

Notice is hereby given that an ordinary meeting of the Horowhenua District Council will be held on:

Date: Wednesday 9 February 2022
Time: 4.00 pm
Meeting Room: Council Chambers
Venue: 126-148 Oxford St
Levin

Council

OPEN AGENDA

MEMBERSHIP

Mayor	Mr Bernie Wanden	
Deputy Mayor	Mrs Jo Mason	
Councillors	Mr David Allan	
	Mr Wayne Bishop	
	Mr Ross Brannigan	
	Mr Todd Isaacs	
	Mr Sam Jennings	
	Mrs Victoria Kaye-Simmons	
	Mr Robert Ketu	
	Mrs Christine Mitchell	
	Ms Piri-Hira Tukapua	
Reporting Officer	Mr David Wright	(Chief Executive)
	Mr Grayson Rowse	(Principal Advisor - Democracy)
Meeting Secretary	Miss Jody Lygo	(Democracy Support Officer)

Contact Telephone: 06 366 0999
Postal Address: Private Bag 4002, Levin 5540
Email: enquiries@horowhenua.govt.nz
Website: www.horowhenua.govt.nz

Full Agendas are available on Council's website
www.horowhenua.govt.nz

Full Agendas are also available to be collected from:
Horowhenua District Council Service Centre, 126 Oxford Street, Levin
Te Awahou Nieuwe Stroom, Foxton,
Shannon Service Centre/Library, Plimmer Terrace, Shannon
and Te Takeretanga o Kura-hau-pō, Bath Street, Levin

ITEM	TABLE OF CONTENTS	PAGE
PROCEDURAL		
1	Apologies	5
2	Public Participation	5
3	Late Items	5
4	Declarations of Interest	5
5	Confirmation of Minutes	5
6	Announcements	5
7	Proceedings of Committees	
REPORTS		
8	Executive	
8.1	Mayoral Report - December 2021 - January 2022	7
8.2	Three-waters reform - options for advocacy	15
8.3	Chief Executive's Report	43
8.4	Council Facilities - COVID-19 Protection Framework	49

1 Apologies

2 Public Participation

Due to COVID-19 Protection Framework this meeting will be held in person; however, members of the public will not be able to attend. The meeting will be livestreamed on Council's Live Meetings page and a screen will be set up in the foyer area of Council's main office for members of the public who wish to watch the meeting, but do not have internet access at home. Guidelines for visiting Council's Customer Service Centres can be viewed on Council's website: <https://www.horowhenua.govt.nz/Council/Council-Meetings> .

Public Participation will be by way of written submission, which will be read out during the meeting. Written submissions will be required by 12 noon on the day of the meeting by email to public.participation@horowhenua.govt.nz

See over the page for further information on Public Participation.

3 Late Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

4 Declarations of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

5 Confirmation of Minutes

5.1 Meeting minutes Council, 16 December 2021

5.2 Meeting minutes Extraordinary Meeting of Council, 20 December 2021

5.3 Meeting minutes In Committee Extraordinary Meeting of Council, 20 December 2021

6 Announcements

File No.: 22/34

8.1 Mayoral Report - December 2021 - January 2022

1. Purpose

For His Worship the Mayor to report to Council on community events and Council-related meetings he has attended;
AND FURTHER
To give Councillors the opportunity to provide an update on groups or organisations they are a Council representative to.

2. Recommendation

- 2.1 That Report 22/34 Mayoral Report - December 2021 - January 2022 be received.
- 2.2 That this matter or decision is recognised not significant in terms of S76 of the Local Government Act.

3. December 2021 and January 2022 Meeting and Event Attendance

Meetings, events and functions attended by Mayor Wanden during the months of December 2021 - January 2022:

December 2021	<ul style="list-style-type: none">- Projects Steering Group meeting- Council briefing- SH1 – Kuku safety improvements - site blessing- Youth Excellence Awards function- Civic Honours function- Monthly meeting with MP Terisa Ngobi- Te Runanga o Raukawa – meeting with the Board chair and Chief Executive- The Helen Graham Charitable Trust – selection of scholarship recipients- Emergency Management – Joint Standing Committee meeting- Regional Transport Committee meeting- Regional Chiefs meeting- Te Tumatakahuki monthly hui- Council briefing – Waka Kotahi update- Council Meeting- Three Waters update
----------------------	---

	<ul style="list-style-type: none"> - Accelerate 25 Lead Team meeting - Levin Interchurch Foodbank ‘thank you morning tea’ - Series of Levin Landfill public drop in sessions - Aitkin Scholarship meeting – selection of recipients - Horowhenua Health & Wellbeing Hui - Stakeholder Advisory Group initial meeting - Extraordinary Council meeting – adoption of the annual report - Emergency Council meeting – confirmation of Chief Executive appointment - Audio-visual meeting with Waka Kotahi – SH57 safety improvements.
January 2022	<ul style="list-style-type: none"> - Horowhenua Health & Wellbeing Hui - Stakeholder Advisory Group meeting - Waka Kotahi – Ō2NL Project meeting - Farewell function for outgoing Chief Executive, David Clapperton - Regional Leadership Group meeting – caring in the community - Levin Landfill public drop in session and Facebook live - Horowhenua Freshwater Management Unit – Governance Group meeting - Police : Horowhenua District Council relationship meeting - Phoenix Club – annual mayoral presentation.

Councillors – Community Group Liaison Reports

Cr Chris Mitchell – Waiopehu Ward Councillor

I meet regularly with the Waitarere Progressive and Ratepayers Association, Waikawa Beach Ratepayers Association and Hokio Beach Progressive Association. I attend Farmers Group meetings and Manakau Community District Association when required.

Meeting with these groups gives me an opportunity to advise them of items at Council which could affect them, such as Plan Changes, Annual and Long-Term-Plan Drafts, and other consultation coming up. In turn, they advise me of any problems and I can advise how to contact Council for help, or if there are pressing concerns about issues, I can follow these up with Council management. Discussing matters of concern helps me maintain a good understanding of how people are affected by events around them. I can then bring this knowledge back to the Council table when decisions need to be made.

Waitarere Progressive and Ratepayers Association

This is a very active group. They hold monthly meetings which I usually attend. This group also has an excellent relationship with Council officers and meets on a regular basis with the CE. Issues of particular note over the past year have been safety on the beach, Plan Change 5 which manages growth in and around the village, the installation of more cameras to help with crime prevention and the solving of crimes, shared pathways, stormwater, and care of the dunes.

Waikawa Beach Ratepayers Association

The main concerns this year have been the safety of State Highway One and the movement of the Waikawa Stream. The stream movement not only erodes land; it also cuts off vehicle access to the beach and river mouth. This year Council will be consulting with the Waikawa Community about an alternative access.

Hokio Beach Progressive Association

The Landfill and the safety of the road to Hokio Beach are major concerns.

Manakau Community District Association

The main concern is the proposed Ō2NL expressway and the effects this will have on people and their community.

Cr. Robert Ketu – Miranui Ward Councillor

Shannon Progressive Association

- New Chair Xan Remnant – supported change of guard
- Annual Spectacular Car Show – this year has been postponed due to Covid. This annual event is an opportunity to give Shannon community and businesses a much-needed boost as it draws people from all over the country, boosts business and connection, and the morale of the Shannon community.
- Gardens in schools
- Graffiti Grans
- Management of Memorial Hall – feasibility study and business plan ongoing
- Food parcels and clothing organised for those in need
- Kids club and youth group.

Cr. Victoria Kaye-Simmons – Levin Ward Councillor

As an elected member who is on many community groups and organisations I'd like to take this opportunity to thank them all for the hard work and effort that goes into their particular services and making connections for individuals and families in our district. The difference they make in engaging people, educating or helping, we are very lucky, to have you working in our district in the roles you have.

Te Whare Mahana Community Hub

Last year we as a board were presented with an exciting opportunity that would not only add value and vibrancy to the hub but increase the already, strong advocacy for diversity, inclusion and sustainability.

While we have long term tenants currently providing a number of services, social and otherwise we as a district are planning for embracing our new Kiwi families to the Horowhenua around July of this year.

Operational changes have occurred where Community development advisors from HDC are working closely within the hub so that a landing place for new refugees and wrap around agencies will be a part of this community wellbeing environment that feels safe to all.

Also there is the opportunity for marketing corporate spaces, bookings, tenants and the ongoing essential service providers at the hub to become part of the "Welcoming Community Hub" with funding being allocated/ accessed through MBIE.

Multi-cultural signage, translators, foreign language classes and cooking all being added to what's currently happening at the hub but on a more diverse scale.

We need the hub to be self-sustaining now that assistance from HDC has finished.

Welcoming vibrant space that allows diversity, inclusion and sustainability is what we are aiming for.

Waitangi Day Event Committee

This annual event has unfortunately been cancelled for 2022.

Levin Budget Service

Hard to believe the first year at Te Whare Mahana Hub has already been. We used to meet 10 times over the year which just wasn't sustainable, after going back through the constitution we now meet 4 times plus an AGM.

We have slowly taken on more financial advisors and the service currently extends to Otaki.

While we haven't seen a huge increase in clients due to Covid assumptions we continue to maintain all current clients and have capacity for future ones, both here and Otaki.

Older Person's Network

A number of organisations have presented to this group around an array of topics banking system, and relevant updates around vaccinations, Covid, SIQ, an educational lesson around Matariki where our first public holiday is Friday June 24th 2022.

We were hoping to have Age on the Go this coming April, but the decision has been made to postpone back to the original date in 8th October 2022.

Our meetings have also been adjusted for this coming year from 10 to 7.

Keep Horowhenua Beautiful

With the help of our tag busters we are able to keep local tagging under reasonable control.

We have the ongoing issue of illegal dumping of rubbish across the district, some individuals who have been identified have been contacted and spoken to and this approach has been working to date in most cases. (Some fines have been sent out).

There is a free App being widely used across Australia and New Zealand called SNAP, SEND, SOLVE. Currently Horowhenua District Council is not a subscriber, I have been testing this out myself by reporting issues around, footpaths, tagging and rubbish and the app automatically locates HDC and sends the information through. I am following this up atm.

We have identified hotspots for litter which we have passed on to community groups and volunteers who do what they can, this is incredibly appreciated.

Keep New Zealand Beautiful

KNZB Awards evening is at this stage happening in Wellington at the beehive February 17th. We were lucky enough to secure sponsorship for this event which will continue to be at this very central and easy to get location thanks to the Ministry for the Environment and their support.

Foxton is in the running for most beautiful small town award and the Repair Cafe based at Te Whare Mahana Hub is entered in the community group section.

Horowhenua Family Violence Intervention Service

2021 saw a new manager, recruitment of new facilitators, needing new board members, which we are currently working on over the next few weeks. Clientele numbers are consistent and manageable at this time. Referrals are from MOJ, corrections, court or self-referrals.

Facilitators attend workshops throughout the year, topics and training covered are first aid, suicide, mental health, drug and alcohol addiction. Regular reporting and audits are completed and we are lucky to have dedicated team members working alongside one other for positive solutions and outcomes of individuals who require this service.

Deputy Mayor Jo Mason – Levin Ward Councillor

Skills 4 living

Skills 4 Living continues to provide support to whanau across the district. I have attended most board meetings apart from the occasional clash with other council commitments particularly during the LTP process. Highlights for this organisation includes undertaking a strategic refresh late 2020/early 2021. Like many social service sector groups securing contracts requires ongoing commitment and focus however the organisation has a strong and long serving staff group and is supported by a number of excellent volunteers. They have partnered with Levin Uniting Church to provide a cooking skills group with a focus on men living alone. This has been well supported and is likely to repeat. The organisation continues to offer the Incredible Years parenting programme and successfully partnered with Muaupoko in a co-delivery model for whanau in 2021.

The organisation continues to monitor and plan for how delivery of support can occur within the COVID restrictions.

Horowhenua District Neighbourhood Support

I have attended most committee meetings with this group. They again are challenged with funding and deliver an exceptional level of community support on limited funding. The group regularly reports to council on outcomes relating to funding received through the LTP. In the past year they hosted in partnership with council, the successful Neighbours Day on the Levin Village Green.

They confidently report increasing engagement and connection with communities leading to increased street groups. In the south east area of Levin in one smaller street 7 out of 10 houses have signed up to the Neighbourhood Support programme.

They have continued to reach out to and provide information on security to the rural sector across the district. At a recent community meeting in Manakau they had 60 people attend a public meeting.

The group is publicly active at local events including the API show, Foxton Easter Fair and Medieval Market. These events act as both publicity events and fundraising opportunities for the group.

Access and Inclusion

Access and Inclusion has successfully held all meetings scheduled including holding some via zoom. Each meeting hosts a guest speaker and spotlights an agency or organisation that supports people living with impairment. This past year the group has been visited by Enable, Cr. Sam Ferguson from Horizon's talking about transport and Joanne Ransom who introduced SIQ and what that means for the district.

Group members provide insight and feedback through the meeting process if requested. All minutes of Access and Inclusion are received by the Community Wellbeing Committee. In November 2021 as a result of feedback from the Access and Inclusion group council hosted the International Day of People with Disabilities Expo. The focus was on sport and what is available locally and was a small but well received event.

Manawatū River Users Advisory Group

I have attended the meetings of this group for HWTM. The focus of this group currently updating the river user's guidelines and by law.

