
Council

OPEN MINUTES

CONFIRMED

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin on Wednesday 15 March 2023 at 1.30 pm.

PRESENT

Mayor	His Worship The Mayor Bernie Wanden
Deputy Mayor	Councillor David Allan
Councillors	Councillor Mike Barker
	Councillor Rogan Boyle
	Councillor Clint Grimstone
	Councillor Nina Hori Te Pa
	Councillor Sam Jennings
	Councillor Paul Olsen
	Councillor Jonathan Procter
	Councillor Justin Tamihana
	Councillor Piri-Hira Tukapua
	Councillor Alan Young

IN ATTENDANCE

Reporting Officer	Monique Davidson	Chief Executive
	Daniel Haigh	Group Manager - Community Infrastructure
	Jacinta Straker	Group Manager - Organisation Performance
	Brent Harvey	Group Manager - Community Experience and Services
	David McCorkindale	Group Manager – Community Vision and Delivery
	Blair Spencer	Group Manager – Housing & Business Development
	Ashley Huria	Business Performance Manager
	Grayson Rowse	Principal Advisor – Democracy
Meeting Secretary	Jody Lygo	Democracy Support Officer
	Arthur Nelson	Parks and Property Manager
	Janna Isles	Strategic Planner
	Ben Blyton	Procurement Advisor
	Mark Maloney	Assistance Auditor-General – Local Government of Office of the Auditor General
	Amanda Grey	Sector Manager - Local Government of Office of the Auditor General
	Clint Ramoo	Director of Audit NZ
	Nosiviwe Tsotso	Auditor – Audit NZ

The meeting was opened with a karakia.

1 Apologies

Resolution number **CO/2023/20**

MOVED by Cr Wanden, seconded Cr Tamihana:

That the apology from Councillor Brannigan be accepted.

CARRIED

10 Procedural motion to exclude the public

Resolution Number **CO/2023/21**

MOVED by Mayor Wanden, seconded Cr Jennings:

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:

C2 Section 17a Parks and Open Spaces Review recommendations

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.

C5 Proceedings of the Chief Executive Employment and Performance Committee 01 March 2023

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.

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

CARRIED

1.33 pm The public were excluded.

2:00 pm The meeting was opened to the public.

2 Public Participation

Brett Russell on behalf of Manawatū Estuary Management Team	Item 6.1: Mayoral Report Item 8.1: Organisation Performance Report
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3 Late Items

There were none.

4 Declaration of Interest

Councillor Grimstone declared a conflict of interest in item C2 – Section 17a Parks and Open Spaces Review recommendations and item C3 – Options for Grounds Maintenance Service.

5 Confirmation of Minutes

Resolution Number CO/2023/22

MOVED by Mayor Wanden, seconded Cr Jennings:

That the minutes of the meeting of the Council held on Wednesday, 1 February 2023, be confirmed as a true and correct record.

That the minutes of the meeting of the In Committee Meeting of Council held on Wednesday, 1 February 2023, be confirmed as a true and correct record.

CARRIED

6 Elected Members Reports

6.1 Mayoral Report to 28 February 2023

The purpose of this report is for His Worship the Mayor to report to Council on community events and Council-related meetings he has attended during the month of February 2023, and provide an update on items of interest.

Resolution Number CO/2023/23

MOVED by Mayor Wanden, seconded Cr Procter:

2.1 That Report Mayoral Report to 28 February 2023 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

Mayor Wanden answered councillors questions providing further information on the meeting held with Mayor Campbell Barry from Lower Hutt City Council along with the Submissions made (*attached to meeting agenda*).

9.1 Proceedings of Te Awahou Foxton Community Board 20 February 2022

To present to the Council the minutes of Te Awahou Foxton Community Board (TAFCB) meeting held on 20 February 2023.

The Chair of TAFCB joined the table to speak to these minutes.

Resolution Number CO/2023/24

MOVED by Mayor Wanden, seconded Cr Allan:

That Report 23/121 Proceedings of Te Awahou Foxton Community Board 20 February 2022 be received.

That the Council receives the minutes of Te Awahou Foxton Community Board meeting held on 20 February 2023.

CARRIED

The Chief Executive introduced this item providing further information on the legal advice that has been sort regarding the Foxton Beach Freeholding Account. Noting that the advice has confirmed that the five million dollar cap in the policy can be interpreted as being cash only, not including assets.

Discussion was held surrounding the Promenade project and the community interest as well as level of priority of this project.

Councillor Procter exited the meeting at 02:30 pm.

Resolution Number CO/2023/25

MOVED by Cr Allan, seconded Cr Olsen:

That Council note the Board's action to engage further with Mana Whenua prior to consulting with the community on changes to the Foxton Beach Freeholding Account Policy and Strategy Review. This engagement may result in changes to the proposed review of the policy and strategy which will be reported back to Council prior to further consultation.

CARRIED

MOVED by Cr Allan, seconded Cr Barker:

That council complete the review of the Foxton Beach Freeholding Account ahead of formal consultation on fund allocation to the promenade project and Foxton Aquatics Centre.

LOST

Discussion was held surrounding the options of adopting either one of these projects on their own or both, all options would result in a breach of policy. It was noted that this report is the extent of the promenade project, however it has been on the radar of the TAFCB for three years.

Councillor Procter returned to the meeting at 03:02 pm.

MOVED by Cr Allan, seconded Cr Olsen:

That Council approve a proposal for \$230,000.00 for the promenade development to be funded from the Foxtou Beach Freeholding Account be consulted on within the LTPA for the promenade development. Noting the decision may be inconsistent with the current freeholding account policy.

LOST

Resolution Number CO/2023/26

MOVED by Cr Allan, seconded Cr Jennings:

That Council approve a proposal for \$500,000.00 for the Foxtou Aquatic development to be funded from the Foxtou Beach Freeholding Account be consulted on within the LTPA for the Foxtou Aquatic development.

CARRIED

6.2 Chairperson's Report - Te Awahou Foxtou Community Board

To receive the Chairperson's Report for Te Awahou Foxtou Community Board, and to hear from the Chairperson of the board in relation to matters of note to the Board.

Resolution Number CO/2023/27

MOVED by Cr Jennings, seconded Cr Olsen:

That Report 23/168 Chairperson's Report - Te Awahou Foxtou Community Board be received.

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

CARRIED

The Chair of TAFCB spoke to his report, providing some further information on items including the work with the Horowhenua Company, Memorial hall and Rugby club.

7 Reports for Decision

7.3 Adoption of the Consultation Document and associated Supporting Information for the Long Term Plan 2021-2041 Amendment and Annual Plan 2023/2024

To adopt the Consultation Document and associated Supporting Information for the draft Long Term Plan 2021-2041 Amendment and Annual Plan 2023/2024.

Resolution Number CO/2023/28

MOVED by Cr Allan, seconded Cr Jennings:

That Report 23/152 Adoption of the Consultation Document and associated Supporting Information for the Long Term Plan 2021-2041 Amendment and Annual Plan 2023/2024 be received.

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

CARRIED

The Group Manager Community Vision and Delivery joined the table to speak to this report, noting an administrative error on a table included in the agenda has been corrected, and outlining the purpose of this report.

Mark Maloney, Amanda Grey, Clint Rammo and Nosiviwe Tsotso joined the table to speak to the auditing process, noting that changes in the Three Waters section of the LTPA do not comply with current legislation. However with a paper going to Central Government to amend the legislation to allow for waters to be included, by Tuesday March 21st 2023 this may no longer be unlawful. Discussion was held regarding what this means for the trust and confidence the Community has in Council.

Councillor Young exited the meeting at 03:36 pm.

Group Manager Community Vision and Delivery made closing comments, noting that changes in legislation would not require additional auditing work.

Councillor Young returned to the meeting at 03:46 pm.

Councillors asking multiple questions surrounding possible information from government.

The Chief Executive will seek reassurance around this, offering a reminder that what we have heard is a distinction between lawful and unlawful.

Resolution Number CO/2023/29

MOVED by Cr Jennings, seconded Cr Boyle:

That 3.6 to 3.8 be deferred to an extraordinary meeting on 22 March 2023 to allow for royal assent of impending legislative change.

CARRIED

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

For:

Councillors: Mike Barker
Rogan Boyle
Nina Hori Te Pa
Sam Jennings
Jonathan Procter
Justin Tamihana
Piri-Hira Tukapua
Mayor Bernie Wanden
Alan Young

Against:

Councillors: David Allan
Clint Grimstone
Paul Olsen

The division was declared **CARRIED** by 9 votes to 3.

Discussion was held surrounding the clarity of Councils preferred option in the consultation document. Officers will work to emphasize that option.

Councillor Young exited the meeting at 04:04 pm.

Resolution Number CO/2023/30

MOVED by Cr Allan, seconded Mayor Wanden:

That Horowhenua District Council approves the content and options proposed for the Rates Review, noting option 2 is the preferred option.

CARRIED

Councillor Procter exited the meeting at 04:14 pm.

Councillor Procter returned to the meeting at 04:16 pm.

Resolution Number CO/2023/31

MOVED by Cr Procter, seconded Cr Tamihana:

That Horowhenua District Council approves the content and options proposed for the Future of the Levin Landfill. Noting option 2 is the preferred option.

CARRIED

It was clarified that if water metres were installed, it would be a subsequent decision of Council after this consultation.

Councillor Young returned to the meeting at 04:22 pm.

Resolution Number CO/2023/32

MOVED by Cr Allan, seconded Cr Hori Te Pa:

3.5 That Horowhenua District Council approves the content and options proposed for Key Water Infrastructure. Noting option 1 is the preferred option.

CARRIED

That Council acknowledges in adopting the LTPA that it will receive an unlawful adverse opinion as legislation change is imminent. Once this legislation has received royal ascent, Council's LTPA will be lawful

7.1 Adoption of the Horowhenua District Council Governance Statement 2022-2025

To receive and adopt the Horowhenua District Council Governance Statement 2022-2025 as required by section 40 of the Local Government Act 2002 (LGA).

Resolution Number CO/2023/33

MOVED by Cr Jennings, seconded Cr Grimstone:

That Report 23/60 Adoption of the Horowhenua District Council Governance Statement 2022-2025 be received.

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

CARRIED

Chief Executive introduced this report, noting this is a requirement under the local government act.

It was noted that the document will be updated to reflect Cr Tukapua as the Chair of the Community Funding & Recognition Committee.

Resolution Number CO/2023/34

MOVED by Cr Jennings, seconded Cr Olsen:

That in accordance with Section 40(1) of the Local Government Act 2002, the Council adopts and makes publicly available the Governance Statement for the 2022-2025 Triennium as attached at Appendix A of this report. And gives delegation authority to the CE to make amendments to the terms of reference.

Addition of CE delegation, as amended by.

CARRIED

7.2 Appointment of Registrar of Pecuniary Interests, and noting of Pecuniary Interests Register

To recommend the appointment of a Registrar of Pecuniary Interests for Horowhenua District Council, and to note the receipt and publication of the 2023 Register of Members Pecuniary Interests.

Resolution Number CO/2023/35

MOVED by Cr Jennings, seconded Cr Hori Te Pa:

That Report 23/61 Appointment of Registrar of Pecuniary Interests, and noting of Pecuniary Interests Register be received.

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

CARRIED

Chief Executive introduced this report, noting why is it required, and clarifying how declarations can be made by Elected Members.

Councillor Procter exited the meeting at 04:39 pm.

Councillor Procter returned to the meeting at 04:40 pm.

Resolution Number CO/2023/36

MOVED by Cr Jennings, seconded Cr Hori Te Pa:

That Council appoint the Chief Executive as the Registrar of Pecuniary Interests for Horowhenua District Council to maintain the register of members' pecuniary interests.

CARRIED

Resolution Number CO/2023/37

MOVED by Cr Jennings, seconded Cr Hori Te Pa:

The Council note that the 2023 Horowhenua District Council Register of Pecuniary Interests will be published on the Council's website.

CARRIED

Item - 7.3 Adoption of the Consultation Document and associated Supporting Information for the Long Term Plan 2021-2041 Amendment and Annual Plan 2023/2024 - has been moved to another part of the document.

7.4 Risk and Assurance Committee - Amendment of Terms of Reference

This report seeks Councils' approval to amend its Terms of Reference to increase the membership of the Risk and Assurance Committee from seven to eight members, and further to appoint Cr Tukapua to the Committee.

Resolution Number CO/2023/38

MOVED by Cr Young, seconded Cr Jennings:

That Report 23/161 Risk and Assurance Committee - Amendment of Terms of Reference be received.

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

CARRIED

Resolution Number CO/2023/39

MOVED by Cr Jennings, seconded Cr Young:

That Council amends its Terms of Reference to increase the membership of the Risk and Assurance from seven to eight.

That Council appoints Cr Piri-Hira Tukapua to the Risk and Assurance Committee for the remainder of the 2022-2025 triennium.

CARRIED

The meeting adjourned for a break at 4:44pm.

The meeting reconvened at 5:02pm.

8 Reports for Noting

8.1 Organisation Performance Report - March 2023

To present the Organisation Performance Report for March 2023.

Resolution Number CO/2023/40

MOVED by Cr Olsen, seconded Cr Jennings:

That Report 23/62 Organisation Performance Report - March 2023 be received.

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

That having considered all matters raised in the Organisation Performance Report March 2023 report be noted.

CARRIED

The Group Managers for Community Infrastructure, Organisation Performance, Community Experience and Services and Community Vision and Delivery joined the table as the Chief Executive took this report as read.

Discussion was held by members, with Group Managers answering questions to their related role and projects involved.

8.2 Long Term Plan 2021-2041 Monitoring Report

The purpose of this report is to present to Council the ongoing monitoring report, which reflects the progress of those actions and recommendations from the Long Term Plan 2021-2041 deliberations.

Resolution Number CO/2023/41

MOVED by Cr Allan, seconded Cr Hori Te Pa:

That Report 23/124 Long Term Plan 2021-2041 Monitoring Report be received.

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

CARRIED

Discussion was held surrounding Foxton Beach Storm Water and the current work the Horizons Regional Councillors have been doing.

8.3 Regional Committee Activity Update

To provide an update to elected members of recent activity related to the various regional committees of which the Council is a member and represented

Resolution Number CO/2023/42

MOVED by Cr Allan, seconded Cr Tukapua:

That Report 23/166 Regional Committee Activity Update be received.

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

CARRIED

8.4 Council Resolution and Actions Monitoring Report March 2023

The purpose of this report is to present to Council the updated monitoring report covering resolutions and requested actions from previous meetings of Council.

Resolution Number CO/2023/43

MOVED by Cr Allan, seconded Cr Tukapua:

That Report 23/170 Council Resolution and Actions Monitoring Report March 2023 be received.

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

CARRIED

9 Proceedings of Committees

Item - 9.1 Proceedings of Te Awahou Foxton Community Board 20 February 2022 - has been moved to another part of the document.

9.2 Proceedings of the District Plan Steering Group 22 February 2023

To present to the Council the minutes of the District Plan Steering Group meeting held on 22 February 2023.

Resolution Number CO/2023/44

MOVED by Cr Jennings, seconded Cr Allan:

That Report 23/122 Proceedings of the District Plan Steering Group 22 February 2022 be received.

That the Council receives the minutes of the District Plan Steering Group meeting held on 22 February 2023.

CARRIED

Councillor Young exited the meeting at 06:32 pm.

9.3 Proceedings of the Ōtaki to North of Levin and Levin Town Centre Taskforce 22 February 2023

To present to the Council the minutes of the Otaki to North Levin and Town Centre Taskforce meeting held on 22 February 2023.

Resolution Number CO/2023/45

MOVED by Mayor Wanden, seconded Cr Jennings:

That Report 23/156 Proceedings of the Ōtaki to North of Levin and Levin Town Centre Taskforce 22 February 2023 be received.

That the Council receives the minutes of the Otaki to North Levin and Town Centre Taskforce meeting held on 22 February 2023.

CARRIED

9.4 Proceedings of the Risk and Assurance Committee 1 March 2023

To present to the Council the minutes of the Risk and Assurance Committee meeting held on 01 March 2023.

Resolution Number CO/2023/46

MOVED by Cr Jennings, seconded Cr Allan:

That Report 23/123 Proceedings of the Risk and Assurance Committee 1 March 2023 be received.

That the Council receives the minutes of the Risk and Assurance Committee meeting held on 01 March 2023.

CARRIED

10 Procedural motion to exclude the public

Resolution Number CO/2023/47

MOVED by Mayor Wanden, seconded Cr Hori Te Pa:

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 Property Sales - 258-262 Gladstone Road

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.

C3 Options for Grounds Maintenance Service

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.

C4 Tararua Wastewater and Water Main Renewals

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.

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

CARRIED

7.02 pm The public were excluded.

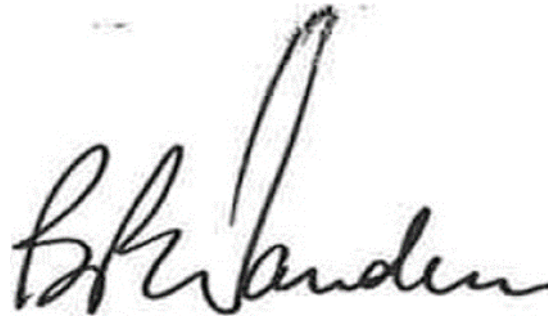
Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

6.34 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: .28 April 2023.....

A handwritten signature in black ink, appearing to read 'B. K. Anderson', written over a faint dotted line.

CHAIRPERSON: