



## **MARTINBOROUGH COMMUNITY BOARD**

### **EXTRAORDINARY MEETING (Pain Farm Estate) Agenda**

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#### **NOTICE OF MEETING**

The Martinborough Community Board called for an extraordinary meeting to discuss issues arising from the Pain Farm Report received at the Community Board meeting of 18 July 2019. The meeting will be held in the Supper Room, Texas Street, Waihinga Centre, Martinborough on Thursday, 19 September 2019 at 6:00pm.

#### **MEMBERSHIP OF THE COMMITTEE**

Lisa Cornelissen (chair), Fiona Beattie, Victoria Read, Maree Roy, Cr Pam Colenso and Cr Pip Maynard and Maisie Arnold-Barron (student representative).

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#### **PUBLIC BUSINESS**

**1. APOLOGIES:**

**2. CONFLICTS OF INTEREST:**

**3. PUBLIC PARTICIPATION:**

**4. CHIEF EXECUTIVE AND STAFF REPORTS:**

4.1 Pain Farm Report **Pages 1-52**

**5. COMMUNITY BOARD MINUTES:**

5.1 Minutes for Approval: Martinborough Community Board  
Minutes of 18 July 2019 **Pages 53-59**

# MARTINBOROUGH COMMUNITY BOARD

19 SEPTEMBER 2019

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## AGENDA ITEM 4.1

### PAIN FARM

#### **Purpose of Report**

To respond to issues raised by the Martinborough Community Board (Board) and requests for information in response to the Pain Farm Report received at the Board meeting of 18 July 2019.

#### **Recommendations**

Officers recommend that the Board resolve that:

1. *The Pain Farm homestead, cottage and surrounding land be retained by the Council and:
  - a. *at the end of the current tenancy agreement, the homestead and cottage be rented out for residential purposes under separate tenancy agreements;*
  - b. *officers report to the Board with a maintenance schedule for the homestead, cottage and surrounding land; and*
  - c. *officers report to the Board on a six-monthly basis on the maintenance completed and condition of the homestead, cottage, surrounding land, and farm.**
2. *The repairs and maintenance work to bring the homestead and cottage up to an acceptable standard for rental purposes be undertaken as a matter of priority.*
3. *The exterior painting of the homestead be undertaken as the next priority and that the Board recommends Council approves up to \$30,000 for this work on top of available budgets.*

#### **1. Background**

At the meeting held on 18 July 2019, the Martinborough Community Board received an officer's report on the condition of the farm, homestead and cottage at Pain Farm. The report identified work that needed to be undertaken on the homestead and cottage and an option to investigate the feasibility of selling these dwellings and the surrounding land (1.78 hectares).

Five members of the public addressed the Board and asked questions about Pain Farm and the officer's report. Questions were subsequently received from two members of the public who were unable to speak to the Board due to timing constraints. A further question relating to the farm's water supply was asked at the Council meeting of 7 August 2019. The questions are itemised at Appendix 1 and are addressed throughout this report and appendices, except those directed at the Community Board for response.

The Board resolved the following (MCB 2019/41):

1. To receive the Pain Farm Report.
2. To recommend to Council that Pain Farm Estate fund up to \$5,000 for the repair of damaged water pipes and troughs on a cost share basis with the Pain Farm lessee on the proviso that effort is made to recoup costs from the previous lessee.
3. Recommends to Council that Pain Farm Estate fund the Pain Estate Tender and Lease Agreement, which includes the inspection of Pain Estate report dated 7 May 2019 at a cost of \$6,281 plus GST.
4. That Officers seek a full assessment of the House and Cottage and obtain two quotes, one to restore the buildings to a suitable standard for rental purposes, the other to undertake a full restoration to secure the property for the long term.
5. That Officers report back to MCB answering all questions raised by both the Community Board and all speakers today.
6. Report to the Community Board once the quotes have been received for maintenance work with options and analysis outlining the implications for the long-term financial position of the Pain Estate and suggested priorities for undertaking the work.
7. That up to \$40,000 be made available immediately for urgent maintenance work to be undertaken.
8. Note for the record that once full information is available from the reports outlined above, it is highly likely that Council will need to undertake a full consultation process with the Martinborough Community on the options available for Pain Farm Estate.

The Board's resolutions were not reported to the Council meeting of 7 August 2019 in order that the Board could further consider the issues relating to Pain Farm and make recommendations to Council following this report.

## **2. Discussion**

### **2.1 Pain Farm estate**

Pain Farm estate on Lake Ferry Road, Martinborough includes a livestock farm of 75.74 hectares and a homestead, cottage and surrounding land on 1.78 hectares. It is also the site of the Martinborough landfill (7.47 hectares). The property is 84.99 hectares in total. A map of the property is attached at Appendix 2.

The estate is connected to the town water supply. It is not uncommon across the district for farms to be connected to the town supply. There are two water meters for the farm supply and one water meter for the homestead and cottage. All three meters have standard residential back flow protection.

The farm is leased to 30 April 2022 for a rent of \$66,000 per year and there is no right of renewal. The Council's 35 year resource consent for staged discharge of treated wastewater to land commenced in April 2016. Stage 2 of the consent includes the incorporation of the discharge of treated wastewater to land at Pain Farm. A pipeline to transfer the treated wastewater to Pain Farm from the current wastewater treatment plant and oxidation ponds will need to be constructed and the pipeline and irrigation system is consented to be operational no later than 31 December 2030.

The homestead, cottage and surrounding land is subject to a residential tenancy agreement until 16 May 2020. The lease is with the tenant in the homestead who sublets the cottage.

The homestead and cottage were built between 1890—1910. Although the homestead and cottage are considered by many to be local heritage assets, the dwellings are not listed on the New Zealand Heritage List pursuant to section 65 of the Heritage New Zealand Pouhere Taonga Act 2014 and are not heritage items for the purposes of the Wairarapa Combined District Plan.

### **2.2 History of Pain Farm bequest**

Pain Farm was bequeathed to the former Martinborough Borough Council by George Pain in a will dated 24 March 1932 with his wife holding a life interest. The Council is unable to locate the original or a copy of the will but the relevant direction in the will is as follows:

... my said house property and farm of [210] acres at Martinborough to the Martinborough Town Board of Martinborough Borough Council or the local authority for the time being controlling the township of Martinborough to the intent that the said property should be held on behalf of the inhabitants of Martinborough and I particularly desire that the said property should as far as possible be made available as a sportsground for the residents of Martinborough and as a playground for the children.

George Pain's widow died on 9 August 1960 at which time the New Zealand Insurance Company was the sole trustee of his estate.

In March 1965 Pain Farm was transferred to the Martinborough Borough Council subject to an existing 21 year lease. However, the Council did not require the land to be used as a sportsground and children's playground and considered the property to be "a useful farm unit". The Council considered George Pain's wish in favour of a sportsground and children's playground could best be attained by retaining the property as an endowment and using the revenue for the development of those amenities within the borough. The Council therefore submitted a scheme for the approval of the Supreme Court under Part III of the Charitable Trusts Act 1957 for the use of the income of the trust.

On 11 February 1966 the Supreme Court (now the High Court) approved the following scheme:

... That the income of the trust lands should be used ...in maintaining and improving the Borough's parks, sportsgrounds, camping ground, swimming baths, providing, equipping and maintaining sports facilities and a children's playground in such manner and in such proportion as the Council shall from time to time decide.

The application to the High Court and order is attached at Appendix 3. As the scheme states the purpose for which income from the land should be used, an application must be made to the High Court if it is proposed to dispose of the capital by sale or otherwise, or to use income for alternative purposes. The requirements of sections 140 and 141 of the Local Government Act 2002 regarding the disposal of property vested in trust may also apply. These provisions require the approval of the Minister of Local Government to use property or income from the property for different purposes, or to sell the property. Property can only be sold if certain conditions are met, including that the proceeds must be used in a way that is consistent with the vesting.

## **2.3 Previous inquiries to clarify and/or amend the status or terms**

### **2.3.1. 1981 to 1984**

In 1981 the lease of the farm and dwellings became due for renewal. The Council investigated the status of the property and the steps necessary to sell the homestead, cottage and surrounding 2.5 hectares of land. The Local Government Act 1974 provisions in force at that time required that any proceeds of sale of land must be invested in the purchase of other land. As there was no substitute property the Council wished to purchase, the Council proposed to invest the proceeds of sale on interest bearing deposit and to apply the income in accordance with the terms of the High Court order. The approval of the High Court would have been necessary to do this. It is understood that public consultation was carried out and sale was not supported. Subsequently, the leases between the farm and dwellings were divided and the homestead was renovated.

### **2.3.2. 1994**

In February 1994 the Council received correspondence advising landowners of general interest to buy land in the Martinborough-Lake Ferry Road area for viticulture purposes. An investigation into the suitability of the land for viticulture was undertaken and the conclusion was that the land was not suitable due to poor drainage.

### **2.3.3. 2004 Working Party**

In February 2004 a Working Party was established by the Council to consider what action, if any, was required regarding the administration and application of funding arising from the income of Pain Farm. The Working Party was comprised of three Councillors, three members of the Martinborough Community Board and the Mayor.

The Working Party considered that:

- The scheme needed greater flexibility;
- A definition of “Martinborough residents” would be required;
- The criteria for projects to benefit should be broadened;
- Rent paid by the landfill should be reviewed;
- Maintenance of the homestead had to be provided for;
- Public understanding of the bequest was not good;
- Consultation with the public would be required before considering taking a case to the High Court; and
- A flyer for public consultation needed to give examples of how some funding was spent and instances for where it could not.

A flyer surveying residents in the Martinborough area sought responses to three proposals which were:

- (a) should the bequest continue in its current form; or
- (b) should the terms [be] changed to be more flexible; or
- (c) other ideas.

Responses were 94 in favour of the status quo (a), 31 in favour of (b), plus many varying comments under (c). The Working Party recommended that the present status and administration of the Pain bequest remain unchanged; and that Council officers obtain a legal opinion to clarify the legal status of the assets and a definition of the area of benefit from the bequest. The minutes of the meetings of the Working Party in February and September 2004 are attached at Appendix 4.

Legal advice was obtained confirming the status and terms of the trust and a document was produced to provide guidance for Council when making decisions with regard to Pain Farm funding (attached at Appendix 5).

### **2.3.4. 2014**

At their 31 March 2014 meeting the Martinborough Community Board considered a report that sought approval in principle to review the Pain Farm bequest (attached at Appendix 6). The report noted that there had been discussion around the relevance of

the 1966 order of the High Court and its applicability to the current and future needs of the Martinborough Community. The Board recommended to Council that the bequest be reviewed and Council approved the recommendation at its meeting of 23 April 2014. No further action was taken.

