AGENDA
COUNCIL

9AM, MONDAY 7 OCTOBER 2019
COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING
32 THE SQUARE, PALMERSTON NORTH
MEMBERSHIP

Grant Smith (Mayor)
Tangi Utikere (Deputy Mayor)
Brent Barrett
Susan Baty
Rachel Bowen
Adrian Broad
Gabrielle Bundy-Cooke
Vaughan Dennison
Lew Findlay QSM
Leonie Hapeta
Jim Jefferies
Lorna Johnson
Duncan McCann
Karen Naylor
Bruno Petrenas
Aleisha Rutherford

Agenda items, if not attached, can be viewed at:
pncc.govt.nz | Civic Administration Building, 32 The Square
City Library | Ashhurst Community Library | Linton Library

Heather Shotter
Chief Executive, Palmerston North City Council
COUNCIL MEETING

7 October 2019

ORDER OF BUSINESS

1. Apologies

2. Notification of Additional Items

Pursuant to Sections 46A(7) and 46A(7A) of the Local Government Official Information and Meetings Act 1987, to receive the Chairperson’s explanation that specified item(s), which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded, will be discussed.

Any additions in accordance with Section 46A(7) must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

Any additions in accordance with Section 46A(7A) may be received or referred to a subsequent meeting for further discussion. No resolution, decision or recommendation can be made in respect of a minor item.

3. Declarations of Interest (if any)

Members are reminded of their duty to give a general notice of any interest of items to be considered on this agenda and the need to declare these interests.

4. Acknowledgement of Service of Retiring Councillors
5. **Confirmation of Minutes**

“That the minutes of the ordinary meeting of 23 September 2019 Part I Public be confirmed as a true and correct record.”

**REPORTS**

6. **CET Arena Redevelopment Programmes**

Memorandum, presented by Bryce Hosking, Manager - Property.

7. **Update on Progress of the CET Arena Redevelopment**

Memorandum, presented by Bryce Hosking, Manager - Property.

8. **Palmerston North Performing Arts Trust - Annual Report and Audited Annual Accounts 2019**

Memorandum, presented by Sheryl Bryant, General Manager - Strategy & Planning.

9. **Appointment of Commissioners - Resource Consent Hearing - 126 Turitea Road**

Memorandum, presented by John Annabell, Legal Counsel.

10. **The Manawatū River - Manawatu Golf Club Proposed Land Exchange**

Report, presented by Bryce Hosking, Manager - Property.

11. **Council Work Schedule**

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12. **Exclusion of Public**

To be moved:

“That the public be excluded from the following parts of the proceedings of this meeting listed in the table below.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official
Information and Meetings Act 1987 for the passing of this resolution are as follows:

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<tr>
<th>General subject of each matter to be considered</th>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Ground(s) under Section 48(1) for passing this resolution</th>
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<tbody>
<tr>
<td>13. Minutes of the ordinary meeting - Part II Confidential - 23 September 2019</td>
<td>For the reasons set out in the ordinary minutes of 23 September 2019, held in public present.</td>
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<tr>
<td>Minutes of the ordinary meeting - Confidential Part II(b) - Limited Circulation - 23 September 2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Civic Honour Awards 2019</td>
<td>Privacy</td>
<td>s7(2)(a)</td>
</tr>
<tr>
<td>15. Rotation of Trustees on Palmerston North Performing Arts Trust Board</td>
<td>Privacy</td>
<td>s7(2)(a)</td>
</tr>
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This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as stated in the above table.

Also that the persons listed below be permitted to remain after the public has been excluded for the reasons stated.

Chief Executive (Heather Shotter), Chief Financial Officer (Grant Elliott), Chief Infrastructure Officer (Tom Williams), General Manager – Strategy and Planning (Sheryl Bryant), General Manager - Community (Debbie Duncan), Chief Customer and Operating Officer (Chris Dyhrberg), General Manager - Marketing and Communications (Sacha Haskell), Sandra King (Executive Officer) because of their knowledge and ability to provide the meeting with advice on matters both from an organisation-wide context (being members of the Council’s Executive Leadership Team) and also from their specific role within the Council.

Legal Counsel (John Annabell), because of his knowledge and ability to provide the meeting with legal and procedural advice.

Democracy Administrators (Carly Chang, Courtney Kibby, and Natalya Kushnirenko), because of their knowledge and ability to provide the meeting with procedural advice and record the proceedings of the meeting.

[Add Council Officers], because of their knowledge and ability to assist the meeting in speaking to their report and answering questions, noting that such officer will be present at the meeting only for the item that relate to their
respective report.

[Add Third Parties], because of their knowledge and ability to assist the meeting in speaking to their report/s [or other matters as specified] and answering questions, noting that such person/s will be present at the meeting only for the items that relate to their respective report/s [or matters as specified].
PRESENTATION

TO: Council
MEETING DATE: 7 October 2019
TITLE: Acknowledgement of Service of Retiring Councillors
FROM: The Mayor (Grant Smith)

SUMMARY

The Mayor and Rangitāne will acknowledge the impending retirement of Councillors Adrian Broad, Gabrielle Bundy-Cooke and Jim Jefferies.

ATTACHMENTS

NIL
P A L M E R S T O N N O R T H C I T Y C O U N C I L

Minutes of the Council Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 23 September 2019, commencing at 9.01am

Members Present: Mayor Grant Smith (in the Chair) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas and Tangi Utikere.

Apologies: Councillors Adrian Broad and Aleisha Rutherford (late arrival).

Councillor Aleisha Rutherford entered the meeting at 9.12am during consideration of clause 97. She left the meeting at 11.25am during consideration of clause 102. She entered the meeting again at 11.51am during consideration of clause 104. She was not present for clauses 96, 102 and 103.

Councillor Leonie Hapeta left the meeting at 12.24pm during consideration of clause 111. She entered the meeting again at 12.26pm during consideration of clause 112. She was not present for clause 111.

96-19 Apologies

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That Council receive the apologies.

Clause 96-19 above was carried 14 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas and Tangi Utikere.

97-19 Deputation - Bronwyn Zimmerman

Ms Bronwyn Zimmerman made a deputation regarding the recommendation that Council not proceed with the proposed public consultation review of Te Manawa under section 17A, and that Council accept an “enhanced status quo” for Te Manawa.

Ms Zimmerman expressed the view that Boards of Council Controlled Organisations are inherently biased, and therefore their recommendations are not a sound basis for Council to change their mind regarding the review. She requested Council not to abandon the S17A review merely because both Elected Members and CCO Boards were tired of the process, and asked that they engage with the community further, particularly as the process was
supposed to be ‘robust, measured and thorough’.

Councillor Aleisha Rutherford entered the meeting at 9.12am

Moved Grant Smith, seconded Tangi Utikere.

**RESOLVED**

1. That the Council receive the deputation for information.

Clause 97-19 above was carried 13 votes to 0, with 1 abstention, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Karen Naylor, Bruno Petrenas and Tangi Utikere.

Abstained:
Councillor Aleisha Rutherford.

Note:
Councillor Duncan McCann declared a conflict of interest on clause 97-19 above and withdrew from the discussion.

**98-19**

**Presentation on Strategic Monitoring - Palmerston North City Dashboards**

Presentation by Julie Macdonald, Strategy & Policy Manager.

Moved Grant Smith, seconded Tangi Utikere.

**RESOLVED**

1. That the Council receive the presentation for information.

Clause 98-19 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

**99-19**

**Confirmation of Minutes**

Moved Grant Smith, seconded Tangi Utikere.

**RESOLVED**

1. That the minutes of the ordinary meeting of 26 August 2019 Part I Public be confirmed as a true and correct record.

Clause 99-19 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.
Utikere.

REPORTS

100-19 Separated Cycleways on New Collector Roads
Memorandum, presented by David Murphy, City Planning Manager.

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That the amendments to the Urban Cycle Network Masterplan detailed in the report titled “Separated Cycleways on New Collector Roads” dated 23 September 2019 be approved.

2. That the need for Separated Cycleways on New Collector Roads be considered as part of the preparation of the Proposed Streets and Roads Framework.

Clause 100-19 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

101-19 Funding to Progress Proposed City Centre Business Improvement District
Memorandum, presented by David Murphy, City Planning Manager.

Moved Grant Smith, seconded Leonie Hapeta.

RESOLVED

1. That $48,000 of unbudgeted expenditure be authorised to progress the Proposed City Centre Business Improvement District.

2. That it be noted that the Chief Executive will seek to absorb the $48,000 of unbudgeted expenditure to progress the Proposed City Centre Business Improvement District within existing Strategy and Planning budgets.

Clause 101-19 above was carried 13 votes to 2, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere

Against:
Councillors Lorna Johnson and Karen Naylor.

The meeting adjourned at 10.22am
The meeting resumed at 10.40am
102-19 Implementation Plan for College Street Transport Upgrade
Memorandum, presented by Robert van Bentum, Manager - Transport and Infrastructure.

During discussion Elected Members requested the amount of $91,500 be added to the resolution with respect to the proposed treatment of Awapuni Shopping Centre from Nairn Crescent to Panako Place, as outlined in the report.

After discussion Elected Members were of the view that further information was required with respect to scope, detail, plans and options for the remaining sections of the College Street Transport Upgrade Project before a decision can be made. Elected Members requested that a report be presented to the new Council to address this.

Councillor Aleisha Rutherford left the meeting at 11.25am

Moved Grant Smith, seconded Lorna Johnson.

RESOLVED

1. That Council approve the implementation of the proposed treatment for College Street through the Awapuni Shopping Centre from Nairn Crescent to Panako Place including proposed budget of $91,500.

Clause 102.1 above was carried 12 votes to 1, with 1 abstention, the voting being as follows:

For: The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor and Tangi Utikere.

Against: Councillor Bruno Petrenas.

Abstained: Councillor Lew Findlay QSM.

Moved Grant Smith, seconded Lorna Johnson.

2. That the Chief Executive report back to the first Council meeting of the new term with further scope, detail and plans, and options.

Clause 102.2 above was carried 14 votes to 0, the voting being as follows:

For: The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas and Tangi Utikere.

103-19 Approval to Consult - Amendment to the Cemeteries and Crematorium Bylaw 2018
Report, presented by Julie Macdonald, Strategy & Policy Manager.

Moved Grant Smith, seconded Tangi Utikere.
RESOLVED

1. That the Consultation Document (including the draft amendment to the Cemeteries and Crematorium Bylaw 2018) be approved for consultation.

2. That delegated authority is given to the Mayor and the Deputy Mayor for the approval of any minor amendments to the Consultation Document.

Clause 103-19 above was carried 14 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas and Tangi Utikere.

104-19

Draft Policy for the Use of Public Space 2019 – Deliberations on Submissions and Adoption of Policy

Memorandum, presented by Julie Macdonald, Strategy & Policy Manager.

Councillor Aleisha Rutherford entered the meeting again at 11.51am

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That the recommended responses to issues raised during consultation, as contained in Attachment 1 to the memorandum dated 4 September 2019 and titled ‘Draft Policy for the Use of Public Space 2019 – Deliberations on Submissions and Adoption of Policy’, be received.

2. That the ‘Policy for the Use of Public Space 2019’, as shown in Attachment 2 to the memorandum dated 4 September 2019 and titled ‘Draft Policy for the Use of Public Space 2019 – Deliberations on Submissions and Adoption of Policy’, be adopted.

3. That the Chairperson and Deputy Chairperson of the Planning and Strategy Committee be given delegated authority to approve minor amendments to the Policy for the Use of Public Space 2019 prior to publication.

4. That the ‘Policy for Considering Applications for the Short-term Use of Public Space’, as shown in Attachment 3 to the memorandum dated 4 September 2019 and titled “Draft Policy for the Use of Public Space 2019 – Deliberations on Submissions and Adoption of Policy”, be revoked.

Clause 104-19 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas and Tangi Utikere.

Abstained:
Councillor Aleisha Rutherford.
RECOMMENDATIONS FROM COMMITTEE MEETINGS

105-19  Sport and Recreation Committee Part I Public - 26 August 2019
Consideration was given to Sport and Recreation Committee recommendations as appended to these minutes.

Moved Leonie Hapeta, seconded Vaughan Dennison.

RESOLVED

1. That the Committee’s recommendations be adopted.

Clause 105-19 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

106-19  Sport and Recreation Committee Part I Public - 16 September 2019
Consideration was given to Sport and Recreation Committee recommendations as appended to these minutes.

Moved Leonie Hapeta, seconded Vaughan Dennison.

RESOLVED

1. That the Committee’s recommendation 54-19 be adopted.

Clause 106.1 above was carried 10 votes to 4, with 1 abstention, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Rachel Bowen, Gabrielle Bundy-Cooke, Lew Findlay QSM, Leonie Hapeta, Duncan McCann, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Against:
Councillors Susan Baty, Vaughan Dennison, Jim Jefferies and Lorna Johnson.

