

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

**Date:** Thursday 17 December 2020  
**Time:** 3.00 pm  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford St  
Levin

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## **Council**

# **OPEN AGENDA**

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### **MEMBERSHIP**

<b>Mayor</b>	Mr Bernie Wanden	
<b>Deputy Mayor</b>	Mrs Jo Mason	
<b>Councillors</b>	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	
<b>Reporting Officer</b>	Mr David Clapperton	(Chief Executive)
<b>Meeting Secretary</b>	Mrs Karen Corkill	

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**Full Agendas are available on Council's website**  
[www.horowhenua.govt.nz](http://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



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**1 Apologies**

**2 Public Participation**

Notification of a request to speak is required by 12 noon on the day of the meeting by phoning 06 366 0999 or emailing [public.participation@horowhenua.govt.nz](mailto: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 Announcements**

Public Participation (further information):

The ability to speak at Council and Community Board meetings provides the opportunity for members of the public to express their opinions/views to Elected Members as they relate to the agenda item to be considered by the meeting.

Speakers may (within the time allotted and through the Chairperson) ask Elected Members questions as they relate to the agenda item to be considered by the meeting, however that right does not naturally extend to question Council Officers or to take the opportunity to address the public audience be that in the gallery itself or via the livestreaming. Council Officers are available to offer advice to and answer questions from Elected Members when the meeting is formally considering the agenda item i.e. on completion of Public Participation.

Meeting protocols

1. All speakers shall address the Chair and Elected Members, not other members of the public be that in the gallery itself or via livestreaming.
2. A meeting is not a forum for complaints about Council staff or Council contractors. Those issues should be addressed direct to the CEO and not at a Council, Community Board or Committee meeting.
3. Elected members may address the speaker with questions or for clarification on an item, but when the topic is discussed Members shall address the Chair.
4. All persons present must show respect and courtesy to those who are speaking and not interrupt nor speak out of turn.
5. Any person asked more than once to be quiet will be asked to leave the meeting.

File No.: 20/578

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## Annual Report for the year ended 30 June 2020

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### 1. Purpose

For the Horowhenua District Council to adopt the Annual Report for the year ended 30 June 2020.

### 2. Executive Summary

- 2.1 This report presents a copy of Council's Annual Report for the year ended 30 June 2020 that is attached. The Audit Opinion and Letter of Representation will be presented at the meeting.
- 2.2 Council, along with several other councils in the region, will have a qualified audit opinion on the completeness of Council's Statement of Service Performance (SSP).
- 2.3 The report is substantially complete but requiring full proofing i.e. grammar and minor spelling amendments, however the content is unlikely to change in any material way. The issues relating to financial performance have been highlighted and discussed with Councillors at the Finance, Audit and Risk Committee meetings.
- 2.4 Council's financial report shows an operating deficit of \$5.3m against a budgeted deficit of \$2.5m. Overall, Council shows a "Comprehensive Revenue and Expense" surplus of \$13.1m against a budget of \$7.09m. The difference relates to recognising asset revaluation increases of \$18.4m.
- 2.5 Council spent \$23.1m on asset purchases against a budget of \$32.65m. A number of projects were delayed due the impact of COVID-19.
- 2.6 A summary Annual Report will be produced and receives its own audit which has not happened yet. The Annual Report and Summary Annual Report must be made publicly available within a month of the Annual Report being adopted.

### 3. Recommendation

- 3.1 That Report 20/578 Annual Report for the year ended 30 June 2020 be received.
- 3.2 That this matter or decision is recognised as significant in terms of S76 of the Local Government Act.
- 3.3 That the Annual Report for the year ended 30 June 2020 is amended by adding the final Audit Opinion.
- 3.4 That the Annual Report for the year ended 30 June 2020 be adopted as amended.
- 3.5 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 2020.

## 4. Background / Previous Council Decisions

Council is required under s98 of the Local Government Act (reproduced below) to produce and adopt an Annual report within 4 months of the end of the financial year (i.e. by 31 October 2020):

This was updated by the Covid-19 Response (Further Management Measures) Legislation Bill (No 2) amended the Local Government Act 2002 by inserting a new section 98A that extended the deadline for adoption of the Annual Report to 31 December 2020. (reproduced below)

