



PALMERSTON NORTH CITY COUNCIL

AGENDA
EXTRAORDINARY
COUNCIL

9AM, MONDAY 16 APRIL 2018

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

Palmerston North City Council

W pncc.govt.nz | E info@pncc.govt.nz | P 356 8199

Private Bag 11034, 32 The Square, Palmerston North



EXTRAORDINARY COUNCIL MEETING

16 April 2018

MEETING NOTICE

Pursuant to Clause 21 of Schedule 7 of the Local Government Act 2002, I hereby requisition an extraordinary meeting of the Council to be held at 9.00am on Monday, 16 April 2018 in the Council Chamber, first floor, Civic Administration Building, 32 The Square, Palmerston North, to consider the business stated below.



MAYOR

ORDER OF BUSINESS

NOTE: The Council meeting coincides with the ordinary meetings of the Economic Development Committee and Arts, Culture and Heritage Committee meetings. The format for the meeting will be as follows:

- Council will open and adjourn immediately to following Arts, Culture and Heritage Committee
- Arts, Culture and Heritage Committee will open and adjourn immediately to following Economic Development Committee Meeting
- Economic Development Committee will open, conduct its business and then close.

1. Apologies

2. Confirmation of Agenda and Urgent 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. Confirmation of Minutes

Page 7

"That the minutes of the ordinary meeting of 26 March 2018 Part I Public be confirmed as a true and correct record."

REPORTS

4. Submission on Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill

Page 25

Memorandum, dated 28 March 2018 from the Policy Analyst, Peter Ridge.

5. 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:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
6.	Minutes of the ordinary meeting - Part II Confidential - 26 March 2018	For the reasons setout in the ordinary minutes of 26 March 2018, held in public present.	

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), General Manager, City Enterprises (Ray McIndoe), General Manager, City Future (Sheryl Bryant), General Manager, City Networks (Ray Swadel), General Manager, Customer Services (Peter Eathorne), General Manager, Libraries and Community Services (Debbie Duncan), Human Resources Manager (Wayne Wilson) and Communications and Marketing Manager (or their representative (name)) 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 Management 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.

Governance and Support Team Leader (Kyle Whitfield) and Committee Administrators (Penny Odell, Carly Chang and Rachel Corser), 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].

PALMERSTON NORTH CITY COUNCIL

Minutes of the Council Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 26 March 2018, commencing at 9.00am

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

Apologies: Councillor Lorna Johnson.

25-18 Apologies

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That Council receive the apologies.

Clause 25-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

26-18 Late Item - 2018 Sister Cities Conference

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That subject to Section 46A(7) of the Local Government Official Information and Meetings Act 1987 and in accordance with the advice by the Chairperson the following item be considered as an urgent item:

- (i) 2018 Sister Cities Conference from the Mayor (Grant Smith).

As the item was not available at the time of the Agenda was circulated; and consideration of the item was a matter of urgency, requiring a decision without delay to enable the Council meet conference deadlines for attendance.

Clause 26-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim

Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

27-18 Confirmation of Minutes

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That the minutes of the ordinary meeting of 5 March 2018 Part I Public be confirmed as a true and correct record.

Clause 27-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

REPORTS

28-18 Palmerston North City Sectional District Plan Review: Approval of Proposed Plan Changes 15A-H, 20AB and 21.

Memorandum, dated 12 March 2018 from the City Planning Manager, David Murphy.

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That Sectional District Plan Review Proposed Plan Changes 15A-H, 20AB and 21 are approved pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991, excluding those parts of the Plan Changes that are subject to the three appeals by the Minister of Defence.
2. That the part approval of Sectional District Plan Review Proposed Plan Changes 15A-H, 20AB and 21 is authorised by affixing the Common Seal of the Palmerston North City Council to the Plan Changes.
3. That Sectional District Plan Review Proposed Plan Changes 15A-H, 20AB and 21 become operative on 23 April 2018 pursuant to Clause 20 of the First Schedule of the Resource Management Act 1991, excluding those parts of the Plan Changes that are subject to the three appeals by the Minister of Defence.
4. That the resolution to make Sectional District Plan Review Proposed Plan Changes 15A-H, 20AB and 21 operative in part is publicly notified in accordance with Clause 20 of the First Schedule of the Resource Management Act 1991.