Horowhenua New Zealand Trust

As the council elected member appointed governance contact with HNZT I attended the Get Go Day in 2021. This event introduced all Year 10 college students across the Horowhenua to employers to give a taster and understanding of the employment opportunities across the district. It is essentially a local employment expo on site with employers. It was a highlight of the year to see the participation of students. A significantly positive initiative.

Horowhenua Freshwater Management Unit Governance Group

I attend the governance group meetings Horowhenua FMU Water Quality Interventions (Waiwiri catchment), which is a Jobs for Nature funded initiative managed by Horizons. Progress on this work can be found on the Horizons website.

Shared Pathways

I continue to work with officers and Cr Sam Ferguson (Horizons) on the shared pathways opportunities for the district. We are currently exploring opportunities to use existing (roading and footpath) infrastructure to enhance the pedestrian and cycling opportunities in the district. Through the course of 2021 we met with the Waitarere progressive association pathways group and spoke with members of Education Horowhenua.

Cr. David Allan - Kere Kere Ward Councillor

Save our River Trust

The meetings of Save our River Trust (SoRT) occur monthly and are well attended by 15 or more members and supporters. The commitment to the goal of re-opening the loop to enable fresh water flow is the shared focus. The meetings reflect a shared passion in the pursuit of this goal and I am impressed each month by the depth of knowledge along with the range of skills and historic and cultural awareness present at the table.

SoRT understand the value of networking. It has worked consistently well in establishing strong relationships with central government along with iwi, regional council and - I would argue - particularly successfully with Horowhenua District Council. I measure this both in financial terms and by the contribution by council of officer expertise. It is a key contributor to, and member of, Foxton Futures - comprising SoRT, Iwi, Horizons, HDC (with Councillor Brannigan as our representative) and Foxton Community Board.

These relationships, along with direct input by SoRT and its members, have resulted in significant runs on the board: the Riverside Park, funding for consenting costs relating to opening the loop along with meeting the costs associated with acquiring the necessary expertise to ensure the steps required to realise the ultimate goal are captured in a realistic and systematic way.

Underpinning the "headline statements" above is a wealth of detail which provides compelling evidence that SoRT is committed to achieving its overriding goal and will not be sidelined in this mission. Its Facebook page, recently updated, is a valuable reference point in this regard.

To conclude: some personal views. As Council's liaison member on SoRT I have developed the view that this is an organisation which needs to remain front and centre in our deliberations. Their vision should be our vision. The reopening of the river loop will provide many opportunities and pathways for both Te Awahou Foxton and our district. We have shown our commitment in tangible ways and continue to do so - financially, politically and at officer level. I urge Councillors to continue that support long term. One very palpable way of doing just that will be to include Foxton Futures/SoRT in the "actions" section of the Horowhenua 2040 Blueprint when it comes time to adopt that most important of documents.

Cr. Todd Isaacs – Levin Ward Councillor

Horowhenua Crime Prevention Camera Trust

The Trust has made some big steps forward in the last two years and undergone a name change to be more Horowhenua District wide. This is reflected in the partnerships that have formed with the Foxton Beach Progressive and Waitarere Beach Progressive associations and installation of a camera network at both beaches.

One of the challenges that the Trust faces, as with many other Trusts and organisations, is a consistent funding which would enable maintenance of existing assets and extension of the camera networks as plans develop.

Levin Community Patrol

I keep in touch with Mel Cook, the Coordinator for the patrol and enjoy receiving the weekly updates which keep me abreast of patrol activities.

Due to the impacts of Covid-19, there has been a decrease in the number of patrols being able to be carried out. Alas, the organisation is well supported with an active core group of members. Again, the biggest challenge is a consistent source of funding along with COVID restrictions.

Horowhenua District Health Transportation Trust

This is an extremely well organised Trust, with a large contingent of committed and active volunteers, which I am most impressed with. As with other organisations, and as mentioned above, a big concern is restrictions that Covid-19 presents. Trust members manage finances well and have a good understanding when it comes to applying for funding and grants.

I stay in contact by receiving email updates and the Trust know that I am available should they require my support.

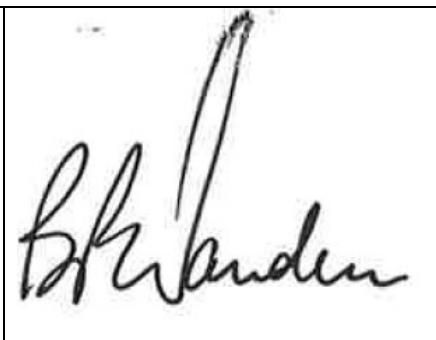
Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

4. Appendices

There are no appendices for this report

Author(s)	Bernie Wanden Mayor	
-----------	-------------------------------	--

Approved by	Bernie Wanden Mayor	
-------------	-------------------------------	--

File No.: 22/25

8.2 Three-waters reform - options for advocacy

1. Purpose

To agree a position on the Three-waters Reform and identify the appropriate mechanism for advocacy of Council's position

2. Recommendation

That Council:

- 2.1 RECEIVES Report 22/25 Three-waters reform - options for advocacy
- 2.2 NOTES that this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.

- 2.3 OPPOSES the three waters reforms; and,
- 2.4 APPLIES to join the campaign as a campaign partner; and,
- 2.5 REQUESTS the Chief Executive to allocate \$15,000 from within existing budgets for the joining fee;
or, -----
- 2.6 OPPOSES the three-waters reform and will continue to advocate for the issues unique to Horowhenua to central government,
or, -----
- 2.7 SUPPORTS the three-waters reforms, and
- 2.8 DIRECTS the Chief Executive to engage with the reform process to being about the best outcome possible for Horowhenua,
or, -----
- 2.9 NOTES this report for information.

3. Background / Previous Council Decisions

- 3.1 The Government announced in July 2020 that its intention was to reform the three waters environment by establishing four publicly-owned entities to take responsibility of drinking water, wastewater and stormwater infrastructure across New Zealand.
- 3.2 Council received a number of reports from officers in relation to the three waters reforms since then which have canvassed the issues surrounding this proposal
- 3.3 On 29 September 2021, the Council resolved to endorse a letter to Minister of Local Government setting out a number of concerns. A copy of that letter can be found at appendix B. There has been no response to that letter.
- 3.4 The Council has not yet identified its position in relation to the three waters reform.
- 3.5 The Government confirmed on 27 October 2021 that the three waters reform process would become mandatory for all councils and their public water, wastewater and storm water assets.
- 3.6 In late 2021, twenty territorial local authorities joined as a lobby group called Communities 4 Local Democracy. Their number has now increased to 24. They are open to receiving applications from councils who wish to join as partner councils. A copy of the memorandum of understanding for partner councils is appended to this report. The campaign's website can be found here:
<https://www.communities4localdemocracy.co.nz/>
- 3.7 On 10 November 2021, the Government announced the establishment of a working group made up of local government and iwi representatives to recommend strengthened governance and accountability arrangements for the Three Waters Reform Programme. The Minister's press release is attached as appendix C. They are due to report back to the minister by 28 February 2022. Further details can found here: <https://www.dia.govt.nz/three-waters-reform-programme-working-groups>

4. Discussion

- 4.1 It is a legitimate and expected role of local government to advocate for its community to central government.
- 4.2 The council currently neither supports nor opposes the three waters reforms; it will need to identify its position before determining what advocacy approach it will take.
- 4.3 Having determined its position the council can then advocate either on its own, or as part of a collective, or not at all.
- 4.4 Notwithstanding the position of the Council, the Chief Executive will still be required to engage with the current government processes, noting that any change to three-waters delivery, however reached, will have significant implication for the operation of the organisation. It is the responsibility of the Chief Executive to ensure the organisation is sufficiently prepared and positioned for any transitions resulting from the reforms.

5. Options

- 5.1 The Council has three options open to it. These are:

Option 1: Oppose the reforms and engage in the campaign

Advantages

- Council is taking meaningful action against a reform proposal that it has serious reservations about.
- Given the widespread concern in the community, Council is taking action to give some effect to those concerns.
- The best time to take any action is now - once the reform is legislated for; it will be very hard to turn back.
- Collective action with a number of councils may have a greater chance of success than many individual and disparate campaigns.

Disadvantages

- There is a risk the Government could target the participating councils and deem that they have spread misinformation, meaning the Government may be reluctant to assist these councils in other areas.
- Council does not control its own message and must follow the messaging of the campaign.
- Council does not control its own policy position
- The campaign may not be successful, and the \$15,000 joining fee may be seen as wasted.
- It may be too late to effect meaningful change
- The Government may perceive that the local government sector is difficult to deal with, and take a reduced partnership approach for other reform (particularly the current Resource Management Act reforms and the Review into the Future for Local Government).

Recommendations 2.3 – 2.5 supports Option 1.

Option 2: Oppose the reforms as a separate Council

Advantages

- Essentially the same as per Option 1, plus
- The Council can take its own course and not be beholden to the directions and imperatives of the collective.

•

Disadvantages

- Essentially the same as per Option 1, plus
- The chances of success are likely less as a single voice amongst the noise.
- A budget of \$15,000 is unlikely to provide capacity to take very much meaningful action.

Recommendation 2.6 supports Option 2.

Option 3: Support the Government and assist it with the reform programme

Advantages

- Creates a greater sense of certainty for the community and Council staff.
- The focus turns to making the most of the opportunity to influence the transition.
- Given the very high workload contained in our current LTP, we are less distracted and more focussed on getting that work done.
- There is no additional cost.

Disadvantages

- Council would not be taking meaningful action against a reform proposal that it has serious reservations about.

- Council would not be taking action to give some effect to the widespread concern in the community.
- Council would not be seizing on the immediate opportunity to take pre-emptive action now before it is almost certainly too late.

Recommendations 2.7 and 2.8 supports Option 3.

Option 4: Maintain the status quo as neither protagonist nor antagonist

Advantages

- Council can monitor developments and support elements of the reforms that are favourable and oppose those unfavourable
- Council maintains control of its own position.
- Council is free to identify core areas of concern and focus on those most relevant to the Horowhenua district.
- Council remains focused on what is best for Horowhenua as opposed to support or opposition to the proposals.
- There is no additional cost.

Disadvantages

- Council's message may get lost in comparison to larger councils, or groupings of council.
- Reduced lobbying power and influence as a single council.

Recommendation 2.9 supports Option 4.

5.2 Cost

The cost associated with each option is set out below:

Option	Cost
Option 1	\$15,000 (unbudgeted)
Option 2	Nil
Option 3	Nil
Option 4	Nil

5.3 Rate Impact

The Council will be required to offset this additional spending by reducing other budgeted expenditure for 2021/22.

5.4 Community Wellbeing

There are no negative impacts on Community Wellbeing arising from the decisions in this paper.

5.5 Consenting Issues

There are no negative impacts on consents required nor consenting issues arising from the decisions in this paper.

5.6 Long Term Plan Integration

There is no Long Term Plan programme related to the options or proposals in this report. There is no special consultative process required.

6. Consultation

There is no consultation required to be undertaken

7. Legal Considerations

There are no legal requirements or statutory obligations affecting options or proposals.

8. Financial Considerations

There is a financial cost associated with option 1. The Chief Executive Office will need to source the required funding through reprioritization of existing budgets.

9. Iwi Considerations

Iwi have not been consulted in the preparation of this paper.

10. Climate Change Considerations

There are no climate change impacts from this report.

11. Environmental Considerations

There are no environmental impacts from this report

12. Health and Safety Considerations

There is no health and safety impact.



Confirmation of statutory compliance


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

13. Appendices

No.	Title	Page
A	Memorandum of Understanding - Three-waters campaign	21
B	Three Waters Reform - Feedback to the Minister of Local Government - 30 September 2021	24
C	Minister Mahuta - Press Release - Three-waters- establishment of working group - 10 November 2021	40

Author(s)	Bernie Wanden Mayor	
	Grayson Rowse Principal Advisor - Democracy	

Approved by	Bernie Wanden Mayor	
-------------	-------------------------------	--

Memorandum of Understanding
between
Partner Councils
In relation to their 3 Waters Campaign

Dated November 2021

1. Introduction

The Government of New Zealand has announced that it will be introducing a Bill into Parliament before Christmas 2021 for passage into law in 2022. That Bill will compel territorial and unitary authorities (“councils”) in New Zealand to transfer their rights and interests in: drinking water assets; wastewater assets; and stormwater assets (together known as “3 Waters assets”), to four new entities who will henceforth own and operate those assets. This transfer is likely to occur without fair compensation being paid to councils for the compelled transfer of those assets.

The signatory councils (“Partner Councils”) to this Memorandum of Understanding (“MoU”) oppose the Government’s intention and have agreed to work cooperatively together to campaign to convince the Government to reconsider its position in favour of other options that better deliver a set of reform proposals that meet the needs of communities, councils and Government (“the Campaign”).

2. Purpose

The purpose of this MoU is to:

1. Set the objective of the Campaign;
2. Specify the governance arrangements in respect of the Campaign’s management and operation;
3. Specify the basis on which Partner Councils agree to participate, and continue to participate, in the Campaign;
4. Specify the cost-sharing arrangements; and
5. Set the process by which councils other than the initial Partner Councils may sign-up to join these arrangements.

