

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

**Date:** Wednesday 10 November 2021  
**Time:** 4.00 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)
	Mr Grayson Rowse	(Democracy Advisor)
<b>Meeting Secretary</b>	Miss Jody Lygo	(Democracy Support Officer)

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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**

Due to COVID-19 Alert Level 2 restrictions, 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](mailto:public.participation@horowhenua.govt.nz)

**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, 13 October 2021**

**5.2 Meeting minutes Extraordinary Meeting of Council, 20 October 2021**

**6 Announcements**



# Proceedings of the Foxton Community Board 18 October 2021

File No.: 21/449

## 1. Purpose

To present to the Council the minutes of the Foxton Community Board meeting held on 18 October 2021.

## 2. Recommendation

- 2.1 That Report 21/449 Proceedings of the Foxton Community Board 18 October 2021 be received.
- 2.2 That the Council receives the minutes of the Foxton Community Board meeting held on 18 October 2021.
- 2.3 That the Horowhenua District Council agrees for Council officers to proceed with the top four recreational improvements for Holben Reserve, with works to be completed during the 2021/22 financial year, and to not exceed the total budget of \$700,000.

## 3. Issues for Consideration

The following items considered by the Foxton Community Board meeting held on the 18 October 2021 will require further consideration by the Horowhenua District Council.

A resolution from Council for officers to proceed with the Development options identified by the Foxton Community Board for Holben Reserve is now sought.

## Attachments



No.	Title	Page
A	Foxton Community Board Report Development options for Holben Reserve 18 October 2021	9

### 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.

## Signatories

Author(s)	Chloe Marheine <b>Executive Assistant</b>	
Approved by	David Clapperton <b>Chief Executive</b>	





File No.: 21/417

## Development options for Holben Reserve

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### 1. Purpose

To provide development options for Holben Reserve, Foxton Beach, in order for a decision to be made on a set of priority projects which can be progressed by officers at this reserve during the 2021/22 financial year.

### 2. Executive Summary

The Foxton Beach Reserves Investment Plan, which was adopted by Council in 2017, contains a number of prioritised projects proposed on the various reserves within Foxton Beach. The first project to be completed under the Plan was the pump track at Holben Reserve.

Council officers sought direction from the Foxton Community Board on a number of project options within Holben Reserve over the 2021/22 financial year. These options are listed in section 6. As it is planned to undertake the works before 30 June 2022, and a number of the projects listed present a constraint by needing to be undertaken during the summer period, a timely decision is required.

### 3. Recommendation

- 3.1 **That** Report 21/417 Development options for Holben Reserve 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 Foxton Community Board recommends to Council for Officers to progress with the top four recreational improvements for Holben Reserve, with works to be completed during the 2021/22 financial year, and to not exceed the total budget of \$700,000.

### 4. Background / Previous Council Decisions

- 4.1 In 2017, Council adopted the Foxton Beach Reserves Investment Plan, which represents a ten year programme of investment in all the Foxton Beach reserves. Within this plan, a number of project priorities were identified.
- 4.2 In April 2018, a project to install the pump track was completed in the southern part of Holben Reserve, and this recreational facility was opened to the public.
- 4.3 In 2020, Council officers undertook a comprehensive consultation process for a concept development plan for Holben Reserve. This included consulting with local iwi, local community and ecological groups, schools and general members of the public. The plan included a concept design for a fully functioning wetland, and substantial recreational improvements, including upgrades to existing recreational assets in this reserve.
- 4.4 In 2020 and 2021 Council officers submitted two separate applications to the Freshwater Improvement Fund, a contestable central government fund managed by the Ministry for the

Environment. This was for the construction of a fully functioning wetland within Holben Reserve, as well as other ecological improvements. As part of the applications, Horowhenua District Council proposed a contribution of \$700,000 from the Foxton Beach Reserves Investment Plan. Unfortunately, these applications were unsuccessful.

- 4.5 The Foxton Community Board has recently directed Council officers to seek costs for a number of recreation improvement works that could be undertaken using the \$700,000 given the funding applications were unsuccessful. These options are detailed in sections 5 and 6.

## 5. Discussion

At the previous workshops of the Foxton Community Board, the Board indicated that they wished officers to consider a range of recreation improvements within Holben Reserve. Some of these included:

- 1) An upgrade to the existing tennis courts to incorporate a multi-sport use
- 2) The installation of a double flying fox
- 3) Provision of bbq's, shade shelters and seating
- 4) Improvements to woodland path (Pine Trees)
- 5) A suite of adult exercise stations
- 6) The installation of a splash pad

As mentioned, the Foxton Beach Reserves Investment Plan documented a prioritisation process. The following table includes the scoring for actions within Holben Reserve from 2017 (where applicable):

Action number from 2017 Investment Plan	2021 option	Action	Priority Rating Foxton Beach Investment Plan
49	1	Upgrade tennis courts to multi-use	8
47	2	Double Flying Fox	9
37 & 43	3	Shade, shelters, BBQ's, seating	8 & 9
Not applicable	4	Improvements to walkway through pine trees	N/A
Not applicable	5	Adult exercise stations	N/A
Not applicable	6	Splash pad	N/A

The following table from the Foxton Beach Reserves Investment Plan shows a number of priorities in Holben Reserve that were identified in conjunction with the community back in 2017.

Recommendations for Investment:

#	Actions	Funding	Type	Priority
37	Detailed investigation of walking track—to prepare working drawings for (re)construction in order to bring the track above water levels and/or install boardwalk sections where required.	FBFA	Physical - landscape	9
38	Design and construct a pump track in the southern area (as a multi-mode recreation asset), incorporated with existing skate park	FBFA	Physical - furniture	9
39	Remove pine trees from western edge (Holben Parade) and estuary edge—to improve visibility, connectivity and safety, while retaining wind break	FBFA	Physical - landscape	9
40	Improve quality of vegetation along western edge (community planting day)	FBFA	Physical - landscape	9
41	Commission detailed design for improvements to area surrounding Holben Pavilion, to improve usability for community events	FBFA	Design	9
42	Widen waterways; to improve ecological function - creating a wet-to-dry stream profile and increase amenity of environmental asset	FBFA	Physical - landscape	8
43	Introduction of additional walking tracks throughout the reserve so to provide connections to key locations and to better define sub-areas within large unused open space at north of reserve	FBFA	Physical - landscape	8
44	Install colourful vertical markers at key entrance points locations within the reserve, as place-makers for arrival	FBFA	Physical - furniture	7
45	Introduce street trees on boundary roads, to promote significance of location by increased quality of streetscape	FBFA	Physical - landscape	7
46	Introduce / complete formal pathway across southern portion of reserve, providing a link between estuary and forestry reserves that specifically facilitates cycling and horse trekking (as part of a neighbourhood wide link/loop)	FBFA	Physical - landscape	7
47	Design and construct a climbing fort and flying fox	FBFA	Physical - furniture	9
48	Investigate improving the current playground and BMX track	FCB	Decision	8
49	Investigate upgrading the tennis courts to a multisport surface	FCB	Decision	8

The current list of proposed developments that the Foxton Community Board sought Council officers to seek quotes for includes three broad categories that were not among the original actions listed in the Investment Plan in 2017:

- Recreational improvements (shelters, bbqs, seating etc)
- Adult exercise stations
- Splash Pad

Although these proposals were not listed in the original 2017 Investment Plan, all have recreational benefits for the park, and are the result of further iterations of the reserve developments in the four years since 2017.

## 6. Proposed Recreation Improvements

Initial officer recommendation to the Board was to undertake the installation of part of the wetland development, specifically on the north-eastern side of the reserve. However, the Board sought for the remaining Investment Plan budget to be spent on recreational improvements to the reserve, based in the southern section of Holben Reserve.

Detail of the options are as follows:

- 1) **Upgrade tennis courts to multi-use:** to include tennis, netball, basketball and football. This would also include new fencing surrounding the courts. It should be noted that this resurfacing work can only be undertaken during the summer months. This is further complicated in that the 'summer-window' is likely to be oversubscribed given the post-lockdown workload of many contractors;
- 2) **Double Flying Fox:** this would be installed in the pine forest at the southern end of Holben Reserve. Note that as this would be within this forested area, there will be on-going operational costs incurred to undertake safety inspections, maintain the apparatus, and maintain cushion fall. Given the relatively isolated outlook, the facility may also attract vandalism and potential anti-social behavior. There will be an ongoing requirement to manage/maintain trees particularly in the aftermath of high winds or storm events;
- 3) **Provision of bbq's, shade shelters and seating:** including three separate shelters with bbq's. This will greatly increase the recreational benefits for park users, as well as improving shade provision within the space overall. These improvements align with feedback received through the consultation process in 2020;
- 4) **Walkway improvements/developments:** primarily focused on upgrading the pathway through the pine forest. Walkway improvements were identified in the 2017 Investment Plan;
- 5) **Adult exercise stations:** These are planned for the south-western side of the park. These stations could also be relocated to other parts of Holben Reserve in the future, should the larger development proceed and necessitate any changes. There is an opportunity to install up to two concrete table tennis stations within Holben Reserve to further increase the attraction of the site for visitors and local as part of the exercise stations proposal;
- 6) **Splash pad:** this would be in the southern section of Holben Reserve, and would involve substantial earthworks which would necessitate a resource consent. Should a splashpad be installed at this location there may be times it is not operative due to water restrictions over the summer period, which have become more frequent over recent years. It would be recommended that should the installation of a splashpad be considered there is further consultation with the community. During the 2017 Investment Plan and the development of the 2020 concept plan, a splashpad did not feature highly hence the proposed further consultation;

## 6.1 Cost

The options and their costs are listed in the following table.

Item	Option	Cost
1	Tennis Courts upgrade to multi-use (including fencing), and table tennis	\$280,000
2	Double Flying Fox	\$130,000
3	Shade, BBQ, seating improvements	\$143,000
4	Formalising the walkway through the pine wood.	\$60,000
5	Adult exercise stations	\$100,000
6	Splash pad	\$500,000

### **6.1.1 Rate Impact**

There will be no Rate impacts arising as provision already exists in the LTP budgets for \$700,000 investment program.

### **6.2 Community Wellbeing**

There are no negative impacts on Community Wellbeing arising.

### **6.3 Consenting Issues**

There are no consents required or consenting issues arising at this point. As officers progress the agreed options through to physical delivery, any resource or building consent requirements will be addressed at the appropriate stage.

### **6.4 LTP Integration**

There is currently a budget related to the Foxton Beach Reserves Investment Plan which will be used to deliver the priority projects outlined in this report.

## **7. Consultation**

A comprehensive consultation process was undertaken during 2017 for the Reserves Investment Plan and further consultation was undertaken for the 2020 Holben Reserve Concept Development Plan. The options outlined in this report align with the feedback received through these process and further direction from the Foxton Community Board.

## **8. Legal Considerations**

There are no Legal Requirements or Statutory Obligations affecting options or proposals.

## **9. Financial Considerations**

There is no financial impact as a result of the decisions in this report. The budget of \$700,000 from which the set of priorities decided upon will be drawn, is the balance remaining from the Foxton Beach Reserves Investment Plan, a ten year programme of investment in the reserves of that township that was approved by Council through the 2015-18 Long Term Plan process.

## **10. Iwi Considerations**

There are no Iwi considerations.

## **11. Climate Change Considerations**

There is no climate change impact.

## **12. Environmental Considerations**

There are no environmental considerations.

## **13. Health & Safety Considerations**

There is no health and safety impact.

## **14. Other Considerations**

There are no other considerations.

## **15. Next Steps**

The next step once the Foxton Community Board have determined the project priorities within Holben Reserve for officers to proceed with, is for this to be brought to Council for endorsement of the Foxton Community Board's recommendations.

Once a Council resolution has been achieved, officers will proceed with instigating the works with a completion date of 30 June 2022.

## 16. Supporting Information



<p><b>Strategic Fit/Strategic Outcome</b></p> <p>From Council's Community Outcomes in the Long Term Plan:</p> <ul style="list-style-type: none"> <li>• <b>Fit for purpose infrastructure:</b> We develop and maintain facilities and infrastructure to meet the needs of current and future generations</li> <li>• <b>Outstanding environment:</b> We ensure our built environment supports the wellbeing of our people</li> <li>• <b>Strong communities:</b> We help create facilities and places where people of all ages and backgrounds feel included, safe and connected</li> </ul>
<p><b>Decision Making</b></p> <p>The decision does not need to be undertaken through special consultative procedures.</p>
<p><b>Consistency with Existing Policy</b></p> <p>The proposals put forward in this report align with the Open Space Strategy, as well as the Foxton Beach Reserves Investment Plan.</p>
<p><b>Funding</b></p> <p>Funding has been approved through adoption of the Foxton beach Reserves Investment Plan which is a ten year programme of investment.</p>

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic	n/a				
Financial	n/a				
Service Delivery					
Legal	n/a				
Reputational	n/a				

<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>
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## 17. Appendices

There are no appendices for this report

Author(s)	Sean Hester <b>Parks &amp; Property Lead North</b>	
Approved by	Arthur Nelson <b>Parks and Property Manager</b>	

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# Foxton Community Board

## OPEN MINUTES

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Minutes of a meeting of the Foxton Community Board held in the Te Awahou Nieuwe Stroom, 92 Main Street, Foxton on Monday 18 October 2021 at 6.00pm.

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### PRESENT

<b>Chairperson</b>	Mr D J Roache
<b>Deputy Chairperson</b>	Ms P R Metcalf
<b>Members</b>	Cr D A Allan
	Cr R J Brannigan
	Mr T J Chambers
	Mr J F Girling

### IN ATTENDANCE

Reporting Officer	Mr D M Clapperton	(Chief Executive)
	Ms C H Marheine	(Meeting Secretary)

### ALSO IN ATTENDANCE

Mayor B Wanden

### 1 Apologies

There were no apologies.

### 2 Public Participation

There were two requests for public participation

Stuart Barber	<u>7.1 Monitoring Report - 20/385 Foxton East Drainage Scheme project</u> Mr Barber provided a presentation to the Board about the rain event that occurred in Foxton the evening of 26 July 2021. The presentation provided Mr Barber's view on surface flooding in Foxton and of the issues and status of the drains and catchments around Foxton.
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Bill Huzziff	<u>7.1 Monitoring Report - 20/385 Foxton East Drainage Scheme project</u> Mr Huzziff raised his concerns with the proposed upgrade and required works provided by Horizons Regional Council and the lack of engagement with local residents and landowners.
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### 3 Late Items

There were no late items.



#### 4 Declaration of Interest

There were no declarations of interest.

#### 5 Confirmation of Minutes

MOVED by Ms Metcalf, seconded Mr Girling:

*THAT the minutes of the meeting of the Foxton Community Board held on Monday, 30 August 2021, be confirmed as a true and correct record.*

**CARRIED**

#### 6 Announcements

Shaun Edwards and Diandri van Zyl from Horizons Regional Council (HRC) attended the meeting to provide an update on the Foxton Flood Mitigation Scheme Project. The presentation provided an overview of the proposed upgrade and required works identified by HRC, a video of the modelling they have undertaken, timeframes they are working to and the next steps.

Board Members raised their concerns relating to the increased cost, the funding breakdown and the cost to rate payers, Kings Canal and Purcell Street improvements, engagement with affected landowners, the flooding in Foxton not being alleviated by this project and if there has been any modelling done around land use changes north of Foxton. HRC provided a response to the concerns raised by the Board.

#### 7 Reports

##### 7.1 Monitoring Report to 18 October 2021

###### Purpose

To present to Foxton Community Board the updated monitoring report covering requested actions from previous meetings of the Community Board.

MOVED by Ms Metcalf, seconded Mr Girling:

*THAT Report 21/387 Monitoring Report to 18 October 2021 be received.*

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

**CARRIED**

###### Page 8 17/39 - Foxton Beach Reserves Investment Plan

Ms Metcalf recognised Council officers and the volunteers and thanked them for the planting day held early October 2021. There was discussion around the need to protect the dunes and the planting from vehicle damage, it was noted that Council officers are working with MET and other statutory parties to look at options.

###### Page 10 20/385 - Foxton East Drainage Scheme Project

Mr Roache asked that the on-site discussion to be arranged with HRC and HDC officers be placed on the monitoring report as its own item.

## 7.2 Chairperson's Report to 18 October 2021

### Purpose

To present to the Foxton Community Board matters relating to the Foxton Community Board area.

MOVED by Mr Girling, seconded Ms Metcalf:

*THAT Report 21/388 Chairperson's Report to 18 October 2021 be received.*

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

**CARRIED**

### 3.1 Meeting and Workshop Schedule 2022

Mr Roache asked the Board if there were any concerns with the proposed schedule. There were no questions raised and the recommendation to adopt the schedule was:

MOVED by Cr Allan, seconded Mr Roache:

*THAT the Foxton Community Board adopt the 2022 meeting and workshop schedule, and confirm they will proceed with the public forums before each meeting.*

**CARRIED**

### 3.2 PNCC Wastewater Nature Calls Project

Mr Roache spoke to this item and advised that the Board would work with Council officers to create an information leaflet for distribution to the community, and organise a drop in session with the Board to capture the feedback so it could be used to inform the Board's future consultation and or submissions to PNCC throughout the consenting process.

### 3.3 Reporting officers Update

#### Three waters reform response

The Horowhenua District Council's Three Waters reform response letter was included in the Board papers for information. The Board reiterated its support for Council's position outlined in the response.

#### Foxton Beach Surf Club Progress

Parks & Property officer Stephan Titze, provided a detailed update on the Foxton Beach Surf Club, and highlighted the following:

- All HDC strengthening work had been finalised.
- Expecting delivery of the Exeloo (external toilet block) from Auckland from 1 November 2021.
- Surf club to open to the public from 15 November 2021.

The Board thanked Stephan for the update and advised they are looking forward to seeing the completed building and additions.

### 3.4 Foxton Tourism and Development Association

Mr Roache spoke to the report and highlighted the following:

- there will be a Business After 5 Event on Thursday 4 November 2021 to talk about the security camera installation around Foxton.
- the Spring Fling had been cancelled for 2021 due to the current COVID alert level, the FTDA were planning an event for 12 December 2021 "Merry Main Street" in place of the Spring Fling.
- the Horse Drawn Tram society had disbanded, the FDFA were working through the process to have the assets returned to the Association and planning how they could continue the operation of this attraction.

There were no questions from the Board.

3.5 Board Member Update

Ms Metcalf took the report as read and highlighted that MAVtech would continue to remain closed to the public until there was a move to COVID alert level 1. Ms Metcalf reiterated that DOC would only be informing white baiters this year of the changes to the rule, not enforcing them. There were no questions from the Board.

3.6 Foxton Beach Progressive Association – Chairman's Report

Mr Russell took the report as read and acknowledged the great work undertaken by HDC staff and the community with the Spinifex planting in the Foxton Beach dunes in early October. Mr Russell also acknowledged and thanked the Horowhenua District Council for the great work undertaken in responding to the Three Waters Reform. There were no questions from the Board.

3.7 Foxton War Memorial Hall Update

Mr Russell took the report as read and highlighted that the Foxton War Memorial Hall Committee held a successful public meeting on 16 October to arrange for people to join up and to formalise the incorporated society to manage the hall. Mr Russell noted the report provided an indicative timeline and that the constitution had been adopted. There were no questions from the Board.

3.8 Foxton Beach Freeholding Account

Mr Roache advised the query raised by the Board about the funding taken out of the projection for further development of the Forbes Road subdivision, had been responded to by Mr Clapperton.

### 7.3 Development options for Holben Reserve

#### Purpose

To provide development options for Holben Reserve, Foxton Beach, in order for a decision to be made on a set of priority projects which can be progressed by officers at this reserve during the 2021/22 financial year.

MOVED by Cr Allan, seconded Ms Metcalf:

*THAT Report 21/417 Development options for Holben Reserve be received.*

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

**CARRIED**

Parks and Property Officers, Sean Hester and Stephan Titze, attended the meeting to present and seek confirmation from the Board to proceed with the six proposed recreation improvements outlined below:

- 1) Upgrade tennis courts to multi-use: to include tennis, netball, basketball and football. This would also include new fencing surrounding the courts.
- 2) Double Flying Fox: this would be installed in the pine forest at the southern end of Holben Reserve.
- 3) Provision of bbq's, shade shelters and seating: including three separate shelters with bbq's. This will greatly increase the recreational benefits for park users, as well as improving shade provision within the space overall.
- 4) Walkway improvements/developments: primarily focused on upgrading the pathway through the pine forest.

- 5) Adult exercise stations: These were planned for the south-western side of the park.
- 6) Splash Pad: this would be in the southern section of Holben Reserve, and would involve substantial earthworks which would necessitate a resource consent.

Mr Roache asked for each Board member to provide their view on the options provided. The Board discussed the six proposed recreation improvements in detail and decided to only progress with the top four at this stage.