Clause 28-18 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, Adrian

Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

29-18 Update on Live Streaming

Memorandum, dated 13 March 2018 from the Governance & Support Team Leader, Kyle Whitfield.

Moved Vaughan Dennison, seconded Karen Naylor.

RESOLVED

1. That Council note the progress towards live streaming, and that a full report will be brought back to Council in April 2018 with possible solutions/options.

Clause 29-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

30-18 Local Government New Zealand Annual Conference 2018

Memorandum, dated 28 February 2018 from the Governance & Support Team Leader, Kyle Whitfield.

Moved Tangi Utikere, seconded Vaughan Dennison.

RESOLVED

1. That Council note that the 2017, 2018 and 2019 Local Government New Zealand Annual Conferences and Annual General Meetings are to consist of the Mayor, Chief Executive, two councillors and up to two further "observer" councillors.
2. That registrations of interest be called from councillors interested in being selected to attend the Local Government New Zealand Annual Conference and Annual General Meeting 2018. Such registrations to be forwarded to the Governance and Support Team Leader by the closing date of 4.00pm on Friday 6 April 2018. The final decision on which councillors will attend is to be made by the Mayor and Deputy Mayor.

Clause 30-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

- 31-18 Conference Opportunity - ICTI 2018 Progressive Cities Conference**
Memorandum, dated 9 March 2018 from the Governance & Support Team Leader, Kyle Whitfield.

Moved Aleisha Rutherford, seconded Tangi Utikere.

RESOLVED

1. That the Committee approve the attendance of up to one elected member to attend, with expenses paid, the ICTI 2018 Progressive Cities Conference being held in Fremantle, Western Australia on 14-16 November 2018.
2. That registrations of interest be invited from elected members wishing to attend, with expenses paid, and advise the Governance and Support Team Leader, Kyle Whitfield, by 12 noon Friday 6 April 2018.

Clause 31-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Leonie Hapeta, Jim Jefferies, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Against:

Councillors Lew Findlay QSM and Duncan McCann.

- 32-18 Conference Opportunity - Local Government Elected Members Forum**
Memorandum, dated 9 March 2018 from the Governance & Support Team Leader, Kyle Whitfield.

Moved Grant Smith, seconded Aleisha Rutherford.

RESOLVED

1. That the Committee approve the attendance of up to four elected members to attend, with expenses paid, the Local Government Elected Members Forum being held in Wellington on 18 May 2018.
2. That registrations of interest be invited from elected members wishing to attend, with expenses paid, and advise the Governance and Support Team Leader, Kyle Whitfield, by 12 noon Friday 6 April 2018.

Clause 32-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

- 33-18 Conference Opportunity - Developing New Zealand**

Memorandum, dated 9 March 2018 from the Governance & Support Team Leader, Kyle Whitfield.

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That the Committee approve the attendance of up to one elected member to attend, with expenses paid, the Developing New Zealand Conference being held in Wellington on 30 and 31 May 2018.
2. That, registrations of interest be invited from elected members wishing to attend, with expenses paid, and advise the Governance and Support Team Leader, Kyle Whitfield, by 12 noon Friday 6 April 2018.

Clause 33-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

34-18 Conference Opportunity - 2018 Sister Cities Conference

Moved Grant Smith, seconded Adrian Broad.

RESOLVED

1. That the Committee approve the attendance of up to four elected members to attend, with expenses paid, the 2018 Sister Cities Conference being held in Lower Hutt on 24 to 26 May 2018.
2. That registrations of interest be invited from elected members wishing to attend, with expenses paid, and advise the Governance and Support Team Leader, Kyle Whitfield, by 12 noon Thursday 29 March 2018.

Clause 34-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

35-18 Work Schedule

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That the Council receive its Work Schedule dated March 2018.

Clause 35-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

RECOMMENDATIONS FROM COMMITTEE MEETINGS

36-18 Planning and Strategy Committee Part I Public - 5 March 2018

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 36-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

37-18 Community Development Committee Part I Public - 5 March 2018

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

Moved Aleisha Rutherford, seconded Bruno Petrenas.