Abstained:
Councillor Karen Naylor.

Moved Leonie Hapeta, seconded Vaughan Dennison.

2. That the Committee’s recommendations 56.1, 56.2 and 56.5 be adopted.

Clause 106.2 above was carried 14 votes to 0, with 1 abstention, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Abstained:
Councillor Karen Naylor.

Moved Leonie Hapeta, seconded Vaughan Dennison.
3. That the Committee's recommendations 56.3 and 56.4 be adopted.

Clause 106.3 above was carried 11 votes to 3, with 1 abstention, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Against:
Councillors Gabrielle Bundy-Cooke, Lorna Johnson and Duncan McCann.

Abstained:
Councillor Karen Naylor.

107-19 Community Development Committee Part I Public - 2 September 2019

Consideration was given to Community Development Committee recommendations as appended to these minutes.

Moved Aleisha Rutherford, seconded Lorna Johnson.

RESOLVED

1. That the Committee's recommendations be adopted.

Clause 107-19 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

108-19 Planning and Strategy Committee Part I Public - 2 September 2019

Consideration was given to Planning and Strategy Committee recommendations as appended to these minutes.

Moved Duncan McCann, seconded Aleisha Rutherford.

RESOLVED

1. That the Committee's recommendations be adopted.

Clause 108-19 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

109-19 Arts, Culture and Heritage Committee Part I Public - 9 September 2019

Consideration was given to Arts, Culture and Heritage Committee recommendations as appended to these minutes.
RESOLVED

1. That the Committee's recommendations 29.1 and 29.2 be adopted.

Clause 109.1 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Moved Rachel Bowen, seconded Jim Jefferies.

2. That the Committee's recommendations 29.3 and 29.4 be adopted.

Clause 109.2 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Moved Rachel Bowen, seconded Jim Jefferies.

3. That the Committee's recommendations 29.5 and 29.6 be adopted.

Clause 109.3 above was carried 10 votes to 4, the voting being as follows:

For:

Against:
The Mayor (Grant Smith) and Councillors Gabrielle Bundy-Cooke, Vaughan Dennison and Lew Findlay QSM.

Note:
Councillor Duncan McCann declared a conflict of interest on clause 109.3 above and withdrew from the discussion.

Moved Rachel Bowen, seconded Jim Jefferies.

4. That the Committee's recommendations 29.7 and 29.8 be adopted.

Clause 109.4 above was carried 14 votes to 1, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Against:
Councillor Duncan McCann.

Moved Rachel Bowen, seconded Jim Jefferies.

5. That the Committee's recommendation 32-19 be adopted.

Clause 109.5 above was carried 15 votes to 0, the voting being as follows:
For: The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

110-19 Finance and Performance Committee Part I Public - 16 September 2019
Consideration was given to Finance and Performance Committee recommendations as appended to these minutes.

Moved Susan Baty, seconded Jim Jefferies.

RESOLVED

1. That the Committee’s recommendation 66-19 be adopted.

Clause 110.1 above was carried 13 votes to 2, the voting being as follows:

For: The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Against: Councillors Leonie Hapeta and Lorna Johnson.

Moved Susan Baty, seconded Jim Jefferies.

2. That the balance of the Committee’s recommendations be adopted.

Clause 110.2 above was carried 15 votes to 0, the voting being as follows:

For: The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

111-19 Adoption of amendment to the Palmerston North Dog Control Bylaw 2018
Memorandum, dated 2 September 2019 from Julie Macdonald - Planning & Strategy Manager.

Councillor Leonie Hapeta left the meeting at 12.24pm

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That Council adopts the amended Palmerston North Dog Control Bylaw 2018 (as provided as attachment 1 to the memo titled ‘Adoption of amendment to the Palmerston North Dog Control Bylaw 2018’).

Clause 111-19 above was carried 14 votes to 0, the voting being as follows:

For: The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Jim Jefferies, Lorna Johnson, Duncan
McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

112-19 Council Work Schedule

Councillor Leonie Hapeta entered the meeting again at 12.26pm

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED


Clause 112-19 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

EXCLUSION OF PUBLIC

113-19 Recommendation to Exclude Public

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. “That the public be excluded from the following parts of the proceedings of this meeting listed in the table below.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

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<td>23. Community Development Small Grants Fund - approval of allocation</td>
<td>Negotiations</td>
<td>s7(2)(i)</td>
</tr>
<tr>
<td>24. District Licensing Committee Membership and Policy on Appointments to Council</td>
<td>Privacy</td>
<td>s7(2)(a)</td>
</tr>
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<td>Committees</td>
<td></td>
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<tr>
<td>------------------------------------------------</td>
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<tr>
<td>25. Presentation of the Part II Confidential Finance and Performance Committee Recommendations from its 16 September 2019 Meeting</td>
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<tr>
<td>26. Presentation of the Part II Confidential Sport and Recreation Committee Recommendations from its 16 September 2019 Meeting</td>
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This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as stated in the above table.

Also that the persons listed below be permitted to remain after the public has been excluded for the reasons stated.

Chief Executive (Heather Shotter), Chief Financial Officer (Grant Elliott), Chief Infrastructure Officer (Tom Williams), General Manager – Strategy and Planning (Sheryl Bryant), General Manager - Community (Debbie Duncan), Chief Customer and Operating Officer (Chris Dyhrberg), General Manager - Marketing and Communications (Sacha Haskell), Sandra King (Executive Officer) because of their knowledge and ability to provide the meeting with advice on matters both from an organisation-wide context (being members of the Council’s Executive Leadership Team) and also from their specific role within the Council.

Legal Counsel (John Annabell), because of his knowledge and ability to provide the meeting with legal and procedural advice.

Democracy Administrators (Carly Chang, Courtney Kibby, and Natalya Kushnirenko), because of their knowledge and ability to provide the meeting with procedural advice and record the proceedings of the meeting.

2. That Tasha Paladin, Gina Cole, Lyal Brenton and Colin Kriven of Palmerston North Community Services Council be permitted to remain after the public has been excluded.”

Clause 113-19 above was carried 15 votes to 0, the voting being as follows:

For:
The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.
The public part of the meeting finished at 12.31pm

Confirmed 7 October 2019

Mayor
Set out below are the recommendations only from the Sport and Recreation Committee meeting Part I Public held on 26 August 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

45-19 Rangitāne Park - Lease area increase for Menzshed Manawatu to allow a building extension

Report, presented by Kathy Dever-Tod, Parks and Reserves Manager.

The COMMITTEE RECOMMENDS

1. That Council approve the Deed of Variation of Lease with Menzshed Manawatu as attached in Appendix One of the report titled “Rangitāne Park – lease area increase for Menzshed Manawatu to allow a building extension”.

2. That Council, having been satisfied that the functions and purposes of the Reserves Act have been considered, that the statutory processes have been met, and being satisfied that the decision is a reasonable one, exercise the delegated authority approved by the Minister of Conservation to grant consent for the lease variation.

ATTACHMENTS

Nil
RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 23 September 2019

TITLE: Presentation of the Part I Public Community Development Committee Recommendations from its 2 September 2019 Meeting

Set out below are the recommendations only from the Community Development Committee meeting Part I Public held on 2 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

15-19 Presentation - Disability Reference Group

The COMMITTEE RECOMMENDS

1. That the Community Development Committee receive the presentation for information.

2. That the Chief Executive be instructed to report back on the feasibility and implications of changing the mobility park signs to all include “at all times”.

3. That the Chief Executive be instructed to report back on the feasibility of introducing a Companion Card for those with permanent disabilities.

4. That provision is made to include Sign Language Interpreters at civic events (of other appropriate means) and to Council and Committee meetings when required.
19-19  

**Capacity and Capability Building in the Community Sector**

Memorandum presented by Joann Ransom, Community Development Manager.

The **COMMITTEE RECOMMENDS**

1. That the memorandum dated 2 September 2019 and titled Capacity and Capability Building in the Social Sector be received.

2. That Council endorses the next steps as described:

   - Support PNCSC to develop and implement shared services to tenants of Hancock Community House;

   - Develop an enhanced professional development programme for community groups:
     - Work with PNCSC to develop, fund and promote a comprehensive capability development programme targeting the highest priority Domains of Capability.
     - Facilitate and promote an annual programme of workshops to be delivered in collaboration with other agencies and organisations.
     - Develop and promote a “package” of professional services;

   - Encourage community groups to take annual Navigator assessments to measure and improve their organisational capability.
20-19  Welcoming Communities - Accreditation.
Report presented by Joann Ransom, Community Development Manager.

The COMMITTEE RECOMMENDS

1. That the report Welcoming Communities - Accreditation be received.
2. That Council confirms its commitment to Welcoming Communities as an ongoing programme.
3. That the Chief Executive be instructed to make an application for Palmerston North to be accredited as a Welcoming Community (Established).
4. That Council note consideration of additional funding of $25k per annum will be referred to the 2020/2021 Annual Budget process.
21-19  Social Wellbeing Forum 2019

Memorandum presented by Joann Ransom, Community Development Manager.

The COMMITTEE RECOMMENDS


2. That Council endorses the new format with a Social Wellbeing Forum being held every 3rd year.

ATTACHMENTS

Nil
RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 23 September 2019

TITLE: Presentation of the Part I Public Planning and Strategy Committee Recommendations from its 2 September 2019 Meeting

Set out below are the recommendations only from the Planning and Strategy Committee meeting Part I Public held on 2 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)
66-19  Amendment to Dog Control Policy 2018 - Deliberations and Adoption
Memorandum, presented by Julie Macdonald, Strategy & Policy Manager.

The COMMITTEE RECOMMENDS

1. That the Council adopts the amended Palmerston North Dog Control Policy 2018 provided in Attachment 1 of the report titled ‘Amendment to Dog Control Policy 2018 – Deliberations and Adoption’.

68-19  Urban Cycle Network Masterplan 2019
Report, presented by David Murphy, City Planning Manager.

The COMMITTEE RECOMMENDS

1. That the Urban Cycle Network Masterplan 2019 is endorsed to inform future Council decision making, in particular the preparation of Asset Management Plans and Long Term Plans.

2. That it be noted that future decision making processes, including Long Term Plans, will enable further public consultation and direct engagement with affected stakeholders on the implementation of the Urban Cycle Network Masterplan 2019.

3. That the Chairperson and Deputy Chairperson of the Planning and Strategy Committee be authorised to make minor amendments to the Urban Cycle Network Masterplan 2019.

69-19  Report on Solutions to Issues Raised in Dogwood Way Petition
Memorandum, presented by Kathy Dever-Tod, Parks and Reserves Manager.

The COMMITTEE RECOMMENDS

1. That the Committee receive the report entitled “Report on Solutions to Issues Raised in Dogwood Way Petition.

2. That the Committee endorse the implementation of the low cost parking management intervention described in the report as Option 1 – Install Passing Bays.

ATTACHMENTS

Nil
RECOMMENDATIONS FROM COMMITTEE

TO: Council
MEETING DATE: 23 September 2019
TITLE: Presentation of the Part I Public Arts, Culture and Heritage Committee Recommendations from its 9 September 2019 Meeting

Set out below are the recommendations only from the Arts, Culture and Heritage Committee meeting Part I Public held on 9 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

29-19 Approval of Consultation Material for the Arts and Culture s17A Review

Memorandum, presented by Andrew Boyle, Head of Community Planning.

The COMMITTEE RECOMMENDS

1. That the report titled “Approval of Consultation Material for the Arts and Culture s17A Review” concludes the s17a review process and that the status quo remains for Regent Theatre.

2. That the Chief Executive be instructed to work closely with the Regent Theatre Trust Board on suggested improvements raised during the course of the review.

3. That the report titled “Approval of Consultation Material for the Arts and Culture s17A Review” concludes the s17a review process and that the status quo remains for Globe Theatre.

4. That the Chief Executive be instructed to work closely with the Globe Theatre Trust Board on suggested improvements raised during the course of the review.

5. That the report titled “Approval of Consultation Material for the Arts and Culture s17A Review” concludes the s17a review process and that the status quo remains for Te Manawa.

6. That the Chief Executive be instructed to work closely with the Te Manawa Trust Board on suggested improvements raised during the course of the review.

7. That the report titled “Approval of Consultation Material for the Arts and Culture s17A Review” concludes the s17a review process and that the status quo remains for Caccia Birch.

8. That the Chief Executive be instructed to work closely with the Caccia
Birch House Trust Board on suggested improvements raised during the course of the review.

32-19  Final Statement of Intents for Council CCOs: Caccia Birch, Globe Theatre, Regent Theatre and Te Manawa

Memorandum, presented by Joann Ransom, Community Development Manager.

