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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 13 April 2022 at 4.00 pm.

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### PRESENT

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

### IN ATTENDANCE

Mrs Tessa McGregor	Morrison Solutions
Mr Malcom Morrison	Morrison Solutions
Mr David Allen	Buddle Findlay
Mrs Victoria Brunton	Buddle Findlay

**1 Apologies**

There were none.

**2 Public Participation**

There was none.

**3 Late Items**

There were none.

**4 Declaration of Interest**

There were none.

**5 Confirmation of Minutes**

MOVED by Cr Brannigan, seconded Cr Kaye-Simmons:

That the minutes of the meeting of the Council held on Wednesday, 9 February 2022, be confirmed as a true and correct record.

**CARRIED**

MOVED by Cr Kaye-Simmons, seconded Cr Mitchell: That the minutes of the meeting of the Extraordinary Meeting of Council held on Monday, 21 February 2022, be confirmed as a true and correct record.

**CARRIED**

MOVED by Cr Brannigan, seconded Cr Kaye-Simmons: That the minutes of the meeting of the Extraordinary Meeting of Council held on Wednesday, 30 March 2022, be confirmed as a true and correct record.

**CARRIED**

## 6 Proceedings of Committees

### 6.1 Proceedings of the Hearings Committee 15 February 2021

The Council was presented with the minutes of the Hearings Committee meeting held on 15 February 2022.

MOVED by Deputy Mayor Mason, seconded Cr Allan:

That Report 22/112 Proceedings of the Hearings Committee 15 February 2021 be received.

That the Council receives the minutes of the Hearings Committee meeting held on 15 February 2022.

That the Council adopts the TAB Venue Policy, as consulted on, effective from the date of adoption, as recommended by the Hearings Committee.

That the Council adopts the Class 4 Gambling Venues Policy as consulted on, effective from the date of adoption, with the following amendments s recommended by the Hearings Committee:

- The addition of a clause 5(d) to read
  - “The existing venue is an earthquake prone building or a venue with a national building standard (NBS) percentage of less than 34% and the premises is relocating into a venue of more than 34% NBS”
- A change in wording for clause 5.2(5) to achieve consistency with the similar clause in Councils Local Alcohol Policy. The re-worded clause to read:
  - “No new Class 4 venue for any premises shall be located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, Marae, health care facility, public park or reserve, urupa, or cemetery, or other community facilities existing at the time the application is made.”

**CARRIED**

**Proceedings of the Community Funding and Recognition Committee 24 March 2022**

The Council was presented the minutes of the Community Funding and Recognition Committee meeting held on 24 March 2022.

MOVED by Cr Tukapua, seconded Cr Allan:

That Report Proceedings of the Community Funding and Recognition Committee 24 March 2022 be received.

That the Council receives the minutes of the Community Funding and Recognition Committee meeting held on 24 March 2022.

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

That the Horowhenua District Council ratifies the following Vibrant Communities Grant Round 2; 2021/2022 allocations.

<b>Vibrant Communities Grant Round 2, 2021/2022</b>	
<b>Organisation</b>	<b>Allocated</b>
Te Whare Mahana	\$3,000.00
Legacy Centre Levin	\$2,620.00
Total Amount Allocated:	\$5,620.00

That the Horowhenua District Council ratifies the following Community Development Grant Round 2; 2021/2022 allocations.

<b>Community Development Grant Round 2, 2021/2022</b>	
<b>Organisation</b>	<b>Allocated</b>
Moutoa Māori Wardens	\$3,500.00
Manakau District Community Association Incorporated	\$651.41
Alzheimer's Society Manawatū	\$1,790.32
Samaritans of Horowhenua Inc.	\$3,000.00
Living Well Counselling Centre	\$3,000.00
Waitārere Beach Progressive and Ratepayers Association Incorporated	\$1,448.00
St Mary's Scout Group Levin	\$1,050.00
Te Kahui Kaumatua o Te Awahou	\$2,700.00
Age Concern Horowhenua	\$3,000.00
Adult Day Care Centre	\$3,000.00
Te Whare Mahana	\$3,000.00
Hāpai Te Hapori	\$5,000.00
Wildlife Foxton Trust	\$1,150.00
Foxton Districts Budget Service in Association with Salvation Army	\$1,500.00
Horowhenua Sports Academy Inc. Society	\$2,500.00
NZ Council of Victim Support Groups Incorporated - Horowhenua	\$3,000.00
Total Amount Allocated:	\$39,289.73

**CARRIED**

Councillor Tukapua explained the reasoning of why declined applications were not mentioned by name. Piri mentioned why we do not list the declined applications.

7 Executive

7.4 Report to consider submissions received on the Future of the Levin Landfill Statement of Proposal

The Council was presented for deliberation, the submissions received on the Future of the Levin Landfill Statement of Proposal.

The Council was provided with an update on the financial modelling for the landfill activity.

The Council provided comments on future waste disposal options and use of the Levin Landfill site.

MOVED by Cr Allan, seconded Cr Mitchell:

That Report to consider submissions received on the Future of the Levin Landfill Statement of Proposal be received.

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

That Council acknowledges, with thanks, all who have submitted on the Future of the Levin Landfill Statement of Proposal.

**CARRIED**

***Councillor Allan exited the meeting at 05:20 pm.***

***Councillor Allan returned to the meeting at 05:23 pm.***

MOVED by Mayor Wanden, seconded Deputy Mayor Mason:

That Council adopt Option 1: Close the Levin Landfill in 2022.

Councillors debated the motion.

MOVED by Cr Brannigan, seconded Cr Bishop:

That the Council defer a decision to close the Levin Landfill until 31 December 2025 or at any time earlier than that date.

Councillors debated the amended motion.

***Councillor Kaye-Simmons exited the meeting at 05:43 pm.***

***Councillor Kaye-Simmons returned to the meeting at 05:55 pm.***

Amendment divisions:

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

**For:**

Councillors: David Allan  
Wayne Bishop  
Ross Brannigan  
Todd Isaacs  
Sam Jennings

**Against:**

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

The division was declared LOST by 5 votes to 6.

Meeting adjourned for a break at 6:56 pm.

The meeting reconvened at 7:08

MOVED by Cr Tukapua, seconded Cr Bishop:

THAT Horowhenua District Council transfer its waste to an alternative site not being Levin for 18 months to allow for the whole solid waste activity to be evaluated and explored options for a decision to close in 2024.

Councillors debated the amended motion.

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

**For:**

Councillors: Todd Isaacs  
Sam Jennings  
Piri-Hira Tukapua

**Against:**

Councillors: David Allan  
Wayne Bishop  
Ross Brannigan  
Victoria Kaye-Simmons  
Robert Ketu  
Jo Mason  
Christine Mitchell  
Bernie Wanden

The division was declared LOST by 3 votes to 8.

MOVED by Cr Bishop, seconded Cr Jennings:

That the Council defer a decision to close the Levin Landfill until 31 December 2025 or at any time earlier than that date, following a full evaluation by the incoming Chief Executive Officer by 30 September 2022.

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

**For:**

Councillors: David Allan  
Wayne Bishop  
Ross Brannigan  
Todd Isaacs  
Sam Jennings  
Piri-Hira Tukapua  
Bernie Wanden

**Against:**

Councillors: Victoria Kaye-Simmons  
Robert Ketu  
Jo Mason  
Christine Mitchell

The division was declared CARRIED by 7 votes to 4.

**CARRIED**

## **10 Procedural motion to exclude the public**

MOVED by Mayor Wanden, seconded Deputy Mayor Mason:

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 Privileged advice relating to the 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)(g) - The withholding of the information is necessary to maintain legal professional privilege. 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 the following people are permitted to remain for the in-committee part of the meeting under standing order 18.2 as they have particular knowledge that they may assist the meeting. They are Malcom Morrison, Tessa McGregor, David Allen, Victoria Bruton and Monique Davidson.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

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

**For:**

Councillors: Victoria Kaye-Simmons  
Robert Ketu  
Jo Mason  
Christine Mitchell  
Bernie Wanden

**Against:**

Councillors: David Allan  
Wayne Bishop  
Ross Brannigan  
Todd Isaacs  
Sam Jennings  
Piri-Hira Tukapua

The division was declared **LOST** by 5 votes to 6.

**7.1 2022 Triennial Election - Order of candidate names on voting documents**

The Council made a decision as to the order of candidates' names on voting documents for the 2022 local authority elections, as per the Local Electoral Regulations 2001.

MOVED by Cr Isaacs, seconded Cr Jennings:

That Report 22/111 2022 Triennial Election - Order of candidate names on voting documents be received.

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

**CARRIED**

The Business Performance Manager joined the table to answer Councillors questions surrounding this report.



MOVED by Deputy Mayor Mason, seconded Cr Allan:

That Council resolves that the 2022 triennial elections have names of candidates arranged in random order of surname.

MOVED by Mayor Wanden, seconded Cr Jennings:

That Council resolves that the 2022 triennial elections have the names of candidates arranged in alphabetical order.

**CARRIED**

## **7.2 Chief Executive's Report**

The Chief Executive updated Councillors on a number of current matters and items of interest.

MOVED by Cr Jennings, seconded Cr Brannigan:

That Report 22/128 Chief Executive's Report be received.

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

**CARRIED**

## **7.3 Mayoral Report - February & March 2022**

His Worship the Mayor reported to Council on community events and Council-related meetings he has attended during the months of February and March 2022.

MOVED by Mayor Wanden, seconded Cr Jennings:

That Report 22/137 Mayoral Report - February & March 2022 be received.

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

**CARRIED**

Item - 7.4 Report to consider submissions received on the Future of the Levin Landfill Statement of Proposal - has been moved to another part of the document.

## 8 Customer and Regulatory Services

### 8.1 Fees and Charges 2022/2023: Food Act and Resource Consenting (Planning)

A schedule of fees and charges was proposed in respect of Food Premises that are subject to the Food Act 2014 and fees and charges in respect of Resource Consenting (Planning) for the 2022/2023 year commencing 1 July 2022.

MOVED by Cr Isaacs, seconded Cr Allan:

That Report 22/123 Fees and Charges 2022/2023: Food Act and Resource Consenting (Planning) be received.

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 Brannigan:

That the Horowhenua District Council resolves that the Food Act Fees attached as **Attachment A**, and Resource Consent (Planning) Fees attached as **Attachment B**, for the 2022/23 year be used as the Statement of Proposal, the Summary of Information attached as **Attachment C** and the submission form attached as **Attachment D** be consulted on using the special consultative procedure as set out in section 83 of the Local Government Act 2002.

That the hearing of any submissions on this matter be heard by the Hearings Committee of Council acting under delegated authority, and a subsequent recommendation be made by the Committee to Council on this matter.

**CARRIED**

## 9 Strategy and Development

### 9.1 Adoption of Updated Horowhenua Growth Strategy 2040

**This paper was withdrawn**

There were no notices of motion.

Item - In Committee - has been moved to another part of the document.

8:33 pm

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

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

**DATE:** .....11 May 2022 .....

**CHAIRPERSON:**