3. Campaign Objective

The purpose of the Campaign is to convince the Government to alter its intention to proceed with legislation that will compel councils to transfer their 3 Waters assets into the ownership and/or operational control of another legal entity without the agreement of an affected council to that transfer. Campaign Partners will engage with their communities and the Government to reach an agreement on a reform package that can appropriately meet all parties objectives.

In pursuit of that objective, the Campaign will develop an overall strategy which will include actions to be undertaken both nationally and locally.

In developing and executing the Campaign strategy, Campaign Partners agree that:

1. Message and policy discipline is important and that any proposed departure by an individual Partner Council from agreed messaging and/or agreed policy positions, should be discussed first amongst Partner Councils;
2. Appropriate reform of the 3 Waters sector is required to meet health and environmental regulatory standards, and that there needs to be an ongoing obligation on 3 Waters asset owners to develop proposals in their respective areas that can credibly meet those standards over time;
3. They support the creation of Taumata Arowai to incentivise improved performance by 3 Waters asset owners;
4. Structural reform of 3 Waters assets should respect community property rights in those assets; and
5. They will not disparage or defame any natural person.

4. Governance Arrangements

All Partner Councils are members of the governing Plenary. Each Partner Council has one vote.

Day to day governance of the campaign will be overseen by an Oversight Group made up of up to seven representatives of Partner Councils. The Oversight Group shall regularly report to the Plenary to ensure all Partner Councils are fully informed about the status of the Campaign.

The Oversight Group may appoint a Small Group of Partner Council chief executives and consultants to assist it, and Partner Councils, in strategy development and tactical execution of the Campaign strategy.

5. Basis of Participation

Partner Councils agree to adhere to, and execute, the agreed Campaign strategy.

If a Partner Council chooses not to adhere to the Campaign strategy it will first advise the Plenary of its intentions before proceeding with any action that is at odds with the Campaign strategy. On such advice, the Plenary shall meet to discuss the matter and the Plenary shall use its best endeavours to resolve any dispute.

In the event the Plenary is unable to resolve the dispute, it may by majority vote suspend the Partner Council from further participation in the Campaign. Cost obligations for a suspended Partner Council will cease from the date of the suspension but previously incurred cost obligations must be met by the Partner Council.

Any Partner Council may, at any time, cease its participation in the Campaign with the provision of one week's notice in writing to the Plenary. Cost obligations for a retiring Partner Council will cease from the date that the one week's notice in writing takes effect but previously incurred cost obligations must be met by the Partner Council.

6. Cost-sharing Arrangements

Each initial Partner Council agrees to pay into the Campaign fund the following amount:

1. If it is a Metropolitan Sector council - \$20,000;
2. If it is a Provincial Sector council – \$15,000;
3. If it is a Rural Sector council – \$10,000.

The Campaign fund will be held in trust and administered by Timaru District Council under the oversight and direction of the Plenary.

7. Additional Partner Councils

Councils that wish to become a Partner Council after the date that this MoU has been agreed may do so by application in writing to the Plenary.

Applications must include:

1. Evidence of a clear mandate to become a Partner Council; and
2. An acknowledgment that the applying council agrees to abide by the objectives and principles of the Campaign, including the governance and cost-sharing arrangements;

If the Plenary approves an application, then the additional council must pay into the Campaign fund an amount relevant to its Sector status, as specified in Clause 6, in order to activate its Partner Council status.

8. MoU Not Legally Binding

Partner Councils agree that it is not the intention for any of the provisions of this MoU to be legally binding.

Signed by the following mandated representatives of each Partner Council:

Signature:

Position:

Council:

Date:

Signature

Position:

Council:

Date:

30 September 2021

Three Waters Reforms

Te Tari Taiwhenua

E: threewaters@dia.govt.nz

LGNZ

E: feedback@lgnz.co.nz

Kei te rangatira, tēnā koe,

On 30 July 2021 Taituarā – Local Government Professionals Aotearoa, and Te Tari Taiwhenua - Internal Affairs invited councils across Aotearoa New Zealand to provide feedback to the Government on the potential impacts of the proposed Three Waters Reforms by 1 October 2021.

Over the past eight weeks Horowhenua District Council (Council) has considered and assessed the package of Three Waters Reforms proposed by the Government following the decision made by Cabinet in July 2021. Council's review of the proposals has included an analysis of the information provided by the Government to support its reform package, as well as Council's own analysis of the impacts the reforms would have on the Horowhenua district.

Council understands that no formal decision is being sought now on whether Council supports Government's reform package or otherwise. Despite this, it is apparent that the reform proposals are clearly at a stage where to meaningfully provide feedback, Council have needed to consider the overarching merits of the reform proposal in order to provide honest and constructive feedback on the current design.

Our initial high-level reaction to the proposed reforms are that:

- There is currently insufficient and inadequate information available to Council to fully evaluate the proposal;
- Council consider the sequencing of three waters reforms ahead of finalisation of the Government's own concurrent future of local government review is ill-considered and inappropriate;
- There are other credible and workable models and approaches that should have, and could still, be explored (by Government or councils themselves) as an alternative to, or enhancement, to the current reform proposals;
- Council oppose any intention to mandate the reforms;
- If the Government intends to proceed with progressing and/or further developing the current scope of reforms and design parameters, then key changes and additional features are essential to address a range of concerns and deficiencies identified by Council.

Overall, Council believe the Government should immediately pause the current reform programme to consider appropriate sequencing and allow for the investigation and

development of other alternative more localised or regional collaborative or aggregated approaches to achieving better three waters outcomes.

In this letter Council have outlined its high level response to the reform programme, along with an overview of concerns and potential solutions that Council feel are important for its community based on the limited information about the proposed model provided to date.

For ease of your review, Council's submission takes the following format:

- Executive Summary
- Part A – The Horowhenua Context and Growth Story
- Part B – Council's General Observations and High Level Feedback on the Reforms
- Part C – Specific Concerns with the Proposed Reforms and Suggested Improvements
- Appendix.

It is important to emphasise that the views contained in this letter represent an organisational and elected member perspective. While this takes account of some community sentiment and views expressed to Council, it is important to emphasise that the Horowhenua district community has not been formally engaged or consulted on the reforms. This reflects that Council have not been in a sufficiently informed position, nor did Council consider it appropriate, to 'sell' the Government reforms to the district's communities. Council's position is that before a meaningful community conversation can be had about the reforms Council need to understand the fully formed final and detailed proposal, along with what opportunities, risks and trade-offs it presents, and ultimately what decision (if any) Council are being asked to make or implement.

Our view is that the Government has not appropriately publicly messaged the stage at which the reforms are at, nor explained at what point communities will be able to properly consider the case for change and meaningfully contribute to the reform development. Council believes it is imperative that the Government engages and consults with the public before determining if and how it will proceed with the reform proposals further.

The Government's next decisions will of course determine what steps are taken next by Council.

Executive Summary

How the reforms will underwrite our growth

Horowhenua is in a period of unprecedented growth, so it is critical that Council understand the impact of the reforms on the district's growth plans and ambitions. Council believe that it is essential that the reforms better provide for a robust mechanism to ensure spatial planning and Three Waters infrastructure planning are well aligned. Principal concerns are that Council has planned three waters activities to support growth, but that this could be adversely affected if growth in Horowhenua is competing for investment with other communities because of the reforms.

Council's concerns

It is paramount that the voices of the Horowhenua community are heard and responded to. The district's community has concerns around issues like additional charges and future privatisation. Council need assurance that the Horowhenua community has their concerns answered, feels well informed and understands the pros and cons of reform. Council want our community to be engaged with for significant decision making for Three Waters infrastructure, at a minimum, to the level of community engagement currently carried out by Council.

Council is concerned about the current lack of democratic accountability for a water provider in the proposal. This would reduce the ability for the Horowhenua District Council, voted in by its community, to hold a water entity to account for the delivery of services. Council are concerned that local government would have limited ability to influence the make-up of the Board and the performance expectations for the water entities, due to the convoluted proposed governance and ownership structure.

Additionally, in practice the limitation placed on membership on the Regional Representation Group (no more than 12 members, and equal numbers of representatives from local authorities and mana whenua) means that many councils and iwi will not be represented in the group. This is particularly relevant for the proposed Entity C which encompasses 22 territorial authorities.

Other options

Council acknowledge that the reform proposals are well advanced and that the Government is seeking feedback on a single model as the solution to the identified problems and optimal mechanism to achieve desired government outcomes. The focus on aggregation and balance sheet separation ruled out other viable and sensible options that could directly respond to key challenges from better local government performance in the three waters space.

Council believe there are other credible and workable models and approaches that should, and still could, be explored as an alternative to, or enhancement of the current reform proposals. In progressing to a single proposed solution, the reform proposals have not enabled Council or the community to consider the appetite for change and the priority of better outcomes to be pursued through change.

Continuity of service and support

Council currently provide strong local accountability and efficient service delivery; and are able to deliver localised services and solutions to residents through its Alliance Contact with Downer. This allows Council to support local businesses that subcontract to the Alliance, and it is critical that local businesses continue to be contracted to deliver services to Horowhenua residents.

Sustainability of the local supply chain

Local contractors working under the Alliance framework currently provide Council's water services. The involvement of local contractors provides responsiveness, and contributes to the district's resilience and provides local employment opportunities.

Three Waters as an enabler for housing

Council need to ensure that the affordability of the district's housing is not impacted. Council is working with the local development sector to enable affordable housing by creating a streamlined process that will apply to currently zoned residential land within the district under current planning rules. The Horowhenua community has ranked housing affordability as one of the highest priorities, and this includes rates, development costs (e.g. development contributions) and building costs.

Summary of our detailed feedback

Council have reviewed the Three Waters Proposal and have developed suggestions for Government on considerations and amendments to the proposals to ensure they align with our district's priorities and concerns. The points raised below are explained in greater detail in the full report.

Council's summarised suggestions to address our current concerns (at this stage) are:

1. The outcomes of the Future of Local Government Review should be determined or substantively progressed before further developing or implementing the Three Waters Reform.
2. The water reform process be sequenced to ensure that likely impact of any changes arising from the Future of Local Government process are clearly understood when considering the combined implications for Council.
3. Government considers alternative methods to deliver efficient three water services, for example through a Council Controlled Organisation that service multiple councils in a region or an expansion of the current alliance delivery model.
Government considers alternative funding arrangements to deliver three waters services, such as increasing debt ceiling or providing direct central government funding for councils to continue provide three water services.
4. Consider the aggregation of Three Waters principally focused on the proposed entities simply becoming a centre of subject matter excellence (design and procurement) rather than infrastructure planning and delivery.
5. That the proposed Water Service Entities are subject to legislative or other legally enforceable obligations to:
 - deliver their services and investment programme in a manner that supports (or improves) community resilience;
 - meet agreed response times, likely to only be possible with local knowledge and a local presence for emergency response;
 - consider affordability in setting charges;

- collaborate with Territorial Local Authorities so customers offered rates relief are also recognised by Water Service Entities;
 - plan for and deliver services in a manner that supports the delivery of the proposed regional Spatial Plans and District level Long Term Plans;
 - support and enable growth committed to in existing Spatial Plans and Long Term Plans;
 - follow consultation requirements with local communities and councils, similar to the requirements for local authorities in the Local Government Act;
 - provide an investment prioritisation framework;
 - develop an Infrastructure Strategy, Financial Strategy and detailed 30 years plan in line with the approach of the Local Government Act.
6. The Water Service Entities are required to implement sustainable procurement practices throughout the supply chain including contributing to local employment and economic activity.
 7. There is a clear process for every council to influence the Statement of Expectation for their water service provider, to ensure alignment of service delivery with their strategic priorities.
 8. At a minimum, current operative Council Long Term Plan investment plans (including the relevant Asset Management Plans) are grand parented into the initial programme of activity for the new water service entity.
 9. A minimum underpinned quantity investment per annum in water infrastructure is specified for each region to ensure infrastructure is built to meet future demand.
 10. Development Contributions be set based on the Horowhenua catchment and not harmonised.
 11. Development contributions provided for development in a council's region (Horowhenua) should directly benefit the local community.
 12. Government investigate the enabling of co-funding mechanisms with Territorial Authorities to ensure that local prioritisation of growth projects that sit outside investment prioritisation frameworks or water entity timelines can be progressed if local support and funding is present.
 13. The principles used to allocate the "better off" funding package should be carried into allocation of capital funding for new entities.
 14. The Government works closely with local authorities to plan for, adequately fund and resource transition activity to ensure that service delivery is maintained alongside transition planning and implementation.
 15. Transition planning recognises the need to adopt project specific transition arrangements.
 16. The Water Service Entities are required (under establishment legislation) to support and enable providing for new and existing businesses as committed to in Spatial Plans and Long Term Plans.

Part A - The Horowhenua Context and Growth Story

Managing Growth

Three Waters has been a focus for Horowhenua in Council's strategic planning, as the infrastructure is a key enabler for the district's ability to provide for a population growth projection of around 30,000 across the district over the next 20 years.



Council is taking a proactive approach to planning for growth. At a regional level Council have been a key partner in the development of the Wellington Regional Growth Framework and the Manawatū-Whanganui Regional Spatial Plan.

Horowhenua is in the midst of an exciting transformation. The district is undergoing significant growth and it is essential that there is continued investment in its infrastructure. Levin in particular is experiencing significant growth pressures due to its proximity to the major centres of Wellington and Palmerston North and its availability and affordability for housing developments.

