
Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin, on Wednesday 30 August 2017 at 4.00 pm.

PRESENT

Mayor	Mr M Feyen
Deputy Mayor	Mr W E R Bishop
Councillors	Mr R J Brannigan
	Mr N G Gimblett
	Mr B F Judd
	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 Saily	(Group Manager – Infrastructure Services)
Mr M Lester	(Acting Group Manager – Corporate Services)
Mr S Grainger	(Economic Development Manager)
Mrs N Brady	(Group Manager – Business Services)
Mr M E Lepper	(Customer & Regulatory Services Manager)
Ms M Leyland	(Compliance Lead)
Mrs V Miller	(Customer Experience Lead)
Mrs C McCartney	(Strategic Projects Coordinator)
Miss C O’Shea	(Graduate Strategic Planner)
Mrs M Hanson	(Customer & Development Enabler)
Mr S Wood	(Legal Counsel)
Mrs K J Corkill	(Meeting Secretary)
Ms S Bowling	(Meeting Secretary)

MEDIA IN ATTENDANCE

Ms M Schroeter	(“Manawatu Standard”)
Ms S Beckman	(“Chronicle”)

PUBLIC IN ATTENDANCE

There were approximately 33 members of the public in attendance at the commencement of the meeting.

1 Apologies

Apologies were recorded for Crs Kaye-Simmons and Campbell.

MOVED by Deputy Mayor Bishop, seconded Cr Tukapua:

THAT the apologies from Crs Kaye-Simmons and Campbell be accepted.

CARRIED

2 Public Participation

8.1 Petition re Sale of Pensioner Housing
Christine Moriarty/Vivienne Bold

8.3 Chief Executive's Report
3.1 Te Awahou Nieuwe Stroom
Christina Paton
3.7 Update to Delegations Register
Christina Paton

8.4 Manawatu-Wanganui Regional Disaster Relief Fund Trust
Christina Paton

8.5 Te Awahou Nieuwe Stroom – Ministry for Culture and Heritage Grant
Anne Hunt
Bryan Ten Have
Christina Paton

9.1 Gifting of Lot 403 DP 401602 – Pinot Crescent, Ohau
Terry Hemmingsen – Horowhenua GreyPower

9.4 Dangerous and Insanitary Buildings Policy 2017 Adoption
Anne Hunt
Bryan Ten Have

9.11 Annual Report – District Licensing Committee 2016-2017
Olaf Eady

3 Late Items

There were no late items but Mr Clapperton did note the good news received today that the continuation of UFB rollout was being looked at for five of the district's smaller communities: Waitarere Beach, Waikawa, Hokio, Tokomaru and Ohau.

4 Declarations of Interest

Cr Wanden declared an interest in 8.6 Documents Executed and Electronic Transactions Authorities Signed and 9.2 Draft Policy – Easter Sunday Shop Trading Policy.

5 Confirmation of Minutes

MOVED by Cr Brannigan, seconded Cr Gimblett:

THAT the minutes of the meeting of the Council held on Wednesday, 7 June 2017, be confirmed as a true and correct record.

CARRIED

MOVED by Cr Wanden, seconded Cr Tukapua:

THAT the minutes of the meeting of the Council held on Wednesday, 21 June 2017, be confirmed as a true and correct record.

CARRIED

6 Announcements

Waiopahu College

Barbershop Quartet, 'Minor Setback', gave a very polished and well received performance of "Jenie with the Light Brown Hair" and "Hello Mary Lou". The Quartet had competed in the regional competitions in Napier and had qualified to compete in the National competition.

Foxton Community Board

In his update on behalf of the Community Board, Mr Roache noted:

- members of the community concerned about recent flooding attending the recent Community Board meeting. A report was awaited from Regional Council. An excellent meeting had been held with Mr Saidy to discuss ideas on how to solve the flooding problems;
- design concepts for the north end of Main Street were now out and on display at the Foxton Service Centre for the public to view and provide feedback;
- the Main Street upgrade was continuing, with the pace improving;
- Te Awahou Nieuwe Stroom was on schedule for its intended 18 November opening. The additional boost of \$1,000,000 was exciting news;
- well done to Paul Gaydon and team for Foxton water quality;
- the Mayor and three Community Board Members attended the Community Boards' Conference held in Methven, where the emphasis was on consultation with the community;
- Board Members had met last evening with Parks and Reserves for a further (excellent) discussion with regard to Stage 1 of the proposed Pump Track;
- a bid had been submitted for Foxton to host the Community Boards' 2019 Conference. Congratulations to staff involved in that;
- the proposed Manawatu College Student Representative on the Community Board (who would have speaking but not voting rights) had been unable to attend the last Community Board meeting due to ill-health. She would be introduced to the next Board Meeting.

Item Withdrawal

Mr Clapperton advised the withdrawal of Item 3.5 – Code of Conduct Complaint from the Chief Executive's Report.

7 Proceedings of Committees

7.1 Proceedings of the Hearings Committee 31 May 2017

Purpose

To present to the Council the minutes of the Hearings Committee meeting held on 31 May 2017.

MOVED by Cr Tukapua, seconded Cr Judd:

THAT Report 17/342 Proceedings of the Hearings Committee 31 May 2017 be received.

THAT Council receives the minutes of the Hearings Committee meeting held on 31 May 2017.

CARRIED

7.2 Proceedings of the Community Wellbeing Committee 20 June 2017

Purpose

To present to the Council the minutes of the Community Wellbeing Committee meeting held on 20 June 2017.

MOVED by Cr Mason, seconded Cr Judd:

THAT Report 17/338 Proceedings of the Community Wellbeing Committee 20 June 2017 be received.

THAT the Horowhenua District Council receives the minutes of the Community Wellbeing Committee meeting held on 20 June 2017.

CARRIED

7.3 Proceedings of the Foxton Community Board 26 June 2017

Purpose

To present to the Council the minutes of the Foxton Community Board meeting held on 26 June 2017.

MOVED by Cr Mitchell, seconded Cr Judd:

THAT Report 17/335 Proceedings of the Foxton Community Board 26 June 2017 be received.

THAT Council receives the minutes of the Foxton Community Board meeting held on 26 June 2017.

THAT, subject to the approval of a Business Case by NZTA, up to \$432,000 (+/- 10%) be made available from the Foxton Beach Freeholding Account for the purpose of funding the local share of the Nash Parade and Bond Street upgrade project.

CARRIED

Mayor Feyen and Crs Brannigan, Mason and Gimblett, as well as Board Chair, Mr Roache, spoke in support of this project progressing, noting the benefits of attracting NZTA funding to address an issue that was long overdue for resolution.

7.4 Proceedings of the Finance, Audit & Risk Subcommittee 28 June 2017

Purpose

To present to the Council the minutes of the Finance, Audit & Risk Subcommittee meeting held on 28 June 2017.

MOVED by Cr Judd, seconded Cr Wanden:

THAT Report 17/345 Proceedings of the Finance, Audit & Risk Subcommittee 28 June 2017 be received.

THAT Council receives the minutes of the Finance, Audit & Risk Subcommittee meeting held on 28 June 2017.

THAT on the recommendation of the Finance, Audit & Risk Subcommittee the letters from Audit New Zealand be co-signed by the Mayor and the Chairperson of the Finance, Audit & Risk Subcommittee on behalf of the Horowhenua District Council.

THAT the Horowhenua District Council approves the write off of rates and penalties that are no longer collectable under the Local Government (Rating) Act 2002 totalling \$106,654.30.

CARRIED

7.5 Proceedings of the Strategy Committee 5 July 2017

Purpose

To present to the Council the minutes of the Strategy Committee meeting held on 5 July 2017.

MOVED by Cr Mitchell, seconded Cr Gimblett:

THAT Report 17/344 Proceedings of the Strategy Committee 5 July 2017 be received.

THAT the Council receive the minutes of the Strategy Committee meeting held on 5 July 2017.

CARRIED

MOVED by Cr Judd, seconded Deputy Mayor Bishop:

THAT, as recommended by the Strategy Committee, the Horowhenua District Council adopts Proposed Plan Change 1: Historic Heritage – Update Schedule 2 to include additional buildings, structures and sites and the Section 32 Evaluation Report for the purpose of public notification in accordance with Clause 5 of the First Schedule of the Resource Management Act 1991.

THAT, if necessary, the Senior Manager – Strategic Planning, in consultation with the Chair of the Hearings Committee be authorised (prior to public notification) to correct any minor errors or omissions in the text and maps of Proposed Plan Change 1 and the Section 32 Evaluation Report.

THAT the Horowhenua District Council authorises officers to proceed with public notification of Proposed Plan Change 1: Historic Heritage – Update Schedule 2 to include additional buildings, structures and sites, in accordance with the statutory requirements set out in the First Schedule of the Resource Management Act 1991.

CARRIED

MOVED by Cr Gimblett, seconded Cr Wanden:

THAT, as recommended by the Strategy Committee, Proposed Plan Change 2: Review of Residential Development Provisions and the Section 32 Evaluation Report is adopted by Council for the purpose of public notification in accordance with Clause 5 of the First Schedule of the Resource Management Act 1991.

THAT, if necessary, the Senior Manager – Strategic Planning, in consultation with the Chair of the Hearings Committee be authorised (prior to public notification) to correct any minor errors or omissions in the text and maps of Proposed Plan Change 2 and the Section 32 Evaluation Report.

THAT that the Horowhenua District Council authorises officers to proceed with public notification of Proposed Plan Change 2: Review of Residential Development Provisions, in accordance with the statutory requirements set out in the First Schedule of the Resource Management Act 1991.

CARRIED

MOVED by Cr Mitchell, seconded Cr Wanden:

THAT, as recommended by the Strategy Committee, the Horowhenua District Council endorses the following appointments to the relevant Forum as proposed by the Community Forums' Working Party:

Economic Community Forum

Malcolm Hadlum
Colleen Sheldon
Vivienne Taueki
Debbie Baker Life to the Max Horowhenua
Deborah Burns
Pauline Masters Manakau District Community Association
Graham Galley
Elizabeth Valentine Waitarere Beach Progressive & Ratepayers Assn
Olaf Eady
Richard Parker

Environment Community Forum

Neil Savage
Peter Thompson
Mike Smith
Graham Bull
Vivienne Taueki
Pauline Masters Manakau District Community Assn
Graham Galley
Christina Paton
Geoff Kane
Fred de Jager Waitarere Beach Progressive & Ratepayers Assn
Rose Cotter
Alastair Cole

CARRIED

Mr Clapperton noted that the following was a retrospective resolution. The submission to NZTA had been made but required a Council resolution to support it.

MOVED by Cr Mason, seconded Cr Judd:

THAT, as recommended by the Strategy Committee, the Horowhenua District Council approves the submission to the NZ Transport Agency on the Otaki to North of Levin (O2NL) Roads of National Significance Project.

CARRIED

7.6 Proceedings of the Foxton Community Board 7 August 2017

Purpose

To present to the Council the minutes of the Foxton Community Board meeting held on 7 August 2017.

MOVED by Cr Tukapua, seconded Cr Brannigan:

THAT Report 17/419 Proceedings of the Foxton Community Board 7 August 2017 be received.

THAT Council receives the minutes of the Foxton Community Board meeting held on 7 August 2017.

CARRIED

7.7 Proceedings of the Finance, Audit & Risk Subcommittee 9 August 2017

Purpose

To present to Council the minutes of the Finance, Audit & Risk Subcommittee meeting held on 9 August 2017.

MOVED by Cr Mason, seconded Cr Brannigan:

THAT Report 17/420 Proceedings of the Finance, Audit & Risk Subcommittee 9 August 2017 be received.

THAT Council receives the minutes of the Finance, Audit & Risk Subcommittee meeting held on 9 August 2017.

CARRIED

7.8 Proceedings of the Strategy Committee 16 August 2017

Purpose

To present to the Council the minutes of the Strategy Committee meeting held on 16 August 2017.

MOVED by Cr Judd, seconded Deputy Mayor Bishop:

THAT Report 17/422 Proceedings of the Strategy Committee 16 August 2017 be received.

THAT Council receives the minutes of the Strategy Committee meeting held on 16 August 2017.

THAT the Horowhenua District Council adopts the updated socio-economic projections for Horowhenua so they can be utilised for current and future policy development and integrated planning purposes.

CARRIED

7.9 Proceedings of the Community Wellbeing Committee 15 August 2017

Purpose

To present to the Council the minutes of the Community Wellbeing Committee meeting held on 15 August 2017.

MOVED by Cr Mason, seconded Cr Gimblett:

THAT Report 17/425 on Proceedings of the Community Wellbeing Committee 15 August 2017 be received.

THAT Council receives the minutes of the Community Wellbeing Committee meeting held on 15 August 2017.

CARRIED

8 Executive

81 Petition re Sale of Pensioner Housing

Purpose

For the Horowhenua District Council (Council) to receive a petition requesting it reconsiders selling its pensioner housing stock.

MOVED by Cr Gimblett, seconded Cr Judd:

THAT Report 17/264 Petition re Sale of Pensioner Housing be received.

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

CARRIED

Reiterating that it was not just the Horowhenua District Residents & Ratepayers Association that had endorsed this petition, but it had also been supported by the Labour Party, New Zealand First and Muaūpoko Cooperative Society, Mrs Moriarty said that the ten days of gathering the 2,203 signatures had been very enlightening, with 99% of both old and young being happy to sign. She further expressed her concerns about the sale generally and its effect on the district's older residents; the fiscal prudence of the sale, querying why the price was so low; if the houses had to be sold, why did land need to be part of the package; and the perceived lack of transparency in the process. She requested that Council withdraw from the sale.

Mayor Feyen thanked Mrs Moriarty for her major effort in collecting the signatures. He did note that this had been a democratic decision of Council, although he had voted against the sale.

Mrs Vivienne Bold supported Mrs Moriarty's comments particularly noting what she saw as a lack of transparency about the whole process.

Cr Tukapua spoke in support of the proposed sale highlighting the credentials of the prospective purchaser, Compassion Housing, and the benefits she believed would accrue to pensioner housing tenants which included services, such as nursing support and weekly visits, over and above what Council could offer going forward.

Whilst giving all credit to and respecting the views of all those who had signed the petition, Cr Brannigan said that following many discussions, workshops and briefings, Councillors had, after considering all the information available, made the decision they believed was the best for this community; it was not done on a whim.

8.2 Monitoring Report to 30 August 2017

Purpose

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

MOVED by Deputy Mayor Bishop, seconded Cr Judd:

THAT Report 17/302 Monitoring Report to 30 August 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 118 17/97 – Draft Land Transport Bylaw 2017

Cr Jo Mason queried, with the matter having been adjourned, if there was an indicative date when it would come back to the Hearings Committee.

8.3 Chief Executive's Report to 30 August 2017

Purpose

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

MOVED by Cr Wanden, seconded Cr Brannigan:

THAT Report 17/303 Chief Executive's Report to 30 August 2017 be received.

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

CARRIED

Speaking to Item 3.1 – Te Awahou Nieuwe Stroom, Mrs Paton queried why the community was being canvassed to supply furniture for the TANS project. Having received an email querying if she had an old armchair she could donate, she queried if the financial shortfall was so acute furniture was being begged from the community.

Mrs McCartney explained that what was proposed was the creation of Nana's or Grandma's chairs with older chairs being solicited from the community. These would be done up/reupholstered by volunteers and located at Te Awahou Nieuwe Stroom so that people from the community who visited there had actually donated a chair. It was being done as a community gesture.

