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# Council

## OPEN MINUTES

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Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin, on Wednesday 10 November 2021 at 4.00 pm.

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### PRESENT

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

### IN ATTENDANCE

<b>Reporting Officer</b>	Mr D Clapperton	(Chief Executive Officer)
	Mrs N Brady	(Deputy Chief Executive)
	Mr D McCorkindale	(Group Manager – Customer & Strategy)
	Mrs A Huria	(Business Performance Manager)
	Mr B Maguire	(Group Manager – Infrastructure Development)
	Mrs L Slade	(Group Manager – People & Culture)
	Mrs A Crawford	(Water and Waste services Manager)
	Mrs V Miller	(Compliance Manager)
	Mr N Hirini	(Community Development Advisor)
	Mr S Hester	(Parks and Property Lead – North)
	Mr G Rowse	(Democracy Advisor)
<b>Meeting Secretary</b>	Miss J Lygo	(Democracy Support Officer)

### ALSO IN ATTENDANCE

Ms T Whiti	(Accompanying Cr Ketu)
Mr M Morrison	(Morrison Solutions)
Mrs T McGregor	(Morrison Solution VIA Zoom)
Mr N Robertson	(Berl VIA Zoom)

The meeting was opened with a Karakia by Cr Ketu.

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## 1 Apologies

An apology for David Roache, Chair Of the Foxton Community Board was noted; the Deputy Chair, Tricia Metcalf, attended the meeting in place of the Chair.

## 2 Public Participation

There was none.

## 3 Late Items

The Mayor tabled a late report to correct the mesh block maps for the Te Awahou Foxton Community Board Boundary. This was considered as item 8.5.

## 4 Declaration of Interest

Cr Jennings declared a conflict of interest in relation to item C3 and did not take part in debate or discussion of this item.

## 5 Confirmation of Minutes

MOVED by Cr Allan, seconded Cr Isaacs:

*THAT the minutes of the meeting of the Council held on Wednesday, 13 October 2021, be confirmed as a true and correct record.*

**CARRIED**

MOVED by Cr Allan, seconded Cr Mitchell:

*THAT the minutes of the meeting of the Extraordinary Meeting of Council held on Wednesday, 20 October 2021, be confirmed as a true and correct record.*

**CARRIED**

## 6 Announcements

There were no announcements.

## 7 Proceedings of Committees

### 7.1 Proceedings of the Foxton Community Board 18 October 2021

The minutes of the Foxton Community Board meeting held on 18 October 2021 were presented to Council.

MOVED by Cr Brannigan, seconded Cr Allan:

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.*

**CARRIED**

The Foxton Community Board Deputy Chair Tricia Metcalf presented the Board's report highlighting the key points and answering questions from councillors.

Mr A Nelson and Mr S Titze joined the table to speak to the report and answered questions from Councillors.

MOVED by Cr Brannigan, seconded Cr Allan:

*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.*

**CARRIED**

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

The minutes of the Community Funding and Recognition Committee meeting held on 26 October 2021 were presented to Council.

MOVED by Cr Kaye-Simmons, seconded Cr Allan:

*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.*

**CARRIED**

## **8 Executive**

### **8.1 Mayoral Report - October 2021**

His Worship the Mayor reported to Council on the community events and Council-related meetings attended;

AND FURTHER

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

MOVED by Mayor Wanden, seconded Cr Kaye-Simmons:

*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.*

**CARRIED**

Cr Kaye-Simmons gave an update on the work of the Community Wellbeing Committee (CWC) in relation to the local vaccination numbers. Council was informed that the CWC February 2022 meeting will to be a workshop.

## 8.2 Monitoring Report to 1 November 2021

The Council were presented the updated monitoring report covering actions arising from resolutions from previous Council meetings and also requested Officer actions.

MOVED by Cr Allan, seconded Cr Brannigan:

- 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.*

**CARRIED**

It was clarified that even though the motion of the Climate Change action plan was lost in a previous meeting, the group are still holding discussions and Mayor Wanden is present for them.

## 8.3 Chief Executive's Report to 1 November 2021

The Chief Executive updated Councillors on a number of matters being dealt with.

MOVED by Cr Brannigan, seconded Cr Isaacs:

- 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.*

**CARRIED**

Cr Allan suggested that the matters pertaining to the Foxton & Foxton Beach areas be included in the FCB agendas, due to them being of real interest to the board. This was noted by The Chief Executive.

Clarification was requested around items 3.3 & 3.4, around what budget line this funding will come from. The Chief Executive will follow up on this.

## 8.5 Representation Review 2021 - Te Awahou Foxton Community Board Boundary Map (21/481)

Mayor Bernie Wanden presented a report to clarify the map boundary's for Te Awahou Foxton Community Board, as there was an error in the initial report presented on 20 October 2021.

MOVED by Cr Allan, seconded Cr Kaye-Simmons:

- 3.1 *THAT Report 21/481 Representation Review 2021 Te Awahou Foxton Community Board Map be received.*
- 3.2 *THAT this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.*

**CARRIED**

MOVED by Cr Allan, seconded Cr Kaye-Simmons:

- 3.2 *THAT the Horowhenua District Council adopts the Te Awahou Foxton Community Board boundaries as shown on Map B.*

**CARRIED**

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

The 'Gambling Class 4 Venue Policy' and 'TAB Venue Policy' required Council to review them every three (3) years. This report facilitates that requirement.

Mrs V Miller joined the table explaining the purpose of the report taking it as read. She then responded to questions from Councillors.

MOVED by Cr Brannigan, seconded Cr Allan:

- 3.1 *THAT Report 21/468 Regulatory Policy Review - Class 4 Gambling Venue Policy and TAB Venue Policy be received.*

**CARRIED**

MOVED by Deputy Mayor Mason, seconded Cr Allan:

- 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.*

**CARRIED**

## 10.1 Council Controlled Organisation Exemptions

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

MOVED by Cr Allan, seconded Cr Bishop:

- 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.*

**CARRIED**

MOVED by Cr Brannigan, seconded Cr Allan:

- 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.*

**CARRIED**

It was noted that Mayor Wanden is the trustee representative for the Manawātū-Wanganui Regional Disaster Relief Fund Trust.

#### **8.4 Future of the Levin Landfill**

Council sought to identify an option to be developed into a consultation document regarding the future of the Levin Landfill.

MOVED by Cr Allan, seconded Cr Kaye-Simmons:

- 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.*

**CARRIED**

Mr M Morrison and Mrs T McGregor from Morrison Solutions joined the table along with Mr N Robertson from BERL to speak on their presentations and answer questions.

#### **Procedural motion to have the report lie on the table**

MOVED by Cr Jennings, seconded Cr Bishop:

That Item 8.4 currently being discussed should lie on the table and not be further discussed at this meeting.

A division was called for, voting on which was as follows:

**For:**

Councillors: Wayne Bishop  
Ross Brannigan  
Todd Isaacs  
Sam Jennings

**Against:**

Councillors: David Allan  
Victoria Kaye-Simmons  
Robert Ketu  
Jo Mason  
Christine Mitchell  
Piri-Hira Tukapua  
Mayor Bernie Wanden

The division was declared LOST by 4 votes to 7.

## 11 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:

### 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.

THAT Mr M Morrison, Mrs T McGregor & Mr N Robertson are permitted to remain at this meeting after the public has been excluded because of their knowledge of the Levin Landfill business case. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because they researched and developed the business case.

The text of these resolutions was made available to the public who were present at the meeting and forms part of the minutes of the meeting.

**CARRIED**

Council went into public excluded business at 5:54pm

Council resumed in open session at 7:54pm to continue consideration of item 8.4.

Councillors debated recommendation 3.3, giving their views for and against each option.

MOVED by Mayor Wanden, seconded Deputy Mayor Mason:

3.3 THAT the Horowhenua District Council's preferred option for the future of the Levin Landfill for the purpose of public consultation is that Council closes the Levin Landfill in 2022.

A division was called for, voting on which was as follows:

**For:**

Councillors: David Allan  
Victoria Kaye-Simmons  
Robert Ketu  
Jo Mason  
Christine Mitchell  
Piri-Hira Tukapua  
Mayor Bernie Wanden

**Against:**

Councillors: Wayne Bishop  
Ross Brannigan  
Todd Isaacs  
Sam Jennings

The division was declared CARRIED by 7 votes to 4.

**CARRIED**

MOVED by Cr Mitchell, seconded Cr Kaye-Simmons:

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.*

**CARRIED**

## **9 Customer and Regulatory Services**

Item - 9.1 Regulatory Policy Review - Class 4 Gambling Venue Policy and TAB Venue Policy - has been moved to an earlier part of the document.

## **10 Finance**

Item - 10.1 Council Controlled Organisation Exemptions - has been moved to an earlier part of the document.

## **11 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 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 industrial negotiations).	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

The text of these resolutions was made available to the public who were present at the meeting and forms part of the minutes of the meeting.

**CARRIED**

The meeting entered to public excluded business again at 8:40pm.

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

The meeting came out of public excluded business at 8:59pm

8:59 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE HOROWHENUA DISTRICT  
COUNCIL HELD ON

**DATE:** .....

**CHAIRPERSON:** .....