## **2.4 Financial information for Pain Farm**

The Council operates an identifiable Pain Farm account which is used for the collection of rent from the homestead, farm and landfill and for the payment of outgoings and project funding in line with the bequest. The income and expenditure (summarised by type of expenditure) for the financial years 2009—2019 is attached at Appendix 7. The operating budgets for financial years 2018/19 and 2019/20 are attached at Appendix 8.

### ***2.4.1. Pain Farm Income Distribution Policy***

The Pain Farm Income Distribution Policy provides guidance for the distribution of income (attached at Appendix 9). The Policy was adopted by Council on 4 April 2012 following public consultation and an amended Policy adopted on 26 August 2015. The Policy is currently being reviewed and will be considered by the Council in late 2019/early 2020.

The Policy clarifies that any funding distribution must be for the benefit of the residents of Martinborough which means that a sporting facility, club or reserve may be located outside the town boundary, on the outskirts of the township.

### ***2.4.2. Corporate services and professional services expenditure***

The income and expenditure summary identifies “Corporate Services” and “In-house Professional Services” as expenditure items. The Council allocates a proportion of its overheads – the costs of running the Council – across all significant activities within the organisation, including the administration of Pain Farm. The expenditure items in the summary are for the personnel, operating and finance costs for running the Council’s Corporate Services and Infrastructure groups within Council. The allocation of operating and finance costs to Pain Farm is calculated as a percentage of total operating and finance costs and the allocation of personnel costs as a percentage of staff time spent on administration activities.

### ***2.4.3. Maintenance expenditure***

The income and expenditure summary identifies expenditure for maintenance on the grounds and buildings at Pain Farm.

Note that the Income Distribution Policy requires that \$40,000 be reserved for repairs and maintenance of the property and buildings. If this reserve is expensed at any one time the amount will be accrued by \$10,000 per year until the fund is replenished. Note also that any expenditure over \$35,000 is subject to the Annual Plan process.

### ***2.4.4. Project funding***

The income and expenditure summary identifies the distributions for project funding.

Project funding has been allocated over the period of the summary to the following:

- Martinborough swimming pool: concrete levelling, fibreglassing the paddling pool, picnic tables, pool covers, air blower and inflatables;
- the purchase and installation of the flying fox at the playground;
- Martinborough Square management plan and power box upgrade;
- development plans for Centennial and Considine Park;
- cricket pitch covers at Considine Park;
- a contribution for replacing two turfs and installing lights at the Tennis Club; and
- contributions to the Waihinga Centre and playground.

There were three funding distributions to the Waihinga Centre and playground. At the 10 June 2013 meeting the Board discussed the proposal to contribute funds to the Martinborough Town Hall refurbishment and agreed that a donation would meet the requirements of the Pain Farm [Income Distribution Policy]. The Board recommended that a grant be made from the Pain Farm Estate for \$50,000 in the 13/14 year and \$50,000 in the 14/15 year. At the meeting of 30 May 2016 the Board recommended in its Annual Plan Supplementary Submission 2016 that \$200,000 be allocated to develop and implement the Waihinga Centre playground plan. The total \$300,000 project funding is included in the attached income and expenditure summary in the 2016/17 financial year. Note that as these distributions have been approved and committed to the Waihinga Centre and playground projects, they cannot be remitted. Any unspent funds from the Pain Farm distribution to the playground project will be retained for future allocation to the playground.

In addition, income from Pain Farm has met the loan repayments for a \$150,000 upgrade to the swimming pool between 1997 and the 2015/16 financial year (see attached resolution to raise the loan at Appendix 10).

## **2.5 Maintenance**

### **2.5.1. Pain Farm**

In 2011 the Board appointed a supervisor to carry out periodic reviews of the condition of the farm and business practices under the lease and to report to the Board. Reports covered, for example, fertilisation application and history, maintenance of fencing, yards and grounds, and the farmer's plans for cropping and turning over land. The contract with the supervisor was discontinued at the end of 2017. The farm was inspected on 7 May 2019 prior to the signing of the new lease. The new lessee has undertaken at their own cost to cut back some of the shelter belts, install new sheep yards, and repair all the external fences, damaged water pipes and troughs. The Board recommended at the July 2019 meeting to contribute up to \$5,000 for the water reticulation work and approval for this funding will be sought from Council in the new triennium. The farm condition will be monitored on a six monthly basis by the Amenities Manager who will contract with professional farming services if required, subject to Board approval.



### 2.5.2. Pain Farm homestead and cottage

A review of Council records indicates that significant restoration to the homestead was carried out in the mid 1980s following public consultation on the sale of the homestead and cottage. In addition, some refurbishment was carried out in 2009/2010 prior to a lease renewal; the chimneys were decommissioned and fireplaces made sound in 2012; and ongoing problems with the septic tank were resolved in 2017. Minor periodic maintenance of the homestead and cottage has been undertaken as indicated in the income and expenditure summary.

However, the Council acknowledges that the standard of service for the maintenance of the homestead and cottage has been unsatisfactory for some time. There has been insufficient staff resources to actively manage the maintenance of the homestead and cottage outside of lease renewals. Specifically, there has been no formal maintenance schedule for the homestead and cottage and there have been infrequent inspections reported to the Board since 2010. Consequently the July 2019 report has concluded that the homestead and cottage are in general disrepair and require significant funding to bring them up to a good standard.

The Council has recognised that property services within Council have been under-resourced and has employed a temporary Property Coordinator with a view to recruiting to a permanent role in the coming months. The Property Coordinator's responsibilities will include maintenance programming and regulatory compliance.

The Council has commenced urgent maintenance work on the homestead and cottage, in accordance with the Board's recommendation to release \$40,000 for such work. Although this recommendation is subject to approval by Council, there is sufficient funding in the Pain Farm maintenance budget; there is \$36,395<sup>1</sup> for maintenance carried over from 2018/19 together with \$9,771 in the 2019/20 budget, totalling \$46,166 available from the maintenance budget. In addition, \$53,550 capex funding for the homestead roof was approved in 2017/18 but unspent.<sup>2</sup>

The table below summarises the work identified to date to bring the homestead and cottage up to an acceptable standard and the work that has been completed or scheduled. All values are GST exclusive.

<b>Work (operating expenditure)</b>	<b>Cost</b>	<b>Details</b>
Driveway pot holes filled and metaled	\$323	Completed August 2019
Plumbing to remedy poor water pressure on hot tap	\$370	Completed August 2019
Separate water meter and feed installed to homestead and cottage (separated from the farm)	\$6,653	Completed August 2019

<sup>1</sup> Note that this includes \$30,000 funding approved in the 2017/18 financial year for painting which was not carried out. This funding has been reallocated to address the urgent maintenance issues.

<sup>2</sup> This funding will come from the accumulated Pain Farm funds.

Trees to be cleared away from powerline	\$2,040	Booked September 2019
Energysmart insulation compliance for homestead and cottage	\$700 (total)	Homestead – completed August 2019 Cottage booked October 2019
Chemical wash exterior homestead	\$1,870	Booked October 2019
Sash window repairs	Nil	Access to be arranged with tenant
Bathroom light homestead	\$476	Access to be arranged with tenant
Rewire and replace existing switches, sockets and fittings cottage	\$5,900	Access to be arranged with tenant
Exterior cladding on cottage	\$20,000	Estimate. Condition cannot be fully ascertained but there is known rot in the subframe and bearers
Total maintenance spent/committed	\$38,332	
Total maintenance budget	\$46,166	
Remaining maintenance budget	\$7,834	

Work (capital expenditure)	Cost	Details
Roof on homestead	\$15,000	Estimate. Builder has inspected but condition cannot be fully ascertained
Total capex for roof	\$53,550	
Remaining capex for roof	\$38,550	

Once this work is complete, officers consider the following work should be undertaken in the order provided, subject to budget approval.

Work	Details
Painting exterior homestead	Quote \$28,878
Painting exterior cottage	Quote \$14,577
Painting interior homestead	Quote \$22,554
Painting interior cottage	Access to the cottage interior to be arranged to quote

## 2.6 Future of the Pain Farm estate

### 2.6.1 Pain Farm

For the avoidance of doubt, the Council does not propose to sell the farmland. As stated in paragraph 2.1, the farm is leased for livestock farming until April 2022 and resource consent has been obtained to discharge treated wastewater to the land at Pain Farm to commence no later than 31 December 2030. The Council can confirm that the level of income received from the farm when the wastewater operation

commences will be at least commensurate with the market rate for a lease to farm the land.

At the Finance, Audit and Risk Committee meeting of 28 August 2019 Ms Webley requested that Pain Farm be listed as a strategic asset as it was an important part of Council's wastewater strategy. The Council's strategic assets are identified in the Significance and Engagement Policy and includes "Wastewater Network and Oxidation Ponds". Pain Farm will be included as part of the wastewater network.

### **2.6.2. Homestead, cottage and surrounds**

In addition to quotes to bring the homestead and cottage up to an acceptable standard for rental purposes, the Board has requested a full assessment of the homestead and cottage and quotes to undertake a full restoration of the property. The Board further requested options and analysis outlining the implications for the long-term financial position of the Pain Estate and suggested priorities for undertaking the work.

There are a number of constraints to obtaining an assessment and quotes for work. First, there is a shortage of local tradespersons available and who are willing to quote for or undertake work due to existing work commitments and/or uncertainty of obtaining the contract. This may be addressed to some extent by paying for quotes. Second, tradespersons are unwilling to provide quotes if the extent of the work cannot be readily assessed. Third, in some cases comprehensive assessment may require the partial destruction of property. Fourth, the tenants have a right to quiet enjoyment of their homes and Council officers and tradespersons have limited access to the property.

In view of this, officers have prioritised work to bring the homestead and cottage up to an acceptable standard for rental purposes and is seeking the Board's direction on options for the homestead and cottage in the long term and next steps. Officers have identified the following potential options and make a recommendation, below, based on high level analysis of available information.

#### **Option 1 – maintain current rental arrangements**

Under this option, the repairs and maintenance to bring the properties up to an acceptable standard for rental purposes (identified above) would be completed. The exterior painting of the homestead and cottage should then be undertaken as budget allows. The homestead would be re-let at the end of the existing tenancy on the same basis. That is to say that the agreement is to let both the homestead and cottage and the tenant can sublet the cottage for residential purposes and/or run it as a holiday let business. The Council would retain responsibility for maintaining the homestead and cottage and surrounding gardens. The Council would implement a maintenance schedule for the properties and report to the Board on a regular basis. Market rental for residential purposes following the repairs is estimated to be up to \$450 per week for the homestead and \$335 per week for the cottage if rented separately, based on current rates in Martinborough. The rental for both properties together is likely to be less than the combined total (\$785) because the homestead tenant would have to bear the risk of the cottage being unoccupied for some of the time.

No further work is necessary to scope this option. To implement this option, the Council would need to obtain a market assessment on rent following the completion of work and there could be costs for legal advice and the tenancy process.

### **Option 2 – separately rent the cottage for residential purposes**

This option is similar to option 1 except that at the end of the existing tenancy, the Council would rent the homestead and cottage for residential purposes under separate tenancy agreements. As indicated above, market rental for residential purposes following the repairs is estimated to be up to \$450 per week for the homestead and \$335 per week for the cottage if rented separately, based on current rates in Martinborough.

No further work is necessary to scope this option. To implement this option, the Council would need to obtain a market assessment on rent following the completion of work and there could be costs for legal advice and the tenancy process.

### **Option 3 – superior holiday let / wedding venue**

Under this option, the homestead, cottage and gardens could be brought up to a higher standard of decoration and amenity with a view to operating Pain Farm as a superior holiday let / wedding venue. This could be managed by specialised property services or tendered as a business opportunity.

The Council would need to assess the viability of this option by obtaining quotes for additional work, likely rental income and occupancy rates. In addition to the costs to undertake the work, there would be costs for legal advice and the tendering process. As this option is a change to the existing use, public consultation to determine support is recommended. In accordance with the Pain Farm Income Distribution Policy, expenditure over \$35,000 would be subject to the annual plan process so would need to be included and approved in the 2020/21 annual plan.

### **Option 4 – restore and maintain the homestead and gardens as heritage assets**

Under this option, the homestead and gardens could be fully restored and maintained as heritage assets to protect the investment for the long term. Entry fees could be charged for visitors. The cottage could be let for reduced rental to a supervisor. Consideration could also be given to registering the homestead as a heritage item on the New Zealand Heritage List and/or as a heritage item in the Wairarapa Combined District Plan.

To scope this option, the Council would need in the first instance to commission a heritage architect to assess the heritage value of Pain Farm and to determine the restoration work to be undertaken. An assessment and conservation plan is estimated to be at least \$8,000. The renovation work would then be costed. In addition to the costs to undertake the work, there would be costs for legal advice and the tendering/tenancy processes. Given the change in use and likely scale of costs, public consultation to determine support would be required.

### **Option 5 — sell the homestead, cottage and surrounding land**

Under this option, the Council could subdivide the estate and sell the homestead, cottage and surrounding land. The proceeds would be applied for purposes consistent with the bequest.

To scope this option, the Council would need to obtain a valuation for the property, planning advice for subdivision and legal advice on the process and options available for sale and use of proceeds. Implementation costs include planning and legal advice and court fees. Given the change in use and associated legal processes, public consultation to determine support would be required prior to any action being taken to sell.

### **3. Analysis and recommendation**

Officers recommend Option 2. This option requires no further scoping and is low capital outlay relative to options 3 to 5. The income available for distribution would be at an acceptable level taking into account the operational costs for the property. Active management and improved reporting to the Board will ensure Board oversight of the integrity of the estate, consistent with the Board's delegations and Pain Farm Income Distribution Policy.

Option 2 is preferred over option 1 as it maximises residential rental income to the Council and provides greater control over the tenancy of the cottage, thereby reducing risk.

Option 3 may be a viable option in that the long term income may outweigh the capital outlay to bring the property up to a higher standard and ongoing operating costs. It would add to the accommodation pool in Martinborough which is in line with Council's focus on tourism. However, on top of the cost for additional work, this option would require increased internal resource to contract manage. It is also arguable that this option is outside what should be Council's core activities.

Option 4 would, subject to heritage assessment, recognise the heritage values and significance of the property in Martinborough's social history and protect the property from inappropriate development and use. It would also contribute to the Council's tourism focus by providing additional visitor interest. However, costs to scope and implement this option are likely to be significant. In addition, costs to maintain a heritage standard of condition, combined with the reduced income, could constitute a charge on the estate funds, contrary to the purpose of the bequest.

Option 5 is likely to bring the greatest financial return for the bequest taking into account the general increase in property values and costs to maintain the buildings as they age. It also reduces the risks and costs to Council arising from the need to manage the property and tenancies. However, this option has not been supported by the community in the past and the strength of feeling at the July 2019 Board meeting would suggest this has not changed.

Note that officers' recommendation for option 2 is based on the available information at this time. Should circumstances change significantly, such as the costs of

maintenance, condition of the buildings or value of the property, this recommendation may need to be revisited in the future.

If the Board supports officers' recommendation for option 2, officers will arrange for the outstanding work on the roof of the homestead and the exterior cladding on the cottage to be undertaken as a priority. Once this work has been completed, officers recommend the exterior painting of the homestead be undertaken subject to any remaining budget and funding approval.

If the Board wishes to investigate options 3 to 5, or any other option, officers can carry out further assessment and obtain quotes for work for the Board's consideration in the new triennium. Alternatively, officers can obtain a quote for an independent party to assess options.

### **3.1 Recommendations**

1. The Pain Farm homestead, cottage and gardens be retained by the Council and:
  - a. at the end of the current tenancy agreement, the homestead and cottage be rented out for residential purposes under separate tenancy agreements;
  - b. officers report to the Board with a maintenance schedule for the homestead, cottage and surrounding land; and
  - c. officers report to the Board on a six-monthly basis on the maintenance completed and condition of the homestead, cottage, surrounding land and farm.
2. The repairs and maintenance work to bring the homestead and cottage up to an acceptable standard for rental purposes be undertaken as a matter of priority.
3. The exterior painting of the homestead be undertaken as the next priority and that the Board recommends Council approves up to \$30,000 for this work on top of available budgets.

## 4. Appendices

- Appendix 1 Questions and responses relating to Pain Farm.
- Appendix 2 Map of Pain Farm including areas reserved for the landfill and for the homestead, cottage and surrounding land designated to the house.
- Appendix 3 Copy of application and order of the Supreme Court for approval of a scheme under Part III of the Charitable Trusts Act 1957.
- Appendix 4 Pain Farm Working Party minutes, February 2004 and September 2004.
- Appendix 5 Pain Farm information for Council.
- Appendix 6 Officer's report to the meeting of the Martinborough Community Board 31 March 2014.
- Appendix 7 Pain Farm income and expenditure summary for the financial years 2009—2019.
- Appendix 8 Pain Farm operating budgets 2018/19 and 2019/20.
- Appendix 9 Pain Farm Income Distribution Policy.
- Appendix 10 Copy of resolution for loan to upgrade the Martinborough swimming pool 28 August 1996.

Contact Officers: Karen Yates, Policy and Project Coordinator and Bryce Neems, Amenities Manager

Reviewed By: Jennie Mitchell, Group Manager Corporate Support

# **Appendix 1 – Questions and responses relating to Pain Farm**



Request	Response
Bring the Pain Farm house, cottage and grounds up to an excellent standard sparing no expense as the farm has provided for this community for years and received little in return. Repair and maintenance costs should not be absorbed by the ratepayer or the tenant.	Refer to paragraph 3 Analysis and recommendation.
Remove the investigation to sell house, cottage and surrounding land. STOP trying to sell this farm as it's not yours to sell.	Refer to paragraph 3 Analysis and recommendation.
I want a recommendation put to Council for a quarterly inspection of the whole farm with a maintenance progress report to be reported back to the Community Board, Council and be publicly available.	Refer to paragraph 3 Analysis and recommendation.
Disclose Mr & Mrs Pain's document of the gift to the children of Martinborough.	Refer paragraph 2.2 History of Pain Farm bequest.
Disclose all court cases to sell Pain Estate and the court rulings and the cost to the ratepayer for each court case	There have been no court cases to sell Pain Farm Estate.
Disclose maintenance, revenue and expenditure for the last 10 years	Refer to paragraph 2.4 Financial information for Pain Farm and Appendix 7.
I am staggered that this board even accepted the report from Council with the recommendation to investigate the sale of part of the Pain Estate. Hasn't Council been down this path before?	Refer to paragraph 2.3 Previous inquiries to clarify and/or amend the status or terms.
How did the Pain Estate come into such disrepair?	Refer to paragraph 2.5 Maintenance.
How often have there been property checks?	Refer to paragraph 2.5 Maintenance.
Why wasn't the money reinvested in the property to maintain it?	Refer to paragraph 2.4 Financial information for Pain Farm and Appendix 7.
I want to recommend that any investigation into the sale of any part of the Pain Estate be removed immediately and permanently.	Refer to paragraph 3 Analysis and recommendation.
Disclose copy of deed of bequest	Refer to paragraph 2.2 History of Pain Farm bequest.
How much revenue has been generated from the Pain Estate for last 30 years and how has the money been spent?	Refer paragraph 2.4 Financial information for Pain Farm and Appendix 7 for financial information 2009—2019. Council may be able to obtain information prior to this but this will require extensive

	investigation and may be subject to charge under the provisions of the Local Government Official Information and Meetings Act 1987.
Where is the Pain Estate property maintenance long term plan?	Refer to paragraph 2.5 Maintenance.
How much has been spent on the maintenance of the Pain Estate?	Refer to paragraph 2.4 Financial information for Pain Farm and Appendix 7.
How often are property inspections carried out and how often are they reported to Council?	Refer to paragraph 2.5 Maintenance.
How much of the revenue generated is spent paying Council for in-house governance, decisions and reports?	Refer to paragraph 2.4 Financial information for Pain Farm and Appendix 7.
Why was there no response to Fiona Owens offer to bring the house and gardens up to standard for a reduced rental over five years with the added bonus of revenue generated by opening up the gardens to the public?	There is no record of this offer or response.
Lastly, who is responsible for the administration and oversight of the Pain Estate?	The Chief Executive is responsible for the management of council operations.
Who is the person in charge of maintenance (re all Council assets?)	The Chief Executive is responsible for the management of council operations.
On many occasions I would go and inspect the house and cottage approximately every three months. From reading the report this has subsequently never been done - if so, how many times up until now?	Refer to paragraph 2.5 Maintenance
No more moneys should be taken out of the account until work has been completed on house and cottage.	For the Community Board to consider.
No maintenance for some time - why was this allowed to happen?	Refer to paragraph 2.5 Maintenance.
Is this a historic building?	Refer to paragraph 2.1 Pain Farm estate.
Who gets rents from farm, buildings and transfer station?	Refer to paragraph 2.4 Financial information for Pain Farm and Appendix 7.
Why have these monies not been used on maintenance?	Refer to paragraph 2.4 Financial information for Pain Farm and Appendix 7.

When was Pain Farm "Okoroire" subdivided?	The Pain Farm estate has not been subdivided.
There have been reports all along the way so there must be a reason for letting the farm and buildings get to this state?	Refer to paragraph 2.5 Maintenance.
What is the reason for keeping it from us?	Refer to paragraph 2.5 Maintenance.
Is the Community Board going to recommend that the Trustees of Pain Farm either, seek a refund from the SWDC for all the fees they have charged "for some time", including the Corporate Services Allocation, or the Trustees take legal action for Services that have not been provided (I believe this is covered by legislation around provision of services)?	For the Community Board to respond.
Does the Community Board acknowledge that the SWDC has been negligent in its management of Pain Farm and suggest or recommend the Trustees review or consider their legal options?	For the Community Board to respond.
There is a promise to the Waihinga Centre of \$200,000, does the Community Board acknowledge in light of the state of disrepair that the Pain Estate has been allowed to fall into, that this gift must be held in abeyance and remain unpaid until such time as the assets that provide this funding are fully repaired and have sufficient cash reserves to be able to make this gift in the future.	For the Community Board to respond. Refer also to paragraph 2.4 Financial information for Pain Farm and paragraph 3 Analysis and recommendation.
And is the Community Board going to recommend that all funding bequests, even those committed to already, be halted and delayed until all repairs are done to the Pain Estate and its infrastructure are bought up to standard and legal requirements for tenancy?	For the Community Board to respond. Refer also to paragraphs 2.4 Financial information for Pain Farm and paragraph 3 Analysis and recommendation.
Why have the previous farm lessees not been approached to repair the infrastructure prior to the lease expiry?	Refer to paragraph 2.5 Maintenance.
It is my understanding that a farm lease would have an inspection at the start of the lease and at the end and routine maintenance like yards, gates and fencing return to the condition that it was at the commencement, and have these inspections been done by the property manager, and if not surely the Board should recommend that the SWDC no longer manage the assets in light of their performance to date, or non-performance in reality and an investigation as to the cost of employing or seeking a pro bono commercial property manager be sought with urgency?	For the Community Board to respond. Refer also to paragraph 2.5 Maintenance.
Can the Board seek and provide a detailed comprehensive breakdown of the \$16,316.62 allocation by SWDC?	Refer to paragraph 2.4 Financial information for Pain Farm and Appendix 7.

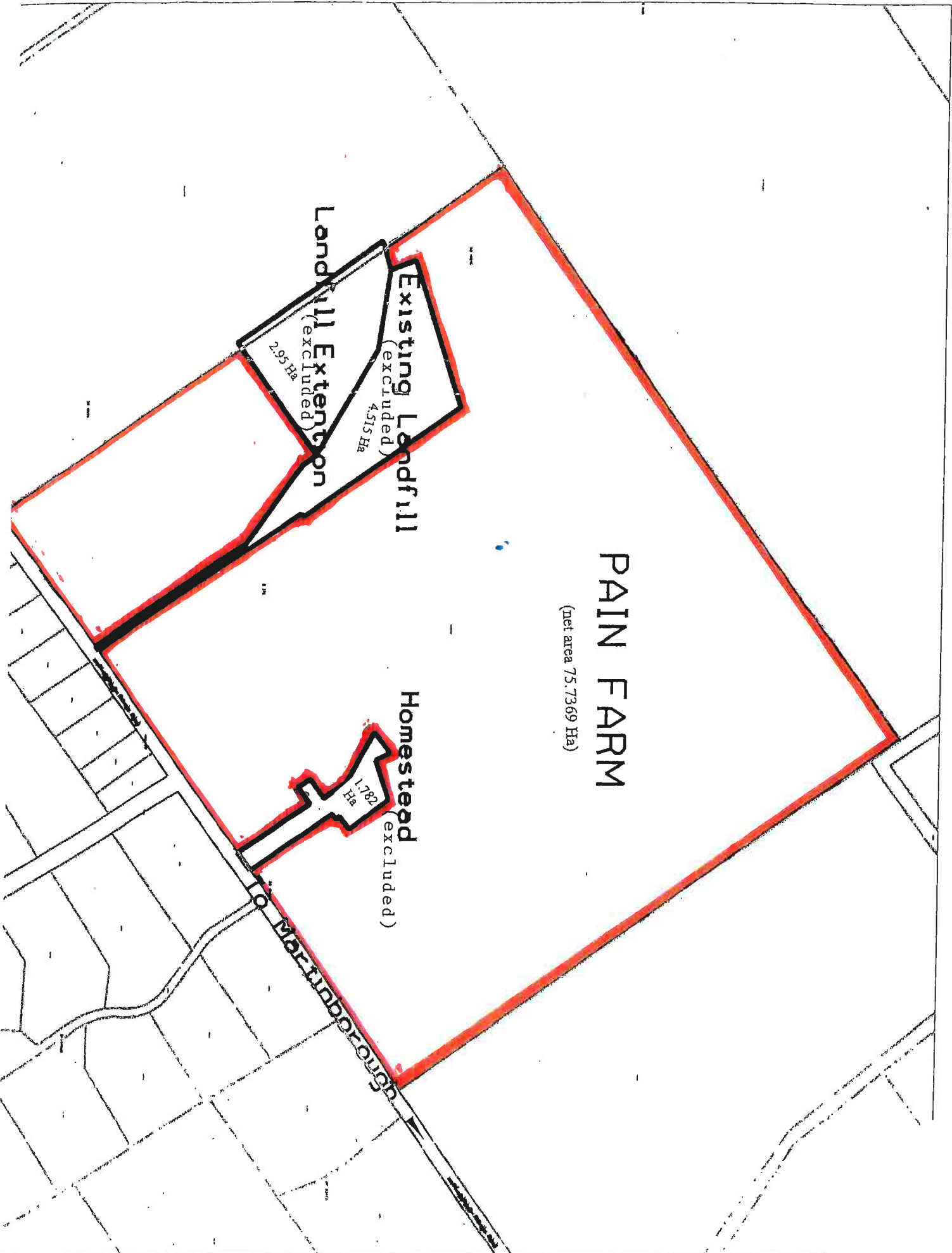
Does the Board undertake to provide the Community with the reassurance that all reference to the sale of Pain Farm in part or as a whole will be withdrawn and the Community informed that SWDC will not raise the sale again and honour the gift as intended?	For the Community Board to respond. Refer also to paragraph 3 Analysis and recommendation.
The reason I had my hand up in the back of the meeting was that I was wanting to ask a question of the CEO after he'd stated "no-one wants to sell Pain Estate." My question was "so if no-one wants to sell Pain Estate, can that recommendation in the Pain Estate report be removed?"	For the Community Board to respond. Refer also to paragraph 3 Analysis and recommendation.
SWDC are bleeding \$21k each year in Corporate Service fees and In House Professional fees. \$21k for doing what?	Refer paragraph 2.4 Financial information for Pain Farm and Appendix 7.
The legal fees for re-leasing the farm and the inspection fees by the valuer should be paid from those Corporate Service and In-House Professional fees.	See 2.4 Financial information for Pain Farm and Appendix 7.
The gifting of any further funds, \$200k to the Wahinga Centre should be cancelled and removed from the financial statements until such time as that Pain Estate Farm and all its buildings have been repaired and restored to both a legal and high standard which will enable as much income to be generated as possible. I want the Martinborough Community Board to vote and pass a resolution as above to take that to SWDC.	For the Community Board to respond. Refer also to paragraphs 2.4 Financial information for Pain Farm and 3 Analysis and recommendation.
Council meeting 7 August 2019: Investigate why Pain Farm is drawing water from the Martinborough Town Supply.	Refer paragraph 2.1 Pain Farm.
What is the value of the assets [in the table below] that have been sold off by the SWDC in the last 18 years? Where has the income/funds from those assets gone and what it has been used for?	See table below.

Address	Details of property	Date of sale	Purchase price	Reason for sale
Holding paddock White Rock Road opposite Ruakokoputuna road	Bare rural land	February 2004	Information may be held in archives. Council may be able to obtain this information but this will require extensive investigation and may be subject to charge under the provisions of the Local Government Official Information and Meetings Act 1987.	Surplus to requirements. Funds used for Town Centre development.

Holding paddock cnr White Roack Road, Range Road	Not sold	N/A	N/A	N/A
Block of land cnr White Rock and Ruakokoputuna roads Martinborough	Bare rural land	16 December 2016	\$120,000 incl GST	Waihinga Centre
Holding paddock cnr White Rock and Te Muna roads Martinborough	Bare rural land	29 June 2017	\$210,000 incl GST	Waihinga Centre
Holding paddock cnr Cannock and Hinakura roads Martinborough	Bare rural land	12 December 2016	\$84,000 incl GST	Surplus to requirements. Funds used for Town Centre development.
Shingle pit cnr Lake Ferry and Pukio East roads Martinborough	Bare rural land	19 June 2017	\$90,000 incl GST	Waihinga Centre
Old County Yard Cork Street		Pre-1999	Information may be held in archives. Council may be able to obtain this information but this will require extensive investigation and may be subject to charge under the provisions of the Local Government Official Information and Meetings Act 1987.	Information may be held in archives. Council may be able to obtain this information but this will require extensive investigation and may be subject to charge under the provisions of the Local Government Official Information and Meetings Act 1987.
16-18 Kitchener St Martinborough	Former county yard including 3 buildings, one of which was heritage,	1 July 2016	\$625,000 plus GST	Waihinga Centre

Logging / roading reserves Ponatahi Road opposite Huangarua and White Rock Road between Mangapuri and Birch Hill Stations	Not sold, not for sale	N/A	N/A	N/A
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## **Appendix 2 – Map of Pain Farm**





**Appendix 3 – Copy of application and  
order of the Supreme Court for  
approval of a scheme under Part III of  
the Charitable Trusts Act 1957**

IN THE SUPREME COURT OF NEW ZEALAND  
WELLINGTON DISTRICT  
(MASTERTON REGISTRY)

IN THE MATTER of Part III of The  
Charitable Trusts Act 1957

AND

IN THE MATTER of the Estate of  
GEORGE PAIN deceased.

TAKE NOTICE that on *Fri* day, the *11<sup>th</sup>* day of  
*February*, 1966, at 10 o'clock in the forenoon, or as  
soon thereafter as Counsel can be heard, Counsel for the  
Martinborough Borough Council will move this Honourable Court  
at Wellington for an order approving <sup>*under Section 53 of the Charitable Trusts*</sup> the Scheme dated the 8th  
day of November, 1965, filed herein <sup>*under Part III of the said Act*</sup> relating to a devise to the  
said Council under the Will of the above-named deceased and  
directing that the costs of the Martinborough Borough Council  
and of the Attorney-General of and incidental to the preparation  
and advertising of the said Scheme and this application and the  
order thereon be fixed and paid out of the fund upon the ground  
that the Scheme is a proper one and can be approved by this  
Honourable Court under Part III of the above-mentioned Act and  
that the Attorney-General has approved the same.

DATED this *27<sup>th</sup>* day of *November*, 1965.

*D W Neild*  
.....  
Solicitor for the Martinborough  
Borough Council.

TO the Registrar of the Supreme Court at Masterton  
and TO The Attorney-General.

The address for service of the Martinborough Borough Council is  
at the offices of Messieurs Gawith, Neild & Laing, Solicitors,  
32 Perry Street, Masterton.

IN THE MATTER of Part III of The  
Charitable Trusts Act 1957

AND

IN THE MATTER of the Estate of  
GEORGE PAIN deceased.

~~DEED~~  
ORIGINATING MOTION FOR APPROVAL OF SCHEME

11/2/66

Cecilia Mac Gregor  
Barton for Borough Council  
Carr for Attorney-General

Order approving scheme  
Costs of Borough Council & Queen  
& costs of Attorney-General to pass  
to be paid out of accumulated  
income of fund

*[Faint signature]*

GAWITH, NEILD & LAING,  
SOLICITORS.

IN THE MATTER of The Charitable  
Trusts Act 1957 Part III  
AND

IN THE MATTER of the Estate of  
GEORGE PAIN deceased.

The Martinborough Borough Council hereby gives notice that application has been made to the Supreme Court of New Zealand at Masterton for the approval under Part III of The Charitable Trusts Act 1957 of the Scheme particulars of which are set out hereunder for the administration of a charitable trust being a devise to the said Council under the Will of the above-named George Pain of a property of 210 acres situated on the Lower Valley Road.

The date proposed for the hearing of the application by the Court is the 11<sup>th</sup> February 1968 and the hearing will take place at the Supreme Court at Wellington at 10 am.

Any person desiring to oppose the Scheme must give written notice of his intention to do so to the Registrar, Supreme Court, Masterton, to the Martinborough Borough Council, Cork Street, Martinborough, and to the Attorney-General, Crown Law Office, Wellington, not less than 7 clear days before the said above-mentioned date of hearing.

PARTICULARS OF SCHEME

That the income of the trust lands should be used:-

- (a) In payment of the costs of the preparation and approval of the Scheme including the costs of the Attorney-General.
- (b) In maintaining and improving the Borough's parks, sports grounds camping ground, swimming baths, providing, equipping and maintaining sports facilities and a children's playground in such manner and in such proportion as the Council shall from time to time decide.

GAWITH, NEILD & LAING

IN THE SUPREME COURT OF NEW ZEALAND  
WELLINGTON DISTRICT  
(MASTERTON REGISTRY)

---

IN THE MATTER of Part III of The  
Charitable Trusts Act 1957

AND

IN THE MATTER of the Estate of  
GEORGE PAIM deceased.

---

ORDER APPROVING SCHEME

---

GAVINI, ISILD & LAING,  
SOLICITORS,

MARTINBOROUGH

G.N.S.L.  
DEEDS No.  
M 179/18

IN THE SUPREME COURT OF NEW ZEALAND  
WELLINGTON DISTRICT  
(MARTERTON REGISTRY)

IN THE MATTER of Part III of The  
Charitable Trusts Act 1957

AND

IN THE MATTER of the Estate of  
GEORGE PAIN deceased.

FRIDAY THE 11TH DAY OF FEBRUARY, 1966.

BEFORE THE HONOURABLE MR. JUSTICE McGRUGOR

UPON READING the notice of motion of the Martinborough Borough Council dated the 22nd day of November, 1965, the Statement of Facts, Submissions and Scheme dated the 8th day of November, 1965, the Report of the Attorney-General on the said scheme, and the affidavits of ALAN LEWRY GREEN and DENNIS WILLIAM IDELL filed herein, AND UPON HEARING MR. BARTON of Counsel on behalf of the Martinborough Borough Council and MR. CAHILL of Counsel on behalf of the Attorney-General THIS COURT HEREBY ORDERS that the Scheme dated the 8th day of November, 1965, filed herein by the Martinborough Borough Council under Part III of the above-mentioned Act relating to a devise under the Will of the above-named GEORGE PAIN deceased be and the same is hereby approved AND HEREBY FURTHER ORDERS that the costs of the Martinborough Borough Council fixed at £84 together with disbursements and the costs of the Attorney-General fixed at £21 be paid out of the accumulated income of the fund.

By the Court



REGISTRAR

IN THE MATTER of Part III of The  
Charitable Trusts Act 1957

AND

IN THE MATTER of the Estate of  
GEORGE PAIN deceased.

STATEMENT OF FACTS

1. By his Will dated 24th March, 1932, the late George Pain gave to his wife a life interest in what he described as "the dwellinghouse at present occupied by me at Martinborough and also the farm of 200 acres situate at Martinborough which I am at present farming" and subject to that life interest gave devised and bequeathed "my said house property and farm of 200 acres at Martinborough to the Martinborough Town Board or Martinborough Borough Council or the local authority for the time being controlling the Township of Martinborough to the intent that the said property should be held on behalf of the inhabitants of Martinborough and I particularly desire that the said property should as far as possible be made available as a sports ground for the residents of Martinborough and as a playground for the children."
2. George Pain's widow died on 9th August, 1960, at which time the New Zealand Insurance Company Limited was the sole trustee of his estate.
3. George Pain did not at the date of his death own a "farm of 200 acres" but he did own a farm property in one block of 210 acres (being the land the subject of the present application) and a separate block of 40 acres a short distance away from the 210 acres. Both he and his trustee after his death had farmed the 210 acres, the 40 acres and land belonging to Mrs. Pain as one farm.
4. Shortly after the death of Mrs. Pain, the Trustee Company invited the Martinborough Borough Council to express its views on whether the devise included the separate 40 acre block, and the Council disclaimed interest therein.



5. The Trustee Company was anxious to terminate the estate's farming operations, and dispose of the stock and therefore gave the Council possession of the 210 acre block, but did not then execute a transfer. It subsequently sold the 40 acre block.
6. The 210 acres was leased for a term of 21 years at a rental (for the first 7 years) of £1155 per annum.
7. In March 1965 the Trustee Company transferred the 210 acres to the Council subject to the said lease.
8. The Council had, in 1964, on advice of Counsel, decided to apply to the Court under Part III of The Charitable Trusts Act 1957 to approve a scheme in relation to the devised land, but it was considered advisable to defer the application until the land had actually been transferred to the Council.
9. The trust income received to date, and the expenditure thereout are as follows:-

<u>Receipts</u>		<u>Payments</u>	
Rents	5610.12. 6	Mortgage principal	4082. 0. 0
Interest	147. 0. 7	Interest	553.16. 0
Timber Royalty	190. 6. 6	Repairs & Maintenance	109.11. 0
		Advertising	11. 8. 9
		Legal expenses	223. 5.10
		Grant to Baths	259. 8.11
		Balance Cr.	708. 9. 1
	<u>£5947.19. 7</u>		<u>£5947.19. 7</u>

10. The Government Capital value of the land (as at 1st December, 1960) is £13,770.

SUBMISSIONS

11. The Council has been advised -
  - (a) That the words of the testator's Will "and I particularly desire that the said property should as far as possible be made available as a sports ground for the residents of Martinborough and as a playground for the children" do not create a trust.
  - (b) That the earlier words "to the intent that the said property should be held on behalf of the inhabitants of Martinborough" create a valid charitable trust,
  - and (c) That because the purpose of the trust is uncertain a scheme for carrying it out should be settled under Part III of the Charitable Trusts Act 1957.
12. In framing the proposed scheme the Council has been influenced by the following considerations -



- (a) It is considered impracticable or inexpedient to carry out the testator's precatory wish that the property should be made available as a sports ground and children's playground for the reasons that the property is some distance outside the Borough boundary and is a useful farm unit; The Council already owns 35 acres of parks and reserves within the Borough which are far from fully developed or in a high state of maintenance; The Council has no funds with which to develop the trust land as a sports ground or playground.
- (b) The precatory wish of the testator in favour of sports grounds and children's playgrounds can best be attained by retaining the property as an endowment and using the revenue therefrom for the development of those amenities within the Borough.
- (c) Martinborough is a small township with a population of approximately 1500 and is not growing fast. When a Town Planning Scheme was first prepared in 1958, the estimates for future population were

1962	-	1450
1967	-	1630
1977	-	1880

Present indications are that these forecasts may not be realised.

- (d) The total rate revenue is only £13,500 approximately and very limited amounts are available for expenditure on the reserves in the Borough.
- (e) Recreational amenities existing on such reserves in the Borough include -
- a. Public swimming baths - the only one in the borough, and extensively used by school children learning to swim.
  - b. Camping ground.
  - c. Rugby, Association Football, Cricket, Hockey and Softball grounds.

A Queen Carnival has just been held to raise funds for a chlorination plant and other improvements at the baths. The Rugby Football Club, at its own expense, is erecting dressing sheds and conveniences on the football ground. Apart from these matters all the reserves mentioned are far from fully developed, or even well

There is no children's

playground in the Borough, though the Council has set aside a site for development as such.

SCHEME

13. The scheme which the Council submits for approval is that the income of the trust lands should be used -
- (a) In payment of the costs of the preparation and approval of the scheme including the costs of the Attorney-General.
  - (b) In maintaining and improving the Borough's parks, sports grounds, camping ground, swimming baths, providing, equipping and maintaining sports facilities and a children's playground in such manner and in such proportion as the Council shall from time to time decide.

DATED this 8th day of November 1965.

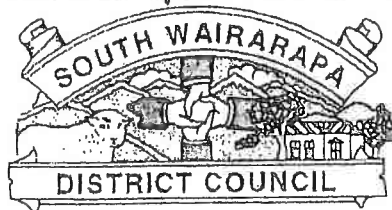
THE COMMON SEAL OF THE MAYOR COUNCILLORS  
AND CITIZENS OF THE BOROUGH OF BARTHOLOMEW } (L.S.)  
was hereto affixed in the presence of:- }

"S.H. Ussher"  
..... Mayor

"A.H. Green"  
..... Town Clerk

**Appendix 4 — Pain Farm Working  
Party minutes, February 2004 and  
September 2004**

## South Wairarapa District Council



### Pain Farm Working Party

Minutes of a meeting held on Monday 23 February 2004 at 9.00am.