Mrs Paton further queried the proposed update to the Delegations Register (Item 3.7). Why did Council need another staff member acting as an in-house legal counsel when HDC already had a legal firm to consult with?

Mr Clapperton advised that there were a number of issues that could be resolved more cost effectively within the organisation and Council did have the capacity, with Mr Wood having a legal background, to deal with those in-house rather than seeking external guidance. He also proposed a slight rewording of the recommendation to avoid ambiguity.

3.2 Local Government Leaders Climate Change Declaration

MOVED by Cr Mason, seconded Cr Tukapua:

THAT the Horowhenua District Council supports the signing by Mayor Feyen of the Local Government Leaders Climate Change Declaration 2017.

CARRIED

3.3 s17A Reviews

MOVED by Deputy Mayor Bishop, seconded Cr Wanden:

THAT Council acknowledges section 17A reviews will not be undertaken of the following activities prior to 8 August 2017 pursuant to section 17A(3)(b) of the Local Government Act 2002:

- *Community Support (Visitor Information)*
- *Community Support (Economic Development)*

as the potential benefits of undertaking a review of these activities do not justify the cost of undertaking the review.

CARRIED

3.4 Potential Sale of Civic Assurance House

Cr Tukapua queried what would happen if all of the shareholders did not agree to the sale.

Mr Clapperton said 75% of the shareholders had to agree or the sale would not proceed. He had not spoken to anyone on the matter and did not have any sense of whether or not it would proceed.

With Cr Tukapua requesting more information, Mr Clapperton agreed to have a discussion with her about Council's shareholding, etc, prior to the 5 October 2017 Special General Meeting.

MOVED by Cr Bishop, seconded Cr Wanden:

THAT the Chief Executive be authorised, on behalf of the Horowhenua District Council, to vote in favour of selling "Civic Assurance House" at a special general meeting of Civic Financial Services Ltd to be held on 5 October 2017 at 11:30 am.

CARRIED

Cr Tukapua ABSTAINED from voting.

3.7 Update to Delegations Register

As signalled by Mr Clapperton the wording of the recommendation was changed from "That Council delegates the authority ..." to "That Council extends the delegated authority ..."

MOVED by Cr Brannigan, seconded Cr Wanden:

THAT Council extends the delegated authority to obtain legal advice on Council's behalf to in-house Legal Counsel.

CARRIED

8.4 **Manawatu-Wanganui Regional Disaster Relief Fund Trust**

Purpose

To consider proposed changes to the Manawatu-Wanganui Regional Disaster Relief Fund Trust (DRFT) and to confirm Horizons Regional Council's representative under those proposed changes.

MOVED by Cr Judd, seconded Cr Mason:

THAT Report 17/385 Manawatu-Wanganui Regional Disaster Relief Fund Trust be received.

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

CARRIED

Referencing the Trust Deed – Purpose (a), Mrs Paton queried why this Council would literally be supplying insurance region-wide when surely Council already paid for insurance cover for the District and why would Council be offering financial assistance elsewhere in NZ? Where did Central Government fit into this scenario – if at all?

Mr Clapperton gave an explanation with regard to the Trust and Trust Deed which covered the whole Horizons region.

Cr Mason also noted that the Mayor would be Council's representative on the Trust Board and he would be able quite quickly to provide more information.

Responding to a further query in relation to "Powers (e) To borrow or raise money ... "with or without security...", Mr Clapperton said he would discuss this with the CE of Horizons and would report back.

MOVED by Cr Brannigan, seconded Deputy Mayor Bishop:

THAT the Horowhenua District Council acknowledges that the Manawatu-Wanganui Regional Disaster Relief Fund Trust will now be administered by Horizons Regional Council.

THAT the Horowhenua District Council confirms Mayor Feyen as its representative on the Manawatu-Wanganui Regional Disaster Relief Fund Trust Board.

THAT the Horowhenua District Council supports Cr Bruce Gordon's appointment as Chair of the Manawatu-Wanganui Regional Disaster Relief Fund Trust Board.

CARRIED

8.5 Te Awahou Nieuwe Stroom Project - Ministry for Culture and Heritage Grant

Purpose

For Council to acknowledge and respond to the grant from the Ministry of Arts Culture and Heritage, Regional Heritage Fund towards Te Awahou Nieuwe Stroom.

MOVED by Cr Judd, seconded Cr Gimblett:

THAT Report 17/363 on Te Awahou Nieuwe Stroom Project - Ministry for Culture and Heritage Grant be received.

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

CARRIED

Speaking to this item, Mrs Paton queried the interpretation of the word "reasonable" in terms of funding on-going maintenance, operating and staff costs, given that the legally the word 'reasonable' meant incomplete. She suggested that more precision was required when significant sums of money may be involved.

Mr Clapperton advised that, whilst it was a not word Council would normally use, the wording had been provided by the Ministry of Culture and Heritage to release the grant that had been approved.

Mr Lester, having Googled the word, said the definition given was "having sound judgement; fair and sensible".