The Board noted the Splash Pad and Adult Exercise stations were not listed in the original 2017 Investment Plan actions, though had been raised in recent public consultation, and the identified costs of these items would exceed the \$700,000 budget. It was agreed these items could still be looked at in later stages of the reserve development.

An amendment to change the original resolution to recommend to Council that officers progress with the top four recreation improvements only, was:

MOVED by Cr Brannigan, seconded Mr Chambers:

*THAT the Foxton Community Board recommends to Council for Officers to progress with the top four recreational improvements for Holben Reserve, with works to be completed during the 2021/22 financial year, and to not exceed the total budget of \$700,000.*

**CARRIED**

Ms Metcalf was recorded her vote AGAINST the resolution, due to it not including the Adult Exercise stations.

08.45 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE FOXTON COMMUNITY  
BOARD HELD ON

**DATE:**.....

**CHAIRPERSON:**.....

# Proceedings of the Community Funding and Recognition Committee 26 October 2021

File No.: 21/466

## 1. Purpose

To present to the Council the minutes of the Community Funding and Recognition Committee meeting held on 26 October 2021.

## 2. Recommendation

- 2.1 That Report 21/466 Proceedings of the Community Funding and Recognition Committee 26 October 2021 be received.
- 2.2 That the Council receives the minutes of the Community Funding and Recognition Committee meeting held on 26 October 2021.

## 3. Issues for Consideration

There are no items that require further consideration.

## Attachments


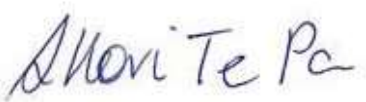

There are no attachments for this report.

### 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.

## Signatories

Author(s)	Neil Hirini <b>Community Development Advisor</b>	
	Sue Hori Te Pa <b>Governance and Executive Team Leader</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

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# Community Funding and Recognition Committee

## OPEN MINUTES

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Minutes of a meeting of Community Funding and Recognition Committee held in the Ante Room, 126-148 Oxford St, Levin, on Tuesday 26 October 2021 at 2.00pm.

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### PRESENT

**Chair** Cr P Tukapua  
**Members** Cr D A Allan  
Mayor B P Wanden

### IN ATTENDANCE

**Reporting Officer** Mr N Hirini (Community Development Advisor)  
Ms Sue Hori Te Pa (Governance and Executive Team Lead)

#### 1 Apologies

Apologies were recorded for Councillors Isaacs, Jennings and Ketu.

MOVED by Cr Allan, seconded Mayor Wanden:

*THAT the apologies from Councillors Isaacs, Jennings and Ketu be accepted.*

**CARRIED**

#### 2 Late Items

There were no late items.

#### 3 Declarations of Interest

There were no Declarations of Interest.

#### 4 Confirmation of Minutes

MOVED by Cr Allan, seconded Mayor Wanden:

*THAT the minutes of the meeting of the Community Funding and Recognition Committee held on Wednesday, 15 September 2021, be confirmed as a true and correct record.*

**CARRIED**

#### 5 Announcements

There were no announcements.

## 6 Procedural motion to exclude the public

MOVED by Mayor Wanden, 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 Civic Honours Awards**

### **C2 Youth Excellence Scholarships, (Meeting Reconvened on 1 November 2021)**

<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>

The text of these resolutions is made available to the public who are present at the meeting

**CARRIED**

2.15pm 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.

4.35 pm

With there being no further business, the Chairperson declared the reconvened meeting held at 4.00 pm on 1 November closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE COMMUNITY FUNDING  
AND RECOGNITION COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....





File No.: 21/461

## Mayoral Report - October 2021

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### 1. 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.

### 2. Recommendation

- 2.1 That Report 21/461 Mayoral Report - October 2021 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of S76 of the Local Government Act.

### 3. Mayoral Report – October 2021 Meetings and Events

Meetings, events and functions that Mayor Wanden attended during the month of October 2021 were:

- Representation Review – Drop In Session
- CE Performance Review Committee Meeting
- Projects Steering Group
- Council Briefing – Foxton East Drainage Scheme
- Future of Local Government Review Briefing
- Manawatū River Leaders Forum Meeting
- Visit new Health Practice – Kimiora
- Wellington Regional Leadership Committee – Housing and Urban Development Workshop
- Meeting with Tracey Martin – Chair, Wellington Regional Leadership Committee
- Virtual Roadshow of the Australian Water Story – Tranche 2, Module 1 – Current State – Victorian Regional Water
- Webinar – Overcoming vaccine hesitancy in your region
- Virtual Roadshow of the Australian Water Story – Tranche 2, Module 2 – Current State – Melbourne Metropolitan Water
- Council Meeting
- Lake Horowhenua Trust / Muaūpoko Tribal Authority – Zoom Meeting
- Virtual Roadshow of the Australian Water Story – Tranche 2, Module 3 – Current State – Tasmania
- Super Saturday Drive Through Vaccinations at Donnelly Park
- Three Waters Discussion – Mayors, Chairs & Chief Executives - Zoom
- Foxton Community Board Meeting
- Horowhenua Identity Refresh Meeting
- Council Meeting – Hearing of Representation Review Submissions, Deliberations and Adoption of Final Proposal
- Council Briefing – Levin Landfill

- Monthly catch up with MP Terisa Ngobi
- Community Funding & Recognition Committee Meeting
- Finance, Audit & Risk Committee Meeting
- Education Horowhenua Meeting
- Meet and greet with MP Peeni Henare MP at Raukawa Whanau Ora
- CE Performance Review Committee Meeting
- Council Briefing – Levin Landfill
- Business After 5 Meeting


**Confirmation of statutory compliance**


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

- containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- 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 attachments for this report.

Author(s)	Bernie Wanden <b>Mayor</b>	
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Approved by	Bernie Wanden <b>Mayor</b>	
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# Monitoring Report to 1 November 2021

File No.: 21/462

## 1. Purpose

To present to Council the updated monitoring report covering actions arising from resolutions from previous Council meetings and also requested Officer actions.

## 2. Recommendation

- 2.1 That Report 21/462 Monitoring Report to 1 November 2021 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

## Attachments



No.	Title	Page
A	Horowhenua District Council Monitoring Report	28

### Confirmation of statutory compliance

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

- containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- 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.

## Signatories

Author(s)	David Clapperton Chief Executive	
Approved by	David Clapperton Chief Executive	

MONITORING – Substantive Council Resolutions						
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Progress Status	Officer Comment
21/290	30 June 2021	<u>Lincoln Place Reserve - Levinable</u>	<i>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. THAT the Horowhenua District Council authorises Officers to pursue revocation of the current reserve status of the Lincoln Place Reserve under Section 24 of the Reserves Act, and initiate a plan change for the site to facilitate affordable medium density housing.</i>	Arthur Nelson		Officers met with the organisers of Levinable on 22/07/2021 to discuss the project. Further actions are ongoing.
21/398	13/10/21	<u>Draft Horowhenua Climate Change Action Plan</u>	“That Council endorses the Draft Horowhenua Climate Change Action Plan”. With the motion being <u>LOST</u> , the matter would be workshopped prior to coming back to Council.	Asli Crawford		The 4 November 21 has been rescheduled.

MONITORING – Officer Actions							
Item/ Report No.	Meeting & Date	Item/Report Description	Query/Action	Responsible Officer	Date to Action by	Progress Status	Officer Comment
20/405	23/09/20	Three Waters Service Delivery Reforms/Stimulus Programme	Criteria to be defined for the allocation of funding under the Resource Matauranga Māori project.	Asli Crawford		In progress	Interviews completed and conditional offers have been made to 6 students and 1 student is already at university. Memorandum of Understanding will be signed once 6 students accepted by respective universities within the subjects outlined.
20/469	09/12/20	CE's Report – 3.2 <u>Growth Dashboard</u>	Provision of data on the following to be explored: <ul style="list-style-type: none"> <li>• build-ready lots</li> <li>• infrastructure (wastewater/water supply) capacity</li> <li>• housing affordability</li> </ul>	David McCorkindale		In progress	Growth Reporting is a key focus area for 2021/22 within the Chief Executive's Key Performance Indicators. As part of delivering on this the Chief Executive has announced a new Group Manager Housing and Business Development role which will be recruited and be responsible for developing the growth reporting data that will be used by elected members and officers to track growth trends and progress against the LTP 2021-41 forecasting assumptions.

MONITORING – Officer Actions							
Item/ Report No.	Meeting & Date	Item/Report Description	Query/Action	Responsible Officer	Date to Action by	Progress Status	Officer Comment
21/319	11/08/21	<u>FCB Minutes – FB Reserves Plan – Holben Reserve</u>	Elected Members to be given the opportunity to attend the second workshop to be held on Holben Reserve development options	David Clapperton		In progress	A report will go to the October 2021 FCB meeting, outlining the proposed scope of works.
21/316	11/08/21	<u>CE's Report – Long Term Plan Monitoring Report</u> <ul style="list-style-type: none"> <li><u>Transport</u></li> <li><u>Foxton Beach Signage</u></li> <li><u>Butterfly Pathway</u></li> </ul>	<p>It was requested, if not already included, that the pedestrian safety investigation also cover the area from Salisbury S/Bath St corner to the Bath St lights</p> <p>The Foxton Community Board and the Foxton Beach Progressive Association to be added to the list of stakeholders re this discussion.</p> <p>Clarification requested on the differing wording between the resolution and action.</p>	<p>James Wallace</p> <p>Arthur Nelson</p> <p>Arthur Nelson</p>		<p>In Progress</p> <p>Completed</p> <p>Completed</p>	<p>The forwards works programme of safety improvement investigations is in progress, and encompasses all issues identified from LTP submissions.</p> <p>The potential Butterfly Pathway at Thompson House (Topic 23) was due to be discussed on 25 May 2021. However, the Community Infrastructure Deliberations were moved to May 26 2021. The Officer Analysis indicated 'The submitters' comments are</p>

MONITORING – Officer Actions							
Item/ Report No.	Meeting & Date	Item/Report Description	Query/Action	Responsible Officer	Date to Action by	Progress Status	Officer Comment
							<p><i>noted, no recommendation is necessary with regard to the Long Term Plan 2021-2041', but noted the following Action 'Officers will contact the submitter to begin discussions with a view to consulting with Council and the wider public should an appropriate site become available'. The minute recorded in respect of this Topic (23) was Moved by Cr Tukapua, and seconded by the Deputy Mayor and was:</i></p> <p><i>'THAT the Horowhenua District Council supports in principle the establishment of a butterfly pathway at the Thompson House Remembrance Park and helps clarify wider community support, with consideration to be given to providing a contribution (if any) at the next Annual Plan. The difference therefore between the Officer Action proposed in the Officer Analysis from the agenda of 25 May 2021, is that it was amended by the resolution proposed at the deferred Deliberations of the 26 May 2021.</i></p>

MONITORING – Officer Actions							
Item/ Report No.	Meeting & Date	Item/Report Description	Query/Action	Responsible Officer	Date to Action by	Progress Status	Officer Comment
21/346	09/09/21	<u>CE's Report - HDC Subsidised E-Waste Recycling Proposal</u>	Clarification requested on possibly extending the scope of what was proposed	Robbie Stilwell	Oct 2021	Completed	Response included in the October 2021 Council Agenda
21/406	13/10/21	<u>Proceedings of the Community Funding &amp; Recognition Committee 15 September 2021</u>	Information was requested on all of the grant applications that had been received, not just those that had been successful. How this could be provided going forward to be considered.	Neil Hirini		Completed	All applications, successful and unsuccessful, would be included in future Committee minutes.



# Chief Executive's Report to 1 November 2021

File No.: 21/463

## 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 21/463 Chief Executive's Report to 1 November 2021 be received.
- 2.2 That these matters or decisions be recognised as not significant in terms of s76 of the Local Government Act 2002.

## 3. Chief Executive Updates

### 3.1 Foxton Beach Surf Club Building Upgrade

The renovation and upgrade of the Foxton Beach Surf Club Building has reached its final phase with the arrival of the Exeloo's on 29 October 2021. In the coming days the platform and access area between and in front of the new toilet facility will be established. Furthermore wooden bollards will be installed to block vehicles from entering this area.

The construction is forecast to be finalized by 10. November 2021 with only minor works remaining.

Full access to the public toilet and shower facilities will be provided, and the upgrade to the club rooms majority funded by Surf Life-Saving New Zealand, will future proof the service provided by Foxton Surf Life Saving Club into the future.

Minor works relating to the contractors snag list will be completed by end November 2021.

**Figure 1:** *Foxton Beach Surf Life-Saving Club Before and After*





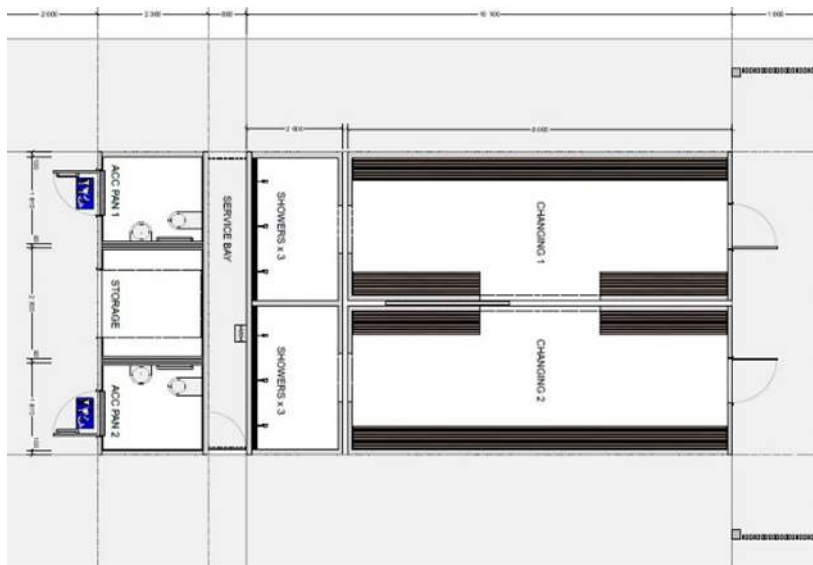
### 3.2 **Playford Park New Amenity Block**

Public tenders closed on 20 October 2021 with two conforming tenders received. Both proposals are currently under evaluation. Negotiation and signing of contract is forecast to be finalized week commencing 8 November 2021 at the latest.

Both proposal indicate the amenity block will be installed this financial year by the end of April 2022.

The floor plan for the ablution block is based on Figure 2 below. The configuration of the block was determined via extensive consultation with stakeholders.

**Figure 2:** Configuration of new Playford Park Ablution Block.



Suggested layout from market survey 2020

### 3.3 **Replacement Floodlight systems at Donnelly Park – Netball and Shannon Domain Rugby**

Public Tender closed on 26 October 2021. Three conforming tenders were received. All three proposals were within budget. The proposed designs are currently under evaluation by an external technical expert.

A contract signing with the preferred bidder is forecast for the middle of November 2021.

All received proposals indicate an installation of both floodlights systems before daylight saving starts (end March 2022).

### 3.4 Hank Edwards Reserve Public Toilets Upgrade

A public tender to undertake the works was published on GETS on 1 November 2021. The tender period closes on 26 November 2021. The construction start date is likely to be 14 February 2022. Construction is anticipated to take three months and as such completion date is likely to be mid-May 2022.

The developed design includes the installation of two fully accessible unisex toilets, one changing room, and one storage room as well as the development of an outdoor BBQ area. The proposed new block is identified in Figure 3 below.

The block renewal was required as a number of significant structural weaknesses had been identified in the existing toilet block.

**Figure 3:** Proposed Hank Edwards Toilet Block.



### 3.5 Long Term Plan Monitoring Report

The Monitoring Report prepared for those items raised during the 2021/2041 Long Term Plan submission period, in ensuring discussion or passed by way of resolution, is **attached**.

### **Attachments**



No.	Title	Page
A	Long Term Plan 2021-2041 Monitoring Report - 31 October 2021	37

### **Confirmation of statutory compliance**

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

- containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- 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.

## Signatories

Author(s)	David Clapperton <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

## MONITORING REPORT – Long Term Plan 2021/2041

Completed

In Progress

Transfer

Off Track

Item Description	Topic	Resolved/Actions	Officer	Action by Date	Status	Officer Comment
Three Waters	1	Council Officers will provide an update on the progress of the Levin stormwater discharge resource consent application on its website by August 2021.	A Crawford	Aug 2021	In Progress	HDC website will be updated
	2	Council will provide an update on the Foxton Beach stormwater discharge water quality monitoring, and the resource consent application progress, on Council's website by August 2021.	A Crawford	Aug 2021	In Progress	HDC website will be updated
	9	That Council continue working collaboratively with Horizons to deliver the improvements to the Foxton East Drainage Scheme to ensure that best outcome is achieved for the community.	A Crawford	On-going	In Progress	Horizons Regional Council Briefing Elected Member's 18 August 2021
	11	That Council continue promoting Enviroschools and general water conservation education.	A Crawford	On-going	In Progress	This is an ongoing education programme. HDC website updated to include more information on Enviroschools and how schools can sign up.
	14	That Council Officers undertake the Levin wastewater treatment plant masterplan in the 2021/22 financial year.	A Crawford	Aug 21	In Progress	Procurement plan for the Levin wastewater master is underway
Solid Waste	1	That the Business Case including the Local Government Act 2002, Section 17A Review, currently being undertaken to determine the future of Levin Landfill is completed and will be available for Council's consideration by the end of 2021.	A Crawford	On-going	In Progress	The Business Case is currently undertaken and will be presented to Council by Nov 21.
	7	<u>Waste Minimisation</u> There was work being done on preparing a business case which did take into account waste minimisation. A presentation to be scheduled from Council's Waste	A Crawford		Completed	



		Minimisation Officer on the work he was currently doing.				
	8	That Council continue with the feasibility study for the diversion of green waste and food waste from landfills.	A Crawford	Aug 2021		This has started. We are also collaborating with other councils in this regard.
Land Transport	1	<u>Public Transport</u> Horizons would be holding a series of workshops beginning in June as part of development of a Regional Transport Plan. That would include considering, at a high level, planning for future growth and the transport needs of the Horowhenua.	J Wallace	Jun 2021		Roading team continue to engage with Horizons.
	5	That Officers continue to develop walking and cycling forward works programmes.	J Wallace	Jun 2021		Roading team are on track with this task
		That Officers develop a 'Walking and Cycling Strategy', with input from key stakeholder groups.	J Wallace	Jun 2021		Roading team are on track with this task
		That Officers will investigate whether a similar education programme to 'bikes in schools' could be made available for our local schools.	J Wallace	Jun 2021		Roading team are on track with this task
	6	That the Roding Team add the concern of pedestrian safety at Salisbury Street (Queen Street to Bath Street) to the Forwards Works Plan for investigation.	J Wallace	Jun 2021		Roading team are on track with this task
	8	That officers continue to advocate on behalf of the district for the construction of Ō2NL.	B Maguire	On-going		Elected Member briefing with Waka Kotahi scheduled for 16 November 2021
	9	That officers continue to advocate Waka Kotahi for the investigation and delivery of appropriate safety interventions for the Manakau section of the existing State Highway 1.	B Maguire	On-going		Elected Member briefing with Waka Kotahi scheduled for 16 November 2021.
	9	<u>Ō2NL Revocation</u> With the desire expressed for Elected Members to be more involved with this, it was stressed that this was part of the Horowhenua Integrated Transport Strategy and Council was doing everything it could in relation to Ō2NL.	D Haigh/ Brent M	On-going		Elected Member briefing with Waka Kotahi scheduled for 16 November 2021.
	10	That Officers involved in Ō2NL discussions raise KEAG's desire for the inclusion of a Bridleway in the proposed shared pathway, which integrates where	B Maguire	On-going		Elected Member briefing with Waka Kotahi scheduled for 16 November 2021.

		possible with the existing Bridleway network of the Kāpiti Expressways.				
Community Infrastructure	2	<p><u>Foxton War Memorial Hall</u>  <i>THAT the Horowhenua District Council supports the transfer of Foxton Memorial Hall to the Foxton War Memorial Hall Interim Committee (FWMHIC).</i></p>	A Nelson	Ongoing		Officers have begun discussions with the Foxton War Memorial Hall Interim Committee and have provided seismic assessments for the building.
		<p><i>THAT negotiations with the Foxton War Memorial Hall Interim Committee will include, but not be limited to:</i></p> <ul style="list-style-type: none"> <li>– ownership of land and building to be transferred to FWMHIC upon receipt of a satisfactory Business Plan and the CEO and both Kere Kere Ward Councillors to complete due diligence before 30 June 2022;</li> <li>– there is no burden on Council</li> <li>– provision of a business case to identify how the facility will become self-funding;</li> <li>– how the FWMHIC will fund ongoing renewals of the building in order to maintain it in a fit-for-purpose condition going forward;</li> <li>– Māori and Youth representation on the Trust Board to be encouraged;</li> <li>– Seed funding provision no greater than one year of the existing maintenance budget.</li> <li>– the completion of seismic strengthening by 2031;</li> <li>– Should the FWMHIC disband, Horowhenua District Council will be given first option to take ownership of the land and building at no cost to Council.</li> </ul>	D Clapperton	Jun 2022		
	3	<p><u>Improved access for equestrians</u>  A paper on this would be coming to Council in the near future.</p>	A Nelson	Sep 2021		Report to Council in September

