
Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin, on Wednesday 12 August 2020 at 4.00 pm.

PRESENT

Mayor	Mr B P Wanden
Deputy Mayor	Mrs J F G Mason
Councillors	Mr D A Allan
	Mr W E R Bishop
	Mr R J Brannigan
	Mr T N Isaacs
	Mr S J R Jennings
	Mrs C B Mitchell
	Ms P Tukapua

IN ATTENDANCE

Reporting Officer	Mr D M Clapperton	(Chief Executive)
	Mr D Law	(Chief Financial Officer)
	Mr B Maguire	(Group Manager – Infrastructure Development)
	Mrs L Slade	(Group Manager – People & Culture)
	Mr D McCorkindale	(Group Manager – Customer & Strategy)
	Mrs V Miller	(Compliance Manager)
	Mr N Hirini	(Community Development Advisor)
	Mrs K J Corkill	(Meeting Secretary)

MEDIA IN ATTENDANCE

Ms R Moore (“Manawatu Standard”)

PUBLIC IN ATTENDANCE

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

The meeting commenced with a karakia (Cr Tukapua), with the Mayor also noting that Council was observing the social distancing required under COVID-19 Alert Level 2.

1 Apologies

Apologies were recorded for Councillors Ketu and Kaye-Simmons, and for the Foxton Community Board Chair, Mr Roache.

MOVED by Cr Allan, seconded Cr Jennings:

THAT the apologies from Councillors Ketu and Kaye-Simmons, and Foxton Community Board Chair, Mr Roache, be accepted.

CARRIED

2 Public Participation

None requested, though it was noted that there had been two submissions to the Rates Postponement Policy where the opportunity to speak had been requested. These submissions, which had been provided in hard copy, would be read out when the report on the Rates Postponement Policy was addressed, and Elected Members had also been provided with copies.

3 Late Items

Mr Clapperton advised there were three late items for consideration:

20/342 – Proceedings of the Finance, Audit & Risk Committee 24 June 2020

As Council did not have an ordinary meeting in July – the meetings held were all Extraordinary – these minutes should have been included in today's Agenda, as well as the FAR Committee Minutes for July, but were overlooked. To ensure due process was followed, they were being brought today as a late item, rather than waiting for next month's Council meeting.

Supporting information for the following two reports had not been available when the Agenda had been prepared, but a response from Council was required for the two matters to be progressed.

20/335 - Three Waters Service Delivery Reforms/Stimulus Programme

It had been intended for this to be dealt with In Committee, but after further consideration it had been decided that it would be addressed in the open portion of the meeting.

20/337 - In Committee – Crown Infrastructure Partners Funding Agreement

4 Declaration of Interest

There were no declarations of interest.

5 Confirmation of Minutes

MOVED by Cr Mitchell, seconded Cr Allan:

THAT the minutes of the meeting of the Council held on Wednesday, 24 June 2020, be confirmed as a true and correct record.

CARRIED

MOVED by Cr Isaacs, seconded Cr Mitchell:

THAT the minutes of the meeting of the Extraordinary Meeting of Council held on Monday, 29 June 2020, be confirmed as a true and correct record.

CARRIED

MOVED by Deputy Mayor Mason, seconded Cr Allan:

THAT the minutes of the meeting of the Extraordinary Meeting of Council held on Wednesday, 8 July 2020, be confirmed as a true and correct record.

CARRIED

MOVED by Cr Brannigan, seconded Cr Jennings:

THAT the Open & In Committee minutes of the meeting of the Extraordinary Meeting of Council held on Thursday, 23 July 2020, be confirmed as a true and correct record.

CARRIED

Late item 20/342 was then addressed:

Proceedings of the Finance, Audit & Risk Committee 24 June 2020

Purpose

To present to the Council the minutes of the Finance, Audit & Risk Committee meeting held on 24 June 2020.

As noted in the report, Mr Clapperton reiterated that the Emergency Committee was no longer needed as Council was in a position to call an extraordinary or emergency meeting of the full Council within 24 hours should circumstances require it.

MOVED by Cr Allan, seconded Cr Tukapua:

THAT Report 20/342 Proceedings of the Finance, Audit & Risk Committee 24 June 2020 be received.

THAT the Council receives the minutes of the Finance, Audit & Risk Committee meeting held on 24 June 2020.

That, as recommended by the Finance, Audit & Risk Committee, the Horowhenua District Council deactivates the Emergency Committee that was put in place to respond to the COVID-19 Pandemic

AND FURTHER

That the minutes of the Emergency Committee as presented to Council on 6 May and 10 June 2020 be confirmed as a true and correct record.

CARRIED

6 Announcements

Foxton Community Board Update

This would be provided when the FCB minutes were received.

7 Proceedings of Committees

7.1 Proceedings of the Creative New Zealand Funding Allocation Committee 9 June 2020

Purpose

To present to Council the minutes of the Creative New Zealand Funding Allocation Special Committee meeting held on 09 June 2020.

MOVED by Cr Brannigan, seconded Cr Mitchell:

THAT Report 20/313 Proceedings of the Creative New Zealand Funding Allocation Committee 9 June 2020 be received.

THAT the Council receives the minutes of the Creative New Zealand Funding Allocation Special Committee meeting held on 09 June 2020.

CARRIED

7.2 Proceedings of the Foxton Community Board 27 July 2020

Purpose

To present to the Council the minutes of the Foxton Community Board meeting held on 27 July 2020.

MOVED by Cr Isaacs, seconded Cr Allan:

THAT Report 20/306 Proceedings of the Foxton Community Board 27 July 2020 be received.

THAT the Council receives the minutes of the Foxton Community Board meeting held on 27 July 2020.

CARRIED

Deputy Chair, Tricia Metcalf, provided the following update on behalf of the Community Board:

Elected Members and staff visit to Foxton

It had been great to have Elected Members and staff visit Foxton on 5 August and hopefully everyone had a better insight into the Board's aspirations and challenges.

Foxton Beach Reserves Management Plan

The Holben Reserve development plan was now at the wider community consultation stage and there would be two drop-in meetings this coming Friday and Saturday. The Community Board would be joining staff for support over those two days. Traffic calming measures were urgently needed now, rather than waiting for the Management Plan to be progressed, as traffic between the north and south sides of the reserve needed to be slowed down because of safety concerns.

Foxton Youth and the Rugby Club

There was an old saying "get the children interested in sport and you will keep them out of Court". To that end the Foxton Rugby Club had approached the Community Board to talk about developing Easton Park into a sports hub rather than just a rugby field, and the Board was keen to work for the youth of Foxton and to get behind the Foxton Rugby Club and help wherever possible to achieve their ambitions and goals.

Foxton Beach Freeholding Fund (FBFF)

The grant to the Foxton Beach Progressive Association (FBPAI) had been transferred to the Horowhenua Camera Trust and the Board was looking forward to the installation of the CCTV cameras at Foxton Beach. It was unfortunate that funds from the Freeholding Account could not be used to support cameras in the town. Thanks were expressed to the FBPAI for their work on this project.

With regard to the FBFF policy review, there was one more meeting required with the FBPAI and then the policy would be ready for public consultation.

Provincial Growth Fund – Grant for the Loop Town Frontage Section

The Board was looking forward to this work starting and watching the progress. It was understood there was a very short completion date.

Mayor Wanden acknowledged the reference in the FCB minutes to the retirement of Paul Andrews and asked that thanks be passed on to him from the Council for his input to the Foxton Community over a considerable number of years.

Mr Clapperton drew attention to a recommendation in the minutes that needed to be actioned by Council in relation to the transfer of funds for the CCTV project.

MOVED by Cr Brannigan, seconded Cr Allan:

THAT, as recommended by the Foxton Community Board, the Horowhenua District Council approves the reallocation of funding for the Foxton Beach CCTV project from the Foxton Beach Progressive Association to the Horowhenua Camera Trust, up to

\$110,000, provided that a final order of costs and contractual arrangements are agreed between the Foxton Beach Progressive Association and the Horowhenua Camera Trust which are acceptable to Council.

CARRIED

It was clarified and assurance was provided that the funding would be spent solely at Foxton Beach. However, this would be part of what was proposed to be a district-wide system under one umbrella at the Levin Police Station; hence the change of name from Levin Crime Prevention Camera Trust to Horowhenua Camera Trust. There had been extensive work done on the system that was going to be implemented and it had been set up in such a way that Foxton, if it could source funding, could be linked in as well.

It was also confirmed by the CE that he would be doing due diligence before any funding was allocated.

7.3 Proceedings of the Finance, Audit & Risk Committee 29 July 2020

Purpose

To present to the Council the minutes of the Finance, Audit & Risk Committee meeting held on 29 July 2020.

MOVED by Cr Bishop, seconded Cr Allan:

That Report 20/309 Proceedings of the Finance, Audit & Risk Committee 29 July 2020 be received.

That the Council receives the minutes of the Finance, Audit & Risk Committee meeting held on 29 July 2020.

CARRIED

Responding to a query, Mr Clapperton advised that the Horowhenua District Ratepayers & Residents Association had provided a copy of the information that had been read out at the meeting, not the full submission, and he was in the process of finalising a reply to correct the information it contained, which response would be circulated to Elected Members.

The Mayor also noted that he had offered to meet with HDRRAI, but that offer had not been taken up.

8 Executive

8.1 Adoption of a Rates Postponement Policy and COVID-19 Event Declaration and Eligibility Criteria

Purpose

Following consultation, to hear those wishing to speak to their submissions, to deliberate and to adopt (or not) the proposed Rates Postponement Policy. Should the policy be adopted, then to consider a resolution declaring the COVID-19 pandemic as an event triggering the policy and setting eligibility criteria for the event.

MOVED by Cr Jennings, seconded Cr Tukapua:

THAT Report 20/310 Adoption of a Rates Postponement Policy and COVID-19 Event Declaration and Eligibility Criteria be received.

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

CARRIED

Mr Clapperton read out the submissions from Horowhenua GreyPower and the Horowhenua District Ratepayers & Residents Association. Copies of these submissions are archived with the official minutes.

Following Mr Law responding to queries and confirming, if such a policy was adopted, Council's software did have a Rates Postponement facility within it which could be tailored to Council's requirements; and comments from Elected Members both for and against adopting a policy, it was:

MOVED by Cr Jennings, seconded Cr Allan:

THAT the Horowhenua District Council adopts the Rates Postponement Policy .

CARRIED

Crs Tukapua and Bishop recorded their votes AGAINST the motion.

Referring to the proposed additional resolution should a policy be adopted which would see the policy used for the COVID-19 pandemic event, Mayor Wanden suggested accepting the CFO's advice to defer such a discussion until such time as the effects of the current (or future) lockdown were better understood. Councillors signalled their agreement with that suggestion.

8.2 Mayoral Report - July 2020

Purpose

For His Worship the Mayor to report to Council on the community events and Council-related meetings attended

AND FURTHER

To provide Councillors the opportunity to give a brief verbal update on conference/forums attended, or the activities of those organisations/groups for which they are a Council representative.

MOVED by Mayor Wanden, seconded Cr Isaacs:

THAT Report 20/282 Mayoral Report – July 2020 be received.

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

CARRIED

Having attended the Foxton Beach Progressive Association's AGM on Sunday, Cr Brannigan commented on the very informative presentation given by Robin Hapi from SORT on the work being done on the River Loop, and also the positivity of the FBPAI which was making a great difference in the Foxton Beach community. He said it was a prime example of the bottom up development that was being talked about and it did make a difference.

Mayor Wanden responded to queries from Cr Tukapua in relation to:

- his visit to the Hon. Twyford at Parliament. He and the CE had spent 45 minutes with the Minister and updated him on the challenges the Horowhenua was facing in relation to growth, transportation and housing. It was a very worthwhile visit.
- the feedback received from the Masterton District Council following a visit from the Mayor, Councillors and officers to Te Awahou Nieuwe Stroom during a lower North Island tiki-tour seeking ideas in terms of providing a community centre for their town. Despite Foxton being smaller than Masterton, they had been very impressed with TANS and felt it covered a lot of things they needed to be looking at for their facility.

Deputy Mayor Mason acknowledged the work done by the Uniting Church and Associated Churches in providing thanksgiving meals for essential workers and for the other things being done around the District.

8.3 Monitoring Report to 12 August 2020

Purpose

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

MOVED by Cr Brannigan, seconded Cr Jennings:

THAT Report 20/281 Monitoring Report to 12 August 2020 be received.

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

CARRIED

Page 52 Item 20/116 – Delegations Register – Update

This was still on the radar, but it was unlikely this would be in the next FAR Committee Agenda.

Page 54 Item 20/91 – Draft Water Supply Bylaw 2020

Deputy Mayor Mason advised that the Hearings Committee was working with Officers to set up a hearing for the Bylaw and how this would be managed.

The following queries were raised:

- where did the New Zealand Fire Service Fire Fighting Supply Code of Practice that had been adopted by Council fit into the Water Supply Bylaw? That query to be referred to Mr Peel, with the response to be circulated.
- was a resolution needed for this Bylaw to be heard by the Hearings Committee?
- would it be possible given the current stage in the process (if there was an appetite around the table), to consider the submissions received and to request some further work on the Bylaw, which may require further consultation?

Mr Clapperton said he was not sure of the process, but normally there would be a timeframe for considering the submissions. However, if there was a desire and willingness on behalf of Councillors to workshop/discuss other elements that needed to be considered by the Hearings Committee or Council, that should be able to be accommodated, with Deputy Mayor Mason, Chair of the Hearings Committee, adding that anything raised could be considered as a late submission.

8.4 Chief Executive's Report to 12 August 2020

Purpose

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

MOVED by Cr Isaacs, seconded Cr Jennings:

THAT Report 20/305 Chief Executive's Report to 12 August 2020 be received.

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

CARRIED

MOVED by Cr Allan, seconded Cr Bishop:

THAT the Horowhenua District Council approves the extension of the Council Controlled Organisation exemption to the Shannon Community Development Trust for a further three (3) years under section 7 of the Local Government Act, due to the unchanged scope and scale of the Trust and existing robust reporting process.

CARRIED

Three Waters Service Delivery Reform/Stimulus Programme

Purpose

For the Horowhenua District Council (Council) to consider signing a Memorandum of Understanding (MoU) with the Crown, agreeing to participate in the initial stage of a central/local government three waters service delivery reform programme.

MOVED by Cr Brannigan, seconded Cr Jennings:

THAT Report 20/335 Three Waters Service Delivery Reform/Stimulus Programme be received.

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

CARRIED

Mr Clapperton noted the original intention had been that this would be an In Committee item. This information, although not publicly available, would now be released with a lot of what it contained already being in the public domain around the three waters service delivery reform and stimulus programme that the Government had already announced. The Delivery Plan was not yet available, but that did not need to be confirmed until the end of September so there was time for it to be considered by Council prior to being submitted back to Wellington.

Responding to a query as to whether privilege would be waived in relation to the legal advice received, Mr Clapperton said he would clarify that but did not think privilege applied as it was being brought to the Council table in a public forum.

In terms of the funding formula used, it was not set by Council, but was provided by the DIA and MBIE and was based on population distribution and the area of the district, not including national parks. There was an indication that in the future there would be other elements that may be brought into it.

Comment was made by Councillors who had attended a seminar on this programme the previous week which had provided some assurance that there would be no disadvantage to Council in opting in to what was proposed, despite there being some uncertainty about the end result. It did mean there would be an injection of funding that could be used to Council's advantage and which could prove to Central Government that there was a responsible approach to the three waters infrastructure in the Horowhenua, and would also mean Council would be part of a larger regional conversation.

Mayor Wanden said this was part of the Government's package to stimulate post-COVID-19 recovery and it was seen as a way of enabling infrastructure capex and opex money that was not in the Annual Plan for this year to be brought forward. The first tranche of money was a grant, and there was no compulsion for Council to opt in

to tranches 2 or 3. That discussion would occur before 31 August 31 next year. The bigger question, long term, was the future of governance and this could be seen by some as the first major infrastructure that might be taken away from local government and centralised. That would be a future discussion.

In terms of the delegation to be given to him to decide about the allocation of regional funding and what that would look like in practice, he said his point of view was that Council should retain and spend the extra \$2.17m and that would also be discussed with Regional Mayors who would be attending the RTA meeting to be held at Council tomorrow.

Mr Clapperton added that the report was in a standard format which would be presented to Councils throughout the country. He had actually changed the delegation on the Funding Agreement and MOU from just the Chief Executive, so it would be signed jointly by the Mayor and CE; however the decision around the funding allocation was actually a governance decision and that should be made by the Mayor.

MOVED by Cr Tukapua, seconded Cr Isaacs:

THAT the Horowhenua District Council agrees: to participate in the initial stage of a central/local government three waters service delivery reform programme and to sign the Memorandum of Understanding and Funding Agreement.

THAT the Mayor and Chief Executive be authorised to enter into the Funding Agreement, to accept a grant from the Crown to spend on operating and/or capital expenditure relating to three waters infrastructure and service delivery.

THAT the Chief Executive is nominated as the primary point of communication for the purposes of the MoU and reform programme (see page 6 of the MOU).

THAT the delegation of decisions about the allocation of regional funding is made to the Mayor, with the understanding that the minimum level of funding to the Horowhenua District Council will be based upon the formula used to calculate the direct Council allocations and noting that participation by two-thirds of territorial authorities within the Horizons Regional Council region is required to access the regional allocation.

THAT the Horowhenua District Council agrees to submit a Delivery Plan to address feedback from Government and to obtain the approval needed to release funding.

CARRIED

9 Customer and Regulatory Services

9.1 Adoption of Local Alcohol Policy

Purpose

To present to Council the Horowhenua Provisional Local Alcohol Policy as adopted by the Alcohol Regulatory and Licensing Authority (ARLA) on 19 June 2020, and to seek a resolution from Council on the date on which to bring the Local Alcohol Policy (LAP) into force.

MOVED by Cr Brannigan, seconded Deputy Mayor Mason:

THAT Report 20/304 Adoption of Local Alcohol Policy be received.

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

CARRIED

Compliance Manager, Mrs Miller, joined the table to speak to the report and respond to any queries.

Responding to a query as to whether the Community Wellbeing Committee had been informed of the terms of the resubmitted elements, Mrs Miller said they had not as their submission did not touch on the areas that had changed, but had supported the implementation of the policy.

Cr Tukapua commented that despite that, it would have been helpful for there to have been communication with the CWC and also subcommittees such as Youth and Education, because of the level of interest in those areas.

Deputy Mayor Mason noted that there had been a two year review timeframe in place when the Policy was set so there would be a short period of time for new information that might inform the Policy to be considered, which could address the comments made by Cr Tukapua.

Mrs Miller then outlined the procedure which had seen the Policy being adopted by the Alcohol Regulatory and Licensing Authority, and sought two resolutions from Council to bring the Policy into effect.

Cr Jennings advised that prior to becoming an Elected Member, he had made a submission in his personal capacity and would abstain from voting.

MOVED by Cr Brannigan, seconded Deputy Mayor Mason:

THAT the Horowhenua District Council resolves, with the exception of clauses 6.1, 7.1 and 9.1, to bring the entire Local Alcohol Policy into force on 1 September 2020.

THAT the Horowhenua District Council resolves that clauses 6.1, 7.1 and 9.1 of the Local Alcohol Policy come into force on 1 December 2020.

CARRIED

Chair of the DLC, Cr Brannigan, said this Policy had been keenly sought by the community and also DLC members. It added some flexibility and another decision-making tool in terms of licensing within the district and minimising alcohol harm in the community. It gave the DLC the ability to make decisions around the character of this district and its communities when licensing decisions were being made that were not available under the Act, citing a recent example where an application had been declined for good reasons, but following an appeal, ARLA had overturned the decision because of the absence of a LAP. With a LAP in force, the DLC would now have the ability to make decisions in line with what the community wanted and had been asking for.

His comments were endorsed by Deputy Mayor Mason, who said she looked forward to this being removed from the Monitoring Report where it had sat for three long years. Also commenting on the long and protracted negotiations to get to this point, she acknowledged the work done by the Hearings Committee, staff and submitters who have been involved in the process.

In his right of reply, Cr Brannigan commented on the different situation in the community now to what it had been when the Act came into force in 2014. He noted that the positive partnerships that had been built up over time by the DLC and staff with the Police, emergency services, and licence holders were paying dividends. There had not been hearings for quite some time as licensed premises were now accepting their responsibility and working closely with Council and the authorities. Whilst there was still alcohol harm in the community, big strides had been made in the last five years or so to address that. There was also, taking note of Cr Tukapua's comments, potentially an opportunity to go further than working with licensed premises and to bring DLC members and the authorities in and have discussions with other interested groups, such as youth.

10 Procedural motion to exclude the public

MOVED by Cr Bishop, seconded Cr Allan:

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 Shannon Community Development Trust - Appointment of Replacement Trustee

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

C2 Crown Infrastructure Partners Funding Agreement

<i>Reason for passing this resolution in relation to each matter</i>	<i>Particular interest(s) protected (where applicable)</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>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.</i>	<i>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)..</i>	<i>s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i>

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

5.50 pm following a karakia from Cr Tukapua, the public were excluded.

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

7.05 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:.....