Council has provided \$231.7m in its Long Term Plan for enabling infrastructure investment across the housing development areas, with \$191m of that planned for three waters infrastructure. Key strategic three waters infrastructure planned within 10 years include:

- Alternative water supply for the growing population, as well as investigating sources of sustainable supplementary water supply for providing resilience and climate change mitigation.
- Levin Wastewater Treatment Plant and treated effluent disposal site which is locally known as The Pot (irrigated to forestry mixture of exotic and native trees).
- Full service water and wastewater reticulation upgrades to serve our growing settlements.

Alongside growth investment Council have invested significantly in its wastewater infrastructure with close to full irrigation of wastewater to land and for safe water supplies. This investment and ongoing renewal and maintenance has ensured continuity of service and wellbeing for our community.

Council have also worked hard to ensure that its three waters infrastructure and service activity be delivered in a way that recognises the role of iwi partners. This partnership approach has influenced Council's approach to wastewater treatment and delivery of safe water to the district's communities.

Council's Long Term Plan prioritised master planning for the Levin water supply and wastewater are finalised. Council want to ensure that a robust work programme is developed that meets current and future demand. Council also need certainty on ensuring its district will receive, at the very minimum, the same level and timing of current planned growth infrastructure.

Part B – Our General Observations and High-Level Feedback on the Reforms

Theme 1: Order of reforms

There are multiple reforms underway which will impact the future functions of local authorities.

The Three Waters Reform will have a significant impact on the future functions of local government. Council consider it is appropriate to proceed with the Future of Local Government discussion ahead of the Three Waters Reform. The Future of Local Government reform should provide the over-arching direction for the responsibilities and requirements for local government. This would clarify the activities to be delivered by local government, which could guide the future of water service delivery in Aotearoa New Zealand.

The Resource Management Reforms are also likely to have a significant impact on three waters service delivery, including regulation of the disposal of wastewater effluent and stormwater. The detailed requirements for Spatial Planning will also be important in setting direction for growth investment by the new water service entity.

Council suggest that:

- The water reform process be sequenced to ensure that likely impact of any changes arising from the Future of Local Government process are clearly understood when considering the combined implications for Council.
- The outcomes of the Future of Local Government Review should be determined before implementing the Three Waters Reform.

Theme 2: Alternate options for delivery

Council acknowledge that the reform proposals are well advanced and that Government is seeking feedback on a single model as the solution to the identified problems and optimal mechanism to achieve desired Government outcomes. However, Council think the policy development was focused on the Scottish Water Model from an early stage, and not on what communities want to prioritise and support.

There are other credible and workable models and approach that could be explored as an alternative, or enhancement, to the current reform proposals.

In the Horowhenua context, Council believe alternative options could offer similar advances while minimising the loss of local influence and accountability. Council would like Government to consider alternative methods for the delivery of three water services than the current structure of delivery through four centralised water providers. Council agree the status quo for water service delivery is economically unsustainable, but consider there may be more appropriate solutions.

One option is to consider a regional approach to three waters delivery. There could be an opportunity for smaller scale aggregation or collaboration between neighbouring councils, which could deliver some economy of scale and other benefits. For example, Horowhenua District Council would like to explore collaboration with Kāpiti Coast District Council and/or Manawatū District Council for three waters service delivery. The service could be delivered by expansion of Council's current Alliance agreement or a jointly owned, asset owning Council Controlled Organisation. This would provide a regional approach to water management and would maintain the ability for local government to influence the outcomes delivered by water service providers.

Council acknowledge that such alternative approaches may also introduce challenges around control and prioritisation of investment for Horowhenua district's communities, although Council believe these would be of less significance than is the case with the high level of proposed aggregation involving 22 territorial authorities.

Alternative funding methods to deliver improved three waters delivery.

Another option would be to retain water service delivery under the remit of local government, but provide new funding models so councils can service their communities in an economically sustainable manner. Additional funding could be provided for through increasing debt capacity, co-funding agreements with central government and/or reducing borrowing cost. This would address the current primary constraint on local authorities.

Council request further engagement with Government about the opportunity and practicalities of a targeted reform programme and delivery model for the Horowhenua district. Council acknowledge that this approach, by reducing scale, will require a different funding model to enable service delivery compliant with new water quality, wastewater discharge and asset management/renewal requirements that have been flagged by Government.

Consideration could still be given to the three waters aggregation being principally focused on the proposed entities acting as a centre of subject matter excellence (such as design and procurement), rather an infrastructure planning and delivery entity (as is currently proposed).

Council also note that with changes and improvements to the regulation of water service delivery, key limitations in the current model will be mitigated regardless of the service delivery arrangements. Council's belief is that these different configurations could achieve similar or collectively better outcomes from the Horowhenua community.

Council suggest that:

- Government considers alternative methods to deliver efficient three water services, for example through a Council Controlled Organisation that service multiple councils in a region or an expansion of the current alliance delivery model.
- Government considers alternative funding arrangements to deliver three waters services, such as increasing debt ceiling or providing direct central government funding for councils to continue provide three water services.
- Consider the aggregation of Three Waters principally focused on the proposed entities simply becoming a centre of subject matter excellence (design and procurement) rather than infrastructure planning and delivery.

Theme 3: Community Voice and Support

It is imperative that further progression of the reform programme enables community consultation in line with the principles of the Local Government Act.

It is important that the Horowhenua community can input into the reform process, and for their voice to be heard and responded to. Over the past eight weeks the Horowhenua community have felt uninformed over the proposal. It is imperative that the Government consults with the public before a decision is made.

The Horowhenua community has concerns around issues such as additional charges and future privatisation. Council need assurance from Government that the Horowhenua community will have their concerns answered, can feel well informed and understands the pros and cons of reform.

Previously the Government indicated to the local government sector that there would be an opt in/opt out decision enabled by individual council. Assuming the Government continues with that approach, the Horowhenua District Council request that Government allocates Council sufficient time to undertake a special consultative procedure with its community. If the reform is to be made mandatory, Council are clear that it will become Government's sole responsibility to undertake all the necessary consultation with the Horowhenua community.

Part C – Specific Concerns with the Proposed Reforms and Suggested Improvements

The following feedbacks relates to the specific proposals put forward by the Government. If the Government intends to proceed with the reforms, the following themes are the minimum aspects Council consider require significant attention and resolution.

Theme 4: Representation and Governance

Ability for local authorities to influence the performance of water service entities.

Council is concerned about the current lack of democratic accountability for a water provider in the proposal. This would reduce the ability for the Horowhenua District Council, voted in by its community, to hold a water entity to account for the delivery of services. Council are concerned that local government would have limited ability to influence the make-up of the Board and the performance expectations for the water entities, due to the convoluted proposed representative and ownership structure.

Additionally, in practice the limitation placed on membership on the Regional Representation Groups (no more than 12 members, and equal numbers of representatives from local authorities and mana whenua) means that many councils and iwi will not be represented in the group. This is particularly relevant for the proposed Entity C which encompasses 22 territorial authorities.

It is important that the Horowhenua community's voice is heard and represented in the decisions regarding its future infrastructure. Major decisions should require consultation with communities, iwi and local government that will be impacted by the decision. One approach to address this issue is to ensure that water services are delivered in a way that supports community aspirations, including growth, as set out in local authorities' plans and strategies, including their Spatial Plan and Long Term Plans.

The Local Government Act (LGA) sets out principles for consultation that a local authority is required to follow, specifying when engagement is required and requires consideration of the views and preferences of persons likely to be affected by decision making. Council think Water Service Entities should be subject to similar consultation requirements for similar decision.

The LGA sets a legal requirement for the Auditor General to issue opinions on councils' long term plans, and to form an opinion on their consultation documents before they finalise the plans. Consideration needs to be given to these requirements when establishing the water service entity.

A potential solution to enable local voice in decision making is to follow the Tasmania water service model and Wellington water model. In Tasmania, the Department of Primary Industries, Parks, Water and Environment goes beyond statutory requirements. They are legally required to provide stakeholders with opportunities to feedback on water management plans. In practice they engage with the broader community throughout the planning process.

Council suggest that:

- The Water Service Entities are required to plan for and deliver services in a manner that supports the delivery of the proposed regional Spatial Plans and District level Long Term Plans.
- The Water Service Entities are required to follow consultation requirements with local communities and councils, similar to the requirements for local authorities in the Local Government Act.
- The Water Service Entities investigates opportunities to duplicate the Tasmania water model.
- Development Contributions provided for development in a councils region (Horowhenua) should directly benefit the local community.
- The Water Service Entities is required to provide an investment prioritisation framework.

Horowhenua iwi representation

Council believe that Entity C (which covers the East coast of the North Island and top of the South Island) will not be fully represented from an iwi perspective. Council understand that mana whenua will have equal representation alongside local authorities on a Regional Representative Group, however, with only six iwi representatives it means that many iwi and hapū will not have a voice at the table.

Horowhenua District Council has worked hard to build a partnership with local iwi including working through complex and difficult issues such as wastewater discharge arrangements. Council want to ensure its iwi partners continue to have a strong voice around that delivery and management of three waters in the Horowhenua as they currently do through direct contact with Council at a governance and officer level.

Theme 5: Supporting growth infrastructure

Horowhenua's infrastructure needs to support its continued growth.

The Horowhenua district is undergoing unprecedented growth due to its location and affordable housing. It is essential that there is continued investment in its Three Waters infrastructure to meet this growing demand. Council wants to ensure the Horowhenua district will receive, at the very minimum, the same level and timing of current planned growth infrastructure.

The delivery of water services should align with the strategic direction set by Horowhenua District Council, through its Long Term Plan and Strategic Spatial Growth plans. These plans should set the direction for future infrastructure demand that the Water Service Entities is required to follow.

To enable aligned infrastructure planning for councils, Horowhenua District Council recommend that the long term plan, or equivalent, for the water service entity is consulted and updated at the same period as Council's Long Term Plan. This would reduce confusion for communities and enable a cohesive approach to infrastructure planning.

Council are concerned that the majority of infrastructure spend may go to main centres within Entity C, leading to delayed investment in water infrastructure required to support growth in the Horowhenua district. As a district with a smaller ratepayer base, Council want to guarantee that work is prioritised and carried out in a fair and transparent way across entities. It is important the district's smaller communities are provided with the same level of services as the larger cities. Council acknowledge the Investment Prioritisation Framework approach and look forward to seeing further detail about this mechanism so Council can determine whether this will adequately address this potential issue with the proposed reforms.

Delivery of water service aligns with Council's strategies and plans.

It is Council's request that any reform of Three Water Services must, at the very least, guarantee the delivery of the LTP 2021-2031 adopted by the Horowhenua District Council in June 2021, and other associated plans and strategies, such as Council's Infrastructure Strategy, Asset Management Plans and Integrated Spatial Plan. This is what is required to meet the district's future growth and what its community expects to be delivered, and therefore these expectations must be met.

Council suggest that:

- There is a clear process for every council to influence the Statement of Expectation for their water service provider, to ensure alignment of service delivery with their strategic priorities. The new entity should be required to develop an Infrastructure Strategy, Financial Strategy and detailed 30 years plan in line with the Local Government Act.
- At a minimum, Long Term Plan investment plans (including the relevant Asset Management Plans) are grand parented into the initial programme of activity for the new water service entity.
- A minimum underpinned quantity investment per annum in water infrastructure is specified for each region to ensure infrastructure is built to meet future demand.
- The Water Service Entities are required (under establishment legislation) to support and enable growth committed to in Spatial Plans and Long Term Plans.
- The principles used to allocate the “better off” funding package should be carried into allocation of capital funding for new entities.
- Development Contributions be set based on the Horowhenua catchment and not harmonised.

Theme 6: Growing and supporting our economy

Attracting and retaining businesses in the Horowhenua.

Industry and horticulture are heavy users of water networks in the Horowhenua – it is critical that clarity and certainty is provided to them through the reform process. Businesses need detailed pricing and compliance information to enable informed investment decisions about their future.

Council note the commitment to the principle of equity in charges for commercial versus residential Three Waters services, and expect there to be a consistent pricing approach within an entity, and between entities, and for industry to pay for what it uses. However, the information provided by Government to date offers little information on how equity will be achieved.

While Council understands, as stated in the July Cabinet papers, that equity is a key principle and that the new entities will need different charging instruments to effectively and equitably charge customers across the network, further advice on this matter will not be available before 01 October 2021 — which makes it impossible to assess the implications during this eight-week period.

Council are concerned about the potential for changes in charging structures for water and wastewater services to impact on business operations. Council's investment in wastewater

treatment infrastructure is an example of providing long term certainty of level of service for businesses, ensuring that Horowhenua is a good place to do business. Council would like the new service delivery arrangements, and their relationship to broader Council planning documents, to continue to support Council's objective to attract and retain businesses in the Horowhenua district.

Supporting local businesses through delivery of water services.

In addition to the resilience of the Horowhenua district, it is important the delivery of three waters services supports its local economy. The current delivery of three water services supports approximately 70 staff. The purchasing practice of water agencies may favour large contracts, that could exclude local operators, resulting in a loss of contractor capacity in the Horowhenua. Where local contractors are engaged, it is possible that they will be forced to operate at lower margins than their current arrangements with the Alliance, resulting reduced economic throughput in the district. Council believe that the water entity should be required to implement sustainable procurement practices, which will enable local contractors to participate.