### **98 Annual Report**

- (1) *A local authority must prepare and adopt in respect of each financial year an annual report containing in respect of that year the information required by Part 3 of Schedule 10.*
- (2) *The purposes of an annual report are –*
  - (a) *to compare the actual activities and the actual performance of the local authority in the year with the intended activities and the intended level of performance as set out in respect of the year in the long-term plan and the annual plan; and*
  - (b) *to promote the local authority's accountability to the community for the decisions made throughout the year by the local authority.*
- (3) *Each annual report must be completed and adopted, by resolution, within 4 months after the end of the financial year to which it relates.*
- (4) *A local authority must, within 1 month after the adoption of its annual report, make publicly available –*
  - (a) *its annual report; and*
  - (b) *a summary of the information contained in its annual report.*
- (5) *The summary must represent, fairly and consistently, the information regarding the major matters dealt with in the annual report.*
- (6) *A local authority must, within 1 month after the adoption of its annual report, send copies of that report and of the summary prepared under subsection (4)(b) to –*
  - (a) *the Secretary; and*
  - (b) *the Auditor-General; and*
  - (c) *the Parliamentary Library.*

### **98A Extension of time limit for 2019/20 financial year annual reports: COVID-19**

- (1) *Despite the time limit in section 98(3), in relation to the financial year ending with 30 June 2020 a local authority must complete and adopt its annual report before the close of 31 December 2020.*
- (2) *This section is repealed on 1 February 2021.*

## 5. Discussion

### Financial Performance

- 5.1 Council's financial report currently shows an operating deficit of \$5.3m against a budgeted deficit of \$2.5m. Overall, Council shows a "Comprehensive Revenue and Expense" surplus of \$13.1m against a budget of \$7.09m. The difference relates to recognising asset revaluation increases of \$18.4m.
- 5.2 Other comprehensive revenues and expense is where the gains and losses are shown on revaluations that occur at year end. This year Council revalued its land and buildings. In keeping with what occurred over three years to the land rateable values Council shows a \$18.58m increase in the value of these assets while showing a



decrease in Roading values (\$180k) due to reducing the value by excluding road marking.

**5.3 Significant variances are:**

- Grants and Subsidies (unfavourable \$1.95m) due to lower capital subsidies from NZTA due to delays or stopped works in roading projects
- Gains on Disposal of assets (favourable \$0.6m) being gains on sale of commercial properties.
- Finance Costs (favourable \$0.3m) due to lower external interest rates.
- Loss on Derivatives (unfavourable \$1.3m) relating to unrealised loss on derivatives reflecting the ongoing fall in interest rates being experienced.

**5.4** Council's cash position increased to \$15.8m from \$8.5m last year through greater cash flow from operations and less spent on assets.

**5.5** Council has met all the prudential bench marks except balanced budget which is 92.34% against a benchmark of 100%. Last year this was 91.14%. Council has met the Debt Control benchmark of less than 100% of the LTP debt level for the first time in three years at 99.12%. Council has also met the "Operations Control" benchmark of achieving or exceeding the budgeted "net cash flow from operating activity" from cash flow statement, at 121.62%, for the first time in four years.

**5.6** The LGFA covenant of Net debt to Revenue is at 165%, 1% more than last year and below the Financial Strategy limit of 195% and LGFA limit of 250%. All other covenants have been met.

**5.7** Standard and Poors reaffirmed Council's A+ credit rating during the year. This credit rating increases Council's ability to borrow at favourable interest rates. The weighted average interest rate at 30 June 2020 was 2.84% down from 3.54% at 30 June 2019.

**5.8** Council will receive a modified (qualified) Audit Opinion on the completeness of Council's SSPs. This issue arises from an issued discovered where not all "complaints" regarding an issue in the 3 waters were recorded in accordance with the strict wording on the mandatory performance measure relating to complaints. Council has been recording the first complaint relating to any issue but not recording the second or subsequent complaints relating to the same issue. The strict interpretation of the measure required that each and every complaint needed to be recorded. Council is unable to correct the issue because there is insufficient information to rectify the issue. The qualification will not affect the financial statements. It will only be about the statement of service provision and will point to the three DIA mandatory complaints measures.

**5.9** Also that the audit report will also have some extra wording (an Emphasis of Matter) to draw attention to the disclosures about the impact of Covid-19. This Emphasis of Matter is being included in audit opinions for all councils this year.

## **6. Options**

There is no option but to adopt the Annual Report with or without an unqualified audit opinion.

### **6.1 Cost**

The cost is the internal cost of producing the report, estimated at \$250k to \$300k including the Audit cost of approximately \$150k.

#### **6.1.1 Rate Impact**

There is no rating impact other than the annual cost of producing and auditing the Annual Report, both of which have been budgeted for.

## 6.2 Community Wellbeing

Adopting the Annual Report has no impact on Community Wellbeing.

## 6.3 Consenting Issues

There are no consenting issues related to the adoption of the Annual Report.

## 6.4 LTP Integration

The cost of the Annual Report is budgeted for in the LTP and Annual Plan.

## 7. Consultation

No consultation has been conducted in relation to the adoption of the Annual Report.

## 8. Legal Considerations

Legal considerations are that Council has to adopt the audited Annual Report within four months of the balance date of 30 June 2020, although this has been extended to before the close of 31 December 2020.