The COMMITTEE RECOMMENDS

1. That the report titled `Final Statement of Intents for Council CCOs: Caccia Birch, Globe Theatre, Regent Theatre and Te Manawa’ be accepted.
3. That the final Statement of Intent 2019-2022 submitted by Caccia Birch Trust Board be approved.
4. That the final Statement of Intent 2019-2022 submitted by Regent Theatre Trust Board be approved.
5. That the final Statement of Intent 2019-2022 submitted by Te Manawa Museums Trust Board be approved.
6. That the Chief Executive provide an opportunity for Elected Members to discuss requirements to be included in Letters of Expectation before they are brought to Council for authorisation.

ATTACHMENTS

Nil
RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 23 September 2019

TITLE: Presentation of the Part I Public Finance and Performance Committee Recommendations from its 16 September 2019 Meeting

Set out below are the recommendations only from the Finance and Performance Committee meeting Part I Public held on 16 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)


Memorandum presented by Steve Paterson, Strategy Manager - Finance.

The COMMITTEE RECOMMENDS


2. That the Council shareholder representative be instructed to support the proposed resolutions to be considered at the Annual Meeting of Palmerston North Airport Limited to be conducted by way of resolution in writing.

63-19 Papaioea Place - Stage 2

Report presented by Bryce Hosking - Manager - Property.

The COMMITTEE RECOMMENDS

1. That Council increase the budget of programme 1219 by $1,126,573 taking the total programme budget from $4,859,959 including GST to $5,986,532 including GST. This will enable the completion of Stage 2 noting that this will increase the total number of units from 48 to 78 as previously approved by Council in the 2019/20 annual budget. This excludes the development of a communal tenant lounge and gardens.

2. That Council considers options for Stage 3 Papaioea Place development as part of the 2020/21 Annual Budget considerations.
The Future Use of Huia Street Reserve - Statement of Proposal

Memorandum presented by David Murphy, City Planning Manager.

The COMMITTEE RECOMMENDS

1. That the Future Use of Huia Street Reserve (corner of Park Road and Fitzherbert Avenue) Statement of Proposal – October 2019, including the Potential Housing Development Scenarios, be approved for public consultation.

2. That the consultation on the Future Use of Huia Street Reserve Statement of Proposal – October 2019 be for a period of at least one month, beginning from a date to be determined by the Chief Executive.

3. That the Chairperson and Deputy Chairperson of the Finance and Performance Committee be authorised to make minor amendments to the Future Use of Huia Street Reserve (corner of Park Road and Fitzherbert Avenue) Statement of Proposal – October 2019.

Recommendation for Adoption 2018/19 Annual Report

Memorandum presented by Stuart McKinnon, Finance Manager.

The COMMITTEE RECOMMENDS


2. That Council note that an Auditor’s “opinion” from Audit New Zealand would be expected to be received immediately following recommended adoption by Council on 23 September 2019 and Council signing of the reports.

3. That delegated authority is given to the Chairperson and Deputy Chairperson of the Finance and Performance Committee to make minor amendments to the 2018/19 Annual Report and 2018/19 Summary Annual Report.

ATTACHMENTS

Nil
RECOMMENDATIONS FROM COMMITTEE

TO: Council
MEETING DATE: 23 September 2019
TITLE: Presentation of the Part I Public Sport and Recreation Committee Recommendations from its 16 September 2019 Meeting

Set out below are the recommendations only from the Sport and Recreation Committee meeting Part I Public held on 16 September 2019. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

54-19 Ashhurst Domain - Function Centre lease proposal
Report, presented by Aaron Phillips, Senior Parks Planner.

The COMMITTEE RECOMMENDS

1. That the Committee considers there to have been an insufficient opportunity for consultation with the wider community about the proposal. As such, that the Chief Executive be instructed to undertake a further round of public consultation, following which the decision regarding the Function Centre Lease Proposal will be made by the new Council.

2. That the desirability of hospitality services in the Ashhurst Domain be referred to the process underway to review the Ashhurst Domain Reserve Management and Development Plan.

56-19 Additional Information - Potential Lease of 51 Amberley Avenue
Memorandum, presented by Bryce Hosking, Manager - Property.

The COMMITTEE RECOMMENDS

1. That the Memorandum dated 17 May 2019 and titled “Potential Lease of 51 Amberley Avenue” be uplifted from the table.

2. That Council receives the report titled “Additional Information – Potential Lease of 51 Amberley Avenue” dated 29 July 2019 for information to be considered in conjunction with the report titled “Potential Lease of 51 Amberley Avenue” that was presented to, and left on the table by, the Sport and Recreation Committee on 10 June 2019.

3. That Council as the administering body under the Reserves Act 1977, on behalf of the Minister of Conservation, approves the lease of land at 51 Amberley Avenue, Palmerston North, to Palmerston North Judo Club.
Incorporated for a recreation activity.

4. That Council agree to execute a new three (3) year lease (with a right of renewal) between Palmerston North City Council and Palmerston North Judo Club Incorporated for 51 Amberley Avenue, Palmerston North.

5. That the Chief Executive ensures Council officers work with Highbury Mixed Martial Arts to try to find an alternative venue.

ATTACHMENTS

Nil
MEMORANDUM

TO:                     Council
MEETING DATE:            7 October 2019
TITLE:                  CET Arena Redevelopment Programmes
PRESENTED BY:            Bryce Hosking, Manager - Property
APPROVED BY:             Tom Williams, Chief Infrastructure Officer

RECOMMENDATION(S) TO COUNCIL

1. That Council approve the $1,019,783 of external funding currently apportioned to Programme 1082 for the Speedway Pits Relocation, to be split between Programme 1082 and Programme 1083, effectively:
   a) Reducing the amount of external funding required for the Speedway Pits Relocation;
   b) Changing the Entrance Plaza project budget to be partly externally funded; and
   c) Transferring the Council funding for the Entrance Plaza project budget, equal to the sum of the allocated external funding portion, to the Speedway Pits project budget.

2. That Council give delegated authority to the Chief Executive to approve the final amounts of the external funding to be apportioned to Programmes 1082 and 1083 once external funding amounts have been confirmed by third-party sources.

1. ISSUE

1.1 As part of the redevelopment of the CET Arena there are two projects which have physical works commencing in the current 2019/20 financial year – The Speedway Pits Relocation and the new Entrance Plaza.

1.2 To ensure best outcomes; both these projects will be delivered concurrently as one project with the contract being tendered to deliver both projects through a single main contractor.

1.3 The Speedway Pits Relocation is being delivered via Programme 1082 – Central Energy Trust Arena Manawatu – Speedway Relocation and Artificial Pitch.
   • There is a total project budget of $7,074,000
• The project will be delivered over the 2019/20 and 2020/21 financial years
• Physical works to commence from January 2020
• Of the $7,074,000 budget, $1,020,000 is to be funded through external third-party funding.

1.4 The new Entrance Plaza is being delivered via Programme 1083 – Central Energy Trust Arena Manawatu – Entrance Plaza and Western Concourse.
• There is a total project budget of $4,716,730
• The project will be delivered over the 2019/20 and 2020/21 financial years
• Physical works to commence from March 2020
• The project is 100% Council funded.

1.5 For clarity of the above, while the overall budgets have remained the same there has been some budget movements to reflect revised delivery timelines for these projects. These movements are summarised in the below tables for your reference.

Project Budgets as reflected in the LTP:

<table>
<thead>
<tr>
<th>Prog.</th>
<th>Project</th>
<th>18/19</th>
<th>19/20</th>
<th>20/21</th>
<th>21/22</th>
<th>22/23</th>
<th>Total Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1082</td>
<td>Speedway Pits</td>
<td>$3.33mil</td>
<td>$3.74mil</td>
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<td></td>
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<td>$7.074mil</td>
</tr>
<tr>
<td>1083</td>
<td>Entrance Plaza</td>
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<td>$4.26mil</td>
<td></td>
<td></td>
<td></td>
<td>$4.716mil</td>
</tr>
</tbody>
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Project Budgets as currently reflected after the 2019/20 Annual Plan was finalised:

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<th>Prog.</th>
<th>Project</th>
<th>18/19</th>
<th>19/20</th>
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<th>22/23</th>
<th>Total Budget</th>
</tr>
</thead>
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<td>$7.074mil</td>
</tr>
<tr>
<td>1083</td>
<td>Entrance Plaza</td>
<td>$2.26mil</td>
<td>$4.45mil</td>
<td></td>
<td></td>
<td></td>
<td>$4.716mil</td>
</tr>
</tbody>
</table>

Note: 1. These figures have been rounded for simplicity. 
2. Tables have been simplified to only reflect the relevant projects to this report. Both Programmes are made up of multiple projects.

1.6 Council has an opportunity to seek external funding through Central Energy Trust for all electrical components related to both the Speedway Pits and Entrance Plaza projects, however, currently external funding is only to be provided for the Speedway Pits, not the Plaza.
1.7 To maximise the external funding opportunity Council Officers would like to include the electrical components from the Plaza project in the application to Central Energy Trust.

1.8 To give effect to this Council Officers propose the $1,020,000 of external funding currently apportioned to Programme 1082 for the Speedway Pits Relocation, to be split between Programme 1082 and Programme 1083, effectively:

a) Reducing the amount of external funding required for the Speedway Pits Relocation;

b) Changing the Entrance Plaza project budget to be partly externally funded; and

c) Transfer the Council funding for the Entrance Plaza project budget, equal to the sum of the allocated external funding portion, to the Speedway Pits project budget.

1.9 For clarity, there are no changes to the overall project budgets for either the Speedway Pits or the Entrance Plaza, nor is there any change to the overall amount of external funding required. The only change is how the external funding required is apportioned between the 2 projects.

2. EXTERNAL FUNDING

2.1 At the time of writing this report the only external funding application that has been applied for in relation to obtaining external funding assistance for the Speedway Pits Relocation is with Central Energy Trust. This application is to be considered in November 2019 by their Trust Board.

2.2 To enable the project to commence from January 2020, the main contractor must be engaged by no later than mid-December 2019. Logistically this report for redistribution of external funding was unable to wait until after the application to Central Energy Trust had been considered as it would have to be presented to the December Finance and Performance Committee meeting. Getting approval from Council at this late stage would pose a significant risk to the project start date and overall completion within the Speedway off-season. Getting approval of this report in September allows for Council Officers to act in a timely manner once feedback is received from Central Energy Trust.

2.3 Providing the overall external funding level does not change, Council Officers request the Chief Executive be given delegated authority to approve the final amounts of the external funding split to be apportioned to Programmes 1082 and 1083 once the total external funding levels have been approved by Central Energy Trust.
3. **NEXT STEPS**

3.1 The funding application to Central Energy Trust requesting funding assistance for all electrical components related to both the Speedway Pits and Entrance Plaza projects is to be considered by the Trust Board in November 2019.

3.2 Physical works to begin in January 2020 for both projects.

4. **COMPLIANCE AND ADMINISTRATION**

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The recommendations contribute to Goal 2: A Creative and Exciting City

The recommendations contribute to the outcomes of the Creative and Liveable Strategy

The recommendations contribute to the achievement of action/actions in the Active Community Plan

The action is: The Central Energy Trust Arena is the city’s main multi-purpose hub for sport and recreation and serves as the region’s premier sporting and events hub.

| Contribution to strategic direction | Palmerston North has fit-for-purpose facilities that meet demonstrated community’s sport and recreation needs and retains its ability to host major sporting events. |

**ATTACHMENTS**

Nil
MEMORANDUM

TO: Council
MEETING DATE: 7 October 2019
TITLE: Update on Progress of the CET Arena Redevelopment
PRESENTED BY: Bryce Hosking, Manager - Property
APPROVED BY: Tom Williams, Chief Infrastructure Officer

RECOMMENDATION(S) TO COUNCIL


1. REDEVELOPMENT PROGRAMME OVERVIEW

1.1 As part of the redevelopment of the CET Arena there are three projects which have physical works commencing in the current 2019/20 financial year – The Speedway Pits Relocation, the new Entrance Plaza, and the Embankment Redevelopment.

1.2 To ensure best outcomes; these projects are being designed concurrently by the same designers, and they will also be delivered concurrently as one project with the contract being tendered to deliver the three projects through a single main contractor.

1.3 This report, and the design presentation accompanying this report, focuses on these three projects.

1.4 This report does not discuss the Artificial Pitch project as this is now complete, however, it is acknowledged that this is a key part of the overall redevelopment programme for the Arena and is featured within the Arena Masterplan.