6	<u>Grant to Save Our River Trust (SORT) to undertake flow modelling</u> <i>THAT the Horowhenua District Council supports funding SORT to help clarify the viability/effect of reconnecting the river loop of \$10,000 per annum to the organisation for the next three years.</i>	M Rogerson	Aug 2021		
	Council to continue to lobby Central Government in relation to the River Loop as it was not a Council decision initially that gave rise to this issue.	D Clapperton	On-going		
12	Officers develop an improvement plan for Kennedy Park as part of its workload in 2021-2022 financial Year.	A Nelson	Jun 2022		The improvement plan will arise from the Reserves Management Plan
16	<u>Improvements and Seismic Strengthening of the Coronation Hall in Foxton</u> <i>THAT the Horowhenua District Council confirms its willingness to continue working with MAVTech.</i>	A Nelson	Aug 2021		Officers to supply a letter of support
17	Officers will engage with all stakeholders in any forthcoming review of the Mackenzie Trail in Foxton Beach	A Nelson	Jan 2022		Officers collating back ground work will engage with stakeholders commencing in Jan 2022.
20	<u>Naming of Reserves</u> <i>THAT the Horowhenua District Council supports officers to discuss with local iwi, a potential Te Reo name for the River Loop Reserve, with a view to undertaking wider consultation with the community concerning the proposed name.</i>	A Nelson	Jan 2022		Officers currently scoping works with a view to engaging with iwi and other stakeholders early in the New Year
21	Council will discuss the potential installation of additional signage recognising the unique communities on Foxton Beach foredunes with MET and other stakeholders.	A Nelson	Sep 2021		Officers will raise this matter with the relevant stakeholders at the next meeting in September
22	Officers from the Parks and Property and Roding Teams will continue to investigate the opportunity to install a shared pathway connecting Queen Street shared pathway and Mako Mako Road in the 2021/2022 Financial Year.	A Nelson / J Wallace	Jun 2022		
23	<u>Butterfly Pathway</u> <i>THAT the Horowhenua District Council supports in principle the establishment of a butterfly pathway at</i>	A Nelson	Mar 2022		Officers currently considering scope and nature of engagement with stakeholders



		<i>the Thompson House Remembrance Park and helps clarify wider community support, with consideration to be given to providing a contribution (if any) at the next Annual Plan.</i>				
Property	1	<u>Foxton Courthouse</u> <i>THAT the Horowhenua District Council does not support providing funding to strengthen the Foxton Courthouse Museum for the purpose of establishing a Foxton Heritage Centre.</i>	A Nelson	Aug 2021		Officers will write to the current Lessees (Foxton Historic Society) confirming Council's position and requesting from the Lessee its further proposals.
	2	<u>Shannon Railway Museum</u> <i>THAT Shannon Progressive Association Inc. is granted approval to undertake the installation of front steps leading into the Shannon Railway Station Museum and Visitor Centre themselves under Council facilitation, guidance and approval.</i>	A Nelson	Aug 2021		Officers will write to the Shannon Progressive Association confirming Council's support.
		<i>THAT the Horowhenua District Council works with the WBSLSC building working party to source third party funding contributions of \$1.m towards the feasibility, design and build of the new building at Waitāre Beach. Year 1 - \$200,000, Year 2 - \$800,000.</i>	T Parsons	Jun 2022		Application submitted by Waitāre Beach Surf Lifesaving Club to New Zealand Surf Lifesaving Club.
	6	The CE and Officers engage with the Waitāre Beach Surf Lifesaving Club building working party to determine the optimum method of fast tracking the building project	T Parsons	Jun 2022		Procurement of design and build contractor underway.
	28	<u>Smoke free and Sun Smart</u> Whether the provision of shade clothes was included in Activity Management Plans for reserves to be checked and it could be a topic for the Project Steering Group. Also suggested was that people who hire Reserves for various activities be encouraged to promote non-smoking.	A Nelson	Complete		All outdoor facilities; playgrounds and skate parks; sports fields; parks; reserves; and cemeteries were made smoke free in 2017. Officers will include a statement to that effect on its reserves hire sheet. Shade sails and natural shade are already considered in developing Reserve Management Plans
COE	3	<u>Community Engagement – Levin Community Patrol</u>	M Rogerson	Aug 2021		Completed

	<i>THAT the Horowhenua District Council approves a 'Contract for Service' between and the Levin Community Patrol, for the purpose of Community Patrol Services in Levin. The Contract for Service will be for a period of three (3) years, with a value of \$15,000.00 (GST inclusive), of which \$5,000.00 will be paid annually. Included in the Contract for Service will be reporting requirements to which the Levin Community Patrol will need to adhere. Officers note that provision of this contract, as recommended, can be accommodated within the proposed draft LTP budget.</i>				
8	<u>Community Engagement – Neighbourhood Support</u> <i>THAT the Horowhenua District Council approves a 'Contract for Service' between Council and Horowhenua District Neighbourhood Support Inc. The Contract for Service will be for a period of three (3) years, with a value of \$25,000.00 (GST inclusive) per annum. Included in the Contract for Service will be reporting requirements for the Horowhenua District Neighbourhood Support Inc. Officers note that provision of this contract, as recommended, can be accommodated within the proposed draft LTP budget.</i>	M Rogerson	Aug 2021		Completed
9B	<u>Community Engagement – CCTV Foxton</u> <i>THAT the Foxton Community Board makes formal contact with the Horowhenua Crime Prevention Camera Trust, to encourage the Trust to pursue the establishment of CCTV in Foxton Town Centre.</i>	M Rogerson	Oct 2021		Completed
11	<u>Community Engagement – Crime Prevention Trust</u> <i>THAT the Horowhenua District Council approves a 'Contract for Service' between Council and Horowhenua Crime Prevention Camera Trust. The Contract for Service will be for a period of three (3) years, with a value of \$15,000 (excluding GST) per annum. Included in the Contract for Service will be reporting requirements to which the Horowhenua Crime Prevention Camera Trust will need to adhere.</i>	M Rogerson	Aug 2021		Completed

		Officers note that provision of this contract, as recommended, can be accommodated within the proposed draft LTP budget.				
		THAT a report be provided on how Council could maximise external funding opportunities.	N Brady	Jun 2022		In progress, first draft to be provided in December 2021.
Late Item		<u>Foxton Beach Utility Vehicle Project</u> THAT, as recommended by the Foxton Community Board, the Horowhenua District Council approves the allocation of a sum of up to \$60,000 from the Foxton Beach Freeholding Account for the purchase of a utility vehicle for the Foxton Beach Volunteer Fire Brigade.	C Marheine	Dec 2021		
3		Council's Community and Social Development Team support Levin Community Patrol to build capacity to apply for alternative funding and grants.	M Rogerson	Aug 2021		In Progress - Meeting to discuss alternative funding and grants postponed due to COVID-19. New Date proposed November 2021
4		Council's Community and Social Development Team make contact with Linda Whiti to link her to Council networks and community organisations currently operating in Shannon.	M Rogerson	Jul 2021		Completed
6		Council's Community and Social Development Team meet with the Foxton Beach Progressive Association to understand what their goals and objectives are, and understand how Council could support them to develop community-led events.  As part of Council's community capacity-building programme, Council hosts a grants and funding workshop in Foxton in the 2021/2022 financial year.	M Rogerson	Sep 2021		In Progress - Officers have had meet with previous chairpersons. Meeting with PBPA postponed due to COVID-19. New Date proposed November 2021  In progress
8		Council's Community and Social Development Team support Horowhenua District Neighbourhood Support Inc. to build capacity to apply for alternative funding and grants.	M Rogerson	Aug 2021		Completed

	11	Council's Community and Social Development Team support Horowhenua District Neighbourhood Support Inc. to build capacity to apply for alternative funding and grants for the capital expenditure requested.	M Rogerson	Aug 2021		Completed
Economic Development	15	Implement the operational Economic Development Implementation Plan (which incorporates Destination Management). Council and Foxton Community Board discuss the role Foxton Community Board would like to play in economic activities.	N Brady	June 2022		<p>Council resolved the Service Contract with The Horowhenua Company Limited effective 01 October 2021 to 30 June 2024. The Service Contract includes the prioritised actions for delivery as per the Economic Development Action Plan.</p> <p>The Brand Identity Project has commenced, and the development of the Events Strategy and Implementation plan is underway as the top two priorities of the Destination Management Plan.</p>
Community Facilities	2	Upon confirmation of the budget, Officers undertake a formal "request for proposal" process with splashpad supply companies, to ensure a competitive and transparent opportunity to identify a preferred supplier for the construction of the splashpad.	B Harvey			Contractor identified.
	2	<u>Foxton Pool</u> Raised was exploring the possibility of installing a Splashpad at the Foxton Pool.	B Harvey	Jul 2021		An area designated for a splashpad has been considered in future proofing the design of Foxton Pool.
	3	That Council Officers engage with YEP, survey respondents and users of the space to better understand what activities and programmes interest them, and to test the need for any future spaces created in the Youth Space. This engagement will commence in Year 1 of the LTP in advance of the Youth Space being renovated.	B Harvey	Feb 2022		In planning

Representation & Community Leadership	4.	<u>Housing</u> This was currently out of the scope of current operational budgets but Elected Members would have an opportunity to consider the Housing Action Plan to determine whether extra resources would be required.	D McCorkindale	June 2022		Officers are currently progressing the Streamline Affordable Housing initiative from within current budgets. Further actions from the Housing Action Plan will be considered when the new Group Manager Housing and Business Development has been appointed. At that point there will be a better understanding of the operational budget needed to support the actions.
	16	<u>Community Board Meetings</u> <i>THAT the request for a Foxton Beach Progressive Association (FBPAI) representative to attend all Foxton Community Board workshops be referred to the Foxton Community Board for consideration under its current Memorandum of Understanding with the FBPAI.</i>	C Marheine	Sep 2021		Completed.
	2	That Council officers continue to progress work to identify and protect Cultural Sites as part of the District Plan activity and that this be done in partnership with Iwi.	T Gower			No progress has been able to be made on this yet as the capacity and focus of officers has been dedicated to progressing current plan changes 4 and 5 and proposed plan changes 3 and 6. Until current vacancies are filled there will be very limited capacity to being able to progress the sites of cultural significance work in a meaningful and genuine way. As iwi engagement on proposed plan change 6 progresses there will be work that crosses over between the plan change 6 and a sites of cultural significance plan change.



17	That the group reviewing the Foxton Beach Freeholding Account Strategy and Policy considers the points relevant to the freehold account from the submission of the Foxton Beach Progressive Association to the LTP 2021-2041.	D Clapperton	On-going		
20	That officers investigate the benefits of a Fiduciary Duty of Care Policy and report to Council by December 2021.	J Straker			The Mayor noted that this was requested from Wellington City Council and will be reviewed by Staff to determine if it is beneficial for HDC.
26	That Council officers engage with Hospitality NZ (and related parties) on ways which Council can increase support to the Tourism/Hospitality sector and enhance commercial business settings in Horowhenua.	D McCorkindale	June 2022		This will be part of the work that the new Group Manager Hosing and Business Development will lead. This engagement will take place once the new role is recruited.
26	That Council officers forward the submission by Hospitality NZ onto our regional economic development partners and advocate that greater support (indirect and direct) be provided to tourism/hospitality businesses in the Horowhenua District.	D McCorkindale	Sep 2021		The Hospitality NZ submission has been forwarded to our regional economic development partners.
27	<p>The IT Team investigates options to improve the hardware in Council Chambers and meeting rooms to better support accessibility.</p> <p>The IT Team investigates automated closed captioning versus other vendors providing transcription services and provide advice on options within the next 3 months.</p> <p>The IT Team continues to promote Microsoft Teams use and the use of closed captioning when required.</p>	L Slade	Dec2021		Options are still being reviewed and costed. A possible solution was investigated further but was considered cost prohibitive (requires complete change out of chambers AV system). The interim solution remains to use the closed captioning services provided by Microsoft & YouTube. Transcription services can also continue to be booked if/when required. There have been no requests or complaints raised about this service.

	28	That Council's Health and Safety Committee lead the review and completion of the Council's Draft Sun Protection Policy and the review of Council's Smoke free Environment Policy in the 2021/2022 financial year.	A Huria	Jun 2022		In progress – completion March 2021
	31	Officers to make contact with Muaūpoko iwi representatives in regards to the Muaūpoko Report	D Clapperton	On-going		





File No.: 21/477

## Future of the Levin Landfill

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### 1. Purpose

For Council to consider whether the closure date for the Levin Landfill should be brought forward.

### 2. Executive Summary

Horowhenua District Council owns the Levin Landfill. The Landfill's consents expire in 2037, or sooner if the consented capacity is reached. Council signed a 'Levin Landfill Agreement' in 2019 agreeing to a formal review of the Landfill closure date and the establishment of a Project Management Group that would have input into decisions on the future of the Landfill. The process to determine that closure date for the Levin Landfill included the Council Chief Executive recommending to the Council a closure date for the landfill at the latest, 31 December 2025.

Morrison Solutions were commissioned to prepare a Business case to provide sufficient information to allow Council to identify a preferred closure date for the purpose of carrying out a special Consultative Process with the Horowhenua Community.

A range of options were considered for this review and following a workshop with Council three were shortlisted:

- Close the Landfill in 2022,
- Closure of the Landfill in 2025,
- Keep the Landfill operating until it is full, or its consent expires.

The independent opinion of Morrison Solutions is that the preferred option is closure of the Levin Landfill in 2022. This is because it provides the best outcome for Council from a strategic, financial, wellbeing and risk perspective.

### 3. Recommendation

- 3.1 That Report 21/473 Future of the Levin Landfill 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 Horowhenua District Council's preferred option(s) for the future of the Levin Landfill for the purpose of public consultation is:
- That Council closes the Levin Landfill in 2022.
- OR
- That Council closes the Levin Landfill no later than 31 December 2025.
- OR
- That the Horowhenua District Council continues to operate the Levin Landfill until its consents expire in May 2037, or sooner if consented capacity is reached.
- 3.4 That the Horowhenua District Council use the special consultative procedure to consult with its community using the following dates:
- The Consultation Document will be available to the public on 30 November 2021;
  - The period for making submissions will run from 30 November 2021 to 5pm on 31 January 2022;
- 3.5 That the Horowhenua District Council acknowledges the recommendation of the Chief Executive that the Levin Landfill close in 2022 thus meeting the obligation set out in clause 11.1(a) of the 2019 Landfill Agreement.

### 4. Background / Previous Council Decisions

HDC entered into the Levin Landfill Agreement with HEKA, Ngāti Pareraukawa and other s274 parties in March 2019 to resolve proceedings relating to the 2015 review of Resource Consents. Council's direct and indirect costs relating to the review at this stage were estimated at \$750,000.

The reasonably expected outcomes that HDC would face from the proceedings were:

- Refined consent conditions
- Directions in respect of Council functions / responsibilities
- Enforcement relating to non-compliance on existing conditions.

The Levin Landfill Agreement was the outcome of mediation and negotiations between the parties. The benefits for HDC were that HEKA, Ngāti Pareraukawa and other s274 parties would:

- a) Sign consent orders, withdraw appeal and s274 notices
- b) Withdraw Application of Declaration in respect of Environment Court proceedings and withdraw application for enforcement order
- c) Sign memorandum to Environment Court stating entered into an agreement with HDC and map pathway for developing positive future relationships
- d) Support HDC on obtaining variation of consent conditions
- e) Support obtaining closure consents
- f) Provide letter of support for Horizons to withdraw abatement notice
- g) Not support in any capacity enforcement actions, legal proceedings, complaints to regulators etc. in relation to landfill.

In return HDC agreed to establish a joint Project Management Group, fund the PMG to commission some independent environmental, social and cultural reports and to review the closure date of the Levin Landfill.

The Landfill Agreement states that: *“HDC’s chief executive will recommend to the council a closure date for the Levin Landfill, of, at the latest, 31 December 2025” (Clause 11.1(a)).*

The Landfill Agreement also states that *“The Parties acknowledge that the final closure date is for the councillors to determine in accordance with all statutory requirements, including the Local Government Act 2002” (Clause 11.2).*

Negotiations led to the date of 31 December 2025 being chosen as the potential closure date, with the community initially seeking for the Landfill to be closed at the earliest possible date after 2019.

If Councillors choose a closure date on or before 31 December 2025, the Landfill Agreement will remain in place. HDC will need to work with the Project Management Group to develop a closure and remediation plan for the Landfill and to agree and implement the leachate remediation project to address leachate from the old landfill. The reconciliation process, including a formal apology delivered by the Mayor will need to take place.

If Councillors choose a closure date after 31 December 2025, the Landfill Agreement will terminate. This will have implications for the future consent review process in 2024, 2029, 2034 and the consent renewal in 2037, which are likely to result in significant time and cost to Council. The decision will also impact Council’s relationship with Ngāti Pareraukawa as well as other members of the Hōkio community, who negotiated the Landfill Agreement in good faith with HDC.

## 5. Discussion

The Project Management Group independently commissioned reports from Tonkin and Taylor, Bronwyn Kerr, Ngāti Pareraukawa and Muaūpoko. These provided a clear picture of the community sentiment regarding the landfill, as well as addressing environment and technical considerations.

Based on this information, the Levin Landfill Project Management Group has recommended that HDC close the Levin Landfill and recommit to the Levin Landfill Agreement and post-closure work streams.

The information commissioned by the Project Management Group did not provide sufficient information for Council to understand the financial and commercial implications of closing the Landfill. As a result, Morrison Solutions, as well as BERL and Stantec, have been commissioned to develop a Business Case. Their advice was to run the procurement process before Council’s decision, due to the very limited number of solid waste contractors in the region and the highly variable pricing for these services.

This procurement process revealed that there were no solid waste contractors who are interested in operating the Levin Landfill and committing their commercial tonnes to it.

If the Levin Landfill is to remain open, HDC (or its CCTO) will be responsible for the sale of landfill airspace to customers. HDC’s success if selling this airspace will determine whether the landfill is financially viable or not and this will remain a substantial risk to Council for the whole time the Landfill is open.

Morrison Solutions’ recommendation is to close the Levin Landfill in 2022, as this produces the best outcome for Council from a strategic, financial, wellbeing and risk perspective.

## 6. Options

Three closure dates have been considered:

- 2022 (effectively immediate closure as operations at the Landfill are currently suspended)

- No later than 31 December 2025 (the latest date that would not cause the Landfill Agreement to terminate)
- 2037, or sooner if consented capacity is reached.

Morrison Solutions has considered this using a multi-criteria approach and have recommended that HDC close the Levin Landfill in 2022, as this produces the best outcome for Council from a strategic, financial, wellbeing and risk perspective.

## 6.1 Cost

Stantec developed a Net Present model covering a 14-year period from 2022 to 2036. This modeling showed that the closure of the Levin Landfill in 2022 would be the most financially beneficial option. Closure in 2025 provided the worst financial outcome.

	Option 1 - Close Levin Landfill in 2022	Option 2 - Close Levin Landfill in 2025	Option 3 - Close Levin Landfill in 2037
<b>Total NPV over 14 years</b>	<b>-\$19,063,195</b>	<b>-\$21,496,621</b>	<b>-\$20,550,845</b>
<b>Financial ranking of options</b>	<b>1</b>	<b>3</b>	<b>2</b>

All options have higher costs than the current arrangements. This is due to the loss of revenue from Midwest's commercial tonnes from the end of their current contract in 2022. In addition, there are ongoing cost escalation of landfill operation, ETS and Waste Levy costs

## 6.2 Rate Impact

The increased cost will need to be recovered through a combination of rates and fees. This will likely result in an increase to the solid waste and wastewater targeted rates as well as increased refuse bag charges and Foxton and Shannon Transfer Station charges.