## 9. Financial Considerations

The Annual Report was produced in-house, with no external input other than from Audit New Zealand and minimal valuation, treasury and legal costs. The cost of the Annual Report is funded from the General Rate and is costed to the Representation and Community Leadership activity.

## 10. Iwi Considerations

There are no Iwi considerations.

## 11. Climate Change Considerations

There are no climate change considerations.

## 12. Environmental Considerations

There are no environmental considerations.

## 13. Health & Safety Considerations

There are no health and safety considerations.

## 14. Other Considerations

10.1 These accounts have been prepared under the Public Benefit Entity (PBE) accounting standards. These standards add to the already complex nature and length of the Annual Report.

10.2 Most of the complexity and size of the document are caused by compliance with and complexity of the legislation, regulations and accounting standards that must be met.

## 15. Next Steps



Official copies of the Annual Report have to be signed and forwarded to the Auditor General, the Department of Internal Affairs, and to the Parliamentary Library. A full Annual Report and audited Summary Annual Report need to be completed and made

available to the public. This will include posting to our website and an article in "Community Connection".

## 16. Supporting Information

<p><b>Strategic Fit/Strategic Outcome</b></p> <p>There are no implications on Community outcomes on adopting an Annual Report.</p>
<p><b>Decision Making</b></p> <p>The adoption of an Annual Report does not require consultation prior to its adoption and can only be adopted by a full Council meeting; it cannot be delegated to a subcommittee.</p>
<p><b>Consistency with Existing Policy</b></p> <p>There is no policy on the adoption of the Annual Report.</p>
<p><b>Funding</b></p> <p>Funding is through the General Rate.</p>
<p><b><u>Confirmation of statutory compliance</u></b></p> <p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ol style="list-style-type: none"> <li>containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,</li> <li>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.</li> </ol>

## 17. Appendices

No.	Title	Page
A	Annual Report 2019/20 - Draft ( <i>Under Separate Cover</i> )	
Author(s)	Jeff Paulin <b>Finance Manager</b>	
Approved by	Nicki Brady <b>Deputy Chief Executive</b>	



File No.: 20/579

## Douglas Street Former Plantation Reserve Land

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### 1. Purpose

To seek further direction from Council on the potential for disposal of a former plantation reserve subject to multiple previous Council resolutions.

### 2. Executive Summary

- 2.1 Council owns a parcel of land in Levin, formerly a gazetted plantation reserve created in 1972 as a buffer between residential and commercial zones.
- 2.2 Development of the surrounding land resulted in the land being rezoned, negating the need for the buffer, and Council in a 1987 resolution gifted the land at no cost to neighboring properties. The formal removal of the reserve status of the land required to attain the desired outcome resulted in the directive from the Minister of Conservation that the land be sold. In order to fulfill the intent of the 1987 resolution, Council in 1991 resolved to allow the adjacent land owners to utilise and maintain the land at no cost.
- 2.3 A local property developer is seeking to purchase the land to enable a residential subdivision of a land locked parcel adjacent to the Council owned land parcel.
- 2.4 Council Officers request Council consider two (2) options; one being for the status quo to remain; the other to review the legal status of the current decision with a view to providing options for the potential disposal of the land.

### 3. Recommendation

- 3.1 That Report 20/579 Douglas Street Former Plantation Reserve Land 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 in relation to the Douglas Street Former Plantation Reserve Land, the Horowhenua District Council resolves to:
  - (i) retain the status quoOR
  - (ii) instruct Officers to consider options for the potential disposal of the land subject to further legal clarification.

### 4. Background / Previous Council Decisions

- 4.1 Council is the legal owner of a section of land off Douglas Street, Levin shown below.
- 4.2 The legal appellation is Lot 12 DP 33219 ("the lot"/"the land").

The lot has a total area of 1163 square metres, measuring approximately 10 metres by 115 metres and backs 5 privately owned properties on Tiro Tiro Road.

The lot is freehold, has no interests recorded on the title and is zoned Open Space.
- 4.3 HDC Land History:

In 1972 K Douglas Limited owned and subdivided land in Tiro Tiro Road, Levin.

At that time the land to the west of Tiro Tiro Road was not included in the Levin Borough Council District Scheme Plan; however it was intended that Tiro Tiro Road be utilised for Residential use and that the balance of the land to the west be zoned for Industrial use.

The Douglas subdivision created the Tiro Tiro Road properties (no 119 – 127), along with Lot 12 DP 33219 which was gifted to Council by Mr Douglas as a gazetted plantation reserve to provide a buffer between the residential and industrial zones.

Later in 1979 K Douglas Ltd developed Douglas Street as an industrial subdivision; however due to lack of demand for industrial land the Levin Borough Council later completed a scheme change to rezone the land to Residential (plan change 5, 23 November 1987).