Linked with the provision for supporting local contractors, it is important that the Horowhenua community has a clear and simple approach for contacting its water service provider. At the moment, communities contact Council directly for any concerns or queries regarding their rates and services. It is important that Horowhenua community is able to contact water service providers easily through simple and accessible methods.

Council suggest that:

- The Water Service Entities are required (under establishment legislation) to support and enable providing for new and existing businesses as committed to in Spatial Plans and Long Term Plans.
- The Water Service Entities are required to implement sustainable procurement practices throughout the supply chain including contributing to local employment and economic activity.

Theme 7: Service Delivery

Ability for the District to respond to emergencies, natural hazards and reactive events.

It is important for broader outcomes to be a requirement of a future water entity. The Horowhenua District Council's water services are currently provided by local contractors working under the Alliance framework. The involvement of local contractors provides a responsiveness that may be difficult to maintain with more remote management. This responsiveness contributes to the district's resilience and provides local employment opportunities.

In addition to maintaining the district's three waters infrastructure and operations through natural hazard events it is important to continue to invest to reduce the impact of natural hazard or other disruptive events. This is different to investing for growth however is likely to be subject similar prioritisation conflicts – competing for investment to improve resilience in other areas.

It is important that both service resilience and community resilience are enabled by the water service provider. Resilient communities are able to plan for, respond to and thrive after a disastrous event, driven by increased connectedness and cooperation. Resilient services are lifeline functions that are able to perform under stressors and deliver during and after a natural disaster.

Council suggest that:

- That Water Service Entities are obligated to deliver their services and investment programme in a manner that supports (or improves) community resilience.
- That Water Service Entities are required to meet reasonable response times, likely only to be possible with local knowledge and a local presence for emergency response.

Service affordability

Any thought of water services charges affordability needs careful consideration alongside rates relief offered by individual councils.

Council suggest that:

- Water Service Entities are required to consider affordability in setting charges.
- Water Service Entities are required to collaborate with Territorial Authorities so customers offered rates relief are also recognised by Water Service Entities.

Theme 8: Transition and delivery

Planned capital expenditure for Three Waters Infrastructure.

Council have multiple projects underway or committed to in our 2021-2041 Long Term Plan, to improve its three waters services and to ensure it meets the capacity of future demand. For the next 10years (out to 2031), Council have committed the following for renewals, levels of service and growth projects:

- \$44m for Water Supply
- \$119m for Wastewater
- \$27m for Stormwater

The material presented to Cabinet makes it clear that detailed work will be required to identify precisely which responsibilities, powers, functions, and assets would be transferred to, and/or held and exercised by the new entities. Council agrees that the process of unbundling water assets, liabilities and associated contracts and staff will be a technically and legally complex process.

Council reminds the Government that the transition of projects will be as technically and legally complex as will the transfer of people, assets and obligations. Council's commitments for infrastructure extend beyond three waters service provision into the delivery of houses, roads, schools and other public facilities. The boundaries between three waters and other components are not always clearly delineated.

Capacity to continue delivering services during transition.

Council's staff who support the delivery of three waters services have multiple roles within Council, delivering on a wider range of services. If the proposals are to proceed, Council are committed to supporting the transition process including making experienced staff available. Council note however, that day-to-day operations and planning activity cannot stop while transition planning and implementation takes place. This means that Government and councils need to work together to adequately resource both transition and operations through the transition period. It is likely that some experienced staff will need to stay employed by Council.

Council also note that in addition to planning and operations its three waters activities comprise of the delivery of multiple renewal and growth projects at any point in time. It is simply not realistic to transfer these projects to a new Water Service Entity at a single point in time. Council consider that the transfer time will need to be planned for each project, reflecting project milestones and contractual arrangements.

Council suggest that:

- The Government works closely with local authorities to plan for, adequately fund and resource transition activity to ensure that service delivery is maintained alongside transition planning and implementation.
- Transition planning recognises the need to adopt project specific transition arrangements.

Appendix one: Detailed Questions for government officials

It is the intention of the reforms for any relationship or resourcing agreements, project commitments and other Resource Consent 'side agreements' or undertakings (whether multi-year or otherwise) between Council and Iwi groups and/or other third parties that relate to three waters infrastructure, either in part or full, be transferred to the new water entities?

What is the intention with respect to the full range of potential legal liability in respect to existing infrastructure – does this transfer to the new entities or remain with Council?

What is the intention in respect to dual/multi-purpose property and infrastructure holding – such as reserves and infrastructure that may have a wider community purpose as well as a three water purpose (e.g. stormwater retention/management or solid waste leachate landfill to treatment plant piping and pumping infrastructure)?

How will the reforms manage or deal with planned capital projects that involve three waters infrastructure that are also intended to deliver wider community benefits (e.g. construction of

a water storage reservoir with corresponding recreational reserve and on site housing development aims)?

Did the Government consider alternate funding options for the Council, such as the Government returning to Council the GST on income received?

There is significant concern among our rural community that they will be asked to contribute to water costs when they do not receive any services. Can the Government clarify from a funding perspective which members of the community are expected to pay for the cost of water and wastewater?

Yours sincerely



Bernie Wanden
District Mayor



David Clapperton
Chief Executive

10 NOVEMBER 2021

Working group to ensure local voice in Three Waters reform



HON NANAIA MAHUTA

Local Government

Local Government Minister Nanaia Mahuta today announced the establishment of a working group made up of local government and iwi representatives to recommend strengthened governance and accountability arrangements for the Three Waters Reform Programme.

“I recently announced that four water services entities would be established to ensure that all New Zealanders get safe, reliable and affordable water services,” said Nanaia Mahuta.

“The feedback we heard from local government over the recent two-month engagement period raised a number of concerns about the proposed representation, governance and accountability arrangements for the new entities. To address this, Cabinet agreed to establish a working group to take a fresh look at these aspects of the entity design.

“This initiative is another important step in our transformational Three Waters reform which aims to ensure every New Zealander has access to affordable, safe and sustainable drinking water, waste water and storm water services without ballooning costs to households and families,” said Nanaia Mahuta.

“I am pleased to announce the members of the Working Group on Representation, Governance and Accountability of new Water Services Entities. I am confident they will bring diverse and representative perspectives to the table.

“Establishing this working group will ensure entities have accountability back to the communities they serve, and ensure an open and transparent process so New Zealanders get the high-quality water services we all deserve,” Nanaia Mahuta said.

The Working Group on Representation, Governance and Accountability of new Water Services Entities is comprised of 20 members, including an independent

chairperson, nine elected members of local authorities, nine iwi/Maori representatives, and the chair of the joint Central-Local Government Three Waters Steering Committee.

It will be independently chaired by Doug Martin, a highly experienced advisor in public sector organisational performance. He was a member of Auckland Council's Council-Controlled Organisation Independent Review Panel and was appointed Crown Manager to Christchurch City Council to help it regain its accreditation as a building consent authority.

Local Government New Zealand Chair Stuart Crosby said LGNZ is pleased that the Government has acknowledged feedback from local government leaders and is committed to working with the sector, leveraging the strength of the Heads of Agreement, on developing solutions to critical issues the sector has identified.

"The Working Group will help develop solutions to sticking points around representation and accountability, and other critical issues for councils," said Nanaia Mahuta.

"New Zealanders need water services which will meet the diverse needs of our communities, needs our councils understand better than anyone, and we are confident this working group is the circuit breaker to get the model right.

"The Working Group will work in an open and transparent way, including by making its advice and recommendations publicly available.

"It's a bottom line for the government that water services entities continue to be publicly-owned, have operational and financial autonomy to make much needed investment, and have oversight from local authorities and mana whenua. It is essential that our water services allow for local influence and democratic accountability.

"The Working Group will report back in March 2022, which ensures there is time for the advice and recommendations to inform the final entity design," said Nanaia Mahuta.

The Working Group members are:

- **Independent Chairperson:** Doug Martin
- **Elected members of local authorities:** Mayor Phil Goff, Auckland, Mayor Dr Jason Smith, Kaipara, Mayor Garry Webber, Western Bay of Plenty, Mayor Neil Holdom, New Plymouth, Mayor Campbell Barry, Lower Hutt, Mayor Rachel Reese, Nelson, Mayor Lianne Dalziel, Christchurch, Mayor Tim Cadogan, Central Otago, and Mayor Lyn Patterson, Masterton.
- **Iwi/Māori representatives:** Ngarimu Blair, Jamie Tuuta, Karen Vercoe, Ngahiwi Tomoana, Olivia Hall, Gabrielle Huria, Barry Bragg, and John Bishara. (One further representative for Entity A to be confirmed)
- **Chair of the joint Central-Local Government Three Waters Steering Committee:** Brian Hanna

ENDS

File No.: 22/36

8.3 Chief Executive's Report

1. Purpose

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

2. Recommendation

- 2.1 That Report 22/36 Chief Executive's Report be received.
- 2.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 2.3 That the Horowhenua District Council does not consult on the Annual Plan 2022/23 as it deems that there are no significant or material differences from the content of Year 2 of the Long Term Plan 2021-2041.

3. Chief Executive Updates

3.1 Green Flag awards

Green Flag is an internationally recognized benchmark for high-quality parks. There are Green Flag Parks on the American continent (North and South America); United Kingdom (Scotland, England, Wales and Ireland); Europe (France, Belgium, Germany); Norway; Sweden; and Finland; Turkey; the UAE; Australia; and New Zealand.

New Zealand has 24 Green Flags, seven of which are in Auckland and five in the Horowhenua. Horowhenua has the most Green Flags in New Zealand outside of Auckland. Other Councils with Green Flag accreditation include Hastings (3); New Plymouth (2); Masterton (2); Tauranga/WBOP; Gisborne; South Taranaki; and Porirua all of which have one each.

Sites are judged annually by technically qualified judges in eight areas (over 27 criteria) being –

- A welcoming place;
- Healthy, safe and secure facilities;
- Maintenance standards;
- Environmental management;
- Biodiversity, landscape and heritage;
- Community involvement
- Marketing and communication; and
- Management.

Council received its first Green Flag in 2018/2019 (Thompson House Park) and in 2021/2022 gained the award for Te Maire Park and Te Awahou Riverside Cultural Park. Its other two Green Flags are for Driscoll Reserve which received the award in 2019/2020, and Holben Reserve which was successful in 2020/2021.

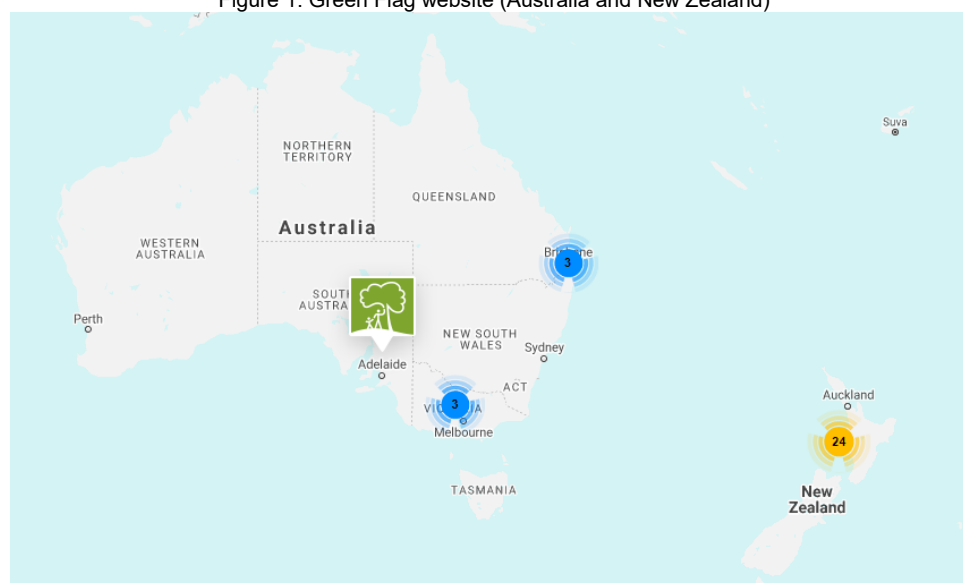
Having to apply and pass judging each year ensures that the sites concerned are maintained in optimum condition and leads to a culture of continuous improvement.

Benefits of the award include –

- **Showcasing your award** – Each year, winners receive a Green Flag for display on successful sites.
- **Enhanced pride and reputation** – As the international standard for parks and green spaces, holding a Green Flag Award® brings with it a vast amount of prestige. It is also an excellent example of civic achievement and provides communities with a great sense of civic pride.
- **Improvement** – Winning a Green Flag Award® visibly demonstrates to the local community that a clear improvement has been made to a site.
- **Regeneration** – Improving facilities at a park/green space and engaging more with the local community can have a knock on effect to the regeneration of an area. Upgrading a site to achieve Green Flag status can, for example, bring about improvements to health and education, reduce crime and improve the general cleanliness of an area, whilst at the same time providing a boost to its profile.
- **Increasing tourism** – Having a Green Flag Award® is an excellent attraction for tourism. Research shows that people will make special trips to award-winning sites.
- **PR and marketing** – Award winners have the opportunity to use the Green Flag Award® logos on all of their publicity and marketing materials, such as stationery, promotional literature, vehicles and uniforms. Winners are also provided with template press releases throughout the year that they can use as they wish.
- **Green Flag Award website** – Every winner has their own dedicated page on the Green Flag Award® website. This is fully customizable and a whole range of content can be included, such as a description of the park/green space, contact information website address, facilities and events.