RESOLVED

1. That the Committee's recommendations be adopted.

Clause 37-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Note:

Councillor Karen Naylor declared a conflict of interest and withdrew from voting and discussion on clause 37-18 above.

38-18 Sport and Recreation Committee Part I Public - 12 March 2018

Consideration was given to Sport and Recreation Committee recommendations as appended to these minutes.

Moved Leonie Hapeta, seconded Duncan McCann.

RESOLVED

1. That the Committee's recommendations be adopted.

Clause 38-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Note:

Councillor Karen Naylor declared a conflict of interest and withdrew from voting and discussion on clause 38-18 above.

39-18

Burial and Cremation Fees and Charges

Memorandum, dated 20 March 2018 from the Strategy Manager Finance, Steve Paterson.

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That the fees and charges for Burial and Cremation, as outlined in Appendix 1 of the report entitled "Burial and Cremation Fees and Charges" and dated 20 March 2018 be adopted and following public notification take effect from 1 July 2018.

Clause 39-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

40-18

Finance and Performance Committee Part I Public - 19 March 2018

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 15.7 be amended to read "That the fees and charges for Building Services", as proposed in appendix 3 and amended to note that for building consents prior arrangements can be made for monthly invoicing be adopted, and following public notification take effect from 9 April 2018.

Clause 40.1 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Moved Susan Baty, seconded Jim Jefferies.

2. That the Committee's recommendations be adopted excluding clauses 15.2 and 15.7.

Clause 40.2 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

EXCLUSION OF PUBLIC

41-18 Recommendation to Exclude Public

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

“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:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
17.	Minutes of the ordinary meeting - Part II Confidential - 5 March 2018	For the reasons setout in the ordinary minutes of 5 March 2018, held in public present.	
18.	Sale of land - request to amend settlement date	Negotiations	s7(2)(i)
19.	Presentation of the Part II Confidential Sport and Recreation Committee Recommendations from its 12 March 2018 Meeting		
20.	Presentation of the Part II Confidential Finance and Performance Committee Recommendations from its 19 March 2018 Meeting		

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), General Manager, City Enterprises (Ray McIndoe), General Manager, City Future (Sheryl Bryant), General Manager, City Networks (Ray Swadel), General Manager, Customer Services (Peter Eathorne), General Manager, Libraries and Community Services (Debbie Duncan), Human Resources Manager (Wayne Wilson) and Senior Communications Advisor (Sandra Crosbie) 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 Management 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.

Governance and Support Team Leader (Kyle Whitfield) and Committee Administrators (Penny Odell, Carly Chang and Rachel Corser), because of their knowledge and ability to provide the meeting with procedural advice and record the proceedings of the meeting.

Strategy Manager Finance (Steve Paterson) and Property Officer (Bryce Hosking) 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.

Clause 41-18 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, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

The public part of the meeting finished at 9.35am

Confirmed 16 April 2018

Mayor

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 26 March 2018

TITLE: Presentation of the Part I Public Planning and Strategy Committee Recommendations from its 5 March 2018 Meeting

Set out below are the recommendations only from the Planning and Strategy Committee meeting Part I Public held on 5 March 2018. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

9-18 Staff Supported - Elected Member "Let's Talk" engagement

Report, dated 16 February 2018 from the Head of Environmental Protection Services, Graeme Gillespie.

The **COMMITTEE RECOMMENDS**

1. That the provision of additional staff support to the Let's Talk Van initiative be made permanent.

ATTACHMENTS

Nil

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 26 March 2018

TITLE: Presentation of the Part I Public Community Development Committee Recommendations from its 5 March 2018 Meeting

Set out below are the recommendations only from the Community Development Committee meeting Part I Public held on 5 March 2018. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

6-18 Review options for the administration of Hancock Community House

Memorandum, dated 14 February 2018 from the Community Liaison Team Leader, Peter Grey.