In the meantime the owners of the Tiro Tiro Road properties bordering Lot 12 DP 33219 had occupied and been maintaining the land, at no cost to Council.

The 1987 rezoning of the land to the west of the reserve strip meant that the buffer zone was no longer required and the aforementioned Tiro Tiro Road property owners approached Council to acquire portions of the reserve.

In response Council offered the Reserve back to the original owner, K Douglas Ltd.

Subsequently Mr Douglas advised the Levin Borough Council that he would forego any right to the reserve in favour of the Tiro Tiro Road property owners.

This resulted in the Levin Borough Council Resolving to “gift” the land to the adjoining property owners, at no cost, amalgamating the land into their respective titles.

*Levin Borough Council Resolution – Planning & Property Committee - 19 October 1987 – Item 3.2 “THAT the portion of plantation reserve south of Douglas Street be offered for incorporation into those sites which adjoin it. Where any particular part of the recreation reserve is desired by more than one owner then a compromise will have to be reached. If insufficient interest exists in the transfer of the reserve to adjoining owners then the reserve is to remain in its present form, vested in Council. Should, however, there be sufficient interest where most, or all, of the reserve will be transferred to adjoining owners then Council shall, pursuant to the Reserves Act 1977, arrange for revocation of the reserve”.*

This decision was communicated to the respective adjoining property owners, and Council began the process to revoke the status of Plantation Reserve from the said land parcel.

*Horowhenua District Council Resolution - 11/7/90 – Resolution “THAT the Horowhenua District Council notifies the Commissioner, pursuant to Section 24(1)(b) of the Reserves Act 1977, that the plantation reserve described as Lot 9 and 12 DP 33219, Douglas Street, Levin is no longer considered desirable or necessary as a means of separating incompatible land uses as all adjoining land is zoned Residential and that, accordingly, the revocation be revoked in whole.”*

Ministerial Consent was obtained to the revocation of the reserve, notified by Notice in NZ Gazette 1990, Number 209, Page 459.

In revoking the reserve status, the Minister authorised Council to dispose of the land at market value and reimburse its Reserves Account from any such monies received.

When notified that Council was required to sell the land rather than gift it, the Tiro Tiro Road property owners requested that ministerial consent be sought to dispose of the land at nil value pursuant to the wishes of the late Mr Douglas and the resolution of Council.

*E.M Minutes – 20/2/91 – Resolution*

*“THAT it be recommended to the Horowhenua District Council that in view of circumstances and previous commitments made by Levin Borough Council, that the Minister of Conservation be requested to permit the disposal of the land in question at no cost to the adjoining land owners”.*

The Minister responded to this request indicating that they would construe the disposal of the land at market value liberally and would support the sale of the area at 40% of the current market value. Further stating that the liberal interpretation of “market value” is the figure which a buyer is prepared to pay ie “the sales process is a matter of negotiation

Council referred the matter to the Audit Office for further clarification, who responded advising:

*“To satisfy the conditions of the gazette notice, and avoid any possible criticism from the public, as to the matter in which the Council has administered the disposal of this land, that it fairly represents the prevailing market, for equivalent land sales in Levin.*

*At the very least, this Office, would expect Council, to offer the land to interested parties for the market value, specified in the valuers report.”*

At a Council meeting 2 October 1991, Tiro Tiro Road property owners then requested Council not to sell the land and allow the adjoining property owners to utilise and maintain the land as they had been doing for the previous 18 years.

This resulted in the following Council Resolution which stands to this day:

*“THAT the land on the south side of Douglas Street, being Lot 12 DP 33219 be retained by the Horowhenua District Council and that at the pleasure of the Council the residents of 115, 119, 121, 123, 125 and 127 Tiro Tiro Road be permitted to utilise the land as at present, provided, however, that the adjoining property owners mow the strip at no expense to the Council,  
AND FURTHER*

*That the residents be able to erect a fence to the west and northern boundaries to the satisfaction of the Manager – Operations and again at no cost”.*

- 4.4 Council Officers have received requests from a local property developer on multiple occasions to purchase the land aforementioned.
- 4.5 The developer requests this purchase to enable a residential development of a property adjacent to Lot 12 DP 33219 as his parcel is landlocked.
- 4.6 Due to the current standing resolution/s, Officers have responded to these requests requiring agreement from the Tiro Tiro Road property owners to progress further discussion.
- 4.7 Despite several approaches, the Tiro Tiro Road property owners have not agreed to the developer’s proposal.
- 4.8 The current zoning of the land parcel as Open Space will restrict development and should the future intent be that this changes, a District Plan change would likely be required.