The Arena Masterplan

1.5 The Pits and Plaza configuration has been modified through consultation with the Design team (Architects, Engineers, Planners, Acoustic and Traffic Engineering) with support from PNCC Planners, the Urban Design Review Consultant and the Stakeholders.
ITEM 7

1.6 The design no longer has the Pits next to existing residential residents which mitigates likely acoustic issues. This has been endorsed against the Masterplan and deemed to be within the Masterplan parameters and has been presented to the independent planning commissioner to be approved as a non-notified resource consent.

**Sports House Withdrawal**

1.7 The formal withdrawal of Sports House from the Arena in 2019 was an important change to the design for the Arena redevelopment.

1.8 While a disappointing outcome, the Pits and Plaza designs were able to be modified following withdrawal of Sports House to provide a range of design benefits including:
   - Continued utilisation of existing buildings to reduce spend;
   - Less impact on existing operations; and
   - A reduction in long term impact to adjacent residents.

**Culture and Heritage**

1.9 The engagement of a Specialist Storytelling Consultant has strengthened the design team’s ability to understand and respond to community influences including Rangitane, Maori Battalion and Heritage groups together with customer journey maps and strategy linkages in urban design context against the City Centre Framework.

1.10 Artistic collaboration across community groups is in progress with design integration increasing the depth of meaning to the built environments at all levels of the design.

**Design Refinements and Value Engineering**

1.11 The design and cost management teams are working closely to manage the scope and reduce cost for maximum value across the overall project.

1.12 In consultation with PNCC Property and Procurement, work sections have been combined prior to tender which aims to reduce time on site, reduce business interruption, leverage contract resource and reduce overheads.

1.13 The value engineering is ongoing with some key ‘wins’ being reduction in impact on existing contaminated land within the CETA site, efficiencies in layout and engineering, material selections and substitutions.

1.14 Current budget is tracking (prior to final design) at 5-6% over the combined budget for the three projects, however there are some value engineering options still available as risks are mitigated approaching the completion of designs for tender.
1.15 **Stakeholder Engagement**

1.16 The Steering Committee and the design team is working directly with user Stakeholders to brief key needs, review design iterations and approve the proposed solutions.

1.17 Formal presentations to Speedway, CETA and PNCC have been completed at a Briefing in May 2019, as well as Concept Design approval in August 2019.

1.18 Stakeholder engagement will continue into early November 2019 as final designs are completed ready for tender.

2. **INDIVIDUAL PROJECT SUMMARY**

2.1 The Speedway Pits Relocation is being delivered via *Programme 1082 – Central Energy Trust Arena Manawatu – Speedway Relocation and Artificial Pitch*.
   - There is a total project budget of $7,074,000
     - $1,020,000 of this is to be funded through external third-party funding
   - Application for Resource Consent was lodged in July 2019 and is due to be signed off in first week of October 2019
   - Detailed Design to be completed in October 2019
   - Physical works to commence from January 2020, and is due for completion in October 2020

2.2 The new Entrance Plaza is being delivered via *Programme 1083 – Central Energy Trust Arena Manawatu – Entrance Plaza and Western Concourse*.
   - There is a total project budget of $4,716,730
     - The project is 100% Council funded
   - Application for Resource Consent was lodged in July 2019 and is due to be signed off in first week of October 2019
   - Detailed Design to be completed in October 2019
   - Physical works to commence from March 2020, and is due for completion in October 2020

2.3 The Embankment Redevelopment is being delivered via *Programme 1534 – Central Energy Trust Arena Manawatu – Embankment Redevelopment*.
   - There is a total project budget of $4,409,000
     - The project is 100% Council funded
   - Detailed Design to be completed in October 2019
ITEM 7

- Physical works to commence from March 2020, and is due for completion in October 2020

2.4 For clarity of the above, while the overall budgets have remained the same there has been some budget movements to reflect revised delivery timelines for these projects.

3. FUTURE DEVELOPMENTS

3.1 There are two potential additional projects that strongly link with the speedway pits, embankment and entrance plaza:

- The South Grandstand; and
- A ‘Commercial Building’ which interlinks with the plaza bridge, housing external tenants.

3.2 These projects are outside the scope of this report and as they are not being completed in the immediate future are still subject to further feasibility work, detailed design and costing.

3.3 However, initial concept designs have been undertaken on these projects due to their interlinking nature with the three current projects. Some of these indicative concepts will be part of the design presentation accompanying this report, however, they will not be covered in depth as they do not form part of the current projects.

4. NEXT STEPS

4.1 Detailed design for all three projects to be completed by end of October 2019.

4.2 Request for Tenders will be issued at end of October 2019, with a successful contractor being engaged in December 2019.

4.3 Construction to begin in January 2020; concluding in October 2020.

5. COMPLIANCE AND ADMINISTRATION

<table>
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<tbody>
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**ATTACHMENTS**

Nil
MEMORANDUM

TO: Council

MEETING DATE: 7 October 2019

TITLE: Palmerston North Performing Arts Trust - Annual Report and Audited Annual Accounts 2019

PRESENTED BY: Sheryl Bryant, General Manager - Strategy & Planning

APPROVED BY: Heather Shotter, Chief Executive

RECOMMENDATION(S) TO COUNCIL


1. ISSUE/BACKGROUND

This memorandum is to present the Annual Report and the audited annual accounts 2018/19 of the Palmerston North Performing Arts Trust, in accordance with clauses 7.5 and 8.2 of the Trust Deed.

The Palmerston North Performing Arts Trust was exempted by Council from being a Council Controlled Organisation for three years on 26 August 2019.

2. NEXT STEPS


3. COMPLIANCE AND ADMINISTRATION

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ITEM 8

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<tr>
<td>Is there funding in the current Annual Plan for these actions?</td>
<td>N/A</td>
</tr>
<tr>
<td>Are the recommendations inconsistent with any of Council’s policies or plans?</td>
<td>No</td>
</tr>
</tbody>
</table>

The recommendations contribute to Goal 5: A Driven and Enabling Council

The recommendations contribute to the outcomes of the Driven and Enabling Council Strategy

Contribution to strategic direction

Receiving this information contributes to the desired outcome of an effective and responsible Council that excels in good governance.

ATTACHMENTS

1. Covering Letter from Chairperson_September 2019
2. Chairperson’s Report 2019
3. Audit Report 2019
4. Letter of representation for the year ended 30 June 2019
5. Financial Statements for the year ended 30 June 2019
12 September 2019

Mayor and Councillors
Palmerston North City Council
PALMERSTON NORTH

Dear Mayor and Councillors

PALMERSTON NORTH PERFORMING ARTS TRUST

ANNUAL REPORT TO COUNCIL

I am pleased to attach the following documents by way of annual report to Council (in accordance with the Palmerston North Performing Arts Trust Deed):

2. Letter of representation for the year ended 30 June 2019, to the Appointed Auditor, Audit New Zealand, from the Chairperson.

I confirm that the above documents will be adopted at the Annual General Meeting of the Palmerston North Performing Arts Trust to be held in November 2019.

Yours faithfully

[Signature]
Sheridan Hickey
CHAIRPERSON

Oasis # 13773719
Chairperson’s Report 2019

This year the Palmerston North Performing Arts Trust has chosen to continue its promotion only of the Arts Heart Educational Development Project Scheme as it created a broader platform for a wider range of benefit for more participants with PNPAT’s thrust ‘to serve to enlighten, inspire and enhance the development of talented emerging performing artists’.

In all, four applications were received with three being successful in receiving funding as their application focus specifically extended opportunities, skills and experience in participation of the performing arts. The successful recipients were:

Creative Sounds Society
An audio engineering and sound reinforcement course for secondary students

Palmerston North Dance Association
Dance workshops covering two genre: Classical Repertoire and Contemporary/Modern Dance

Palmerston North Girls’ High School
Two Choral Workshops (May and July) for PNGHS Choir, Cantatrices. At the time of working this report notification has been received that Cantatrices has been selected as one to the finalists at the National Finals of the Big Sing in Dunedin’s Town Hall.

The unsuccessful applicant did not focus specifically on performing arts.

Although it was disappointing that one of 2017’s recipients, Toi Warbrick with their project to develop Palmerston North as the ‘Putorino Capital of the World’, reluctantly returned their Arts Heart funding because their creative process and performance making veered in a different direction with other opportunities, Palmerston North has ultimately been enhanced as a thriving artistic and creative destination as a result Toi Warbrick’s endeavours.

A very comprehensive report was received from the Palmerston North Theatre Trust (Centrepoint Theatre) sharing the extensive programme endeavouring to bring secondary students into the city as part of developing improvisational performance skills.

The Palmerston North Performing Arts Trust (PNPAT) complements Palmerston North city’s ‘creative and exciting city’ aspiration. PNPAT provides ongoing support to enable educational opportunities and public appreciation of the performing arts in our city. This year PNPAT’s AGM falls in the middle Te Wiki o Te Reo Māori and the city’s whakatauki Ko te pae tawhiti whai kia tata, ko te pae tata whakamaua kia tina acknowledging our future, our opportunity and bind the distant and immediate horizons as they merge. Therefore the relevance of PNPAT’s objectives aligning with Palmerston North’s creative city vision are more pertinent than ever.

While managing ongoing sustainable funding can be a challenge, it is a delight to be on this Trust as it is most rewarding to have such focused Trustees with Mayor Grant Smith, Margaret May and Advisory Trustees Harry Lilley and Maureen Ax contribute their expertise and enthusiasm with due diligence. Although Rachel Corser had returned to us she is now on parental leave and we wish her well.

Sheridan Hickey
Chairperson

September 2019
Independent Auditor’s Report

To the readers of the Palmerston North Performing Arts Trust’s financial statements for the year ended 30 June 2019

The Auditor-General is the auditor of the Palmerston North Performing Arts Trust (the Trust). The Auditor-General has appointed me, Chris Webby, using the staff and resources of Audit New Zealand, to carry out the audit of the financial statements of the Trust on his behalf.

Opinion

We have audited the financial statements of the Trust on pages 1 to 4, that comprise the statement of financial position as at 30 June 2019, the statement of financial performance, statement of changes in equity and statement of cash flows for the year ended on that date and the notes to the financial statements that include accounting policies and other explanatory information.

In our opinion, the financial statements of the Trust:

- present fairly, in all material respects:
  - its financial position as at 30 June 2019; and
  - its financial performance and cash flows for the year then ended; and
- comply with generally accepted accounting practice in New Zealand in accordance with the Public Benefit Entity Simple Format Reporting Standard – Accrual (Public Sector).

Our audit was completed on 28 August 2019. This is the date at which our opinion is expressed.

The basis for our opinion is explained below. In addition, we outline the responsibilities of the Trustees and our responsibilities relating to the financial statements, and we explain our independence.

Basis for our opinion

We carried out our audit in accordance with the Auditor-General’s Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board. Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

We have fulfilled our responsibilities in accordance with the Auditor-General’s Auditing Standards.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.
Responsibilities of the Trustees for the financial statements

The Trustees are responsible on behalf of the Trust for preparing financial statements that are fairly presented and that comply with generally accepted accounting practice in New Zealand. The Trustees are responsible for such internal control as they determine is necessary to enable them to prepare financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Trustees are responsible on behalf of the Trust for assessing the Trust’s ability to continue as a going concern. The Trustees are also responsible for disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting, unless the Trustees intend to wind up the Trust or to cease operations, or have no realistic alternative but to do so.

The Trustees’ responsibilities arise from clause 8.2 of the Trust Deed of the Trust.

Responsibilities of the auditor for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements, as a whole, are free from material misstatement, whether due to fraud or error, and to issue an auditor’s report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit carried out in accordance with the Auditor-General’s Auditing Standards will always detect a material misstatement when it exists. Misstatements are differences or omissions of amounts or disclosures, and can arise from fraud or error. Misstatements are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of readers taken on the basis of these financial statements.

We did not evaluate the security and controls over the electronic publication of the financial statements.

As part of an audit in accordance with the Auditor-General’s Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. Also:

- We identify and assess the risk of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- We obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Trust’s internal control.

- We evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Trustees.
• We conclude on the appropriateness of the use of the going concern basis of accounting by the Trustees and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Trust’s ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor’s report to the related disclosures in the financial statements, or if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor’s report. However, future events or conditions may cause the Trust to cease to continue as a going concern.

• We evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Trustees regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.


Independence

We are independent of the Trust in accordance with the independence requirements of the Auditor-General’s Auditing Standards, which incorporate the independence requirements of Professional and Ethical Standard 1 (Revised): Code of Ethics for Assurance Practitioners issued by the New Zealand Auditing and Assurance Standards Board.

Other than in our capacity as auditor, we have no relationship with, or interests in, the Trust.

