

# Council OPEN MINUTES

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin, on Wednesday 15 March 2017 at 4.00 pm.

## **PRESENT**

Mayor Deputy Mayor Councillors Mr M Feyen Mr W E R Bishop Mr R J Brannigan

Mr R H Campbell Mr B F Judd

Mrs V M Kaye-Simmons

Mrs J F G Mason Mrs C B Mitchell Ms P Tukapua Mr B P Wanden

# **IN ATTENDANCE**

Mr D M Clapperton (Chief Executive)

Mr D Law (Chief Financial Officer)

Mr G Saidy (Group Manager – Infrastructure Services)

Mrs M Davidson (Group Manager – Customer & Community Services)

Mr D McCorkindale (Senior Manager – Strategic Planning)
Mr M E Lepper (Customer & Regulatory Services Manager)

Mrs D Kidd (Community Services Manager)

Mr K Peel (Roading Manager)

Mr S Grainger (Economic Development Manager)
Mrs N Brady (Senior Manager – Business Services)

Mrs K J Corkill (Meeting Secretary)
Ms S Bowling (Meeting Secretary)

# **MEDIA IN ATTENDANCE**

Ms S Beckman ("Chronicle")

# **PUBLIC IN ATTENDANCE**

There were approximately 30 members of the public in attendance at the commencement of the meeting, including representatives from Keep Levin Beautiful.



# 1 Apologies

Apologies were recorded for Cr Gimblett and for Foxton Community Board Chair, David Roache.

MOVED by Cr Bishop, seconded Cr Kaye-Simmons:

THAT the apologies from Cr Gimblett and Mr Roache be accepted.

**CARRIED** 

# 2 Public Participation

10.1 Adoption of Terms of Reference Community Forums
Anne Hunt

## 3 Late Items

There were no late items.

#### 4 Declaration of Interest

10.3 <u>Planning Services Matters Considered Under Delegated Authority</u> Cr Bishop

#### 5 Confirmation of Minutes

MOVED by Cr Campbell, seconded Cr Judd:

THAT the minutes of the meeting of the Council held on Wednesday, 1 February 2017, be confirmed as a true and correct record.

**CARRIED** 

Following his declaration of interest at the 1 February 2017 meeting in relation to the Fluoridation item, because he was a DHB Board Member, Mayor Feyen noted that he had now been advised that he did not need, in the future, to make declarations on health related matters.

MOVED by Cr Campbell, seconded Cr Judd:

THAT the minutes of the Extraordinary Meeting of Council held on Wednesday, 1 March 2017, be confirmed as a true and correct record.

CARRIED

#### 6 Announcements

## Foxton Community Board Update

With the Board Chair having submitted an apology, this update did not occur.

# <u>Presentation – Keep New Zealand Beautiful</u>

Cr Kaye-Simmons, LGNZ representative on the Board of Keep New Zealand Beautiful and Chair of Keep Levin Beautiful, said it was her privilege on behalf of HDC and this community to present to Colin Brown a life membership of Keep New Zealand Beautiful in recognition of his untiring work and positive contribution towards the aims and aspirations of KNZB. He was a very active member of this community, especially with regard to issues related to our environment and town pride, being extremely generous with his time and resources.



Because of his efforts, in October 2016 Colin had also received the Ruud Kleinpaste KNZB Award which was given to a KNZB member for their efforts to positively enhance the organisation's mission and values.

The presentation, and Mr Brown's response, was accompanied by well-deserved applause.

Mayor Feyen noted that a KNZB life membership has also been bestowed on ex-HDC Councillor Tony Rush who had also made a tremendous contribution to this community, throwing himself heart and soul into the any projects undertaken by Keep Levin Beautiful, as well as serving on the Keep NZ Beautiful Board as Chairperson and a committee member.

# 7 Proceedings of Committees

# 7.1 Proceedings of the Foxton Community Board 20 February 2017

# **Purpose**

To present to the Council the minutes of the Foxton Community Board meeting held on 20 February 2017.

MOVED by Cr Campbell, seconded Cr Judd:

THAT Report 17/79 Proceedings of the Foxton Community Board 20 February 2017 be received.

THAT the Council receives the minutes of the Foxton Community Board meeting held on 20 February 2017.

**CARRIED** 

MOVED by Cr Wanden, seconded Cr Kaye-Simmons:

THAT the Horowhenua District Council appoints Cr Brannigan to attend those meetings of the Foxton Community Board that Cr Gimblett is unable to attend.