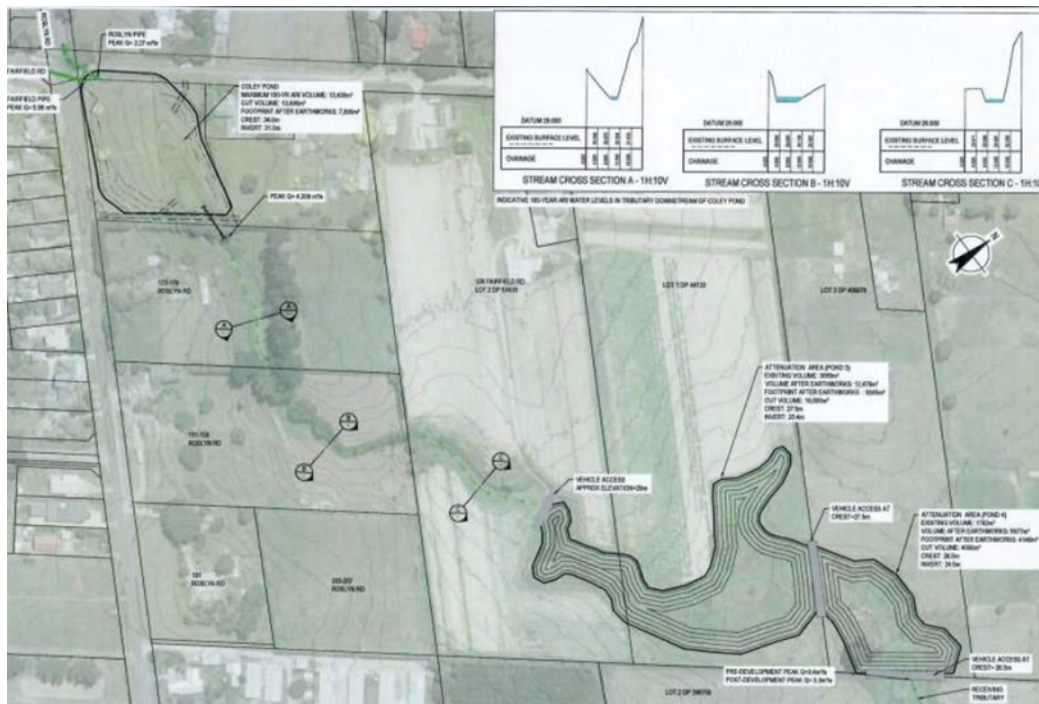
A Green Flag 'gets you on the map' literally and metaphorically as Green Flag maintain a Green Flag website at <https://www.greenflagaward.org/>

Figure 1: Green Flag website (Australia and New Zealand)



3.2 North East Levin Stormwater Attenuation Scheme

Council's resource consent application for the north east Levin stormwater discharge was granted late last year. The consent allows for the detention of any potential increase in stormwater within the unnamed tributary of the Koputaroa Stream via a series of three embankments and attenuation ponding areas, shown below.



The first stage of works involves construction of a coarse sediment settlement bay and wetland treatment system on Council-owned land at 124 Fairfield Road (otherwise known as Coley Pond). The Coley Pond attenuation area will not be permanently wet and there is currently negligible freshwater or riparian habitat of any value. The second and third attenuation ponds are not required for the current housing development phase as hydraulic neutrality is achieved with the construction of Coley pond. The consent allows Council to construct these ponds no later than within 12 months of 350 new lot titles being created in the north-east Levin development area.

Council staff and the contractor (Higgins) have finalised the various site management plans and are readying for a construction start at Coley Pond from the 8th February. Bulk earthworks are expected to take 2-3 months weather dependent.

3.3 Gladstone Road Realignment

The realignment of Gladstone Road continues to make excellent progress. The recent spell of dry weather has meant the temporary road has been fully operational. Our contractors are maintaining the road to a good standard. Work on the permanent road is about to ramp up. Construction on the bridge abutments and working platforms is due to start in the next two weeks. Earthworks is progressing well with the alignment now cut down to the subgrade level. Construction of the first new sections of pavement will commence in approximately three weeks.



3.4 **Annual Plan 2022/23**

Officers seek a Council decision on whether or not Council will consult on the Annual Plan 2022/23 (which is Year 2 of the Long Term Plan 2021-2041).

Context:

Legislative requirements for consultation:

The 2014 Local Government Act amendment removed the requirement for councils to consult on an Annual Plan unless there are “...*significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.*”

The Local Government Act 2002 does not define “difference”, however, section 95A(2) of the Act does refer to:

- variations or departures from the financial statements or the funding impact statement;
- new spending; and
- the delay, or abandonment, of projects.

Materiality:

What is or is not material is not defined by the Act and it is generally circumstance specific. The following can be useful tests:

- does the difference involve a change to the financial strategy or funding impact statement;
- might the difference(s) alter a reasonable person’s conclusion about the affordability of the plan;
- might the difference(s) lead to a reasonable person deciding (or not deciding) to make a submission on any consultation document (e.g. has some policy shift been signalled).

Significance:

Council’s Significance and Engagement Policy is the primary tool of Council for determining the significance of any matters or decisions.

3.5 Annual Plan process to date:

Officers briefed Council on 9 December 2021 and then held a Workshop on 16 December 2021. As part of the Briefing and Workshop officers provided Elected Members with an overview of the draft Operational and Capital Budgets by Activity; with a breakdown of any changes proposed to Year 2 of the Long Term Plan 2021-2041 including an explanation of notable changes.

An approximate rates income increase of 7.7% was discussed at the December Briefing and Workshop based on current budgets proposed for 2022/23. This is 0.3% (approximately \$160,000) higher than the 7.4% rates increase identified for Year 2 (2022/23) in the Long Term Plan 2021-2041.

Officers will work with Elected Members to reduce the rates income increase to be closer to 7.4% prior to the Annual Plan 2022/23 being finalised for adoption in June 2022.

Public consultation on the Long Term Plan 2021-2041 was extensive and very successful. Council received 562 submissions on the consultation of the draft Long Term Plan 2021-2014. Elected members worked hard to consider and make decisions on the matters raised by submitters.

None of the proposed changes to Year 2 are considered material or significant. General consensus of the Elected Members at the December Workshop was to not consult on the Annual Plan 2022/23. This will allow officers to shift earlier into focusing on the delivery of this Annual Plan.

Conclusion:

Officers do not consider any of the changes proposed for the Annual Plan 2022/23 to be material or significant, it is recommended that Council does not consult on this Annual Plan.

Recommendation:

That the Horowhenua District Council does not consult on the Annual Plan 2022/23 as it deems that there are no significant or material differences from the content of Year 2 of the Long Term Plan 2021-2041.

3.6 Application Horowhenua Sports Turf Trust to release funds

The Horowhenua Sports Turf Trust is applying for funding in the amount of up to \$322,000 for the replacement of the Halliwell Turf and urgent repair of floodlight poles. In November 2021, a condition survey on the floodlight poles indicated significant corrosion of the footings which has raised H&S concerns of potential failure. At this stage, the park side of the site has been secured and blocked from public access.

Replacement of the turf and repair to the lights has been estimated at \$474,800 of which the Horowhenua Sports Turf Trust have secured \$163,000 externally. This leaves a balance of \$311,800 to complete the turf replacement and urgent works to the lights. The Horowhenua District Council puts aside \$25,000 annually towards a fund dedicated for the Horowhenua Sports Turf Trust which is primarily for the replacement of turf. The current balance of this fund is \$322,000.

The Halliwell Hockey Turf is scheduled for replacement in March/April 2022. In December 2021, the Horowhenua Sports Turf Trust applied for release of the available fund to reinstate the artificial grass surface during the normal course of its renewals program, and initiate the necessary emergency repair of the Floodlights. This note requests the release of the fund to a maximum total \$322,000 to the Horowhenua Sports Turf Trust.


Confirmation of statutory compliance


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

4. Appendices

There are no appendices for this report

Author(s)	David Wright Chief Executive Officer	
-----------	--	---

Approved by	David Wright Chief Executive Officer	
-------------	--	--

File No.: 21/528

Council Facilities - COVID-19 Protection Framework

1. Purpose

To provide Council with information regarding the COVID-19 Protection Framework and Staff Vaccination Policy to enable decisions to be made on whether a My Vaccine Pass is required by the public to enter Council facilities.

2. Executive Summary

This report provides information to Council to make an informed decision in relation to the COVID-19 Protection Framework in order to protect staff and maintain services to the Horowhenua community.

3. Recommendation

- 3.1 That Report 21/528 Council Facilities - COVID-19 Protection Framework be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That the Council approves to require from 21 February 2022 to align with the staff consultation, for a valid My Vaccine Pass to be produced by the public for entry to the Council Civic Building (126 Oxford Street, Levin) Te Takeretanga o Kura-hau-pō, Te Awahou Nieuwe Stroom, Shannon Library, Levin Aquatic Centre, Foxton Pool and Shannon School pool for the duration it is managed by Aquatics Horowhenua.
- 3.4 That the Council adopts this policy for all 'in-person' participation at formal Council meetings and Committee meetings, Hearings and official Council Workshops as set out in this report to apply from 21 February 2022 at all Council venues.
- 3.5 That the Council notes the process the Chief Executive is taking in regard to establishing a policy for COVID-19 vaccinations of staff.
- 3.6 That the Council delegates authority to the Chief Executive, in consultation with the Mayor, to make further decisions on restricting entry to all Council facilities should this be considered necessary for the safety of staff and the community.

4. Background / Previous Council Decisions

On 22 October 2021, the government announced the shift away from the elimination strategy under the current Alert Level System to a suppression strategy under the new COVID-19 Protection Framework, which would provide greater freedom to those who are fully vaccinated.

On 26 October 2021, the government announced that it would be introducing a range of measures to support businesses wishing to protect customers and staff through requiring vaccination. These measures included:

- The introduction of a mandate requiring that all workers at "higher risk" businesses where entry was restricted to vaccinated patrons to also be fully vaccinated; and

- The provision of a clearer simplified risk assessment process for employers to follow when deciding whether they can reasonably require vaccination for different types of work.

On 23 November 2021, the COVID-19 Response (Vaccinations) Legislation Bill (“the Bill”) was introduced and went through its first, second and third readings and went before the Committee of the Whole House. The bill received Royal Assent on 25 November 2021.

The purpose of the Bill is to make vaccination a more prominent part of New Zealand’s COVID-19 response framework. It includes amendments to the:

- COVID-19 Public Health Response Act 2020; and
- Employment Relations Act 2000

The key relevant amendments to the COVID-19 Public Health Response Act 2020 are:

- To allow the Minister to make an Order specifying work, or classes of work, that may not be carried out by a worker unless they are vaccinated, exempt or an authorised person (work in the sectors defined as being “higher risk”); and
- To allow the Minister or Director General to make an Order for the purpose of requiring a person to permit unvaccinated individuals to enter a place or receive a service (ensuring that unvaccinated individuals retain access to essential services).

Health and Safety at Work Act 2015

Under the Health and Safety at Work Act 2015 (“the Act”) Horowhenua District Council (HDC) has a primary duty of care to ensure, so far as is reasonably practicable:

- the health and safety of workers and visitors while they are carrying out their work for, or as directed by, the Person Conducting a Business or Undertaking (PCBU);
- that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking;
- the provision of a work environment that is without risks to health and safety;
- the provision and maintenance of safe systems of work;
- the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

A PCBU who manages or controls a workplace, has a duty of care under the Act to ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace, are without risks to the health and safety of any person (public and workers included).

A duty imposed on a person under the Act requires that person to eliminate risks to health and safety so far as is reasonably practicable, and when it is not reasonably practicable to eliminate the risk, to minimise the risk so far as is reasonably practicable.

In informing the proposed position to be taken with workers, relevant Council staff have undertaken detailed risk assessments measuring the risk posed by COVID-19 to each role. This risk assessment was performed with the primary duty of care under the Health and Safety at Work Act 2015, and the non-negotiable of “safety first in all we do” in mind.

It is within this context that the Chief Executive has proposed adopting a low-tolerance approach to the risk posed by COVID-19.

Central government has been clear in its messaging that high vaccination rates are imperative to the continued fight against COVID-19 (to prevent the spread of the virus, reduce its effect on those who are infected and to reduce further variants to the virus). A low tolerance approach aligns with this messaging.

Wider Legislative Context

It is also important to take into consideration the fact that the decisions made within the COVID-19 and health and safety legislative frameworks do not sit in a vacuum. There are tensions between legislation to enact the COVID-19 Protection Framework, the rights of individuals (for example under the New Zealand Bill of Rights Act 1990), health and safety and employment law, and the nature of Council's role in providing services to the community under the Local Government Act 2002 and other legislation.

While balancing these considerations is not an easy process, the overriding consideration should be the health and safety of staff and our community in the context of the significant risk that COVID-19 presents.