**PRESENT:** Mayor J F Read, Councillors V L Napier and J D Tenquist,  
Mrs G Halson and Mr P Craig

**IN ATTENDANCE:** Mr R Airey (Secretary)

1. **Apology**

Mr K Banks.

2. **Review of Pain Farm**

A report on the background and present status of the Pain Farm from the Committee Secretary was considered. Also available for the Working Party were a number of legal documents (copies) and letters from the Council's solicitors over the years since 1965.

The current situation was reviewed and points made included:

- The scheme needed greater flexibility;
- A definition of "Martinborough residents" would be required;
- The criteria for projects to benefit should be broadened;
- Rent paid by the landfill should be reviewed;
- Maintenance of the homestead had to be provided for;
- Public understanding of the bequest was not good;
- Consultation with the public would be required before considering taking a case to the High Court.
- A flyer for public consultation needed to give examples of how some funding was spent and instances for where it could not.

**RESOLVED**

*(Tenquist/Halson)*

*THAT the Council and the Martinborough Community Board be advised of the process the Working Party proposes should be followed, to prepare a flyer with a reply section, backgrounding the status of the Pain Farm Trust, the process to be undertaken and to invite comments.*

The proposed flyer was to be prepared by Mr Mike Beckett, for final approval by the Working Party before distribution to those to be defined as residents of Martinborough.

**The meeting ended at 9.50am.**

# South Wairarapa District Council



## Pain Farm Working Party

Minutes of a meeting held on Tuesday 28 September 2004 at 9.00am.

**PRESENT:** Mayor J F Read, Councillors V L Napier, B J Clark,  
Mrs G Halson and Mr P Craig

**IN ATTENDANCE:** Mr R Airey (Secretary)

**1. Apology**

Councillor J D Tenquist

**2. Review of Pain Farm**

A flier surveying residents in the Martinborough area had been despatched and replies received. The survey had sought responses to three proposals which were:

- (a) [should] the bequest continue in its current form; or
- (b) [should] the terms [be] changed to be more flexible; or
- (c) other ideas.

Responses were 94 for (a), 31 for (b) plus many varying comments under (c).

There was a widespread lack of understanding of the bequest and in some cases general confusion. Many believed that a trust existed.

The Working Party considered that while the bequest and subsequent Order of the former Supreme Court was clear, its application to the present situation was confusing to many and required clarification.

**RESOLVED**

*(Halson/Craig)*

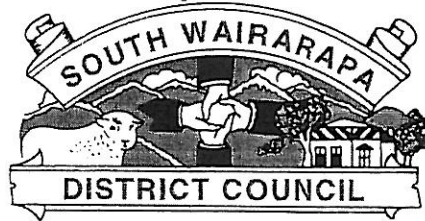
*THAT (1) it be recommended that the present status and administration of the Pain bequest remain unchanged; and*

*(2) the Council officers obtain a legal opinion to clarify the status of the assets and a definition of the area of benefit from the bequest.*

The meeting ended at 9.40am.

# **Appendix 5 — Pain Farm information for Council**

## South Wairarapa District Council



### PAIN FARM

1. The Pain farm estate, located on the Pirinoa Road, is comprised of 84.9839 hectares (210 acres) on which is located the homestead, 1.782 hectares and the Martinborough landfill, 7.465 hectares.
2. The property was bequeathed to the former Martinborough Borough Council (now the South Wairarapa District Council) in a Will made in 1932. George Pain died in 1937 and his wife held a life interest in the property until her death in 1960. The Council then came into possession of the property.
3. The terms of the Will could not be implemented in full by the Council hence a "scheme" to vary its terms was approved by the Supreme Court (now the High Court) on 11 February 1966.
4. The key portions of the Supreme Court Order dated 11 February 1966 read:

"...that the income of the trust lands should be used ... in maintaining and improving the Borough's parks, sports grounds, camping ground, swimming baths, providing, equipping and maintaining sports facilities and a children's playground in such manner and in such proportion as the Council may from time to time decide".
5. The former Martinborough Borough Council no longer exists. By virtue of the 1989 Local Government Reorganisation Order all the powers, functions, assets and authorities of the former Borough Council are now vested in the South Wairarapa District Council.
6. The District Council owns the land as a trustee, and the terms of the trust are the terms contained in the Will of the late George Pain as varied by the provisions of the Court Order dated 11 February 1966. The Council must operate within the terms of the two documents and particularly within the terms of the Court Order which effectively modified and overrode the provisions of the Will.
7. The approval of the High Court would first be required should the Council wish to again vary the terms or to sell all or part of the property.

6 April 2005



**Appendix 6 — Officer's report to the  
meeting of the Martinborough  
Community Board 31 March 2014**

# MARTINBOROUGH COMMUNITY BOARD

31 MARCH 2014

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## AGENDA ITEM 7.4

### PAIN FARM BEQUEST

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#### **Purpose of Report**

To seek approval in principal for a review of the Pain Farm bequest.

#### **Recommendations**

Officers recommend that the Committee/Community Board:

1. *Receive the information.*
2. *Recommend to Council this bequest be reviewed.*

#### **1. Executive Summary**

The Supreme Court last considered the bequest made by George Pain in 1966, making an order on 11 February 1966.

There has been some discussion around the relevance of this 1966 order **and it's applicability to the current and future needs of the Martinborough Community.**

This paper seeks support, in the form of a recommendation to South Wairarapa District Council, to examine the relevance of the current order.

Historically any application to the Courts has been funded directly from Pain Farm Funds.

#### **2. Discussion**

The current order is some 48 years old and there has been some discussion as to whether the order meets the needs of a community that has changed significantly since that time.

A review of this nature may (or may not) be more difficult following the finalisation of the current reorganisation process.

Either way, there are a number of initiatives that would benefit from a clear understanding of whether Pain Farm funds would be available to support, e.g. Martinborough Town Hall.

It is anticipated the review group would consist of MCB, SWDC members, with input from the community.

Contact Officer: Paul Crimp, Chief Executive

**Appendix 7 — Pain Farm income and  
expenditure summary for the financial  
years 2009—2019**

## PAIN FARM SUMMARY 2009-2019

Financial Year July to June	10 Year Totals	% of Income	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
<b>INCOME</b>												
Rent Received	795,770	87%	63,209	73,236	68,942	81,887	82,401	82,647	87,501	87,801	84,186	83,959
Interest Received	116,431	13%	16,487	17,887	11,336	10,478	15,209	12,966	12,413	11,506	3,762	4,387
<b>TOTAL INCOME</b>	<b>912,201</b>		<b>79,696</b>	<b>91,124</b>	<b>80,278</b>	<b>92,364</b>	<b>97,610</b>	<b>95,613</b>	<b>99,914</b>	<b>99,308</b>	<b>87,948</b>	<b>88,347</b>
<b>EXPENDITURE</b>												
<b>Operating Expenses:</b>												
Repairs and Maintenance (Other)	56,896	6%	18,070	3,055	2,293	491	1,938	7,204	5,806	11,885	3,812	2,339
Repairs and Maintenance (Grounds)	9,708	1%		98			1,641	3,696	4,125			147
Repairs and Maintenance (Buildings)	20,141	2%	4,122	2,874	4,056	489	330		108	7,043		1,119
	<u>86,744</u>	<u>10%</u>	<u>22,193</u>	<u>6,027</u>	<u>6,349</u>	<u>981</u>	<u>3,910</u>	<u>10,900</u>	<u>10,039</u>	<u>18,928</u>	<u>3,812</u>	<u>3,605</u>
Consultants	11,283	1%			1,107	675	475		1,175		1,570	6,281
General Expenses	13,855	2%	1,349	250	2,879	3,571	945	247			2,400	2,214
Legal Expenses	14,944	2%		9,713		58	4,428					745
Utilities	1,131	0%	949				183					
Rents & Rates Payable	39,350	4%	1,455	0	0	11,982	1,585	1,740	1,746	6,940	6,861	7,041
Insurance	19,405	2%	1,047	903	2,456	3,288	3,293	1,776	1,459	1,292	1,866	2,026
<b>Total Operating Expenses:</b>	<b>186,712</b>	<b>20%</b>	<b>26,992</b>	<b>16,892</b>	<b>12,791</b>	<b>20,553</b>	<b>14,819</b>	<b>14,663</b>	<b>14,419</b>	<b>27,161</b>	<b>16,509</b>	<b>21,912</b>
<b>SWDC Charges:</b>												
Corporate Services	133,523	15%	9,980	8,499	11,983	12,552	10,544	16,524	14,914	15,608	14,900	18,020
In-House Prof Services	47,371	5%	583	28	10,888	5,594	5,352	5,347	4,359	4,311	5,142	5,770
<b>Total SWDC Charges:</b>	<b>180,894</b>	<b>20%</b>	<b>10,563</b>	<b>8,527</b>	<b>22,871</b>	<b>18,145</b>	<b>15,896</b>	<b>21,870</b>	<b>19,273</b>	<b>19,918</b>	<b>20,042</b>	<b>23,790</b>
<b>Project Funding Allocated :</b>												
Project Funding	438,965	48%	19,064	15,724	48,839	14,073	5,581	30,684	5,000	300,000		
Mbo Pool Loan	109,027	12%	14,275	14,935	13,246	22,027	20,425	14,116	10,002			
<b>Total Project Funding Allocated :</b>	<b>547,991</b>	<b>60%</b>	<b>33,339</b>	<b>30,659</b>	<b>62,085</b>	<b>36,100</b>	<b>26,006</b>	<b>44,800</b>	<b>15,002</b>	<b>300,000</b>	<b>0</b>	<b>0</b>
<b>TOTAL EXPENDITURE</b>	<b>915,597</b>	<b>100%</b>	<b>70,894</b>	<b>56,077</b>	<b>97,747</b>	<b>74,799</b>	<b>56,721</b>	<b>81,334</b>	<b>48,694</b>	<b>347,079</b>	<b>36,551</b>	<b>45,702</b>
<b>Total Surplus/(deficit)</b>	<b>(3,396)</b>		<b>8,802</b>	<b>35,046</b>	<b>(17,468)</b>	<b>17,565</b>	<b>40,889</b>	<b>14,279</b>	<b>51,220</b>	<b>(247,771)</b>	<b>51,397</b>	<b>42,645</b>
<b>STATEMENT OF ACCUMULATED FUNDS</b>												
<b>Opening Balance</b>	192,285		192,285	201,087	236,134	218,666	236,231	277,120	291,399	342,619	94,848	146,244
<b>Closing Balance</b>	<b>188,889</b>		<b>201,087</b>	<b>236,134</b>	<b>218,666</b>	<b>236,231</b>	<b>277,120</b>	<b>291,399</b>	<b>342,619</b>	<b>94,848</b>	<b>146,244</b>	<b>188,889</b>
<b>Movement:</b>	<b>(3,396)</b>		<b>8,802</b>	<b>35,046</b>	<b>(17,468)</b>	<b>17,565</b>	<b>40,889</b>	<b>14,279</b>	<b>51,220</b>	<b>(247,771)</b>	<b>51,397</b>	<b>42,645</b>