**CARRIED** 

MOVED by Cr Mitchell, seconded Cr Brannigan:

THAT the Horowhenua District Council adopts the Foxton Beach Reserves Investment Plan, as approved by the Foxton Community Board at its meeting of 20 February 2017.

**CARRIED** 

# 7.2 Proceedings of the Community Wellbeing Committee 14 February 2017

## **Purpose**

To present to the Council the minutes of the Community Wellbeing Committee meeting held on 14 February 2017.

MOVED by Cr Mason, seconded Cr Kaye-Simmons:

THAT the report 17/96 on Proceedings of the Community Wellbeing Committee 14 February 2017 be received.

THAT the Horowhenua District Council receives the minutes of the Community Wellbeing Committee meeting held on 14 February 2017.

CARRIED



# 7.3 Proceedings of the Finance, Audit & Risk Subcommittee 22 February 2017

# **Purpose**

To present to the Council the minutes of the Finance, Audit & Risk Subcommittee meeting held on 22 February 2017 and the Financial Report to 31 January 2017.

MOVED by Cr Bishop, seconded Cr Campbell:

THAT Report 17/99 on Proceedings of the Finance, Audit & Risk Subcommittee 22 February 2017 be received.

THAT the Council receives the minutes of the Finance, Audit & Risk Subcommittee meeting held on 22 February 2017 and the Financial Report to 31 January 2017.

**CARRIED** 

# 7.4 Proceedings of the Community Funding and Recognition Committee

# **Purpose**

To present to the Council the minutes of the Community Funding and Recognition Committee meeting held on 24 February 2017.

MOVED by Cr Brannigan, seconded Cr Wanden:

THAT the report 17/101 Proceedings of the Community Funding and Recognition Committee be received.

THAT these matters or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

THAT the Council receive the minutes of the Community Funding and Recognition Committee meeting held on 24 February 2017.

THAT the Horowhenua District Council ratifies the following applications for the Vibrant Communities Grant - Placemaking for \$10,000.00:

Applicant	Project	Amount
Mitchell Manuel	Digital Swatches for Fashion Wear	\$0.00
Mitchell Manuel	Adult Colouring Wallpapers	\$0.00
Peter Doake	Mike Pero 'Careers Coach' Roadshow	\$0.00
Kate Malone	Memory Walk (Alzheimers Society)	\$0.00
Wendy Hodder	Mural – on a fence by the community garden at Te Waiora in Foxton	\$3,300.00
Andrew Collis	Planting trees/Fencing/Grass Mounds – Solway Park	\$6,700.00
Andrew Collis	Shelter at Solway Park	\$0.00
Andrew Collis	Play Equipment at Solway Park	\$0.00



THAT the Horowhenua District Council notes the following applications for the International Representation Grant for \$2,700.00:

Applicant	Description	Amount
Cameron Jarvis	Selected to complete in in alpine skiing at the Special Olympics World Winter Games in Austria in March 2017.	\$600.00
Samantha Hayward	Member of the 14 and under Junior Women's In-line Hockey team – 17-20 April 2016 – competing in Auckland against Australian teams of the Oceanic Trophy.	\$200.00
Brett Angell	12 year old selected to represent NZ A league academy team against various Australian equivalents in soccer.	\$200.00
Oliver James	13 year old footballer (soccer) selected to play in the Msport cup" in Sydney in July 2017.	\$200.00
Te Ahuru Wilton	Selected to travel to Las Vegas as a member of the NZ Basketball Academy Under 15 Boys Basketball team. The trip will involve multiple tournaments between 19-30 July.	\$1,500.00

**CARRIED** 

## 8 Infrastructure Services

# 8.1 Draft Land Transport Bylaw 2017

## **Purpose**

To seek Council's approval to publicly consult on the draft Horowhenua District Council Land Transport Bylaw 2017, through the Special Consultative Procedure. Included for Council's approval is also the Summary of Information required as part of the Special Consultative Procedure.

MOVED by Cr Tukapua, seconded Cr Wanden:

THAT Report 17/97 Draft Land Transport Bylaw 2017 be received.

THAT this decision is recognised as significant in terms of S76 of the Local Government Act.