Providing some historical background to this project which she had been privy to and involved in over a number of years, Mrs Anne Hunt queried the apparent changes from her initial understanding of how the facility would be structured, funded and operated. She had looked through the Annual Plan, but had not found the information that would answer some of her questions. With \$500,000 having been contributed from the Foxton Beach Freeholding Fund, and there having originally been an assurance that Council would never be liable for the operating expenditure of the facility, Mrs Hunt sought assurance that ratepayers would not have to meet any shortfall. Her queries included: what was the new Trust situation; what was the projected shortfall; what was the projected revenue; what were the projected operating costs.

Mr Clapperton responded to Mrs Hunt's queries, noting that for the past three years the operating expenditure for this facility had been part of the budgets set through the Annual Plan and Long Term Plan. Also because the building itself was owned by Council; a maintenance budget and programme was required. Council use would be a key part of the facility going forward; library, meeting rooms; community spaces and shared exhibition spaces. In relation to the funding that had been attracted to the project, this was a consequence of the partnership with the Dutch Connection Trust, Te Taitoa Māori and Council.

Mr Ten Have expressed his views on the contribution of \$500,000 from the Foxton Beach Freeholding Account to the project, and also objected to what he foresaw would be on-going costs to the ratepayer.

Responding to Mr Ten Have's comments on the use of funds from the Freeholding Account for the project, Mr Roache said this had come to the Foxton Community Board which had supported the contribution as it could see the benefits to the community. There had also been community consultation.

For clarification, Mrs McCartney confirmed that the grant was for the capital build, with the Ministry of Culture and Heritage wanting this money to be an investment for the long term.

MOVED by Cr Judd, seconded Cr Gimblett:

THAT the Horowhenua District Council formally acknowledges the significance of the \$1,026,450.00 (exclusive of GST) grant towards the completion of the project in conjunction with partners Te Taitoa Maori o Te Awahou and The Dutch Connection Museum Trust.

THAT the Horowhenua District Council agrees to complete the capital project as described in the funding application, to which government is now contributing by means of the grant.

THAT the Horowhenua District Council agrees to fund on-going reasonable maintenance, operating and staff costs for the resulting exhibition and gallery spaces to demonstrate it intends to ensure these spaces will be utilised as described in the application.

CARRIED UNANIMOUSLY

Cr Wanden, having declared an interest, took no part in receipt of the following item.

8.6 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 Judd, seconded Cr Mason:

THAT Report 17/304 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) 199-201 Oxford Street, Levin (Lot 1 DP 58846, Certificate of Title WN55B/888)
- Authority and Instruction Form – Surrender of Lease*
 - Authority and Instruction Form – Lease Instrument*
 - Lease Instrument with Winnie Coulter for a period of four consecutive terms of five years each, commencing 14 March 2016.*

- (b) *Koputaroa Road Legalisation – Vesting of Land as Road*
Certificate of Territorial Authority to Declaration of Land as Road
866 square metres part of Lot 1 DP 350389 shown as Section 2 on SO385054
105 square metres part of Lot 2 DP 350389 shown as Section 3 on SO385054
311 square metres part of subdivision 1 Section 2 Waimakaira and defined on
DP WD968 and shown as Section 4 on SO385054
- (c) *Consent Form for Execution – Transfer existing leasehold interest for 13 Chaffey Street, Foxton Beach CT 542169 to Brendan Kevin O'Brien & Donna Mary O'Brien*
- (d) *Freeholding 13 Chaffey Street, Foxton Beach*
Transfer Instrument – Horowhenua District Council to Donna Mary O'Brien and Brendan Kevin O'Brien
Authority and Instruction Form – Transfer and Merger of Lease 542169, WN5B/316.

CARRIED

9 Customer and Community Services

9.1 Gifting of Lot 403 DP 401602 - Pinot Crescent Ohau

Purpose

To notify Council of the proposed gifting of "The Village Green" Lot 403 DP 401602 Pinot Crescent Ohau, by the Bishop Vineyard Owners Association (BVOA) and seek a resolution from Council to purchase the property on the terms and conditions within the Agreement for Sale and Purchase.

MOVED by Cr Judd, seconded Cr Brannigan:

THAT Report 17/221 Gifting of Lot 403 DP 401602 - Pinot Crescent Ohau be received.

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

CARRIED

Mr Hemmingsen, Horowhenua GreyPower President, queried why Council was considering buying this piece of land and why such a valuable piece of land was being sold for \$1.00. Council would be foregoing future rates on the land and would also be responsible for on-going maintenance. On behalf of GreyPower members who were concerned about future rate rises, he sought to understand the reasoning behind the transaction and how the community would benefit.

Mr Clapperton responded to Mr Hemmingsen's queries, noting that the cost component raised by Mr Hemmingsen was not significant and this was not an uncommon transaction for Council, particularly with regard to the on-going development of the area in terms of the growth that was expected over the next 15-20 years.

Cr Judd raised a concern about on-going levels of service which had caused cut-backs to mowing schedules, etc, a few years ago and he suggested there should be more certainty with regard to Council's policy moving forward.

With Council having over 50 reserves, Cr Tukapua queried what the annual spend was on Parks and Reserves. Mr Clapperton said he would provide that information.

MOVED by Cr Bishop, seconded Cr Mason:

THAT the Chief Executive be given delegated authority to execute the Sale and Purchase Agreement for the purchase of Lot 403, DP 401602, Pinot Crescent, Ohau, for the sum of \$1.00.