# **Appendix 8 — Pain Farm budgets 2018/19 and 2019/2020**

<b>Pain Farm</b>	<b>2018/19</b>	<b>2019/20</b>
<b>Rental/Hire Income</b>		
Rental/Hire - MBA	92,020	89,144
<b>Total Income</b>	<b>92,020</b>	<b>89,144</b>
<b>Operating Costs</b>		
Consultants	5,000	5,000
General Expenses	1,500	1,500
Legal Expenses	5,000	5,000
Repairs & Maintenance (Other)	5,000	5,000
<b>Occupancy Costs</b>		
Repairs & Maintenance (Buildings)	35,000	7,806
Rates/Rent Payable	7,204	7,204
<b>Internal Charges</b>		
Corporate Services	16,960	21,064
Professional Services	5,628	6,340
<b>Finance Costs</b>		
Insurance	1,934	1,934
<b>Total Expenditure</b>	<b>83,225</b>	<b>60,848</b>
<b>Surplus</b>	<b>8,795</b>	<b>28,296</b>

# **Appendix 9 — Pain Farm Income Distribution Policy**





# **PAIN FARM TRUST LANDS INCOME DISTRIBUTION POLICY**

## **1. Rational**

The Martinborough Community Board under the guidance of Council has a governance role of the Pain Farm Trust Lands and the recommendation of the expenditure of the income. There has been a widespread lack of understanding of the bequest and how the funds can be spent. This policy will be reviewed in accordance with SWDC requirements.

## **2. Purpose**

- To provide guidelines for the distribution of funds from the income from the various leases of the Pain Farm Trust Lands.
- To allow greater efficiencies, understanding and transparency and give direction how and where the funds can be expended.

## **3. Guidelines**

### **3.1 Administration**

1. The Council shall recover fair and reasonable administration costs.
2. The Council will ensure that all leases, the land, homestead and cottage and Landfill /Transfer station will be reviewed and the intent of the bequeath and High Court judgment be complied with.
3. Council will advertise where the funds have been expended annually

### **3.2 Repairs and Maintenance**

1. A fund of \$40,000 will be set aside for repairs and maintenance of the property and buildings, if expensed at any one time the amount will be accrued by \$10,000 amount per year until the fund is replenished.

### **3.3 Funding Distribution**

1. The Community Board with the guidance of Council will ensure that the Council's Martinborough Parks and Reserves will have priority over available funds and will be expended as directed by the High Court's Judgement in 1966. It is recommended that the funds are spent on capital equipment/facilities.

2. Funds may be spent purchasing and funding capital sporting equipment and facilities where it will benefit the residents of Martinborough Community and with the support and guidance of Council.
3. Applications for funding community sporting (2. Above) equipment/amenities will be called for annually and will not exceed \$25,000 and if the funds are available.
4. All expenditure above \$35,000 will be subjected to the SWDC Annual Plan
5. Any funding distribution must be of benefit to the residents of Martinborough; this removes the confines of any town boundary as a sporting facility, club or reserve may be located on the outskirts of the town yet be a Martinborough amenity.
6. The Community Board may wish to accumulate funds for a specific project or raise a loan using some of the income; this will be permitted under Council guidance.

## 4. Background

George Pain, known as Tiny Pain or Hura Rorere (king of the road) born 1847 Wellington died 1937. A “pioneer” shepherd/farmworker, hawker, hotelier, storekeeper, landlord, run-holder/farmer and wool baron.

George Pain in 1932 made a will bequeathing the 210 acre property known as the Pain Farm to the then Borough Council (now the SWDC) with this wife having a life interest. In 1960 Mrs Pain died and the land was handed to the Martinborough Borough Council. The land that was bequeathed

*‘to be held on behalf of the inhabitants of Martinborough and he particularly desired that the property should as far as possible be made available as a sports ground for the residents of Martinborough and as a playground for the children’*

In 1965 due to the practicality, uncertainty (the farm being held in a 21 year lease), location and the Borough Council already having a number of under utilised reserves, resolved to apply to the Supreme Court for a judgement on a scheme for the use of the income from the Pain Farm.

Under provisions of the Charitable Trust Act 1957 in February 1966 the Court directed:

*“That the income from the Trust Lands should be used, in maintaining and improving the borough’s parks, sports grounds, camping ground, swimming baths, providing equipping and maintaining sports facilities and a children’s playground in such manner and in such proportion as the Council may from time to time decide.”*

**Appendix 10 — Copy of resolution for  
loan to upgrade the Martinborough  
swimming pool 28 August 1996**

***SOUTH WAIRARAPA DISTRICT COUNCIL***

**CERTIFIED COPY OF THE RESOLUTION  
TO RAISE \$150,000 TO UPGRADE THE  
MARTINBOROUGH SWIMMING POOL**

**RESOLVED**

**DC96/210 STEVENS/ADAMSON THAT** the South Wairarapa District Council pursuant to Section 34 of the Local Authorities Loans Act 1956, Section 716B of the Local Government Act 1974 and all other Acts Powers and Authorities enabling it in that behalf does hereby resolve by way of Special Order as follows

1. That a Special Loan to be known as Martinborough Swimming Pool Upgrade Loan \$150,000 be raised for the purpose of meeting the costs associated with the upgrading of the Martinborough Swimming Pool.
- .2. That the loan repayments of the said loan be funded from Pain Farm.
3. That the terms of the said loan or any part thereof shall be at the market interest rate for Local Government Stock.
4. That the Manager Finance and Corporate Services be given delegated authority to negotiate all terms and conditions of raising approved finance within the full life of the approval to raise finance being the:
  - Period of Finance
  - Interest Rate
  - Sinking Funds
5. That the Council secure payment of the said sum \$150,000 and interest thereon by issuing registered stock in a form which complies with provisions of the Local Authorities Loans Act 1956.
6. That the Common Seal of the Council be affixed to a certificate pursuant to section 17 of the Local Authorities Loans Act 1956 and that the Mayor and General Manager be, and hereby are authorised to sign and countersign the said certificate.
7. That the security for the Martinborough Swimming Pool Upgrade Loan be a Special rate in the dollar on the land value of all properties in the district of South Wairarapa, of an amount sufficient to meet the annual loan charges on the said loan plus ten per cent (10%) thereof.
8. That the cost of raising the said loans of \$150,000 be paid from the loan monies.

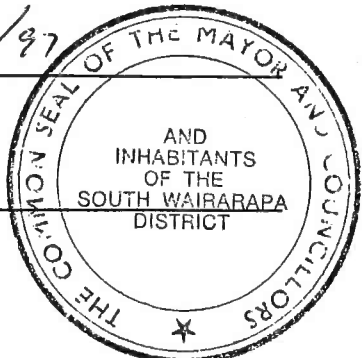
8. That the Council secure payment of the said sums \$1,674,000 and interest thereon by issuing registered stock in a form which complies with provisions of the Local Authorities Loans Act 1956.
9. That the Common Seal of Council be affixed to a Certificate pursuant to section 17 of the Local Authorities Loans Act 1956 and that the Mayor and General Manager be, and hereby are authorised to sign and countersign the said Certificate.
10. That the security for the 1996 Featherston Swimming Pool Upgrade Loan and the 1996 Cape Palliser Road Reinstatement Loan shall be in the case of each loan a special rate in the dollar on the land value of all rateable properties in the district of South Wairarapa, of an amount sufficient to meet the annual loan charges on the said loan plus ten per cent (10%) thereof.
11. That the security for the 1996 Greytown Water Supply Loan shall be a separate uniform charge on all rateable properties in the areas of the water supplies of Featherston, Greytown and Martinborough, of an amount sufficient to meet the annual loan charges on the said loan plus ten per cent (10%) thereof.
12. That the security for the 1996 Featherston Water Supply Loan shall be a separate uniform charge on all rateable properties in the areas of the water supplies of Featherston, Greytown and Martinborough, of an amount sufficient to meet the annual loan charges on the said loan plus ten per cent (10%) thereof.
13. That the cost of raising the said loans of \$1,674,000 be paid from the loan moneys.
14. That a sinking fund be established in respect of the loans.
15. That a poll of ratepayers be taken if not less than fifteen percent (15%) of the ratepayers of the District so demand, by writing under their hands, delivered or sent by Post to the office of the Council, 19 Kitchener Street, Martinborough and received not later than 9.00am on the day fixed for confirmation of the resolution to raise the loans.

We hereby declare that the above resolution was duly passed at the ordinary meeting of the South Wairarapa District Council held on 28 August 1996.

**MAYOR**

**GENERAL MANAGER**

*Sheed 27/1/97*  
 \_\_\_\_\_  
*R. M. Zche 27/1/97*  
 \_\_\_\_\_





**Minutes – 18 July 2019**

- Present:** Lisa Cornelissen (Chair), Vicky Read, Maree Roy,  
Cr Pam Colenso, Cr Pip Maynard
- In Attendance:** Harry Wilson (Chief Executive Officer - to 7.08pm), Bryce Neems  
(Amenities Manager), Angela Williams (Committee Advisor).
- Conduct of Business:** The meeting was conducted in public in the Supper Room, The  
Waihinga Centre, Texas Street, Martinborough on 18 July 2019  
between 6.00pm and 8.12pm.
- Also In Attendance:** TeAta Philips, Cr Lee Carter, Mary Smith, Bev Clark, Gina Smith,  
William Higginson

**PUBLIC BUSINESS**

**EXTRAORDINARY BUSINESS**

Mrs Cornelissen proposed that the Spatial Plan Discussion document be discussed under the Chair Report section as it would be appropriate for the Board to make a submission and that the August meeting date is changed to the 22 August. Both items to be discussed under agenda item 8.

With the interest generated in agenda item 6.6, and attendance by the public, Mrs Cornelissen proposed moving the Pain Farm Report up in the agenda to follow the public forum section.

*MCB RESOLVED (MCB 2019/39):*

To move agenda item 6.6 up in the agenda to follow the public forum section.