**CARRIED** 

Council's Roading Manager, Mr Peel, spoke to this report. Responding to a query about an example of when Council might stop heavy vehicles using a road as provided for in the Bylaw, Mr Peel said Council may decide to have a bypass for heavy vehicles so they did not go through the main street. An amendment to the schedule in the Bylaw would then be sought. However, there were no plans to do any roads at this stage but it did provide for that in the future.

Mr Peel also said this consultation process was not the forum for people to use to request changes in speed limits.



MOVED by Cr Brannigan, seconded Cr Campbell:

THAT the Horowhenua District Council resolves that:

- (i) A bylaw is the most appropriate way of addressing "Land Transport Matters" s155(1) of the Local government Act 2002; and
- (ii) the draft bylaw as tabled is the most appropriate form of bylaw, s155(2)(a) of the Local Government Act 2002; and
- (iii) the draft bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990, s155(2)(b) of the Local Government Act 2002.

THAT Council resolves that the Special Consultative Procedure as required by s156(1) of the Local Government Act 2002 be used for consultation purposes, and

- (i) the Draft Land Transport Bylaw 2017 be used as the Statement of Proposal, as required by s 83(1)(a)(i) and 86(2)(a)(i), Local Government Act 2002, and
- (ii) the Summary of Information as provided reflects sufficient information contained in the Statement of Proposal as required by s89 of the Local government Act 2002, namely:
  - is a fair representation of the major matters in the Statement of Proposal; and is in a form determined by Council; and
- (iii) that the Summary of Information as provided will be distributed as reasonably practicable as the basis for general consultation; indicates where the Statement of Proposal may be inspected and how a copy may be obtained; and states the period within which submissions on the proposal may be made to the Council s83(1)(a)(ii) Local Government Act 2002.

**CARRIED** 

MOVED by Cr Tukapua, seconded Cr Mitchell:

THAT the hearing of submissions be undertaken by the Hearings Committee acting under delegated authority for a subsequent recommendation to Council.

**CARRIED** 

# 9 Executive

# 9.1 Monitoring Report to 15 March 2017

#### **Purpose**

To present to Council the updated monitoring report covering requested actions from previous meetings of Council.

MOVED by Cr Campbell, seconded Cr Judd:

That Report 17/17 Monitoring Report to 15 March 2017 be received.

That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

**CARRIED** 

# Page 62 <u>Item 16/342 – Adoption of Growth Targets</u>

Responding to a query from Cr Campbell in relation to the difference between the statistics provided in the report and those from Statistics NZ, Mr Clapperton said that the NZIER figures were provided 18 months ago and would shortly be updated by the Economic Development Manager.



# Page 65 16/38 – Amendment to Dog Control Policy and Bylaw 2015

The report that was to come to this meeting would now come to the April Council meeting following the matter being taken to the Foxton Community Board.

# 17/16 - Health (Fluoridation of Drinking Water) Amendment Bill

Cr Kaye-Simmons queried if LGNZ had requested speaking rights to this Bill. Mr Clapperton said his understanding was that LGNZ was speaking to it and he would pass on promptly any feedback received. With Cr Tukapua noting that HDC had also requested the right to speak, Mr Clapperton said he would make some enquiries and liaise with Crs Kaye-Simmons and Tukapua on speaking times.

# 9.2 Chief Executive's Report to 15 March 2017

# **Purpose**

For the Chief Executive to update Councillors, or seek endorsement on, a number of matters being dealt with.

MOVED by Cr Judd, seconded Cr Wanden:

THAT Report 17/92 Chief Executive's Report to 15 March 2017 be received.

THAT these matters or decisions be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

MOVED by Cr Brannigan, seconded Cr Campbell:

THAT Council authorises Mayor Feyen, Councillors Campbell and Tukapua to attend the Local Government New Zealand Conference to be held in Auckland in July 2016.

THAT Council nominates Councillors Campbell and Tukapua as the alternatives to exercise Council's voting rights, should the Mayor not be in attendance at the Annual General Meeting of Local Government New Zealand in July 2017.

**CARRIED** 

## 3.2 Local Governance Statement

Page 95 - Cr Kaye-Simmons queried if the Older Persons' Network should be on the list of Community Organisations/Groups.

Page 115 - Cr Mason suggested that sexual 'orientation' would be more appropriate than 'preference'.

MOVED by Cr Judd, seconded Cr Campbell:

THAT the Horowhenua District Council adopts the updated Local Governance Statement with the amendments as suggested.

CARRIED

MOVED by Cr Judd, seconded Cr Bishop:

THAT the Horowhenua District Council's Delegations Register be updated to include the following to the list of those who can issue Trespass Notices:

- Library Services Manager
- Community Hub Manager(s)
- Customer Service Lead (Community Hubs).

**CARRIED** 



# 9.3 Documents Executed and Electronic Transactions Authorities Signed

# **Purpose**

To present to Council the documents that have been executed, Electronic Transactions Authorities and Contracts that have been signed by two elected Councillors, which now need ratification.

MOVED by Cr Kaye-Simmons, seconded Cr Judd:

THAT Report 17/61 Documents Executed and Electronic Transactions Authorities Signed be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

THAT the Horowhenua District Council hereby ratifies the signing of documents and Electronic Transaction Authorities as scheduled:

- (a) Bond binding Haddon Winston Preston as to 7/10ths share and JHP Investments Limited to a 3/10ths share to Horowhenua District Council in the sum of \$422,000 to comply with completion of subdivision, 341 Tararua Road, Levin.
- (b) Electronic Transaction Authority relating to the sale of 17 Oxnam Place, Foxton Beach, to Russell Ngaio Easton, contained in Certificate of Title 399497.
- (c) Electronic Transaction Authority relating to the transfer and merger of lease of 21 Shortt Street, Foxton Beach, to Jeffrey Noel Ashby, Christine Claire Ashby, Bain Lane Webster and Andrew Kinley Ormond Henderson, contained in Certificate of Title WNF1/669.
- (d) Electronic Transaction Authority relating to the sale of 14 Oxnam Place, Foxton Beach to Kevin South and Helen Innes Margaret Grisdale, contained in Certificate of Title 399503.
- (e) Electronic Transaction Authority relating to the sale of 15 Oxnam Place, Foxton Beach to Glenis Mavis Seymour and Alan McKenzie Larsen (as trustees of Kaihinau Trust), contained in Certificate of Title 399496.
- (f) Lease Instrument for Leader & Watt, 209-211 Oxford Street, Levin. The lease is a land-lease where Leader & Watt lease the land but the own the building. Leader & Watt have exercised their right to renew the lease for a further term of 21 years.
- (g) Electronic Transaction Authority relating to the sale of 13 Oxnam Place, Foxton Beach to Raycon Limited, contained in Certificate of Title 399495.

**CARRIED** 

## 10 Customer and Community Services

# 12.1 Adoption of Terms of Reference Community Forums

#### **Purpose**

To adopt the Terms of Reference for the Horowhenua District Council Community Forums 2016-2019.

MOVED by Cr Campbell, seconded Cr Mitchell:

THAT Report 17/102 on Adoption of Terms of Reference Community Forums be received.



THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

**CARRIED** 

Anne Hunt, in speaking to this item, commended Council on setting up these initiatives. She said it was a very interesting concept with two very important subjects having been selected. In noting that the scheduled workshops were open to any elected members of HDC, Mrs Hunt queried if they would also be open to members of the public, noting that as currently proposed it would encourage free and frank participation. She also queried the issue of media releases being made through Council staff which she suggested could limit the value of the information released. Another query was the rationale behind the forums not being able to make formal submissions on Council's strategies, policies and plans, such as the annual plan, with one of the requirements of the Foxton Community Board being to make a submission to the annual plan.

Mrs Hunt said she also hoped that the participants would be kept up to date with what was happening, particularly with regard to the environment as it was not just Councillors making decisions. Judges were also making decisions with a number of issues of local relevance currently being dealt with through the Courts.

Mrs Davidson joined the table to speak to this report. She noted that these forums followed Council establishing its Committee structure. As these forums were not committees of Council they did require adoption by Council. The Terms of Reference reflected not only the Mayor's desire to see more community engagement but also the discussions held during workshops when the committee structure was determined.

Responding to some of the comments made by Mrs Hunt, Mrs Davidson said it was not proposed that these workshops were open to the public. In terms of the submission process, the rationale behind not allowing the forums to submit was to protect the interests of an individual who potentially may want to make an individual submission or be part of a group submission so any conflicts of interest that might arise through the submissions process could be avoided.

Mrs Davidson noted that the Terms of Reference had been modelled on an Auckland City Council template. One error to be corrected was the mention on Agenda page 123 of the forums reporting through the environment and community committee: the forums would report to the Strategy Committee and that would be amended.