The COMMITTEE RECOMMENDS

1. That Council rescind the its resolution dated 17 September 2014:
 - *That Council approves the management of Hancock Community House to be contracted to an independent community based trust.*
 - *That Council officers undertake negotiations with Hancock Community House Trust to establish a Memorandum of Understanding on the management of Hancock Community House.*
 - *That Council officers report back to Council the outcome of these negotiations.*
2. That Council Officers undertake wider investigation of all options for the ongoing administration of the Hancock Community House and a recommendation is reported back to Council.

NOTE:

Councillor Leonie Hapeta abstained from voting on clause 6-18

ATTACHMENTS

Nil

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 26 March 2018

TITLE: Presentation of the Part I Public Sport and Recreation Committee Recommendations from its 12 March 2018 Meeting

Set out below are the recommendations only from the Sport and Recreation Committee meeting Part I Public held on 12 March 2018. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

6-18 Proposal to Lease a Section of Crewe Park to Pascal Street Community Trust
Report, dated 14 February 2018 from the Leisure Assets Planner, Jason Pilkington.

The **COMMITTEE RECOMMENDS**

1. That Palmerston North City Council, in the report *Proposal to Lease a Section of Crewe Park to Pascal Street Community Trust*, dated 14 February 2018 by Jason Pilkington, and as the administering body of Crewe Park, authorises the lease of approximately 85 square metres of Crewe Park as described in Appendix I (as part of Lot 11 DP20721) to Pascal Street Community Trust.
2. That Palmerston North City Council, in the report *Proposal to Lease a Section of Crewe Park to Pascal Street Community Trust*, dated 14 February 2018 by Jason Pilkington and in exercise of the powers conferred on it by delegation under the Reserves Act 1977, authorises the lease of approximately 85 square metres of Crewe Park as described in Appendix I (as part of Lot 11 DP20721) to Pascal Street Community Trust.
3. That Council note that the requirements of Section 4 of the Conservation Act 1987 have been satisfied in relation to consultation with Iwi over granting a lease at Crewe Park.
4. That Council note that the requirements of Sections 119 and 120 of the Reserves Act 1977 have been satisfied in relation to public notification prior to the resolution to enter into a lease at Crewe Park.

Note:

Councillor Karen Naylor declared a conflict of interest and withdrew from voting and discussion on clause 6-18 above.

**7-18 Proposal to Licence Pascal Street Community Trust to occupy part of
Awapuni Park or Alexander Park for Community Gardens**

Report, dated 13 February 2018 from the Senior Property & Parks Planner,
Aaron Phillips.

The COMMITTEE RECOMMENDS

1. That Council adopts the proposal to licence a section of Awapuni Park or Alexander Park (as described in Appendix One of the report titled Proposal to Licence Pascal Street Community Trust to occupy a section of Awapuni Park or Alexander Park for Community Gardens) to go out for public notice in the manner required under Section 54 (1) - (2A) of the Reserves Act 1977.

Note:

Councillor Karen Naylor declared a conflict of interest and withdrew from voting and discussion on clause 7-18 above.

ATTACHMENTS

Nil

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 26 March 2018

TITLE: Presentation of the Part I Public Finance and Performance Committee Recommendations from its 19 March 2018 Meeting

Set out below are the recommendations only from the Finance and Performance Committee meeting Part I Public held on 19 March 2018. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

10-18 Palmerston North Airport Ltd - Interim Report for 6 months to 31 December 2017

Memorandum, dated 9 March 2018 from the Strategy Manager Finance, Steve Paterson.

The **COMMITTEE RECOMMENDS**

1. That the Interim Report and Financial Statements of Palmerston North Airport Ltd for the period ended 31 December 2017 be received.

11-18 Palmerston North Airport Ltd - Draft Statement of Intent for 2018/19

Memorandum, dated 2 March 2018 from the Strategy Manager Finance, Steve Paterson.

The **COMMITTEE RECOMMENDS**

1. That the Palmerston North Airport Ltd draft Statement of Intent for 2018/19 be received and its assumptions endorsed apart from the performance measure for targeted net worth which it be recommended to the Company be increased to \$50 million.