Chris Webby
Audit New Zealand
On behalf of the Auditor-General
Palmerston North, New Zealand
28 August 2019

Chris Webby
Director
Audit New Zealand
PO Box 149
Palmerston North 4440

Dear Chris

Representation letter for the year ended 30 June 2019

This representation letter is provided in connection with your audit, carried out on behalf of the Auditor-General, of the financial statements of the Palmerston North Performing Arts Trust (the Trust) for the year ended 30 June 2019 for the purpose of expressing an independent opinion about whether:

The financial statements:

• present fairly, in all material respects:
  o the financial position as at 30 June 2019; and
  o the financial performance and cash flows for the year then ended; and
• comply with generally accepted accounting practice in New Zealand in accordance with the Public Benefit Entity Simple Format Reporting Standard – Accrual (Public Sector).

We understand that your audit was carried out in accordance with the Auditing Standards issued by the Auditor-General, which incorporate the International Standards on Auditing (New Zealand).

General representations

To the best of our knowledge and belief:
• the resources and activities under our control have been operating effectively and efficiently;
• we have complied with our statutory obligations including laws, regulations, and contractual requirements;
• we have carried out our decisions and actions with due regard to minimising waste;
• we have met Parliament’s and the public’s expectations of appropriate standards of behaviour in the public sector (that is, we have carried out our decisions and actions with due regard to probity); and
• any decisions or actions have been taken with due regard to financial prudence.

We also acknowledge that we have responsibility for designing, implementing, and maintaining internal control (to the extent that is reasonably practical given the size of the Trust) to prevent and detect fraud.

Representations on the financial statements

We confirm that all transactions have been recorded in the accounting records and are reflected in the financial statements, and that, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

• we have fulfilled our responsibilities for preparing and presenting the financial statements as required by the Trust Deed and, in particular, that:

The financial statements:

  o present fairly, in all material respects:

    . the financial position as at 30 June 2019; and

    . the financial performance and cash flows for the year then ended; and

  o comply with generally accepted accounting practice in New Zealand in accordance with the Public Benefit Entity Simple Format Reporting Standard – Accrual (Public Sector).

• we believe the significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable;

• we have appropriately accounted for and disclosed the related party relationships and transactions in the financial statements;

• we have adjusted or disclosed all events subsequent to the date of the financial statements that require adjustment or disclosure;
we believe the effects of uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial statements as a whole; and

we have disclosed all known actual or possible litigation and claims whose effects should be considered when preparing the financial statements.

Representations about the provision of information

We confirm that, to the best of our knowledge and belief, having made such enquiries as we considered necessary for the purpose of appropriately informing ourselves:

we have provided you with:

- all information, such as records and documentation, and other matters that are relevant to preparing and presenting the financial statements; and

- unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.

we have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud;

we have disclosed to you all information in relation to fraud or suspected fraud that we are aware of and that affects the entity and involves:

- management;

- employees who have significant roles in internal control; or

- others where the fraud could have a material effect on the financial statements.

we have disclosed to you all information in relation to allegations of fraud, or suspected fraud, affecting the entity's financial statements communicated by employees, former employees, analysts, regulators, or others;

we have disclosed to you all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing financial statements;

we have provided you with all the other documents ("other information") which will accompany the financial statements which are consistent with one another, and the other information does not contain any material misstatements; and

we have disclosed the identity of the related parties, all of their relationships, and all of their transactions of which we are aware.
Going concern basis of accounting

We confirm that, to the best of our knowledge and belief, the Trust has adequate resources to continue operations at its current level for the foreseeable future. For this reason, the Board continues to adopt the going concern basis of accounting in preparing the financial statements for the year ended 30 June 2019. We have reached this conclusion after making enquiries and having regard to circumstances that we consider likely to affect the Trust during the period of one year from [date of signing financial statements], and to circumstances that we know will occur after that date which could affect the validity of the going concern basis of accounting.

We consider that the financial statements adequately disclose the circumstances, and any uncertainties, surrounding the adoption of the going concern basis of accounting by the Trust.

Throughout the year, the Trust has complied with the requirements of its banking arrangements, debenture trust deeds, or negative pledge agreements, including those relating to its net tangible assets ratios.

The representations in this letter are made at your request, and to supplement information obtained by you from the records of the Trust and to confirm information given to you orally.

Yours faithfully

[Signature]

Sheridan Hickey - Chairperson
Palmerston North Performing Arts Trust

Financial Statements for the year ended 30 June 2019
PALMERSTON NORTH PERFORMING ARTS TRUST

Statement of entity information for the year ended 30 June 2019

1. Reporting entity
Palmerston North Performing Arts Trust (the Trust).

2. Type of entity & legal basis
The Trust is a charitable trust incorporated in New Zealand under the Charitable Trusts Act 1957 and is domiciled in New Zealand. The Trust is controlled by Palmerston North City Council but is exempted under s7(3) of the Local Government Act 2002 from being a council-controlled organisation. This exemption was renewed by way of resolution on 27 June 2016 for a further 3 years. The Trust is a registered Charity (No CC26508) under the Charities Act 2005.

3. The Trust’s purpose or mission
The primary objective of the Trust is to provide educational opportunities for the development of talented emerging performing artists in the Palmerston North region for the benefit of the public at large in Palmerston North.

4. Structure of the Trust’s operations including governance arrangements
A Board comprising the Mayor of Palmerston North, two trustees (appointed by the Palmerston North City Council) and two advisory trustees appointed by the Board oversees the governance of the Trust. The Trust is administered by staff of the Palmerston North City Council.

5. Main sources of the Trust’s cash and resources
Interest from investments is the main source of funding for the Trust.

PALMERSTON NORTH PERFORMING ARTS TRUST

Statement of accounting policies for the year ended 30 June 2019

1. Basis of preparation
The Trustees have elected to apply PBE SFR-A (PS) Public Benefit Entity Simple Format Reporting – Accrual (Public Sector) on the basis that the Trust does not have public accountability (as defined) and has total expenses of less than $2 million.

All transactions in the financial statements are reported using the accrual basis of accounting.

The financial statements are prepared on the assumption that the Trust will continue to operate in the foreseeable future.

2. Goods and Services Tax
The Trust is not registered for GST. No GST was payable on revenue and no GST was claimable for expenses.
3. Significant Accounting Policies

3.1. Revenue

*Grants* – Council, government and other non-government grants are recognised as revenue when the funding is received unless there is an obligation to return the funds if conditions of the grant are not met ("use or return condition"). If there is such an obligation, the grant is initially recorded as a liability and recognised as revenue when conditions of the grant are satisfied.

*Interest* – interest revenue is recorded as it is earned during the year.

3.2. Bank accounts and cash

Bank accounts and cash comprise cash on hand, cheque or savings accounts and deposits held at call with banks.

3.3. Debtors

Debtors are initially recorded at the amount owing. When it is likely the amount owed (or some portion) will not be collected, a provision for impairment is recognised and the loss is recorded as a bad debt expense.

3.4. Investments

Investments comprise investments in term deposits with banks.

3.5. Creditors and accrued expenses

Creditors and accrued expenses are measured at the amount owed.

PALMERSTON NORTH PERFORMING ARTS TRUST

Notes to the Financial Statements

1. Related Party Transactions

The Trust had no related party (controlled by Council) transactions (2018 $nil).

2. Events after balance date

There are no significant events after balance date.

3. Contingent Liabilities

The Trust had no contingent liabilities at balance date (2018 $nil).
# PALMERSTON NORTH PERFORMING ARTS TRUST

## STATEMENT OF FINANCIAL PERFORMANCE for the year ended 30 June 2019

<table>
<thead>
<tr>
<th>Description</th>
<th>Actual 2019</th>
<th>Actual 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant from previous year returned</td>
<td>2,500</td>
<td>-</td>
</tr>
<tr>
<td>Interest</td>
<td>4,406</td>
<td>4,243</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>6,906</td>
<td>4,243</td>
</tr>
<tr>
<td>Expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants</td>
<td>4,850</td>
<td>8,280</td>
</tr>
<tr>
<td>Scholarships</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Audit Fees</td>
<td>2,081</td>
<td>2,034</td>
</tr>
<tr>
<td>Administration</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>6,961</td>
<td>8,364</td>
</tr>
<tr>
<td>Surplus/(deficit)</td>
<td>(65)</td>
<td>(4,121)</td>
</tr>
</tbody>
</table>

## STATEMENT OF CHANGES IN EQUITY for the year ended 30 June 2019

<table>
<thead>
<tr>
<th>Description</th>
<th>Actual 2019</th>
<th>Actual 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance at 1 July</td>
<td>123,621</td>
<td>127,742</td>
</tr>
<tr>
<td>Surplus/(deficit) for the year</td>
<td>(65)</td>
<td>(4,121)</td>
</tr>
<tr>
<td>Total surplus/(deficit) for the year</td>
<td>(65)</td>
<td>(4,121)</td>
</tr>
<tr>
<td>Balance at 30 June</td>
<td>123,566</td>
<td>123,621</td>
</tr>
</tbody>
</table>

## STATEMENT OF FINANCIAL POSITION as at 30 June 2019

<table>
<thead>
<tr>
<th>Description</th>
<th>Actual 2019</th>
<th>Actual 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank accounts and cash</td>
<td>285</td>
<td>852</td>
</tr>
<tr>
<td>Short term investments</td>
<td>120,172</td>
<td>28,475</td>
</tr>
<tr>
<td>Interest accrual</td>
<td>5,195</td>
<td>1,840</td>
</tr>
<tr>
<td>Total Current Assets</td>
<td>125,650</td>
<td>29,166</td>
</tr>
<tr>
<td>Non Current Assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Term Investment</td>
<td>-</td>
<td>96,539</td>
</tr>
<tr>
<td>Total Non Current Assets</td>
<td>-</td>
<td>96,539</td>
</tr>
<tr>
<td>Total Assets</td>
<td>125,650</td>
<td>125,708</td>
</tr>
<tr>
<td>Current Liabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accrued Expenses</td>
<td>2,084</td>
<td>2,084</td>
</tr>
<tr>
<td>Total Liabilities</td>
<td>2,084</td>
<td>2,084</td>
</tr>
<tr>
<td>Trust Equity</td>
<td>123,666</td>
<td>123,621</td>
</tr>
</tbody>
</table>

_Sheridan Hickey_

Chairperson 28-8-2019

These statements should be read in conjunction with the accompanying Statement of Accounting Policies and notes.
PALMERSTON NORTH CITY PERFORMING ARTS TRUST

STATEMENT OF CASH FLOWS for the year ended 30 June 2019

<table>
<thead>
<tr>
<th>Cash flows from operating activities</th>
<th>Actual 2019</th>
<th>Actual 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest received</td>
<td>$1,051</td>
<td>$7,521</td>
</tr>
<tr>
<td>Grants</td>
<td>(4,850)</td>
<td>(6,280)</td>
</tr>
<tr>
<td>Grant from previous year returned</td>
<td>2,500</td>
<td>-</td>
</tr>
<tr>
<td>Scholarships</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>General operating expenses</td>
<td>(2,111)</td>
<td>(2,084)</td>
</tr>
<tr>
<td>Net cash flow from operating activities</td>
<td>(3,410)</td>
<td>(843)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cash flows from Investing Activities</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of term investments</td>
<td>(9,946)</td>
<td>(7,518)</td>
</tr>
<tr>
<td>Maturity of term investments</td>
<td>12,788</td>
<td>5,136</td>
</tr>
<tr>
<td>Net cash flow from investing activities</td>
<td>2,842</td>
<td>(2,382)</td>
</tr>
</tbody>
</table>

| Net Cash Inflow/(Outflow)                              | (597)       | (3,225)     |

| Bank accounts and cash at the beginning of year        | 852         | 4,077       |
| Bank accounts and cash at the end of year              | 285         | 852         |

These statements should be read in conjunction with the accompanying Statement of Accounting Policies and notes.
MEMORANDUM

TO: Council
MEETING DATE: 7 October 2019
TITLE: Appointment of Commissioners - Resource Consent Hearing - 126 Turitea Road
PRESENTED BY: John Annabell, Legal Counsel
APPROVED BY: Sheryl Bryant, General Manager - Strategy & Planning

RECOMMENDATION(S) TO COUNCIL

1. That Tangi Utikere, Susan Baty and Aleisha Rutherford be appointed as Commissioners to hear and decide a resource consent application made by Guardian Tree Services Limited for the operation of a non-rural activity in a rural zone at 126 Turitea Road, together with a subdivision consent for a two lot subdivision of that land.

2. That the appointed Commissioners be delegated all the usual powers of Commissioners under the Resource Management Act 1991 and the Council’s Delegations Manual and that Tangi Utikere be appointed as Chairperson of the panel, and that these appointments apply regardless of whether or not the appointed Commissioners are re-elected to the Palmerston North City Council at the forthcoming local government elections.

1. ISSUE

This memorandum seeks approval for the appointment of Commissioners to hear and determine resource consent applications with respect to a property at 126 Turitea Road, Palmerston North. As with all resource consent applications, there is a need for this application to be considered expeditiously, with the likely hearing date to be within or about the first week of November 2019.