Central Government Guidance on Public Facilities

Central government guidance has been released on 26 November 2021 as follows: Public facilities are defined as services at facilities provided by central or local government, that are open to the public for recreational, social, community or cultural activities or services, including museums, public galleries, libraries, recreation centres, swimming pools and zoos. Membership facilities are not included. Event or gathering rules apply to any part of a facility that is hired for exclusive use.

Central government has now provided confirmation that services such as libraries, galleries, pools and museums can require a My Vaccine Pass from the public. The restrictions are the same whether the My Vaccine Pass is required or not.

It is important to note that many Council facilities include elements of government mandated settings and settings not subject to a government mandate: Te Takeretanga o Kura-hau-pō and Te Awahou Nieuwe Stroom are examples of multipurpose facilities that include elements of government mandate settings as both facilities have cafes that operate on site. The advice in this case is that different areas of the facility can only operate with different requirements if they can be separated with no shared airflow – the stricter rules will apply if not.

5. Discussion

This report is to the best of the Chief Executive Officer's knowledge, informed by Human Resources Officers' input and the suite of guidance released by Central Government. It is understood that information continues to be reviewed and released by Central Government. Verbal updates on any relevant new information will be provided at the Council meeting.

It is also noted that the COVID-19 landscape, and risks associated with transmission of the COVID-19 virus will need to be monitored and reviewed on a regular basis. As an example the new variant Omicron identified by the World Health Organisation, which triggered travel restrictions.

New Zealand moved into the COVID-19 Protection Framework on 3 December 2021 within which a number of settings classified as being "higher risk" have been defined. These include:

- Hospitality

- Events
- Gatherings
- Close contact businesses; and
- Gyms

Under the COVID-19 Protection Framework, businesses operating in higher risk settings can choose whether they restrict entry/services to individuals who provide proof of vaccination or exemption.

Businesses operating in higher risk settings which opt not to restrict entry/services (allow unvaccinated public to enter/receive services) will be subject to greater restrictions in their operations under the various traffic light settings.

For businesses falling outside those defined as being higher risk, there is no express legal framework by which they can restrict access/service to vaccinated or exempt public. For these businesses, the decision to restrict access/service to the public will not affect whether workers must be vaccinated to perform the work.

There will be some services classified as “essential” which will not be able to lawfully restrict entry/services, e.g. supermarkets and pharmacies.

HDC Staff Policy

The Chief Executive and Human Resource Officers have commenced a consultation process with Council Officers on a proposed vaccination policy on 8 December 2021. Decisions were provided to people leaders on Wednesday 2 February 2022. This decision is embargoed until full announcement to staff on Thursday 3 February 2022.

Having carefully considered all feedback received together with our original position proposed, we can confirm the following decisions in relation to our COVID-19 Vaccination Policy and the use of vaccination passes for HDC staff.

Effective from Thursday 3 February 2022 the following two policy positions will apply:

1. All Horowhenua District Council (HDC) roles are to be undertaken by someone who is, and remains, fully vaccinated against COVID-19 or is able to provide evidence of a negative COVID-19 Rapid Antigen Test (RAT) completed at least twice per week or no more than 72 hours prior to entering an HDC workplace; and
2. Any visitor entering the staff areas of an HDC workplace must be, and remain, fully vaccinated against COVID-19 or must (at their cost) provide evidence of a negative COVID-19 test completed no more than 24 hours prior to entering the HDC workplace.

Staff Areas

Those entering staff areas include (but are not limited to):

- Staff
- Elected members
- Contractors / Consultants / Suppliers
- Family members and other visitors of staff

Staff areas of the workplace are those areas that are primarily used by HDC staff that you need an access card to get in. These include areas within but not limited to:

- Civic Building Oxford Street, Levin
- Te Takeretanga o Kura-hau-pō Community Centre & Library
- Foxton Service Centre & Library
- Shannon Library
- Te Awahou Nieuwe Stroom

Staff areas may be visited by people other than staff, but this would always be under the supervision of an HDC staff member. It is the responsibility of the HDC staff member to ensure the visitor meets the requirements of this policy before entering the building.

An HDC vehicle is also considered to be a staff workplace when there is more than one person travelling in it.

The policy will apply at all times including during and outside working hours and on weekends.

The policy does not apply to children who are not at the age where they are eligible to be vaccinated, which at the time of writing is 12 years and 3 months of age.

Third party premises

Additionally, we will need to follow any restrictions placed on Council staff entering premises as a result of government vaccination mandates, or where a business has decided to use vaccination passes. In these cases, the work will need to be undertaken by a person who is fully vaccinated to comply with the mandate/vaccination pass requirement.

In the event that a staff member is unable to undertake parts of their role because they do not have a vaccine pass and are not able to enter third-party premises, we will talk to that staff member about options. Ultimately, it may mean that an on-going employment relationship is untenable but we would carefully consider alternative options first. (see FAQ point 4).

Facilities recommendations

While related, the decisions made in relation to the vaccination status of Council Officers' will not impact on the decisions sought through this report in relation to entry/service requirements for public accessing Council facilities and services.

It is recommended that from 21 February 2022, Council requires for a valid My Vaccine Pass to be introduced by the public for entry to:

- Te Takeretanga o Kura-hau-pō, Te Awahou Nieuwe Stroom, Shannon Library, Levin Aquatic Centre, Foxton Pool and Shannon Pool for the duration it is managed by Aquatics Horowhenua.
- Council Civic Building (126 Oxford Street, Levin) including Council Chambers and all areas access by staff.
- HDC Dog Pound.

This report includes a draft policy for Council/Committee meetings requiring all 'in person' participation at formal Council meetings and Committee meetings, Hearings and official Council Workshops to be vaccinated and otherwise comply with Council Vaccination Policy for entering Council facilities.

Officers consider the matters in this report have a high significance and that the recommendations comply with Council's legal requirements.

The proposal for consideration is to require a vaccination certificate for entry into Council facilities as detailed in this report.

It is possible that some facilities, or specific parts of functions of some facilities, may be prohibited from restricting community access under an Order yet to be made or future guidance yet to be issued.

Elected Members will also need to consider when any decisions will take effect and the way that they will be implemented and enforced.

Officers are working to establish alternative methods of offering services to the community where possible, for those unable to access facilities in person, and for those who have a preference of remote service.

Risk Assessment and Other Considerations

Decisions on requiring a vaccination certificate for entry to Council facilities follows a risk based approach. In preparing the recommendation for this report, the primary consideration is the health and safety of our workforce and our community in the context of the significant risk that COVID-19 presents.

Assessment of probability

The Delta variant of COVID-19 is described by the New Zealand Ministry of Health as being a more infectious mutation of the virus. It is predicted that without any controls, the R-value would be between 5 and 6 – meaning that one infected person may infect up to 5 to 6 others. It has been described as “highly transmissible”

The probability of infection taking hold when directly exposed to COVID-19 viral particles can vary from person to person, but there is enough anecdotal evidence to show that in the absence of other controls e.g. mask wearing, social distancing and hygiene practices, there is a high probability of becoming infected when directly exposed to COVID-19. This is seen in the number of household infections that occur when those household members share a space with a COVID-19 positive person. There is also increasing evidence of infection occurring due to incidental exposure outside the home, as seen in MIQ facilities between rooms when doors have been opened.

The infectiousness has also been identified in the challenges associated with connecting some cases epidemiologically due to the transient nature of some of the exposure events. An example of this is the way in which the initial infection in this outbreak occurred, with no known direct exposure link, and the possibility of unidentified chains of infection.

On this basis, it is reasonably foreseeable that if a person is exposed to COVID-19 without any controls in place, there is a high probability of infection as a result.

Assessment of consequence

The range of consequences for a person infected with COVID-19 is extremely broad and will depend on a myriad of factors. While some people may be completely asymptomatic for the duration of the infection, others may lose their life to the infection or its associated complications.

While some individuals may recover from all COVID-19 symptoms within a few days (or not experience any at all), others will continue to struggle with lingering, and sometimes debilitating, effects for significant time after the infection has cleared.

As well as potentially serious consequences in respect of mortality and health (both long term and short term), which must be a primary consideration, there are also consequences

of infection related to business continuity and the provision of important services to the community. Widespread infection of staff, or infection of people holding key or highly skilled roles, could have a serious impact in this regard.

Impact of existing controls

There are a broad range of controls already in place to prevent infection, which all provide partial effectiveness, these are: personal protective equipment (PPE) control (use of face coverings), physical distancing, hygiene and workplace design.

Impact of vaccination

According to the Ministry of Health, being fully vaccinated and up-to-date, according to the Ministry of Health guidelines, provides protection in three ways. The first is by minimising the likelihood of infection, and the second is that it reduces the seriousness of illness if infected. The third way it provides protection is that it helps to reduce the likelihood of transmission.

The effectiveness of two doses of the Pfizer vaccine provides 64% to 95% protection against symptomatic illness.

Two doses of the vaccine provides 90-96% protection against hospitalisation or severe illness due to Delta infection. Additional variants may require further vaccinations and/or boosters.

To understand the long-term efficacy and safety of the vaccine, participants in the clinical trials are being tracked for another two years after their second dose of the Pfizer vaccine.

There is still potential for infection to occur regardless of vaccination, however it is much less likely for serious illness or hospitalisation to be required and very unlikely for an infected person to pass away as a result of their infection.

Summary

The risk assessment has determined that there is a significant impact on risk reduction for potential consequences associated with the use of vaccination alongside other controls. Without vaccination we are reliant on existing control measures that may not be sustainable or realistic over time, as seen by extended lock-downs and other alert level restrictions.

Due to the potentially serious consequences associated with COVID-19, any level of risk, even low risk, needs to be addressed and reduced. A highly vaccinated environment would provide for a reduction in the seriousness of consequences if infected, would reduce likelihood of infection and would reduce likelihood of transmission if infected. Vaccination would offer the best mitigation of the risks presented by COVID-19 when combined with all other current controls in place

Other considerations

Sitting alongside this are other considerations which are outlined below:

Indoor/enclosed facilities versus open air – ventilation has shown to be a key factor in the risk of transmission of COVID-19.

Essential workers – staff who are critical to the operation of our services need to be protected from the spread of the virus.

Essential service – whether a service is considered essential will in some cases dictate whether a vaccine certificate can be required for entry to our premises.

Under five year olds are vulnerable members of our community. Currently those under five are not eligible for vaccination, and the vulnerable (immune compromised, co-morbidities, elderly) in our community are at greater risk of health problems even if they are vaccinated. These groups of our community make up a large proportion of those visiting and using our facilities.

Impact on KPIs, levels of service and ability to operate and provide services to the community – Council has set its levels of service under the Long Term Plan. The decision on whether to require vaccination certificates for our facilities will impact the manner and extent to which our services can operate, as well as their ability to achieve revenue targets.

Other risks specific to the facility – some facilities have specific risks – e.g. the pools where close contact and inability to use masks when in pools need to be considered.

Any challenges with operationalisation of the traffic light framework.

Alternative ways of accessing our services – staff have also considered the ability to offer services in a different way to the community.

Initially security may be required to monitor public access into vaccine mandated areas which will return back to our trespass policy after an appropriate period of time.

Council Facilities

The Council facilities recommended to require visitors to have My Vaccine Passes as a condition of entry are:

- Council Civic Building (126 Oxford Street, Levin) in their entirety including Council Chambers, the Ante Room and Horowhenua Room.
- Te Takeretanga o Kura-hau-pō
- Te Awahou Nieuwe Stroom
- Shannon Library
- Levin Aquatic Centre
- Foxton Pool
- Shannon School Pool (while operated and managed by Aquatics Horowhenua)

It is proposed for the above Council facilities to move to producing a My Vaccine Pass from 21 February 2022.

Other areas of Council business are being reviewed and operational decisions on these will follow the COVID-19 Protection Framework. For completeness the following is noted for Elected Members:

- Leased premises – lease holders in general have exclusive long-term use of a site/building and will need to make their own decision on how they operate. Officers acknowledge that Council has a wide range of lease holders and some community groups may need further assistance to work through this issue.
- Parks/Reserves/Playgrounds (open air) – there are no plans to require vaccination certificates at these sites.

- Community Halls - Council operates a number of community halls that are rented by a range of groups (generally private member clubs/organisations) of varying size. Given the facilities are not staffed by Council, Officers require the various groups to manage their respective meetings in line with the COVID-19 Protection Framework. A clause is being inserted on the terms and conditions to reinforce this responsibility. If a complaint was received that a user was in breach of the rules, Officers would investigate.
- Leased premises – lease holders in general have exclusive long-term use of a site/building, often resulting from leases let prior to the advent of COVID-19. In such situations Council has little control, but would expect them to implement the COVID-19 Protection Framework during the normal course of their activities. If a complaint was received that a user was in breach of the rules, Officers would investigate.
- Parks/Reserves/Playgrounds (open air) – Given the informal use, and lack of staff on the majority of these premises, there are no plans to require vaccination certificates. However, where Council has a park booking it would expect users to operate under the COVID-19 Protection Framework. Terms and conditions will be updated to reflect this.
- Sports Grounds and Clubs – Council owns and manages a number of sportsgrounds that are rented to various sporting clubs over the year for autumn and summer sports. Officers require the various sports clubs to manage their activities in line with the requirements of the COVID-19 Protection Framework. Where Officers might be notified of a breach, they would investigate.
- Council operates a freedom camping ground at Kimberley Reserve. Council will require would-be campers to confirm they have a vaccine pass prior to providing a permit, and will limit camping nights in line with the COVID-19 Protection Framework (less than 100 persons per night). Vaccine passes will be audited via Council's security contractor.
- Transfer, Recycling Centres – these locations are controlled and operated under contract. Officers will advise once the contract holder position on Vaccination Certificates is known.