12-18 Central Energy Trust Wildbase Recovery Update and Cost to Complete

Report, dated 22 February 2018 from the Senior Property & Parks Planner, Aaron Phillips.

The **COMMITTEE RECOMMENDS**

1. That Council note progress on the construction of Central Energy Trust Wildbase Recovery facility in the Victoria Esplanade.
2. That Council approve additional borrowing to fund up to \$525,000 to complete construction to tendered specification for Central Energy Trust Wildbase Recovery.

13-18 Water and Waste Capital New and Renewal 2017-18 Programme Adjustments

Memorandum, dated 9 March 2018 from the Water & Waste Services Manager, Robert van Bentum.

The **COMMITTEE RECOMMENDS**

1. That the budget for the 2017/18 Water Capital New "Programme 593 Water Safety and Security Mitigation" be revised from \$170,000 to \$407,000 by approval of additional unbudgeted funding of \$237,000.
2. That the budget for the 2017/18 Wastewater Capital New "Programme 630 – City Wide - Seismic Strengthening to Wastewater Structures" be revised from \$100,000 to \$200,000 by approval of additional unbudgeted funding of \$100,000.
3. That a new 2017/18 Rubbish and Recycling Capital New Programme called "Materials Recovery Facility – Air Quality Improvements" with a budget of \$50,000 be created by approval of unbudgeted funding of \$50,000.
4. That the budget for the 2017/18 Wastewater Capital Renewal "Programme 621 - Digester Lid Refurbishment" be revised from \$500,000 to \$555,000 by approval of additional unbudgeted funding of \$55,000.
5. That the budget for the 2017/18 Wastewater Capital Renewal Programme "1056 – Totara Rd Replacement of Inlet Screens be revised from \$1,300,000 to \$1,400,000 by approval of additional unbudgeted funding of \$100,000.

15-18 Fees and Charges Review

Report, dated 15 March 2018 from the Strategy Manager Finance, Steve Paterson.

The **COMMITTEE RECOMMENDS**

1. That fees for household e-waste in categories of 'TV and Electronics', 'Consumer Electronics', and 'Other' excluding photocopiers, be set to \$0 on a trial basis, for a 6 month period in FY19. Subject to a financial analysis report being brought back to Finance and Performance April 2018.

Burial & Cremation

2. That the fees and charges for Burial and Cremation, be increased by 3%, be adopted and following public notification take effect from 1 July 2018.

Burial & Cremation

3. That the application of "Out of District surcharge" Chapel and Cremation services be reviewed and reported back to the April Finance and Performance Committee meeting.

Event Recycling Fees

4. That the fees and charges for event recycling as proposed in Appendix 8 be adopted and take effect immediately.

Note:

Councillor McCann declared a conflict of interest and withdrew from discussion and voting on clause 15.4.

5. That the report be received and the current status of fees and charges be noted.

Planning & Miscellaneous

6. That the Statement of Proposal (and the associated summary) to adopt updated fees and charges for Planning Services and Miscellaneous Services effective from 1 July 2018 as attached in Appendix 2, be approved for public consultation and the Chief Executive be authorised to undertake the necessary consultative process under sections 83 and 150 of the Local Government Act 2002.

Building

7. That the fees and charges for Building Services, as proposed in Appendix 3 be adopted and following public notification take effect from 9 April 2018.

Environmental Health

8. That the fees and charges for Environmental Health Services (in terms of regulation 7 of the Health (Registration of Premises) Regulations 1966 and regulation 83 of the Food Hygiene Regulations 1974) as proposed in Appendix 4, be adopted and following public notification, take effect from 1 July 2018.

Animal Control

9. That the fees and charges for the Impounding of Animals (in terms of section 14 of the Impounding Act 1955) and for Dog Registration and Dog Impounding (in terms of section 37 of the Dog Control Act 1996) as proposed in Appendix 5 be adopted, and once following public notification, take effect from 1 July 2018.

Service Connections

10. That the fees and charges for Service Connections, as proposed in Appendix 7 be adopted and take effect from 1 July 2018.

E-Waste Charges

11. That the fees and charges for e-waste disposal as proposed in Appendix 8 be adopted and take effect from 1 July 2018.