2. BACKGROUND

Resource consent applications have been received from Guardian Tree Services Limited in respect of a property at 126 Turitea Road, Palmerston North. The proposed activity involves establishing a base for a small scale arborist and landscaping service. Core activities include using the site as a base for staff to store equipment and vehicles. A new shed for storage is proposed. The proposal also includes a two lot subdivision resulting in one additional lifestyle section.
There have been three submissions lodged with regard to this application, all of whom wish to be heard. However, neither the applicant nor submitters have required the Council to appoint a Commissioner or Commissioners.

While this matter would normally be considered by the Hearings Committee, the current Hearings Committee is dissolved at the end of the current term of Council and a new or replacement committee cannot be established before 30 October 2019 at the earliest, this being the date set aside for the Inaugural Meeting of the incoming Council. The appointment of Commissioners, however, will permit a hearing date to be established and notice to be given with the assurance that Commissioners will be able to hear it on the appointed date.

Accordingly, it is recommended that Councillors Tangi Utikere (Chairperson of the Hearings Committee), Susan Baty (Deputy Chairperson of the Hearings Committee) and Aleisha Rutherford (Member of the Hearings Committee) be appointed as Commissioners for this specific purpose. All three recommended Councillors are accredited as able to hear matters under the Resource Management Act 1991. While they are currently Commissioners, those appointments arise from the fact they are members of the current Hearings Committee and therefore those appointments cease at the time the current term of Council concludes. Hence the need for this specific appointment.

This memorandum is to enable Councillors Susan Baty and Tangi Utikere to be appointed Commissioners for this particular application and the recommendations will enable them to hear and decide the matter as Commissioners appointed for this specific purpose.

3. **NEXT STEPS**

If the Council decides to adopt the recommendation, arrangements for a hearing date will be made, with the hearing to take place most likely in early November 2019.

4. **COMPLIANCE AND ADMINISTRATION**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the Council have delegated authority to decide?</td>
<td>Yes</td>
</tr>
<tr>
<td>Are the decisions significant?</td>
<td>No</td>
</tr>
<tr>
<td>If they are significant do they affect land or a body of water?</td>
<td>No</td>
</tr>
<tr>
<td>Can this decision only be made through a 10 Year Plan?</td>
<td>No</td>
</tr>
<tr>
<td>Does this decision require consultation through the Special Consultative procedure?</td>
<td>No</td>
</tr>
<tr>
<td>Is there funding in the current Annual Plan for these actions?</td>
<td>Yes</td>
</tr>
<tr>
<td>Are the recommendations inconsistent with any of Council’s policies or plans?</td>
<td>No</td>
</tr>
</tbody>
</table>

The recommendations contribute to Goal 5: A Driven and Enabling Council
The recommendations contribute to the outcomes of the Driven and Enabling Council Strategy

<table>
<thead>
<tr>
<th>The recommendations contribute to the achievement of action/actions in a plan under the Driven and Enabling Council Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>The action is: to ensure Council processes a Resource Consent Application in an appropriate manner.</td>
</tr>
<tr>
<td>Contribution to strategic direction</td>
</tr>
</tbody>
</table>

**ATTACHMENTS**

Nil
RECOMMENDATION(S) TO COUNCIL

1. That Council approves consultation with the public, as per Section 15 & 119 of the Reserves Act 1977, on the proposal to exchange 800 square metres of land, being part of lot Part Section 1678 Town of Palmerston North, in return for 9,350 square metres of land owned by Manawatū Golf Club land, being part of Pt Lot 3 DP 19255, Sec 1679 TN OF Palmerston North, Pt Lot 1 DP 1332, and Pt Lot 261 DP 666.

2. That if the reserve exchange is approved after consultation and consideration of objections, the Council either:

   (a) Approves the additional budget of $73,475 plus GST for the difference in the value of proposed land detailed in Appendix One

   or

   (b) Authorise the Chief Executive to redirect current parks land purchase budget that is unlikely to be spent in current financial year to the land exchange, noting overall land purchase programmes for 2020/2021 annual plan will be revised.
## SUMMARY OF OPTIONS ANALYSIS FOR

**Problem or Opportunity**
The Manawatū Golf Club effectively owns a significant portion of land in the river environment near the bottom of Albert Street due to their rights to apply for an accretion over it.

This piece of land contains approximately 1,200m of the Manawatū River Park Path and 12.2 hectares of open space and forestry that the public use.

In 2016 Palmerston North City Council adopted the Manawatū River Framework. The framework directs Council officers to purchase this piece of golf club land in the river environment, to lower any risk of this highly significant piece of pathway and open space being lost to public access in the future.

**OPTION 1:**
That Council approves consultation with the public, as per Section 15 & 119 of the Reserves Act 1977, on the proposal to exchange 800 square metres of land, being part of lot Part Section 1678 Town of Palmerston North, in return for 9,350 square metres of land owned by Manawatū Golf Club land, being part of Pt Lot 3 DP 19255, Sec 1679 TN OF Palmerston North, Pt Lot 1 DP 1332, and Pt Lot 261 DP 666.

That Council either:

(a) Approves the additional budget of $73,475 plus GST for the difference in the value of proposed land detailed in Appendix One

or

(b) Authorise the Chief Executive to redirect current parks land purchase budget that are unlikely to be spent in current financial year to the land exchange, noting overall land purchase programmes for 2020/2021 annual plan will be revised.

if the reserve exchange is approved after consultation and consideration of objections, if any.

<table>
<thead>
<tr>
<th>Community Views</th>
<th>Community views would be considered through the proposed consultation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Council would be entitled to claim the accretion land which is approximately 12.2 hectares.</td>
</tr>
<tr>
<td>Risks</td>
<td>No risks are identified in consulting with the public on the proposal.</td>
</tr>
<tr>
<td>Financial</td>
<td>The land exchange value difference is $73,475 plus GST.</td>
</tr>
</tbody>
</table>
ITEM 10

Newspaper advertising $500, solicitor $3,000, social media, Council website and Officer time; receiving objections, and carry out the hearing process if required.

**OPTION 2:**

Council declines the proposed land exchange.

<table>
<thead>
<tr>
<th>Community Views</th>
<th>Community views will not be sought.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>No further costs incurred.</td>
</tr>
<tr>
<td>Risks</td>
<td>Any Manawatū River Park works carried on the accretion land will be potentially lost if MGC exercise their right to claim the accretion and to use the land for other purposes.</td>
</tr>
<tr>
<td>Financial</td>
<td>No financial impact.</td>
</tr>
</tbody>
</table>

The recommendations contribute to Goal 2: A creative and exciting city

The recommended option contributes to the outcomes of the Creative and Liveable Strategy

The recommended option contributes to the achievement of action/actions in the Manawatu River Plan

**Contribution to strategic contribution**

The proposed exchange is implementing the Manawatū River Framework.

**RATIONALE FOR THE RECOMMENDATIONS**

1. **OVERVIEW OF THE PROBLEM OR OPPORTUNITY**

1.1 The Manawatū Golf Club (MGC) effectively owns a significant portion of land in the river environment due to their rights to apply for an accretion over it. This piece of land contains approximately 1,200m of the Manawatū River Park path and 12.2 hectares of open space and forest that the public currently use.

1.2 In 2016 Palmerston North City Council adopted the Manawatū River Framework. The framework directs Council officers to purchase this piece of golf club land in the river environment, to lower any risk of this highly significant piece of pathway, open space and forest being lost to public access in the future.

2. **BACKGROUND AND PREVIOUS COUNCIL DECISIONS**

2.1 The Manawatū River Framework describes Council’s strategic direction in the river environment. The associated programme was funded through the 2018-28 Ten Year...
Plan, and Council is currently in year 3 of implementing the Manawatū River Framework.

2.2 The MGC owns a significant portion of land in the river environment. This piece of land contains approximately 1,200m of the Manawatū River Park path. The framework includes the purchase this piece of golf club land in the river environment (Section 10.2 page 76), to lower any risk of this highly significant piece of pathway and 12.2 ha of space and forest being lost to public access in the future.

2.3 The piece of land to be received in the exchange is approximately 9,350m². In addition, there is 12.2ha of accretion land.

2.4 Accretion is described by Land Information New Zealand (LINZ) in the following way:

*Accretion occurs where a property is bounded by water, has a moveable boundary, and land is added to the property due to gradual and imperceptible changes in the position of the water boundary. The owner may then apply to have the title adjusted to reflect the current position of the water boundary.*

2.5 The owner of a property that has been impacted by river or stream margin movement may apply to LINZ to have the accretion recognised, and thereby take ownership of the land. In this case the 12.2ha of accretion land can only be applied for by the MGC. However, if Council purchases the entire margin, then Council may apply for ownership of the additional 12.2ha (as shown in Figure 2).

2.6 The Manawatū River Framework recognises that the purchase of this piece of land was always conditional on the MGC being amenable to the sale, and so no set financial year was established for this purchase until some form of negotiation had taken place.

2.7 In July of 2019 Officers began negotiations with the MGC. The management and President received the proposal favourably and proceeded to obtain a valuation. The valuation includes the harvestable pine forest trees.

2.8 During the valuation process it was noted that a portion of the golf club’s 16th tee was on Palmerston North City Council land. The club approached Council to tidy up this oversight as part of the land exchange deal so that the club became full owner of the course.

2.9 Council Officers agreed to this and identified a comparable parcel of land along the shared path that could be exchanged for the 16th tee. The parcel proposed for exchange is held as reserve under the Reserves Act 1977, and a Reserves Act land exchange process must be followed by Council.

2.10 The MGC membership adopted the full proposal on September 2nd 2019. Council and MGC have entered into an agreement for the land exchange (attachment 1),
subject to Council approval of the land exchange, under the Ministerial delegation of the provision 15(1) of the Reserves Act.

2.11 Officers have prepared this report as the first step mandatory Reserves Act consultation process for the proposed land exchange.

3. DESCRIPTION OF OPTIONS

3.1 Option 1: That Council approves consultation with the public, as per Section 15 & 119 of the Reserves Act 1977, on the proposal to exchange 800 square metres of land, being part of lot Part Section 1678 Town of Palmerston North, in return for 9,350 square metres of land owned by Manawatū Golf Club land, being part of Pt Lot 3 DP 19255, Sec 1679 TN OF Palmerston North, Pt Lot 1 DP 1332, and Pt Lot 261 DP 666.

3.2 Option 2: Council declines the proposed land exchange and the additional capital funding required to complete the land exchange.

4. ANALYSIS OF OPTIONS

4.1 Option 1: That Council approves consultation with the public, as per Section 15 & 119 of the Reserves Act 1977, on the proposal to exchange 800 square metres of land, being part of lot Part Section 1678 Town of Palmerston North, in return for 9,350 square metres of land owned by Manawatū Golf Club land, being part of Pt Lot 3 DP 19255, Sec 1679 TN OF Palmerston North, Pt Lot 1 DP 1332, and Pt Lot 261 DP 666.

4.2 The MGC is entitled to have their land title corrected to reflect the current position of the water boundary of the accretion land. The land area owned by MGC is 42.8661 hectares and is highlighted in green in Figure One:
4.3 The area MGC are entitled to apply for as an accretion and take ownership of is shown in Figure Two.
4.4 If MGC decide to apply for the accretion, the current walkway and the surrounding open space that is currently public accessible would be sitting on the MGC land.

4.5 Council would then have to negotiate with MGC to either purchase the accretion land shown as Figure Two edged in red or arrange a licence/easement for the right of using and maintaining the current river walkway and open space.

4.6 Council owned reserve land shown in blue in Figure Three. A small portion of that land on the MGC side of stop bank is occupied by MGC with one of the golf tees on the land. This is shown in Figure Three, edged in yellow.
4.7 The MGC would like to ensure their 16th tee, currently on Council land, comes into MGC ownership.

4.8 Officers determined that to meet Council aims of owning the land and MGC’s objective of tidying up land under the 16th tee, a land exchange for narrow strips highlighted in Figure Four in orange would be the best process. The accretion application would then be made by Council once the land exchange is completed.
4.9 The land being exchanged by Council is approximately 800 square meters and the land being exchanged by MGC is approximately 9,350 square metres.

4.10 Should the exchange to proceed, Council would be entitled to claim the accretion land which is approximately 12.2 hectares.

4.11 The difference in valuations for the exchangeable land, accretion rights and trees is $168,475. As part of the exchange, Council would need to make a payment of $168,475 plus GST to MGC.

4.12 Manawatū River Framework programme has budget provision of $95,000 for the MGC land purchase. The valuation exceeds the budget by $73,475, largely due to the $55,000 value of the stand of pine trees which was unbudgeted.