CARRIED

Mayor Feyen and Crs Judd and Mitchell recorded their votes AGAINST the motion.

Cr Wanden withdrew from the table.

9.2 Draft Policy - Easter Sunday Shop Trading Policy

Purpose

To propose that Council implements an Easter Sunday Shop Trading Policy, allowing trading throughout the Horowhenua District.

MOVED by Cr Gimblett, seconded Cr Mitchell:

THAT Report 17/160 Draft Policy - Easter Sunday Shop Trading Policy be received.

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

THAT Council resolves that it wishes to implement an Easter Sunday Shop Trading Policy that allows trading throughout the Horowhenua District area.

THAT Council resolves to consult on the draft policy as the Statement of Proposal, using the Special Consultative Procedure as required by s5B(1) of the Shop Trading Act 1990 (as amended by the Shop Trading Hours Amendment Act 2016).

THAT Council resolve that the Summary of Information is a fair representation of the major matters in the Statement of Proposal; is in a form determined by Council; indicates where the Statement of proposal is available; and states the period within which interested persons may present their views to Council – s83AA Local Government Act 2002.

THAT the hearing of submissions following consultation be heard by the Hearings Committee of Council acting under delegation of Council, for a subsequent recommendation from the committee to Council.

CARRIED

Cr Wanden rejoined the table.

9.3 Adoption of Food Act Premises and Resource Consenting Fees, 2017/18

Purpose

The purpose of this Report is to seek a resolution of Council to adopt fees and charges in respect of Food Act Premises and Resource Consenting for the 2017/18 year.

MOVED by Cr Brannigan, seconded Cr Mason:

THAT Report 17/316 Adoption of Food Act Premises and Resource Consenting Fees, 2017/18 be received.

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

THAT the schedule of fees and charges, as follows, be adopted as operative fees and charges for the 2017/18 year, effective 31 August 2017:

:

(Food Act Premises):

Food Act Fees & Charges 2017/18, effective 31 August 2017

Food Fees Under the Food Act 2014		
<u>Function</u>	<u>Fees (incl GST)</u>	<u>Notes</u>
Registering a Food Control Plan that is based on a MPI template	\$200.00 fixed fee	N/A
Registering a business under a national programme	\$150.00 fixed fee	N/A
Renewing the registration of a Food Control Plan that is based on a MPI template	\$150.00 fixed fee	N/A
Renewing the registration of a business operating under a national programme	\$150.00 fixed fee	N/A
Amendment to registration	Charged at hourly rate of \$150.00 per hour	N/A
Verification of a Food Control Plan that is based on an MPI template	\$150.00 fixed fee for up to 1 hour then additional time is charged at \$150.00 per hour	N/A
Verification of a National Programme	\$75.00 fixed fee (for up to 1 hour) then additional time is charged at \$150.00 per hour	N/A
Compliance and Monitoring	Charged at hourly rate of \$150.00 per hour	N/A
Charges for travel outside of Horowhenua District	Cost + 20%	If the verifier is required to travel outside of the Horowhenua District to verify a template Food Control Plan or a National Programme

and (Resource Consenting):

Resource Consenting Fees & Charges 2017/18

- (a). Fees and charges are set under the Resource Management Act 1991.
- (b). All fees and charges are GST inclusive and are effective from 31 August 2017, and Council reserves the right to review any fees and charges at any time.
- (c). Fees are charged for processing a wide variety of "planning" related applications processed under the Resource Management Act 1991 or the Local Government Act 1974 and 2002. Some fees and charges have a fixed fee, and others require a deposit and are then charged on an hourly rate basis which will be invoiced on completion of processing.
- (d). Ten Day Land Use
 - (i) For consents with a Controlled or Restricted Discretionary Activity only, where there are a maximum of two non-compliances;
 - (ii) Does not apply when referrals to other departments/organisations are required;
 - (iii) Have complete written approvals from all potentially affected parties (e.g. all adjoining/opposite neighbours);

- (iv) A meeting with a Resource Management Planner is required prior to lodging any application to ensure all necessary information is provided to avoid unnecessary delay for the applicant.
- (e). Applicants may apply for the remission of any charges and have the right of objection and appeal to any “additional” charges that may be incurred (s36(6) Resource Management Act 1991).
- (f). Deposit fees/charges are ‘non-refundable’. If the consent is withdrawn, a refund less the amount of time spent up until that point will be made.
- (g). Consents may incur additional charges relating to any required monitoring inspections.