*(Moved Cornelissen/Seconded Cr Maynard)*

Carried

**1. APOLOGIES**

*MCB RESOLVED (MCB 2019/40):*

To receive apologies from Mayor Napier, Ms Beattie, Maisie Arnold-Barron (Student Representative) and noted Mr Wilson would need to leave at approximately 6.30pm.

*(Moved Cr Colenso /Seconded Read)*

Carried

## 2. CONFLICTS OF INTEREST

No conflicts of interest.

## 3. PUBLIC PARTICIPATION

### 3.1 TeAta Philips

Ms Philips presented her proposal for the installation of lime walkways from Ferry Road submitted through the Annual Plan Submission process. Ms Philips advised that both Martinborough Transport and MT Services would be happy to assist with services to provide a safe walkway.

### Pain Farm Estate Speakers

The following speakers, spoke to the Pain Farm report including providing historical background, the bequest of the estate and intention to benefit youth of Martinborough and the asset it is to the community. Speakers expressed their concerns at the current state of the Farm, queried how it had been allowed to deteriorate to its current state, where monies from the Estate have been used and the option to sell as detailed in the papers. All speakers asked questions of the Board and requested answers to be provided.

3.2 Cr Lee Carter on behalf of her husband Robert Carter. Cr Carter tabled the statement and requested actions.

3.3 Mary Smith

3.4 Bev Clark

3.5 Gina Smith

3.6 William Higginson (notes provided)

## 4. ACTIONS FROM PUBLIC PARTICIPATION/PRESENTATIONS

### Te Ata Philips

Members noted that Ms Philips proposal was initiated through the Annual Plan submission process, acknowledged the offer of assistance from local business', discussed if it should be endorsed by the Board in the first instance whilst noting that some urban areas still require footpaths so this would need to be assessed.

Action 491 - To refer Ms Philips proposal for lime walkways from Ferry Road to locations identified in the proposal to the Assets and Services Committee for formal consideration, Mr Wilson.

### Pain Farm (Agenda item 6.6 brought forward)

Mrs Cornelissen thanked the members of the public and presenters for their passion for the Pain Farm Estate and advised that the Community Board also

shared their interest with the legacy of Pain Farm, hence the request to provide a preliminary report to initiate discussions to rectify the current situation. Mrs Cornelissen requested all presenters provide a copy of their notes to Council and questions raised to ensure all were captured.

The Board discussed the content and recommendations of the report including immediate repairs, financial implications for options to repair to a safe and acceptable standard versus a full restoration, that information comes back to the Community Board for analysis and review prior to further recommendations, the possible need for consultation with the community and that more regular inspections are required with respect to the tenant.

*MCB RESOLVED MCB 2019/41):*

1. To receive the Pain Farm Report.  
*(Moved Cr Colenso/Seconded Cornelissen)* Carried
2. To recommend to Council that Pain Farm Estate fund up to \$5,000 for the repair of damaged water pipes and troughs on a cost share basis with the Pain Farm lessee on the proviso that effort is made to recoup costs from the previous lessee.
3. Recommends to Council that Pain Farm Estate fund the Pain Estate Tender and Lease Agreement, which includes the inspection of Pain Estate report dated 7 May 2019 at a cost of \$6,281 plus GST.  
*(Moved Cornelissen/Seconded Read)* Carried
4. That Officers seek a full assessment of the House and Cottage and obtain 2 quotes, one to restore the buildings to a suitable standard for rental purposes, the other to undertake a full restoration to secure the property for the long term.  
*(Moved Cr Colenso/Seconded Read)* Carried
5. That Officers report back to MCB answering all questions raised by both the Community Board and all speakers today.  
*(Moved Cr Maynard/Seconded Roy)* Carried
6. Report to the Community Board once the quotes have been received for maintenance work with options and analysis outlining the implications for the long-term financial position of the Pain Estate and suggested priorities for undertaking the work  
*(Moved Cr Colenso/Seconded Cornelissen)* Carried
7. That up to \$40,000 be made available immediately for urgent maintenance work to be undertaken.  
*(Moved Read/Seconded Cr Maynard)* Carried
8. Note for the record that once full information is available from the reports outlined above, it is highly likely that Council will need to undertake a full consultation process with the Martinborough Community on the options available for Pain Farm Estate.  
*(Moved Cornelissen/Seconded Read)* Carried



9. That Officers prepare a full briefing for newly elected and existing Community Board and SWDC elected members on the background, history and significance of the Pain Estate, its purpose and the Community Board role and Council role in administering it as part of the induction process following local government elections.

*(Moved Cornelissen/Seconded Cr Maynard)* Carried

10. Action 492– To request a minimum reporting of at least six months for both the farm and buildings with respect given to the tenant, Mr Allingham.
11. Action 493 - To add a separate Pain Farm section to the actions register to ensure all information such as quote details are captured, and requests are converted to actions, Mr Wilson.

Mr Wilson left the meeting at 7.08pm.

## **5. COMMUNITY BOARD MINUTES**

### **5.1 Martinborough Community Board Minutes – 6 June 2019**

*MCB RESOLVED (MCB 2019/42):*

That the minutes of the Martinborough Community Board meeting held on 6 June 2019 be confirmed as a true and correct record.

*(Moved Roy/Seconded Cr Colenso)* Carried

## **6. CHIEF EXECUTIVE AND STAFF REPORTS**

### **6.1 Officers Report**

Mrs Cornelissen advised that following requests from the community boards, the Officers Report has been reinstated providing the level of information that the Committee Minutes Report did not contain.

Mrs Cornelissen requested if any questions arise from the information provided in the Officers Report that cannot be answered during the meeting, these are directed to the Chair for follow-up with Officers or at the relevant Council meeting.

*MCB RESOLVED (MCB 2019/43):*

To receive the Officers Report.

*(Moved Cr Colenso/Seconded Cr Maynard)* Carried

### **6.2 Committee Minutes Report**

Members noted the minutes from the Considine Park meeting and that a further meeting is proposed but a date has not yet been confirmed.

*MCB RESOLVED (MCB 2019/44):*

To receive the Committee Minutes Report.

*(Moved Cornelissen/Seconded Cr Colenso)* Carried

### **6.3 Action Items Report**

The MCB reviewed the actions report, discussed items and noted further updates.

*MCB RESOLVED (MCB 2019/45):*

1. To receive the Action Items Report.  
*(Moved Cr Colenso/Seconded Roy)* Carried
2. Action 494– To arrange a meeting with Mr Wilson to discuss all outstanding action items, Mrs Cornelissen.

### **6.4 Income and Expenditure Report**

Mrs Cornelissen suggested further discussion following the review of the Budget Report later in the agenda.

*MCB RESOLVED (MCB 2019/46):*

To receive the Income and Expenditure Statement for the period 1 July 2018 – 31 March 2019.

*(Moved Cornelissen/Seconded Cr Colenso)* Carried

### **6.5 Financial Assistance Accountability Report**

Members noted that the status of grant applications is marked 'complete' once the Accountability Form has been received from applicants and is reported on in this format. All applicants with outstanding accountability forms have been followed up prior to this report being completed.

*MCB RESOLVED (MCB 2019/47):*

To receive the Financial Assistance Accountability Report.

*(Moved Read/Seconded Cr Maynard)* Carried

### **6.6 Pain Farm Report – covered earlier in the agenda.**

## **7. NOTICES OF MOTION**

There were no notices of motion.

## **8. CHAIRPERSONS REPORT**

### **8.1 Chairperson's Report**

*MCB RESOLVED (MCB 2019/48)* to receive the Chairperson's Report.

*(Moved Cornelissen/Seconded Read)* Carried

#### **8.1.1 Community Board Projects**

*MCB RESOLVED (MCB 2019/49)* to receive the information and make updates as necessary.

*(Moved Cornelissen/Seconded Read)* Carried

#### **8.1.2 MCB Workshop**

MCB RESOLVED (MCB 2019/50) to receive the MCB Workshop notes  
(Moved Cornelissen/Seconded Cr Colenso) Carried

### **8.1.3 2018/2019 Financials and 2019/2020 Draft Budget**

Members reviewed the current financials, the proposed release of unused commitments, discussed the draft budget, and future allocations.

MCB RESOLVED (MCB 2019/51):

1. To receive the 2018/2019 financials and draft 2019/2020 draft Budget.

(Moved Cornelissen/Seconded Read) Carried

2. To release the unclaimed Martinborough Youth Trust Grant and invite them to reapply when they have identified a suitable course and candidate.

(Moved Cornelissen/Seconded Cr Colenso) Carried

3. To release the remaining unused funds from commitments for the Community Board conference fees, Community Engagement, Neighbourhood Support and Madcaps Christmas parade

(Moved Cr Colenso/Seconded Cornelissen) Carried

4. Action 495 – To finalise the budget for approval at the last meeting of the Board in August, Mrs Cornelissen.

Members discussed the allocation of beautification funds with considerations to the Waihinga Playground Water Play, seating in The Square, Considine Park and Cemetery and Town Entrance Signs.

MCB RESOLVED (MCB 2019/52):

1. To allocate \$2000 from beautification funds to the FlagTrax system and \$2000 towards the purchase of Flags to be determined at the next meeting.

(Moved Cornelissen/Seconded Read) Carried

2. That there is no further commitment of beautification funds until underplanting of the olives at the entrance to Martinborough has been financed.

(Moved Cr Colenso/Seconded Cr Maynard) Carried

### **8.1.4 FlagTrax and Flags**

Members reviewed the pole locations, costings and options presented noting that the allocated Council funding for each town did not include installations costs however the Community Board have allocated budget towards this. There is an unknown quantity around traffic management costs especially for State Highway 53.

MCB RESOLVED (MCB 2019/53):

1. To receive the tabled Chairs Town Flag report.

(Moved Cornelissen/ Seconded Cr Colenso) Carried

2. To agree and proceed with the purchase and installation of 13 FlagTrax poles (nos.7 to 19) as long as the total cost including the traffic management plan does not exceed \$16,000.

*(Moved Cornelissen/Seconded Read)*

Carried

3. Action 496 – To obtain costings for a traffic management plan for the installation of the FlagTrax poles and flags, Mr Allingham.

#### **8.1.5 Spatial Plan**

Mrs Cornelissen raised the recently released Spatial Plan Discussion document proposing a submission on behalf of the Board. Members agreed and that a workshop session be held Wednesday, 24 July at 4.30pm to progress.

Mrs Cornelissen advised that due to a booking conflict for the supper room that the last meeting date for the Board would need to be moved and suggested 22 August.

Meeting closed at 8.12pm

**Confirmed as a true and correct record**

.....**Chairperson**

.....**Date**