4.13 MGC submitted the proposal of land exchange to MGC Committee on 30 July 2019 and the Committee gave approval to progress the land exchange. Followed by MGC special general meeting on 2nd September 2019, the proposal was resolved by the membership of MGC.
Budget for Land Exchange

4.14 The Manawatū River Framework includes a budget of $95,000 for the land purchase in the 2019/2020 financial year.

4.15 The walkway land purchase programme 1929 has a budget of $245,000 in 2019/2020. Commitments for 2019/2020 include a walkway connection along Manawatū River and in Aokautere total to $205,000. Other possible purchases for walkway connections under negotiation may total to $50,000 - $150,000. Therefore, the walkway purchase budget cannot accommodate the land exchange.

4.16 The walkways land purchase programme was developed several years ago, to extend over a 50-year timeframe, and assumed a linear budget line. In reality, some years have higher development levels than others, with walkway purchase opportunities, and others have less development and the budget has been unspent. Review of the programme found on average the overall spend has been consistent with the overall budget across 10 years but can fluctuate from year to year.

4.17 A few other reserve land purchase budgets in urban growth areas are likely to be under spent this financial year as they are waiting for subdivision to occur. Examples include, neighbourhood reserve purchase in Aokautere Programme 708, City West (racecourse) walkway purchase Programme 1391, and the Ashhurst neighbourhood reserve purchase programme 1357 which will be partially spent.

4.18 Should the proposal be approved after considering the community feedback, then Council would need to choose to either approve additional land budget for the exchange or redirect the under-spent budgets. If the redirection of unspent budgets occurred, then Officers would reassess the land purchase budget prior to the draft 2020/2021 Annual Plan.

4.19 **Option 2:** Council declines the proposed land exchange and the additional capital funding required to complete the land exchange.

4.20 In this option Council would not be able to claim the accretion. Any Manawatū River Park works carried on the accretion land will be potentially lost if MGC exercise their right to claim the accretion and to use the land for other purposes.

5. **RESERVE ACTS ACT 1977 - RESERVE EXCHANGE REQUIREMENTS**

5.1 Council, as the Administering Body of the reserve land, has delegated authority to authorise the exchange of land described in this report (Section 15 (1) Reserves Act 1977). The delegated authority was issued by the Minister of Conservation in July of 2013.

5.2 Any exchange of reserve land (where the reserve is vested in an admini1strating body) requires a resolution by that administering body approving the exchange (Section 15
(2) Reserves Act 1977). The resolution may not occur until such time as the administering body has notified the public of the intent to make an exchange (Section 15 (2) Reserves Act 1977).

5.3 The Reserves Act 1977 requires Council to publicly notify the intent to exchange land in a local newspaper, with the consultation period lasting no less than 4 weeks (1 month). The public notification also needs to contain basic descriptive facts – such as the name of the reserve, its location and the nature of the exchange (Section 120 Reserves Act 1977). The Act also requires Council to provide the facility to receive objections, and to take any objections into consideration when making a decision.

5.4 Council must also, under Section 120 of the Reserves Act 1977, give any objector an opportunity to appear before the Administering Body, in order that the objector may be given full consideration. Officers of Council are required to make recommendations to Council regarding “the extent to which objections should be allowed or accepted or disallowed or not accepted”.

5.5 Under Section 15 of the Reserves Act 1977 Council should seek to exchange land that is more suitable for recreation purposes than the land disposed of when considering a land exchange. There are several benefits associated with the exchange. They are:

- 8,550 m² of additional reserve will be added to Manawatū River Park along with the 12.2 hectares accretion land;
- Correction for historical boundary line along MGC side of the stop bank;
- Obtain ownership of the current walkway sitting on the accretion land next to MGC;

5.6 Any land received in the exchange automatically becomes held by the Administering Body of the reserve land (as described in Figure Three) as reserve land under the provisions of the Reserves Act 1977 (Section 15 (5)).

5.7 Consultation with iwi has already been undertaken and Rangitane o Manawatū support the proposed exchange.

6. **CONCLUSION**

6.1 In approving The Manawatū River Framework, Council directed officers to secure ownership of this land.

6.2 The proposal for MGC land exchange has been carefully negotiated based on the draft survey plan and certified valuations of the land.

6.3 It increases the total amount of reserve at the Manawatū River Park in Council ownership and mitigates the risk of its loss in the future.

6.4 It is consistent with the purpose and direction of the Reserves Act 1977.
6.5 Should the proposal be approved, after considering the community feedback, then Council would need to choose to either approve additional land budget for the exchange or redirect the unspent budgets. If the redirection of unspent budgets occurred, then Officers would reassess land purchase budget for the draft 2020/2021 Annual Plan.

7. **NEXT ACTIONS**

7.1 Publicly notify the proposal in the Manawatū Standard (in accordance with the Reserve Act 1977 requirements for notification);

7.2 Receive any objections to the proposal over a 1-month period (from the date of the newspaper notification);

7.3 Provide an opportunity for any objectors to be heard;

7.4 Report back on the consultation results with recommendations, seeking a resolution.

8. **OUTLINE OF COMMUNITY ENGAGEMENT PROCESS**

8.1 Officers recommend that because of the nature of the proposal, having already been considered in the Manawatū River Framework consultation, and because the matter is not foreseen to be of substantial nature, the engagement is proposed to be of a modest level.

8.2 Public notification in the Manawatū Standard (Reserves Act requirement), Council website information and online submission facility are proposed.

**COMPLIANCE AND ADMINISTRATION**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the Committee have delegated authority to decide?</td>
<td>No</td>
</tr>
<tr>
<td>If Yes quote relevant clause(s) from Delegations Manual</td>
<td></td>
</tr>
<tr>
<td>Are the decisions significant?</td>
<td>No</td>
</tr>
<tr>
<td>If they are significant do they affect land or a body of water?</td>
<td>No</td>
</tr>
<tr>
<td>Can this decision only be made through a 10 Year Plan?</td>
<td>No</td>
</tr>
<tr>
<td>Does this decision require consultation through the Special Consultative procedure?</td>
<td>No</td>
</tr>
<tr>
<td>Is there funding in the current Annual Plan for these actions?</td>
<td>No</td>
</tr>
<tr>
<td>Are the recommendations inconsistent with any of Council’s policies or plans?</td>
<td>No</td>
</tr>
</tbody>
</table>
The recommendations contribute to Goal 2: A Creative and Exciting City

The recommendations contribute to the outcomes of the Creative and Liveable Strategy

The recommendations contribute to the achievement of action/actions is the Manawatu River Plan

| Contribution to strategic direction | Implementation of the Manawatū River Framework. |

**ATTACHMENTS**

1. Agreement to Exchange Land
Dated the ______ day of ______ 2019

BETWEEN
THE PALMERSTON NORTH CITY COUNCIL

AND
THE MANAWATU GOLF CLUB (INCORPORATED)

AGREEMENT TO EXCHANGE LAND

Cooper Rapley Lawyers
THIS AGREEMENT made this day of 2019

PARTIES
1. THE PALMERSTON NORTH CITY COUNCIL ("PNCC")
2. THE MANAWATU GOLF CLUB (INCORPORATED) ("MGC")

BACKGROUND
A. PNCC is the registered proprietor of the land described in Schedule 1 attached.
B. MGC is the registered proprietor of the land described in Schedule 2 attached.
C. PNCC wish to acquire part of the land described in Schedule 2 for reserve purposes.
D. PNCC and MGC have agreed, subject to the conditions in clause 14 of this Agreement, to exchange parts of the land described in Background clauses A and B above in accordance with this Agreement and the parties now wish to enter into this Agreement to record the terms of the transaction.

OPERATIVE PROVISIONS

DEFINITIONS
1. The following definitions are used in this Agreement:
   (a) "MGC" means The Manawatu Golf Club (Incorporated).
   (b) "PNCC" means The Palmerston North City Council.
   (c) "Survey Office Plan" means the survey office plan to be prepared by PNCC’s surveyor in accordance with clause 17(a) of this Agreement.
   (d) "this Agreement" means this Agreement for Sale and Purchase.
   (e) "working day" means any day when trading banks in the Manawatu are open for business, however does not include Saturday or Sunday.

INTERPRETATION
2. In this Agreement:
   (a) Where the context permits, the singular includes the plural and vice versa.
   (b) References to any party means a party to this Agreement and includes the successors, executors, administrators and permitted assignees (as the case may be) of that party.
   (c) References in this Agreement to clauses and schedules are references to clauses and schedules of this Agreement.

A&M 132990-949-21-V1
(d) Headings are for convenience only and shall not affect interpretation.

(e) Where the context permits, references to a “person” include an individual, firm, company, corporation or incorporated body of persons, any public, territorial or regional authority, any government and any agency of any government or any such authority.

LAND TO BE EXCHANGED

3. The parties agree that:

(a) PNCC shall exchange with MGC certain land owned by PNCC, being part of the land described in Schedule 1 hereto, being 800 square metres more or less (subject to survey) and shown as Lot 5 on the Plan attached to this Agreement ("PNCC’s Exchange Land") for part of the land described in Schedule 2 hereto, being 1,250 square metres more or less (subject to survey) and shown as Lots 2 and 4 on the Plan attached to this Agreement.

(b) MGC shall exchange with PNCC certain land owned by MGC, being part of the land described in Schedule 2 hereto, being 1,250 square metres more or less (subject to survey) and shown as Lots 2 and 4 on the Plan attached to this Agreement ("MGC’s Exchange Land") for part of the land described in Schedule 1 hereto, being 800 square metres more or less (subject to survey) and shown as Lot 5 on the Plan attached to this Agreement.

VALUES

4. The parties agree that the value of PNCC’s Exchange Land is $1,200.00 plus GST (based on the figures and areas referred to in Schedule 3 attached).

5. The parties agree that the value of MGC’s Exchange Land is $169,675.00 plus GST, which consists of the following components (based on the figures and areas referred to in Schedule 4 attached):

   (a) Land $14,025.00 plus GST
   (b) Compensation for Accretion (refer to clause 9) $100,650.00 plus GST
   (c) Compensation for Forestry $55,000.00 plus GST

6. Subject to clause 7, in consideration of the difference in the values of PNCC’s Exchange Land and MGC’s Exchange Land, PNCC agrees to pay to MGC the difference between the values outlined in clauses 4 and 5 above, being $168,475.00 plus GST (the “Settlement Sum”), which shall be paid in one lump sum in accordance with clause 19 of this Agreement.

7. Despite the values specified in clauses 4, 5 and 6 above, the parties acknowledge and agree that these values are based on indicative land areas and are therefore subject to change based on the final survey of the land prepared pursuant to clause 17(a) below and the areas defined in the final survey.

[Signatures]
ITEM 10 - ATTACHMENT 1

GST

8. The parties acknowledge that, under the Goods and Services Tax Act 1985 ("GST Act"), the exchange of land is a taxable supply, and:
   (a) the parties each separately warrant that they are a registered person;
   (b) the parties acknowledge that the supply will be zero-rated for GST purposes under section 11(1)(mb) of the GST Act; and
   (c) the parties each separately confirm, for the purposes of section 78F(2) of the GST Act, that, at settlement:
      (i) they are acquiring the property supplied to them under this Agreement with the intention of using the property for making taxable supplies; and
      (ii) they do not intend to use the property as a principal place of residence.

ACCRETION LAND

9. The parties acknowledge that the compensation for accretion referred to in clause 5(b) above relates to the fact that in acquiring MGC’s Exchange Land, PNCC shall acquire rights to claim accretion for the area of land of approximately 12.2 hectares outlined in red on the plan attached to this Agreement (the "Accretion Land"), which has been valued at $9,250.00 per hectare.

10. MGC acknowledges that upon PNCC acquiring MGC’s Exchange Land, MGC will no longer have any right to make any application or claim for the Accretion Land.

11. MGC acknowledges and agrees that in the event PNCC makes any claim or application for accretion in respect of the Accretion Land, MGC shall support the application including, but not limited to, giving any supporting affidavits and signing any necessary documentation reasonably required by PNCC.

12. The parties further acknowledge that the Accretion Land is a flood zone and part of MGC’s Exchange Land being acquired by PNCC forms a stop bank in respect of this flood zone.

FORESTRY

13. MGC acknowledges that upon PNCC acquiring MGC’s Exchange Land, MGC will no longer have any right to make any application or claim for the trees and forestry located on the Accretion Land.

CONDITIONS

14. This Agreement is entirely conditional upon the following conditions being satisfied:
   (a) MGC obtaining the approval of the membership of MGC, as required by the MGC rules, of the exchange of MGC’s Exchange Land for PNCC’s Exchange Land on the terms and conditions recorded in this Agreement within 20 Working Days of the date of this Agreement. This condition is inserted for the sole benefit of MGC.
(b) PNCC obtaining a Survey Office Plan for the exchange of land described in clause 3 of this agreement from a registered surveyor and PNCC being satisfied with such Survey Office Plan in all respects within 40 Working Days from the date of this Agreement. This condition is inserted for the sole benefit of PNCC.