FEES AND CHARGES

Description	Fee/Charge
Consent Applications	
Processing Fee	\$150.00 per hour
10 Day Fast Track Land Use Consents	\$1,500.00 fee
Land Use Consent (non-notified)	\$1,000.00 deposit
Subdivision Consents (non-notified)	\$1,200.00 deposit
Digital Capture Levy (applies to all consent applications)	\$25.00 fee
Other Applications	
Deposit & Time Based	
Bond Administration	\$200.00 fee
s125 Extension of Time	\$750.00 fee
s221 Preparation of Consent Notice	\$210.00 fee
S223 Approval of Land Transfer Plan	\$150.00 fee
Certificate of Compliance	\$600.00 deposit
Existing Use Certificate	\$600.00 deposit
s127 Application	\$600.00 deposit
s221 Consent Notice Amendment and/or cancellation	\$600.00 deposit
s224(c) or (f) Application	\$400.00 deposit
Outline Plan approval or waiver	\$600.00 deposit
Any other application or certificate under the RMA	\$205.00 deposit
Any other application under provisions of LGA 1974 not repealed	\$500.00 deposit
Notification & Hearing Costs	
Fee/Charge	
Limited Notification	\$1,115.00 deposit
Full Notification	\$2,230.00 deposit
Hearing Costs – Council Hearings Committee	\$3,200.00 deposit based on 6 hour hearing
Commissioner Costs	At cost
s357 Lodgement of Objection & Assessment	\$550.00 deposit
Miscellaneous Matters	
Fee/Charge	
Consultant s42A planning reports	Cost + 20%
Specialist Reports	Cost + 20%
Mileage	AA rate applicable
Disbursements	Cost + 20%
Pre-Hearing Meetings	Cost + 20%
Title Searches	Cost + 20%

CARRIED

9.4 Dangerous and Insanitary Buildings Policy 2017 Adoption

Purpose

To present to the Horowhenua District Council the Dangerous and Insanitary Buildings Policy 2017 for adoption, and that on adoption by Council the Insanitary and Dangerous provisions be removed from the Insanitary, Dangerous and Earthquake-Prone Buildings Policy 2006.

MOVED by Cr Mitchell, seconded Cr Wanden:

THAT Report 17/320 Dangerous and Insanitary Buildings Policy 2017 Adoption be received.

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

CARRIED

Mrs Hunt spoke about historical issues and concerns in relation to this Policy which she said could have not only a health and safety but also an economic impact, and expressed her disappointment that Council seemed to be continuing its passive approach, relying on complaints rather than being proactive.

Mrs Miller and Mr Lepper joined the table to speak to this report, with Mrs Miller clarifying, in relation to earthquake prone buildings, that the Earthquake Prone Buildings Act came into effect on 1 July and that had removed the earthquake provisions out of the Policy and issues in relation to earthquake-prone buildings were dealt with under the new legislation.

Responding to Mrs Hunt's comments with regard to Council's past passive approach, taking into account the new legislation Mrs Millers said Council had proactively gone out and inspected all the verandahs and parapets in Foxton.

Mr Lepper added that where a verandah was found to be defective the property owner would be advised and would be required to take action, as under the Building Act they were legally responsible for the state of repair or disrepair of their property. Based on the recent assessment there were something like 15 verandas that would require to be fixed.

Points of Order were raised by Cr Mason and Deputy Mayor Bishop when Mr Ten Have's comments involved topics, including the Council building, which were outside the scope of the report under consideration, as well as breaching Standing Orders by being disrespectful.

No rulings on the Points of Order were forthcoming by Mayor Feyen.

Cr Mason spoke in support of this Policy which had come before the Hearings Committee. It took into account legislative changes and included Heritage Buildings. Her comments were endorsed by Cr Wanden who noted the thorough and robust process that had been undertaken.

MOVED by Cr Mitchell, seconded Cr Wanden:

THAT Council adopts the Horowhenua District Council Dangerous and Insanitary Buildings Policy 2017, as an operative policy of council effective 1 September 2017.

THAT Council resolves that the Insanitary and Dangerous provisions in the Insanitary, Dangerous and Earthquake-Prone Buildings Policy 2006, be removed effective 1 September 2017.

CARRIED

For consistency, Mayor Feyen requested his ABSTENTION be recorded as he was awaiting the outcome of the findings in relation to the Council Building.

The meeting adjourned for a meal break from 6.30 – 7.03 pm.

9.5 Amendment to Dog Control Policy & Bylaw 2015

Purpose

To propose amendments to Council's Dog Control Policy and Bylaw 2015.

MOVED by Cr Wanden, seconded Cr Judd:

THAT Report 17/395 Amendment to Dog Control Policy & Bylaw 2015 be received.

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

CARRIED

Mrs Miller and Mr Lepper spoke to this report, with Mr Lepper giving a background to the proposed amendments which had arisen because of differences between the 2014 and 2015 Bylaw where there had been some errors in the information carried forward. These had been addressed in the proposed Schedule amendments, including issues around protected wildlife that had been signed off by DOC.

A submission to the recent Draft Management Plans about dogs on an area included in the Schedule (Easton Park, Foxton) was raised, with it queried how a decision which had yet to be made during the Hearings process would affect the schedules to be adopted. Mr Clapperton advised that should the Hearings Committee decide that dogs should not be allowed on Easton Park, this would come back to Council as a minor amendment to the Schedule.

MOVED by Cr Wanden, seconded Cr Judd:

THAT the schedule of amendments to the Dog Control Policy and Bylaw 2015, be adopted effective 31 August 2017, and that these replace the current Schedules attached to the 2015 Dog Policy and Bylaw documents.

CARRIED

Cr Tukapua recorded her vote AGAINST the motion.

9.6 Dog Control Policy and Practices Annual Report 2016/17

Purpose

To report Council on Dog Control Policy and Practice matters for the 2016/17 financial year as required by the Dog Control Act 1996.