BERL assessed the impact on rates of each Option as follows:

	Option 1	Option 2	Option 3
Cost increase required (\$2021) 2022-2036	15,702,730	18,186,134	15,326,628
Cost increase per year (\$2021)	1,046,849	1,212,409	1,021,775
Rating units	18,007	18,007	18,007
Rating unit cost increase per year ex GST (\$2021)	58	67	57
Current average rate inc GST (\$2021)	2,433	2,433	2,433
New average rate inc GST (\$2021)	2,500	2,511	2,499
Rate increase (percent)	2.7	3.2	2.7

The debt associated with the Levin Landfill is currently \$4.4 million. The forecast residual debt in 2036 of each option is as follows:

Option	Residual debt in 2036
Closure in 2022	\$3.5 million
Closure in 2025	\$5.1 million
Closure in 2037	\$7.6 million

## 6.3 Community Wellbeing

BERL has been commissioned to assess the community wellbeing impacts based on the four wellbeings. BERL has concluded that closure of the Levin Landfill in 2022 would provide the best outcome from a community wellbeing perspective, followed by closure in 2025. Closure in 2037 would provide the worst outcome from a community wellbeing perspective.

The wellbeing analysis aligned with Council's Community Outcomes of Vibrant Economy, Outstanding Environment, Partnership with Tangata Whenua and Strong Communities.

#### 6.4 Consenting Issues

Continued operation of the Levin Landfill after 2025 will likely impact the future Levin Landfill consent review and renewal process in 2024, 2029, 2034 and 2037. The previous consent review took three years and cost Council in excess of \$800,000.

Council is likely to face increasingly stringent consent requirements in future.

#### 6.5 LTP Integration

Continued operation of the Levin Landfill is a significant forecasting assumption in the LTP. All options will result in a material change to the LTP, which will trigger a special consultative process.

### 7. Consultation

Council's Significance and Engagement Policy ("the Policy") lists the Levin Landfill (Hōkio landfill) as a strategic asset.

The Policy states:

"By way of guidance, a proposal or decision will not be deemed to be significant unless it is of similar importance to the following examples:

- Involves an activity that will significantly affect capacity or cost to Council
- Alteration of the level of service of a significant activity as defined in Council's LTP
- Alteration to the mode by which a significant activity is undertaken
- Transfer of ownership, control, construction, replacement or abandonment of a strategic asset
- A change to the LTP
- Draft LTP
- Annual Plan (where matters of significance are identified).

Matters which do not satisfy these criteria may have a high degree of significance where it is known that the decision will nevertheless generate a high degree of controversy."

The closure of the Levin Landfill is therefore considered significant under the first, third and fourth bullet points above. The continued operation of the Landfill is also considered to have a high degree of significance due to the high degree of controversy regarding the Landfill operations.

As the proposed options could result either in an alteration to a level of service and or decision concerning the continued operation of a strategic asset changes may need to be made to the LTP.

For both these reasons it is considered appropriate that the Council use the special consultative procedure when consulting with its community.

The requirements for a special consultative procedure are set out in s.83 LGA 2002. If approved by the Council, the following process will comply with those requirements:

- a) The Consultation Document will be available to the public on 30 November 2021;
- b) The Consultation Document will advise members of the public where they may obtain the information that is relied on by the document;
- c) The period for making submissions will run from 30 November 2021 to 5pm on 31 January 2022;
- d) The consultation process will include radio advertising, articles in Council publications, email newsletters to subscribers, a website link to access information. People who wish

to will also be able to lodge submissions electronically and to use other e-democracy tools such as Facebook where appropriate;

- e) It is proposed to hold a series of community discussions between 30 November 2021 and 31 January 2022. These discussions will allow the community to engage directly with Elected Members and Council officers;
- f) Meetings with stakeholder groups will also be held during this period;
- g) For people who wish to, the opportunity to present their views orally will be available between 31 January and 11 February 2022;
- h) All submissions will then be considered before the Council meets in February 2022 to decide on the closure date of the Levin Landfill.

## 8. Legal Considerations

There are no legal considerations at this stage of the Levin Landfill review process. There may be legal considerations should Council decide to keep the Levin Landfill open beyond 2025 after the special consultative process.

## 9. Financial Considerations

The financial considerations are covered in the Business Case.

## 10. Iwi Considerations

The early closure of the Levin Landfill, either in 2022 or 2025, would align with the following Community Outcomes:

Partnership with Tangata Whenua

- *We will uphold Te Tiriti o Waitangi and its principles.*
- *We build mutually respectful partnerships with tangata whenua.*
- *We support Mana Whenua to maintain and enhance tikanga with their ancestral lands and waterways, wāhi tapu and other taonga.*
- *We support whanau, marae, hapū and iwi in achieving their aspirations.*
- *We recognise the role of Mana Whenua as kaitiaki of their rohe.*

Ngāti Pareraukawa and Muaūpoko have produced cultural impact assessments that state clearly their preference for early closure of the Landfill.

Under the Te Tiriti o Waitangi, the Crown has an obligation to act as a partner to Tangata Whenua; reflected in the requirement for each partner to “act with the utmost good faith”.

A decision that resulted in termination of the Landfill Agreement would particularly impact HDC’s relationship with Ngāti Pareraukawa, as a party to that Agreement.

## 11. Climate Change Considerations

As outlined in the Morrison Solutions Business Case, the estimated greenhouse gas emissions from each option vary depending on how long the Levin Landfill remains open.

The estimated greenhouse gas emissions from council-controlled waste are presented below.

Closure date	Estimated greenhouse gas emissions over 15 year period (tCO <sub>2</sub> -e)
Closure in 2022	13,725
Closure in 2025	23,265

Closure in 2037	45,351
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## 12. Environmental Considerations

HDC aims to provide an outstanding environment, as one of its community outcomes. This includes *contributing to improving our natural environment for current and future generations to enjoy*. BERL has addressed the environmental impacts in its Wellbeing Assessment and assessed that the earlier the Levin Landfill closes, the better it will meet the agreed environmental outcomes.

## 13. Health & Safety Considerations

There are no health and safety considerations in relation to this report.

## 14. Other Considerations

There are no other considerations in relation to this report.

## 15. Next Steps

The Special Consultative Process is scheduled to commence in late November and run through to the start of February.

Operations at the Levin Landfill are currently suspended for six months from 1 November 2021 to 30 April 2022. During that time HDC's council-controlled waste is being disposed of in the Levin Landfill.

The new contractual arrangements should commence from 1 May 2022, or otherwise interim arrangements will be required. A number of short-term disposal options are available.

### Timeline for transition to new contract – if Levin Landfill to close in 2022

10 November 2021	Council decision on preferred option
30 November 2021	SCP Consultation period commences
31 January 2022 to 11 February 2022	Hearings
February 2022	Final Council decision
1 May 2022	Long term contract commencement

If the Levin Landfill is to remain open until 2025 or 2037, additional work will be required over the next six months to construct a new cell and to appoint an operations contractor.

## 16. Supporting Information

### Confirmation of statutory compliance



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

- containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- 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

There are no attachments for this report.

Author(s)	David Clapperton <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



File No.: 21/468

## Regulatory Policy Review - Class 4 Gambling Venue Policy and TAB Venue Policy

### 1. Purpose

Council is required to review the 'Gambling Class 4 Venue Policy' and 'TAB Venue Policy' every three (3) years. This report facilitates this requirement.

### 2. Executive Summary

- 2.1 The Gambling Act 2003 requires that Council have a policy on Class 4 Gambling Venues, and the Racing Industry Act 2020 requires Council to have a TAB Venue policy.
- 2.2 Council's current policies are as follows:
  - Class 4 Gambling Venue Policy – there is a 'sinking lid' (no more new gambling machines 'pokies') allowing club mergers and a relocation policy allowing for consent to be given to a venue that chooses to relocate within set criteria.
  - TAB Venue Policy – one TAB venue can be established in the District.

### 3. Recommendation

- 3.1 That Report 21/468 Regulatory Policy Review - Class 4 Gambling Venue Policy and TAB Venue Policy 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 the Special Consultative Procedure as detailed in the Local Government Act 2002 be used for consultation purposes in the review of these policies, using
  - (i) The Statement of Proposal drafted in accordance with section 83(1)(a)(i) of the Local Government Act 2002 and attached as Attachment A, including the Draft Gambling Class 4 Venue Policy and the Draft TAB Venue Policy; and
  - (ii) The Summary of information as required by section 89 of the Local Government Act 2002, and attached as Attachment B. Confirming it be a fair representation of the major matters in the Statement of Proposal; is in a form determined by Council; indicates where the Statement of Proposal may be inspected and a copy may be obtained; and states the period within which submissions on the proposal may be made;
- 3.4 That should submissions be received, the hearing of these submissions be undertaken by the Hearings Committee acting under delegated authority, for a subsequent recommendation to Council.

### 4. Background / Previous Council Decisions

- 4.1 On 17 March 2004 Council adopted a combined policy on these matters, in which the policy had a 'capped' number of Class 4 electronic gaming machines allowed in the District.
- 4.2 On 5 September 2007, following a review of the 2004 policy, a new 2007 policy was adopted. This policy determined that a "sinking lid" approach would apply to control and, in time, reduce the number of Class 4 venues and TAB outlets in the District. A "sinking lid" means

that once a venue closes, a new licence will not be issued to any other society to replace it, therefore reducing the number of machines as this occurs.

- 4.3 In 2011 the 2007 policy was reviewed and at this time, the policies were separated into two policies, one directly related to Class 4 Gambling and the other to TAB venues. The "sinking lid" approach was retained in respect of the Gambling Class 4 Venue Policy.
- 4.4 The Class 4 Gambling Class 4 Venue and the TAB Venue Policies were again reviewed in 2014, at this time resulting in one change made to the TAB Venue Policy, which was to allow one stand-alone venue to be established in the District.

## **5. Discussion**

- 5.1 The Racing Industry Act 2020 requires that a territorial authority adopt a policy on TAB venues, and instructs a review of the policy every three years. The TAB Venues Policy was last reviewed in 2017, and was done so in accordance with the Racing Act 2003 which has since been superceded.

- 5.2 This report is written in support of the status quo for the TAB Venues Policy, allowing one stand-alone TAB venue to be established within the District. There are currently no TAB venues in the Horowhenua; however, minor changes are proposed to the policy to update to the Racing Industry Act 2020.

It is important to note that self-service TAB outlets in establishments such as clubs, bars and hotels are not part of this policy, as Council is unable to regulate these within this policy.

- 5.3 The Gambling Act 2003 came into force 18 September 2003. It requires a territorial authority to adopt a class 4 gambling venues policy, and review the policy every three years.

5.4 This report is in support of amending the Class 4 Gambling policy, but retain the existing 'sinking lid' approach, and that no new Class 4 venues will be consented.

The proposed changes seek to-

- 1. clarify when the relocation policy applies;
- 2. amend the club merger clause to allow up to two thirds of the combined original total of gaming machines in place of allowing up to a maximum of thirty; and
- 3. implement the charging of fees in relation to the processing of relocation consent requests and merger consent requests.