ATTACHMENTS

Nil

MEMORANDUM

TO: Council

MEETING DATE: 16 April 2018

TITLE: Submission on Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill

DATE: 28 March 2018

AUTHOR/S: Peter Ridge, Policy Analyst, City Future

RECOMMENDATION(S) TO COUNCIL

1. That the Council approves the submission to the Governance and Administration Select Committee on the Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill, as show in attachment 1 to this report.

1. ISSUE

A private member's Bill amending the Sale and Supply of Alcohol Act (the Act) has passed its first reading in Parliament, and the Governance and Administration Select Committee has called for submissions.

The Bill proposes to replace section 133 of the Act, which deals with renewal of licences where a local alcohol policy exists. The current Act provides that the District Licensing Committee (DLC) must not take into account any inconsistency between the local alcohol policy and the renewal of the licence, or the consequences of that renewal. The Bill would invert that provision, enabling the DLC to refuse to renew an off-licence (e.g. bottle stores, grocery stores, or supermarkets) if it is inconsistent with the local alcohol policy, insofar as it relates to location of premises or whether further licences should be issued.

Resolving the question of whether the renewal of off-licences would be subject to the local alcohol policy is significant, as it would materially impact the direction and application of any local alcohol policy. The Act as it currently stands effectively "grandparents" any existing licence so that it would not be subject to many of the requirements of the local alcohol policy. The Bill would bring back into contention those existing off-licences, and over time would ensure that all off-licences are consistent with the provisions of the local alcohol policy.

2. BACKGROUND

The Sale and Supply of Alcohol Act was passed by Parliament in December 2012, and came into effect 12 months later.

Louisa Wall MP drafted a private member's Bill to amend the Act which was introduced on 14 February 2018. It had its first reading on 21 February 2018, and passed with the support of NZ First MPs on the understanding that a Supplementary Order Paper was also tabled which clarified that the Bill's amendments would only apply to off-licences. The Bill was referred to the Governance and Administration Committee, which called for submissions. The submission period closes on 25 April 2018.

3. ANALYSIS

If passed, the Bill would enable a local alcohol policy to be applied to existing off-licences. This means that if an off-licence is not renewed because it is inconsistent with a local alcohol policy, then that premises would not be able to sell alcohol. For an off-licence premise such as a bottle store, which almost exclusively sell alcohol, this would mean they have to close. Other off-licences, such as supermarkets, would have to decide whether to continue operating without selling alcohol.

If the Bill was not passed, then the status quo would continue. This would mean that licences that were in existence when a local alcohol policy came into effect would not be refused renewal because their location was not consistent with any restrictions imposed by that Policy. In essence, they would be "grandfathered" and would be treated differently from new licences.

The benefits of the Bill as it is proposed are that it strengthens the effect of a local alcohol policy that imposes restrictions on the location of licensed premises or whether further licences should be issued. Over time (approximately three years, the typical length of renewal), all licensed premises would be subject to the local alcohol policy. It also removes a perverse incentive whereby a rush of new licences applications may be received in advance of a local alcohol policy being brought into effect, to avoid being subject to the new rules regarding location.

A disadvantage of the Bill is that it could see some "good" operators forced to close when they renew their licence, simply by virtue of being in the "wrong" location. Conversely, a new operator may be granted a licence that is permitted in the "right" location, but may emerge to be less responsible in the sale and supply of alcohol than the "good" operator forced to close because they were unable to renew their licence.

It is important to note that the Bill would only apply to off-licences. During the first reading debate there was little discussion over the rationale for restricting the amendments to off-licensed premises. Louisa Wall, in addressing the SOP tabled, noted that NZ First MPs were concerned about the effects of the Bill as it was originally drafted on "good businesses". Consequently, the Bill would not enable the DLC to refuse a renewal application for on-

licensed premises (e.g. bars, taverns, pubs, restaurants and cafes) on the grounds that it was inconsistent with the local alcohol policy.

However, officers are concerned that restricting the Bill's application to off-licences lacks a logical justification. If there is a case to be made for refusing to renew an off-licence because it is inconsistent with a local alcohol policy, there appears to be no particular reason why the same case does not apply to on-licences. On that basis, officers suggest that the submission seek a stronger justification for why the Bill should be limited to off-licences only.