MOVED by Cr Wanden, seconded Cr Brannigan:

THAT Report 17/324 Dog Control Policy and Practices Annual Report 2016/17 be received.

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

THAT Council adopts the Dog Control Policy and Practices Annual Report 2016/17, and that public notice then be given to the Report and a copy be forwarded to the Secretary for Local Government as required by Legislation.

CARRIED

9.7 Additions to Resource Consenting (Planning) Schedule of Fees and Charges

Purpose

To propose two additions to the schedule of fees and charges in respect of Resource Consenting (Planning) for the 2017/18 year commencing 18 October 2017.

MOVED by Cr Mason, seconded Cr Brannigan:

THAT Report 17/423 Additions to Resource Consenting (Planning) Schedule of Fees and Charges be received.

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

THAT the Horowhenua District Council resolves that the additions to Resource Consent (Planning) Fees for the 2017/18 year be used as the Statement of Proposal, and the Summary of Information 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

9.8 Class 4 Gambling Venue Policy 2014 and New Zealand Racing Board (TAB) Venue Policy 2014 - Review

Purpose

The review of these policies is required to be undertaken every three years. This report is to facilitate that requirement.

MOVED by Cr Bishop, seconded Cr Judd:

THAT Report 17/386 Class 4 Gambling Venue Policy 2014 and New Zealand Racing Board (TAB) Venue Policy 2014 - Review be received.

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

CARRIED

Ms Leyland noted a correction to the closing date for submissions, which should read 5.00 pm Friday 29 September (not Monday 16 October) 2017.

MOVED by Cr Bishop, seconded Cr Judd:

THAT Council resolves that the Special Consultative Procedure as detailed in the Local Government Act 2002 be used for consultation purposes in the review of these policies, and

- (i) The Draft Gambling Class 4 Venue Policy 2017 and the Draft TAB Venue Policy 2017 be used as the Statement of Proposal, section 83(1)(a)(i) Local Government Act 2002, and*
- (ii) That the Summary of information, and as required by section 89 of the Local Government Act 2002, is a fair representation of the major matters in the*

Statement of Proposal; is in a form determined by Council; indicates where the Statement of Proposal may be inspected and a copy may be obtained; and states the period within which submissions on the proposal may be made.

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

CARRIED

9.9 Draft Local Alcohol Policy Adoption

Purpose

To present the Horowhenua District Council's Draft Local Alcohol Policy for adoption by Council as a Provisional Policy.

MOVED by Cr Mason, seconded Cr Wanden:

THAT Report 17/321 Draft Local Alcohol Policy Adoption be received.

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

CARRIED

Mr Lepper and Mrs Miller spoke to this report, noting that the PLAP had been through the submissions and hearings process and if adopted it would go out for public notice. If no appeals were received within 30 days of the PLAP being publicly notified it would come into effect.

Crs Mason, Brannigan and Gimblett spoke in support of the Policy, acknowledging the robust process that been undertaken to get it to this stage.

MOVED by Cr Mason, seconded Cr Wanden:

THAT the Horowhenua District Council resolves to continue with the process of implementing a Local Alcohol Policy (LAP).

THAT Council adopts the draft policy as a Provisional Local Alcohol Policy effective 31 August 2017.

CARRIED

9.10 Liquor Licensing Matters from 1 January 2017 until 30 June 2017

Purpose

To report, for information purposes, on matters relating to liquor licensing decisions for the period of 1 January 2017 until 30 June 2017.

MOVED by Cr Judd, seconded Cr Gimblett:

THAT Report 17/332 Liquor Licensing Matters from 1 January 2017 until 30 June 2017 be received.

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

CARRIED

9.11 Annual Report - District Licensing Committee 2016 - 2017

Purpose

To report to Council on the 2016/17 financial year as required by the Sale and Supply of Alcohol (Fees) Regulations 2013.

MOVED by Cr Brannigan, seconded Cr Wanden:

THAT Report 17/322 Annual Report - District Licensing Committee 2016 - 2017 be received.

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

CARRIED

With Mr Eady raising some issues in relation to operation of the District Licensing Committee, it was suggested that he should make an appointment to speak with Mr Lepper who could respond to his queries.

It was suggested it would be a more productive use of the meeting's time if members of the public who wished to speak and had specific queries contacted Council prior to the meeting to broach their questions.

9.12 Resource Consenting (Planning) Matters Considered Under Delegated Authority

Purpose

To present details of decisions made under delegated authority in respect of Resource Consenting (Planning) Matters.

MOVED by Deputy Mayor Bishop, seconded Cr Judd:

THAT Report 17/305 Resource Consenting (Planning) 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

10 Procedural motion to exclude the public

MOVED by Cr Judd, seconded Deputy Mayor Bishop:

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:

C1 Proceedings of the Hearings Committee 31 May 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
.	n/a	s48(1)(d) The exclusion of the public from the part of the meeting is necessary to

		enable the local authority to deliberate in private on its decision or recommendation.
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C2 Proceedings of the Finance, Audit & Risk Subcommittee 28 June 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)(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 Proceedings of the Finance, Audit & Risk Subcommittee 9 August 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)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. s7(2)(f)(ii) - The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment.	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

7.50 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.

7.55 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:.....