- 5.5 Council's current Gambling Class 4 Venue Policy allows the relocation of premises where a Class 4 Venue is forced to vacate its existing venue through no fault of its own, (i.e., an act of God such as a fire). The intent is to clarify in what circumstances this section will apply, therefore ensuring the integrity of the purpose of the current policy.

- 5.6 It is also proposed that Council implement a fee prescribed pursuant to section 150 of the Local Government Act 2002 and will include the cost of processing the application. It is proposed this fee is charged per hour processing, at \$320.00 per application based on a maximum processing time of 2 hours. Time would then be chargeable at \$160 per hour. This is consistent with other regulatory fees and charges.

- 5.7 In general territorial authorities adopt the following types of Class 4 Gambling Venue Policies:

- (a) No restrictions – the market dictates,
- (b) A cap on the number of venues (which can be set either above or below current levels),
- (c) A cap on the number of machines (which can be set either above or below current levels),
- (d) A cap on the number of machines linked to the population base, ie, increases allowed if population increases,
- (e) A sinking lid policy - no more new machines or venues allowed (this is the Horowhenua District Council's current policy).

- 5.8 Each of the options above were considered and are available to Council to consult on. However, it is proposed that Council retain the current policies as they relate to both TAB Venues and Class 4 Gambling Venues. In the case of the Class 4 Gambling Venue Policy to continue with the 'Sinking Lid' policy to control venue and machine numbers, make minor amendments to the rules not allowing relocations other than those that are caused by an 'act of God', and to implement processing fees.

## 6. Options

- 6.1 Option 1 – Council chooses to keep the status quo with relation to the TAB Venues Policy attached as Attachment A, and to amend the Class 4 Venue Policy with the proposed changes in the Draft Class 4 Venues Policy attached as Attachment B.

This option requires Council resolution to publically consult on the review of the TAB Venue Policy attached as Attachment A, and the Class 4 Venue Policy attached as Attachment B, which includes the proposed changes to the relocation policy and chargeable fees, using the special consultative procedure set out in Section 83 of the Local Government Act. This is the preferred option.

- 6.2 Option 2 – Council chooses to publically consult on keeping the status-quo with no changes made to the policies. Under this option, Council would retain its existing rules around Class 4 Venues including the current relocation policy within, and the TAB Venues Policies.

This option requires Council resolution to publically consult on the review of the TAB Venue Policy attached as Attachment A, and the Class 4 Venue Policy attached as Attachment C, using the special consultative procedure set out in Section 83 of the Local Government Act. This is the second preferred option.

- 6.3 Option 3 – Council chooses it does not wish to continue with its current policies. This options requires Council to refer the matter back to officers with a clear direction as to the type of policies they wish to implement.

Any policy that Council will ultimately adopt as part of this review process may provide more, fewer, or equivalent gaming opportunities in the District.

Any superficial changes to the current policy should be considered as part of the hearing process.

### 6.4 Cost

Consultation and subsequent implementation of revised policies will be absorbed within current budgets.

#### 6.4.1 Rate Impact

There are no rate impacts arising.

## 6.5 Community Wellbeing

- 6.5.1 Council and its community can influence the number of gambling venues and machines in the District which in turn support community wellbeing objectives.

The number of Class 4 gambling venues in Horowhenua has decreased in recent years, with the Department of Internal Affairs data confirming 11 venues recorded in 2015 has reduced to 9 as at December 2020. The number of gaming machines also decreasing over the same period, down from 164 in 2015, to 146 as at 31 December 2020.

6.5.2 Despite a decline in the number of machines, Horowhenua has followed the national pattern of a general growth in gaming machine proceeds (GMP). GMP is the aggregate winnings of gaming machines, minus payouts.

All Class 4 gaming machines are owned by Gaming Trusts and Societies. The GMP for each machine is monitored by the DIA's Electronic Monitoring System and collected by the Trust that owns the machine. The GMP is then applied in a complex model before it eventually can be distributed to the community as grants. Once through the model, Societies and Trusts must return 40% of total proceeds to the community by way of grants or applied funding.

6.5.3 According to information gathered from the Department Internal Affairs and provided to Officers by PGF Group (Problem Gambling Foundation), \$9.4 million was lost on class 4 pokies from our Horowhenua Community in 2019, amounting to almost \$25,000 per day.

6.5.4 Of the \$9.4 million lost on class 4 gaming machines in 2019, a total of \$782,000 was returned as grants to the Horowhenua Community.



## 6.6 Consenting Issues

No consenting issues arise.

## 6.7 LTP Integration

There is no LTP programme related to the options in this report.

## 7. Consultation

7.1 The review of these policies is required every three (3) years under the requirements of the Gambling Act 2003, and consultation is required to be undertaken using the Special Consultative Procedure as laid down in the Local Government Act 2002.

7.2 For the purposes of consultation it is proposed that the current policies for both TAB Venues and Gambling Class 4 Venues, with amendments identified, and attached in Attachment A be used in as the Statement of Proposal, in conjunction with the Summary of Information attached as Attachment B.

7.3 Use of the Community Connection, Council website, and a direct mail out to other potentially affected parties will be used in the process.

## 8. Legal Considerations

- 8.1 Section 101 of the Gambling Act 2003 requires Council to have a policy on Class 4 Gambling Venues. Section 102 requires the policy to be reviewed every three (3) years.
- 8.2 Section 96 of the Racing Industry Act 2020 requires Council to have a policy in respect of TAB Venues. Section 97 requires the policy to be reviewed every three (3) years.
- 8.3 Both of these policies must be reviewed every three years. In adopting the recommendations this requirement will be met.

## 9. Financial Considerations

No financial impact.

## 10. Iwi Considerations

It is proposed direct consultation occur with Iwi groups via direct mail out.

## 11. Climate Change Considerations

There is no climate change impact.

## 12. Environmental Considerations

There are no Environmental considerations.

## 13. Health & Safety Considerations

There is no Health and Safety impact.

## 14. Other Considerations

There are no other considerations.

## 15. Next Steps

If the recommendations are adopted, consultation will commence prior to Christmas 2021, followed by the hearing of any submissions by the Hearing Committee of Council who will then provide a subsequent recommendation to Council.

## 16. Supporting Information

<b>Strategic Fit/Strategic Outcome</b> The community can have influence in these matters. By use of the Special Consultative Procedure this opportunity will be made available.
<b>Decision Making</b> The Special Consultative Procedure is required to be used as laid down in the Gambling Act 2003 in the review of these policies.
<b>Consistency with Existing Policy</b> The proposed TAB Venue Policy and Class 4 Gambling Venue Policy are consistent with the 2014 policies.
<b>Funding</b> There are no funding requirements in respect of this matter.

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic					
Financial					
Service Delivery					
Legal					
Reputational					


#### **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	Attachment A - Statement of Proposal Gambling Class 4 Venue Policy and TAB Venue Policy review ( <i>Under Separate Cover</i> )	
B	Attachment B - Summary of Information and Submission Form - Gambling Class 4 Venue Policy and TAB Venue Policy review ( <i>Under Separate Cover</i> )	

Author(s)	Vaimoana Miller <b>Compliance Manager</b>	
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Approved by	David McCorkindale <b>Group Manager - Customer &amp; Strategy</b>	
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# Council Controlled Organisation Exemptions

File No.: 21/469

## 1. Purpose

To seek Council's endorsement to exempt small Council Controlled Organisations (CCOs) that are not Council Controlled Trading Organisations from the requirements of CCOs.

## 2. Recommendation

- 2.1 That Report 21/469 Council Controlled Organisation Exemptions be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That Council Controlled Organisation exemption be extended to the Shannon Community Development Trust for a further three (3) years from 01 July 2021 to 30 June 2024.
- 2.4 That Council Controlled Organisation exemption be extended to the Manawatu-Wanganui Local Authority Shared Services Limited (MW LASS Ltd) for a further three (3) years from 01 July 2021 to 30 June 2024.
- 2.5 That Council Controlled Organisation exemption be extended to the Manawatu-Wanganui Regional Disaster Relief Fund Trust for a further three (3) years from 01 July 2021 to 30 June 2024.

## 3. Background/Previous Council Decisions

As specified in section 7 (2) of the Local Government Act, the MW LASS Ltd, Shannon Community Development Trust and Manawātū-Wanganui Regional Disaster Relief Fund Trust are subject to comparable reporting and monitoring requirements as a CCO, with its annual report and financial statements being prepared in line with the CCO format recommended by Audit New Zealand.

Under section 7 (5), exemption can be made by resolution of its Local Authority on the grounds of:

- a) The nature and scope of the activities provided by the organisation; and
- b) The costs and benefits, if an exemption is granted, to the local authority, the organisation and the community.

Section 7 (6) of the Local Government Act specifies that exemption must be reviewed every three (3) years.

All three entities were been previously exempt in 2018.

## 4. Issues for Consideration

### 3.1 Shannon Community Development Trust

The Shannon Community Development Trust is a small organisation, with a specific and limited purpose. Its operating revenue is sourced from interest on its Term Deposit, which provides the Trust less than \$15,000 each year, and much less in an environment of low interest rates.

If it were subject to the extra expenses associated with the full regulations of a CCO, such as full audit by Audit New Zealand, its ability to function would be significantly diminished.



### 3.2 Manawatu-Wanganui Local Authority Shared Services Limited (MW LASS Ltd)

MWLASS Ltd is a small organisation, and the nature and scope of its activities is limited. There would be significant additional costs if MWLASS Ltd was to be required to meet all the obligations of a council-controlled organisation.

### 3.3 Manawatu Wanganui Regional Disaster Relief Fund Trust

The Manawatu Wanganui Regional Disaster Relief Fund Trust is a small organisation and the nature and scope of its activities is limited. It does, in the main, operate only after significant adverse effects, and there would be significant additional costs if the Trust was to be required to meet all the obligations of a council-controlled organisation.

## Attachments



There are no attachments for this report.

### 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.

## Signatories

Author(s)	Abraham Chamberlain <b>Manager Financial Planning and Reporting</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



## Exclusion of the Public : Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

### C1 Proceedings of the Chief Executive Performance Review Committee 28 October 2021

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

### C2 Proceedings of the Community Funding and Recognition Committee 26 October 2021 and 1 November 2021

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

### C3 Potential sale of Council-owned property at 15-23 Durham Street Levin

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

	industrial negotiations).	
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#### C4 Future of the Levin Landfill

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