## **5. Discussion**

- 5.1 It appears that the current resolution was made to facilitate, and achieves the intent of “gifting” the land to the neighboring property owners within the restrictions imposed by revoking the reserve land status.
- 5.2 The property currently has no outgoings, as the land is non-rateable currently zoned open space and neighboring property owners undertake all maintenance.

- 5.3 The developer seeking to purchase the land has been endeavoring to obtain the property for a considerable time, and is likely to continue to do so.
- 5.4 Given the history and resolutions passed by Council since 1972 in relation to this land, it would be Officers strong recommendation that legal advice is sought to clarify Councils options.

## 6. Options

Option 1 – Retain the status quo

Option 2 – Instruct Officers to consider options for the potential disposal of the land subject to further legal clarification.

### 6.1 Cost

Option	Cost
Option 1	Nil
Option 2	Estimated \$5,000

#### 6.1.1 Rate Impact

There are no rates impacts arising from either option.

### 6.2 Community Wellbeing

There are no Community Outcomes arising from either option.

### 6.3 Consenting Issues

There are no consenting issues related to either option.

### 6.4 LTP Integration

There is no LTP programme related to either option.

## 7. Consultation

There is no consultation required to be undertaken.

## 8. Legal Considerations

Option 1 – there are no legal considerations in retaining status quo.

Option 2 – will required legal advice.

## 9. Financial Considerations

Option 1 – there is no financial impact related.

Option 2 – legal fees will be incurred, these are estimated to be in the vicinity of \$5,000.

## 10. Iwi Considerations

There are no Iwi considerations identified related to either option.



## 11. Climate Change Considerations

There are no climate change considerations identified related to either option.

## 12. Environmental Considerations

There are no environmental considerations identified related to either option.

## 13. Health & Safety Considerations

There are no health and safety considerations identified related to either option.

## 14. Other Considerations

Following recent discussions with residents, Officers would be of the view that Tiro Tiro Road property owners are likely to challenge any change to status quo.

## 15. Next Steps

Whichever option is selected, the next step would be to inform the property developer and Tiro Tiro Road property owners of the outcome.

Should Council resolve to support Option 2, we would also seek further legal advice.

## 16. Supporting Information

<b>Strategic Fit/Strategic Outcomes</b>					
Options provided in this report are aligned with Councils Property Disposal Strategy					
<b>Decision Making</b>					
A Council decision is required to determine next steps in relation to this parcel of land.					
<b>Consistency with Existing Policy</b>					
Options provided for consideration in this report are consistent with existing strategic policy and the Long Term Plan					
<b>Funding</b>					
Should Council resolve to support Option 2, funding is available through existing operational budgets.					
Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic	Option 1 No Option 2 No				
Financial	Option 1 No Option 2 No				

Service Delivery	Option 1 No Option 2 No				
Legal	Option 1 No Option 2 Yes	High			By seeking legal opinion we will understand clearly the legal implications
Reputational	Option 1 Yes Option 2 Yes	Option 1 Med Option 2 High	Option 1 Low Option 2 High	Option 1 Low Option 2 High	Clear communications with affected parties on decisions made will be required for both options



**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.

**17. Appendices**

No.	Title	Page
A	Douglas St Former Plantation Reserve site - Photo 1	19

Author(s)	Ann Clark <b>Parks &amp; Property Lead South</b>	
	Arthur Nelson <b>Parks and Property Manager</b>	

Approved by	David Clapperton <b>Chief Executive</b>	
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## Lincoln Place Reserve - Levinable

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### 1. Purpose

To seek direction from Council on its level of support for the 'Levinable' accessible playground project utilising Lincoln Place Reserve.

### 2. Executive Summary

- 2.1 Lincoln Place Reserve is designated Open Space and gazette reserve land and is subject to the Reserves Act 1977. It is a 6,000 m<sup>2</sup> open grassed space with limited amenity value.
- 2.2 This property is listed on the disposals list within Council's Property Strategy, current levels of use are low and the reserve is used mainly by pedestrians moving from Goldsmith Crescent to Cambridge Street via Lincoln Place, and vice versa.
- 2.3 In order to better utilise the reserve, the community have indicated their preference to utilise the reserve as an accessible playground otherwise known as 'Levinable.' This would be a fully accessible playground suited to everyone, with a focus on those with disabilities. The community surrounding Lincoln Place Reserve have indicated their support for such a project and a positive enhancement to what is currently a bare piece of land.
- 2.4 Alongside the concept 'Levinable,' a survey of the land has presented a balanced option of a partial subdivision that yields six (6) compact lots for residential development to sit adjacent to the accessible playground. Thus providing an option with dual benefits, community and social wellbeing and addressing the housing shortage.
- 2.5 Council Officers request that Council consider three (3) options; status quo remain; Lincoln Place Reserve becomes a dedicated space for the Levinable accessible playground project; or; Lincoln Place Reserve becomes a mixed option of reserve land, home to the Levinable accessible playground and medium density residential housing.

### 3. Recommendation

- 3.1 That Report 20/580 Lincoln Place Reserve - Levinable 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 Horowhenua District Council resolves that Lincoln Place Reserve becomes a mixed option of reserve land, home to the Levinable accessible playground and medium density residential housing.
- 3.4 That the revocation of reserve status over part, approximately two thirds of Lincoln Place Reserve, be sought from the Minister of Lands, to allow future affordable/social housing development.

### 4. Background / Previous Council Decisions

- 4.1 The Council is legal owner of the property located between Lincoln Place and Goldsmith Crescent, known as Lincoln Place Reserve.

- 4.2 The legal appellation is: Lot 8, DP 27193, Area 0.1179, Gaz 1967 p593, 15060/15900; Lot 20, DP 15486, Area 0.4730, Gaz 1954 p222, 15060/15900

The lots have a total area of 6,000 square metres.

- 4.3 Lincoln Place Reserve was Gazetted in 1967 and 1954 for recreation purposes in its capacity as a reserve.

4.4 HDC Land History:

20 January 1959 - Lincoln Place/Goldsmith Crescent RH Harding advocated the early levelling and grassing of the recreational area between Lincoln Place and Goldsmith Crescent to keep children off the roadway in the latter busy street.

*Resolved: To reply to the writer to the effect that the work had been under the notice of the Council for some considerable time and would be carried out as soon as possible.*

16 May 1960 - *Resolved: That the Goldsmith Crescent boundary of the Lincoln Place Goldsmith Crescent be fenced with a view to confining through traffic to the asphalt pathway provided.*

16 August 1965 - Committee reported: Revocation of reservation over portion Lincoln Place Reserve. The Town Clerk reported that the Council's intention to apply to the Minister of Lands for a revocation of the reservation on the following portion of reserve part Lot 8 DP 15485 comprising 0.5 perches and part Lot 9 DP 15485 comprising 0.5 perches and part Lot 9 DP 15485 comprising 0.5 perches. (Both areas being portions of Lincoln Place Reserve) had been advertised in accordance with Section 18(2)(a) of the Reserves and Domains Act 1953 and no objections received. It was then resolved that the Council forward the application to the Minister of Lands for his consent.

16 March 1981 - Access over recreation reserve Lincoln Place.

*Resolved: That application be made to the Minister of Lands for his approval to the revocation of the reserve over Lot 5 and Part Lot 8 DP 27193, and the sale of the area approximately 240.3m<sup>2</sup> to the adjoining owner of Lot DP 43850.*

- 4.5 In July 2018, the IHC Foundation approved funding for a community project to explore the experiences of parents of disabled children in Horowhenua and co-design solutions to the challenges they face. This was informed by the 'A Good Start in Life' project which found that small, informal things often made a difference to parents' wellbeing, and that there is a group of parents who struggle to manage everyday life with a disabled child. Through IHC, Parent to Parent, Levin East School, Muaūpoko Tribal Authority and Fale Pasifika Horowhenua, the Levinable project leads interviewed local marginalised and vulnerable Māori, Pasifika, Pākehā and Indian parents who have family members with a range of disabilities. Among other things, they found that many of the parents interviewed wanted a safe, accessible, inclusive outdoor space for their children to play where they can sit, watch and relax. They seek a tranquil place that is inviting, welcoming and of aesthetic beauty that encourages adults and children to want to spend time in – likening it to an extension of their own backyard. This sparked the concept for a fully accessible / sensory playground, the project is called 'Levinable.'
- 4.6 In early 2020, community members led by Suzanne Downes of IHC began conversations with Council Officers regarding the concept of a fully accessible / sensory playground (Levinable). Officers saw merit in the concept, and entered into further discussions. The community members were ultimately seeking a location for their concept, and had already identified Lincoln Place Reserve as a bare piece of land that could be utilised. At the time, Officers supported this in principle and informed the community members that the property was included in Council's property Strategy and identified for disposal.
- 4.7 At the 12 February 2020 meeting of Council, Council (In-Committee) were to consider a report "Phase II Property Evaluations", the purpose being, to seek direction from

Elected Members on the disposal of non-core Council property. This report was withdrawn from the Council Agenda as Elected Members indicated more information was required to make informed decisions on those properties recommended for disposal.

- 4.8 At its 11 February 2020 meeting of Council's Community Wellbeing Committee set the following priority areas for action; Housing; Growth; Health and Wellbeing; Community Safety; Community Belonging
- 4.9 On 14 February 2020, a Levinable co-design workshop was held at Te Takeretanga o Kura-hau-pō. Community members contributed their ideas, thoughts and feelings about the proposed project. In groups, they sketched designs or wrote their wish-list and these were pulled together by our workshop facilitator, Robin Christie (of Childspace in Wellington) into a Concept Plan for an accessible / sensory garden located at Lincoln Place Reserve.
- 4.10 At the Wednesday 14 October briefing/workshop of Council, Council heard a presentation from community members and Muaūpoko Tribal Authority regarding their aspirations for an accessible playground. The 'Levinable' accessible playground concept was developed based on it being located in Lincoln Place Reserve. No actions were recorded.
- 4.11 At the Wednesday 18 November briefing/workshop of Council, Council discussed Phase II Property Evaluations, including Lincoln Place Reserve. No actions specific to Lincoln Place Reserve were recorded.

## 5. Discussion

- 5.1 As part of Council's Property Strategy, Lincoln Place Reserve has been identified for disposal.
- 5.2 The surrounding environment is zoned for medium density housing. Whilst Council has recently increased the medium density overlay, there has only been a small number of applications. Given its size and location, this site could be a great opportunity for Council to deliver a good example of medium density and lead the market.
- 5.3 The Levinable project contributes positively to Community Wellbeing in a number of ways. The project is a community-led project that has had collective action. It will provide all community members with a sense of community and pride. It will bring together various members of our community with different backgrounds and foster a socially cohesive environment. There is strong evidence that the networks and the strength of relationships between individuals and families, in a neighbourhood and a community, all contribute to community wellbeing and resilience. Individual wellbeing, whether it is sought through work, leisure, family life or volunteering, is achieved within the context of community.
- 5.4 Levinable linked to Community Development  
Community development is about everyone working together, it is about whanaungatanga (relationships), shared experiences and working together to create a sense of belonging. The Levinable project will achieve this.  
  
Levinable linked to Social Development  
Social development is a broad term that describes actions to deliver positive social outcomes and prevent social harm. It is linked with social equity and social justice, if Levinable is to go ahead, those that live in the surrounding areas will have, on their back door step, a fully accessible playground that promotes pro-social behaviour and interactions.
- 5.5 Council has a role to play in supporting community-led development and work with communities to develop leadership, skills and capacity. Allowing the Levinable project

- to be fully Community-led development is demonstrating that we trust our community, but also, the community buy in and sense of pride is greater if they develop the concept themselves.
- 5.6 The Levinable project will promote inclusion, reduce discrimination and remove barriers to opportunity and participation, particularly for disadvantaged groups, with a focus on those with disabilities. Council has an important role to play in promoting equity and fairness, which is crucial for improving the wellbeing of all Horowhenua people.
- 5.7 The Levinable project facilitates Māori outcomes through a partnership approach with Iwi. The project is already fostering a positive and productive relationship with Iwi and the project will contribute to Māori wellbeing and positive community development outcomes.
- 5.8 There are concerns regarding the location, and it becoming a gathering place for anti-social behaviours. Adjacent residential housing could provide a layer of protection by always having a view of the proposed park.
- 5.9 Horowhenua does not have a park that is fully accessible; there are parks with elements of accessible equipment. However, the designs have meant that although the equipment is accessible it is in a corner and those with disabilities are 'segregated'. The Levinable project aims to create a fully accessible space where those with disabilities can navigate the park safely and can use the equipment alongside able-bodied people.
- 5.10 The surrounding area of Lincoln Place Reserve is a high deprivation area. Providing this community with an opportunity to take ownership of a playground and have an opportunity to engage in pro-social behaviour will achieve positive outcomes. An example of this type of Community-Led model is Solway Park in Levin. The transformation of Solway Park has since transformed the lives of tamariki (children). Lincoln Place Reserve would be no different.

## 6. Options

**Option 1** – Retain the status quo

**Option 2** – Lincoln Place Reserve becomes a dedicated space for the Levinable accessible playground project

**Option 3** – Lincoln Place Reserve becomes a mixed option of reserve land, home to the Levinable accessible playground and, medium density residential housing.

### 6.1 Cost

**Option 1** – There are no costs associated with this option

**Option 2** – Levinable accessible playground costs will majority be incurred by the community groups with Council Officer time being offered.

**Option 3** – Levinable accessible playground costs will majority be incurred by the community groups with Council Officer time being offered. There will be costs incurred with the exploration of a residential subdivision

Option	Cost
Option 1	Nil
Option 2	Community Fundraising Council Officer time Ongoing maintenance – A playground



	design would determine the cost, but would be met by Council in its existing maintenance budget
<b>Option 3</b>	<p>Community Fundraising</p> <p>Council Officer time</p> <p>Ongoing maintenance – A playground design would determine the cost, but would be met by Council in its existing maintenance budget</p> <p>There will be costs incurred with the exploration of a residential subdivision estimated at \$50,000.00</p>

### 6.1.1 Rate Impact

There are no rates impacts arising from either option.

### 6.2 Community Wellbeing

The Local Government (Community Well-being) Amendment Act has resulted in a change in the purpose of local government, which is to promote community wellbeing. This reaffirms that Horowhenua District Council (HDC) as a local authority are responsible for improving the social, economic, environmental and cultural wellbeing of our communities.

The Levinable concept contributes to Council's community outcomes; Partnership with Tangata Whenua, Thriving Communities, Vibrant Cultures, Stunning environment and Enabling Infrastructure.

Community wellbeing is not easy to "measure". Community wellbeing is related to people feeling a positive sense of place and belonging in their community. A strong community gives people this sense of belonging, is adaptable and able to respond to adversity, has capable leadership, and promotes social trust, participation and mutual responsibility.

The Levinable Project aims to achieve this and will have a positive impact on Community Wellbeing for all of those that will be involved in the development and future use the park.

### 6.3 Consenting Issues

There are no consenting issues related to either option.

### 6.4 LTP Integration

There is no LTP programme related to either option.

## 7. Consultation

There is no consultation required to be undertaken.

## 8. Legal Considerations

Option 1 – There is no legal impact related.

Option 2 – There is no legal impact related.

Option 3 – The proposed partial development of Lincoln Place Reserve into residential housing will need to meet the requirements of all associated legislation, at some point it will require legal Counsel.

## 9. Financial Considerations

Option 1 – There is no financial impact related.

Option 2 – Levinable accessible playground costs will majority be incurred by the community groups with Council Officer time being offered. Ongoing maintenance would be met by Council through its existing maintenance budget, the playground design would determine the cost of maintenance.

Option 3 – Levinable accessible playground costs will majority be incurred by the community groups with Council Officer time being offered. There will be costs incurred with the exploration of a residential subdivision estimated at \$50,000.00.

## 10. Iwi Considerations

Having selected what the Levinable Project leads saw as the 'perfect' site, they sought the support, advice, and guidance from the Chief Executive of Muaūpoko Tribal Authority. Muaūpoko have been alongside the Levinable Project team from the start. There would be disappointment if the project does not go ahead in some capacity.

There are no other known Iwi considerations identified that relate to either option.

## 11. Climate Change Considerations

There are no climate change considerations identified related to either option.

## 12. Environmental Considerations

If Council resolve to support option 2 or option 3, there will be changes to the visual environment of Lincoln Place Reserve. Either option would be seen as a positive transformation for what is a bare piece of land.

## 13. Health & Safety Considerations

There are no health and safety considerations identified related to either option.

## 14. Other Considerations

As the district is undergoing significant growth, refusal to consider a proposal that may result in the creation of residential housing could be seen as hindering the expansion of the district.

If Council resolves to support option 3, consideration shall be given to the District Plan and Resource Management Act, and the subsequent process/s that shall be followed to adhere to legislative requirements.

## 15. Next Steps

Should Council resolve to support Option 1, there would be no next steps

Should Council resolve to support Option 2, the next steps would be to; inform the Levinable project leads and connect them with Council's Parks and Property and Community Development teams to work through the next steps in developing the accessible playground.

Should Council resolve to support option 3, the next steps would be to; inform the Levinable project leads, and connect them with Council's Parks and Property and Community Development teams to work through the next steps in developing the accessible playground. In addition, for Officers to take the required and necessary next steps to plan for the identified adjacent subdivision, adhering to all legislative requirements.

## 16. Supporting Information

<p><b>Strategic Fit/Strategic Outcome</b></p> <p>Options provided in this report are aligned with Councils Property Disposal Strategy</p>
<p><b>Decision Making</b></p> <p>A Council decision is required to determine next steps in relation to this parcel of land.</p>
<p><b>Consistency with Existing Policy</b></p> <p>Options provided for consideration in this report are consistent with existing strategic policy and the Long Term Plan</p>
<p><b>Funding</b></p> <p>Should Council resolve to support Option 2, funding is available through existing operational budgets.</p>

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic	Option 1 No Option 2 No Option 3 No				
Financial	Option 1 No Option 2 No Option 3 No				
Service Delivery	Option 1 No Option 2 No Option 3 No				
Legal	Option 1 No Option 2 No Option 3 No				
Reputational	Option1 Yes Option 2 No Option 3 No	Damage to reputation	Likely	Low	Work with the community group to seek an alternative location

**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.

**17. Appendices**

No.	Title	Page
A	Lincoln Place Reserve - Levinable Concept Drawing - 24 August 2020	29
B	Novo Group - Lincoln Place Reserve Development Concept	29

Author(s)	Cathryn Pollock <b>Community &amp; Social Development Manager</b>	
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Approved by	David Clapperton <b>Chief Executive</b>	
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