Council decision on access to the Council and Committee meetings

Below is a draft policy for Council/Committee meetings for Council consideration:

Proposed Governance level COVID-19 Vaccination Policy

The Governance COVID-19 Vaccination Policy shall apply from 21 February 2022;

All 'in-person' participation at formal Council meetings and Committee meetings, Hearings and official Council Workshops shall be vaccinated' and otherwise comply with Council Vaccination Policy for entering Council facilities.

This includes but is not limited to:

- *Elected Members;*
- *Appointed Independent Committee Representatives*
- *Council Officers;*
- *Presenters;*

- *Visitors attending the meetings, Hearings and Workshops described above;*
- *Media*

To prove that a person is vaccinated, they must show their My Vaccine Pass, or relevant exemption documents, together with appropriate photo identification, on request.

Attendance at those meetings that would otherwise be open to the public, will be broadcasted live via audio and/or video of the meeting.

Elected Members may attend any meeting that they would otherwise be entitled to attend by means of an audio link or audio-visual link to the proceedings as provided for in clause 25B of Schedule 7 of the Local Government Act 2002.

The policy will be reviewed prior to the expiry or repeal of the Epidemic Preparedness (COVID-19) Notice 2020.

“Vaccinated means:

- *Being fully vaccinated against COVID-19 as evidenced by a current, verifiable My Vaccine Pass (in electronic or print format) and remaining current with up-to-date boosters as outlined by the Ministry of Health guidelines.*
- *Having obtained an exemption from COVID-19 vaccination on medical grounds as approved by the Director General of Health.*

Timeframes

Timeframes for HDC staff vaccination policy:

Date	Action
Wednesday 2 February 2022	Decision announced to leaders' group
Thursday 3 February 2022	Decision announced to all staff Implementation commences. Requests to provide evidence of vaccination status begins. Conversations around individual status and impacts begin
14 February 2022	Date by which staff who are already fully vaccinated need to provide evidence of vaccination (if not provided before, as requested).
21 February 2022	Date by which unvaccinated staff need to inform us whether or not they intend to become fully vaccinated and have received their first vaccination and begin to provide evidence of a negative RAT result. Unvaccinated staff will not be able to enter the workplace beyond this date, unless a RAT test is provided.
21 February 2022	Date by which any visitors entering the staff areas of our workplaces need to either be fully vaccinated or provide evidence of a negative RAT result. Unvaccinated visitors will not be able to enter the workplace beyond this date, unless a RAT test is provided.
14 March 2022	Date by which partially vaccinated employees must have either provided us with evidence of being fully vaccinated or if not fully vaccinated, have a suitable agreement in place or continue to provide evidence of a negative RAT result to enter the workplace.

Operationalisation of any Council decision

Officers are confident that any decision to require vaccination certificates can be operationalised within the proposed timeframes.

5.1 Options

The Chief Executive Officer has assessed that there are three options for the Council to consider in relation to each of its facilities:

1. No vaccine mandate for any Council facilities.
2. Vaccine mandate all Council facilities not prohibited under the COVID-19 Protection Framework as outlined in the list in this report.
3. Vaccine mandate some Council facilities as determined by the Council.

5.2 Financial Considerations

There will be financial considerations in relation to the decision to be made.

Where the decision is to restrict entry/services to individuals who present proof of vaccination or an exemption, the key financial considerations will be:

- Costs of compliance, such as the additional staffing resource to manage entry and requisite technology

- Security
- Costs in facilitating alternative ways of delivering the service (where possible and to the extent possible)
- Lost revenue from unvaccinated patrons being excluded
- Increased ability to maintain revenue by virtue of being able to operate with greater freedoms and capacity
- Staff-related financial considerations e.g. increased cost of staff's physical and mental ill health and absenteeism related to potential exposure and/or exposure to COVID-19

The key financial consideration where the decision is not to restrict entry/services will be the potential lost revenue due to the facility being closed or restricted in operating by virtue of the traffic light settings, or lost revenue from community/patrons choosing not to use the service/attend the facility/hire our rooms due to concerns about health and safety.

This is difficult to estimate currently but information will be provided to Council as part of monthly financial reporting.

5.3 Community Wellbeing

The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the four wellbeings').

The subject matter of this report has been evaluated in terms of the four wellbeings during the process of developing this report as outlined below.

The recommendations set out in this report are consistent with that purpose.

Social

The decisions to be made with respect to facilities have the capacity to affect social wellbeing of communities. Any restrictions on entry/access to services will have a direct impact on the members of communities who will no longer be able to enter those facilities or access those services. This has the potential for a profound social impact in relation, particularly to, personal/private events and gatherings.

Similarly, community members that may feel impacted by a decision that allows unvaccinated people to access services or facilities may feel that their health is unfairly put at risk. This has the potential for our community members to avoid our public facilities and spaces.

These decisions will have an impact for vulnerable/immunocompromised members of the community as they will be able to access these facilities and use these services with greater confidence as to their safety.

Social wellbeing continues to be prioritised through Council's management of the risks and opportunities arising from the risks outlined in this report.

Economic

Any economic impact is likely to be minor (except for those high-risk areas in which the decision has already been made by central government).

Environmental

These decisions are not anticipated to affect environmental wellbeing.

Cultural

These decisions may have an adverse effect on cultural wellbeing if cultural events or gatherings are unable to go ahead because of key people being unvaccinated, or if some members of the community are unable to attend those events due to being unvaccinated. At the same time, these decisions may mean that some events can go ahead which otherwise would not have due to capacity limits, or if organisers would have been concerned about holding events which might have put their community at risk.

Being able to make reliable plans for artistic, cultural and community events will enhance cultural wellbeing after periods of cancellations.

The impact of these decisions on Māori communities deserves particular consideration, given the lower rates of vaccination uptake in Māori communities across the motu. Restricting access to facilities will therefore have a greater impact on Māori than on other ethnic groups.

6. Consultation

Significance

This matter is not considered as not significant in terms of S76 of the Local Government Act assessed but it is nonetheless a matter of high importance. This is because it involves a more than nominal alteration in the provision of a number of Council services, there is a high degree of public interest in vaccine mandate decisions, the decision impacts all users of Council facilities (the unvaccinated in particular, but the vaccinated will need to obtain and present a My Vaccine Pass which may be a technological challenge for some), and the impact on the unvaccinated will not be minor.

Engagement

Given the very short timeframes before the traffic light system commences and before the Auckland border opens, increasing the risk of transmission in Horowhenua, it is not possible to carry out the usual formal public consultation process. Elected Members will have considerable knowledge of the views that their communities hold in relation to COVID-19 vaccines and vaccine mandates. This is likely to include the strength of feeling demonstrated by the various court cases brought against workplace mandates and the public protests against mandates and other public health measures, and, on the other hand, the widespread uptake of the vaccine.

Input from stakeholders, including health authorities/providers, and mana whenua, should be encouraged.

7. Legal Considerations

The Chief Executive Officer and Human Resources Officers' confirm that the report complies with Council's legal and policy requirements.

8. Next Steps

Once a decision is made by Elected Members, Strategic Communications will be engaged to prepare information to the public via our official channels.

<u>Confirmation of statutory compliance</u>
--

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

9. Appendices

There are no appendices for this report

Author(s)	Lisa Slade Group Manager - People & Culture	
-----------	---	---

Approved by	David Wright Chief Executive Officer	
-------------	--	---

Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin on Thursday 16 December 2021 at 4.00pm.

PRESENT

Mayor	Mr Bernie Wanden	
Deputy Mayor	Mrs Jo Mason	
Councillors	Mr David Allan	
	Mr Wayne Bishop	
	Mr Ross Brannigan	
	Mr Todd Isaacs	
	Mr Sam Jennings	
	Mrs Victoria Kaye-Simmons	
	Mr Robert Ketu	(From 5:35pm)
	Mrs Christine Mitchell	
	Ms Piri-Hira Tukapua	
Reporting Officer	Mr David Clapperton	(Chief Executive)
	Mr Grayson Rowse	(Principal Advisor - Democracy)
Meeting Secretary	Miss Jody Lygo	(Democracy Support Officer)

IN ATTENDANCE

Mrs N Brady	(Deputy Chief Executive)
Mrs A Huria	(Business Performance Manager)
Mrs J Straker	(Chief Financial Officer)
Mr B Maguire	(Group Manager Infrastructure Development)
Mr B Harvey	(Group Manager Communities & Partnerships)
Mr D McCorkindale	(Group Manager Customer and Strategy)
Mrs L Slade	(Group Manager People and Culture)
Mr A Chamberlain	(Manager Financial Planning and Reporting)
Mr S Lucy	(Via ZOOM - Audit NZ)

Cr Tukapua opened the meeting with a Karakia.

1 Apologies

Apology

MOVED by Cr Wanden, seconded Cr Brannigan:

That the apology for lateness from Councillor Ketu be accepted.

CARRIED

2 Public Participation

There were none.

3 Late Items

Notice of motion

4 Declaration of Interest

Cr Brannigan and Cr Jennings declared a conflict of interest in relation to item 8.1 and did not take part in debate or discussion of this item.

5 Confirmation of Minutes

MOVED by Cr Kaye-Simmons, seconded Cr Bishop:

That the minutes of the meeting of the Council held on Wednesday, 8 December 2021, be confirmed as a true and correct record.

That the minutes of the meeting of the In Committee Meeting of Council held on Wednesday, 8 December 2021, be confirmed as a true and correct record.

CARRIED

6 Announcements

There were none

7 Proceedings of Committees

There were none.

Item 9 Notice of Motion was brought forward in the agenda.

9 Notice of motion

Councillor Sam Jennings proposed a Notice of Motion:

MOVED by Cr Brannigan, seconded Cr Jennings:

THAT Report 21/526 on Notice of Motion be received.

CARRIED

The Chief Executive provided background to the issue and advised Councillors of the option for the forthcoming briefing. Subsequently Councillor Jennings amended his Notice of Motion as follows:

MOVED by Cr Jennings, seconded Cr Kaye-Simmons:

THAT The Chief Executive arrange a briefing on 22 December 2021 at 3.00pm for all Elected Members with Council's legal counsel to inform members of progress and

discuss matters of substance relating to the Ashdale Litigation.

CARRIED

The meeting adjourned at 4:24 pm.

The meeting reconvened at 5:35pm.

8.1 Annual Report for the year ended 30 June 2021

The Annual Report for the year ended 30 June 2021 was presented to the Horowhenua District Council for adoption.

MOVED by Deputy Mayor Mason, seconded Cr Mitchell:

THAT Report 21/524 Annual Report for the year ended 30 June 2021 be received.

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

CARRIED

The Chief Financial Officer presented the report, the Auditor Mr S Lucy from Audit NZ attended via Zoom and provided his opinion on the Annual Report. Officers responded to questions from Elected Members.

MOVED by Cr Brannigan, seconded Cr Mitchell:

- 3.3 THAT the Annual Report for the year ended 30 June 2021 is amended by adding the final Audit Opinion.
- 3.4 THAT the Annual Report for the year ended 30 June 2021 be adopted as amended.
- 3.5 THAT the Chief executive be authorised to amend the final annual report for editorial amendments required or to reflect non material changes requested by Audit after the date of the report.
- 3.6 THAT the Mayor and Chief Executive be authorised to sign the Annual Report on behalf of Council, and the Mayor, Chief Executive and Chief Financial Officer be authorised to sign the Letter of Representation addressed to the Council's Auditors for the year ended 30 June 2021.

CARRIED

6:35 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:.....

Council

OPEN MINUTES

Minutes of an emergency meeting of Council held in the Online via Zoom on Monday 20 December 2021 at 5.30pm.

PRESENT

Mayor	B P Wanden
Deputy Mayor	Deputy Mayor J F G Mason
Councillors	Cr D A Allan
	Cr W E R Bishop
	Cr R J Brannigan
	Cr T N Isaacs
	Cr S J R Jennings
	Cr V M Kaye-Simmons
	Cr R R Ketu
	Cr C B Mitchell
	Cr P Tukapua

IN ATTENDANCE

Mr Grayson Rowse (Principal Advisor – Democracy)

ALSO IN ATTENDANCE

1 Apologies

Apology

MOVED by Cr Wanden, seconded Cr Takupua:

That the apology from Councillor Kaye-Simmons be accepted.

CARRIED

2 Late Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

3 Declaration of Interest

Members are reminded of their obligation to declare any conflicts of interest in writing they might have in respect of the items on this Agenda.

4 Announcements

5 Procedural motion to exclude the public

MOVED by Cr Ketu, seconded Cr Brannigan:

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 Horowhenua District Council Chief Executive Recruitment

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)(c)(ii) - The withholding of	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

	<p>the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.</p> <p>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.</p> <p>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 industrial negotiations).</p>	<p>under section 7.</p>
--	--	-------------------------

C2 Appointment of Interim Chief Executive

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
<p>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.</p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.</p> <p>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.</p> <p>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 industrial negotiations).</p>	<p>s48(1)(a)</p> <p>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.</p>

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

5.37 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.

5.53 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:.....