye Streetscape – Queen and Devon Streets**

File Reference: ECM 7280535

The matter for consideration by the Council is the approval of additional funding for the Govett-Brewster Art Gallery/Len Lye Streetscape.

Performance Committee Recommendation:

Cr Jordan)

Cr Pearce)

That having considered all matters raised in the report:

- a) The Council progress with the Beca Landscape Concept Design option and contribute \$308,000.
- b) It is noted that funding from the TSB Community Trust has been approved based on the Beca Landscape Concept Design.

Carried

An amendment was moved at the Performance Committee

Cr McFarlane

Cr Brown

- c) That the total cost of option one as seen in appendix three does not exceed \$858,000.

Carried

The substantive motion was carried

A Division was called at the Performance Committee meeting

Those voting for the motion were Crs Brown, Duynhoven, Johnston, McFarlane, Pearce and Jordan.

Those voting against the motion were Mayor Holdom, Cr McLeod.

Procedural Motion at the Council meeting:

Mayor Holdom)

Cr McLeod)

That the matter being discussed be adjourned to an Extraordinary meeting to be held on Tuesday 14 February 2017.

Carried

A Division was called at the Council meeting

Those voting for the motion were Mayor Holdom, Crs Biesiek, Brown, Chong, Hitchcock, McFarlane, McLeod, Melody and Merrick.

Those voting against the motion were Crs Duynhoven, Handley, Johnston, Jordan, Pearce and Weaver.

Committee Advisers Note

This matter was reconsidered later in this meeting and a subsequent resolution was passed.

Update on Transitional Arrangements for the Perpetual Investment Fund to the PIF Guardians

File Reference: ECM 7292650

This report provides an update on the transitional arrangements for the Perpetual Investment Fund to the PIF guardians.

Council Resolution:

Cr Pearce)

Cr Biesiek)

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

Carried

Airport Borrowing December 2016

File Reference: ECM7289710

The matter for consideration by the Council is the increase in short term lending of funds from the Council to the New Plymouth Airport, prior to the finalisation of the final Airport terminal development design which will be followed by the establishment of a term funding arrangement.

Council Resolution:

Cr Duynhoven)

Cr Handley)

That having considered all matters raised in the report the Council agree to increase the current short term facility to the New Plymouth Airport by a further \$1.0 Million, to be repaid on the 29 September 2017 and in line with the other terms and conditions as set out in appendix one.

Carried

Adoption, Notification and bringing into effect the Local Alcohol Policy

File Reference: ECM7293463

The matter for consideration by the Council is the date of public notification for the Local Alcohol Policy, and the date that the Local Alcohol Policy will be brought into effect.

Council Resolution:

Cr McFarlane)

Cr Brown)

That having considered all matters raised in the report:

- a) The New Plymouth District Council notify the public of the adoption of the Local Alcohol Policy on 14 January 2017 and 28 January 2017.

- b) That the Local Alcohol Policy, shall be brought into effect on 28 February 2017, with the exception of clause 6.7, which shall be brought into effect on 1 May 2017.

Carried

Cr Melody having declared an interest, withdrew from the table at the Council meeting and took no part in the discussion or voting on the preceding matter.

Investigation of Potential Items for Long Term Plan 2018-2028

File Reference: ECM 7290079

The matter for consideration by the Council is the investigation of potential items for the Long-Term Plan 2018-2028 and adoption of the indicative Long Term Plan (LTP) timeline.

Council Resolution:

Cr McFarlane)

Cr Handley)

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

- a) Note a number of the following initiatives are either underway or can be considered through the Councils Long-Term Plan 2018-2028 process:

- Iwi / Māori Input
- Water Sustainability
- Central City
- Zero Waste
- Flagship Infrastructure
- People Friendly City
- Destination New Plymouth
- Walkway Extensions
- Waitara Stormwater
- Port Taranaki Structure Plan

- b) Adopt the indicative LTP 2018-2028 timeline in Appendix 1.

Carried

Easter Sunday Shop Trading Policy Options

File Reference: ECM 7291261

The matter for consideration by the Council is a decision on whether to begin the process to adopt an Easter Sunday Shop Trading Policy.

Council Motion:

Cr Hitchcock)

Cr Biesiek)

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

- a) Agree to begin a two stage consultation process and development of a questionnaire
- b) Note that the Shop Trading Hours Act 1990 has been amended to enable territorial authorities to adopt an Easter Sunday Shop Trading Policy
- c) Note that trading on Easter Sundays is potentially controversial meaning that there may be a risk of judicial review in decision-making if a thorough decision-making process is not followed
- d) Note that the Chief Executive has already received correspondence urging the Council to consider adopting an Easter Sunday Shop Trading Policy
- d) Agree to begin a two-stage consultation process for considering whether or not to introduce an Easter Sunday Shop Trading Policy
- e) Instruct officers to develop and issue a questionnaire seeking the community's views on whether or not the Council should introduce an Easter Sunday Shop Trading Policy
- f) Note that an Easter Sunday Shop Trading Policy could be adopted in time for Easter Sunday in 2018

The motion was lost

A Division was called at the Council meeting

Those voting for the motion were Crs Biesiek, Duynhoven, Handley, Hitchcock, Johnston and Weaver.

Those voting against the motion were Mayor Holdom, Crs Brown, Chong, Jordan, McFarlane, McLeod, Merrick and Pearce.

Council Resolution

Cr Jordan)

Cr Pearce)

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

- a) Note that the Shop Trading Hours Act 1990 has been amended to enable territorial authorities to adopt an Easter Sunday Shop Trading Policy
- b) Note that trading on Easter Sundays is potentially controversial meaning that there may be a risk of judicial review in decision-making if a thorough decision-making process is not followed
- c) Note that the Chief Executive has already received correspondence urging the Council to consider adopting an Easter Sunday Shop Trading Policy

- d) Note that adopting a Statement of Proposal now will enable the Council to align timing and communications with South Taranaki District Council and Stratford District Council on the adoption of their respective Easter Sunday Shop Trading Policies
- e) Note that New Plymouth district community views on Easter Sunday shop trading are currently not known or understood
- f) Adopt the attached Statement of Proposal, for consultation using the special consultative procedure, proposing that an Easter Sunday Shop Trading Policy enable Easter Sunday shop trading throughout the district

Carried

Crs Handley, Biesiek and Hitchcock requested that their votes against the motion be recorded.

Exclusion of the Public for the Remainder of the Meeting

File Reference: ECM 7295637

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

Council Resolution:

Cr Duynhoven)
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) Planning Committee Minutes
 - Marfell Third Party Proposal
The withholding of the information is necessary to protect information, where the making available of that information would be likely to unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information, this particular interest being protected by Section 7(2)(b)(ii) of the Act.)
 - Residential Growth
The withholding of the information is necessary to protect information, where the making available of that information would be likely to unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information, this particular interest being protected by Section 7(2)(b)(ii) of the Act.)

The withholding of the information is necessary to maintain legal professional privilege, this particular interest being protected by section 7 (2)(g) of the Act.
- b) Yarrow Stadium Joint Committee Minutes
 - Hospitality Project Funding
The withholding of the information is necessary to protect information, where the making available of that information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the

subject of the information, this particular interest being protected by Section 7(2)(b)(ii) of the Act.)

- Strategic Acquisition
The withholding of the information is necessary to enable the Councils to carry on, without prejudice or disadvantage, negotiations, 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

The meeting continued in open meeting.

Council Resolution:

Cr Handley

Cr Duynhoven

That pursuant to Standing Orders 3.9.17 and as a result of receiving fresh information concerning the Govett Brewster Art Gallery / Len Lye streetscape – Queen and Devon streets the resolution to refer the matter to an Extraordinary Meeting on 14 February 2017 be revoked.

Carried

Council Resolution:

Cr Jordan

Cr Pearce

That the Council instruct the Chief Executive to undertake the detailed design and prepare tender documents based on the Beca Landscape Concept Design for the Queen Street Streetscape and report back with information on costs and commitment of third party funding to a Council meeting on or before Tuesday 28 February 2017.

Carried

Mayor Holdom closed the meeting at 7.12pm.

The Council rose

Read and confirmed

MAYOR