(c) PNCC obtaining a Council resolution authorising the exchange of PNCC’s Exchange Land for MGC’s Exchange Land on the terms and conditions recorded in this Agreement on or before 20 December 2019. This condition is inserted for the sole benefit of PNCC.

(d) PNCC completing all legislative and regulatory matters relating to the exchange of PNCC’s Exchange Land, which is currently owned by PNCC as recreation reserve land under the Reserves Act 1977, including, but not limited to the requirements of section 15 of the Reserves Act 1977, public consultation and Council and/or Ministerial approval, on or before 20 December 2019. This condition is inserted for the sole benefit of PNCC.

15. In the event that any of the above conditions are not satisfied by the respective dates specified, either party may by notice in writing to the other bring this Agreement to an end and neither party shall have any right or claim against the other.

PROCESS

16. The parties acknowledge that the exchange shall be given effect by Gazette notice under the section 15 of the Reserves Act 1977, for which an appropriate Survey Office Plan will need to be prepared and approved as to survey, together with a Gazette Notice giving effect to the exchange.

17. On this Agreement being executed by both parties, PNCC shall, with all due diligence:

(a) Instruct a surveyor to prepare a Survey Office Plan for the land, in accordance with the plan attached to this Agreement; and

(b) collate all necessary documentation required in order to complete the gazetting of the exchange. PNCC’s solicitor shall arrange for the gazetting of the exchange.

18. MGC shall promptly on request by PNCC provide all necessary documentation required by PNCC in order for the gazetting of the exchange to take place, including, but not limited to, any mortgagee consent or partial discharge of mortgage in relation to MGC’s Exchange Land, and any necessary consents to the gazetting, and do all things necessary to give effect to the terms of this Agreement.

PAYMENT OF SETTLEMENT SUM

19. The Settlement Sum shall be paid into the Trust Account of MGC’s solicitor within five (5) working days of:

(a) The last of the conditions in clause 14 of this Agreement being satisfied; and

(b) PNCC’s solicitor advising MGC’s solicitor that it has collated all necessary documentation in order to complete the gazetting of the exchange; and
(c) MGC’s solicitor providing to PNCC’s solicitor an undertaking that the Settlement Sum will be held undisturbed in the Trust Account of MGC’s solicitor in the name of MGC until completion of the gazetting process.

20. PNCC shall be entitled to take possession of the MGC Exchange Land upon the Settlement Sum being paid.

21. MGC shall be entitled to take possession of the PNCC Exchange Land upon the Settlement Sum being received by MGC’s solicitor.

FENCING

22. Neither party shall, either before or after settlement, erect any type of fencing or other wall or barrier along the boundary of MGC’s Exchange Land and the balance of MGC’s land. This clause shall not prevent MGC from maintaining, repairing, renewing or replacing any fencing which already exists along that boundary at the date of this Agreement, at MGC’s sole cost.

MAINTENANCE OF GRASS ON STOP BANK

23. MGC agrees that after settlement MGC shall, at MGC’s sole cost, be responsible for maintaining and mowing the grass on the MGC side of the stop bank neighbouring the balance of MGC’s land and shall keep such area of grass in a tidy condition.

24. PNCC agrees that after settlement PNCC shall, at PNCC’s sole cost, be responsible for maintaining and mowing the grass on top of the stop bank and the grass on the river side of the stop bank and shall keep such areas of grass in a tidy condition.

MGC CONTINUED USE OF STOP BANK

25. Despite the MGC side of the stop bank forming part of MGC’s Exchange Land, which shall be acquired by PNCC, PNCC agrees that after settlement MGC shall be entitled to use the land on the MGC side of the stop bank neighbouring the balance of MGC’s land for purposes relating to the operation of the MGC course. In the event of PNCC transferring the land referred to in this clause to any third party transferee, PNCC will ensure that the continuing rights of MGC under this clause are protected to the extent that any transferee will be contractually bound to honour the provisions of this clause.

COSTS

26. PNCC shall meet all survey costs associated with this transaction together with all gazetting costs.

27. PNCC shall meet its own legal costs in respect of the negotiation, execution, and completion of this Agreement. PNCC shall meet MGC’s legal costs in respect of the negotiation, execution, and completion of this Agreement up to a maximum of $3,000.00 (including GST and disbursements).

NON FETTER

28. It is agreed by the parties that PNCC’s position as territorial authority and administering body (pursuant to the Reserves Act 1977) will not be compromised by virtue of the fact that it is a party to this Agreement.

[Signature]

[Signature]
LEGAL JURISDICTION

29. This Agreement shall be construed pursuant to the laws of New Zealand.

ENTIRE AGREEMENT

30. This Agreement constitutes the entire agreement between the parties with respect to its subject matter and shall supersede all and any previous discussions, representations, agreements or understandings.

ALTERATIONS AND VARIATIONS

31. No alteration to, deletion from or amendment to any of the provisions of this Agreement shall be binding on the parties unless it is agreed to by the parties and recorded in writing.

NOTICES

32. (a) Any notice or document required or authorised to be delivered or served under this Agreement may be delivered or served:

(i) In the manner provided within the Property Law Act 2007;
(ii) By facsimile;
(iii) E-mail;

(b) Any notice or other document will be treated as delivered or served and received by the other party as follows:

(i) Personal Delivery. On personal delivery; or
(ii) Post. Three (3) days after being posted by pre-paid registered post; or
(iii) E-mail. On completion of transmission.

For the purpose of this Agreement until changes are notified in accordance with clause 33 notice may be served using the notice details contained in the Notice Schedule hereto.

33. Any changes to the notice details of either party as recorded in the Notice Schedule hereto shall be notified in writing to the other by the party changing their notice details and such change shall not be effective until five (5) Working Days after the notification.

NO WAIVER

34. No failure or delay by any party to exercise any power, remedy or right in relation to this Agreement shall:

(a) Prejudice, limit or affect or operate as a waiver of that power, remedy or right, or

(b) Be deemed to waive any default or breach of any obligation, liability or agreement by the other party;

and the exercise or partial exercise by any party of any power, remedy or right shall be without prejudice to that party’s right to exercise that or any other power, remedy or right.
at the same time (except insofar as the exercise of any power, remedy or right is inconsistent with the exercise of any other power, remedy or right) or in the future.

COUNTERPARTS

35. This Contract may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute the same instrument. Where a party executes such a counterpart copy and transmits the signed counterpart copy by e-mail or PDF to the other party then, for the purposes of this Contract:

(a) The transmission shall be deemed proof of signature of the original; and

(b) The signed counterpart shall be deemed an original.

Once a party has executed a counterpart, and each party has received a copy of the signed counterpart, that counterpart shall be deemed to be as valid and binding on the party executing it as if it had been executed by all parties.

SIGNING PARTIES

36. This Agreement shall not be binding until signed by the parties.

SIGNED for and on behalf of THE PALMERSTON NORTH CITY COUNCIL

[Signature]

Name: [Name]
Position: [Position]

THE COMMON SEAL of THE MANAWATU GOLF CLUB (INCORPORATED) was affixed in the presence of:

[Signature]

Name: [Name]
Position: [Position]

[Signature]

Name: [Name]
Position: [Position]

ARM-125645-549-21-V1
ITEM 10 - ATTACHMENT 1

SCHEDULE 1

(Background A)

(a) 1.1898 hectares more or less being Part Section 1678 Town of Palmerston North and being the land contained in Record of Title Identifier WNA4/589 (Wellington Registry) owned by the Palmerston North City Council for Recreation Reserve purposes.

SCHEDULE 2

(Background B)

(a) 39.3908 hectares more or less being Part Lot 261-262 Deposited Plan 666 and Part Lot 1 Deposited Plan 1332 and Part Lot 2 Deposited Plan 6680 and Lot 2 Deposited Plan 19255 and Lot 2 Deposited Plan 26657 and Lot 4 Deposited Plan 6680 and Section 1679 Town of Palmerston North and being the land contained in Record of Title Identifier WNE3/701 (Wellington Registry) owned by The Manawatu Golf Club (Incorporated).

(b) 3.4753 hectares more or less being Part Lot 3 Deposited Plan 19255 and Lot 2 Deposited Plan 71103 and being the land contained in Record of Title Identifier WNI2B/565 (Wellington Registry) owned by The Manawatu Golf Club (Incorporated).

SCHEDULE 3

(Clause 4)

<table>
<thead>
<tr>
<th>PNCC Exchange Land</th>
<th>Indicative Land Size (ha)</th>
<th>$ per ha</th>
<th>Indicative Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 5</td>
<td>0.08</td>
<td>$15,000</td>
<td>$1,200</td>
</tr>
<tr>
<td>Total Value</td>
<td></td>
<td></td>
<td>$1,200</td>
</tr>
</tbody>
</table>

SCHEDULE 4

(Clause 5)

<table>
<thead>
<tr>
<th>MGCC Exchange Land</th>
<th>Indicative Land Size (ha)</th>
<th>$ per ha</th>
<th>Indicative Purchase Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 2</td>
<td>0.9</td>
<td>$15,000</td>
<td>$13,500</td>
</tr>
<tr>
<td>Lot 4</td>
<td>0.035</td>
<td>$15,000</td>
<td>$525</td>
</tr>
<tr>
<td>Compensation for Accretion</td>
<td>12.2</td>
<td>$8,250</td>
<td>$100,650</td>
</tr>
<tr>
<td>Compensation for Forestry</td>
<td></td>
<td></td>
<td>$55,000</td>
</tr>
<tr>
<td>Total Value</td>
<td></td>
<td></td>
<td>$169,675</td>
</tr>
</tbody>
</table>
NOTICE SCHEDULE
(Clause 32)

PNCC
Palmerston North City Council
Private Bag 11034
Palmerston North

Contact Person: Bryce Hosking – Property Manager
Contact Person Phone: 06 356 8199
Contact Person E-mail: bryce.hosking@pncc.govt.nz

MGC
The Manawatu Golf Club (Incorporated)
19 Centennial Drive
Hokowhitu
Palmerston North

Contact Person: Warren Collett – Club General Manager
Contact Person Phone: 0800 701 125
Contact Person E-mail: gm@manawatugolfclub.co.nz
COMMITTEE WORK SCHEDULE

TO: Council
MEETING DATE: 7 October 2019
TITLE: Council Work Schedule

RECOMMENDATION(S) TO COUNCIL


ATTACHMENTS

1. Work Schedule 📄
# COUNCIL

## WORK SCHEDULE – OCTOBER 2019

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Estimated Report Date</th>
<th>Subject</th>
<th>Officer Responsible</th>
<th>Current Position</th>
<th>Date of Instruction/ Point of Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>December 2019</td>
<td>Award of Contract 3458 - Road Maintenance, Resurfacing and Rehabilitation 2017-2021</td>
<td>General Manager Infrastructure</td>
<td></td>
<td>29 May 2017 Clause 81-17 part II</td>
</tr>
<tr>
<td>2</td>
<td>December 2019</td>
<td>Options to enhance community access and input to Council via the portfolio system</td>
<td>General Manager Strategy and Planning</td>
<td></td>
<td>24 October 2016 Clause 161.3</td>
</tr>
<tr>
<td>4</td>
<td>October/ November 2019</td>
<td>PN City Council Co-Management Committee Establishment</td>
<td>General Manager – Strategy and Planning</td>
<td></td>
<td>11 March 2019</td>
</tr>
<tr>
<td>5</td>
<td>TBA September</td>
<td>Outcome of consultation with business owners – Awapuni shopping area</td>
<td>Chief Infrastructure Officer</td>
<td></td>
<td>Finance and Performance 17 June 2019 clause 35.2</td>
</tr>
<tr>
<td>7</td>
<td>TBA</td>
<td>Council’s environmental sustainability plans and progress</td>
<td>General Manager Strategy and Planning</td>
<td>Part of report on Goal 4 Eco City</td>
<td>25 March 2019 Clause 22.2</td>
</tr>
<tr>
<td>8</td>
<td>October 2019</td>
<td>Changes to CET Arena Masterplan</td>
<td>General Manager – Marketing and Comms</td>
<td>Transferred from Sport and Recreation</td>
<td>10 June 2019 clause 40-19</td>
</tr>
<tr>
<td>9</td>
<td>TBA</td>
<td>Implementation Plan for College Street Transport Upgrade – further scope, detail and plans, and options</td>
<td>Chief Infrastructure Officer</td>
<td></td>
<td>23 September 2019 Clause 102.2</td>
</tr>
</tbody>
</table>