In conclusion, the draft submission included as attachment 1 to this report expresses support for the intent of the Bill, but seeks stronger justification for limiting it to off-licences only.

4. NEXT STEPS



If the Council approves the draft submission, then it will be submitted to the Governance and Administration Select Committee before the closing date of 25 April 2018.

Council may also choose to make an oral presentation in support of this submission. In that event, Council may like to resolve to delegate this responsibility to one or two elected members.

5. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual <Enter clause>	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No

ATTACHMENTS

- Draft Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill Submission  

Peter Ridge
Policy Analyst

16 April 2018

Palmerston North City Council Submission on Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2)

1. PNCC supports the intent of the Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2) but seeks a stronger justification for the restriction of this Bill to off-licences only.

Amending section 133

2. The Bill addresses an identified issue with the Sale and Supply of Alcohol Act 2012, in that section 133 prevents district licensing committees (DLC) from considering any inconsistency between the relevant Local Alcohol Policy and the renewal of the licence or the consequences of that renewal. In effect, this “grandparents” existing licences such that it negates much of the effect of a local alcohol policy.
3. The Bill provides an effective solution to this issue. Where the current Act restricts the decision of a DLC, the Bill empowers the same DLC to refuse a licence where there is an inconsistency between the Local Alcohol Policy. This is an important distinction to make; the DLC is not *compelled* to reject the renewal of a licence simply because it is inconsistent with the Local Alcohol Policy, and consequently the Bill respects the autonomy of the DLC to make a decision guided by the Local Alcohol Policy. The ability to renew a licence subject to conditions is also retained, reinforcing the powers of the DLC to make a decision that has regard to both the aims and objectives of the Local Alcohol Policy and the particular circumstances of the licence renewal application.
4. The Bill also sets some parameters for the extent of inconsistency to be considered: only those that relate to the location of the premises, or whether further licences are to be issued, give the DLC the power to refuse to renew a licence. These parameters strengthen the application of a Local Alcohol Policy. Without them, any location restrictions would effectively give preference to existing licence holders over new applicants. This could have the unintended consequence of “entrenching” those premises, even if there may be benefits in relocating premises to more desirable locations. By giving the DLC the ability to refuse to renew a licence because of inconsistency with a Local Alcohol Policy in respect of location, all licence holders are put on a level playing field, and the outcomes of the Local Alcohol Policy would not be distorted.

Limitation of Bill to off-licences only

5. Supplementary Order Paper (No 14) amends the Bill so that it will apply only to off-licences. The Explanatory Notes to the Bill provide this explanation:

“There is no rational base on which existing off-licence renewals should not be assessed against a local alcohol policy that has been through a rigorous process that takes specific account of the harm caused directly or indirectly to the community by alcohol. To not assess existing off-licence renewals against local alcohol policies concerning density and location is to render the basis of a local policy nugatory and to ignore that existing outlets may have contributed to the identification of areas in a local alcohol policy where there is excessive harm caused by alcohol consumption to the community.”

6. This provides a compelling case for applying the provisions of the Local Alcohol Policy to existing licences. In particular, noting that “existing outlets may have contributed to the identification of

areas...where there excessive harm caused by alcohol consumption” recognises the role played by the existing premises. However, there is no particular case for limiting this to off-licences only. If existing off-licences are considered to have contributed to the identification of areas where excessive harm may be caused by alcohol consumption, then this logically must apply to on-licensed premises also. Indeed, the link between harm caused in an area and alcohol consumed in that area is likely to be stronger for on-licences, where alcohol is actually consumed on premises. Alcohol sold in an off-licensed premises cannot be consumed there, and legally must be drunk elsewhere.

7. PNCC contends that if the House accepts that the Bill should apply to off-licences, then it must also apply to on-licences, unless a strong justification can be given for limiting its application to off-licences only. There appears to be no logical reason for such a limitation as it currently stands.

Thank you for the opportunity to make this submission.

Grant Smith
Mayor – Palmerston North City Council