In terms of how expressions of interest would be sought, Mrs Davidson said typical media mediums would be used and Council, having a number of data bases available, would utilise its existing networks. Mayor Feyen was also encouraging elected members to put potential names forward. It would be made clear in advertising that the roles were voluntary.

The rationale behind not having the public attending forums was queried.

Mrs Davidson responded that the public not being included reflected the conversations that had occurred to date with elected members wanting to ensure that there were not so many people around the table that the forums became ineffective. There was also a number of existing networks within the community wellbeing framework which had started as community wellbeing forums and they had always been open to the public. The Terms of Reference also reflected the direction given by Mayor Feyen; however Officers would take direction from Council.



Also raised with regard to having the public and media in attendance at forums:

- would that inhibit discussion, particularly when it came to matters of a sensitive nature?
- should being able to discuss items 'in committee' be included in the terms of reference?
- the forums would be an evolving process and having the public and media there to listen should not be a problem;
- should adoption of the terms of reference lay on the table until there had been more discussion?
- unease at the presence of the media which could result in 'sensational' type reporting;
- as forums such as Education Horowhenua worked well, perhaps similar terms of reference could be applied.

With the Terms of Reference proposed seeking to put some structure around the forums to allow members to contribute in such a way as to get the best value out of the process, Mr Clapperton noted that the independent facilitator would be "responsible for guiding all forum meetings and workshops" and it should be up to them to decide on participation on a case by case basis.

With the elected members agreeing in principle that the public and media should have the ability to attend forums, with the independent facilitator being responsible for the conduct of meetings, it was:

MOVED by Cr Campbell, seconded Cr Wanden:

THAT Horowhenua District Council adopts the Terms of Reference for Community Forums with additions noted at the meeting.

CARRIED

MOVED by Cr Wanden, seconded Cr Judd:

THAT Horowhenua District Council seeks expressions of interest for membership of the Forums.

THAT Horowhenua District Council seeks nominations for independent facilitators for the Community Forums.

**CARRIED** 

MOVED by Cr Judd, seconded Cr Kaye-Simmons:

THAT the Mayor and Crs Wanden, Bishop, Mitchell and Gimblett establish a working party to review expressions of interest and report back to Council with recommendations at its April Council meeting.

CARRIED

# 12.2 Fees and Charges 2017/18 : Food Act Premises and Resource Consenting (Planning)

#### **Purpose**

To propose a schedule of fees and charges in respect of Food Premises that are subject to the Food Act 2014 and fees and charges in respect of Resource Consenting (Planning) for the 2017/18 year commencing 1 July 2017.

MOVED by Cr Campbell, seconded Cr Bishop:

THAT Report 17/73 Fees and Charges 2017/18: Food Act Premises and Resource Consenting (Planning) be received.



THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.

THAT the Horowhenua District Council resolves that the Food Act Fees and Resource Consent (Planning) Fees for the 2017/18 year, as presented, be used as the Statement of Proposal, and the Summary of Information to be consulted on using the special consultative procedure as set out in section 83 of the Local Government Act 2002.

THAT the hearing of any submissions on this matter be heard by the Hearings Committee of Council acting under delegated authority, and a subsequent recommendation be made by the Committee to Council on this matter.

**CARRIED** 

Having declared an interest in the following item, Cr Bishop withdrew from the table.

# 12.3 Planning Services Matters Considered Under Delegated Authority

# **Purpose**

To present details of decisions made under delegated authority in respect of Planning Services Matters.

MOVED by Cr Kaye-Simmons, seconded Cr Mason:

THAT Report 17/98 Planning Services Matters Considered Under Delegated Authority be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

**CARRIED** 

Cr Bishop rejoined the table.

## 16 Procedural motion to exclude the public

MOVED by Cr Judd, seconded Cr Wanden:

THAT the public be excluded from the following part(s) of the proceedings of this meeting.

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 follows.

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 relevant part of the proceedings of the meeting in public, as follows:

# Confirmation of Council In Committee Minutes – 1 February 2017

# C1 Proceedings of the Foxton Community Board 20 February 2017

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding



s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and	exists under section 7.
industrial negotiations).	

C2 Proceedings of the Finance, Audit & Risk Subcommittee 22 February 2017

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Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution	
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	

# C3 Shannon Community Development Trust - Appointment of Replacement Trustee

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

**CARRIED** 

5.05 pm The public were excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

5.40 pm There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD AT A MEETING OF COUNCIL HELD ON

DATE:

CHAIRPERSON: